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**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 16

Ordinance/Resolution# 16-041

For Meeting of \_\_\_\_\_  
 (Ordinance First Reading Date)

For Meeting of August 17, 2015  
 (Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

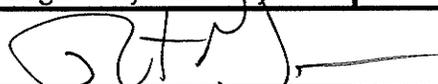
LEGISLATIVE

ADMINISTRATIVE

**TITLE:** A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION FOR THE ISSUANCE OF A SMALL BREWER OFF-SITE LICENSE WITH PATIO SERVICE TO BOSQUE BREWING CO., LLC, TO BE LOCATED AT 901 EAST UNIVERSITY AVENUE, BUILDING 945, LAS CRUCES, NEW MEXICO.

**PURPOSE(S) OF ACTION:**

To approve a waiver.

<b>COUNCIL DISTRICT: 2</b>		
<b><u>Drafter/Staff Contact:</u></b> Monica Campbell	<b><u>Department/Section:</u></b> Legal/City Attorney	<b><u>Phone:</u></b> 541-2128
<b><u>City Manager Signature:</u></b>		

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

Pursuant to New Mexico statutes, no license for the sale of alcoholic beverages shall be issued to a premises that is within 300 feet of a church or school unless the governing body of the local option district grants a waiver of the distance restriction.

A waiver is required prior to the issuance of a Small Brewer off-site license with patio service to Bosque Brewing Co., LLC because the property line at 901 East University Avenue, Building 945 is approximately 80 feet from the property line of New Mexico State University.

The property owners within 300 feet of 901 East University Avenue, Building 945 were notified by U.S. Mail of the Las Cruces City Council meeting to approve or disapprove the waiver and issuance of the license.

The approval or disapproval of the issuance of the Small Brewer off-site license is presented in a separate agenda item and its approval is contingent upon approval of a waiver of the distance restriction. Granting a waiver to Bosque Brewing Co., LLC will allow the applicant to proceed to the next step of the application process.

(Continue on additional sheets as required)

**SUPPORT INFORMATION:**

1. Resolution.
2. Exhibit "A", Alcohol and Gaming's letter and the application.
3. Attachment "1", Notice of Intent to Adopt published in the *Las Cruces Bulletin*.
4. Attachment "2", Notice of Intent to Adopt published in the *Las Cruces Sun-News*.
5. Attachment "3", Map showing distance between the proposed location of Bosque Brewing Co., LLC and New Mexico State University.
6. Attachment "4", List of property owners.
7. Attachment "5", Form of letter sent to property owners listed in Attachment "4".

**SOURCE OF FUNDING:**

Is this action already budgeted?  N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____.
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY__.
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by this action.

**BUDGET NARRATIVE**

N/A
-----

**FUND EXPENDITURE SUMMARY:**

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will approve of and consent to the waiver of the church/school distance restriction. Approval will allow Bosque Brewing Co., LLC to proceed with the application process.
2. Vote "No"; this means that the New Mexico Regulation and Licensing Department, Alcohol and Gaming Division ("Alcohol and Gaming") will be notified of the reason(s) the resolution

(Continue on additional sheets as required)

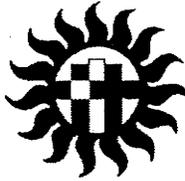
was not approved and the Director of Alcohol and Gaming shall not approve the issuance of the liquor license.

3. Vote to "Amend"; this is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4.
4. Vote to "Table"; this is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4.

**REFERENCE INFORMATION:**

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A



# City of Las Cruces®

PEOPLE HELPING PEOPLE

## COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of \_\_\_\_\_  
 (Ordinance First Reading Date)

For Meeting of August 17, 2015  
 (Adoption Date)

TITLE:

A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION FOR THE ISSUANCE OF A SMALL BREWER OFF-SITE LICENSE WITH PATIO SERVICE TO BOSQUE BREWING CO., LLC TO BE LOCATED AT 901 EAST UNIVERSITY AVENUE, BUILDING 945, LAS CRUCES, NEW MEXICO.

Purchasing Manager's Request to Contract (PMRC) {Required?}    Yes     No

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Monica Campbell</i>	541-2128	7/30/15
Department Director	<i>WRB</i>	541-2128	30 July 2015
Other			
Assistant City Manager /CAO Management & Budget Manager	<i>[Signature]</i>	541-2078 541-2106	7/31/15 7/31/15
Assistant City Manager/COO,	<i>Daniel [Signature]</i>	541-2271	8/5/15
City Attorney	<i>WRB</i>	541-2128	30 July 2015
City Clerk - Interim	<i>[Signature]</i>	541-2115	8/7/15

**RESOLUTION NO. 16-041**

**A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION FOR THE ISSUANCE OF A SMALL BREWER OFF-SITE LICENSE WITH PATIO SERVICE TO BOSQUE BREWING CO., LLC TO BE LOCATED AT 901 EAST UNIVERSITY AVENUE, BUILDING 945, LAS CRUCES, NEW MEXICO.**

The City Council is informed that:

**WHEREAS**, according to NMSA 1978, Section 60-6B-10, no license shall be issued for the sale of alcoholic beverages at a licensed premises that is within 300 feet of a church or school; however, in 1997 Section 60-6B-10 was amended to allow for the granting of a waiver of the distance restriction by the local option district governing body for the proposed licensed premises; and

**WHEREAS**, the approximate distance from the property line of 901 East University Avenue, Building 945 to the property line of New Mexico State University is 80 feet; and

**WHEREAS**, a waiver of the distance restriction is required prior to the approval of the issuance of the liquor license; and

**WHEREAS**, approving this resolution will allow the applicant to proceed to the next step of the application process.

**NOW, THEREFORE**, Be it resolved by the governing body of the City of Las Cruces:

**(I)**

**THAT** the issuance of a waiver to Bosque Brewing Co., LLC, to be located at 901 East University Avenue, Building 945, Las Cruces, New Mexico, as shown on Exhibit "A" attached hereto, is hereby approved.

**(II)**

**THAT** a copy of this resolution shall be conveyed to the Director of the Alcohol and

Gaming Division of the Regulation and Licensing Department of the State of New Mexico,  
Post Office Box 25101, Santa Fe, New Mexico 87504-5101.

(III)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED on this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(SEAL)

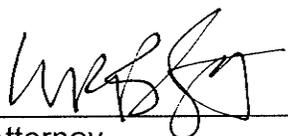
VOTE:

Mayor Miyagishima: \_\_\_\_\_  
Councillor Silva: \_\_\_\_\_  
Councillor Smith: \_\_\_\_\_  
Councillor Pedroza: \_\_\_\_\_  
Councillor Small: \_\_\_\_\_  
Councillor Sorg: \_\_\_\_\_  
Councillor Levatino: \_\_\_\_\_

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505  
P.O. Box 25101 ▪ Santa Fe, New Mexico 87504  
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ [www.rld.state.nm.us/alcoholandgaming](http://www.rld.state.nm.us/alcoholandgaming)

July 16, 2015

Certified Mail No.: 7013 2250 0001 5426 6741

City of Las Cruces  
Esther Martinez, Clerk  
PO Box 20000  
Las Cruces, NM 88004

Re: Lic. No. /Appl. No.: Appl. No. 959102  
Name of Applicant: Bosque Brewing Co., LLC  
Doing Business As: Bosque Brewing Co.  
Proposed Location: 901 E. University Ave. Bldg. 945  
Las Cruces, New Mexico 88001

**ATTENTION:** Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**; it is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer. Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, which requires that two weeks of publication must be satisfied before a hearing can be conducted. The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; and (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record shall be made of the hearing.

**THE APPLICANT IS SEEKING A BREWER OFF-SITE LICENSE WITH PATIO SERVICE FOR ON AND OFF PREMISES CONSUMPTION.**

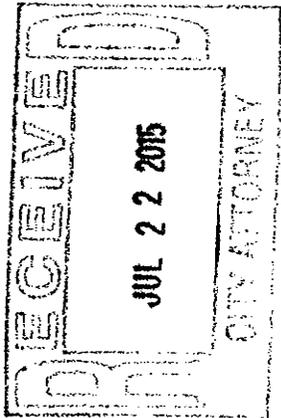


Susana Martinez  
GOVERNOR

Robert "Mike" Unthank  
SUPERINTENDENT

Tania Maestas  
ACTING CHIEF GENERAL  
COUNSEL

Mary Kay Root  
DIRECTOR



Alcohol and Gaming Division  
(505) 476-4875

Boards and Commissions Division  
(505) 476-4600

Construction Industries Division  
(505) 476-4700

Financial Institutions Division  
(505) 476-4885

Manufactured Housing Division  
(505) 476-4770

Securities Division  
(505) 476-4580

Administrative Services Division  
(505) 476-4800

The governing body may disapprove the issuance or transfer of the license if:

- 1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).
- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval.
- 3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty (30) days after the Public Hearing, the governing body **shall** notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notice of publication(s). **If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director will give Final Approval to the issuance or transfer of the license.**

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (Page 1 of the Application page noting disapproval).

Sincerely,

*Brenda Mares*

Brenda Mares  
 Hearing Officer  
 NM Regulation & Licensing Dept.  
 Alcohol & Gaming Division  
 Phone: 505-476-4548  
 Fax: 505-476-4595  
 Email: [brenda.mares2@state.nm.us](mailto:brenda.mares2@state.nm.us)

Enclosures:

1. Original Page 1 of the Application (must be signed and returned).
2. Copy of Page 2 of the Application, Zoning Statement, and Posting Certificate



New Mexico Regulation and Licensing Department • Alcohol and Gaming Division  
PO Box 25101 • Santa Fe, New Mexico 87505-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

RECEIVED  
Page 1

JUN 15 2015

ALCOHOL & GAMING DIVISION

6/16/15  
1724483

### LIQUOR LICENSE APPLICATION

Application fee - \$200.00 Fees are non-refundable.

State Liquor License # 959102

Application Number 959102

Local option (AGD use) \_\_\_\_\_

Record Owner of Existing License \_\_\_\_\_

Current D/B/A Name \_\_\_\_\_

Current Premises Address \_\_\_\_\_

Application is for: Change of Stock \_\_\_\_\_ Change of Officers/Directors \_\_\_\_\_ Transfer Ownership of Existing License \_\_\_\_\_ Transfer Ownership and Location \_\_\_\_\_ Transfer Location \_\_\_\_\_ Other

Issue New License  Type of License being applied for Small Breweries Beside - Master # 67028

licant is: Individual \_\_\_\_\_ Corporation \_\_\_\_\_ Partnership (General or Limited) \_\_\_\_\_ Limited Liability Company

NAME OF APPLICANT (company or individual)

Bosque Brewing Co., LLC

ADDRESS (including city, state, zip)

800 SAN MATEO BLVD. NE, STE 1

TELEPHONE NUMBER

505 401 7115

D/B/A name to be used: Bosque Brewing Co.

Phone number for licensed premises: 505 401 7115

Physical location where license is to be used: 901 E. UNIVERSITY AVE. BLDG 945 STE 34 LAS ALAMOS NM 88001  
(Include street number/highway number / state road, city and county, state, and zip code)

Mailing address: 8900 SAN MATEO BLVD. NE, STE 1, ALBUQUERQUE, NM 87113

Are alcoholic beverages currently being dispensed at the proposed location? Yes \_\_\_\_\_ No  If yes, give license number and type \_\_\_\_\_

I, (print name) CAROL JENSEN, as (title) MANAGER, being first duly sworn upon oath, deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

*must sign and date this form in the presence of a notary public.*

Signature of Applicant [Signature] Date 6/12/15

SUBSCRIBED AND SWORN TO before me this 12th day of JUNE Notary Public Use Only

Notary Public [Signature] My Commission Expires 07-31-2015

Local Governing Body of: \_\_\_\_\_ (City or County). Hearing held on \_\_\_\_\_

Check one: Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ City/County Official \_\_\_\_\_

For Alcohol and Gaming Division Use Only

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Director Approval \_\_\_\_\_ Date \_\_\_\_\_





PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION  
SS-60-GB-10

1. The land and building which is proposed to be the licensed premises is (check one):

Owned by Applicant \_\_\_\_\_ Leased by Applicant (attach copy of deed or lease)  Other (provide details) \_\_\_\_\_

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s) Country 11 Ltd Co.

B. Date and term of lease June 2015, 60 months from possession

3. Premises location is zoned (example C-1) DD-UAZ  
If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church \*(Property line of church to licensed premises—shortest distance).

<sup>99</sup> 1 Miles/feet 1270 ft. Name of church Newman Center Church Address/location of church 2615 S. Silver, Las Cruces, NM

5. Distance from nearest school \*(Property line of school to licensed premises—shortest distance).

\* 85 Miles/feet Name of school WMSJ Address/location of school University Park Las Cruces, NM

6. Distance from military installation \*(Property line of military installation to licensed premises—shortest distance.)

30 Miles Name of Military Installation, circle one: White Sands Missile Range (Las Cruces),  
Holloman Air Force Base (Albuquerque), Cannon Air Force Base (Clovis),  
Holloman Air Force Base (Alamogordo).

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

\*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge \_\_\_\_\_ Restaurant \_\_\_\_\_ Package Grocery \_\_\_\_\_ Racetrack \_\_\_\_\_ Hotel \_\_\_\_\_ Other (specify) Small Brakes At site

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JUN 15 2015  
ALCOHOL & GAMING DIVISION



## STATEMENT OF ZONING

The property located at 901 E. University Avenue, Bldg 945 Ste.3A in Las Cruces, New Mexico, and having a Map Code Number or Parcel Identification Number of 02-40890 is zoned as follows:

### **UD-UAZ (University District-University Avenue Zone)**

Remarks: The UD-UAZ is assigned to land appropriate for an urban neighborhood center with a mix of building types and uses. These lands are generally occupied by attached residential houses, apartment buildings, and commercial or mixed-use buildings. Civic and religious use buildings may also be present. Lands may also be used for playgrounds, squares, and plazas. Two-to-five story buildings are encouraged. Block sizes are limited to create a walkable and well-connected network of streets. Streets are designed to encourage pedestrian activity by generally including on-street parking, curbs and gutters, parkways with street trees, and wide sidewalks. University Avenue shall be the primary frontage for properties on University Avenue. An eating and drinking establishment with a small brewer off-site license for on-premises consumption and package sales is a permitted use within the UD-UAZ, provided all requirements as prescribed for liquor establishments by the State of New Mexico are met.

The above described property located in the City of Las Cruces, New Mexico, has been reviewed and found to be zoned as indicated above in accordance with the Las Cruces Zoning Atlas. Accordingly, I do hereby approve and issue this Statement of Zoning.

6/11/2015  
Date

Lorenzo Vigil  
Planning Technician, Sr.

Please be advised that the information presented on this document is taken from the City of Las Cruces Zoning Atlas. Nothing shall prevent the City of Las Cruces from amending this information if review of the Zoning Ordinance shows the Atlas to be in error.

RECEIVED

JUN 15 2015

ALCOHOL & GAMING DIVISION  
2550 CERRILLOS ROAD  
SANTA FE, NEW MEXICO 87505  
**POSTING CERTIFICATE**

- DISPENSER (FULL SERVICE)
- RESTAURANT (BEER/WINE ONLY)
- CANOPY (DISPENSER C)
- OTHER: SMALL BREWER OFF SITE
- RETAILER (PACKAGE ONLY)
- DISPENSER (ON PREMISE ONLY)
- INTER-LOCAL DISPENSER
- LOTTERY

LICENSE NUMBER /APPLICATION NUMBER: \_\_\_\_\_ APPL. NO. 959102

TRANSFER OF OWNERSHIP & LOCATION  
 TRANSFER OF OWNERSHIP ONLY

TRANSFER OF LOCATION ONLY  
 NEW LICENSE

TRANSFERRED FROM: \_\_\_\_\_

CURRENT LOCATION: \_\_\_\_\_

TRANSFERRED TO/APPLICANT: \_\_\_\_\_

PROPOSED LOCATION: 901 E. UNIVERSITY AVE. BLDG. 945 LAS CRUCES, NM

PROPOSED BUSINESS NAME BOSQUE BREWING CO. LLC

I CERTIFY THAT I HAVE POSTED THE REQUIRED NOTICE OF LIQUOR LICENSE PURSUANT TO SECTION 60-6B-2, NMSA, AND FURTHER CERTIFY AS FOLLOWS:

1. LOCATION POSTED IS WITHIN CORPORATE LIMITS OF: City of Las Cruces
2. LOCATION POSTED IS IN UNINCORPORATED LIMITS OF: \_\_\_\_\_
3. DISTANCE FROM NEAREST CHURCH IS: 0.34 miles  
NAME OF CHURCH IS: St. Albert Great Newman Church
4. DISTANCE FROM NEAREST SCHOOL IS: 0.73 miles  
NAME OF SCHOOL IS: Las Cruces High School
5. DISTANCE FROM NEAREST MILITARY INSTALLATION: n/a  
NAME OF INSTALLATION IS: \_\_\_\_\_
6. IF RURAL, DISTANCE FROM NEAREST EXISTING LIQUOR LICENSE IS:  
BY PASSABLE ROAD: \_\_\_\_\_ BY STRAIGHT AIRLINE: \_\_\_\_\_
7. NOTICE POSTED ON:  
 BUILDING  BILLBOARD  
 BUILDING UNDER CONSTRUCTION  NO BUILDING  
 BUILDING BEING REMODELED

DATE POSTED: 6/25/2015 EXPIRATION DATE: 07/15/15

APPLICANT'S SIGNATURE: Justin Arnold S.I.D. SPECIAL AGENT SIGNATURE: [Signature]

PRINTED: JUSTIN ARNOLD PRINTED: \_\_\_\_\_



**AD FORM**  
**LAS CRUCES BULLETIN**  
**LEGAL CLASSIFIED**

City contact: Monica Campbell; 541-2014 / 541-2128

Proof of publication/bill to: City Clerk, PO Box 20000, Las Cruces, NM 88004

Account: 977669

Dates to Publish: July 31 and August 7, 2015

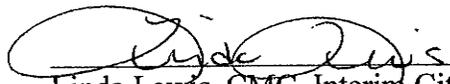
Copy to publish:

**NOTICE OF INTENT TO ADOPT**

Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss approval or disapproval of the waiver of the church/school distance restriction for the issuance of a Small Brewer off-site license with patio service to Bosque Brewing Co., LLC at 901 East University Ave., Building 945, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council to be held on Monday, August 17, 2015 at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the State of New Mexico Regulation & Licensing Department may approve the issuance.

Witness my hand and seal of the City of Las Cruces on this the 27 day of July 2015.

  
Linda Lewis, CMC, Interim City Clerk



**AD FORM**  
**LAS CRUCES SUN NEWS**  
**LEGAL CLASSIFIED**

City contact: Monica Campbell; 541-2014 / 541-2128

Account No. 26484 (Bill to City Clerk, PO Box 20000, Las Cruces, NM 88004)

Dates to Publish: August 2 and 9, 2015

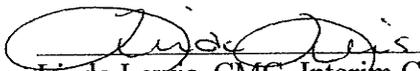
Copy to publish:

**NOTICE OF INTENT TO ADOPT**

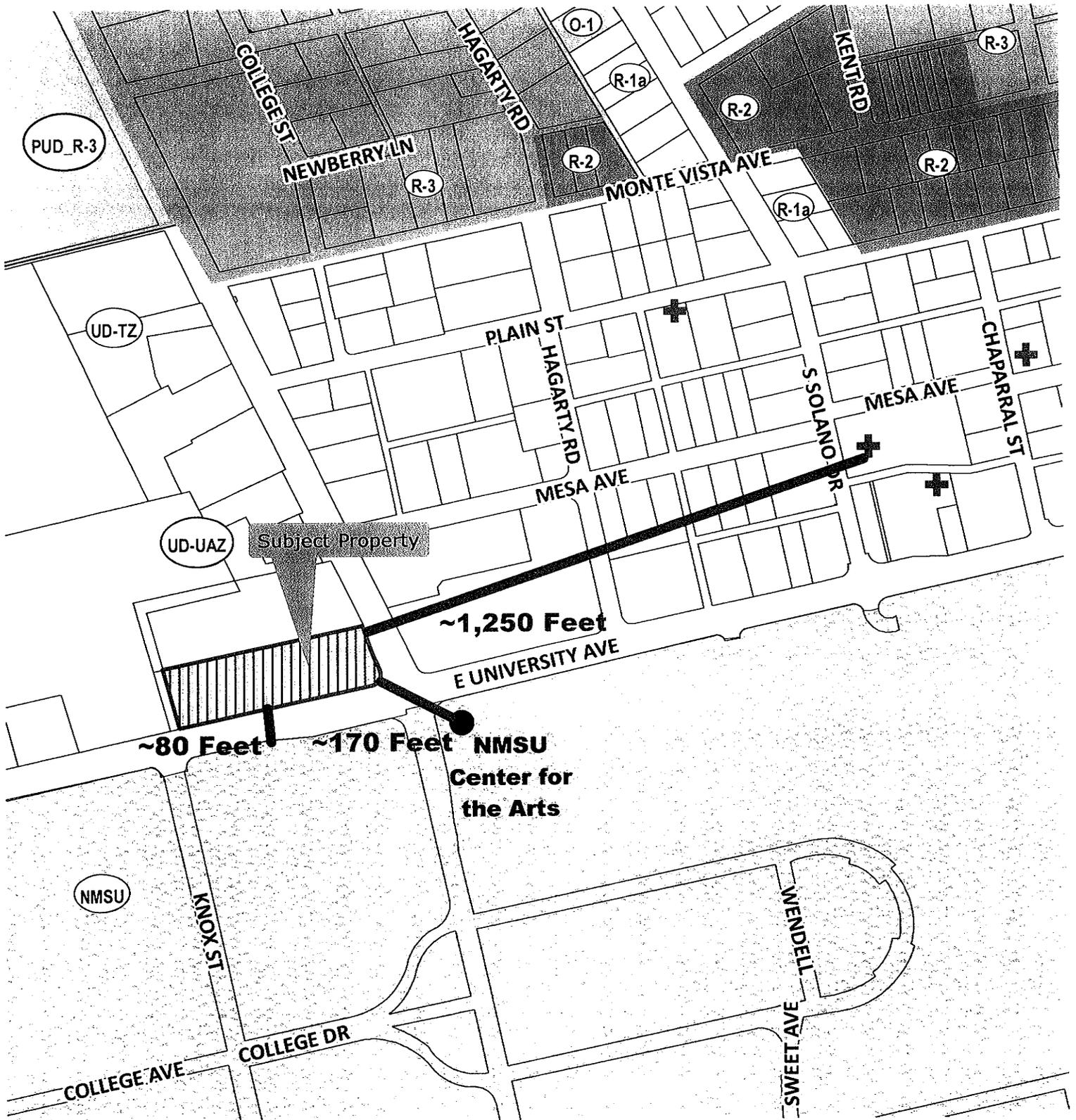
Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss approval or disapproval of the waiver of the church/school distance restriction for the issuance of a Small Brewer off-site license with patio service to Bosque Brewing Co., LLC at 901 East University Ave., Building 945, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council to be held on Monday, August 17, 2015 at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the State of New Mexico Regulation & Licensing Department may approve the issuance.

Witness my hand and seal of the City of Las Cruces on this the 27 day of July 2015.

  
Linda Lewis, CMC, Interim City Clerk

# ZONING/VICINITY MAP



○ ZONING ● SCHOOL + CHURCH



901 E. University Avenue  
 Zoning: UD-UAZ  
 Parcel ID#: 02-40890  
 Distance to nearest school: ~80 Feet (NMSU Property)  
 Distance to nearest school building: ~170 Feet  
 Distance to nearest church: ~1,250 Feet



Community Development Department  
 700 N Main St  
 Las Cruces, NM 88001  
 (575) 528-3222

ANDERSON KENNETH W  
PO BOX 700  
BOERNE TX 78006

BCF PROPERTIES LP  
5 HAPPY TRAILS DR  
LAS CRUCES, NM 88005-3972

CASA BANDERA INVESTORS  
PO BOX 4900 DEPT 118  
SCOTTSDALE, AZ 85261

CERVANTES III LTD CO  
PO BOX 158  
LA MESA NM 88044

CERVANTES INVESTMENTS &  
2610 S ESPINA  
LAS CRUCES NM 88001

DICKERSON HOLDING LLC  
PO BOX 161  
FAIRACRES NM 88033

LAULES+M FAMILY RENTALS  
2223 MISSOURI AVE  
LAS CRUCES NM 88001

NM ALPHA GAMMA RHO BLD  
PO BOX 3031  
LAS CRUCES NM 88003

NEW MEXICO STATE UNIV.  
PO BOX 30001  
LAS CRUCES NM 88003-0001

PHILIPPOU LLC  
PO BOX 6190  
LAS CRUCES NM 88006

LIZBETH ELLIS, ESQ.  
MSC 3UGC, NMSU  
PO BOX 30001  
LAS CRUCES NM 88003-0001



July 28, 2015

Dear Property Owner:

Bosque Brewing Co., LLC ("the applicant") to be located at 901 East University Avenue, Building 945, Las Cruces, New Mexico, has applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico for the issuance of a Small Brewer off-site license with patio service. As part of the approval process, the Liquor Control Act ("LCA") requires the applicant to obtain approval for the issuance of the liquor license from the Las Cruces City Council.

A public hearing to approve or disapprove the issuance of the Small Brewer off-site license with patio service is scheduled for the City Council meeting on Monday, August 17, 2015, which begins at 1:00 p.m. in the City Council Chambers located at City Hall, 700 North Main Street, Las Cruces, New Mexico.

The property line of the location of Bosque Brewing Co., LLC is located approximately 80 feet from the property line of New Mexico State University. The LCA prohibits the sale and consumption of alcoholic beverages within 300 feet of a church or school unless a waiver has been granted to the applicant. A waiver of the church/school distance restriction will be considered at the same City Council meeting for approval or disapproval.

If you wish to share your views concerning the impact of the liquor license at 901 East University Avenue, Building 945, you may attend the City Council meeting on August 17, 2015; or, you may submit your views in writing to the City Attorney's Office, PO Box 20000, Las Cruces, New Mexico 88004. Letters must be received by 5:00 p.m. on Thursday, August 13, 2015.

If you have any questions or need additional information, please contact Monica Campbell in my office at 575-541-2128.

Sincerely,

CITY OF LAS CRUCES

A handwritten signature in black ink, appearing to read "William R. Babington Jr.", written over the typed name.

William R. Babington Jr.  
City Attorney