



177  
**City of Las Cruces**  
 PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 17      Ordinance/Resolution# 16-042

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

For Meeting of August 17, 2015  
 (Adoption Date)

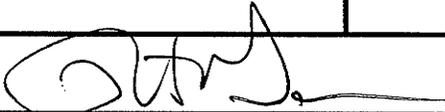
Please check box that applies to this item:

QUASI JUDICIAL       LEGISLATIVE       ADMINISTRATIVE

**TITLE:** A RESOLUTION APPROVING THE ISSUANCE OF A 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 or disapprove a liquor license.

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

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

Pursuant to New Mexico statutes, an application for the issuance of a Small Brewer off-site license with patio service must be accompanied by a resolution of the City Council approving of and consenting to the issuance after a public hearing.

Bosque Brewing Co., LLC applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for the issuance of a Small Brewer off-site license with patio service at 901 East University Avenue, Building 945, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval on July 16, 2015.

The Las Cruces City Council is required to hold a public hearing within 45 days of the receipt of the preliminary approval letter from Alcohol and Gaming. A public hearing to review the issuance of the liquor license is scheduled during the regular City Council meeting to be held on Monday, August 17, 2015, beginning at 1:00 p.m., in the City Council Chambers, City Hall, 700 North Main Street, Las Cruces, New Mexico. Notice of the public hearing was published in the *Las Cruces Bulletin* on July 31 and August 7, 2015 and in the *Las Cruces Sun-News* on August 2 and 9, 2015.

(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", Traffic Impact Report from the Traffic Engineering Section.
6. Attachment "4", Liquor License Impact Report (zoning) from Development Services.
7. Attachment "5", Business Registration Report from Development Services.
8. Attachment "6", Criminal Activity Report from the Las Cruces Police Department.
9. Attachment "7", Fire Safety Compliance Report from the Las Cruces Fire Department.

**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 checked="" type="checkbox"/>	Funds will be deposited into this fund: <u>1000-10180010-520002</u> in the amount of <u>\$600.00</u> for <u>FY16</u> .
	No	<input 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 issuance of the Small Brewer off-site license with patio service and Alcohol and Gaming will continue with the application process.

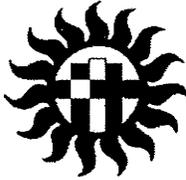
(Continue on additional sheets as required)

2. Vote "No"; this must be based on substantial evidence that the issuance of the license would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces.
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<sup>®</sup>

PEOPLE HELPING PEOPLE

2

## 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 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>Thonica Campbell</i>	541-2128	7/30/15
Department Director	<i>[Signature]</i>	541-2128	30 July 2015
Other	<i>[Signature]</i>		
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 Oueda</i>	541-2271	8/5/15
City Attorney	<i>[Signature]</i>	541-2128	30 July 2015
City Clerk - Interim	<i>[Signature]</i>	541-2115	8/7/15

**RESOLUTION NO. 16-042**

**A RESOLUTION APPROVING 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**, Bosque Brewing Co., LLC applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico (“Alcohol and Gaming”) for the issuance of a Small Brewer off-site liquor license with patio service, to be located at 901 East University Avenue, Building 945, Las Cruces, New Mexico; and

**WHEREAS**, on July 16, 2015, Alcohol and Gaming granted preliminary approval for the issuance of the license, as evidenced by its letter and the application; and

**WHEREAS**, pursuant to law, the application for issuance of a liquor license must be accompanied by a resolution of the Las Cruces City Council approving of and consenting to the issuance after a public hearing upon reasonable public notice of such hearing; and

**WHEREAS**, the Las Cruces City Council did on this date hold a public hearing after reasonable public notice setting forth the appropriate information concerning the public hearing. The City Council has considered the issuance of the liquor license and it has determined that the approval of said license is not detrimental to the public health, safety or welfare of the City of Las Cruces.

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

**(I)**

**THAT** the issuance of a Small Brewer off-site license with patio service to Bosque Brewing Co., LLC at 901 East University Avenue, Building 945, Las Cruces, New Mexico,

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

ATTEST:

\_\_\_\_\_  
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

184

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.**

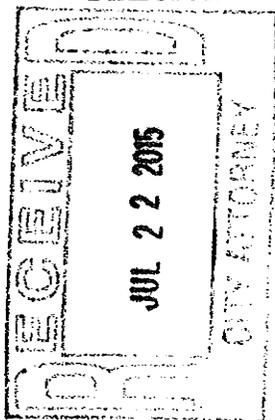


Susana Martinez  
GOVERNOR

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.nhd.state.nm.us/alcoholandgaming

RECEIVED  
Page 1  
JUN 15 2015  
1724400

ALCOHOL & GAMING DIVISION

### 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 Retailers Retail - 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 505 901 7115  
Bosque Brewing Co., LLC Albuquerque, NM 87113

D/B/A name to be used: Bosque Brewing Co. Phone number for licensed premises: 505 901 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) Garlic 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 same; knows 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 20 15 by Cabrera  
Notary Public \_\_\_\_\_ My Commission Expires 07-31-2015

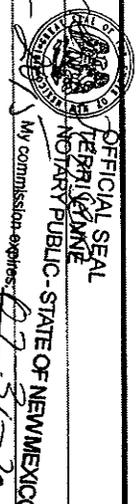
Notary Public [Signature] My Commission Expires 07-31-2015

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-60-68-10

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) Counters 111 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>8</sup>Miles/feet 1270 ft. Name of church Newman Center Church Address/location of church 2615 S. Snow, Las Cruces, NM

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

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

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

Miles 30 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 Broken Off site

RECEIVED  
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  
 BUILDING BEING REMODELED  NO BUILDING

DATE POSTED: 6/25/2015

EXPIRATION DATE: 07/15/15

Justin Arnold  
APPLICANT'S SIGNATURE  
JUSTIN ARNOLD  
PRINTED

Justin Arnold  
S.I.D. SPECIAL AGENT SIGNATURE  
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: 97769

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 issuance of a 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

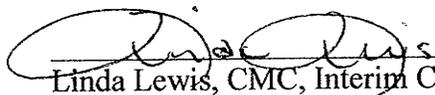
Copy to publish:

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 issuance of a 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



## INTER-DEPARTMENTAL MEMORANDUM

---

**TO:** William "Rusty" Babington, City Attorney

**FROM:** David Maestas, P.E.  
Transportation, Transportation Dept.

**DATE:** July 24, 2015

**SUBJECT:** Traffic Investigation Report – Liquor License Application  
901 E. University Avenue Bldg. 945 - Bosque Brewing Co., LLC

---

As requested, Traffic Engineering has completed a traffic investigation for Bosque Brewing Co., LLC located at 901 E. University Avenue Bldg. 945 in Las Cruces, New Mexico. The following information is submitted for review:

- Bosque Brewing Co., LLC is located along University Avenue. According to the Mesilla Valley MPO 2014 Traffic Flow Map the most recent traffic volume on University Avenue near this location is approximately 12,672 vehicles per day.
- The Mesilla Valley MPO classified E. University Avenue as a principal arterial near the subject location. E. University Avenue primarily serve commercial, institutional, and high-density residential uses near the property.
- The subject property accesses its driveways from University Avenue and from Espina Street. Driveway along Espina Street has vegetation within the clear site triangle, Driveway along University Avenue has vegetation within the clear site triangle. Sight distance may be an issue due to vegetation, however no other operational problems are currently known at either driveways.
- The speed limit along E. University Avenue is 35mph near the subject property.

The approval of a Liquor License Application at this location does not appear to adversely impact traffic operations along this roadway segment. Feel free to contact me if additional information is needed.

City of Las Cruces  
Community Development Department

LIQUOR LICENSE IMPACT REPORT

Small Brewer off-site License for On-Premises Consumption  
Liquor License No. 959102

901 E. University Avenue, Bldg 945 Ste. 3A  
Bosque Brewing Co.,LLC

July 23, 2015

**LIQUOR LICENSE IMPACT REPORT  
Small Brewer Off-site License for On-Premises Consumption**

**Bosque Brewing Co.,LLC  
901 E. University Avenue, Bldg. 945 Ste. 3A**

The purpose of this report is to review, analyze and determine any possible impacts of a liquor license relating to land use and other planning related issues.

**PROPERTY INFORMATION:**

Location: 901 E. University Avenue Bldg 945 Ste. 3A  
 Applicant: Bosque Brewing Co.,LLC  
 Business Name: Bosque Brewing Co.

**LAND USE AND ZONING INFORMATION:**

Subject Property Zoning: UD-UAZ (University District-University Avenue Zone)  
 (See attached Statement of Zoning and Vicinity Map)

Subject Property Current Land Use:

<u>Adjacent Land Uses</u>	<u>Zoning</u>	<u>Land Use</u>
North	UD-UAZ	Multi-Dwelling Residential
South	NMSU	Institutional
West	UD-UAZ	Multi-Dwelling Residential/Commercial
East	UD-UAZ	Commercial

**DISTANCE REQUIREMENTS:**

Greater than 300 feet to a school: NO  
 Greater than 300 feet to a church: YES  
 Greater than 300 feet to a military installation: YES

**TRAFFIC COUNT AND ACCESS INFORMATION:**

Roadway: University Avenue  
 Classification: Principal Arterial  
 Number of Lanes: 5  
 Site Access: 2  
 Nearest Intersections: University Avenue & Espina Street

**PARKING REQUIREMENTS:**

The 2001 Las Cruces Zoning Code, as amended, requires eating and drinking establishments to provide 1 auto parking space per 2-5 seats. However, because the business is in a shopping center, one (1) space for each 250-350 square feet of gross floor area is required. As the center currently exists, it complies with current parking standards.

**IMPACT ANALYSIS:**

The subject property is located on University Avenue, a designated principal arterial roadway that is designed to accommodate moderate to heavy traffic and land uses such as eating and drinking establishments. The subject property is zoned UD-UAZ (University District-University Avenue Zone) which permits this use and uses related to it. The applicant is requesting a small brewer off-site license for on and off premise consumption for this location. In terms of a transportation and land use perspective, this seems to be an appropriate location and request.

There is a question, however, concerning the required distance between liquor establishments and military installations, churches, and schools. New Mexico State Statutes read that a liquor establishment must be 300 feet from the property line of military installations, churches and schools. The shopping center in which the subject business is located in is approximately 85 feet from the property line of New Mexico State University. The nearest building where classes are held is approximately 170 feet from the subject business. According to New Mexico State Law, a local governing district may grant a waiver to allow such a business within 300 feet of a church or school. Thus the local governing district may determine whether or not the location of the restaurant license request is appropriate. The law does not set parameters to assist in determining applicability. Therefore, Planning Staff assumes the local government district may use traditional guidelines, such as, health, safety, and welfare to make this decision.



## 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 and off 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.

July 23, 2015  
Date

\_\_\_\_\_  
Lorenzo Vigil  
Planning Technician Senior

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.

**BUSINESS REGISTRATION REPORT – BOSQUE BREWING CO., LLC**

From: Eloy Jimenez  
Subject: RE: Liquor license report request - Bosque Brewing

Bosque Brewing has a business license that is current through November of 2015.

Eloy O. Jimenez  
City of Las Cruces  
Community Development  
Permit Technician  
700 N. Main St  
Las Cruces, NM 88001  
1st Floor Ste 1100  
main line: (575) 528-3222 opt 2  
ext: (575) 528-3206  
fax: (575) 528-3155  
[ejimenez@las-cruces.org](mailto:ejimenez@las-cruces.org)

---

From: Monica Campbell  
Sent: Wednesday, July 22, 2015 5:08 PM  
To: Lorenzo Vigil <[lvigil@las-cruces.org](mailto:lvigil@las-cruces.org)>; Permitting Development Technicians  
<[PermittingDevelopmentTechnicians@las-cruces.org](mailto:PermittingDevelopmentTechnicians@las-cruces.org)>  
Cc: Robert Kyle <[rkyle@las-cruces.org](mailto:rkyle@las-cruces.org)>  
Subject: Liquor license report request - Bosque Brewing

Attached is Alcohol and Gaming's preliminary approval of a Brewer Off-Site License with Patio Service for Bosque Brewing Company at 901 E. University, Building 945.

Please review the letter and prepare reports for 1) zoning and 2) business registration.

The report is due to the City Attorney on or before July 30, 2015 in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the August 17, 2015 City Council Meeting.

Monica Campbell  
Office Manager Sr.  
Legal Department  
City of Las Cruces  
575-541-2128  
[mcampbell@las-cruces.org](mailto:mcampbell@las-cruces.org)



---

**LAS CRUCES POLICE DEPARTMENT  
MEMORANDUM**

---



**Date:** July 27, 2015  
**To:** Rusty Babington, City Attorney  
**From:** Jaime Montoya, Chief of Police  
**Subject:** Bosque Brewing Co

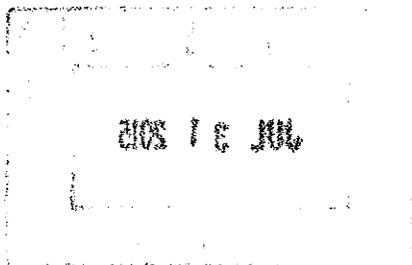
---

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for Bosque Brewing Co. located at 901 E University Ave. Bldg. 945 Las Cruces, NM 88001.

No anomalies were found that would warrant denial of this license; therefore, I recommend the liquor license application for Bosque Brewing Co. be approved.

A handwritten signature in black ink, appearing to be "JM".

Jaime Montoya  
Chief of Police



**FIRE SAFETY COMPLIANCE REPORT – BOSQUE BREWING CO., LLC**

From: Michael Danner

Subject: RE: Liquor license report request - Bosque Brewing

This has been approved by LCFD on condition that the business submits building plans for the new space and that they are approved by all entities involved. Please let me know if there is anything else you need. Thank you.

*Michael Danner*  
*Fire Inspector/Investigator*  
*Las Cruces Fire Department*  
*Station 1*  
*201 E. Picacho Ave.*  
*(575) 528-3473*  
*(575) 528-4049 Direct*  
[mdanner@las-cruces.org](mailto:mdanner@las-cruces.org)

---

From: Monica Campbell

Sent: Wednesday, July 22, 2015 5:08 PM

To: Travis Brown <[tbrown@las-cruces.org](mailto:tbrown@las-cruces.org)>; Ted Sweetser <[TSweetser@las-cruces.org](mailto:TSweetser@las-cruces.org)>; Michael Danner <[mdanner@las-cruces.org](mailto:mdanner@las-cruces.org)>

Cc: Mary Helen Sarabia <[MaryS@las-cruces.org](mailto:MaryS@las-cruces.org)>

Subject: Liquor license report request - Bosque Brewing

Attached is Alcohol and Gaming's preliminary approval of a Brewer Off-Site License with Patio Service for Bosque Brewing Company at 901 E. University, Building 945.

Please review the letter and prepare a fire safety compliance report.

The report is due to the City Attorney on or before July 30, 2015 in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the August 17, 2015 City Council Meeting.

Monica Campbell  
Office Manager Sr.  
Legal Department  
City of Las Cruces  
575-541-2128  
[mcampbell@las-cruces.org](mailto:mcampbell@las-cruces.org)