



144

Council Action and Executive Summary

Item # 9 Ordinance/Resolution# 16-110

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of November 16, 2015
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE TRANSFER OF LOCATION OF LIQUOR LICENSE NO. 2647, WITH ON PREMISE CONSUMPTION ONLY, TO HALO'S, LOCATED AT 2460 SOUTH LOCUST STREET, SUITE F, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To approve or disapprove a liquor license transfer.

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

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Pursuant to state law, an application for the transfer of location of a liquor license must be accompanied by a resolution of the Las Cruces City Council approving of and consenting to the transfer after a public hearing.

Candace Marie Baca, Personal Representative of the Candido Baca Estate, d/b/a Halo's applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for a transfer of location, with on premise consumption only, of Liquor License No. 2647. Alcohol and Gaming granted preliminary approval of the license transfer by letter dated October 1, 2015.

The City Council is required to hold a public hearing within 45 days of receipt of the preliminary approval from Alcohol and Gaming. A public hearing to review this issue is scheduled for Monday, November 16, 2015, as part of the regular City Council meeting which begins at 1:00 p.m. in the City Council Chambers at City Hall, 700 North Main Street, Las Cruces, New Mexico. Notice of this public hearing was published in the *Las Cruces Sun-News* on October 18 and 25, 2015, and in the *Las Cruces Bulletin* on October 16 and 23, 2015.

(Continue on additional sheets as required)

The City Council may approve or disapprove the transfer. However, the City Council's disapproval must be based on substantial evidence that the transfer of location of the license would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces. The City Council may also fail to either approve or disapprove the license. If the City Council fails to approve or disapprove the license within 30 days after the public hearing, the Director of Alcohol and Gaming may give final approval to the transfer of the license.

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 \$600.00 for FY16. |
| | 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 |

(Continue on additional sheets as required)

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve of and consent to the transfer of location, with on premise consumption only, of Liquor License No. 2647 and Alcohol and Gaming will continue with the application process.
2. Vote "No"; this must be based on substantial evidence that the transfer of location 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

RESOLUTION NO. 16-110

A RESOLUTION APPROVING THE TRANSFER OF LOCATION OF LIQUOR LICENSE NO. 2647, WITH ON PREMISE CONSUMPTION ONLY, TO HALO'S, LOCATED AT 2460 SOUTH LOCUST STREET, SUITE F, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, Candace Marie Baca, Personal Representative of the Candido Baca Estate, applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for a transfer of location of Liquor License No. 2647, with on premise consumption only, to Halo's, located at 2460 South Locust Street, Suite F, Las Cruces, New Mexico; and

WHEREAS, Alcohol and Gaming granted preliminary approval for the transfer of location of the license; and

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

WHEREAS, the City Council did on this date hold a public hearing after reasonable notice. The City Council has considered the transfer of location of the liquor license and it has determined that approval of said license is not detrimental to the public health, safety or welfare of the citizens of the City of Las Cruces.

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

(I)

THAT the transfer of location of Liquor License No. 2647, with on premise

consumption only, to Halo's, located at 2460 South Locust Street, Suite F, Las Cruces, New Mexico, as evidenced by 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, 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 _____, 20__.

APPROVED:

ATTEST:

Mayor

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____

Councillor Gandara: _____

Councillor Smith: _____

Councillor Pedroza: _____

Councillor Eakman: _____

Councillor Sorg: _____

Councillor Levatino: _____

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to be 'M. J. ...', written over a horizontal line.

City Attorney

150



Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

Tania Maestas, Esq.
ACTING CHIEF GENERAL
COUNSEL



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

New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87504
PO Box 25101, Santa Fe, NM 87504-5101
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us

October 1, 2015

Certified Mail No.: 9171 9690 0935 0078 6750

City of Las Cruces
Esther Martinez, City Clerk
P.O. Box 20000
Las Cruces, NM 88004-0000

Re: License / Appl. No.: License No. 2647 / Application No. 970338
Applicant Name: Candace Marie Baca Personal Representative of the Candido
Baca Estate
Doing Business As: Halo's
Proposed Location: 2460 S. Locust Street, Suite F
Las Cruces, New Mexico 88011

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 review the referenced application and has granted Preliminary Approval; it is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

While the law states that "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", we recognize the inherent conflict between the new 30 day notice and the existing 45 day hearing requirement. Extensions to the 45-day hearing requirement will be granted when necessary to allow for compliance with the 30 day notice. 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 twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur 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 TRANSFER OF LOCATION OF LIQUOR LICENSE NO. 2647 WITH ON PREMISE CONSUMPTION ONLY.

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. Attached is a copy of a Zoning Statement from the local governing body.
- 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 may 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,



Rose L. Garcia
 Hearing Officer
 NM Regulation & Licensing Dept.
 Alcohol & Gaming Division
 Phone: 505-476-4552
 Fax: 505-476-4595
 Email: rosel.garcia@state.nm.us

Enclosures:

1. Original Page 1 of the Application (must be signed and returned).
2. Copy of Page 2 of the Application.



8/25/15
PO Box 25101 • Santa Fe, New Mexico 87505-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

LIQUOR LICENSE APPLICATION

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

State Liquor License # 26477
Application Number 970330
Local option (AGD use) _____

Record Owner of Existing License Estate of Candido Barrera Landage M. Barrera
Current D/B/A Name Palmerito Barrera and Greil
Current Premises Address Box 3, Las Vegas, NM 87770
614 Trinity Drive, Los Alamos, NM 87544

Application is for: Change of Stock _____ Change of Officers/Directors _____ Transfer Ownership of Existing License ID Transfer Ownership and Location _____ Transfer Location _____ Other _____
Issue New License _____ Type of license being applied for _____ Partnership (General or Limited) _____ Limited Liability Company _____

Applicant is: Individual Corporation _____ Partnership (General or Limited) _____ Limited Liability Company _____
NAME OF APPLICANT (company or individual) Estate of Candido Barrera ADDRESS (including city, state, zip) Maes Rante Box 3 TELEPHONE NUMBER 505-617-1109

Candido M. Barrera, Personal Rep. Las Vegas, NM 87701 505-804-5144
D/B/A name to be used: Halo's Phone number for licensed premises: 575-649-6685

Physical location where license is to be used: 2460 S. Locust Street Suite E Las Vegas NM 88001
Mailing address: 3809 North Pole Loop NE, Rio Rancho, NM 71414 NDIS/IND 9N1MWD & 70H0071

Are alcoholic beverages currently being dispensed at the proposed location? Yes _____ No If yes, give license number and type _____
I, (print name) Candido M. Barrera, as (title) estate of Candido Barrera Personal Rep. 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.

You must sign and date this form in the presence of a notary public.
Signature of Applicant [Signature] Date 8/1/15

SUBSCRIBED AND SWORN TO before me this 1 day of August Notary Public Use Only
Notary Public [Signature] My Commission Expires 3/18/2016 by Candido M Barrera 3/18/2016

Local Governing Body of: _____ (City or County). Hearing held on _____ 20 _____
Check one: Approved _____ Disapproved _____ City/County Official _____ (Signature & Title)

Approved _____ Disapproved _____ Director Approval _____ Date _____
For Alcohol and Gaming Division Use Only



RECEIVED



AUG 25 2015

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

ALCOHOL & GAMING DIVISION

RECEIVED

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) See Lease Application

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

A. Owner(s) Greco Rentals - Commercial, LLC

B. Date and term of lease April 1, 2015 / three (3) years, thirty-six (36) months

3. Premises location is zoned (example C-1) UD-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).

Miles/feet 216' Name of church University Church of Christ Address/location of church 1550 E. University, Las Cruces, NM 88003

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

Miles/feet 832' Name of school New Mexico State University Address/location of school 1780 E. University Ave, Las Cruces, NM 88003

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

Miles 20 Name of Military Installation, circle one: White Sands Missile Range (Las Cruces),
Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

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) Bar



STATEMENT OF ZONING

The property located at 2460 Locust Street Ste. F, in Las Cruces, New Mexico, and having a Map Code Number or Parcel Identification Number of 02-26191 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 establishment with a dispenser's liquor license is a permitted use within this zoning district, providing that all requirements 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.

March 18, 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.

ALCOHOL & GAMING DIVISION

AUG 25 2015

RECEIVED



AD FORM
LAS CRUCES BULLETIN
LEGAL CLASSIFIED

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

Account No.: 977669 City Clerk, PO Box 20000, Las Cruces, NM 88004

Dates to Publish: October 16 and 23, 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 a transfer of location of Liquor License No. 2647, with on premise consumption only, to Candace Marie Baca, Personal Representative of the Candido Baca Estate d/b/a Halo's, located at 2460 South Locust Street, Suite F, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council scheduled for Monday, November 16, 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 transfer.

Witness my hand and seal of the City of Las Cruces on this the 8 day of October, 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: October 18 and 25, 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 a transfer of location of Liquor License No. 2647, with on premise consumption only, to Candace Marie Baca, Personal Representative of the Candido Baca Estate d/b/a Halo's, located at 2460 South Locust Street, Suite F, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council scheduled for Monday, November 16, 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 transfer.

Witness my hand and seal of the City of Las Cruces on this the 8 day of October, 2015.



Linda Lewis, CMC, Interim City Clerk



City of Las Cruces
PEOPLE HELPING PEOPLE

INTER-DEPARTMENTAL MEMORANDUM

TO: William "Rusty" Babington, City Attorney

FROM: Willie Roman, P.E., PTOE *WR*
Street and Traffic Operations Administrator, Transportation Dept.

DATE: October 30, 2015

SUBJECT: Traffic Investigation Report – Liquor License Application
2460 South Locust Street, Suite F – Halo's

As requested, Traffic Engineering has completed a traffic investigation for Halo's located at 2460 South Locust Street, Suite F in Las Cruces, New Mexico. The following information is submitted for review:

- Halo's is located in a business park along South Locust Street. According to the Mesilla Valley MPO 2014 Traffic Flow Map, the most recent traffic volume on South Locust Street near this location is approximately 7,400 vehicles per day.
- South Locust Street is classified by the Mesilla Valley MPO as a collector road. Locust Street primarily serves commercial, institutional, and high-density residential uses near the subject property.
- The business parking lot can be accessed through two driveways along Locust Street. No sight distance or operational problems are currently known at these driveways.
- The speed limit along South Locust Street is 35 mph near the subject property.

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

City of Las Cruces
Community Development Department

LIQUOR LICENSE IMPACT REPORT

Liquor License No. 2647/ Application No. 970338

2460 S. Locust St. Ste.F.
Halo's

October 13, 2015

**LIQUOR LICENSE IMPACT REPORT
Liquor License**

**Halo's
2460 S. Locust St. Ste. F**

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: 2460 Locust St., Ste. F
 Applicant: Candace Marie Baca Personal Representative of the
 Candido Baca Estate
 Business Name: Halo's

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 | Commercial |
| South | UD-UAZ | Commercial |
| West | UD-UAZ | Commercial |
| East | UD-UAZ | Commercial |

DISTANCE REQUIREMENTS:

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

TRAFFIC COUNT AND ACCESS INFORMATION:

Roadway: Locust Street
 Classification: Collector
 Number of Lanes: 3
 Site Access: 2
 Nearest intersection: Wisconsin Avenue and Locust 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 applicant is requesting a new liquor license for this establishment. The subject property is located on S. Locust Street which is designated as a collector roadway and is designed to accommodate moderate traffic and land uses. Zoning for this property is UD-UAZ (University District-University Avenue Zone) which permits this use and uses related to it. 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 is approximately 56 feet from the property line of University Church of Christ. However, the nearest building of worship is approximately 393 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 2460 Locust Street Ste. F, in Las Cruces, New Mexico, and having a Map Code Number or Parcel Identification Number of 02-26191 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 establishment with a dispenser's liquor license is a permitted use within this zoning district, providing that all requirements 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.

October 14, 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.

BUSINESS REGISTRATION REPORT – HALO'S

From: Kyle Metzgar
Subject: RE: Liquor license report request - Halo's

Halo's has a valid, current business registration, that will expire 5-31-16.

Kyle D. Metzgar
Permit Technician
City of Las Cruces

From: Monica Campbell
Sent: Thursday, October 08, 2015 9:51 AM
To: Permitting Development Technicians <PermittingDevelopmentTechnicians@las-cruces.org>; Lorenzo Vigil <lvigil@las-cruces.org>
Cc: Robert Kyle <rkyle@las-cruces.org>
Subject: Liquor license report request - Halo's

Attached is Alcohol & Gaming's preliminary approval of the transfer of location of a liquor license to Halo's, 2460 S. Locust St., Suite F.

Please review the attachment and prepare reports for 1) zoning and 2) business registrations.

The report is due to the City Attorney on or before **October 29, 2015** in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the November 16, 2015 City Council Meeting.

Monica Campbell
Office Manager Senior
Legal Department
City of Las Cruces
575-541-2128
mcampbell@las-cruces.org



LAS CRUCES POLICE DEPARTMENT MEMORANDUM



Date: October 14, 2015
To: Rusty Babington, City Attorney
From: Jaime Montoya, Chief of Police
Subject: Halo's

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for Halo's located at 2460 S Locust Street, Suite F Las Cruces, NM 88011.

No anomalies were found that would warrant denial of this license; therefore, I recommend the liquor license application for Halo's be approved.

A handwritten signature in black ink, appearing to read "J. Montoya".

Jaime Montoya
Chief of Police

OCT 15 2015

FIRE SAFETY COMPLIANCE REPORT – HALO'S

From: Chris Mount
Subject: RE: Liquor license report request - Halo's

We did a Fire Inspection of Halo's located at 2460 S. Locust St., Suite F and based on their occupancy classification, load and egress/safety components, there are no issues.

Lt. Chris Mount
LCFD Prevention/Investigation Bureau
575-528-4055
cmount@las-cruces.org

From: Monica Campbell
Sent: Thursday, October 8, 2015 9:51 AM
To: Travis Brown <tbrown@las-cruces.org>; Ted Sweetser <TSweetser@las-cruces.org>; Christina Abeyta <cabeyta@las-cruces.org>
Cc: Mary Helen Sarabia <MaryS@las-cruces.org>
Subject: Liquor license report request - Halo's

Attached is Alcohol & Gaming's preliminary approval of the transfer of location of a liquor license to Halo's, 2460 S. Locust St., Suite F.

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

The report is due to the City Attorney on or before **October 29, 2015** in order to meet required time limits and other deadlines imposed by law. This matter will be submitted for the November 16, 2015 City Council Meeting.

Monica Campbell
Office Manager Senior
Legal Department
City of Las Cruces
575-541-2128
mcampbell@las-cruces.org



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 November 16, 2015
(Adoption Date)

TITLE: A RESOLUTION APPROVING THE TRANSFER OF LOCATION OF LIQUOR LICENSE NO. 2647, WITH ON PREMISE CONSUMPTION ONLY, TO HALO'S, LOCATED AT 2460 SOUTH LOCUST STREET, SUITE F, 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 | 10/30/15 |
| Department Director | <i>WRB</i> | 541-2128 | 2 NOV 2015 |
| Other | | | |
| Assistant City Manager /CAO | <i>[Signature]</i> | 541-2100 | 11/4/15 |
| Management & Budget Manager | <i>[Signature]</i> | 541-2107 | 11/4/15 |
| Assistant City Manager/COO | <i>1 Daniel Curda</i> | 541-2271 | 11/5/15 |
| City Attorney | <i>WRB</i> | 541-2128 | 2 NOV 2015 |
| City Clerk | | 541-2115 | |