

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: October 27, 2015

TO: Board of County Commissioners

FROM: John M. Salazar, Development Review Specialist Sr. *JMS*

VIA: Katherine Miller, County Manager
Penny Ellis-Green, Growth Management Director *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: BCC CASE #MIS 15-5180 Ojo Caliente Holdings, Inc., Beer & Wine Liquor License

ISSUE:

Ojo Caliente Holdings, Inc., Applicant, Linda Aikin, Agent, requesting approval for a Restaurant Beer and Wine Liquor License.

The property is located at 242 Los Pinos Road, within Section 28, Township 16 North, Range 8 East (Commission District 3).

Vicinity Map:



SUMMARY:

The Applicant requests approval of a Restaurant Beer and Wine Liquor License, to be located within the restaurant area at Sunrise Springs Integrative Wellness Resort.

A Master Plan Amendment was approved by Santa Fe County for Sunrise Springs in 1999. The Master Plan Amendment was recorded in the office of the Santa Fe County Clerk in April of 1999 under Book 422, Pages 1-4. This recorded amendment had uses which included a residential resort, overnight lodging, and related recreational activities. Additionally, approval included a restaurant which allowed for liquor to be served on the site within the restaurant area.

The State Alcohol and Gaming Division granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. The Liquor Control Act requires the Board of County Commissioners (BCC) to conduct a public hearing on the request to grant a Restaurant Beer and Wine Liquor License. In accordance with the Liquor Control Act the BCC may disapprove the issuance of the license if the location is within three hundred feet of any church or school; the issuance would be in violation of zoning or an ordinance; or the issuance would be detrimental to public health, safety or morals of the residents of the local option district.

Legal notice of this request has been published in accordance with the Liquor Control Act by publishing notice before the hearing twice in the Santa Fe New Mexican on October 6, 2015 and October 13, 2015.

This Application was submitted on October 6, 2015.

Growth Management staff has reviewed this project for compliance with pertinent Code requirements and finds the following facts to support this submittal: Article V, Section 5.2.6 designates this Master Plan Amendment which allows restaurants serving liquor as a permitted use; the County Development Review and the Board of County Commissioners approved the Master Plan Amendment for Sunrise Springs which allows a residential resort, overnight lodging, recreational activities and a restaurant as permitted uses; the Applicant has met the State of New Mexico requirements for noticing; the restaurant is 2.5 miles from the nearest church and 6.6 miles from the nearest school; and the Liquor License will not be detrimental to the public health, safety or morals of the residents.

APPROVAL SOUGHT: Approval of a Restaurant Beer and Wine Liquor License.

GROWTH MANAGEMENT AREA: La Cienega Traditional Community, Planned Development District, SDA-2

AGENCY REVIEW:

<u>Agency</u>	<u>Recommendation</u>
NM Alcohol & Gaming	Preliminary Approval

Distance from nearest Church – 2.5 miles
Distance from nearest School – 6.6 miles

STAFF RECOMMENDATION: Approval of a Restaurant Beer & Wine Liquor License to be located at 242 Los Pinos Road.

EXHIBITS:

- 1- Letter of Intent
- 2- Zoning Statement
- 3- Site Plan
- 4- Alcohol and Gaming Division Letter of Preliminary Approval
- 5- Aerial of Site
- 6- County Business License

LINDA L. AIKIN
LAWYER
530B Harkie Road
SANTA FE, NEW MEXICO 87505
(505) 932-6224
FAX: (505) 992-8378
E-Mail ll@extermesa.com

September 30, 2015

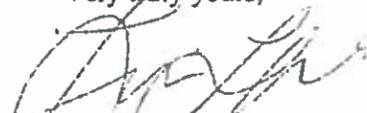
Mr. John Salazar
Santa Fe County
102 Grant
Santa Fe, New Mexico 87501

Re: Liquor License Zoning Application; Ojo Caliente Holdings, Inc.

Dear Mr. Salazar:

Ojo Caliente Holdings, Inc. is applying for a restaurant beer and wine liquor license for use at 242 Los Pinos Road, Santa Fe, New Mexico. The restaurant operates from 5:00 pm – 11:00 pm seven days a week. Sunrise Springs is an integrative wellness resort and spa. Please call me if you have any questions.

Very truly yours,


Linda L. Aikin



Henry F. Royster
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Araya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Li Stefanie
Commissioner, District 5

Katherine Miller
County Manager

July 24, 2015

Ojo Caliente Holdings, Inc.
242 Los Pinos Road
Santa Fe, New Mexico 87507

Re: Zoning Statement for the property formerly known as Sunrise Springs, located at 242 Los Pinos Road, Santa Fe, New Mexico 87507.

This office has been asked to provide a zoning statement with respect to the above referenced property.

A Master Plan Amendment was approved by Santa Fe County for Sunrise Springs in 1999. The Master Plan Amendment was recorded in the office of the Santa Fe County Clerk in April of 1999 under Book 422, Pages 1-4. The uses included a residential resort, overnight lodging and related recreational activities. The approval also included a restaurant and allowed for liquor to be served on the site.

Sunrise Springs owned and operated a restaurant at the above referenced site. Sunrise Springs served liquor in the restaurant utilizing State Liquor License # 2795 which was assigned to the above referenced site.

Sunrise Springs an Immersion of Imbalanced Living currently retains a Business License to operate at this location. In order to operate a restaurant a separate business license shall be required.

The approved Master Plan allows for liquor to be served within the restaurant area.

If you have any questions, please contact my office at 986-6225.

Sincerely,

Vicki Lucero
Building and Development Services Manager

Cc: Jose E. Larrañaga
Development Review Team Leader



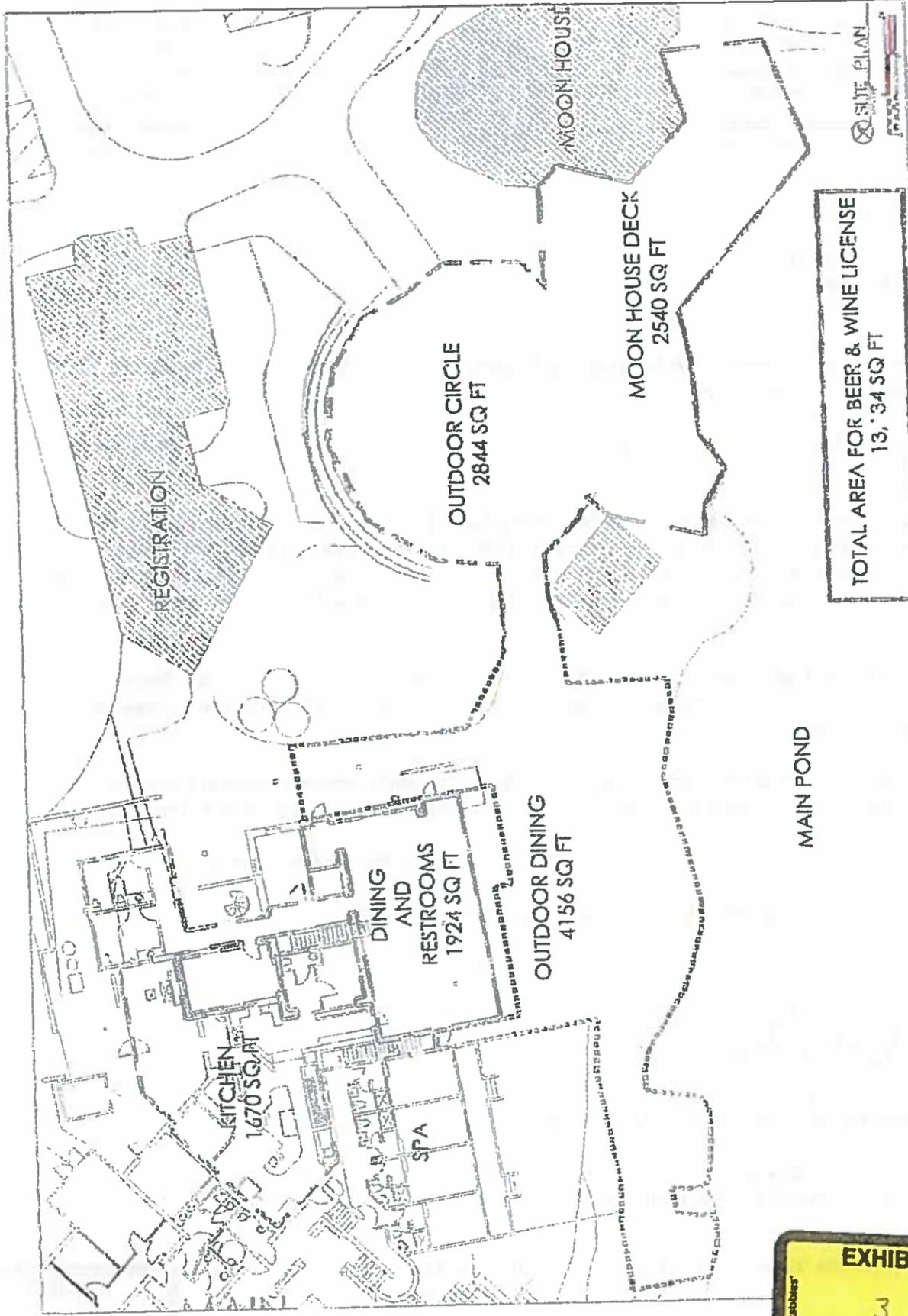


EXHIBIT
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New Mexico Regulation and Licensing Department

ALCOHOL AND GAMING DIVISION

Toney Anaya Building • PO Box 25101 • Santa Fe, New Mexico 87504
(505) 476-4375 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

September 11, 2015

Certified Mail No.: 7013 2250 0001 5426 7076

Jose E. Larrañaga
Commercial Development Case Manager
Bldg. & Development Services
Santa Fe County
102 Grant Avenue
Santa Fe, NM, 87504

Re: Lic. No. /Appl. No.: Appl. No. 966296
Name of Applicant: Ojo Caliente Holdings, Inc.
Doing Business As: Sunrise Springs Integrative Wellness Resort
Proposed Location: 242 Los Pinos Road
Santa Fe, NM 87507

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.

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 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 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 RESTAURANT LIQUOR LICENSE WITH PATIO SERVICE.



Susana Martinez
GOVERNOR
Robert "Mike" Unthank
SUPERINTENDENT
Tania Maestas, Esq.
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) 476-4500
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 presented during the public hearing or submitted in writing in advance of the hearing 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 approves the issuance or transfer of the license, the Director shall approve the issuance or transfer of the license.**

If the governing body disapproves the issuance or transfer of the license, its notice shall set 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). Upon review, the Director will either uphold or overturn the disapproval.

Sincerely,



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

Enclosures:

1. Original Page 1 of the Application (must be signed and returned).
2. Copy of Page 2 of the Application, copy of posting certificate, floor plan, zoning letter



Legend

-  Roads
-  PARCELS

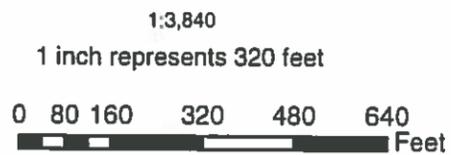


EXHIBIT
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2014 Imagery
2 FOOT CONTOURS

This information is for reference only.
Santa Fe County assumes no liability for
errors associated with the use of these data.
User are solely responsible for
confirming data accuracy.



October 13, 2015

COMMERCIAL BUSINESS Registration

Registration No: 13635

Permit No: 13-4039

Permit Type: COMMERCIAL BUSINESS

State of New Mexico, County of Santa Fe

WHEREAS, OJO CALIENTE HOLDINGS INC., a resident of 242 LOS PINOS ROAD, SANTA FE, NM 87507

County and State aforesaid, and one of the members of the firm known as SUNRISE SPRINGS AN IMMERSION OF INBALANCED LIVING
has made application for registration as COMMERCIAL BUSINESS; therefore

Registration Has Been Granted

to the said SUNRISE SPRINGS AN IMMERSION OF INBALANCED LIVING to carry on said business at
242 LOS PINOS ROAD, SANTA FE, NM 87507

in said County and State for a period of 12 months, commencing on the 1 day of January, 2015
and ending on the 31 day of December, 2015, under the provisions of the law in such cases made and provided.

In Witness Whereof, I have hereunto set my hand and affixed the seal
of the Treasurer, at Santa Fe, N.M., this 1
day of January 2015.


SANTA FE COUNTY TREASURER

13681



