

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

DATE: May 18, 2017

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 *VZ for PEG*
Vicki Lucero, Building and Development Services Manager *VZ*

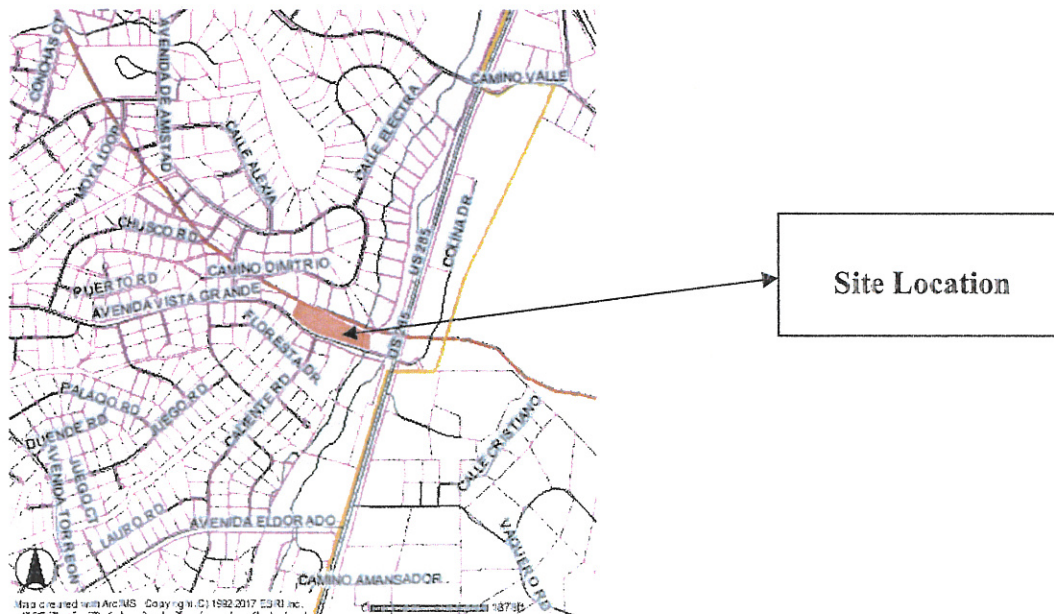
FILE REF.: BCC CASE #MIS 17-5120 Arable, LLC Restaurant Beer and Wine License

ISSUE:

Arable, LLC, Applicant, is requesting a restaurant beer and wine license.

The property is located at 7 Avenida Vista Grande Suite B-6, within the U.S. 285 South Highway Corridor District Overlay, within Section 9, Township 15 North, Range 9 East, (Commission District 5).

Vicinity Map:



SUMMARY:

The Applicant is requesting a restaurant beer and wine license. The property is located at 7 Avenida Vista Grande Suite B-6, within the U.S. 285 South Highway Corridor District Overlay at the Agora Shopping Center. The property is zoned Commercial Neighborhood. Table 9-10-12: 285 SHCD Use Matrix allows restaurants with incidental consumption of alcoholic beverages as a permitted use. The previous restaurant in this location was Chez Dre which also had a restaurant beer and wine license.

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 beer, wine and spirituous wholesaler 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 May 14, 2017, and May 21, 2017.

This Application was submitted on May 8, 2017.

Growth Management staff has reviewed this project for compliance with pertinent Code requirements and finds the following facts to support this submittal: Chapter 9.10, Table 9-10-12: 285 SHCD Use Matrix allows restaurants with incidental consumption of alcoholic beverages as a permitted use; the Applicant has met the State of New Mexico requirements for noticing; the restaurant is 1,100 feet from the nearest church and 5,100 feet from the nearest school.

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

GROWTH MANAGEMENT AREA: U.S. 285 South Highway Corridor District Overlay, SDA-2

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

Distance from nearest Church – 1,100 feet
Distance from nearest School – 5,100 feet

STAFF RECOMMENDATION: Approval of a Restaurant Beer and Wine License to be located at 7 Avenida Vista Grande Suite B-6.

EXHIBITS:

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

3/15/17 12:54 PM

Letter of Intent for Arable LLC, a restaurant
7 Avenida Vista Grande Suite B-6
Santa Fe, NM 87508

We would like to request zoning for a restaurant at the above listed address in Eldorado at the Agora. Zoned Commercial Neighborhood.

We are applying for a Restaurant License(Beer & Wine) with the State on New Mexico Alcohol and Gaming Department.

Hours of operation will be:

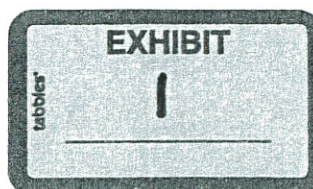
- Tues-Friday 4:00 pm til 9:00 pm
- Saturday 11:00 am til 9:00 pm
- Sunday 11:00 am til 3:00 pm

We will be a full service restaurant serving both inside and on the patio, weather permitting. We expect to employee 15 to 20 people at any given time.

The space requested for approval has previously operated with restaurants with Beer & Wine licenses. The most recent business was Chez Dre.

Thanks you for your consideration,

Dave Readyhough
Owner, Arable LLC
2907 Camino Esquinas
Santa Fe, NM 87507
505-690-3516





New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

P.O. Box 25101 ▪ Santa Fe, New Mexico 87504-5101
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/alcoholandgaming

May 2, 2017

Certified Mail No.: 9171 9690 0935 0078 6775 38

Susana Martinez
Governor

Robert "Mike" Unthank
Superintendent

Alex Sanchez
Deputy Superintendent

Claudia Armijo
Deputy General Counsel

Mary Kay Root
Director

Santa Fe County

Jose Larranaga, Development Review Team Leader
Commercial Development, Zoning Statements, Liquor Licenses, Cell Towers
102 Grant Avenue
Box 276
Santa Fe, NM 87504

Re: Lic. No. /Appl. No.:	Application No. 1042140
Name of Applicant:	Arable, LLC
Doing Business As:	Arable, LLC
Proposed Location:	7 Avenida Vista Grande, Suite B-6, Santa Fe, NM 87508

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

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 potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned AGD Hearing Officer listed on page 2.

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 & Gaming Division;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, **the Notice shall also be published on the website.**

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 BEER AND WINE LICENSE

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

EXHIBIT

2

Within thirty (30) days after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division of their decision to approve or disapprove 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 notices of publication. **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 issue 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, noting disapproval*).

Respectfully,



Charmaine Martinez, Hearing Officer

New Mexico Regulation & Licensing Dept. | Alcohol & Gaming Division

Phone: (505) 476-4804 Fax: (505) 476-4595

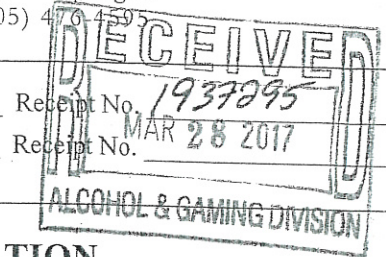
Email: charmaine.martinez2@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of Zoning Statement
4. Copy of the Floor Plan



D USE ONLY: Payment Application Fee \$ 200 Received on: 3/28/17
 License Fee \$ _____ Received on: _____
 Application # 1042140 Local Option District: _____



RESTAURANT LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

Check appropriate boxes:

Application is for: ☐ New Restaurant Liquor License

Applicant is: ☐ Individual ☒ Limited Liability Company ☐ Corporation ☐ Partnership (General/Limited)

NAME OF APPLICANT (company or individual) ADDRESS (including city, state, zip) TELEPHONE NUMBER
ARABLE, LLC 2907 CAMINO ESQUINAS 505-690-3516
SANTA FE, NM 87507

D/B/A Name to be used: ARABLE LLC Business Phone #: 505-690-3516

Email Address (required): SUPERDAVEREADY2@MSN.COM

Physical location where license is to be used: (Include street number / highway number / state road, city and county, state, and zip code)
7 AVENIDA VISTA GRANDE, SUITE B-6
SANTA FE, NM 87508

Mailing Address: 2907 CAMINO ESQUINAS, SANTA FE, NM 87507

Agent/Contact Person: DAVID READYHOUGH Phone#: 505-690-3516 Email: SUPERDAVEREADY2@MSN.COM

Are alcoholic beverages currently being dispensed at the proposed location? ☐ Yes ☒ No If Yes, License # / Type: _____

I, (print name) DAVID READYHOUGH, as (title) OWNER
 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 before a Notary Public.

Signature of Applicant: _____ Date: 3-22-17

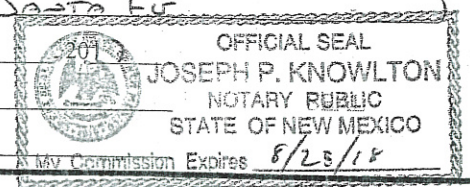
NOTARY PUBLIC USE ONLY: (State of New Mexico, County of Santa Fe)

SUBSCRIBED AND SWORN TO before me this 22 day of March

By: Joseph P. Knowlton

Notary Public: Joseph P. Knowlton

My Commission Expires: 8/23/18



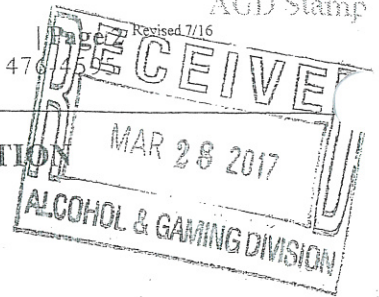
FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: _____ City, County, Village

Public Hearing held on _____, 20____. Check one: ☐ Approved ☐ Disapproved

Signature and Title of City/County Official: _____

FOR ALCOHOL AND GAMING DIVISION USE ONLY: ☐ Approved ☐ Disapproved

Signed by Director: _____ Date: _____



PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

NMSA §60-6B-10

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

☐ Owned by Applicant, copy of deed/document attached

☒ Leased by Applicant, copy of lease/document attached

☐ Other (provide details): _____

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

A. Owner(s): MA AGORA SHOPPING CENTER LLC

B. Date and Term of Lease: 5 YEAR LEASE COMMENCING 2-27-17

3. Premises location is Zoned (example C-1, see Zoning Statement): _____

☐ **Zoning Statement attached**, which must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: EL DORADO COMMUNITY CHURCH Miles/feet: 1,100 FEET

Address/location of Church: 7 CALIENTE RD, SANTA FE, NM 87508

2 (1056 FT)

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

Name of School: EL DORADO ELEMENTARY SCHOOL Miles/feet: 5,100 FEET

Address/location of School: 2 AVENIDA TORREON, SANTA FE, NM 87508

1.0 (5280 FT)

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

Name of Military Installation, ^{circle one} Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces),
Miles: 66 MILES Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)

7. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and **must be labeled** with designated areas highlighted, which will reflect the proposed Licensed Premises.

8. Type of Operation: ☐ Hotel ☐ Lounge ☐ Package Grocery ☒ Restaurant ☐ Racetrack

☐ Small Brewer

☐ Craft Distiller

☐ Winery

☐ Wholesaler

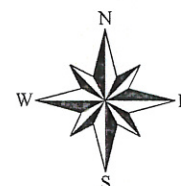
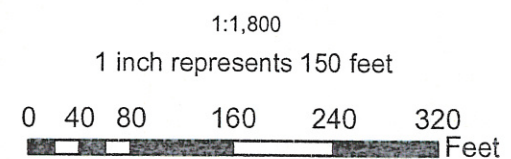
☐ Other (specify): _____

***NOTE:** 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.



Legend

- ROADS
- DRIVEWAYS
- Parcels



2015 Orthophotography
2 FOOT CONTOURS

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



May 30, 2017

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager



March 23, 2017

Arable LLC, a Restaurant
Dave Readyhough, Owner
7 Avenida Vista Grande, Suite B-6
Santa Fe, New Mexico, 87508

Re: Zoning Statement for 7 Avenida Vista Grande, Suite B-6, Santa Fe, New Mexico

Mr. Readyhough;

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

The zoning for this property is regulated by Ordinance No. 2016-9, the Sustainable Land Development Code (SLDC), Chapter 9, Section 9.10, US 285 South Highway Corridor District Overlay (285 SHCD). The site is zoned as Commercial Neighborhood (US 285 CN). Table 9-10-12: 285 SHCD Use Table allows a restaurant, with incidental consumption of alcoholic beverages as a permitted use. Appendix B, Use Matrix defines a Permitted Use as, permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.

If you have any questions contact me at 986-6225.

Sincerely,

for Vicki Lucero
Building and Development Services Manager

Cc; Jose E. Larrañaga
Development Review Team Leader



COMMERCIAL BUSINESS Registration

Registration No: 13939

Permit No: 17-4023

Permit Type: COMMERCIAL BUSINESS

State of New Mexico, County of Santa Fe

WHEREAS, DAVID READYHOUGH AND RENE FOX, a resident of 2907 CAMNIO ESQUINAS, SANTA FE, NM 87507

County and State aforesaid, and one of the members of the firm known as

ARABLE LLC

has made application for registration as

COMMERCIAL BUSINESS

; therefore

Registration Has Been Granted

to the said ARABLE LLC to carry on said business at

7 AVENIDA VISTA GRANDE SUITE B-6, SANTA FE, NM 87508

in said County and State for a period of 9 months, commencing on the 19 day of April, 2017

and ending on the 31 day of December, 2017, 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 19
day of April 2017



[Signature]
SANTA FE COUNTY TREASURER

18215

