

**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:** April 27, 2016

**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 [Signature]  
Vicki Lucero, Building and Development Services Manager [Signature]  
Wayne Dalton, Building and Development Services Supervisor [Signature]

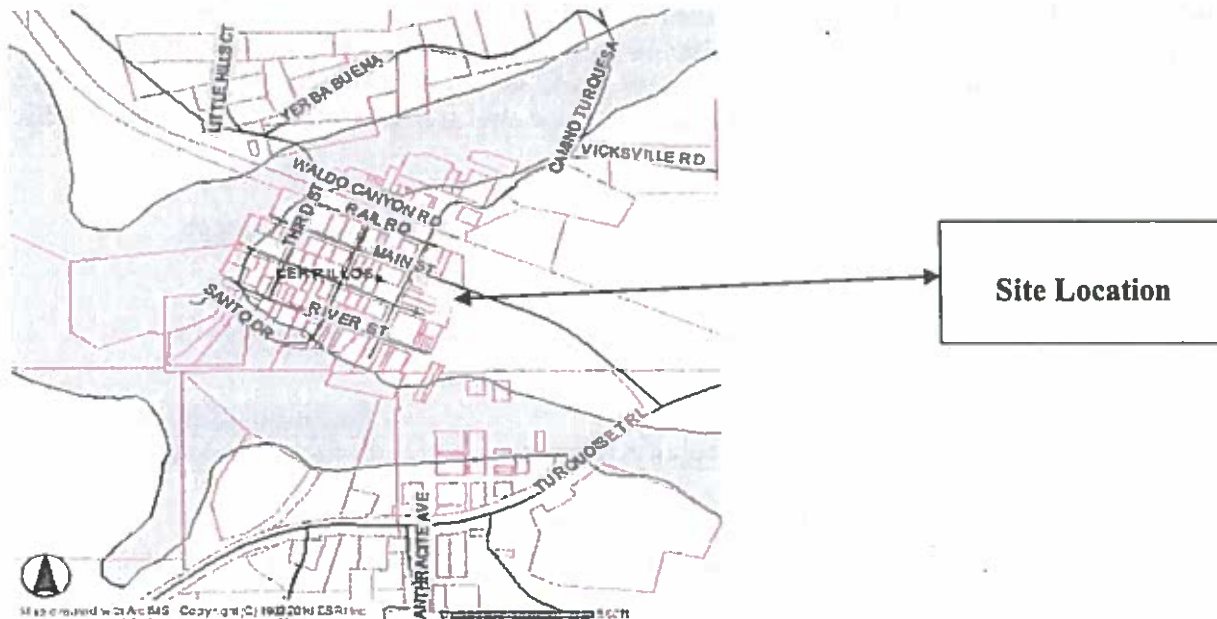
**FILE REF.:** BCC CASE #MIS 16-5080 Black Bird, LLC, Beer & Wine License

**ISSUE:**

Black Bird Saloon, LLC, Applicant, requests approval for a Restaurant Beer and Wine License.

The property is located at 28 Main Street, within the Los Cerrillos Community Overlay District, within Section 17, Township 14 North, Range 8 East, (Commission District 3).

**Vicinity Map:**



## **SUMMARY:**

The Applicant requests approval of a Restaurant Beer and Wine License, for the restaurant area at Black Bird Saloon, which is located at 28 Main Street in Cerrillos.

Master Plan, Preliminary and Final Development Plan were approved by the Board of County Commissioners for 28 Main Street on November 10, 2015 to allow a restaurant and saloon. The Master Plan, Preliminary and Final Development Plan were recorded in the office of the Santa Fe County Clerk on March 31, 2016 under Book 800, Pages 40-44. Black Bird Saloon is located within the Los Cerrillos Community District Rural Commercial Overlay. Chapter 9.4.4.1.2.a.iii allows restaurants with the consumption of alcohol as a permitted use.

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 April 10, 2016 and April 17, 2016.

**This Application was submitted on April 5, 2016.**

Growth Management staff has reviewed this project for compliance with pertinent Code requirements and finds the following facts to support this submittal: Chapter 9.4.4.1.2.a.iii designates restaurants serving alcohol as a permitted use; the County Development Review Committee and the Board of County Commissioners approved the Master Plan for 28 Main St. which allows a restaurant as a permitted use; the Applicant has met the State of New Mexico requirements for noticing; the restaurant is 301 feet from the nearest church and 10.3 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 License.

**GROWTH MANAGEMENT AREA:** Los Cerrillos Community District Overlay, SDA-2

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

Distance from nearest Church – 301 feet  
Distance from nearest School – 10.3 miles

**STAFF RECOMMENDATION:** Approval of a Restaurant Beer & Wine License to be located at 28 Main Street.

**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



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*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

January 27, 2016

28 Main Street  
28 Main Street  
Cerrillos, New Mexico 87010

Re: Zoning Statement for 28 Main Street.

Patrick & Kelly Torres:

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

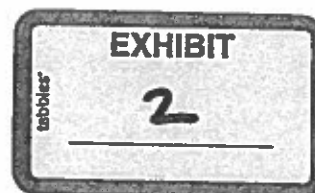
The zoning for this property is regulated by Ordinance No. 2015-11, the Sustainable Land Development Code (SLDC), Chapter 9 (Community Districts), Section 9.4, Los Cerrillos Community District Overlay (LCCD). The site is zoned as LCCD Rural Commercial Overlay (LCCD O-RC). Section 9.4.4.1.2.a.i (Permitted Uses) states, "retail services such as: ..., beer/wine/liquor,..." and Section 9.4.4.1.2.a.iii (Permitted Uses) states, "arts, entertainment, and recreation services such as: restaurants with or without the consumption of alcohol, ...", are allowed uses within the LCCD O-RC zone. (Exhibit A)

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

Sincerely,

Vicki Lucero  
Building and Development Services Manager

Cc; Jose E. Larrañaga  
Development Review Team Leader



RECEIVED

FEB 01 2016

ALCOHOL & GAMING DIVISION



FIRST ST.

EXISTING TRUCK SIGNAGE  
N/2 50' ACRES

N22°59'59"E

101.89'

25.06'

566°15'07"E

SCALE  
1" = 60'

N23°22'26"E

25.00'

N24°53'09"E

48.61'

N65°29'36"W

N64°38'21"W

30.98'

N30°40'32"E

46.03'

N24°18'04"E

N66°16'50"W

106.04'

S13°12'09"W

139.50'

S13°17'47"W

43.21'

274.60'

MAIN STREET

SITE DATA:

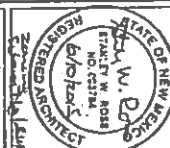
LAND AREA: 0.56 ACRES (24,561 SQ. FT.)  
BUILDING SQUARE FOOTAGE/ LOT COVERAGE  
EXISTING RESIDENCE/ SALOON SPACES 12,287 SQ. FT.  
LOT COVERAGE: 142%  
PERMITTED USES:  
RESIDENCE, 2 SPACES PROVIDED  
SALOON SPACES 14 (5 ON-SITE, 9 ON-STREET)  
662 ALLOWABLE ON-STREET PARKING PER  
SF COUNTY ORDINANCE NO. 2006-11  
THE LOS CERRILLOS TRADITIONAL  
COMMUNITY ZONING DISTRICT  
PERMITTED USES:  
PER SF COUNTY ORDINANCE NO. 2006-11  
THE LOS CERRILLOS TRADITIONAL  
COMMUNITY ZONING DISTRICT SUBSECTION  
2.5 RESTAURANTS ARE A PERMITTED USE  
WITHIN THE LOS CERRILLOS COMMUNITY  
COMMERCIAL DISTRICT

DESIGN DRAFTING CONSTRUCTION  
ERIC J. HARRIS  
NM LICENSE #381992  
2920 PUEBLO TSANKAWI  
SANTA FE, NM.  
PH 505 860 1185



28 MAIN STREET  
CERRILLOS, NEW MEXICO

APPROVAL:  
DIVISION  
DRAWN BY: E. J. H.



DATE: 7-18-2015  
REVISIONS: DATE:

EXHIBIT

3

A-3

NBC-31

PRELIMINARY/ FINAL DEVELOPMENT PLAN  
MASTER PLAN







New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION

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)

March 8, 2016

Susana Martinez  
GOVERNOR

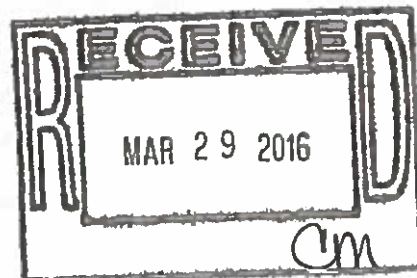
Robert "Mike" Unthank  
SUPERINTENDENT

Tania Maestas, Esq.  
ACTING CHIEF GENERAL  
COUNSEL

Mary Kay Root  
DIRECTOR

Certified Mail No.: 9171 9690 0935 0078 6757 56

County of Santa Fe  
Attn: Geraldine Salazar, County Clerk  
102 Grant Avenue  
Box 1985  
Santa Fe, NM 87504



Re: Lic. No./Appl. No.: Application No. 990322  
Name of Applicant: Black Bird Saloon, LLC  
Doing Business As: Black Bird  
Proposed Location: 28 Main Street, Cerrillos, New Mexico 87010

**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 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 RESTAURANT BEER AND WINE LICENSE WITH ON PREMISE CONSUMPTION ONLY AND PATIO SERVICE**

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 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,

Charmaine Koroneos-Martinez  
Hearing Officer  
NM Regulation & Licensing Dept.  
Alcohol & Gaming Division  
Phone: 505-476-4804  
Fax: 505-476-4595  
Email: [Charmaine.koroneos@state.nm.us](mailto:Charmaine.koroneos@state.nm.us)

Enclosures:

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





FIRST ST

5690

5680

5690

5690

5690

MAIN ST

5680

Site

EWALDO

5680

5690

EXHIBIT

5



# COMMERCIAL BUSINESS Registration

Registration No: 13852

Permit No: 16-4020

Permit Type: COMMERCIAL BUSINESS

State of New Mexico, County of Santa Fe

P O BOX 97, CERRILLOS, NM 87010

WHEREAS, PATRICK AND KELLY TORRES a resident of

BLACK BIRD SALOON LLC

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

; therefore

COMMERCIAL BUSINESS

has made application for registration as

to carry on said business at

BLACK BIRD SALOON LLC

to the said

28 MAIN ST, CERRILLOS, NM 87010

in said County and State for a period of 10 months, commencing on the 30 day of March, 2016

and ending on the 31 day of December, 2016, 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 30

day of March 2016



*[Signature]*  
SANTA FE COUNTY TREASURER

EXHIBIT

6

16,317



