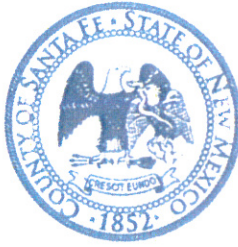


Henry P. Roybal  
Commissioner, District 1

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:** July 11, 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 PEG  
Vicki Lucero, Building and Development Services Manager VL  
Wayne Dalton, Building and Development Services Supervisor WD

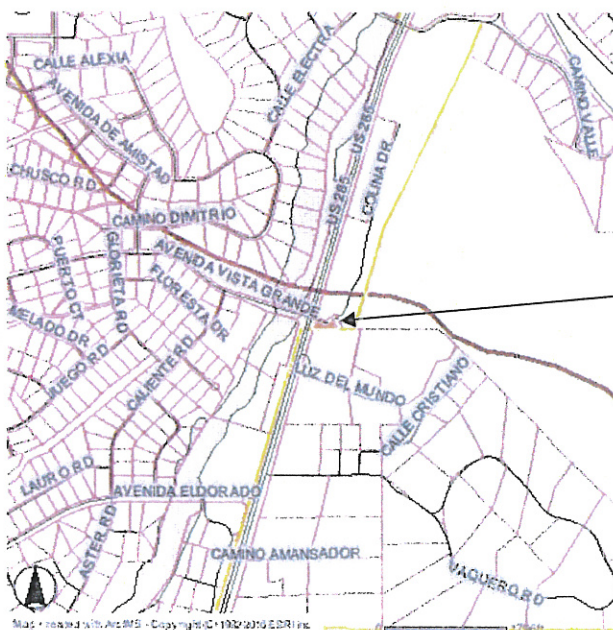
**FILE REF.:** BCC CASE #MIS 16-5180 Upper Crust Pizza Beer & Wine License

**ISSUE:**

Upper Crust Pizza of Eldorado, LLC, D/B/A Upper Crust Pizza, Applicant, requests approval for a Restaurant Beer and Wine License.

The property is located at 5 Colina Drive, within the US 285 South Highway Corridor Overlay District, within Sections 9 & 16, Township 15 North, Range 10 East, (Commission District 5).

**Vicinity Map:**



Site Location

## SUMMARY:

The Applicant requests approval for a restaurant beer and wine license to be located at 5 Colina Drive. The Applicant is opening a new Upper Crust Pizza in an existing building. The previous restaurant at this location was Blue Moon Café.

The Property is located within the US 285 South Highway Corridor District Overlay. The site is zoned as Neighborhood Commercial. Table 9-10-12 allows a restaurant with incidental consumption of alcoholic beverages 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 June 26, 2016, and July 3, 2016.

**This Application was submitted on June 23, 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, Table 9-10-11 designates restaurant 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 0.75 miles from the nearest church and 1.4 miles from the nearest school.**

### **APPROVAL SOUGHT:**

Approval for a Restaurant Beer & Wine License.

### **GROWTH MANAGEMENT AREA:**

US 285 South Highway Corridor District Overlay, SDA-2

### **AGENCY REVIEW:**

#### Agency

NM Alcohol & Gaming

#### Recommendation

Preliminary Approval

Distance from nearest Church – 0.75 miles

Distance from nearest School – 1.4 miles

### **STAFF RECOMMENDATION:**

**Approval for a Restaurant Beer & Wine License to be located at 5 Colina Drive.**

**EXHIBITS:**

- 1- Letter of Intent
- 2- Site Plan/Floor Plan
- 3- Alcohol and Gaming Division Letter of Preliminary Approval
- 4- Aerial of Site

**John M. Salazar**

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**Subject:** FW: Letter of Intent for Upper Crust

Upper Crust Pizza of Eldorado, LLC, 5 Colina Drive, Santa Fe, 87508, will open next month at the southeast corner of 285 south and Avenida Vista Grande, (Colina Drive), just south of the gas station.

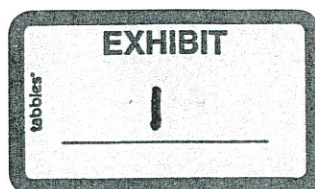
It is anticipated that 12-16 new jobs will be created in a family friendly environment featuring nightly music through the summer and fall.

The model will be similar to the Upper Crust Pizza that I started in 1979 and still own and operate.

Your positive consideration is appreciated.

Sincerely,  
Dean Alexis  
President  
Upper Crust Pizza of Eldorado, LLC  
505-577-3785

Sent from my iPad







LORN TRYK ARCHITECTS  
 206 McKenzie, Suite F2  
 Santa Fe, New Mexico 87501  
 Telephone: 505-982-5340  
 E-Mail: mtd@lork.com  
 Fax: 505-982-5393

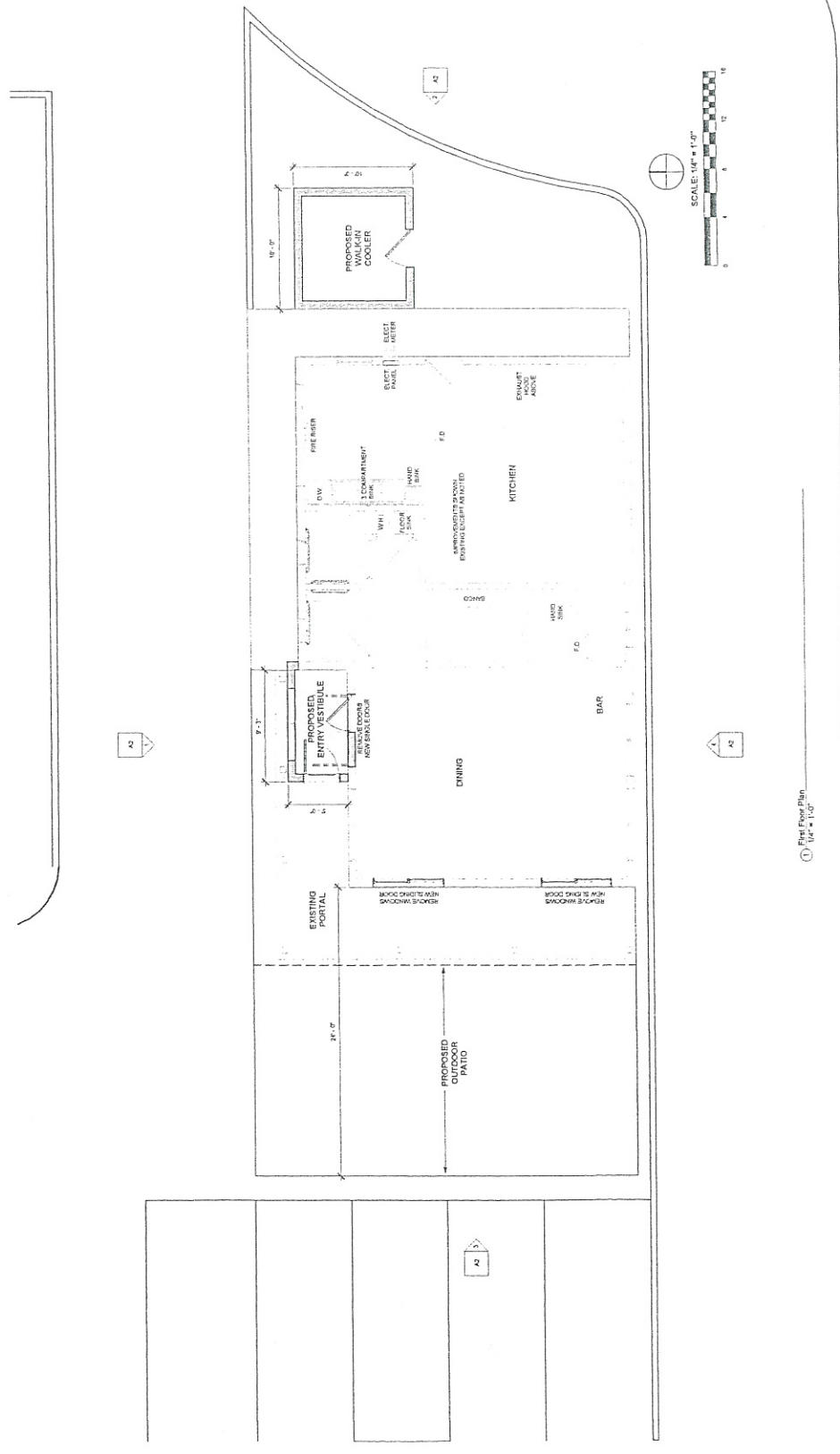
Upper Crust Pizza  
 5 Colina Drive, Santa Fe, N.M.

Date: 11/20/11 10:51 PM

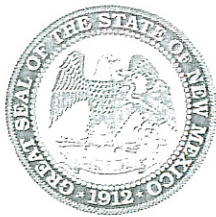
First Floor Plan

Scale: 1/4" = 1'-0"

A1



① First Floor Plan  
 1/4" = 1'-0"



New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505  
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us

June 13, 2016

Certified Mail No.: 9171 9690 0935 0078 2659 40

Susana Martinez  
GOVERNOR

Robert "Mike" Unthank  
SUPERINTENDENT

David Jablonski  
DEPUTY  
SUPERINTENDENT

Diana A. Martwick  
CHIEF GENERAL  
COUNSEL

Mary Kay Root  
DIRECTOR

Jose E. Larrañaga  
Commercial Development Case Manager  
Building and Development Services  
Santa Fe County  
102 Grant Avenue, Box 276  
Santa Fe, NM, 87504

Re: License No. / Appl. No.: **Appl. No. 1000739**  
Applicant Name: **Upper Crust Pizza of Eldorado, LLC**  
Doing Business As: **Upper Crust Pizza**  
Proposed Location: **5 Colina Drive**  
**Santa Fe, NM 87508**

**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 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.

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.

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

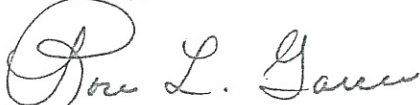
3

THE APPLICANT IS SEEKING A RESTAURANT BEER & WINE LICENSE WITH ON PREMISE CONSUMPTION ONLY AND PATIO.

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*).

Sincerely,

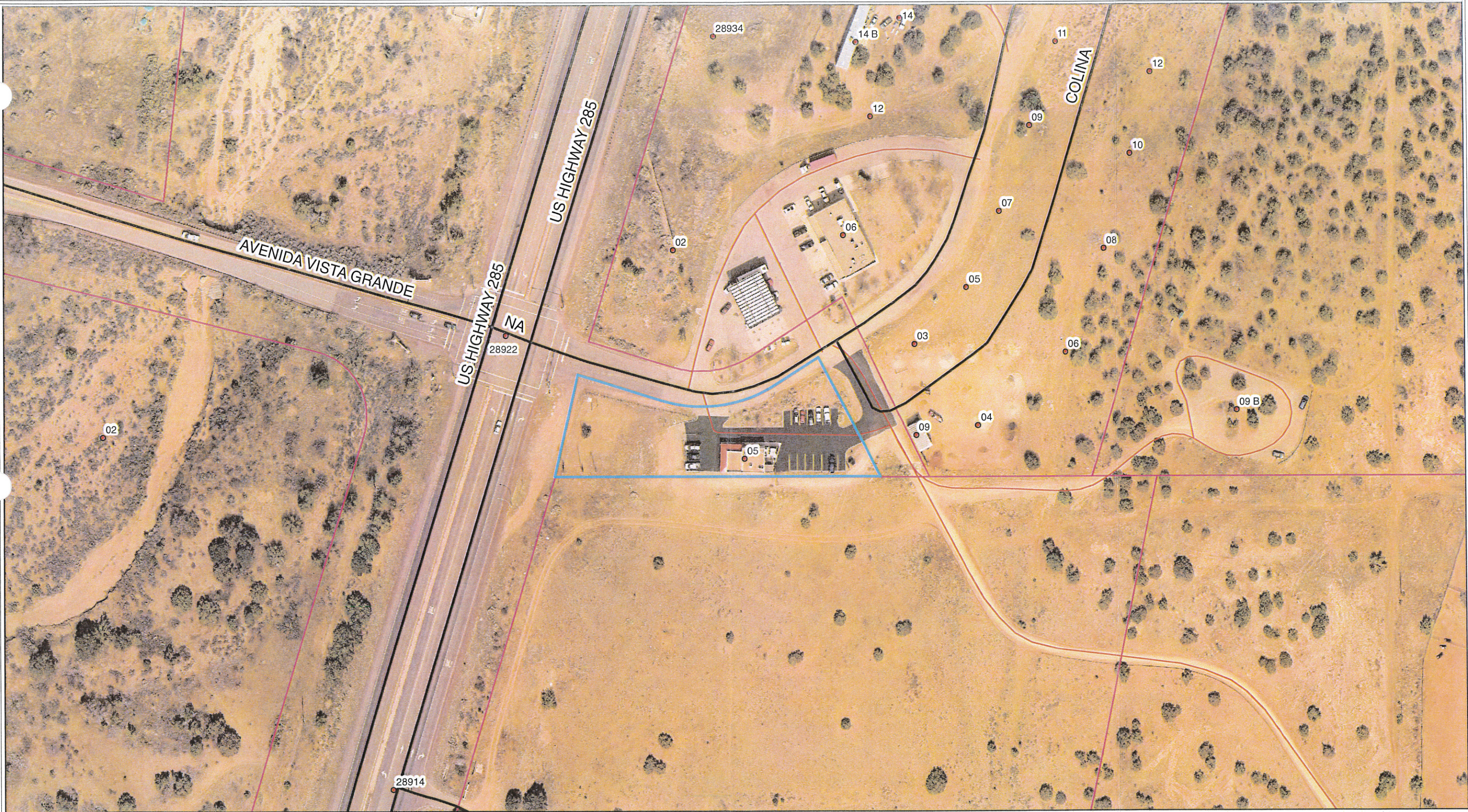


Rose L. Garcia  
Hearing Officer  
NM Regulation & Licensing Dept.  
Alcohol & Gaming Division  
Phone: 505-476-4552  
Fax: 505-476-4595  
Email: [rosel.garcia@state.nm.us](mailto:rosel.garcia@state.nm.us)

Enclosures:

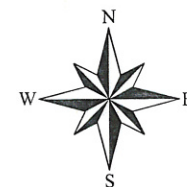
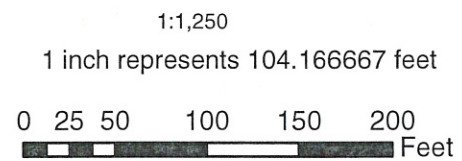
1. Original Page 1 of the Application (must be signed and returned).
2. Copy of Page 2 of the Application
3. Copy of zoning statement.





**Legend**

- Roads
- DRIVEWAYS
- ▭ PARCELS



2015 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.



July 13, 2016







