Henry P. Roybal Commissioner, District 1

Anna Hansen Commissioner, District 2

Robert A. Anaya Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed MorenoCommissioner, District 5

Katherine Miller County Manager

DATE:

July 6, 2018

TO:

Board of County Commissioners

FROM:

John M. Salazar, Development Review Specialist Sr. TYS

VIA:

Katherine Miller, County Manager

Penny Ellis-Green, Growth Management Director

Vicki Lucero, Building and Development Services Manager

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FILE REF.: BCC CASE #MIS 18-5140 Allsup's Convenience Stores, Inc. Liquor License Transfer of Ownership

ISSUE:

Allsup's Convenience Stores, Inc., Applicant, Linda Aiken, Agent, request approval for a transfer of ownership of a liquor license. The property is located at 2 Avenida Del Sur, within the Community College District, within Section 25, Township 16 North, Range 8 East, (Commission District 5).

Vicinity Map:



102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX: 505-995-2740 www.santafecountynm.gov

SUMMARY:

The Applicant is requesting a transfer of ownership to existing liquor license number 0946 for the Allsup's Convenience Store. The property is located at 2 Avenida Del Sur, within the Community College District. The property is zoned Existing Neighborhood (CCD-EN). Allsup's Convenience Stores, Inc. owns the license at this location but has had a change to the stockholders of the company. No change to business location or name is being requested.

The Applicant has a current Santa Fe County business license and a current Permit to Operate from the New Mexico Environment Department. Table 8.44 CCD Use Table, does not allow liquor sales within an Existing Neighborhood zoning district however, Allsup's Convenience Store #346 received County approvals in 1990 and is considered a legal non-conforming use.

Chapter 1, Section 1.11.3 of the SLDC states:

"Development permits and final approvals granted by the Board, County Development Review Committee or the Administrator prior to enactment of the SLDC for which rights have vested shall remain valid, and development and use of the property shall be allowed so long as the development and use is in accordance with the development permit and final approval."

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 change of ownership to an existing 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 July 1, 2018, and July 8, 2018.

This Application was submitted on June 20, 2018.

Growth Management staff has reviewed this project for compliance with pertinent Code requirements and finds the following facts to support this submittal: Chapter 1, Section 1.11.3 validates existing uses which were previously approved by the County prior to enactment of the SLDC; the Applicant has met the State of New Mexico requirements for noticing.

APPROVAL SOUGHT:

Approval of a Transfer of Ownership of a Liquor License.

GROWTH MANAGEMENT

AREA:

Community College District PDD, SDA-1

STAFF RECOMMENDATION: Approval of a Transfer of Ownership of a Liquor License to be located at 2 Avenida Del Sur.

EXHIBITS:

- 1- Letter of Intent
- 2- Alcohol and Gaming Division Letter of Preliminary Approval
- 3- Site Plan
- 4- Floor Plan
- 5- Aerial of Site
- 6- Copy of County Business License
- 7- Copy of Alcohol & Gaming Division Dispenser Permit
- 8- Copy of NMED Environmental Health Bureau Permit
- 9- Updated Address from Santa Fe County Addressing Section

LINDA L. AIKIN

LAWYER
530B HARKLE ROAD
SANTA FE, NEW MEXICO 87505
(505) 982-6224
FAX: (505) 992-8378
E-Mail lla@cybermesa.com

June 19, 2018

Mr. John M. Salazar Development Review Specialist Senior Building & Development Department Santa Fe County 102 Grant Avenue Santa Fe, New Mexico 87501

Re: Liquor License No. 0946; Allsup's Convenience Stores, Inc.

Dear Mr. Salazar:

I represent Allsup's Convenience Stores, Inc. ("Allsup's"). Allsup's has applied for a transfer of stock ownership of Liquor License No. 0946 at 2 Avenida del Sur, Santa Fe, New Mexico, 87508. Allsup's will continue to operate as a gas station and convenience store. Liquor License No. 0946 is a dispenser license. Liquor will be available from 7:00 a.m. until 12:00 a.m. Monday through Saturday and from 12:00 p.m. until 12:00 a.m. on Sundays. Please call me if you have any questions.

Very truly yours,

Linda L. Aikin

EXHIBIT ...



Susana Martinez GOVERNOR

Robert "Mike" Unthank SUPERINTENDENT

Pat McMurray DEPUTY SUPERINTENDENT

Claudia Armijo DEPUTY GENERAL COUNSEL

Debra Lopez DEPUTY DIRECTOR

Alcohol and Gaming Division (505) 476-4875

oards and Commissions Division (505) 476-4600

Construction Industries Division (505) 476-4700

Financial Institutions Division (505) 476-4885

1anufactured Housing Division (505) 476-4770

> Securities Division (505) 476-4580

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

June 8, 2018

Certified Mail No.: 7018 0680 0001 6409 8996

Santa Fe County Jose Larranaga 102 Grant Avenue Box 276 Santa Fe, NM 87504

Re: Lic. No. /Appl. No.:

License No. 0946 / Application No. 1086969

Name of Applicant: Doing Business As:

Allsup's Convenience Stores, Inc. Allsup's #346

Proposed Location:

#2 Vista Del Monte

Santa Fe, New Mexico 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

(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 TRANSFER OF OWNERSHIP OF LIQUOR LICENSE NO. 0946. THE APPLICANT CURRENTLY OWNS THIS LICENSE AT THIS LOCATION BUT HAS HAD A CHANGE TO THE STOCKHOLDERS (OWNERSHIP) OF THE COMPANY. THERE IS NO CHANGE TO LOCATION OR NAME.

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

Enclosures:

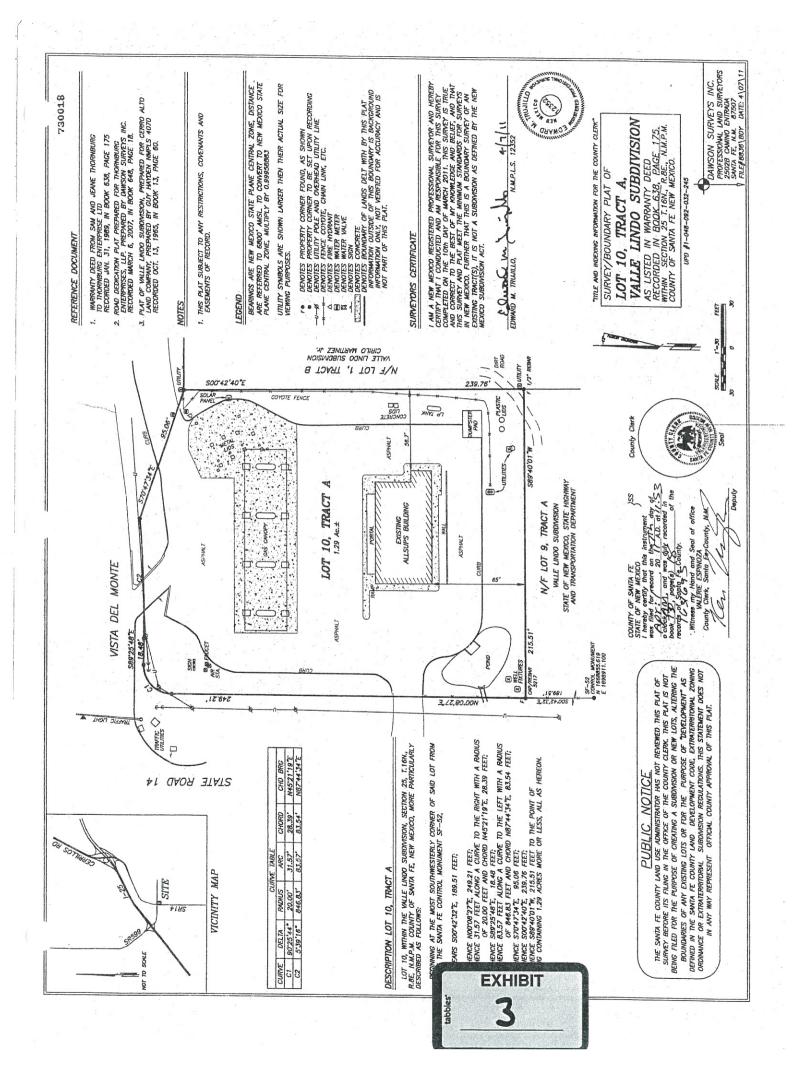
1. Original Page 1 of the Application (must be signed and returned).

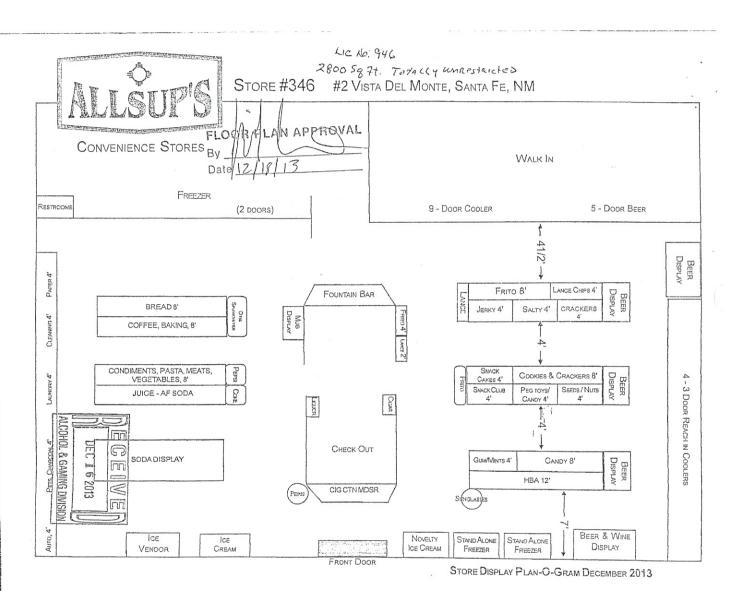
2. Copy of Page 2 of the Application (only for a new applicant or a transfer of location).

3. Copy of Zoning Statement (only for a new applicant or a transfer of location).

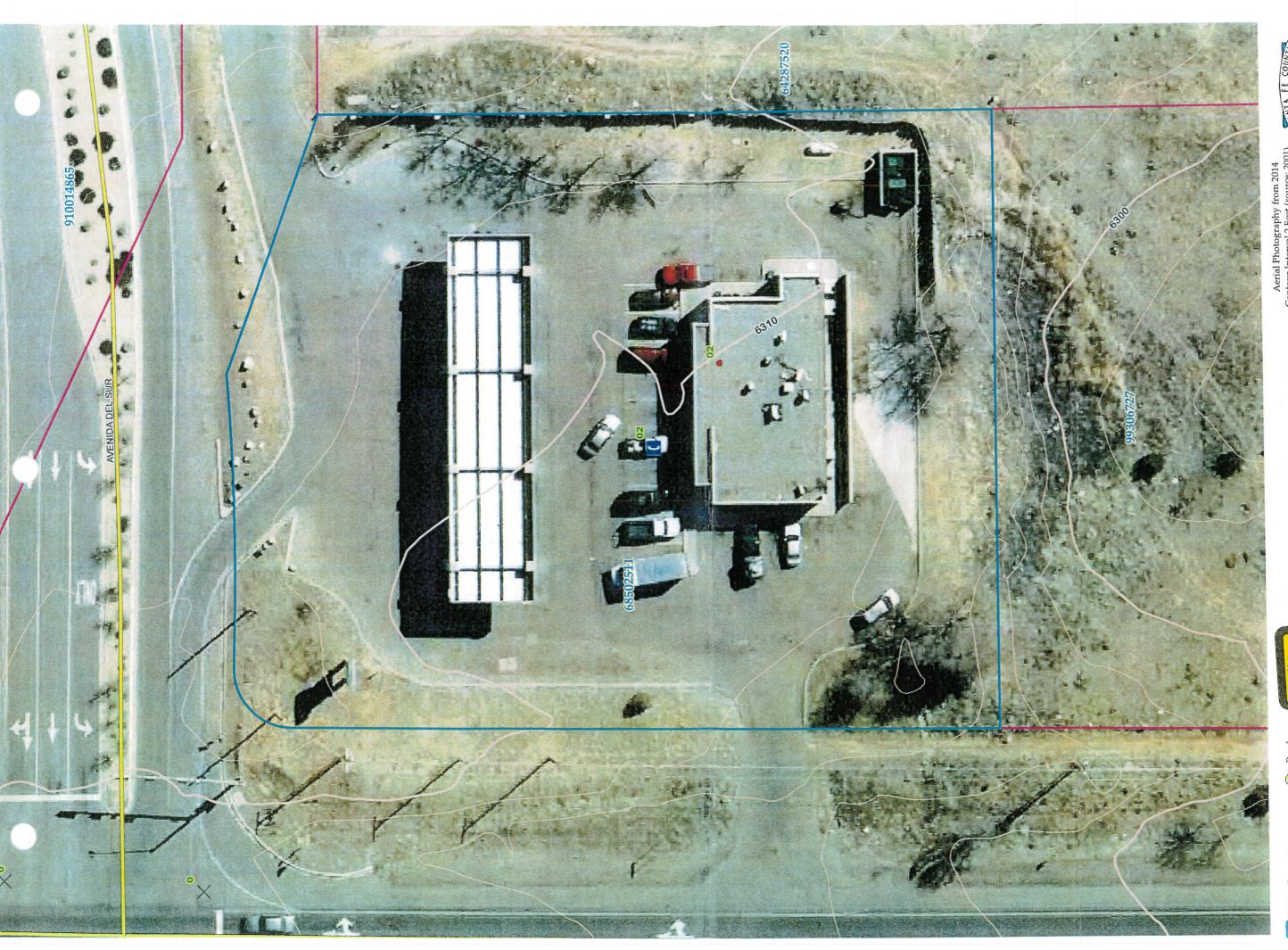


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	New Mexico Regulation and Lic	ensing Departme	ent Alcohol and	Gaming Division	on Page 1 R	MAR. 1 3 2018
AGD USE ON	PO Box 25101 Santa Fe, NM [LY: Payment Application Fee \$	10-	Received on:	3-14-18	Receipt No.	DL & GAMING DIVISION
	Application Number:/(08 6969	Local Opt	ion District:		
	TRANSFER OF DISP	ENSER-TY	PE LIQUOI cation Fee, non-refu	R LICENS	E APPLICA'	ΓΙΟΝ
License No.	0946		ype of License:			
Check approp	priate boxes: is for:	ip 🗆 Transfe	er of Ownership	p and Locatio	n 🗆 Transfer o	of Location Only
Record Owr	ner of Existing License: Allsup	s Conveniend	e Stores, Inc.			
	mises Address: #2 Vista Del Mo	onte				
	D: Santa Fe County		Is License mo	oving out of Lo	ocal Option Distri	ct? 🗆 Yes 🗷 No
NAME of I	NT IS: Individual Limindividual/Company: onvenience Stores, Inc		Company 🔽 C		☐ Partnership	(General/Limited)
PO Box 19	007 Clovis, New Mexico 88102	-1907				
D/B/A Nam	ne to be used: Allsup's #346			Busi	ness Phone #: <u>505</u>	5-471-1890
Email Add	ress (required): acsinc@allsups.	com				
Physical loc	cation where license is to be us	ed: (Include Str	eet # / Highway #	/ State Road, C	ity, State, and Zip	Code)
	Del Monte			and the second s	Canta Ea	
	NM 87508	Name Manie	00402 400		of: Santa Fe	
	Iress: PO Box 1907 Clovis				** ** # # # # # # # # # # # # # # # # #	0946
	c beverages currently being dispe	nsed at the propos	ed location? Y	es \square No If	Yes, License # / I	sa com
Agent/Conta	act Person: Linda Aikin	Pho	one#: 303-982-0	Vice Pro	: Ila@cybermes	
being first du	re) Teddy Hartley ally sworn upon oath deposes and sa as read the same; knows the content and to be false, the Director may ref	rys: that he/she is s therein contain	s the applicant or ed are true. Appli	is authorized by cant(s) agree(s)	that if any stateme	nts or representations
	a Notary Public:		A)		34	2/15
Signature of	f Applicant:	1 Mil	200		Date: 7	UFFICIAL SEAL
	UBLIC USE ONLY: (State of \big		4	County of C	WY VIEW	SHARL ALLEN
	D AND SWORN TO before me this	Notary Pub	of Norch plic: Work dission Expires: 12	aller	20 18 My	Notary Public State of New Mexico Comm. Expires 12 2018
FOR LOCAL	L OPTION DISTRICT USE ONLY	: Local Govern	ning Body of:			City, County, Village
	ring held on			Check one:	□Approved	□Disapproved
Signature an	nd Title of City/County Official:	Marine and the second s				
FOR ALCO	HOL AND GAMING DIVISION US	E ONLY:	□Ар	proved	□ Disap	proved
Signed by I					Date:	









Aerial Photography from 2014 Contour Interval 2 Feet (source: 2001) North American Vertical Datum 1988

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.



1:360

ents 30 feet





Subject Property
Parcels
Elevation Isolines
7400 Foot Elevation
7800 Foot Elevation
1012 Base Flood Eleva

LIQUOR - DISPENSERS Registration

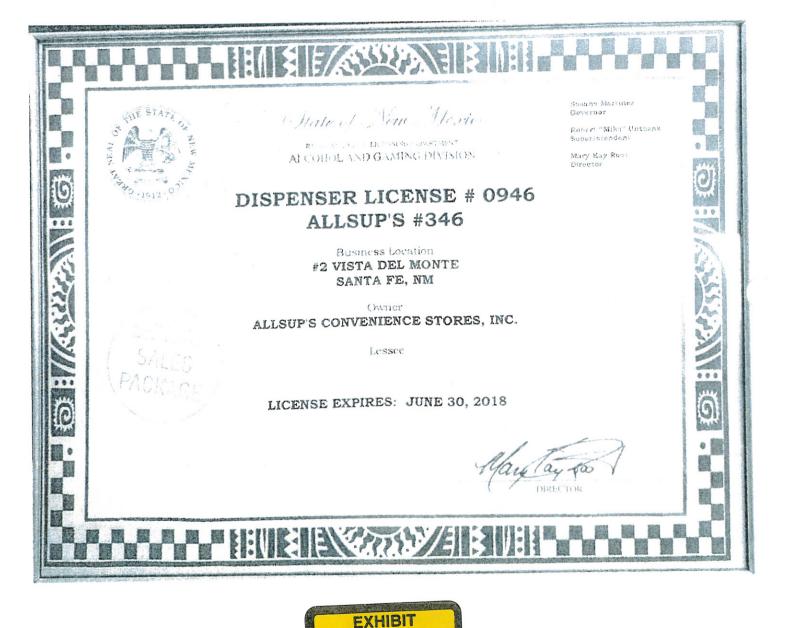
Registration No: 01336
Permit No:
Permit Type: LIQU'OR - DISPENSERS

15000

State of New Mexico, County of Santa Fe

WHEREASL	ONNIE ALLSUP.	, a resident of	P.O BOX 1907, CLC	IVIS, NM 88102	
County and State aforesaid, a	and one of the members of	the firm known as	ALI,SUP	5 # 346	
has made apply stion or regi	stration as	LIQUOR - D	ISPENSERS	; therefore	
	Registratio	n Has Been Gr	anted		
to the said our in him on himse	ALLS	UPS # 346		to carry on said business at	
and the second of the second o	₱2 VISTA DI	EL MONTE, SANTA FE, I	NM 87508		
ir: said County and State for a	perrod of 12_ mont	hs, commencing on the	1 day of	June 2017	
and ending on the 30 0	las of June	2018 , under the prot	risions of the law in such	cases made and provided	
		In Witness Whered	of, I have hereunto set m	thand and affixed the wall	
- A.S.Up		of the Treasurer, at S	inta Fe, N.M., this	1	
		day of	June 2017		
The state of the s			(Danielli		







New Mexico Environment Department Environmental Health Bureau

Permit to Operate

Owner Name: Allsups Convenience Stores Inc

Facility Name: Allsups #346

Location: #2 Vista Del Monte Santa Fe, NM 87508

Permit Type: Food Retail Permit

EXHIBIT

Permit Number: 005566

Failure to maintain and operate the facility in compliance with the applicable State Regulations may result in suspension or revocation of this permit by an authorized representative of this Department.

Date Issued: August 01, 2017

Date of Expiration: July 31, 2018

Authorizing Official

This permit shall be renewed annually, but is not transferable to another individual, establishment, or location. This permit must be displayed in conspicuous place. Henry P. Roybal Commissioner, District 1

Anna Hansen Commissioner, District 2

Robert A. Anaya Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed MorenoCommissioner, District 5

Katherine Miller County Manager

ASSIGNED 911 ADDRESS FORM

This is your Official Physical (911) Address

KEEP FOR YOUR RECORDS

Address: 2 AVENIDA DEL SUR	Property Account: 68502511
Legal Description: (Subdivision or Township, Rang	ge, Section): T16N R 8E S25 VALLE LINDO S/D
Block: n/a Lot: 10 Tract: A	Annexed:
Local Community Name: Santa Fe	
Postal Community Name: Santa Fe	Postal Zip Code: 87508
your mail delivery, please contact your local Post C This form can be provided to any entity requesting including, but not limited to: Post Office Motor Vehicle Division Telephone Company Utility Companies Santa	from your <i>mailing</i> address (for example, a mailing l box). If you are using this 911 address as your st Office has on file, please update your local Post or more information regarding how or if this may affect Office.
Santa Fe County updates and maintains 911 emerge the 911 databases is confidential and names and/or response personnel.	ency response databases. The information contained in phone numbers are only shared with emergency
assistance at (505) 995-2732 or toll free at 1(800) 8	accepting this 911 address, please contact our office for 394-7028 (ask to be connected to the 911 Addressing
Section). VERIFIED BY: Inlian Sena	<i>DATE:</i> June 14, 2018
Printed name: Julian Sena - GIS Analyst Santa Fe County 911 Addressing S	ection

-2732 sign