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Commissioner, District 5

**Katherine Miller**  
County Manager

**DATE:** September 13, 2017

**TO:** Board of County Commissioners

**FROM:** Jose E. Larrañaga, Development Review Team Leader *JEL*

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

**FILE REF.:** BCC CASE # LIQ 17-5060 Tumbleroot Brewing, LLC Small Brewer, Craft Distiller, and Spirit, Beer, and Wine Wholesaler Liquor License.

**ISSUE:**

Tumbleroot Brewing LLC, Jason Kirkman/Jason Fitzpatrick, Applicants, request approval of a Small Brewer, Craft Distiller, and Spirit, Beer, and Wine Wholesaler Liquor License. The site is within the Planned Development District Santa Fe Community College District (CCD) and zoned as Employment Center (CCD-EC). The property is located at 32 Bisbee Ct., Units 3-4, within Section 24, Township 16 North, Range 8 East, SDA-1 (Commission District 5).

**Vicinity Map:**



## SUMMARY:

The Applicants are requesting approval of a Small Brewer Liquor License with on premise consumption, package sales and patio service, a Craft Distiller Liquor License with on premise consumption, package sales and patio service, and a Spirit, Beer, and Wine Wholesaler Liquor License. The Applicants will be utilizing an existing 4,250 sf structure to house a brewery, a distillery, a packaging line, both warm and cold storage for the product, and a small tasting room. The existing structure was previously occupied by a small manufacturing business know as Sequoia.

The site is in the Turquoise Trail Business Park within the Planned Development District Santa Fe Community College District (CCD), Employment Center (CCD-EC) of the Sustainable Land Development Code (SLDC).

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 Small Brewer, Craft Distiller, and Spirit, Beer, and Wine Wholesaler Liquor License. In accordance with the Liquor Control Act the BCC may disapprove the issuance of the licenses 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.

On September 21, 2017, the Applicants were requesting approval of a Conditional Use Permit (CUP) to allow manufacturing of craft beer and distilled spirits from the Santa Fe County Planning Commission. At the time of preparing this memo the outcome of the public hearing was not known. If the decision of the Planning Commission was to approve the CUP, then the request for a Small Brewer Liquor License and Craft Distiller Liquor License (manufacturing) is an allowed use within the CCD-EC. If the CUP is denied by the Planning Commission the manufacturing of craft beer and distilled spirits would not be allowed within the CCD-EC. If the CUP is not approved the zoning is not proper for approval of the Liquor License.

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 August 27, 2017, and September 3, 2017.

This Application was submitted on August 23, 2017.

Chapter 8, Section 8.10.3.13, Employment Center Subdistrict Development Standards (CCD-EC) of the SLDC states:

The Employment Center Subdistrict is intended to accommodate mixed uses, where large scale employers, anchor businesses and light industry can locate in support of New Community Center Subdistrict development...The Employment Center Subdistrict provides a concentrated planned multi-use environment for light industrial and business uses. Retail uses may be included as necessary to support the needs of anchor employees. (Exhibit 6)

Table 8.44: CCD Use Table allows for a warehouse or storage facility, wholesale trade (durable and non-durable goods), refrigerated warehouse or cold storage, beer, wine, and liquor sales (off-premises consumption of alcohol), and a Tap or Tasting Room as a Permitted Use (Exhibit 7).

Growth Management staff has reviewed this request for compliance with pertinent Code requirements and finds the following facts to support this submittal: the CCD Use Table allows for a Small Brewer, Craft Distiller, and Spirit, Beer, and Wine Wholesaler Liquor License within the Employment Center Subdistrict; the State Alcohol and Gaming Division granted preliminary approval of this request; the Applicant has met the State of New Mexico requirements for noticing.

**APPROVAL SOUGHT:**

Approval of a Small Brewer Liquor License with on premise consumption, package sales and patio service, a Craft Distiller Liquor License with on premise consumption, package sales and patio service, and a Spirit, Beer, and Wine Wholesaler Liquor License.

**GROWTH MANAGEMENT AREA:**

Planned Development District Santa Fe Community College District (CCD), Employment Center (CCD-EC), SDA-1

**AGENCY REVIEW:**

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

Distance from nearest Church – 700 feet  
Distance from nearest School – 2 miles

**STAFF RECOMMENDATION:**

Approval of a Small Brewer Liquor License with on premise consumption, package sales and patio service, a Craft Distiller Liquor License with on premise consumption, package sales and patio service, and a Spirit, Beer, and Wine Wholesaler Liquor License to be located at 32 Bisbee Ct., Units 3-4, with the provision that the Planning Commission approved the CUP to allow manufacturing of craft beer and distilled spirits within the CCD-EC zoning District.

**EXHIBITS:**

- 1- Letter of Intent
- 2- Plan Set
- 3- Alcohol and Gaming Division Letter of Preliminary Approval
- 4- Aerial of Site
- 5- County Zoning Letter
- 6- Section 8.10.3.13
- 7- Table 8.44