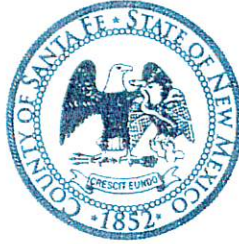


Henry P. Roybal
Commissioner, District 1

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

CASE NO. CUP 17-5080
TUMBLEROOT BREWING, LLC
JASON KIRKMAN/JASON FITZPATRICK, APPLICANTS

ORDER

THIS MATTER came before the Santa Fe County Planning Commission (Commission) for hearing on September 21, 2017, on the application of Tumbleroot Brewing LLC (Applicant) for a Conditional Use Permit to allow manufacturing of craft beer and distilled spirits pursuant to Section 4.9.6 of Ordinance No. 2016-9 the Santa Fe County Sustainable Land Development Code. The subject property is located at 32 Bisbee Court via Hwy 14, within the Planned Development District Santa Fe Community College District (CCD) and zoned as Employment Center (CCD-EC). The Commission, having reviewed the application, staff report, the Hearing Officer's recommended decision, and having conducted a public hearing on the application, finds that the application is well-taken and should be approved and makes the following findings of fact and conclusions of law:

I. Background

1. The Applicants are requesting approval of a Conditional Use Permit (CUP) to allow a manufacturing use, consisting of a small production brewery and distillery, within an existing structure (Proposed Development).
2. The Proposed Development is within the Planned District Santa Fe Community College District (CCD), Employment Center (CCD-EC) of the Sustainable Land Development Code (SLDC).

3. Table 8.44: CCD Use Table illustrates manufacturing plants as a Conditional Use which is a permitted use within the Employment Center Subdistrict upon approval of a conditional use permit.

4. The Applicants propose to utilize the 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.

5. The Property is owned by Mulligan Dog Company LLC and is leased to Applicant. The owner granted Applicant authorization to submit the application herein considered.

6. Table 8.44: CCD Use Table illustrates a Tap or Tasting Room, warm and cold storage, and the sales of beer, wine, and liquor for off premises consumption as a permitted use within the Employment Center Subdistrict upon approval by the Land Use Administrator.

7. The Applicants propose to make minor modifications to the interior of the structure to meet the needs of the brewing facility. The exterior of the existing structure as well as the parking and access will not be altered. The lot is built out and most site improvements are pre-existing (established by prior business). Limited outdoor development is proposed.

II. Applicable Provisions of the SLDC

8. Table 8.44: Use Table Labels, states:

[T]he list use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 4.

9. Chapter 8, Section 8.10.3.13, Employment Center Subdistrict Development Standards

(CCD-EC) states:

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

10. Chapter 4, Section 4.9.6.1, Conditional Use Permits, Purpose and Findings states:

This section provides for certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right but which may, under appropriate standards and factors set forth herein be approved. These uses shall be permitted through the issuance of a conditional use permit (CUP).

11. Chapter 4, Section 4.9.6.5, (Approval Criteria) states

CUPs may only be approved if it is determined that the use for which the permit is requested will not:

- i. be detrimental to the health, safety and general welfare of the area;
- ii. tend to create congestion in roads;
- iii. create a potential hazard for fire, panic, or other danger;
- iv. tend to overcrowd land and cause undue concentration of population;
- v. interfere with adequate provisions for schools, parks, water sewerage, transportation or other public requirements, conveniences, or improvements;
- vi. interfere with adequate light and air;
- vii. be inconsistent with the purposes of the property's zoning classification or in any other way inconsistent with the spirit and intent of the SLDC or SGMP.

12. Chapter 4, Section 4.9.6.6, Conditions states:

In approving any CUP, the Planning commission may;

1. Impose such reasonable standards, conditions, or mitigation requirements, in addition to any general standard specified in the SLDC or the SGMP, as the Planning Commission may deem necessary...

III. The Public Hearing Process

13. The Applicants presented the application to the Technical Advisory Committee (TAC) on

November 17, 2016, at the regular scheduled monthly meeting, as required by Chapter 4,

Section 4.4.4.3 Pre-application TAC Meeting and Table 4-1.

14. The Applicants presented the Application at a Neighborhood Meeting held on March 17,

2017, as required by Chapter 4, Section 4.4.4.4, Pre-Application Neighborhood Meeting.

The Applicants submitted material that was to be presented at the meeting, a sign-up sheet,

and a list of individuals notified of the meeting inclusive of Registered Organizations

registered with Santa Fe County. Even though the Applicants met the requirements of Section 4.4., no members of the public attended the meeting.

15. Notice requirements of the SLDC were met as per Chapter 4, Section 4.6.3, General Notice of Application Requiring a Public Hearing. In advance of the hearing on the application, the Applicants provided an affidavit of posting of notice of the hearing, confirming that the public notice posting regarding the application was made for fifteen days on the property, beginning on July 12, 2017. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on July 12, 2017, as evidence by a copy of that legal notice contained in the record. Notice of the hearing was sent to owners of land within 500' of the subject property and a list of persons sent a mailing is contained in the record.

16. The Application was presented to the Hearing Officer for consideration on July 27, 2017.

17. The Hearing Officer supported the Application, subject to the following condition:

- a. The CUP showing the site layout and any other conditions that may be imposed through the approval process shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.6.8.

18. The Commission hereby adopts in its entirety the Hearing Officer's Recommended Decision and Order (Recommended Decision and Order) attached hereto as Exhibit A, and all provisions set forth therein. Recommended Decision and Order are incorporated by reference as though fully set forth herein.

IV. Compliance with the SLDC

19. County staff solicited agency review of the Application from the following agencies: New Mexico Environment Department (NMED), Santa Fe County Public Works, the County Fire Marshal, and the County Utilities. Responses were received from NMED, Santa Fe County Public Works, the County Fire Marshal, and the County Utilities.

20. The County Public Works Department reviewed the Application for access and road design standards and, as evidence by the Public Works Division Memorandum dated April 28, 2017, states the following;

- a. The Applicants are proposing to serve the proposed project with existing access;
- b. A Traffic Impact Analysis was not required due to the low volume of traffic generated during the peak hours;
- c. Staff feels that the proposed project will not have an impact on the County Road network system; and
- d. Public Works supports the Application.

21. The Applicants propose that fire hydrants within the development known as Bisbee Court will serve as fire protection for the Proposed Development.

22. The Santa Fe County Fire Department, Fire Prevention Division reviewed the Application, as evidenced by the Fire Department Official Development Review dated April 5, 2017, and requires compliance with applicable Santa Fe County fire and life safety codes, Ordinances, and Resolutions. The project shall comply with Article I, Section 103.3.2 – New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal. Further, the County Fire Department also provided the following additional conditions of approval:

- a. Automatic Fire Protection Sprinkler systems (Sprinkler System) shall be required and is installed per 1997 Uniform Fire, Article 10 Section 1003.2 in accordance with the Building Code as adopted by the State of New Mexico and/or the County of Santa Fe. The Sprinkler System shall be maintained per NFPA 25 standards;
- b. All exist doors shall be operational.

23. The Santa Fe County Utilities Department reviewed the Application and made the following determinations:

- a. Based on the amount of beer planned to be brewed, spirits distilled, and the water use ration for this brewery/distillery, the proposed water budget of 1.09 afy for manufacturing consumables is reasonable and acceptable;
- b. If brewing and distilling is increased in the future or more bottling is done, the water budget will have to be revised to reflect this change;
- c. The Applicants' proposed water budget of 0.17 afy for the tap room is reasonable and acceptable.

24. Based upon a pre-existing connection to the County Water system and the Santa Fe County Utilities Departments' determination that the proposed water budget is reasonable and acceptable, the Commission finds that the Applicants can provide water in adequate quantity and quality to meet the needs of the Proposed Development.

25. The facility for the Proposed Development is connected to the wastewater treatment plant for the Turquoise Trail Business Park. The wastewater treatment plant is maintained by the Turquoise Trail Business Park Lot Owners Association. Existing covenants limit discharge from the facility to 625 gpd. The Applicant proposes that discharge from the Proposed Development will not exceed 566 gpd.

26. NMED reviewed the Application and determined that a determination of whether the wastewater treatment plant was capable of handling the waste that would be generated by this development should be made by the Turquoise Trail Business Park water treatment facility operator. The operator determined the facility was capable of accepting the Project wastewater. We conclude that the Application meets SLDC requirements regarding wastewater.

27. The Applicant does not propose exterior development or encroachment on existing vegetated areas. Therefore, the Commission finds that Applicants' proposal preserves and incorporates existing vegetation.

28. The Applicants propose that the existing landscaping on the west side of the site and the south side of the site will act as buffers. The Applicants propose that existing trees, shrubs, grasses and flowers, ground cover or other organic and inorganic materials will provide a buffer, in excess of 10 feet, between the Proposed Development and the local road. The Commission finds that such existing vegetation provides a landscaped area that is 10 feet in width that is required at the front of the property, which abuts a public right of way that serves a collector of public road.

29. The Proposed Development site has existing recessed lights under a portal and shielded form view. In addition, a shielded and downward lit security light is mounted on the backside of the building. The Applicants do not propose additional lighting as part of the Proposed Development. The Commission finds that the existing lighting is shielded or recessed, do not spill over onto adjacent properties, are mounted above the top of the parapet or roof, and are directed downward.

30. The Applicants are proposing to install a 32 square foot (8' x 4') wall mounted sign to replace the existing sign. The sign will be located on the façade of the building between 50 to 75 feet from the road. The Applicants propose to apply separately for the required permit for the installation of the permanent sign for the multi-tenant center.

31. The Proposed Development will have four to five employees in the market place and 15 to 20 in the taproom, depending on part-time/full time. The applicants estimate that occupancy of the taproom will be 25 people.

32. The existing site has 31 off-road parking spaces, inclusive of one Van Accessible Handicap space. The minimum number of spaces required for retail and sales is 1.0 space per 200 s.q. feet and the minimum number of spaces required for manufacturing is 1.0 space per 500 s.q. feet. The Commission finds that Applicants' proposal to use the existing parking spaces provides a minimum acceptable number of off-road parking spaces in association with the proposed uses.

33. The Proposed Development will be served by existing utilities, including electricity (PNM), natural gas (NM GAS), County Water, and a private sewer system. The applicant does not propose to add additional utilities. The Commission finds that no new or replacement utilities will be installed as part of the Proposed Development.

34. The site was part of the Rancho Viejo De Santa Fe Master Plan where open space was established to accommodate the Open Space requirements for the development known as Turquoise Trail Business Park.

35. The Turquoise Trail Business Park (Final Development Plan recorded in Bk. 358, Pg. 33) was a part of the Rancho Viejo De Santa Fe Master Plan where an Archeological Survey was conducted. There were no archeological sites found on the proposed site. Accordingly, the Commission finds that no historic or cultural properties will be impacted by the Application.

36. The Applicants do not propose any new construction or disturbance of existing open space. There is an existing retention pond sited on the southeast corner of the property. The retention pond captures water from the asphalt parking lot and the structure. The Commission finds that the existing drainage structures are designed and sized to detain or safely retain storm water on site and have the sufficient carrying capacity to accept peak discharge runoff from the development.

37. The Applicants propose to dispose of solid waste in a dumpster located on the southeast corner of the site. The solid waste will be removed and disposed of at an appropriate landfill by a private contractor. The Commission finds that the Proposed Development adequately provides for collection and disposal of solid waste.
38. The Applicants anticipate that the hours of operation for the Proposed Development will be approximately between 8:00 a.m. and 10 p.m. daily.

V. Opposition to the Application

39. There were no letters of opposition to the Application.
40. There was no testimony in opposition to the Application at the public hearing before the Commission.

VI. Conclusions of Law

41. The Application for the Conditional Use Permit meets all SLDC requirements when subjected to the conditions of the Commission's approval set forth below.
42. Any finding or conclusion set forth above that may be construed to constitute a conclusion of law is hereby incorporated as such to the same extent as if was expressly denominated as a conclusion of law.
43. The Applicants' proposals to serve the development via an existing access from Bisbee Court demonstrates that there are satisfactory roads for the Proposed Development, including ingress and egress for emergency vehicles and utility easements.
44. The parking area at the development site contains fewer than 40 parking spaces. Accordingly, the Commission finds that provisions of the SLDC regarding parking landscaping do not apply and parking landscaping is not required.

45. With regard to utilities, because no new or replacement utilities will be installed as part of the Proposed Development the Commission finds that the standards for installation or replacement of utilities in the SLDC do not apply.

46. The Commission finds that because the existing structure is served by the County Water system and the infrastructure is in place and connected, the Applicant is not required to pursue a water service agreement with The County.

47. The Commission finds that because the Proposed Development has an existing connection to County Water and a reasonable and acceptable water budget, the Applicants have demonstrated water in sufficient quantity to fulfill the maximum annual water requirements of the subdivision including water for indoor and outdoor domestic use, water of an acceptable quality for human consumption and measures to protect the water supply from contamination, and a satisfactory means of liquid waste disposal.

48. The structure is pre-existing and there are no plans to expand the structure. The Commission finds that because there are no plans to expand the structure, the SLDC requirements for water harvesting do not apply.

49. Open space designated in the Final Development Plan for the Turquoise Business Park satisfies the minimum requirements for open space in the SLDC.

50. The findings of the Archaeological Survey for the Turquoise Trail Business Park confirm satisfactory protection of cultural properties, archaeological sites and unmarked burials that may be impacted directly by the subdivision.

51. The Applicants' proposed fire protection plan, subject to the conditions below, complies with applicable Santa Fe fire and life safety codes.

52. The Applicants' proposals for terrain management, including the use of the existing retention pond, protect against flooding, inadequate drainage and erosion. The proposals meet the standards of the SLDC.

53. The Commission finds that the site is not within a FEMA Flood Hazard Area or Special Flood Hazard Areas within the County and therefore the SLDC standards for development in these areas do not apply.

54. The Applicants proposal to contract individually with a local waste collection firm supports our finding that the Applicant has established satisfactory means of solid waste disposal.

55. The Commission finds that no additional design standards for the Planned District Santa Fe Community College District (CCD), Employment Center (CCD-EC) are applicable to this development.

56. The Commission finds that the use for which the Conditional Use Permit is requested will not:

- a. be detrimental to the health, safety and general welfare of the area; the proposed use will be a small scale operation with limited hours of operation and will be monitored by State Agencies, therefore will not be detrimental to the health, safety and general welfare of the area.
- b. tend to create congestion in roads; a Traffic Impact Analysis was not required by the County Public Works Department due to the low volume of traffic generated during peak hours, therefore the use will not create congestion on roads.
- c. create a potential fire hazard for fire, panic, or other danger; the existing building is equipped with an Automatic Fire Sprinkler System and shall

maintain the system, therefore the use will not create a potential fire hazard for fire, panic, or other danger.

- d. tend to overcrowd land and cause undue concentration of population; the exterior of the existing structure as well as the parking and access will not be altered. The lot is built out and most site improvements are existing, therefore the use will not overcrowd land and cause undue concentration of population.
- e. interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements; the proposed water use and wastewater discharge have been approved by the County Utilities Department and the New Mexico Environmental Department and are in compliance. The use will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements.
- f. interfere with adequate light and air; the type of use proposed does not require a New Mexico Air Quality Permit. The exterior lights that are proposed/existing meet the criteria set forth in the SLDC, therefore the use does not interfere with adequate light and air.
- g. be inconsistent with the purposes of the property's zoning classification or in any other way inconsistent with the spirit and intent of the SLDC or SGMP; The manufacturing (use) will consist of a small production brewery and distillery. The site is within the Planned District Santa Fe Community College District (CCD); Employment Center (CCD-EC) of the Sustainable Land Development Code (SLDC). Table 8.44: CCD Use Table illustrates manufacturing plants as a Conditional Use which is a permitted use within the

Employment Center Subdistrict upon approval of a Conditional Use Permit (CUP), therefore the use is consistent with the purposes of the property's zoning classification and with the spirit and intent of the SLDC or SGMP. There are several manufacturing facilities within Bisbee Court, such as, Symphony Seed Papers, Lab ZY, Solbee, STAR Cryoelectronics, Shift New Mexico, Soothing Touch, Water Boyz, Santa Fe Tortilla Company, Aztec Spirits.

WHEREFORE the Commission finds the Application is well taken and hereby approves the Application for a Conditional Use Permit to allow manufacturing of craft beer and distilled spirits, including a packaging line and both warm and cold storage for the product, as well as a small tasting room, within an existing structure with the following conditions:

- a. The CUP showing the site layout and any other conditions that may be imposed through the approval process shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.6.8.; and
- b. If the retention pond is not clean, it is to be cleaned out.

IT IS SO ORDERED.

This Order was adopted by the Commission on this ____ day of _____, 2017.

THE SANTA FE COUNTY PLANNING COMMISSION

Filandro Anaya, Chairperson

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Gregory S. Shaffer, County Attorney

CHAIR ANAYA: Mr. Gonzales.

MEMBER L. GONZALES: I'd like to make a motion to approve Case #V 17-5050, Barbara Stromquist and Randy Felker Ridgeway Variance with staff's recommendations.

MEMBER KATZ: I would second that motion and make a finding that – adopt the finding of the Hearing Officer that noise can be a factor and also the finding that the additional information that was submitted by the applicant indicates that there is a significant noise difference. And I would add the condition that was suggested by the applicant that the majority of the freeway facing façade be obscured by plantings.

MEMBER L. GONZALES: And that's a friendly amendment, I assume.

MEMBER KATZ: Yes.

MEMBER L. GONZALES: Thank you.

CHAIR ANAYA: We have a first and a second with friendly amendments about item #5, planting trees as tall as six to eight feet tall. Do we have a – we have a first and a second.

The motion passed by majority [4-1] voice vote with Member C. Gonzales voting against.

CHAIR ANAYA: Vicki, do we have an order on that one?

MEMBER KATZ: I think you need to prepare an order for us.

MS. LUCERO: Mr. Chair, we'll need to prepare a new order with the added conditions and the additional findings. So we'll bring that back to you next month.

CHAIR ANAYA: Thank you, ma'am.

VII. G. CASE # CUP 17-5080 Tumbleroot Brewing LLC Conditional Use Permit. Tumbleroot Brewing LLC, Jason Kirkman/Jason Fitzpatrick, Applicants, request approval of a Conditional Use Permit to allow manufacturing of craft beer and distilled spirits. Tumbleroot Brewing will occupy an existing 4,250 square foot structure to house a brewery, a distillery, a packaging line, both warm and cold storage for the product and a small tasting room. The site is within the Planned Development District Santa Fe Community College District (CCD) and zoned as Employment Center (CCD-EC). The site is located at 32 Bisbee Court via Hwy 14 within T16N, R8E, Section 24, SDA-1, (Commission District 5)

JOSE LARRAÑAGA (Case Manager): Thank you, Mr. Chair. The Applicants are requesting approval of a Conditional Use Permit to allow a manufacturing use within an existing structure. The manufacturing will consist of a small production brewery and distillery. The site is within the Planned Development District Santa Fe Community College District, Employment Center of the Sustainable Land Development Code and is within the Turquoise Trail Business Park. Table 8.44, CCD Use Table illustrates manufacturing plants as a Conditional Use, which is a permitted use within the Employment Center Subdistrict upon approval of a conditional use permit.

The Applicants propose to utilize the existing 4,250 square foot structure to house a brewery, a distillery, a packaging line, both warm and cold storage for the product, and a small tasting room. Table 8.44, CCD Use Table illustrates a tap or tasting room, warm and cold storage, and the sales of beer, wine, and liquor for off premises consumption as a permitted use within the Employment Center Subdistrict upon approval by the Land Use Administrator.

The Applicants propose to make minor modifications to the interior of the structure to meet the needs of the brewing facility. The exterior of the existing structure as well as the parking and access will not be altered. The lot is built out and most site improvements are existing. Limited outdoor development is proposed.

On July 27, 2017, this application for a Conditional Use Permit was presented to the Hearing Officer for consideration. The Hearing Officer supported the Application as memorialized in the findings of fact and conclusions of law written order, subject to the following condition. The condition reads:

1. The CUP showing the site layout and any other conditions that may be imposed through the approval process shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.6.8.

Staff has analyzed the application and has determined that the proposed use meets the criteria as set forth in Chapter 4, Section 4.9.6.5. This application was reviewed for the following applicable design standards as per Chapter 7, Sustainable Design Standards of the SLDC: access, fire protection, landscape and buffering, lighting, signs, parking/loading, utilities, water supply, wastewater and water conservation, open space protection of historic and archaeological resources, terrain management, flood prevention and flood control, solid waste, and criteria set forth the Planned Development District, Santa Fe Community College District Employment Center.

Building and Development Services staff has reviewed this project for compliance with the pertinent SLDC requirements and has found the facts presented support the request for a Conditional Use Permit to allow the manufacturing use within an existing structure. The use is compatible with the current development within the Employment Center. The use will not impact adjacent land uses, and the application satisfies the submittal requirements set forth in the SLDC inclusive of the conditional use criteria as set forth in Chapter 4, Section 4.9.6.5.

The review comments from state agencies and County staff have established findings that this application to utilize an existing 4,250 square foot structure to house a brewery, distillery, a packaging line, both warm and cold storage for the product and a small tasting room is in compliance with the state requirements and design standards set forth in the SLDC. In approving any CUP the Planning Commission may impose such reasonable standards, conditions or mitigation requirements in addition to any general standards specified in the SLDC or the SGMP as the Planning Commission may deem necessary.

Recommendation: Staff recommends approval of a Conditional Use Permit to allow the manufacturing of craft beer and distilled spirits within an existing 4,250 square foot structure, located at 32 Bisbee Court with the following condition:

1. The CUP showing the site layout and any other conditions that may be imposed through the approval process shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.6.8.

Mr. Chair, I stand for any questions.

CHAIR ANAYA: Do we have any questions for Mr. Larranaga? Mr. Gonzales.

MEMBER C. GONZALES: Jose, have you been out to the site?

MR. LARRAÑAGA: Mr. Chair, Member Gonzales, no, I have not.

MEMBER C. GONZALES: I'm just curious. I'm curious and concerned about the retention pond that's there. Is the water – I know it's existing. Is the water making it into the pond and is that pond being maintained? I'm kind of curious, Jose, because it's showing – I don't know if it's a wall around the retention pond or if it's curb and gutter. I'm just wondering how the water's getting into the pond.

MR. LARRAÑAGA: Mr. Chair, Member Gonzales, I don't believe I have a topo showing the grade or the slope on this property. As you say, it's existing. We would have to verify that. I don't have proof of that in the packet.

MEMBER C. GONZALES: Okay. That's fine.

CHAIR ANAYA: Any other questions? Seeing none, is the applicant here?

[Duly sworn, Jason Fitzpatrick and Jason Kirkman testified as follows:]

JASON FITZPATRICK: Commissioners, my name is Jason Fitzpatrick. This is my partner –

JASON KIRKMAN: Jason Kirkman.

MR. FITZPATRICK: And the two of us are Tumbleroot Brewery. We have been working on this project for a couple years now. I've looked at different sites around Santa Fe and we found that Bisbee Court was an ideal location to house our brewery and distillery and small taproom there. We do have plans for a larger taproom in the City of Santa Fe and have gone through the special use permit process for that location, and this is going to be I guess the last hurdle that we need to get to for this process. We have – we initially started this with a TAC meeting last November. We had an ENN meeting in March. We had an Alcohol and Gaming hearing and we've also had our hearing in front of the Hearing Officer without any opposition at all three meetings, so we feel that the community around there is actually very supportive, even though we don't have anybody behind us in support today but we feel that they are supportive of us being in that community park and feel that our manufacturing facility, which is why we need to go through this conditional use is in the spirit of that whole business park and the Employment Center.

MR. KIRKMAN: And to add on to that, if you look at that area that is the Employment Center it extends from the C exit off of 599 but it includes Santa Fe Brewing Company, another brewery. There's another, I think just right next door, they're not a distillery but they're a rectifier. They purchase and bottle distilled spirits. So they have quantities of distilled spirits on site, do the packaging. There are other food and beverage manufacturers in the area, in that Employment Center. So from Santa Fe Tortilla Company to other honey producers, etc. So we really feel like we fit the character of that Employment Center.

MEMBER L. GONZALES: Chair Anaya.

CHAIR ANAYA: Thank you. Before I turn it over to Mr. Gonzales I have a question for you. The hours of operation that you'll be -- are what?

MR. FITZPATRICK: So we'll start brewing early in the morning, usually around, depending on the day, but 8:00 I would say. And that taproom there, our focus, it's only going to be 25 people based on the occupancy. It's a small area; it's only 300 square feet, out of the 4,250 square feet of the building, and that's mostly for tastings and tours, looking to get people in in the afternoon, maybe going home to Rancho Viejo and also just to bring people out there so they can tour the facility and actually see the process. So our hours, we don't anticipate being open very late there.

CHAIR ANAYA: So latest serving hours would be what? Ten o'clock?

MR. FITZPATRICK: I would say that would definitely be the latest.

CHAIR ANAYA: I think that's a state -- is that state?

MR. FITZPATRICK: No. State is -- so with a small brewers license or a craft distillers license you can have a taproom open until 2:00, but especially in the craft beer industry most close at 11:00 or 12:00 because nothing happens after 12:00 that's good in this business. So even our taproom will close earlier than the state requirements.

CHAIR ANAYA: Okay. And the type of water that you'll be using? And the reason I'm asking this question is because it just happened to be on the news last night about them using -- this sounds very strange but it was recycled water.

MR. FITZPATRICK: Are you talking about over in Europe, over in Germany? Recycled water from a festival?

CHAIR ANAYA: Yes.

MR. FITZPATRICK: We will not be urine in our beer.

CHAIR ANAYA: I just wanted to know why you were only having 25 people there. And the last question I have is why aren't you calling it Jason & Jason?

MR. FITZPATRICK: We thought about that but my wife came up with Tumbleroot and I like to please her.

CHAIR ANAYA: Your wife is smart. Thank you. Any other questions? Mr. Gonzales.

MEMBER L. GONZALES: How many employees are you going to have?

MR. KIRKMAN: Mr. Chair, at the production end -- this is kind of a two-part thing. We've got the production facility down on Bisbee Court and then our main taproom on Agua Fria. I'll be in charge of the production, brewing and distilling. Jason will run the taproom. The production side, we'll start off with me and another brewer and distiller, and then we'll have another employee who does packaging and runs basically kegs to the other taproom, and a bartender. So add it all up and you're talking about five employees, not all full-time to begin with, in addition to myself. And then there's also the taproom.

MR. FITZPATRICK: Yes, the taproom in town, we'll also have a marketplace there. So we'll have four to five employees in the market place and 15 to 20 in the taproom, depending on part-time/full-time.

CHAIR ANAYA: Are you guys hiring a taster? I'm not applying, believe me.

MEMBER L. GONZALES: Thank you, Jason.

CHAIR ANAYA: Any other questions? Mr. Katz.

MEMBER KATZ: I don't suppose you have some demonstrative evidence in the backpack there.

MR. FITZPATRICK: You'll have to come down and taste once we're open.

CHAIR ANAYA: On that note, any other questions? Hearing none, anybody out in the audience? It is an open meeting so does anybody want to say for or against? Seeing none, I close the open meeting. Now, let's go back to the staff or the Commissioners for any questions for staff? Hearing none, do we have a motion? Mr. Gonzales.

MEMBER C. GONZALES: Mr. Chair, I move for approval of Case #CUP 17-5080 with conditions, and I would like to add an additional condition that if the retention ponds is not cleaned it is to be cleaned out. Is that okay with you guys?

MR. FITZPATRICK: yes, it is. We can work with the landlord to make sure that happens.

MEMBER KATZ: Second.

CHAIR ANAYA: We have a motion to approve with the item #2, retention pond must be cleaned out if needed. We have a motion and a second.

The motion passed by unanimous [5-0] voice vote.

VIII. A. Petitions from the Floor

None were offered.

B. Communications from the Committee

None were presented.

C. Communications from the Attorney

None were presented.

D. Matters from Land Use Staff

None were presented.

E. Next Planning Commission Meeting: October 19, 2017

