

MEMORANDUM

DATE: February 9, 2010

TO: Board of County Commissioners

FROM: Jose E. Larrañaga, Commercial Development Case Manager

VIA: Jack Kolkmeier, Land Use Administrator
Shelley Cobau, Building and Development Services Manager
Wayne Dalton, Building and Development Services Supervisor

FILE REF: BCC Case # MIS 10-5030 Real Food Nation Restaurant License

ISSUE:

Real Food Nation, Applicant, requests approval of a Restaurant Liquor License to serve beer and wine with meals. The subject property is located at 624 Old Las Vegas Highway, within Section 4, Township 15 North, Range 10 East, Santa Fe County, (Commission District 4).

SUMMARY:

The Applicant is requesting approval of a Restaurant Liquor License. Real Food Nation will not have a bar, however they intend to serve beer and wine with meals. The issuance of a Restaurant Liquor License will not increase the intensity of the restaurant as there is not any proposed expansion of the existing site.

The property is acknowledged by the county as a legal non-conforming commercial property for restaurant and/or food service use. An Administrative Development Plan, for the Station Café & Restaurant, was approved and recorded with conditions in 2008. The development plan describes a building for a kitchen area to prepare food and a building to be utilized as a restaurant.

Ordinance No. 2005-08 (U.S. 285 South Highway Corridor Zoning District) designates this site as Neighborhood Mixed Use which allows for beer and wine to be served in a restaurant as a

permitted use. The zoning on this site allows for the building approved by the county as a restaurant to serve beer and wine with meals.

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. Legal notice of this request has been published in the newspaper. The Board of County Commissioners are required to conduct a public hearing on the request to grant a Restaurant Liquor License at this location.

RECOMMENDATION:

Staff has reviewed this application and has found the following facts to support this submittal: the U.S. 285 South Highway Corridor Zoning District designates this site as a Neighborhood Mixed Use which allows for beer and wine to be served in a restaurant as a permitted use; the Applicant's request complies with Ordinance No. 2005-08 and the Santa Fe County Land Development Code; the Applicant has met the State of New Mexico requirements for noticing, distance from Schools and Churches; therefore Staff recommends **approval** of the Applicants request.

ATTACHMENTS:

- Exhibit "A"- Alcohol and Gaming Division Letter of Preliminary Approval
- Exhibit "B"- Vicinity Map
- Exhibit "C" – Letter of Intent
- Exhibit "D"- Zoning Statement
- Exhibit "E" – Restaurant and Parking Site Plan
- Exhibit "F" – ED Permit
- Exhibit "G" – County Business License
- Exhibit "H" – Zoning Map