



# City of Santa Fe, New Mexico

# memo

DATE: February 21, 2014

TO: Mayor Coss & City Councilors

VIA: Brian K. Snyder / by gyp  
Brian K. Snyder, City Manager

FROM: Yolanda Y. Vigil  
Yolanda Y. Vigil, City Clerk

## **ITEM & ISSUE**

Request for a waiver of 300 foot location restriction and if the waiver is granted, consideration of a request for a Transfer of Ownership and Location of Inter-Local Dispenser License #2507 with on premise consumption only.

## **BACKGROUND AND SUMMARY**

Drury Hotels Company, LLC has requested the following:

- 1) Pursuant to §60-6B-10 NMSA 1978, a request for a waiver of the 300 foot location restriction to allow the sale of alcoholic beverages at Drury Plaza Hotel-Santa Fe, 228 E. Palace, which is within 300 feet of The Cathedral Basilica of Saint Francis of Assisi, 131 Cathedral Place, the Episcopal Church of the Holy Faith, 311 E. Palace Avenue and the New Mexico School for the Arts, 275 E. Alameda Street.
- 2) If the waiver of the 300 foot location restriction is granted, a request from Drury Hotels Company, LLC for a transfer of ownership and location of Inter-Local Dispenser License #2507 from AmRest, LLC, dba Applebee's Neighborhood Bar & Grill, 830 Paseo de Pueblo, Taos, to Drury Hotels Company, LLC, dba Drury Plaza Hotel-Santa Fe, 228 E. Palace, Santa Fe.

Attached is a letter from Attorney Linda Aiken explaining that there will be two (2) liquor license requests for the Drury Plaza Hotel- Santa Fe ("DHC"). The liquor license currently being considered is to provide three (3) complimentary alcoholic beverages between the hours of 5:30 p.m. and 7:00 p.m. to hotel guests. This service will be controlled by Drury Hotels Company, LLC and will occur in the hotel lobby area, which will be the licenses premise for DHC.

The second liquor license request, which has not been received by the City of Santa Fe, will be leased to a company that will operate a hotel restaurant, lounge and provide room service.

Attached are letters of no objection from Reverend Adam Lee Ortega y Ortiz, the Cathedral Basilica of St. Francis of Assisi and from Kenneth Semon, President of the Episcopal Church of the Holy Faith, 311 E. Palace Avenue. The applicant has contacted the New Mexico School for the Arts but has not received a letter stating their position on this request.

Included in your packet are staff reports regarding litter, noise and traffic. Staff does not anticipate a substantial change in litter and noise or any unacceptable traffic impacts due to the approval of this request.

Staff is recommending that it be noted that Drury Hotels Company, LLC is required to comply with all of the city's ordinances as a condition of doing business in the city.

**ACTION REQUESTED**

I request that the City Council indicate its decision on the transfer of ownership and location of Inter-Local Dispenser License #2507 from AmRest, LLC, dba Applebee's Neighborhood Bar & Grill, 830 Paseo de Pueblo, Taos, to Drury Hotels Company, LLC, dba Drury Plaza Hotel-Santa Fe, 228 E. Palace.

Attachments:           Alcohol & Gaming Division Application  
                              Letter/ The Cathedral Basilica of Saint Francis of Assisi  
                              Letter/ Episcopal Church of the Holy Faith  
                              Letter/Attorney Linda Aiken  
                              Notice of Public Hearing  
                              Staff Reports  
                              §60-6B-10 NMSA 1978



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/alcoholandgaming

January 22, 2014

Certified Mail No.: 7006 3450 0000 3001 2238



Susana Martinez  
GOVERNOR

Robert "Mike" Unthank  
SUPERINTENDENT

James C. McKay  
GENERAL COUNSEL

Mary Kay Root  
DIRECTOR

City of Santa Fe  
Attn: Yolanda Y. Vigil, City Clerk  
P.O. Box 909  
Santa Fe, NM 87504-0909

Re: Lic. No. /Appl. No.: Lic. No. 2507 / Appl. No. A-896012  
Applicant Name: Drury Hotels Company, LLC  
Doing Business As: Drury Plaza Hotel-Santa Fe  
Proposed Location: 228 E. Palace  
Santa Fe, New Mexico 87501

**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 in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

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. 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 at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, which requires that two weeks of publication must be satisfied 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 and Gaming Division; and (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.

**THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP AND LOCATION OF LIQUOR LICENSE NO. 2507 WITH ON PREMISE CONSUMPTION ONLY.**

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

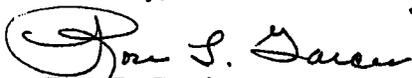
The governing body may disapprove the issuance or transfer of the license if:

- 1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).
- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval.
- 3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty (30) days after the Public Hearing, the governing body **shall** notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved 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 notice of publication(s). 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 will give Final Approval to the issuance or transfer of 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 page 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: Original Page 1 of Application  
Copy of Page 2 of Application

---

**New Mexico Regulation and Licensing Department**  
ALCOHOL AND GAMING DIVISION

Page 2 of 2

State Liquor License # 2507  
Application Number 896012

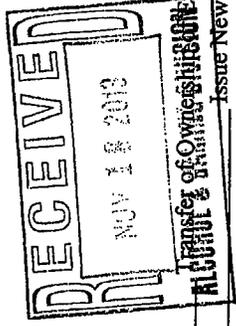
STATE OF NEW MEXICO  
REGULATION AND LICENSING  
DEPARTMENT

ALCOHOL AND GAMING DIVISION

2415-108 P.O. BOX 25101 Santa Fe,  
New Mexico 87504-5101  
\$200.00  
OK #50206 505-476-4570

*[Handwritten signature]*

Record Owner of License AmRest, LLC  
Current D/B/A Name Applicbee's Neighborhood Bar & Grill  
Current Premise Address 830 Paseo del Pueblo



Taos, New Mexico

Liquor License Application  
Non Refundable Application Fee- \$200.00

Application is for: (check one) Change of Stock  Change of Officers/Directors   
Transfer of Ownership and Location  Transfer Location  Other   
Issue New License  Existing License

Applicant is: Individual  Corporation  Partnership (General or Limited)  Limited Liability Company

NAME OF APPLICANT (company or individual): \_\_\_\_\_ ADDRESS (INCLUDING CITY, STATE, ZIP) \_\_\_\_\_ TELEPHONE NUMBER \_\_\_\_\_

Drury Hotels Company, LLC 721 Emerson Road, Suite 400, St. Louis, MO 63141  
Notice also to: Linda L. Aikin, Esq., 530B Harkle Road, Santa Fe, NM 87505 PH: 505-982-6224 FAX: 505-992-8378

DBA Name to be used: Drury Plaza Hotel - Santa Fe Phone Number for licensed premises TBD  
Physical Address Where License is to be used: 228 E. Palace, Santa Fe, New Mexico 87501  
(Street No./Highway No./State Road/City/County)

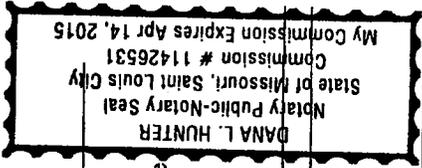
Mailing Address: 721 Emerson Road, Suite 400, St. Louis, MO 63141  
(Street No./P.O. Box/City/State/Zip)

Are alcoholic beverages currently being dispensed at the proposed location?  No  Yes, give license number \_\_\_\_\_

Joseph B. Pereles, as (title) Manager, being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the contents thereof and that all statements therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue said license or may cause such license to be revoked at any time.

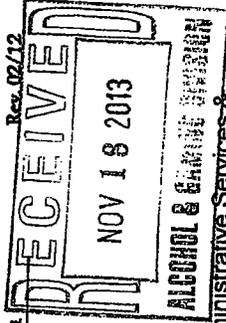
Signature of Applicant(s) Joseph B. Pereles Date October 11, 2013  
Notary Public Use Only

SUBSCRIBED AND SWORN TO before me this 11<sup>th</sup> day of October, 2013 by Joseph B. Pereles (Name of Person(s) Signing Above)  
NOTARY PUBLIC: Dana L. Hunter My Commission Expires: 4/14/2015



Local Governing Body of: \_\_\_\_\_ (CITY OR COUNTY) Hearing Held on: \_\_\_\_\_  
PLEASE CHECK ONE:  APPROVED  DISAPPROVED CITY/COUNTY OFFICIAL (Signature and Title): \_\_\_\_\_

AGID Use Only  DIRECTOR  APPROVAL  DATE \_\_\_\_\_



**PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION**  
SS-60-6B-10

1. The land and building which is proposed to be the licensed premises is (check one):  
 Owned by Applicant \_\_\_\_\_ Leased by Applicant (attach copy of deed or lease) \_\_\_\_\_ Other (provide details) X - Management, Administrative Services & Marketing Agreement ("Management Agreement")

A. Owner(s) DSW Santa Fe, LLC  
 B. Date and term of lease: Management Agreement: Dated October 2013; ten-year term.

3. Premises location is zoned (example C-1) \_\_\_\_\_  
 If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church \*(Property line of church to licensed premises—shortest distance).  
Cathedral Basilica of St. Francis of Assisi  
 Miles/feet -0- (adjacent) Name of church \_\_\_\_\_ Address/location of church 131 Cathedral Pl Santa Fe, NM 87501

5. Distance from nearest school \*(Property line of school to licensed premises—shortest distance).  
 Miles/feet -0- (adjacent) Name of school New Mexico School for the Arts Address/location of school 275 East Alameda, Santa Fe, NM 87502

6. Distance from military installation \*(Property line of military installation to licensed premises—shortest distance.)  
 Miles 65 Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

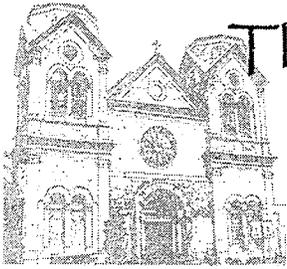
7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

\*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge X Restaurant X Package Grocery \_\_\_\_\_ Racetrack \_\_\_\_\_ Hotel X Other (specify) \_\_\_\_\_





# The Cathedral Basilica of St. Francis of Assisi

P.O. Box 2127, Santa Fe, NM 87504-2127 ✕

www.cbsfa.org

January 28, 2014

*Via email ([lla@cybermesa.com](mailto:lla@cybermesa.com)) and regular mail*

Ms. Linda Aikin  
530B Harkle Road  
Santa Fe, NM 87505

Re: New Mexico Liquor License No. 2507 ("1<sup>st</sup> Liquor License")  
New Mexico Liquor License No. 2746 ("2<sup>nd</sup> Liquor License")

Dear Linda:

My name is Fr. Adam Lee Ortega y Ortiz and I am the President Rector of The Cathedral Basilica of St. Francis of Assisi, a New Mexico non-profit corporation (the "Cathedral"). Please be advised that:

1. The Cathedral is the owner of the church at 131 Cathedral Place, Santa Fe, New Mexico 87501; and
2. The Cathedral has no objection to the pending application to transfer the ownership of the 1<sup>st</sup> Liquor License from AmRest, LLC, a Delaware limited liability company to Drury Hotels Company, LLC, a Nevada limited liability company; and
3. The Cathedral has no objection to the pending application to transfer the ownership of the 2<sup>nd</sup> Liquor License from El Camino N.M., L.L.C. to Santa Fe Cafe, LLC, a Missouri limited liability company.

Should you have any questions, please feel free to contact me at the address listed above.

Sincerely in Christ,

Very Rev. Adam Lee Ortega y Ortiz  
President Rector  
Cathedral Basilica of St. Francis of Assisi

CC: Ryan Shasserre; Corporate Counsel

Enclosure

P: 505.982.5619 ✕

F: 505.989.1952 ✕

  
sfcathedral@cbsfa.org

**THE CHURCH OF THE HOLY FAITH**

**311 E. Palace Ave.  
Santa Fe, NM 87501  
(505) 982-4447**

February 13, 2014

*Via email ([lla@cybermesa.com](mailto:lla@cybermesa.com)) and regular mail*

Ms. Linda Aikin  
530B Harkle Road  
Santa Fe, NM 87505

Re: New Mexico Liquor License No. 2507 (“1<sup>st</sup> Liquor License”)  
New Mexico Liquor License No. 2746 (“2<sup>nd</sup> Liquor License”)

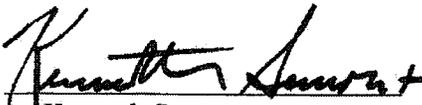
Dear Linda:

My name is Father Kenneth Semon and I am the President of The Church of the Holy Faith, Inc., a New Mexico non-profit corporation (the “Church”). Please be advised that:

1. The Church is the owner of the church which is located at 311 E. Palace Ave., Santa Fe, New Mexico 87501; and
2. The Church has no objection to the pending application to transfer the ownership of the 1<sup>st</sup> Liquor License from AmRest, LLC, a Delaware limited liability company to Drury Hotels Company, LLC, a Nevada limited liability company; and
3. The Church has no objection to the pending application to transfer the ownership of the 2nd Liquor License from El Camino N.M., L.L.C. to Santa Fe Cafe, LLC, a Missouri limited liability company.

Should you have any questions, please feel free to contact me at the address listed above.

Sincerely,

By:   
Kenneth Semon  
President

**LINDA L. AIKIN**  
**LAWYER**  
530B Harkle Road  
SANTA FE, NEW MEXICO 87505  
(505) 982-6224  
FAX: (505) 992-8378  
E-Mail lla@cybermesa.com

February 19, 2014

**Via Email**

Ms. Yolanda Vigil  
City Clerk  
City of Santa Fe  
200 Lincoln Ave  
Santa Fe, New Mexico 87501

Re: Drury Plaza Hotel-Santa Fe: Two Liquor Licenses

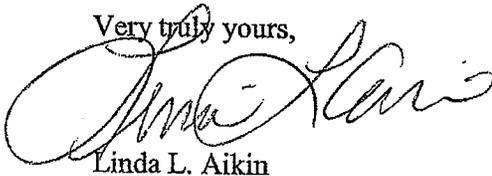
Dear Ms. Vigil:

This letter is written to explain the reason that there will be two liquor licenses at Drury Plaza Hotel-Santa Fe ("Hotel"). Drury Hotels Company, LLC ("DHC") is the Hotel management company and has applied for one liquor license that will only be used to provide three (3) complimentary alcoholic beverages between the hours of 5:30 p.m. and 7:00 p.m. to Hotel guests ("Kick Back Service"). The Kick Back Service will be controlled by DHC and will occur in the Hotel lobby area, which is the licensed premise for DHC. The city public hearing for the liquor license for DHC is scheduled for February 26, 2014.

The second liquor license is being acquired by Santa Fe Cafe, LLC, which is a Drury owned company. The second liquor license will be leased to a company that will operate a Hotel restaurant, lounge and provide room service. Drury owned hotels do not generally have restaurants but the owner of the Hotel would like to provide a first class restaurant operation while maintaining ownership of the liquor license. Because the restaurant, lounge, and room service will be operated by a different company than the Kick Back Service, the two companies cannot legally share one liquor license. Operation of a liquor license cannot be shared between the owner and lessee of the liquor license. One company must be the sole operator of each liquor license. The application for the second liquor license received preliminary approval this week and the City of Santa Fe should receive notice of preliminary approval at any time.

Please let me know if you have any questions.

Very truly yours,



Linda L. Aikin

CITY OF SANTA FE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Governing Body of the City of Santa Fe will hold a public hearing on Wednesday, February 26, 2014 at its regular City Council Meeting, 7:00 p.m. session, at City Hall Council Chambers, 200 Lincoln Avenue.

The purpose of this hearing is to discuss a request from Drury Hotels Company, LLC for the following:

- a) Pursuant to §60-6B-10 NMSA 1978, a request for a waiver of the 300 foot location restriction to allow the sale of alcoholic beverages at Drury Plaza Hotel-Santa Fe, 228 E. Palace which is within 300 feet of The Cathedral Basilica of Saint Francis of Assisi, 131 Cathedral Place, the Episcopal Church of the Holy Faith, 311 E. Palace Avenue and the New Mexico School for the Arts, 275 E. Alameda Street;
- b) If the waiver of the 300 foot restriction is granted, a request from Drury Hotels Company, LLC for a Transfer of Ownership and Location of Inter-Local Dispenser License #2507, with on premise consumption only, from AmRest, LLC, dba Applebee's Neighborhood Bar & Grill, 830 Paseo del Pueblo, Taos, to Drury Hotels Company, LLC, dba Drury Plaza Hotel Santa Fe, 228 E. Palace, Santa Fe.

All interested citizens are invited to attend this public hearing.

  
Yolanda Y. Vigil  
City Clerk

Received by The New Mexican on  
Date February 11, 2014  
To Be Published On 2/14/14  
and 2/21/14  
By Jessica and Greg  
The New Mexican (Signature)



5. If the answer to question #3 is yes, indicate the current hours of operation of the business.

N/A

If the hours of operation will change due to the sales of liquor, indicate the revised hours.

6. If this is a new business, indicate the anticipated hours of operation of the business.

Hotel will be open 24 hours a day.

Service of alcoholic beverages limited to hotel guests in the evenings.

7. If the answer to question #3 is yes, indicate the anticipated change in business volume due to the sales of liquor.

Business is expected to increase (number of customers per day \_\_\_\_\_)

Business is expected to decrease (number of customers per day \_\_\_\_\_)

Business is expected to remain the same

8. If the answer to question #3 is no, indicate the number of customers anticipated per day at the business:

162 hotel guests a day, average,

9. Estimate the number of customers per day who currently drive (or will drive) to the business versus the number who walk.

number of customers who drive or delivered by shuttle or other vehicle service

number of customers who walk

10. Has liquor ever been sold at this business site?

yes

no

11. If the answer to question #10 is yes, indicate the name of the establishment and the year(s) that liquor sales occurred.

Name N/A

Year(s) \_\_\_\_\_

12. Indicate which of the following statements best reflects your opinion regarding traffic impacts if this request is approved.

traffic can be expected to increase on adjacent streets if this request is approved

traffic will not increase on adjacent streets if this request is approved

Name of person completing this form Brian Nenninger

Telephone number 832-338-3064

Date \_\_\_\_\_

(For City Use Only)

Based upon the information provided above, staff has the following comments:

It does not appear that the approval of this request will create any unacceptable traffic impacts.

It appears that the approval of this request will create unacceptable traffic impacts (see comments below).

Other comments \_\_\_\_\_

By [Signature]

Title TRAFFIC ENGINEER

Date 2/21/14



# City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

David Coss, *Mayor*

**Councilors:**

Rebecca Wurzbarger, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Peter N. Ives, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Bill Dimas, Dist. 4

Ronald S. Trujillo, Dist. 4

**DATE:** February 19, 2014 for the City Council Meeting of February 26, 2014

**TO:** Mayor and City Council Members

**VIA:**

  
\_\_\_\_\_  
Brian Snyder, City Manager

Matthew O'Reilly, Director, Land Use Department 

**FROM:** Antoinette Padilla, Code Enforcement Specialist 

## **ITEM AND ISSUE**

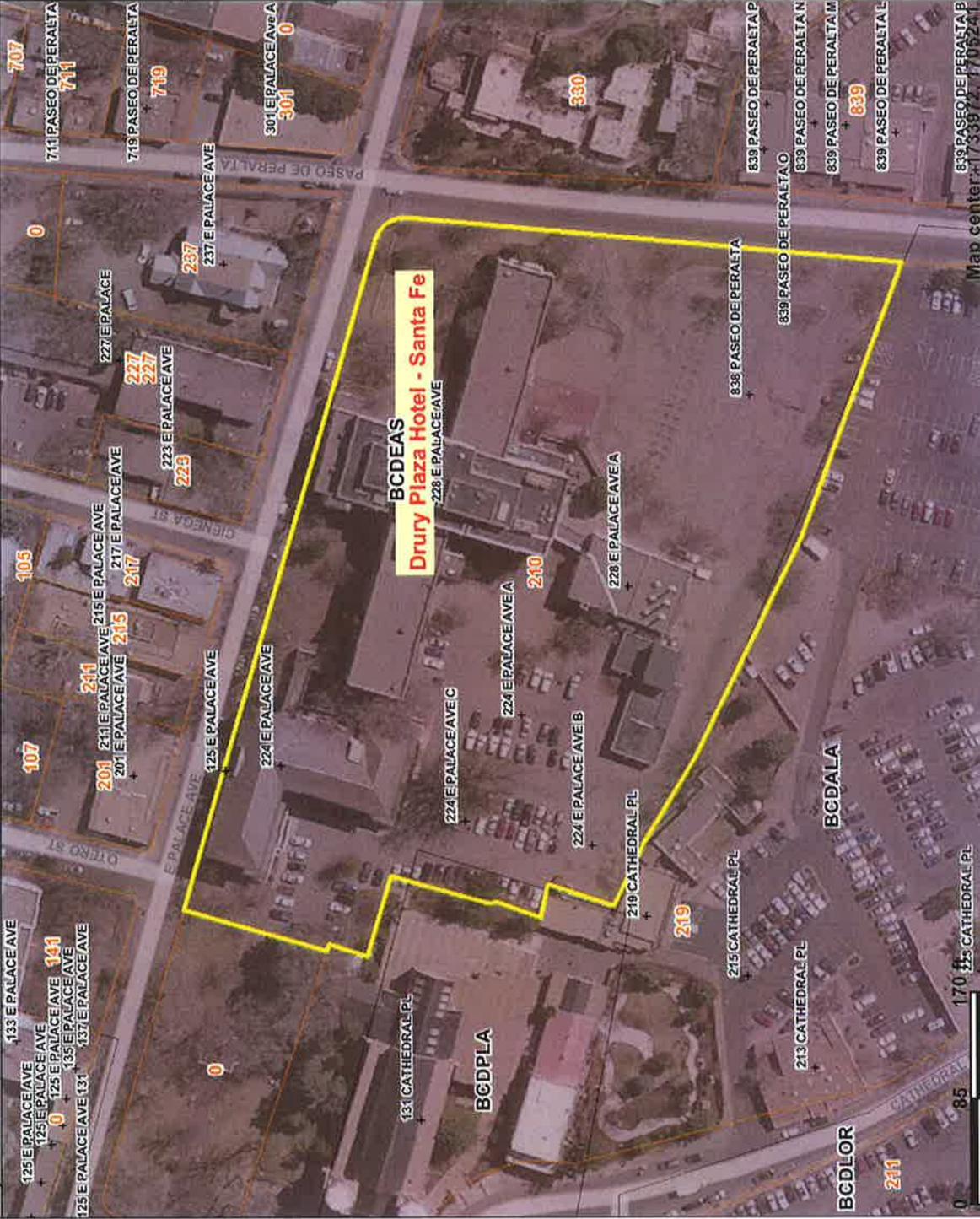
Litter and noise impact assessment, due to a request from Drury Hotels Company LLC for the following:

- a) Pursuant to §60-6B-10 NMSA 1978, a request for a waiver of the 300 foot location restriction to allow the sale of alcoholic beverages at Drury Plaza Hotel-Santa Fe, 228 E. Palace which is within 300 feet of The Cathedral Basilica of Saint Francis of Assisi, 131 Cathedral Place, the Episcopal Church of the Holy Faith, 311 E. Palace Avenue and the New Mexico School for the Arts, 275 E. Alameda Street;
- b) If the waiver of the 300 foot restriction is granted, a request from Drury Hotels Company, LLC for a Transfer of Ownership and Location of Inter-Local Dispenser License #2507, with on premise consumption only, from AmRest, LLC, dba Applebee's Neighborhood Bar & Grill, 830 Paseo del Pueblo, Taos, to Drury Hotels Company, LLC, dba Drury Plaza Hotel-Santa Fe, 228 E. Palace, Santa Fe, New Mexico.

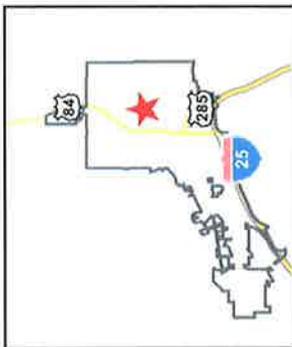
## **BACKGROUND AND SUMMARY**

A substantial change in litter and noise due to this request is not anticipated.

# 228 E. Palace Avenue



This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



### Legend

- City Limits
- Full Address Labels
- Parcels
- Airport Clear Zones
- Zoning**
- RR Rural Residential
- R1, (PUD) Single - Family 1du/ac
- R2, (DT), (PUD), (AC) Single - Family 2du/ac
- R3, (PUD) Single - Family 3du/ac
- R4 Single - Family 4du/ac
- R5, (DT), (PUD), (AC), R6 Single - Family 5-6du/ac
- R7, (I), (PUD), R8 Single - Family 7-8du/ac
- RC5, RC5AC Compound 5du/ac
- RC6, RC6AC Compound 8du/ac
- R10, (PUD) Multiple - Family 10du/ac
- R12, (PUD) Multiple - Family 12du/ac
- R21, (PUD) Multiple - Family 21du/ac
- R29, (PUD), (AC) Multiple - Family 29du/ac
- RAC Residential Arts & Crafts
- MHP Mobile Home Park

Scale: 1:1,489



**60-6B-10. Locations near church or school; restrictions on licensing.**

No license shall be issued by the director for the sale of alcoholic beverages at a licensed premises where alcoholic beverages were not sold prior to July 1, 1981 that is within three hundred feet of any church or school. A license may be granted for a proposed licensed premises if the owner or lessee has, prior to establishment of a church or school located within three hundred feet of the proposed licensed premises, applied for, been granted and maintained a valid building permit for the construction or renovation of the proposed licensed premises and has filed on a form prescribed by the director a notice of intention to apply for transfer of a license to the proposed licensed premises. A license may be granted for a proposed licensed premises if a person has obtained a waiver from a local option district governing body for the proposed licensed premises. For the purposes of this section, all measurements taken in order to determine the location of licensed premises in relation to churches or schools shall be the straight line distance from the property line of the licensed premises to the property line of the church or school. This provision shall not apply to any church that has been designated as an historical site by the cultural properties review committee and which does not have a regular congregation.