

AGENDA ITEM #: _____

DATE: August 22, 2016

COAC #: 16-5879

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

SUBJECT: Application for Acquisition of Control for QuikTrip #1401

STAFF PRESENTER: Maureen Scott, City Clerk

CASE NUMBER: N/A

OTHER PRESENTER: N/A

RECOMMENDATION:

1. Approve a request from Troy Charles DeVos, agent for QuikTrip Corporation, dba QuikTrip #446, for an Acquisition of Control for Series 10 Liquor License #10074069, located at 550 N. Dysart Road, Goodyear, Arizona (Generally located north of the intersection of Dysart Road and Van Buren Street); and
2. Approve a request from Troy Charles DeVos, agent for QuikTrip Corporation, dba QuikTrip #1401, for an Acquisition of Control for Series 10 Liquor License #10075880, located at 575 N. Estrella Parkway, Goodyear, Arizona (Generally located on the east side of Estrella Parkway south of the I-10 interchange).

PURPOSE:

QuikTrip recently had a change in their ownership structure. Therefore, they are required to apply for an Acquisition of Control with the Arizona Department of Liquor Licenses and Control.

BACKGROUND AND PREVIOUS ACTIONS:

Quick Trip #446 was issued a Series 10 Liquor License #10074069 on April 11, 2001.

QuikTrip #1401 was issued a Series 10 Liquor License #10075880 on September 28, 2010.

A Series 10 Liquor License is for a beer and wine store and is non-transferable.

The completed applications for Acquisition of Control is on file in the City Clerk's Office.

These types of liquor license applications have previously not been taken to Council for consideration in Goodyear. In the fall of 2015, the Arizona Department of Liquor Licenses and Control provided training advising cities that the Local Governing Body (City Council) should be making a recommendation to the Liquor Board on Acquisition of Control applications, and to also post the property with a Notice of Hearing for 20 days prior to the scheduled City Council meeting date. Going forward, these applications will be placed on the Consent agenda for Council consideration.

CURRENT POLICY:

A.R.S. §4-203: Licenses: issuance: transfer: reversion to state

F. If a person other than those persons originally licensed acquires control over a license or licensee, the person shall file notice of the acquisition with the director within thirty business days after the acquisition of control and a list of officers, directors or other controlling persons on a form prescribed by the director. All officers, directors or other controlling persons shall meet the qualifications for licensure as prescribed by this title. On request, the director shall conduct a pre-investigation before the assignment, sale or transfer of control of a license or licensee, the reasonable costs of which, not to exceed one thousand dollars, shall be borne by the applicant. The pre-investigation shall determine whether the qualifications for licensure as prescribed by this title are met. On receipt of notice of an acquisition of control or request of a pre-investigation, the director shall forward the notice within fifteen days to the local governing body of the city or town,

If the licensed premises is in an incorporated area, or the county, if the licensed premises is in an unincorporated area. The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. If the director does not receive any protests, the director may protest the acquisition of control or approve the acquisition of control based on the capability, reliability and qualification of the person acquiring control. Any protest shall be set for a hearing before the board.

Any transfer shall be approved or disapproved within one hundred five days of the filing of the notice of acquisition of control. The person who has acquired control of a license or licensee has the burden of an original application at the hearing, and the board shall make its determination pursuant to section 4 202 and this section with respect to capability, reliability and qualification.

H. A restructuring of a licensee's business is an acquisition of control pursuant to subsection F of this section and is a transfer of a spirituous liquor license and not the issuance of a new spirituous liquor license if both of the following apply:

1. All of the controlling persons of the licensee and the new business entity are identical.
2. There is no change in control or beneficial ownership.

The City Council's recommendation of approval, disapproval or no recommendation will be forwarded to the Department of Liquor Licenses and Control ("Department") for their consideration. If the City Council recommendation is for approval, no hearing is required unless the Director of the Department, the State Liquor Board ("Board"), or any aggrieved party requests a hearing on the grounds that the public convenience and the best interest of the community will not be substantially served if a license is issued. If no hearing is requested, the Director may approve the license. If the City Council recommendation is for disapproval of an application, a statement of the specific reasons along with a summary of the testimony or other

evidence supporting the recommendation for disapproval shall be attached to the order of disapproval and submitted to the Director and a public hearing will be held.

If the City Council recommendation is no recommendation, the Director may cancel the hearing and issue the license unless the Board, or any aggrieved party, protests and requests a hearing. If the reason for the protest is clearly removed or deemed satisfied by the Director, the Board shall cancel the hearing and the Department may issue the license.

PUBLIC PARTICIPATION:

The application has been properly posted on the property for the State mandated 20-day period. Any petitions or protests pursuant to A.R.S. 4-201(b) received during the 20-day posting period will be added to this report.

STAFF ANALYSIS:

There are no licensed childcare facilities or K-12 schools within 300 ft. of the location.

The application has been routed to Police, Fire, Code Enforcement, and Community Development, and any comments are listed on Attachment A.

FISCAL ANALYSIS:

Per the Goodyear Municipal User Fee Schedule, a liquor license fee is only charged for new liquor licenses. Acquisition of Control Liquor Licenses are current liquor licenses, therefore, no fee is charged.

ATTACHMENTS:

1. Attachment A – License #10074069
2. Map with one-mile radius
3. Attachment A – License # 10075880
4. Map with one-mile radius

Attachment A

Acquisition of Control

Received June 30, 2016

Applicant: Troy Charles DeVos

Business Name: QuikTrip Corporation

License No.: 10074069

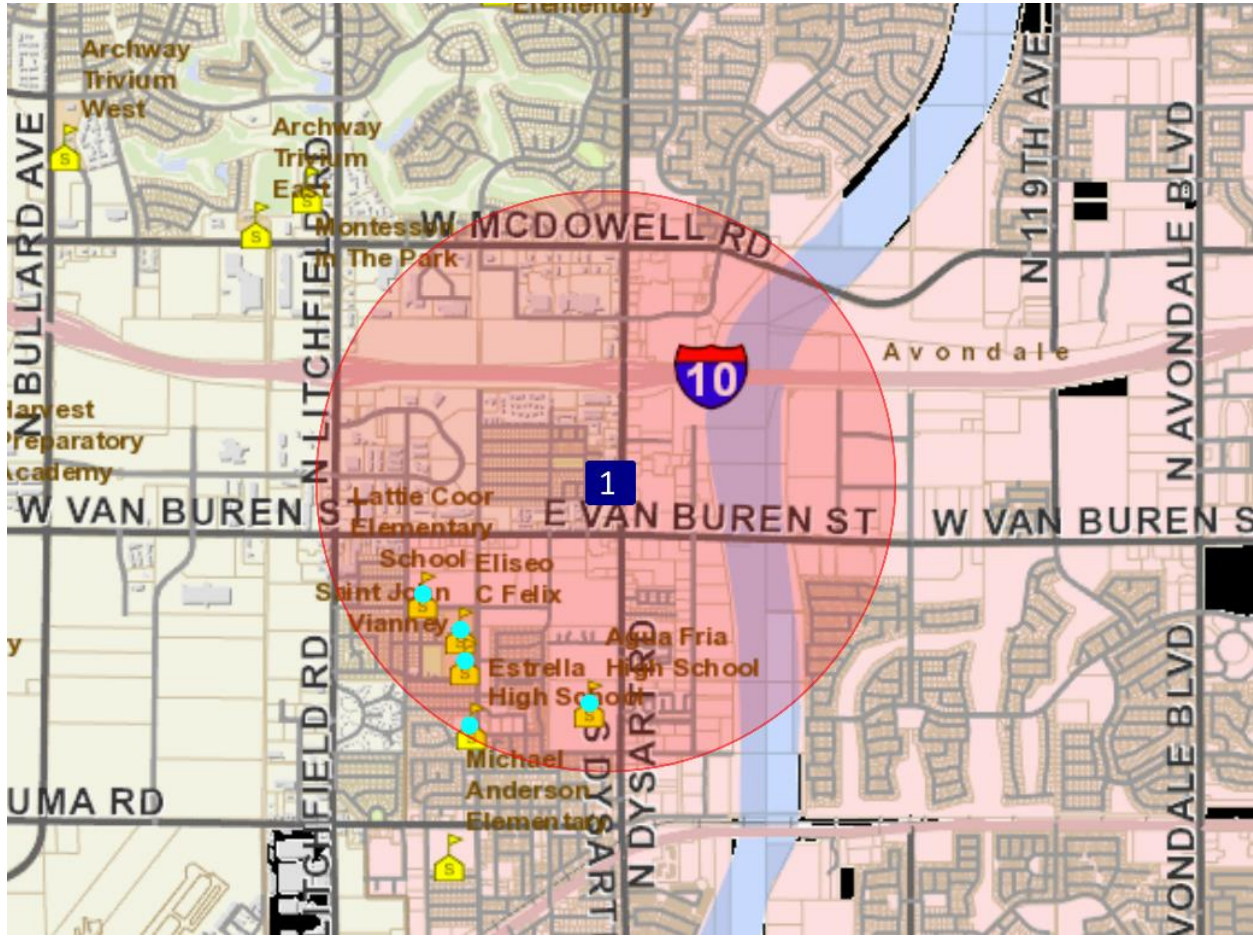
Department	Comments
Police	None
Fire	None
Code	None
Development Services	None

Goodyear Liquor License Locations within One Mile

BUSINESS	ADDRESS	SERIES
DINO'S GREEK & ITALIAN GRILL	1550 N. DYSART RD. B-8	12
TOMO JAPANESE CUISINE	1550 N. DYSART RD. A-7	12
BEST WESTERN PHOENIX GOODYEAR INN	55 N LITCHFIELD RD.	11
MIMI'S CAFÉ	1220 N. DYSART RD.	12
HOLIDAY INN HOTEL & SUITES	1188 N. DYSART RD.	11
BLACK BEAR DINER	980 N. DYSART RD.	12
SAMARAI ASIAN BISTRO	330 N. DYSART RD.	12
CROSSROADS LOUNGE	580 N. DYSART RD.	6
GOODYEAR FOOD STORE	13310 W. VAN BUREN ST.	10
CIRCLE K STORE	315 N. LITCHFIELD RD.	10
CIRCLE K STORE	1264 N LITCHFIELD RD	10
MANNY'S MEXICAN GRILL	13290 W VAN BUREN ST.	12
ANGRY CRAB RESTAURANT	310 N LITCHFIELD RD.	12
CHILES GRILL	1371 N LITCHFIELD RD	12
MARISCOS CAMARON PELAO	350 N DYSART RD, #201	12
RAUL & THERESA'S	1363 N LITCHFIELD RD	12
RUDY'S COUNTRY STORE & BBQ	845 N LITCHFIELD RD	7
SALA THAI RESTAURANT	432 N LITCHFIELD RD	12

Series 6 (Bar)**Series 7 (Beer & Wine Bar)****Series 10 (Beer & Wine Store)****Series 11 (Hotel/Motel)****Series 12 (Restaurant)**

Location Map with one-mile radius



Attachment A

Acquisition of Control
Applicant: Troy Charles DeVos
Business Name: QuikTrip Corporation
License No.: 10075880

Received June 30, 2016

Department	Comments
Police	None
Fire	None
Code	None
Development Services	None

Goodyear Liquor License Locations within One Mile

BUSINESS	ADDRESS	SERIES
WAL-MART SUPERCENTER	1100 N ESTRELLA PKWY	9
TEXAS ROADHOUSE	15255 W MCDOWELL RD	12
RED LOBSTER	15311 W MCDOWELL RD	12
ARRIBA MEXICAN GRILL	15370 W MCDOWELL RD	12 & 3
OREGANOS	15280 W. MCDOWELL RD	12
BEVMO	15405 W MCDOWELL RD	9
OLIVE GARDEN	15411 W MCDOWELL RD	12
BARRO'S PIZZA	15475 W MCDOWELL RD, #103	12
AH-SO SUSHI & STEAK	15475 W MCDOWELL RD, #105	12
RUBIO'S FRESH MEXICAN GRILL	15479 W MCDOWELL RD	12
AUGIE'S SPORTS GRILL	15605 W ROOSEVELT ST	12
WALGREENS #12334	1654 N PEBBLE CREEK PKWY	10
AKAIHANA SUSHI & GRILL	2293 N PEBBLE CREEK PKWY	12
WALGREENS #02243	387 N ESTRELLA PKWY	10
SAFEWAY FOOD & DRUG	440 N ESTRELLA PKWY	9
QUIKTRIP	575 N ESTRELLA PKWY	10
NATIVE GRILL & WINGS	15375 W MCDOWELL RD	12
SADDLE MOUNTAIN BREWING	15651 W ROOSEVELT ST	12 & 3

Series 3 (Microbrewery)
Series 9 (Liquor Store)
Series 10 (Beer & Wine Store)
Series 11 (Hotel/Motel)
Series 12 (Restaurant)

Location Map with one-mile radius

