

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

SUBJECT: Application for a new Series 12 liquor license for Tailgaters Sports Grill and Il Primo Pizza & Wings	STAFF PRESENTER: Darcie McCracken, City Clerk
	CASE NUMBER: None.
	OTHER PRESENTER: None.

PROPOSED ACTION:

Approve a request from Larry Frank Fussy, agent/applicant for TG Goodyear, LLC, dba Tailgaters Sports Grill and Il Primo Pizza & Wings, for a new Series 12 liquor license, Application #21267, located at 530 North Estrella Parkway (Generally located north of the northwest corner of Estrella Parkway and Van Buren Street).

BACKGROUND AND PREVIOUS ACTIONS:

Mr. Fussy has applied for a new Series 12 liquor license for Tailgaters Sports Grill and Il Primo Pizza & Wings, which is scheduled to open for business in mid-August. There are currently eight other locations in operation, the closest being in Litchfield Park at the northwest corner of Dysart Road and Camelback Road. That location has been in business since March 2009.

The City Clerk's Office received the application from the Arizona Department of Liquor Licenses and Control (DLLC) on May 22, 2018. The application has been routed to the Police Department and the Development Services Department (Planning and Zoning, Code Compliance and Building Safety), and any comments are listed on Attachment A.

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 are added to this report.

STAFF ANALYSIS:

A Series 12 license is for a restaurant and is non-transferrable. This on-sale retail privileges liquor license allows the holder to sell and serve all types of spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

The DLLC requires license owners, agents, and managers actively involved in the day-to-day operations of the business to complete a state approved management training course prior to the issuance of a liquor license. Both Mr. Fussy and his partner, Mr. Michael Stallone, have completed the required training and provided the necessary documentation to the DLLC. All management staff that are hired will complete the training, and a manager will always be onsite

during business hours. Patrons who are 21 or appear younger than 21 will be required to present an identification.

The Knight Academy Center for Educational Excellence is located within 300 feet of this location; however, the 300-foot rule only applies to retail licenses for Series 6 (Bar), Series 7 (Beer & Wine Bar), Series 9 (Liquor Store), and Series 10 (Beer & Wine Store). Licenses for Series 12 (Restaurant) are exempt from the 300-foot rule.

The City Council's recommendation of "Approval", "Disapproval" or "No Recommendation" will be forwarded to the DLLC for consideration at a public hearing of the State Liquor Board ("Board").

- **APPROVAL:** If the City Council recommendation is for approval, a hearing of the Board is not required unless the DLLC Director ("Director"), the 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 held, the license may be approved by the Director.
- **DISAPPROVAL:** 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; a public hearing will then be held by the Board.
- **NO RECOMMENDATION:** If the City Council recommendation is "No Recommendation", the Director may cancel the public hearing and issue the license unless the Board or any aggrieved party requests a hearing. If the reason for the protest is clearly removed or deemed satisfied by the Director, the Board will cancel the public hearing, and the license may be approved by the Director.

FISCAL ANALYSIS:

The applicant has paid the \$635 application fee for the license per the Goodyear Municipal User Fee Schedule. The business will contribute to the tax base of the community.

RECOMMENDATION:

Staff recommends approval of the Series 12 liquor license.

ATTACHMENTS:

1. Attachment A
 - a. Comments from city departments
 - b. Liquor license locations within one mile
 - c. Map with one-mile radius
2. Menu

Attachment A

Liquor License Application

Received: May 22, 2018

Applicant: Larry Frank Fussy

Business Name: Tailgaters Sports Grill and Il Primo Pizza & Wings

Application No.: 21267

Department	Comments
Police	None
Planning and Zoning	None
Code Compliance	None
Building Safety	None

Goodyear Liquor License Locations within One Mile

Ah-So Sushi & Steak (Series 12)	15475 W McDowell Rd
Augie's Sports Grill (Series 12)	15605 W Roosevelt St
Barro's Pizza (Series 12)	15475 W McDowell Rd
Olive Garden (Series 12)	15411 W McDowell Rd
Oregano's Pizza Bistro (Series 12)	15280 W McDowell Rd
Quiktrip #1401 (Series 10)	575 N Estrella Pkwy
Red Lobster #6342 (Series 12)	15311 W McDowell Rd
Rubio's Fresh Mexican Grill #225 (Series 12)	15479 W McDowell Rd
Saddle Mountain Brewing Company (Series 3, 12)	15651 W Roosevelt St
Safeway #2618 (Series 9)	440 N Estrella Pkwy
Senor Taco (Series 12)	525 N Estrella Pkwy
Texas Roadhouse (Series 12)	15255 W McDowell Rd
Walmart Market #5369 (Series 9)	1100 N Estrella Pkwy
Walgreen's #02243 (Series 10)	387 N Estrella Pkwy
Walgreen's #12334 (Series 10)	1654 N Pebble Creek Pkwy
Wok Wei Asian Cuisine (Series 12)	15560 W Roosevelt St

Series 3 (In-state Microbrewery)

Series 6 (Bar)

Series 9 (Liquor Store)

Series 10 (Beer & Wine Store)

Series 12 (Restaurant)

