

AGENDA ITEM #: _____

DATE: April 8, 2019

CAR #: 2019-6614



CITY COUNCIL ACTION REPORT

SUBJECT: Application for a new Series 12 liquor license with growler privileges for Macayo Restaurant

STAFF PRESENTER(S): Darcie McCracken, City Clerk

APPLICANT: Navayogasingam Thuraisingam, agent, Kind Macayo, LLC

Summary: The applicant is requesting a recommendation of approval for a new Series 12 (Restaurant) liquor license with growler privileges, which, in addition to on-sale retail privileges, allows the licensee to sell beer for consumption offsite if certain conditions are met.

Recommendation:

Approve Application No. 53852, a request from Navayogasingam Thuraisingam, agent for Kind Macayo LLC, dba Macayo Restaurant, for a new series 12 liquor license with growler privileges, located at 1474 North Litchfield Road, Goodyear, Arizona 85395 (Generally located southwest of the southwest corner of Litchfield Road and McDowell Road).

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

Background and Previous Actions

Mr. Thuraisingam has applied for a new Series 12 liquor license for Macayo Restaurant, which is currently open for business and operating under an Interim Permit issued by the Arizona Department of Liquor Licenses and Control (DLLC). An Interim Permit allows an applicant to sell, serve and store liquor under an existing license of the same series at the same location while their new license is processed. There are currently six Macayo Restaurants operating in the state, including locations in Glendale, Mesa, Phoenix, Surprise and Goodyear.

The City Clerk's Office received the application from the DLLC on March 4, 2019. 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 was posted on the property on March 19, 2019, which meets the State-mandated 20-day period. Any petitions or protests 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 applicant has submitted an application to add growler privileges to the license. If granted, this permits the establishment to engage in the sale of beer for consumption off the licensed premises pursuant to Arizona Revised Statutes § 4-244.32.C:

A licensee of a bar, beer and wine bar, liquor store, beer and wine store, microbrewery or restaurant that has a permit pursuant to section 4-205.02, subsection H who dispenses beer only in a clean container composed of a material approved by a national sanitation organization with a maximum capacity that does not exceed one gallon and not for consumption on the premises if:

- (i) The licensee or the licensee's employee fills the container at the tap at the time of sale.*
- (ii) The container is sealed and displays a government warning label.*
- (iii) The dispensing of that beer is not done through a drive-through or walk-up service window.*

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. Mr. Thuraisingam has provided documentation in his application confirming that he has taken the management-training course. The applicant's representative has stated that the general manager, assistant managers, bartenders and servers have completed the required training. A manager or designated-manager candidate will be onsite during business hours. Furthermore, to ensure that liquor is not served to minors, patrons of all ages will be required to show identification.

There are no licensed childcare facilities, K-12 schools or churches within 300 feet of the location. Restaurants are typically exempt from the 300-foot rule; however, restaurants with growler privileges are not allowed within 300 feet of these types of uses.

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.

Attachments

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