

101AGENDA ITEM #: _____

DATE: September 9, 2019

CAR #: 2019-6758



CITY COUNCIL ACTION REPORT

SUBJECT: Application for a new Series 12 liquor license for Booty's Wings Burgers & Beer

STAFF PRESENTER(S): Darcie McCracken, City Clerk

APPLICANT: Jeffrey Craig Miller, agent, Clearburst Hospitality III LLC

Summary: The applicant is requesting a recommendation of approval for a new Series 12 (Restaurant) liquor license.

Recommendation: Recommend approval to the Arizona Department of Liquor Licenses and Control of Application No. 71569, a request from Jeffrey Craig Miller, agent for Clearburst Hospitality III LLC, dba Booty's Wings Burgers & Beer, for a new Series 12 liquor license located at 13375 West McDowell Road, Suite 101, Goodyear, Arizona 85395 (Generally located east of the southeast corner of West McDowell Road and North Palm Valley Boulevard).

Fiscal Impact: The applicant paid the \$635 application fee for the liquor 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. Miller has applied for a new Series 12 liquor license for Booty's Wings Burgers & Beer, which is currently open for business in the location previously occupied by Majerle's Sports Grill. It is 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 two additional locations operating in Buckeye and Surprise.

The City Clerk's Office received the application from the DLLC on August 2, 2019. The applicant paid the \$635 application fee for the liquor license, and a public hearing notice was posted on the property on August 20, 2019 to comply with the State-mandated 20-day comment period. No petitions or protests from qualified persons were received during the comment period.

The application was routed to the Police Department and the Development Services Department (Planning and Zoning, Code Compliance and Building Safety), and any comments from these departments are listed below:

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

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. The business owners and managers have taken the management training course, and the serving staff will undergo the basic training. There will be a manager on duty at all times. Furthermore, a general manager, assistant general manager, kitchen manager and two key employees will be onsite at regular intervals. The staff will monitor all alcohol being served to guests and ask for identification from anyone who looks under 40 years of age. The applicant further states:

Ownership has a combined over 35 years in the restaurant industry. We are a very family oriented business with No Late Night Hours and a proven track record of operating successful restaurants. We are very hands on owners and have built a reputation within the West Valley as one of the most successful restaurants in the area. We are a 12 Time National Buffalo Wing Festival Award Winner and was selected by nationally syndicated show, The List, as the #1 Place For Buffalo Wings In America. We are excited to be in Goodyear!

There are no licensed childcare facilities, K-12 schools or churches within 300 feet of the location; however, restaurants are typically 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.

Attachments

1. Listing of liquor license locations within one mile
2. Vicinity map
3. Menu