

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

SUBJECT: Application for a new Series 12 liquor license for MOD Pizza	STAFF PRESENTER: Sue Brungardt, Deputy City Clerk COMPANY CONTACT: Andrea Lewkowicz
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RECOMMENDATION:

Approve a request from Andrea Lewkowicz, agent/applicant for MOD Super Fast Pizza, LLC, doing business as MOD Pizza, for a new Series 12 liquor license #1207A213, located at 1380 North Litchfield Road, Suite K-3A, Goodyear, Arizona 85395 (*generally located on the west side of Litchfield Road, North of I-10 and South of McDowell Road*).

PURPOSE:

Ms. Lewkowicz has applied for a new Series 12 (Restaurant) liquor license #1207A213 on behalf of MOD Super Fast Pizza. MOD Pizza opened for business last month and is currently operating under an interim liquor license. The applicant has paid the \$635.00 fee.

BACKGROUND AND COMMUNITY BENEFIT:

The Office of the City Clerk received this application on March 30, 2015. MOD Pizza is a privately-owned company based in Washington State, with approximately forty restaurants in nine states. This will be its third location in Arizona.

This application was originally scheduled to be heard during a public hearing scheduled at the May 18, 2015 City Council meeting. On that date, the applicant requested that it be moved to the June 22, 2015 Council meeting because of a recent change in the applicant's ownership structure. Continuing the application would enable staff time to review and conduct an investigation of the additional "controlling person".

State law (ARS 4-201) requires that the local governing body recommend approval or disapproval within sixty days after filing of the application. Due to this change to the ownership structure, the applicant has waived this requirement.

Ms. Lewkowicz is the agent in an administrative capacity only and does not hold any interest in the day-to-day operations of this business.

Until this liquor license is issued by the Arizona Department of Liquor Licenses and Control, MOD Pizza is allowed to sell alcohol as permitted through the interim permit process. An interim permit, as defined in ARS 4-203.01, is a conditional permit and authorizes the holder to sell alcoholic beverages that would be permitted to be sold under the privileges of the license for which the application has been filed. An interim permit, which will expire on July 8, 2015, has been issued to the applicant.

Staff has been informed that there will be a manager who is certified in the sale of alcohol on site at all times, and staff will be trained in responsible alcohol sales and service. All guests who appear to be under 35 years of age will be required to show valid I.D.

A Series 12 License is for a restaurant and is non-transferable. It allows the holder of the license to sell and serve all types of spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent of its gross revenue from the sale of food.

There are no licensed childcare facilities within 300 ft. of the location.

The application has been properly reposted 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. The applicant has submitted the proper paperwork. There is no information at this time that would prohibit the applicant from obtaining this license.

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. The application has been routed to Police, Fire, Code Enforcement, and Community Development. (Attachment A)

The completed application is on file in the office of the City Clerk.

FISCAL ANALYSIS:

The applicant initially paid a \$635.00 application fee per the Goodyear Municipal User Fee Schedule, and has paid an additional \$70.48 for reposting the public hearing. This business will contribute to the tax base of the community.

ATTACHMENTS:

1. Goodyear Liquor License Locations within one mile
2. Attachment A
3. Restaurant menu

Goodyear Liquor License Locations Within One Mile

BUSINESS	ADDRESS	SERIES
99 CENTS ONLY STORE	13540 W VAN BUREN ST	10
APPLEBEES	13832 W MCDOWELL RD	12
BEST WESTERN INN	55 N LITCHFIELD RD	11
BLACK ANGUS	13766 W MCDOWELL RD	12
BLACK BEAR DINER	980 N DYSART RD	12
BUFFALO WILD WINGS	13311 W MCDOWELL RD	12
CHILI'S GRILL & BAR	1371 N LITCHFIELD RD	12
CIRCLE K STORE	315 N LITCHFIELD RD	10
DINO'S	1550 N DYSART RD	12
GOODYEAR CROSSROADS LOUNGE	580 N DYSART RD	6
GOODYEAR FOOD STORE	13310 W VAN BUREN ST	10
HOLIDAY INN HOTEL & SUITES	1188 N DYSART RD	11
MAJERLE'S SPORTS GRILL	13375 W MCDOWELL RD	12
MANUELS MEXICAN FOOD	13319 W MCDOWELL RD	12
MIMI'S CAFÉ	1220 N DYSART RD	12
NAKAMA SUSHI	13215 W MCDOWELL RD # D-3	12
QUICK TRIP	550 N DYSART RD	10
PF CHANGS	14681 W MCDOWELL RD	12
RAUL & THERESA'S	1363 N LITCHFIELD RD	12
RED ROBIN	14551 W MCDOWELL RD	12
RUDY'S COUNTRY STORE	845 N LITCHFIELD RD	7
SALA THAI RESTAURANT	432 LITCHFIELD RD #304	12
SAL'S TUSCAN GRILL	13291 W MCDOWELL RD #E7	12
SAMARAI ASIAN BISTRO	330 N DYSART RD	12
TARGET #1242	1515 N LITCHFIELD RD	10
TOMO JAPANESE CUISINE	1550 N DYSART RD	12

Series 6 (Bar – All Liquor)

Series 7 (Beer & Wine Bar)

Series 10 (Beer & Wine Store)

Series 11 (Hotel/Motel)

Series 12 (Restaurant)

Attachment A

Liquor License Application
Applicant: Andrea Lewkowitz

Application Received by State
Liquor Board: 03/25/15

Business Name: MOD Pizza
License No.: 1207A213

Department	Comments
Police	None
Fire	None
Code	None
Development Services	None

