

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

SUBJECT: Application for a new Series 12 liquor license for Lucky Buddha Asian Restaurant	STAFF PRESENTER: Sue Brungardt, Deputy City Clerk
	CASE NUMBER: None.
	OTHER PRESENTER: None.

PROPOSED ACTION:

Approve a request from Hai Fu Zhen, agent/applicant for Shun Fu Corporation, dba Lucky Buddha, for a new Series 12 liquor license, Application #13507, located at 14270 West Indian School Road, Goodyear, Arizona 85395 (Generally located west of the northwest corner of Litchfield Road and Indian School Road).

BACKGROUND AND PREVIOUS ACTIONS:

Mr. Zhen has applied for a new Series 12 liquor license for Lucky Buddha Asian 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 (A.R.S. § 4-203.01).

The City Clerk's Office received the application from the DLLC on March 27, 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. In addition to completing the required training, a manager will be on site during all business hours. Restaurant workers will be checking state identification cards and driver's licenses for customer birthdays. "Born after this date" signs will be posted for the

workers to let them know whom they can sell alcohol to. Per A.R.S. § 4-241(K)(1), persons possessing a vertical driver's license (issued before 21 years of age) will not be served alcohol after the 30-day grace period has expired. Anybody who appears under 40 years old will be carded.

Primrose School at Palm Valley is located within 300 feet of this location, however, Series 12 (Restaurant) liquor licenses are exempt from the rule restricting alcohol sales for licensed childcare facilities or K-12 schools within 300 ft. of the location.

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
Applicant: Hai Fu Zhen
Business Name: Lucky Buddha Asian Restaurant
Job No.: 13507

Received: March 27, 2018

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

Goodyear Liquor License Locations within One Mile

Ada's Fish Fry (Series 12)	14960 W Indian School Rd
Bella Luna (Series 12)	14175 W Indian School Rd
Bruno's Pizza (Series 12)	14130 W Indian School Rd
Clubhouse Grill (Series 6)	14175 W Indian School Rd
Cobblestone Auto Spa and Market (Series 10)	14031 W Indian School Rd
Safeway #1511 (Series 9)	14175 W Indian School Rd
Wal Mart Neighborhood Market #3604 (Series 9)	14200 W Indian School Rd
Walgreens # 3657 (Series 9)	3361 N Litchfield Rd

Series 6 (Bar)

Series 9 (Liquor Store)

Series 10 (Beer & Wine Store)

Series 12 (Restaurant)

