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Via Electronic Mail

April 16, 2015

Mr. Ed Anzek, Director
Planning Department
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

Re: ***Zoning Ordinance Amendment for Alcoholic Beverage Sales***

Dear Mr. Anzek:

I provide this letter anticipating you will share it with the Planning Commission for background and explanation concerning the proposed Zoning Ordinance text amendment to Section 138-4.300 to add alcoholic beverage sales to the Table of Permitted Uses By District and designate them as a conditional land use. The Planning Commission will consider the proposed ordinance at its next meeting.

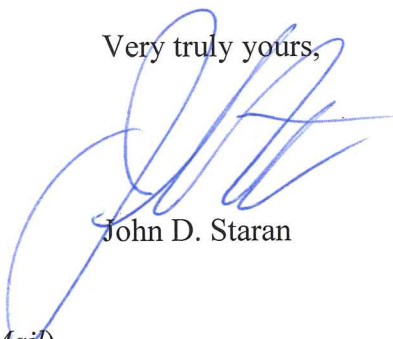
The Michigan Liquor Control Commission is principally responsible for issuing liquor licenses, but until recently, local government approval was also required for new liquor licenses and for transfers of liquor licenses into the community. However, that changed beginning in 2012 as a result of MLCC's revamping and streamlining of the application process. MLCC no longer requires local approval before transferring a liquor license into the community. This means that municipalities no longer have the same level of involvement or control over the transfer of liquor licenses into the community. Although municipalities may still invoke license revocation and non-renewal proceedings where warranted, there is no longer an effective step at the front-end of the process to allow the municipality to approve the transfer-in of licenses before the business is established.

What some municipalities have already done – and what we are proposing to do here – is to regulate liquor-licensed establishments through zoning by requiring them to obtain conditional land use approval. This will be a zoning process, apart from the liquor licensing process, which will allow the Planning Commission and City Council to evaluate a proposed new liquor licensed business before it is established, and to impose reasonable and appropriate conditions (e.g., seating, hours, outdoor service, music, etc.).

This zoning ordinance amendment, if adopted, will not apply to existing licensed-establishments. But, it will require any new businesses requiring a liquor license (either a quota

license or a transferred license) to undergo conditional land use review and approval. Thus, this proposed ordinance amendment is not a sweeping change and will not impact existing licensed establishments. Rather, it will be a means to restore local control, awareness and approval of new businesses requiring a new or transferred-in on-premises liquor license before they establish a foothold in the City.

Very truly yours,



John D. Staran

JDS/ijd

cc: Mayor Bryan K. Barnett (*via E-Mail*)
Ms. Tina Barton, City Clerk (*via E-Mail*)