
**Subject: LIQUOR LICENSES FOR REDEVELOPMENT
(PA 501 of 2006)**

No. 30.8

Date: July 2, 2007

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PURPOSE:

This policy establishes criteria for evaluation of liquor license requests in accordance with on-premises "Liquor Licenses for Redevelopment," created under Section 521a. of PA 501 of 2006 (PA 501). The purpose of the policy is to enable the city to administer efficiently and effectively a fair, equitable process under PA 501 while meeting the following goals:

1. Support job growth in the designated areas of the City and enhance within those areas activities relating to dining, entertainment or recreation;
2. Generate significant value in new building construction and/or improvements; and
3. Meet all Michigan Liquor Control Commission (MLCC) and Kalamazoo Department of Public Safety (KDPS) requirements and regulations regarding the issuance of liquor licenses under Section 17k(1) of the Liquor Control Act.

SCOPE:

Applies to all PA 501 requests within the City of Kalamazoo.

POLICY:

Under PA 501, the City of Kalamazoo can recommend issuance of new liquor licenses for businesses located within certain designated areas and meeting the requirements of the law.

Under Section 521a.(1)(b), one area designated for issuance of Liquor Licenses for Redevelopment is the boundary of the Downtown Development District. The City through a separate resolution has or will recognize and designate the collective boundaries of the Riverfront Redevelopment Area and certain parcels of land listed in the Amended and Restated Brownfield Plan, as may be amended, as the city's Redevelopment Project Area. Liquor Licenses for Redevelopment will only be recommended for approval by MLCC if located within these geographic areas and complying, where applicable, with the following.

General requirements:

1. All potential licensees shall complete a City of Kalamazoo Redevelopment Liquor License application, and submit completed application to the City Clerk.

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2. The business signing the application must state and demonstrate that it attempted to secure an on-premise quota license or escrow license and such license is not readily available as defined by PA 501 within the City of Kalamazoo.
 3. Each license issued and approved by MLCC under PA 501 cannot be transferred to another location.
 4. Should the licensee go out of business, the licensee must surrender the license to MLCC.
 5. Besides meeting the requirements under PA 501 a licensee shall also comply with all requirements and regulations of the city's applicable building codes, fire codes, site plan review process and KDPS requirements and regulations regarding the issuance of liquor licenses under the Liquor Control Act.

Downtown Development District

All applications received for businesses located or proposed for location within the Downtown Development District (Downtown), shall first be reviewed by the City of Kalamazoo's Downtown Development Authority (DDA). Following that review, and a public hearing, DDA shall submit a written recommendation to the City Commission.

The specific criteria or documentation considered and reviewed by DDA include:

1. The applicant must document to the satisfaction of DDA (through deed, lease, contingent sales agreement, lease or other documentation) that it has an interest in the real property in the Downtown where the existing or proposed new business will be located.
2. The business for which a Liquor License for Redevelopment is requested must meet all of the requirements of PA 501, which includes that such business is related to dining, entertainment or recreation and is open to the general public, with minimal seating capacity of 50 persons.
3. An affidavit from the City Assessor's Office, as certified by the City Clerk, that the total amount of public and private investment in real and personal property within the DDA is not less than \$200,000 over the prior five years.
4. Over the prior five years, at least \$75,000 has been expended for the rehabilitation or restoration of the building that will house the business, or commit to a capital investment of at least \$75,000 to be expended for the rehabilitation or restoration of the building that will house the business prior to the issuance of the license.

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5. The applicant must demonstrate how the issuance of a license would prevent further deterioration in the Downtown and promote economic growth. The DDA will consider the following supportive evidence:
 - a) The proposed business represents a desired land use as determined by the Master Land Use Plan as adopted by the City of Kalamazoo.
 - b) The proposed business is described in a business plan.
 - c) The proposed business would promote economic growth by creating new employment opportunities in the Downtown, increasing the tax base through the purchase of new equipment or through new building improvements.
6. If the business is also located in the Redevelopment Project Area, DDA shall also provide the BRA with a copy of its written recommendation.

Redevelopment Project Area

All applications received for businesses located or proposed for location within the city's Redevelopment Project Area (except if also located in the Downtown) shall be coordinated for review by the City of Kalamazoo Brownfield Redevelopment Authority (BRA). Following that review, and a public hearing, BRA shall submit a written recommendation to the City Commission.

The specific criteria or documentation considered and reviewed by BRA include:

1. The applicant's business is open to the general public not less than 10 hours per day, 5 days per week.
2. The business must be engaged in activities related to dining, entertainment or recreation.
3. Verify that the location of the business for which a Liquor License for Redevelopment is requested is located within the Redevelopment Project Area as approved by the resolution adopted by the City Commission.
4. An affidavit from the City Assessor's Office, certified by the City Clerk, verifying the total amount of investment in real and personal property, including the total amount of investment in industrial, residential and commercial property, within the Redevelopment

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Project Area for the time periods and as more fully set forth in PA 501.

5. The applicant must demonstrate how issuance of the license would prevent further deterioration and promote economic growth. The BRA will use supportive evidence similar to that used by the DDA in their application review.

EFFECTIVE DATE: July 2, 2007

SEE ALSO:

Michigan P.A. 501 of 2006

SIGNATURE:

Hannah J. McKinney, Mayor