

# Memo

**To:** Planning Commission  
**From:** Bryan Myrkle, Community Development Director  
**Date:** January 28, 2016  
**Re:** Temporary Use Permit - 1780 Lansing Road

---

According to section 82-453(n) of the Charlotte City Code, businesses located in the B-3 zoning classification can request a temporary use permit for special sales and promotions that are otherwise prohibited.

In this case, we have a business, Char-Lanes, located in a B-3 district that desires to partner with Phantom Fireworks for the temporary outdoor sale of fireworks.

In order to permit this temporary use, the Planning Commission must make several findings. These include the following:

- The sales promotion must bear a reasonable relationship to the business normally permitted in that area.
- The principal use has previously been granted site plan approval.
- The principal use is in compliance with current city zoning.
- The temporary use does not create a public safety problem as determined by the police department.
- The temporary use does not exceed 30 days.
- Any lawn damage is restored.
- Adequate parking for the principal use remains.
- A local zoning office has determined that the approval would not impair local health, safety and welfare.

In the past, the Planning Commission standard for evaluating whether a reasonable relationship exists is whether or not the principal use includes retail sales. As Char-Lanes does conduct certain retail sales within its business normally, I would conclude that reasonable relationship does, indeed, exist.

Char-Lanes received site plan approval from the Planning Commission last year, and that site plan remains in effect, so it also meets this requirement.

Char-Lanes is also in compliance with local zoning.

The police department has not voiced any objection to this type of fireworks sales in the city.

The request is for 30 days, the maximum allowed.

The request is for the use of the parking lot, so no lawn damage is to be expected.

As there are more than 170 parking spaces, those temporarily lost to this tent sale do not reduce the amount available to less than is reasonable for the principal use (bowling alley).

Since this type of fireworks sale is legal and permissible in the State of Michigan, I have no reason to object to the sales based on the community's health, safety and welfare.

Furthermore, the Planning Commission reviewed and approved the same temporary use at this location last year, and there were no complaints, nor issues noted with the use.

**Therefore, it's my opinion that the Planning Commission is able to make these findings and approve the temporary use request.**