



Andy Schor
Mayor

**LANSING BOARD OF ZONING APPEALS
SPECIAL MEETING
DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
600 W. Maple (Neighborhood Empowerment Center)
Monday, December 3, 2018, 6:30 PM**

AGENDA

- I. ROLL CALL**
- II. APPROVAL OF AGENDA**
- III. PUBLIC COMMENT**
- IV. OLD BUSINESS**
 - A. BZA-4043.18, 3208 S. ML King, Variance to the separation requirement between medical marijuana provisioning centers**
 - B. BZA-4044.18, 3218 S. ML King, Variance to the separation requirement between medical marijuana provisioning centers**
 - C. BZA-4045.18, 3316 S. ML King, Variance to the separation requirement between medical marijuana provisioning centers**
 - D. BZA-4046.18, 3330 S. ML King, Variance to the separation requirement between medical marijuana provisioning centers**
- V. PUBLIC COMMENT**
- VI. ADJOURNMENT**

FOR SPECIAL ACCOMMODATIONS, PLEASE GIVE 24 HOURS NOTICE PRIOR TO THE MEETING BY CALLING SUSAN STACHOWIAK IN THE PLANNING OFFICE AT 517-483-4085 OR 517-483-4479 (TDD).

GENERAL INFORMATION

APPLICANT: 3208 MLK, Inc.
32411 Mound Road
Warren, MI 48092

OWNER: WIRT Financial Service
3520 Davenport Avenue
Saginaw, MI 48602

REQUESTED ACTION: Variance to the 500 foot separation requirement between two medical marijuana provisioning centers

EXISTING LAND USE: Vacant Commercial Building

EXISTING ZONING: "H" Light Industrial District

PROPERTY SIZE & SHAPE: Slightly Irregular Shaped Lot – 25,043 square feet

SURROUNDING LAND USE: N: Commercial
S: Commercial
E: Commercial
W: Commercial

SURROUNDING ZONING: N: "H" Light Industrial District
S: "H" Light Industrial District
E: "F" Commercial District
W: "F" Commercial District

MASTER PLAN DESIGNATION: The Design Lansing Master Plan designates the subject property as "community mixed use center". S. ML King is designated as a major arterial.

REQUEST

This is a request by 3208 MLK, Inc. for a variance to permit a medical marijuana provisioning center at 3208 S. ML King that would be located approximately 360 feet from another proposed provisioning center at 3218 S. ML King. Section 1300.13(A)(2) of City Ordinance 1217 prohibits a medical marijuana dispensary within 500 feet of another medical marijuana dispensary. A variance to the required separation distance between the 2 provisioning centers is therefore, being requested.

Required	Proposed	Variance
500 foot separation	360 foot separation	140 feet

ANALYSIS

On September 7, 2017, the City Council adopted Ordinance No. 1217 regulating medical marijuana facilities. Section 1300.13 of the Ordinance requires a 500 foot separation between medical marijuana provisioning centers. The distance is measured from nearest edge of building to nearest edge of building, along the centerline of the street (see attached). Section 1300.18 of the Ordinance authorizes the Board of Zoning Appeals to grant variances from the separation distance requirements. The criteria that the Board must consider in determining whether to grant a variance to the separation requirement is different from the criteria used to evaluate variances to the Zoning Ordinance. In this case, the Board does not have to establish that a practical difficulty or unnecessary hardship exists that warrants relief from the ordinance standard. Section 1300.18 (3) of Ordinance 1217 states that, in making its decision on variances to separation requirements, the Board shall consider all of the following:

1. The amount of time, if any, that the applicant has been operating in compliance with this chapter at the present location.

The applicant had been operating a provisioning center on the subject property in compliance with the City's zoning policies regulating medical marijuana provisioning centers at the time. For several years, the City was treating medical marijuana provisioning centers as general retail uses and permitting them by right in all commercial and industrial zoning districts. The property at 3208 S. ML King is zoned "H" Light Industrial, which district permits retail operations as a matter of right. When it was determined in 2016 that there were too many provisioning centers in the City, the Council enacted a moratorium preventing any more provisioning centers from opening until such time as the City had an ordinance in place to regulate them. The ordinance that was adopted in 2017 allows for 25 licenses to operate medical marijuana provisioning centers in the City. The City received 87 license applications for the first 20 licenses that will eventually be issued. The applications have been reviewed in accordance with a scoring system developed by the City Clerk's Office. The applicant and the other 3 applicants that have applied for variances scored in the top 20 of the 87 applications that were received. If the variances are approved, the applications will remain in consideration for issuance of the initial 20 licenses. If denied, they could all be excluded from any further consideration. In the alternative, 2 of them that are separated by more than 500 feet could still be considered.

2. The extent to which the applicant has demonstrated a commitment to the land use and public nuisance concerns in the surrounding neighborhood.

The applicant had been operating a provisioning center on the subject property some time ago when the City was allowing such businesses by right in any zoning district that permits retail uses. The applicant ceased operations when instructed to do so by the City and/or the State until the licensing for such facilities is finalized. During the time that the applicant's center was in business, the City did not receive any complaints about its operations. The building and the site are well maintained. There are no illegal signs or debris on the site and parking is more than adequate to accommodate the provisioning center. In addition, the applicant's proposal for the center scored in the top 20 of the 87 licensing applications that were received. If approved, the applicant intends to make substantial improvements to the appearance of the building (see attached rendering).

3. The distance between the applicant's location and any medical marijuana provisioning center that is within 500 feet of the applicant's location.

The applicant's provisioning center would be located approximately 360 feet from the proposed provisioning center at 3218 S. ML King. The owner of that provisioning center is also seeking a variance. If approved, both applicants will continue to be considered for issuance of a license although approval of the variances does not guarantee that either of them will be issued a license.

4. The need for a provisioning center at the location in order to provide the safe and efficient access to medical marijuana with the City.

If all of the requested variances are approved, 4 of the total 25 provisioning centers that will eventually be issued licenses in the City would be located within about 700 feet of each other. The alternative is to spread the facilities out along the corridors. While this would eliminate a concentration of provisioning centers in one particular area, it would result in them being located in more geographic areas of the City, some of which may not be as appropriate and compatible with the surrounding areas as those that are the subject of the current variance requests. Some of the benefits to allowing several provisioning centers in the 3200-3300 blocks of S. ML King is that none of them would adjoin any residential uses, the area is already characterized by high impact commercial uses and the transportation system is designed to accommodate the traffic generated by the centers. S. ML King is one of the City's primary commercial corridors where businesses have a high level of exposure to some of the highest traffic volumes in the City. From a planning standpoint, provisioning centers should be concentrated along major commercial corridors where there is easy access to public transportation and the roadway is designed to accommodate high volumes of traffic.

5. The character of the structure and its surroundings.

As depicted on the attached photographs, the building and the site are well maintained and consistent with the character of the area in which it is located. With regard to the business itself, the City is not aware of any negative impacts on the surrounding area that were caused by the provisioning center while it was in operation. If approved for issuance of a license, the applicant intends to make substantial improvements to the appearance of the building which will enhance the area in which it is located.

6. The impact of the variance on the character of the structure's surroundings and owners of other properties in the vicinity.

Unlike most commercial businesses along S. ML King, the subject property and the property at 3218 S. ML King do not adjoin any residential properties. Both sites are completely surrounded by commercial uses. The nearest residential property is on the east side of S. ML King, more than 300 feet to the north. The proposed provisioning center, therefore, will have no impact on any residential properties and nor will it change the character of the surrounding area.

The majority of the commercial businesses in the vicinity of the subject property are fast-food restaurants, automotive-service establishments and convenience retail uses that generate a high volume of business on daily basis. All of these types of uses are permitted by right on the subject property. While provisioning centers also generate a high volume of business, the level of activity and the amount of traffic will be no greater than many uses that could be established on the property as a matter right or by the majority of other businesses already existing in the area. Furthermore, S. ML King is a major arterial that is designed to accommodate a high volume of traffic.

FINDINGS

This is a request by 3208 MLK, Inc. for a variance to permit a medical marijuana provisioning center at 3208 S. ML King that would be located approximately 360 feet from another proposed provisioning center at 3218 S. ML King. Section 1300.13(A)(2) of City Ordinance 1217 prohibits a medical marijuana dispensary within 500 feet of another medical marijuana dispensary. A variance to the required separation distance between the 2 provisioning centers is therefore, being requested.

The available information supports a finding that the requested variance is consistent with the criteria listed in Section 1300.18(3) of the City's ordinance regulating medical marijuana facilities (Ordinance No. 1217).

RECOMMENDATION

Based on the information and findings described above, the following motion is offered for the Board's consideration:

BZA 4043.18 be approved for a variance of 140 feet to the required 500 foot separation between a medical marijuana provisioning center at 3208 S. ML King and a medical marijuana provisioning center at 3218 S. ML King, on a finding that the variance is consistent with the variance evaluation criteria set forth in Section 1300.18(3) of Ordinance 1217, as detailed in the staff report for this application.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

Measurement

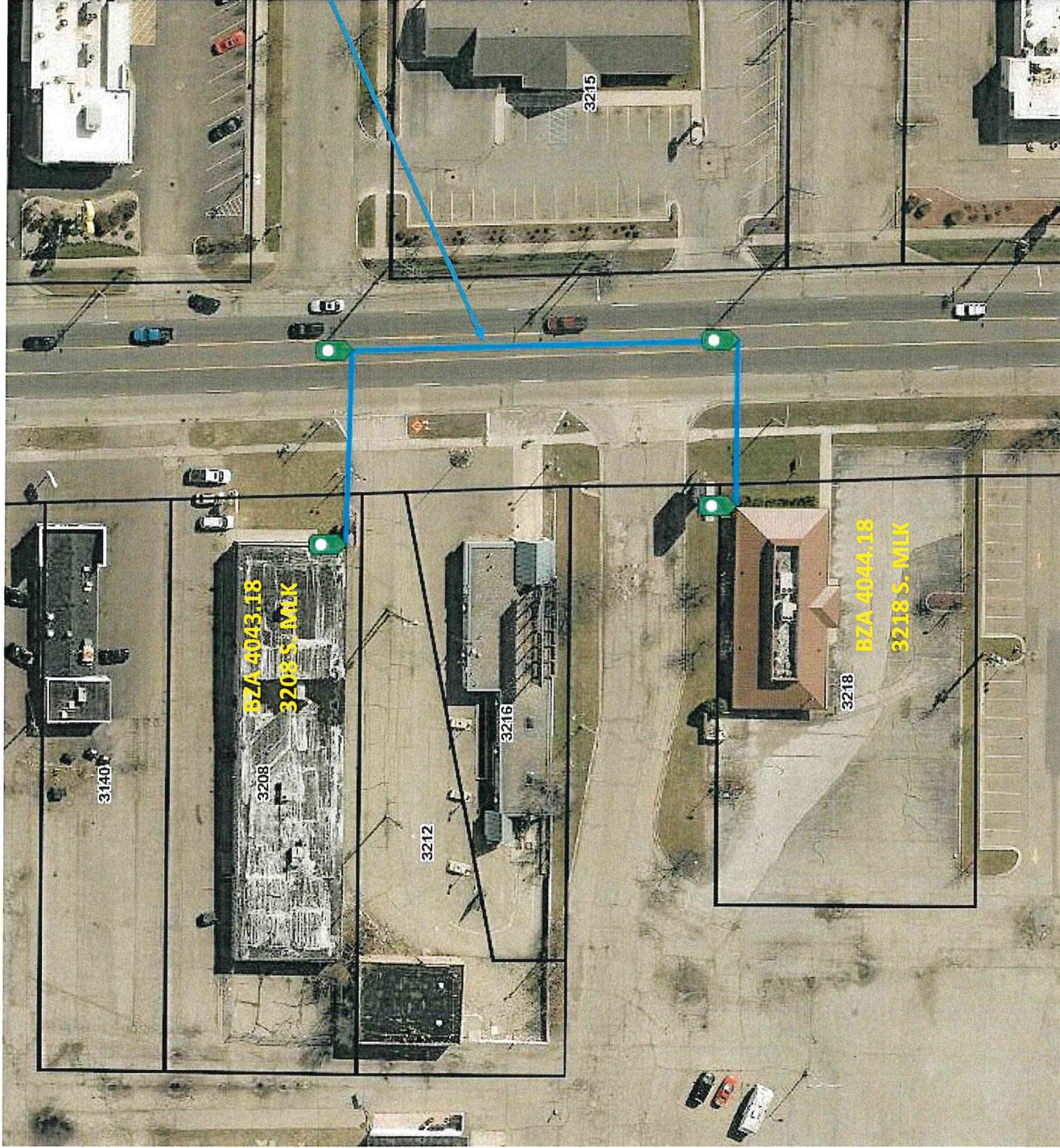


Feet ▾

Measurement Result

360 Feet

Clear



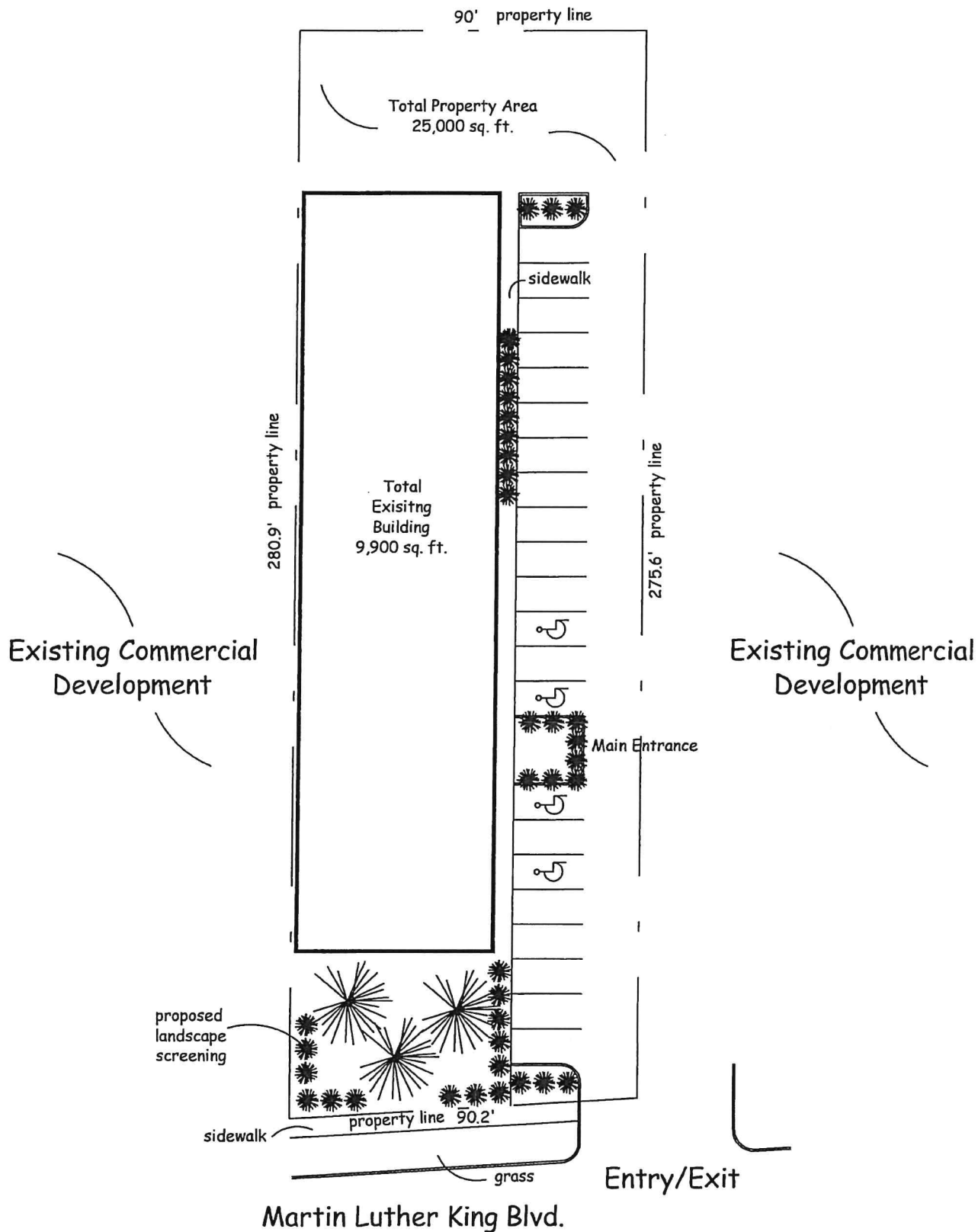


Before



After

**Proposed Provisioning Center
3208 South Martin Luther King Blvd. Lansing, Mi.**

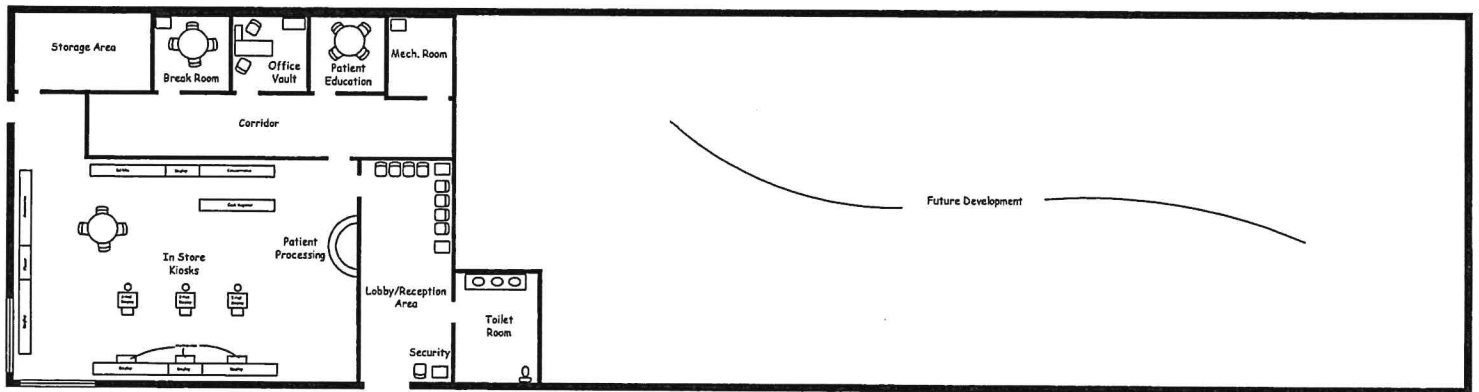


Site Plan

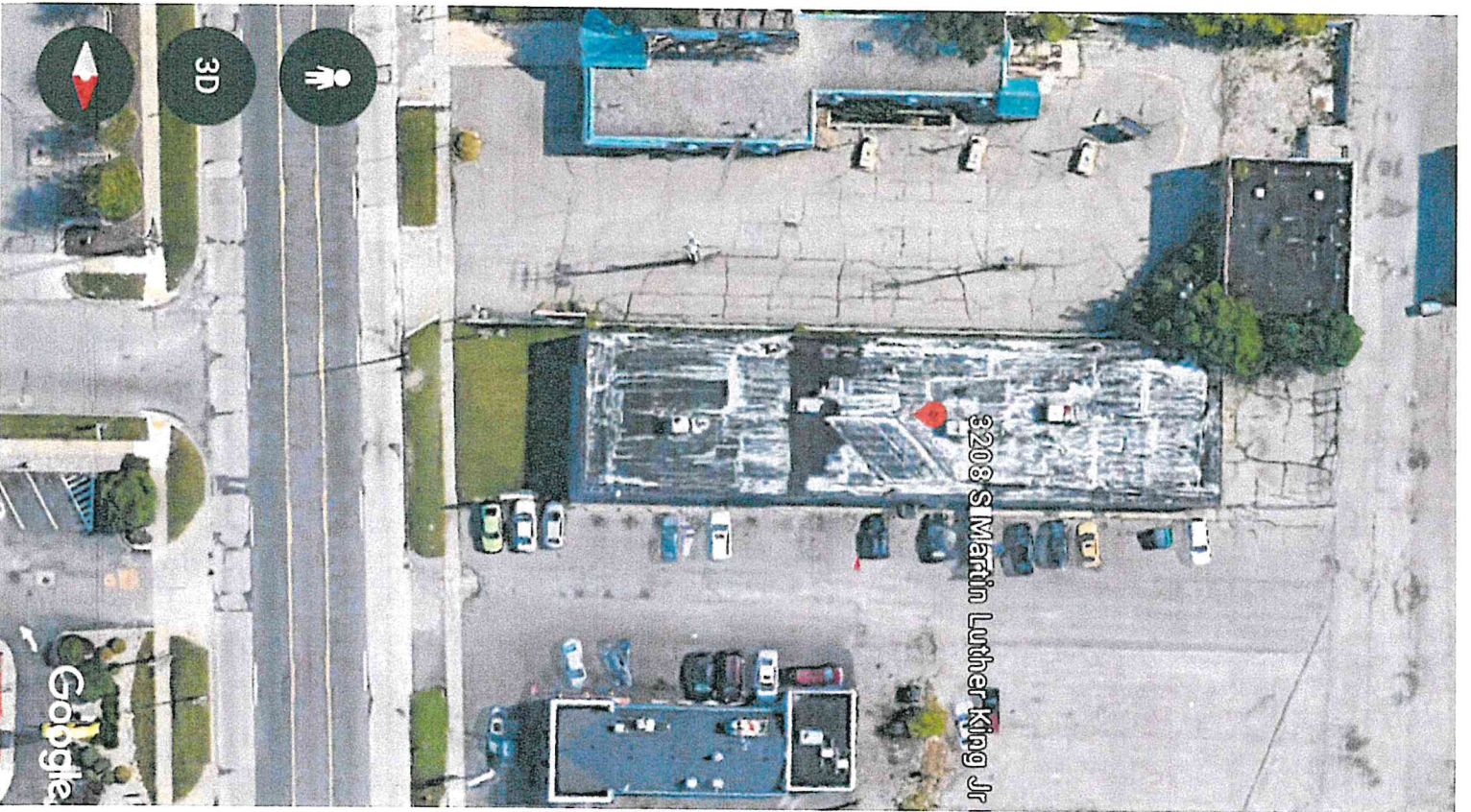
Proposed Provisioning Center
Existing Building
3208 South Martin Luther King Blvd.
Lansing, Mi. 48910

0' 10' 30' 50'





Floor Plan
 Proposed Provisioning Center
 3208 South Martin Luther King Blvd. Lansing, MI 48910
 Total Building Square Footage 9,900
 Total Square Footage of Provisioning Center 3,200



LOCATION AND DISTANCE TO BUFFERED USES

3208 MLK Inc. is located a distance greater than all required for buffered uses.

- a. The closest school is as follows: (1,000 feet per 1300.13(A)(1))

Lansing Charter Academy – 4,127 feet

- b. The closest library is as follows: (500 feet per 1300.13(A)(2))

John W. Chi Memorial Medical Library – 4,787 feet

- c. The closest public playground is as follows: (500 feet per 1300.13(A)(2))

Washington Park – 3,934 feet

- d. The closest commercial childcare organization (non-home occupation) is as follows:
(500 feet per 1300.13(A)(2))

Lorretta's Daycare – 1,834 feet

- e. The closest church is as follows: (500 feet per 1300.13(A)(2))

Lansing Church of the Brethren – 1,861 feet

- f. The closest substance abuse prevention services or substance abuse treatment and
rehabilitation services is as follows: (500 feet per 1300.13(A)(2))

Mid-Michigan Recovery Services Inc. – 1,719 feet

FACILITY PACKAGING, DISPOSAL AND SANITATION PLAN

3208 MLK Inc. sets forth the following facility sanitation plan to protect against any marihuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any marihuana will be rendered unusable upon disposal with disposal by on-site burning or introduction in the sewerage system being prohibited.

1. 3208 MLK Inc. will be utilizing a Zivelo system. Zivelo is a self-service kiosk. The individual goes to a kiosk and places their order. The staff verifies the individual's credentials and hands the individual a pre-sealed Mylar bag.

2. Absolutely no consumption of marihuana shall be permitted on the premises. Therefore, there should be no on-site burning of any kind.

3. Since consumption of marihuana is prohibited on-site, there should be no waste from any empty Mylar bags for the provisioning center to dispose.

4. Under the City Ordinance, disposal of medical marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with state law;

5. Our disposal plan will not have any disposal of marihuana or any product infused with cannabis at any time. We will only dispose of common office supplies and that would be considered minimal at any time.

6. Any marihuana that is not sold to either an individual patient or caregiver would be sold to a licensed marihuana processor for conversion into an infused cannabis product. Monitoring would be tracked using the METRC seed-to-sale tracking system.

7. Under our disposal plan, there will be no liquid waste that would require treatment before it enters the septic system.

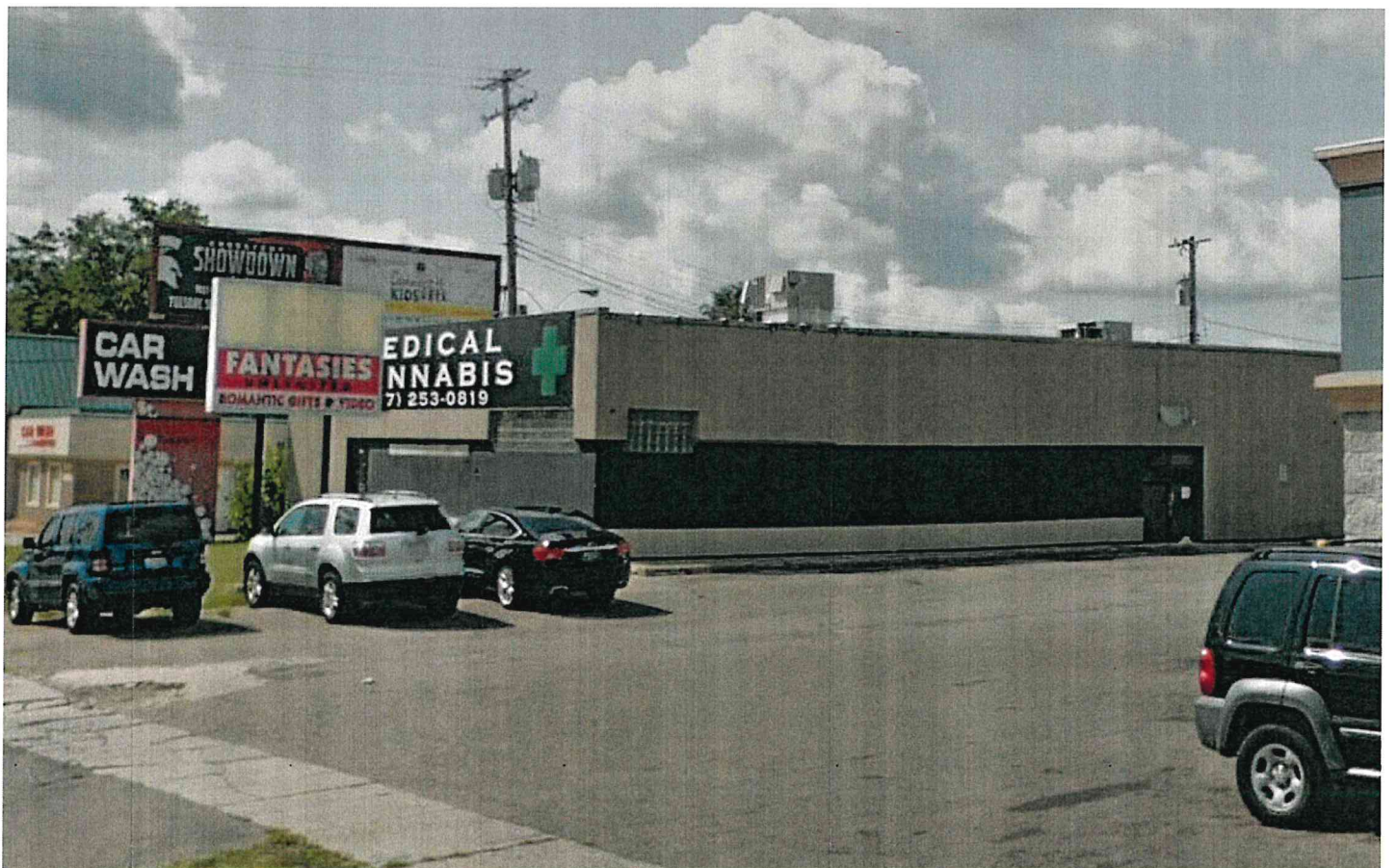
8. Any marihuana product waste will be disposed of in accordance with Rule 36(4) of the Emergency Rules for the Medical Marihuana Facilities Licensing Act filed with the Secretary of State on December 4, 2017:

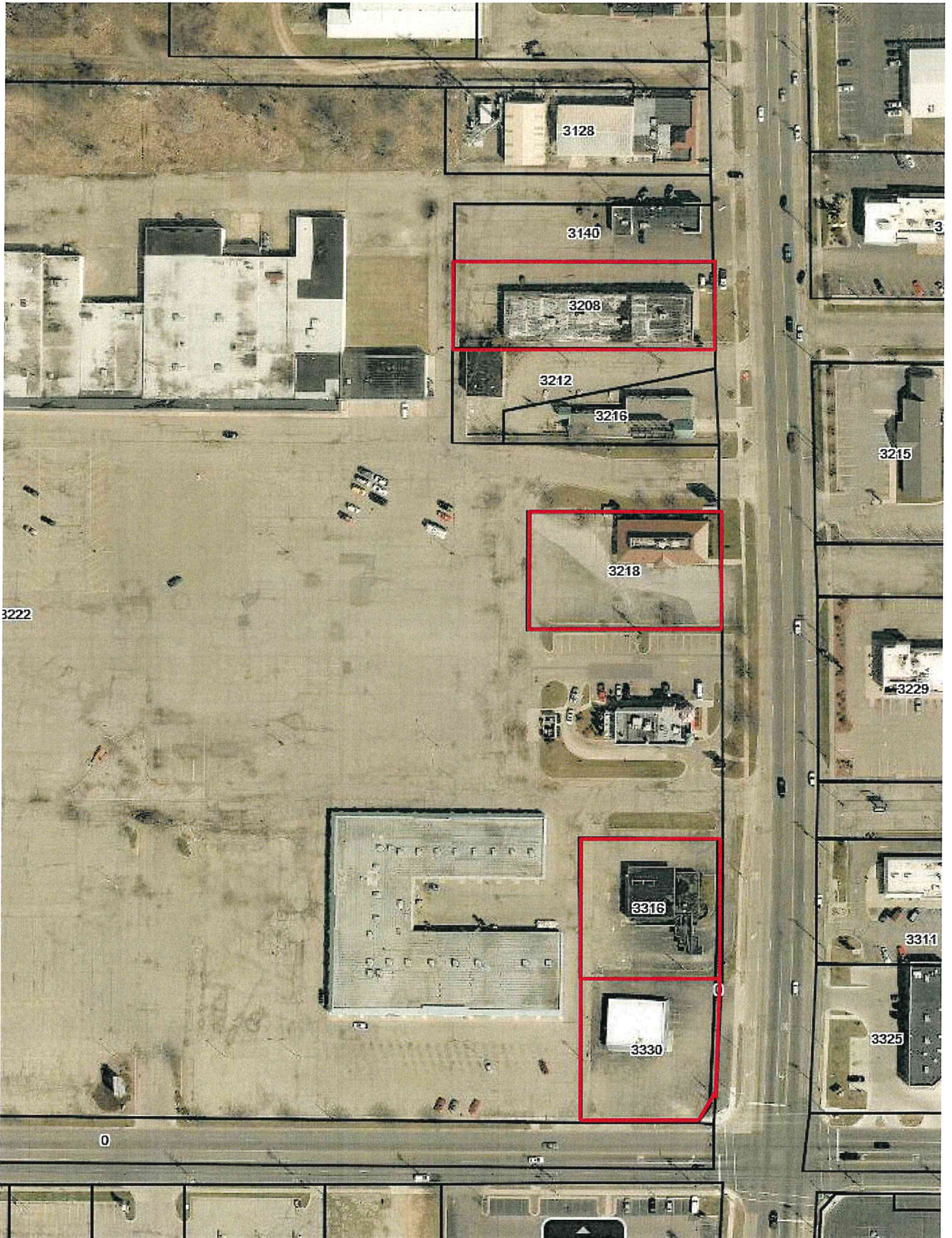
(4) A licensee shall dispose of marihuana product waste in a secured waste receptacle using 1 or more of the following:

- (a) A manned and permitted solid waste landfill.
- (b) A manned compostable materials operation or facility.
- (c) An in-vessel digester.
- (d) In a manner in compliance with applicable state and local laws and regulations.

9. Any office waste shall be separated into recycling materials and non-recycling materials and shall be disposed of in a dumpster to be picked up by a local commercial refuse hauler.

3208 S. M. L. King





Legend

roads_final

FEMA Flood Zones

Flood Zone

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

A

AE

Tax Parcels

A Residential-Single

B Residential-Single

C Residential-2 Unit

NONE

CUP Community Unit, Per

D-1 Professional Office

D-2 Residential Office

DM-1 Residential-Multiple

DM-2 Residential-Multiple

DM-3 Residential-Multiple

DM-4 Residential-Multiple

E-1 Apartment Shop

E-2 Local Shopping

F Commercial

F-1 Commercial

G-1 Business

G-2 Wholesale

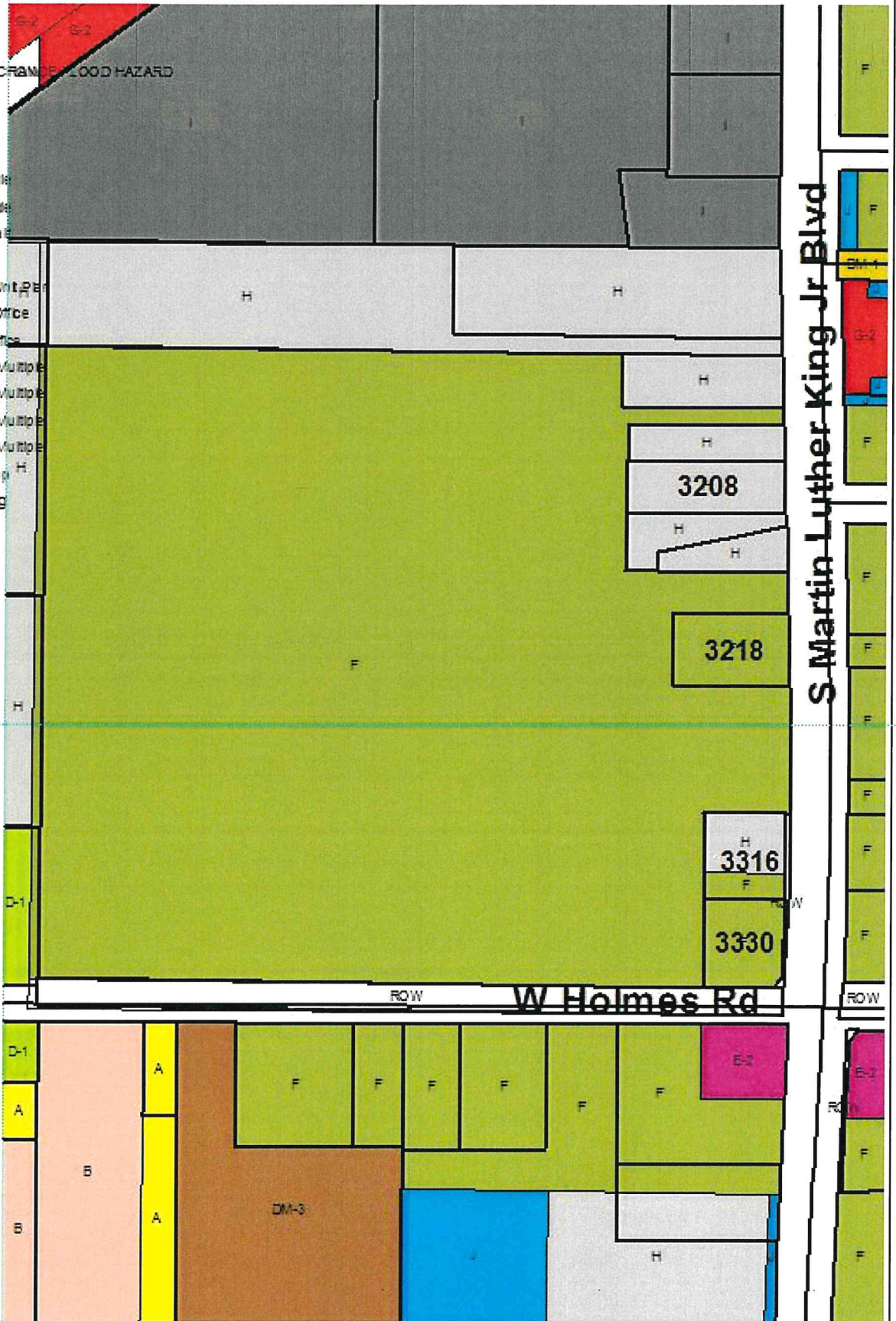
H Light Industrial

I Heavy Industrial

J Parking

ROW Right of Way

City of Lansing Zoning Map



GENERAL INFORMATION

APPLICANT: 1385 S. Huron Retail, LLC
28 W. Adams Road, Suite 1550
Detroit, MI 48226

OWNER: Tri City Foods, Inc.
150 N. Oliver Avenue
Wichita, Kansas 67208

REQUESTED ACTION: Variance to the 500 foot separation requirement between two medical marijuana provisioning centers

EXISTING LAND USE: Vacant Commercial Building

EXISTING ZONING: "F" Commercial District

PROPERTY SIZE & SHAPE: Slightly Irregular Shaped Lot – 26,523 square feet

SURROUNDING LAND USE: N: Commercial
S: Commercial
E: Commercial
W: Commercial

SURROUNDING ZONING: N: "F" Commercial District
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E: "F" Commercial District
W: "F" Commercial District

MASTER PLAN DESIGNATION: The Design Lansing Master Plan designates the subject property as "community mixed use center". S. ML King is designated as a major arterial.

REQUEST

This is a request by 1385 S. Huron Retail, LLC for a variance to permit a medical marijuana provisioning center at 3218 S. ML King that would be located approximately 360 feet from another proposed provisioning center at 3208 S. ML King. Section 1300.13(A)(2) of City Ordinance 1217 prohibits a medical marijuana dispensary within 500 feet of another medical marijuana dispensary. A variance to the required separation distance between the 2 provisioning centers is therefore, being requested.

Required	Proposed	Variance
500 foot separation	360 foot separation	140 feet

ANALYSIS

On September 7, 2017, the City Council adopted Ordinance No. 1217 regulating medical marijuana facilities. Section 1300.13 of the Ordinance requires a 500 foot separation between medical marijuana provisioning centers. The distance is measured from nearest edge of building to nearest edge of building, along the centerline of the street (see attached). Section 1300.18 of the Ordinance authorizes the Board of Zoning Appeals to grant variances from the separation distance requirements. The criteria that the Board must consider in determining whether to grant a variance to the separation requirement is different from the criteria used to evaluate variances to the Zoning Ordinance. In this case, the Board does not have to establish that a practical difficulty or unnecessary hardship exists that warrants relief from the ordinance standard. Section 1300.18 (3) of Ordinance 1217 states that, in making its decision on variances to separation requirements, the Board shall consider all of the following:

1. The amount of time, if any, that the applicant has been operating in compliance with this chapter at the present location.

The applicant has not been operating a provisioning center on the subject property. The ordinance that was adopted in 2017 allows for 25 licenses to operate medical marijuana provisioning centers in the City. The City received 87 license applications for the first 20 licenses that will eventually be issued. The applications have been reviewed in accordance with a scoring system developed by the City Clerk's Office. The applicant and the other 3 applicants that have applied for variances scored in the top 20 of the 87 applications that were received. If the variances are approved, the applications will remain in consideration for issuance of the initial 20 licenses. If denied, they could all be excluded from any further consideration. In the alternative, 2 of them that are separated by more than 500 feet could still be considered.

2. The extent to which the applicant has demonstrated a commitment to the land use and public nuisance concerns in the surrounding neighborhood.

As evidenced by the attached photographs, the building and the site are well maintained. There are no illegal signs or debris on the site and parking is more than adequate to accommodate the provisioning center. In addition, the applicant's proposal for the center scored in the top 20 of the 87 licensing applications that were received. If approved, the applicant intends to make improvements to the site (repaving/re-striping the parking lot and upgrades to the exterior lighting) and to the appearance of the building, although no renderings have been provided.

3. **The distance between the applicant's location and any medical marijuana provisioning center that is within 500 feet of the applicant's location.**

The applicant's provisioning center would be located approximately 360 feet from the proposed provisioning center at 3208 S. ML King. The owner of that provisioning center is also seeking a variance. If approved, both applicants will continue to be considered for issuance of a license although approval of the variances does not guarantee that either of them will be issued a license.

4. **The need for a provisioning center at the location in order to provide the safe and efficient access to medical marijuana with the City.**

If all of the requested variances are approved, 4 of the total 25 provisioning centers that will eventually be issued licenses in the City would be located within about 700 feet of each other. The alternative is to spread the facilities out along the corridors. While this would eliminate a concentration of provisioning centers in one particular area, it would result in them being located in more geographic areas of the City, some of which may not be as appropriate and compatible with the surrounding areas as those that are the subject of the current variance requests. Some of the benefits to allowing several provisioning centers in the 3200-3300 blocks of S. ML King is that none of them would adjoin any residential uses, the area is already characterized by high impact commercial uses and the transportation system is designed to accommodate the traffic generated by the centers. S. ML King is one of the City's primary commercial corridors where businesses have a high level of exposure to some of the highest traffic volumes in the City. From a planning standpoint, provisioning centers should be concentrated along major commercial corridors where there is easy access to public transportation and the roadway is designed to accommodate high volumes of traffic.

5. **The character of the structure and its surroundings.**

As depicted on the attached photographs, the building and the site are well maintained and consistent with the character of the area in which it is located. If approved for issuance of a license, the applicant intends to make substantial improvements to the building and the site which will enhance the area in which it is located.

6. **The impact of the variance on the character of the structure's surroundings and owners of other properties in the vicinity.**

Unlike most commercial businesses along S. ML King, the subject property and the property at 3208 S. ML King do not adjoin any residential properties. Both sites are completely surrounded by commercial uses. The nearest residential property is on

the east side of S. ML King, more than 570 feet to the north. The proposed provisioning center, therefore, will have no impact on any residential properties and nor will it change the character of the surrounding area.

The majority of the commercial businesses in the vicinity of the subject property are fast-food restaurants, automotive-service establishments and convenience retail uses that generate a high volume of business on daily basis. All of these types of uses are permitted by right on the subject property. While provisioning centers also generate a high volume of business, the level of activity and the amount of traffic will be no greater than many uses that could be established on the property as a matter right or by the majority of other businesses already existing in the area. Furthermore, S. ML King is a major arterial that is designed to accommodate a high volume of traffic.

FINDINGS

This is a request by 1385 S. Huron Retail, LLC for a variance to permit a medical marijuana provisioning center at 3218 S. ML King that would be located approximately 360 feet from another proposed provisioning center at 3208 S. ML King. Section 1300.13(A)(2) of City Ordinance 1217 prohibits a medical marijuana dispensary within 500 feet of another medical marijuana dispensary. A variance to the required separation distance between the 2 provisioning centers is therefore, being requested.

The available information supports a finding that the requested variance is consistent with the criteria listed in Section 1300.18(3) of the City's ordinance regulating medical marijuana facilities (Ordinance No. 1217).

RECOMMENDATION

Based on the information and findings described above, the following motion is offered for the Board's consideration:

BZA 4044.18 be approved for a variance of 140 feet to the required 500 foot separation between a medical marijuana provisioning center at 3218 S. ML King and a medical marijuana provisioning center at 3208 S. ML King, on a finding that the variance is consistent with the variance evaluation criteria set forth in Section 1300.18(3) of Ordinance 1217, as detailed in the staff report for this application.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

Measurement



| Feet ▾

Measurement Result

360 Feet

Clear

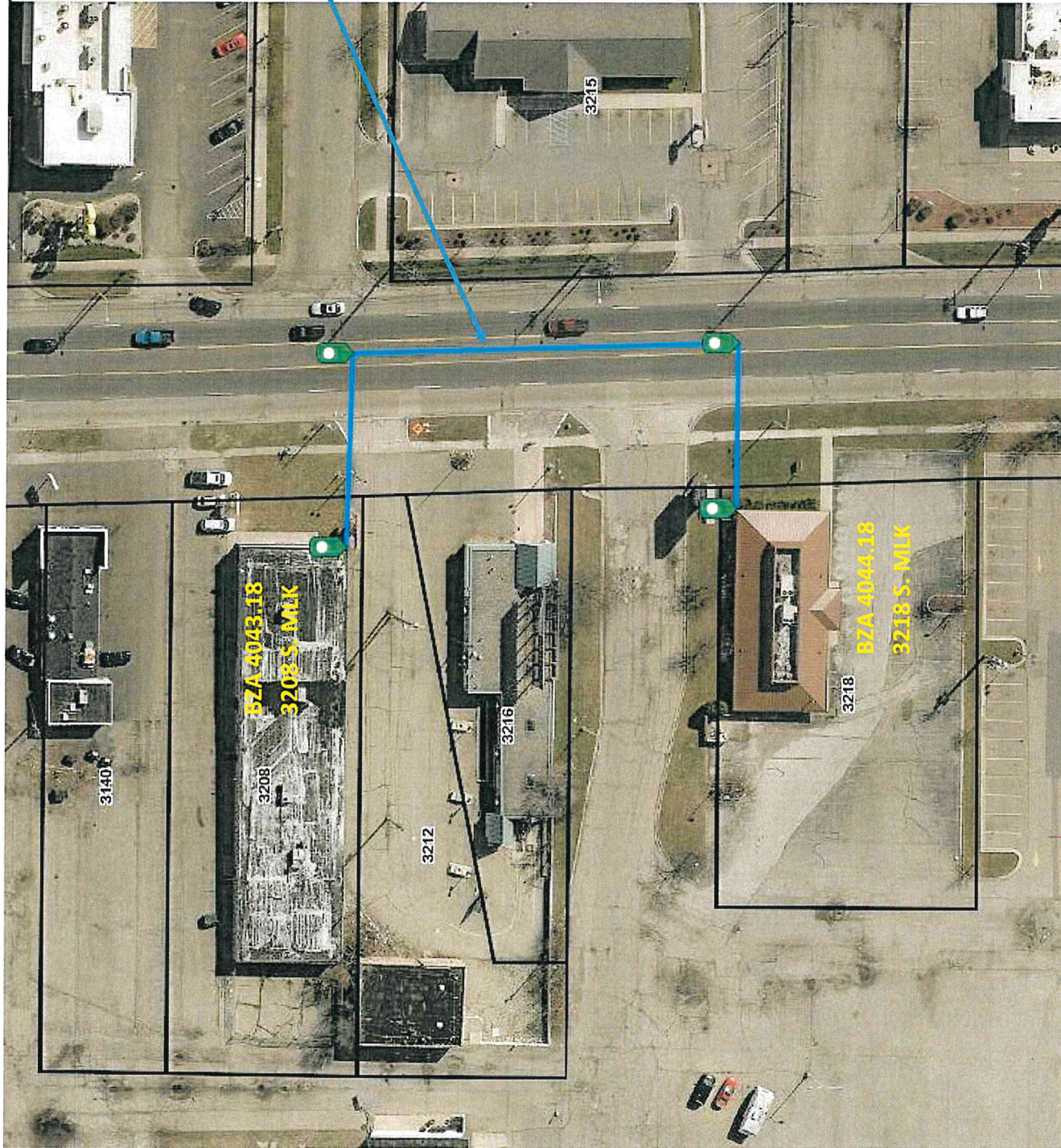


Exhibit A

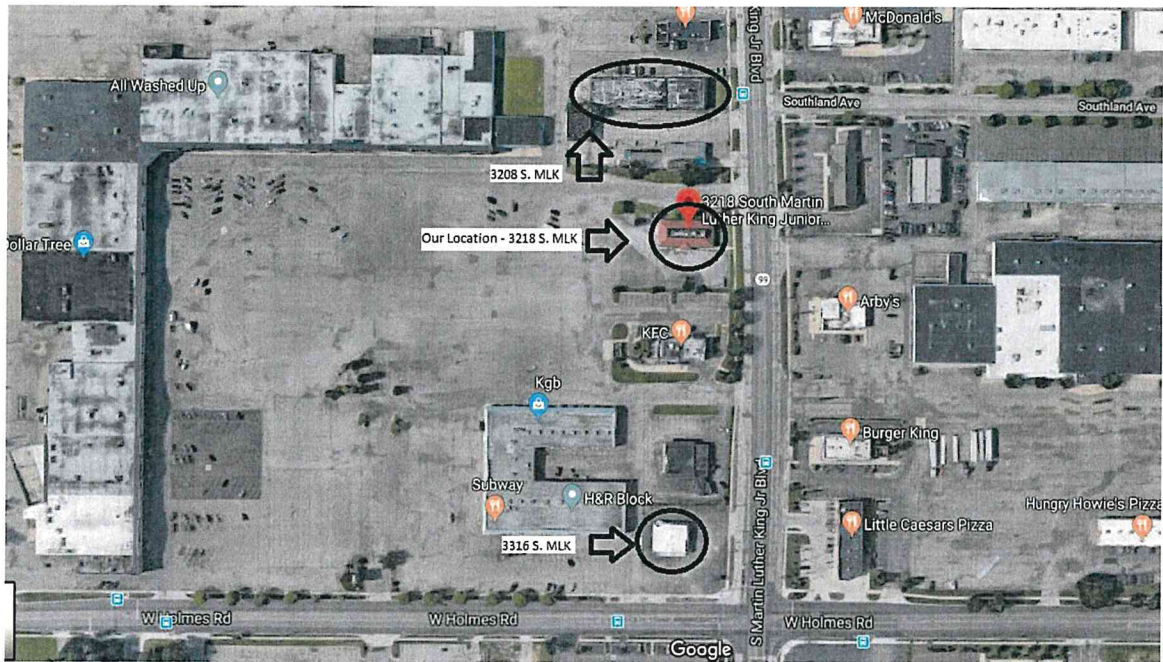
Describe or explain your proposal for this property

The current building is vacant. If granted this variance (along with a City of Lansing marijuana provisioning center license), the applicant intends to renovate the interior and exterior of the building, completely, for use of the building as a marijuana provisioning center. The location of the exterior walls of the building, along with the location of curb cuts and parking spaces within the parcel will remain unchanged. Any aesthetic upgrades made to these exterior items (e.g. the parking lot will be repaved and restriped to better accommodate vehicles) will only serve to beautify the premises and make it more accessible to vehicles and pedestrians without impairing its natural utility.

Exhibit B

If this petition is not granted, explain how your proposal will be affected

There are two applicants vying to operate provisioning centers within 500 feet of this location. See map below showing the location of the three provisioning centers.



If this petition is not granted, due to the current Lansing zoning code that disallows the operation of provisioning centers within 500 feet of one another, the applicant will not be able to operate this location as a marijuana provisioning center. The applicant, when it applied for a provisioning center license, did not know the ultimate location of nearby provisioning centers, and therefore, has not caused this hardship. Furthermore, this hardship is unique to this property in the sense that only a handful of locations in Lansing have been found to violate this current zoning code.

This building has been vacant for many years, and will, likely, continue to remain vacant if this petition is not granted. The granting of this petition will enable the applicant to redevelop the parcel and turn this abandoned building into a revitalized location and a destination retail spot. If granted the petition, the applicant will (at a tremendous capital cost) develop the parcel into a provisioning center, with a spacious lobby, well-lit displays, informational plaques and booklets, resplendent lighting and all the comforts of a first-class retail establishment, ensuring customers an extraordinary shopping experience. The applicant will follow all legal and best practices guidelines in Michigan and maintain the utmost quality in all facets of its operations to ensure that it meets local, regional, and statewide demand for cannabis products in a professional, aesthetically pleasing and luxurious manner.

This parcel sits nearby other retail establishments, and the proposed use will increase pedestrian traffic to this area, benefitting nearby retail establishments. The exterior of the building currently does not benefit other retail establishments in the area. Windows are darkened, the parking lot is in disrepair and paint is chipping in certain areas. The applicant will fix all these items and also add exterior materials and paint that are natural in appearance and *at least* equal to in quality and material to surrounding, occupied retail establishments. In this manner, the exterior will be harmonious with, and complement, the surrounding retail area.

With respect to vehicular and pedestrian traffic, Martin Luther King Jr. Boulevard is a five-lane major roadway that provides access to large commercial strips within a large radius; the traffic to and from the provisioning center does not significantly impact Martin Luther King Jr. Boulevard since this street is a major thoroughfare. Moreover, there is sidewalk access to the facility that can accommodate any pedestrian (non-vehicular) traffic. Granting this petition will make vehicular and pedestrian traffic no more hazardous than is normal for the area involved.

This location also has adequate parking for its customers. The facility parking lot contains over 30 parking spaces. At no time will the applicant's customers need to park in any residential area, side street, or alley way. The on-site parking lot is large enough to handle all the location's needs.

The location, size, intensity, site layout, and periods of operations of the proposed use will be designed to eliminate possible nuisances emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights. All construction and development will be done in a first-class manner and in accordance with all rules and regulations; the applicant will also take care to ensure dust from any such construction activity does not enter any other adjoining areas by various means, such as ensuring exterior crevices (e.g. door and windows) are shut when construction is being performed. After operations have commenced, the applicant will not allow on its premises the broadcast of items such as loud music that allow for noise to be heard or vibrations to be felt in adjoining areas. Smoking or other consumption of any product on premises will be strictly prohibited, and such policy will be strictly enforced by way of security guards on the premises and employee training protocols; therefore, smoke will not emanate to any adjoining areas. The exterior will be lit in accordance with local code and regulations and will not adversely affect passing pedestrians or automobiles or adjoining areas.

The nuisance most commonly associated with provisioning centers is fumes, or odor. The applicant has submitted a plan to the City of Lansing showcasing how it intends to eliminate any possible odors emanating from the facility. Such plan is available upon request. The following is excerpted from such plan: *The applicant prevents its provisioning center from causing any type of odor by engaging in the following activities: 1. Adequate design measures to seal the building; 2. Utilizing a heating, ventilation, and cooling (HVAC) System designed to move an appropriate amount of air (cfm) throughout the facility to disperse odors; 3. Using industry standard carbon*

filters throughout the facility, including canned filters and placing filters within the HVAC system designed to purify the air; 4. Training staff to engage in odor mitigation practices; and 5. An odor complaint tracking and response plan.

The location and height of structures and joint driveways and the location, nature, and height of walls and fences will be such that the proposed use will not interfere with or discourage the appropriate development and use of adjacent land and structure or unreasonably affect their value. The structure of the building, as currently configured, is of retail in nature and is harmonious with the surrounding retail area. In fact, previously it was used as a restaurant and shoppers and other persons frequented such establishment. Given the current harmonious footprint of the building, the applicant does not plan to make any building footprint / structure alterations. The applicant would only construct a fence on or around the property if such fence was first planned and coordinated with the City of Lansing and adjoining property owners to ensure that any such fence would not interfere or discourage vehicular and pedestrian access and development on adjoining parcels. At this time, the applicant does not have plans to construct any such fence.



EXISTING
COMMERCIAL
LAND USE

SOUTH MARTIN LUTHER KING JR. BOULEVARD

MEDICAL MARTIANA PROVISIONING CENTER
3218 S. MARTIN LUTHER KING JR. BLVD.
LANSING, MI 48910

DISNEY

[illegible]

BY NAME

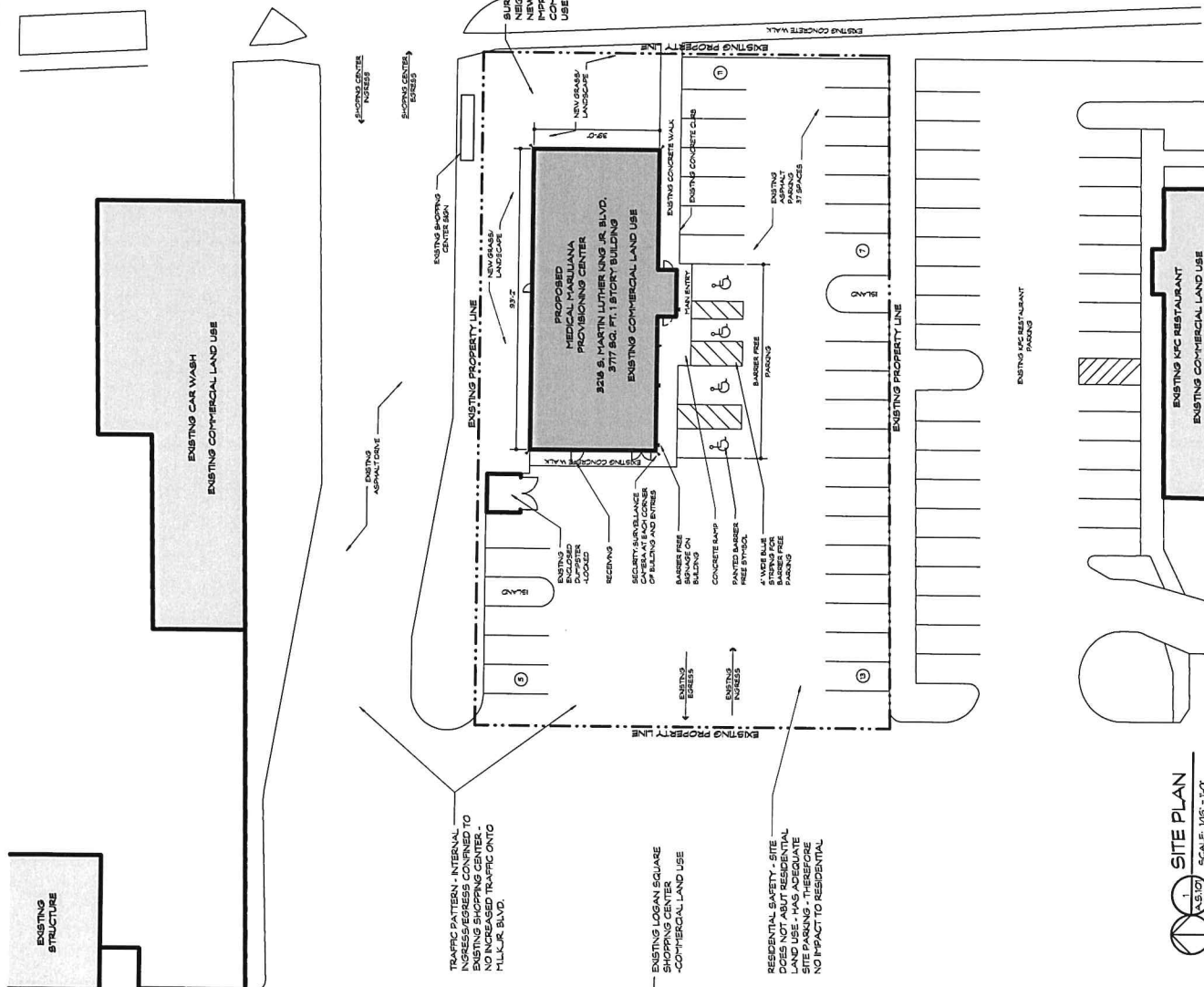
TOP SECRET MO

[illegible]

RESEARCH DESIGN

A.S.101

SITE LOCATION



1
AS.107
SCALE: 1/8" = 1'-0"
SITE PLAN

5

SCALE: 100

1
A-101

FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

CERTIFIED BOUNDARY SURVEY

3218 S MLK JR. BOULEVARD, LANSING, MI 48910

SUMMARY:

WE HAVE BEEN ENGAGED BY JARED BUNDGAARD TO DETERMINE THE DISTANCES FROM A PROPOSED PROVISIONING CENTER TO BUFFERED SITES PER CITY OF LANSING ORDINANCE 1300.13(D). ON NOVEMBER 22, 2017 WE MEASURED THE DISTANCE FROM 3218 MARTIN LUTHER KING, JR, BOULEVARD TO ANY OPERATIONAL SCHOOL WITHIN 1000 FEET OR ANY PUBLIC PLAYGROUND EQUIPMENT LOCATED IN A PARK OR A COMMERCIAL CHILD CARE ORGANIZATION OR A CHURCH OR A FACILITY AT WHICH SUBSTANCE ABUSE PREVENTION SERVICES OR SUBSTANCE ABUSE TREATMENT ARE PROVIDED OR ANOTHER MEDICAL MARIHUANA PROVISIONING CENTER WITHIN 500 FEET AND WE FOUND ZERO (0) BUFFERED USES WITHIN THE PERIMETER SET FORTH IN CITY OF LANSING CODE OF ORDINANCES SECTION 1300.13(A) AS MEASURED PURSUANT TO SECTION 1300.13(D).

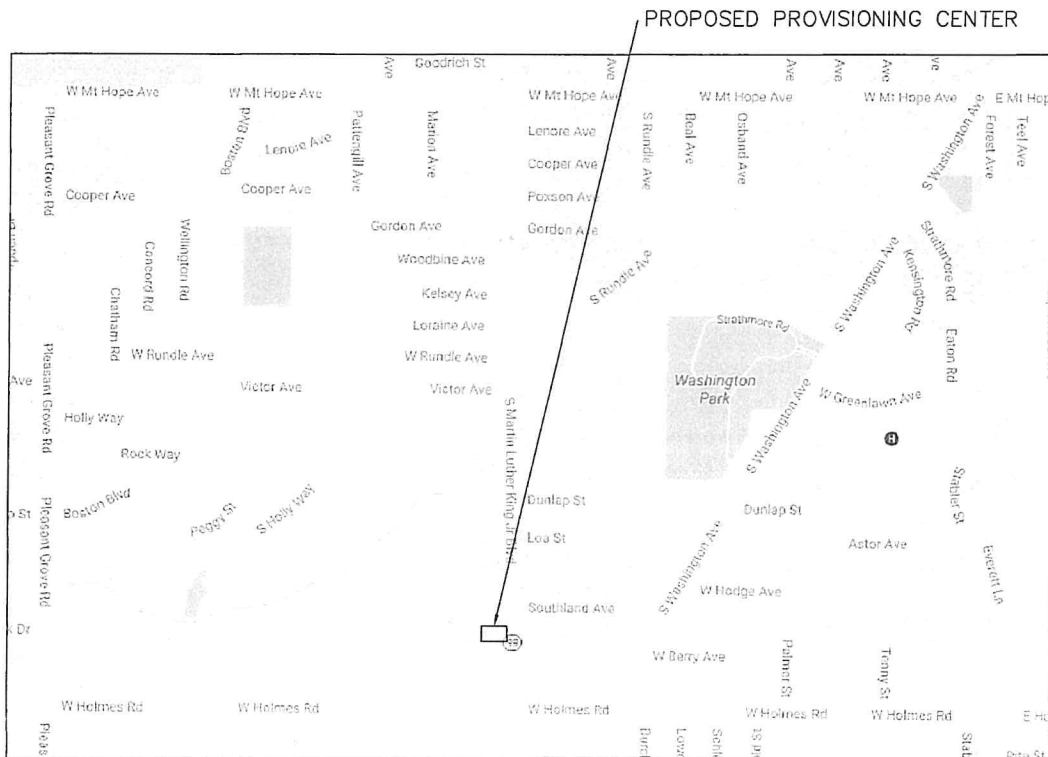
THE NEAREST BUFFERED SITE PER CITY OF LANSING CODE OF ORDINANCES 1300.13(A) WAS TITHE MISSIONARY BAPTIST CHURCH AT 1415 W. HOLMES ROAD, LANSING. THE DISTANCE AS MEASURED PER CITY OF LANSING ORDINANCE 1300.13(D) TO SAID BUFFERED SITE IS 2129.17 FEET.

IN ADDITION, THE NEAREST KNOWN POTENTIAL BUFFERED SITES DEPENDENT ON CURRENT APPLICATION FOR LICENSURE ARE THE FOLLOWING SITES, ALONG WITH DISTANCES AS MEASURED PER SAID CITY OF LANSING ORDINANCE 1300.13(D):

POTENTIAL PROVISIONING CENTER - #2833 S. MLK BOULEVARD - 1751.37 FEET
POTENTIAL PROVISIONING CENTER - #2829 S. MLK BOULEVARD - 1845.51 FEET

LOCATION MAP:

NO SCALE



KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS

2116 HASLETT ROAD, HASLETT, MI 48840
PH. 517-339-1014 FAX. 517-339-8047

13432 PRESTON DRIVE, MARSHALL, MI 49068
PH. 269-781-9800 FAX. 269-781-9805

DRAWN BY	SSF	SECTION	29, T4N, R2W
FIELD WORK BY	RR	JOB NUMBER:	
SHEET	1 OF 3		92987.BND

ERICK R. FRIESTROM
PROFESSIONAL SURVEYOR
DATE
NO. 53497

FOR: 3218 S. Martin Luthr King Jr., LLC

-  = Set 1/2" Bar with Cap
 = Found Iron as Noted
 = Survey Boundary Line
 = Distance Not to Scale
 = Fence
 = Denotes Distance to the Survey Line
 = Concrete & Asphalt

All Dimensions are in Feet and Decimals Thereof.

**KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS**

2116 HASLETT ROAD, HASLETT, MI 48840
PH. 517-339-1014 FAX. 517-339-8047

13432 PRESTON DRIVE, MARSHALL, MI 49068
PH. 269-781-9800 FAX. 269-781-9805

DRAWN BY	SSF	SECTION	29, T4N, R2W
FIELD WORK BY	RR	JOB NUMBER:	
SHEET	2 OF 3		92987.BND

CERTIFIED BOUNDARY SURVEY

CERTIFICATE OF SURVEY:

I hereby certify only to the parties named hereon that we have surveyed at the direction of said parties, a parcel of land previously described as:

(As provided): COM 1104.54 FT E & 569.47 FT N OF S 1/4 COR SEC 29, TH N 126 FT, E 208.27 FT TO W'LY LINE M-99, S'LY ON R/W 126.09 FT, W 213 FT TO BEG; SEC 29 T4N R2W

and that we have found or set, as noted hereon, permanent markers to all corners and angle points of the boundary of said parcel and that the more particular legal description of said parcel is as follows:

A parcel of land in the Southeast 1/4 of Section 29, T4N, R2W, City of Lansing, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the South 1/4 corner of said Section 29; thence S89°28'56"E along the South line of said Section 29 a distance of 1104.54 feet; thence N00°31'04"E perpendicular to said South line 569.47 feet to the point of beginning; thence continuing N00°31'04"E perpendicular to said South line 126.00 feet; thence S89°28'56"E parallel with said South line 208.27 feet to the West right-of-way line of S. Martin Luther King, Jr. Boulevard (M-99); thence along said West line the following two courses: S01°56'57"E 24.07 feet, and Southerly 102.02 feet along a curve to the right, said curve having a radius of 7423.37 feet, a delta angle of 0°47'15", and a chord of 102.02 feet bearing S01°33'19"E; thence N89°28'56"W parallel with said South line 213.00 feet to the point of beginning; said parcel containing 0.60 acre more or less; said parcel subject to all easements and restrictions if any.

WITNESSES TO SECTION CORNERS:

South 1/4 corner, Section 29, T4N, R2W, Liber 9, Page 323

Found 1" steel rod

Found nail & tag #16053 in North side utility pole, South, 24.63'

Northeast corner 1-story brick house #1505, SW, 86.15'

Northwest corner of catch basin in back of curb, N10°E, 25.32'

Center of top of fire hydrant valve stem, N70°E, 88.22'

Southeast corner, Section 29, T4N, R2W, Book 15, Page 362

Found bar & cap in monument box, in Holmes Road

Found nail & tag "Tetra-Tech", West side utility pole, North, 36.61'

Found nail & tag #39100, East side utility pole, South, 23.59'

Found nail & tag "Tetra-Tech", Northeast side utility pole, S77°E, 103.09'

Northwest foundation corner of house #715 W. Holmes Road, S30°W, 71.29'

This survey complies with the requirements of Public Act 132 of 1970, as amended, and is subject to Public Act 591 of 1996, as amended, and was performed with an error of closure no greater than a ratio of 1 in 5000.

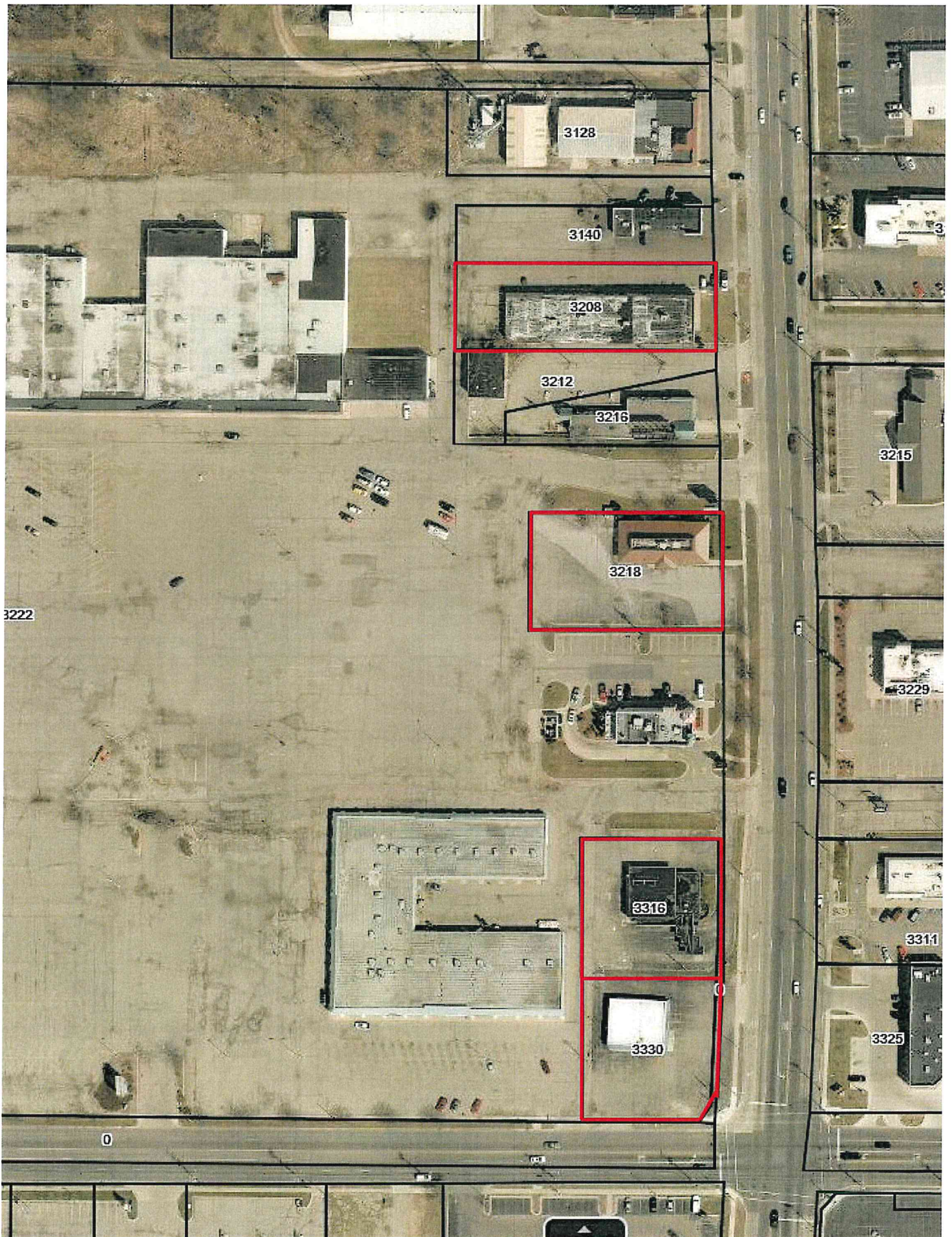
All bearings are Michigan State Plane South Zone grid bearings obtained from GPS observations using corrections obtained from the Lansing C.O.R.S.

 11/27/17
Erick R. Friestrom Date:
Professional Surveyor No. 53497

		KEBS, INC. KYES ENGINEERING BRYAN LAND SURVEYS	
2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047			
13432 PRESTON DRIVE, MARSHALL, MI 49068 PH. 269-781-9800 FAX. 269-781-9805			
DRAWN BY SSF		SECTION 29, T4N, R2W	
FIELD WORK BY RR		JOB NUMBER:	
SHEET 3 OF 3		92987.BND	

3218 S. M. L. King





Legend

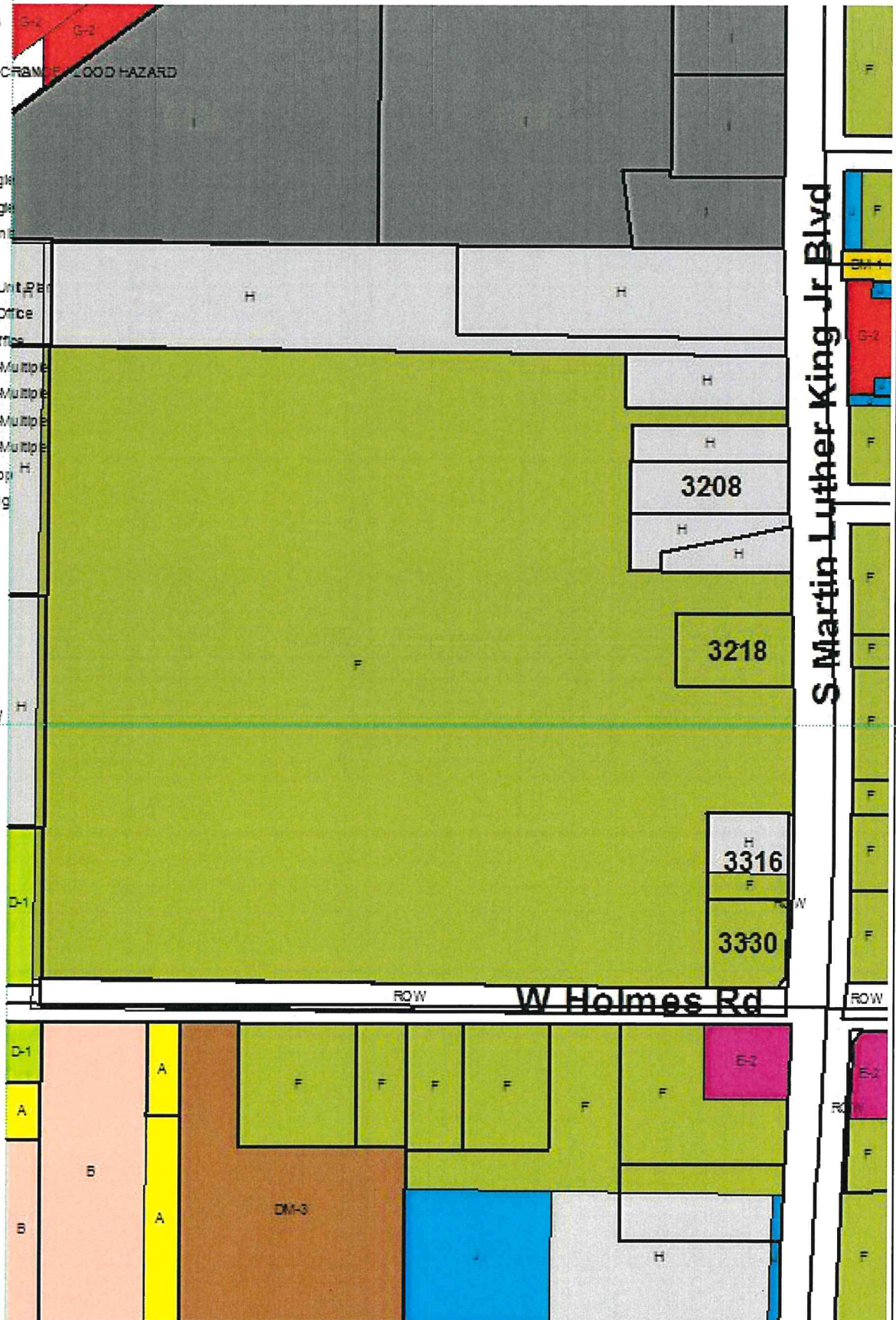
roads_final

FEMA Flood Zones

Flood Zone

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- Tax Parcels
- A Residential-Single
- B Residential-Single
- C Residential-2 Unit
- NONE
- CUP Community Unit Plan
- D-1 Professional Office
- D-2 Residential Office
- DM-1 Residential-Multiple
- DM-2 Residential-Multiple
- DM-3 Residential-Multiple
- DM-4 Residential-Multiple
- E-1 Apartment Shop
- E-2 Local Shopping
- F Commercial
- F-1 Commercial
- G-1 Business
- G-2 Wholesale
- H Light Industrial
- I Heavy Industrial
- J Parking
- ROW Right of Way

City of Lansing Zoning Map



N



GENERAL INFORMATION

APPLICANT: CSHM Services, LLC
P.O. Box 27143
Lansing, MI 48909

OWNER: Lawrence Jaramillo
80 Wind N. Wood Drive
Okemos, MI 48864

REQUESTED ACTION: Variance to the 500 foot separation requirement between two medical marijuana provisioning centers

EXISTING LAND USE: Medical Marijuana Provisioning Center

EXISTING ZONING: "H" Light Industrial & "F" Commercial Districts

PROPERTY SIZE & SHAPE: Rectangular Lot
150' x 151' = 22,650 square feet

SURROUNDING LAND USE: N: Commercial
S: Commercial
E: Commercial
W: Commercial

SURROUNDING ZONING: N: "F" Commercial District
S: "F" Commercial District
E: "F" Commercial District
W: "F" Commercial District

MASTER PLAN DESIGNATION: The Design Lansing Master Plan designates the subject property as "community mixed use center". S. ML King is designated as a major arterial.

REQUEST

This is a request by CSHM Services, LLC for a variance to permit a medical marijuana provisioning center at 3316 S. ML King that would be located approximately 260 feet from another proposed provisioning center at 3330 S. ML King. Section 1300.13(A)(2) of City Ordinance 1217 prohibits a medical marijuana provisioning center within 500 feet of another medical marijuana provisioning center. A variance to the required separation distance between the 2 proposed provisioning centers is therefore, being requested.

Required	Proposed	Variance
500 foot separation	260 foot separation	240 feet

ANALYSIS

On September 7, 2017, the City Council adopted Ordinance No. 1217 regulating medical marijuana facilities. Section 1300.13 of the Ordinance requires a 500 foot separation between medical marijuana provisioning centers. The distance is measured from nearest edge of building to nearest edge of building, along the centerline of the street (see attached). Section 1300.18 of the Ordinance authorizes the Board of Zoning Appeals to grant variances from the separation distance requirements. The criteria that the Board must consider in determining whether to grant a variance to the separation requirement is different from the criteria used to evaluate variances to the Zoning Ordinance. In this case, the Board does not have to establish that a practical difficulty or unnecessary hardship exists that warrants relief from the ordinance standard. Section 1300.18 (3) of Ordinance 1217 states that, in making its decision on variances to separation requirements, the Board shall consider all of the following:

1. The amount of time, if any, that the applicant has been operating in compliance with this chapter at the present location.

The applicant has been operating a provisioning center on the subject property with approval by the State of Michigan and in compliance with the City's zoning policies regulating medical marijuana provisioning centers. For several years, the City was treating medical marijuana provisioning centers as general retail uses and permitting them by right in all commercial and industrial zoning districts. The property at 3316 S. ML King is zoned "H" Light Industrial & "F" Commercial, which districts permits retail operations as a matter of right. When it was determined in 2016 that there were too many provisioning centers in the City, the Council enacted a moratorium preventing any more provisioning centers from opening until such time as the City had an ordinance in place to regulate them. The ordinance that was adopted in 2017 allows for 25 licenses to operate medical marijuana provisioning centers in the City. The City received 87 license applications for the first 20 licenses that will eventually be issued. The applications have been reviewed in accordance with a scoring system developed by the City Clerk's Office. The applicant and the other 3 applicants that have applied for variances scored in the top 20 of the 87 applications that were received. If the variances are approved, the applications will remain in consideration for issuance of the initial 20 licenses. If denied, they could all be excluded from any further consideration. In the alternative, 2 of them that are separated by more than 500 feet could still be considered.

2. The extent to which the applicant has demonstrated a commitment to the land use and public nuisance concerns in the surrounding neighborhood.

The applicant has been operating a provisioning center on the subject property for some time now, with approval by the State of Michigan to do so. The business was established when the City was allowing such businesses by right in any zoning district that permits retail uses. Since the provisioning center has been in business, the City has not received any complaints about its operations. The building and the site are well maintained. There are no illegal signs or debris on the site and parking is more than adequate to accommodate the provisioning center. In addition, the applicant's proposal for the center scored in the top 20 of the 87 licensing applications that were received. If approved, the applicant intends to make improvements to the site (repaving/re-stripping the parking lot, new landscaping and upgrades to the exterior lighting) and to the appearance of the building, although no renderings have been provided.

3. The distance between the applicant's location and any medical marijuana provisioning center that is within 500 feet of the applicant's location.

The applicant's provisioning center would be located approximately 260 feet from the proposed provisioning center at 3330 S. ML King. The owner of that provisioning center is also seeking a variance. If approved, both applicants will continue to be considered for issuance of a license although approval of the variances does not guarantee that either of them will be issued a license.

4. The need for a provisioning center at the location in order to provide the safe and efficient access to medical marijuana with the City.

If all of the requested variances are approved, 4 of the total 25 provisioning centers that will eventually be issued licenses in the City would be located within about 700 feet of each other. The alternative is to spread the facilities out along the corridors. While this would eliminate a concentration of provisioning centers in one particular area, it would result in them being located in more geographic areas of the City, some of which may not be as appropriate and compatible with the surrounding areas as those that are the subject of the current variance requests. Some of the benefits to allowing several provisioning centers in the 3200-3300 blocks of S. ML King is that none of them would adjoin any residential uses, the area is already characterized by high impact commercial uses and the transportation system is designed to accommodate the traffic generated by the centers. S. ML King is one of the City's primary commercial corridors where businesses have a high level of exposure to some of the highest traffic volumes in the City. From a planning standpoint, provisioning centers should be concentrated along major commercial corridors where there is easy access to public transportation and the roadway is designed to accommodate high volumes of traffic.

5. The character of the structure and its surroundings.

The building and the site are well maintained and consistent with the character of the area in which it is located. With regard to the business itself, the City has not received any complaints and is not aware of any negative impacts on the surrounding area that have been caused by the provisioning center since it has been in operation. If approved for issuance of a license, the applicant intends to make substantial improvements to the appearance of the building and site which will enhance the area in which it is located.

6. The impact of the variance on the character of the structure's surroundings and owners of other properties in the vicinity.

Unlike most commercial businesses along S. ML King, the subject property and the property at 3330 S. ML King do not adjoin any residential properties. Both sites are completely surrounded by commercial uses. The nearest residential property is on the east side of S. ML King, more than 900 feet to the north. The provisioning center, therefore, will have no impact on any residential properties and nor will it change the character of the surrounding area.

The majority of the commercial businesses in the vicinity of the subject property are fast-food restaurants, automotive-service establishments and convenience retail uses that generate a high volume of business on daily basis. All of these types of uses are permitted by right on the subject property. While provisioning centers also generate a high volume of business, the level of activity and the amount of traffic will be no greater than many uses that could be established on the property as a matter of right or by the majority of other businesses already existing in the area. Furthermore, S. ML King is a major arterial that is designed to accommodate a high volume of traffic.

FINDINGS

This is a request by CSHM Services, LLC for a variance to permit a medical marijuana provisioning center at 3316 S. ML King that would be located approximately 260 feet from another proposed provisioning center at 3330 S. ML King. Section 1300.13(A)(2) of City Ordinance 1217 prohibits a medical marijuana provisioning center within 500 feet of another medical marijuana provisioning center. A variance to the required separation distance between the 2 proposed provisioning centers is therefore, being requested.

The available information supports a finding that the requested variance is consistent with the criteria listed in Section 1300.18(3) of the City's ordinance regulating medical marijuana facilities (Ordinance No. 1217).

RECOMMENDATION

Based on the information and findings described above, the following motion is offered for the Board's consideration:

BZA 4045.18 be approved for a variance of 240 feet to the required 500 foot separation between a medical marijuana provisioning center at 3316 S. ML King and a medical marijuana provisioning center at 3330 S. ML King, on a finding that the variance is consistent with the variance evaluation criteria set forth in Section 1300.18(3) of Ordinance 1217, as detailed in the staff report for this application.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

Measurement

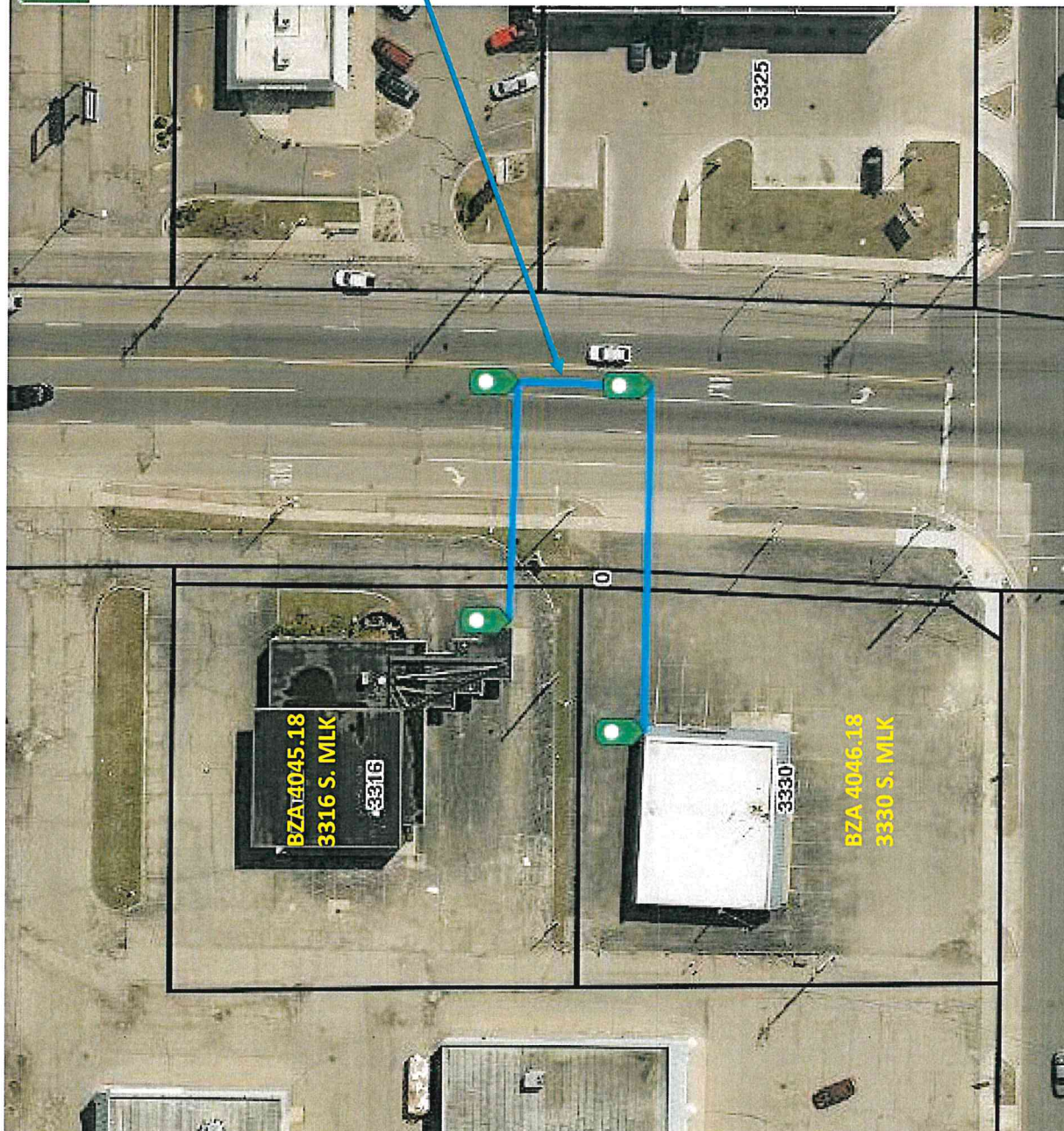


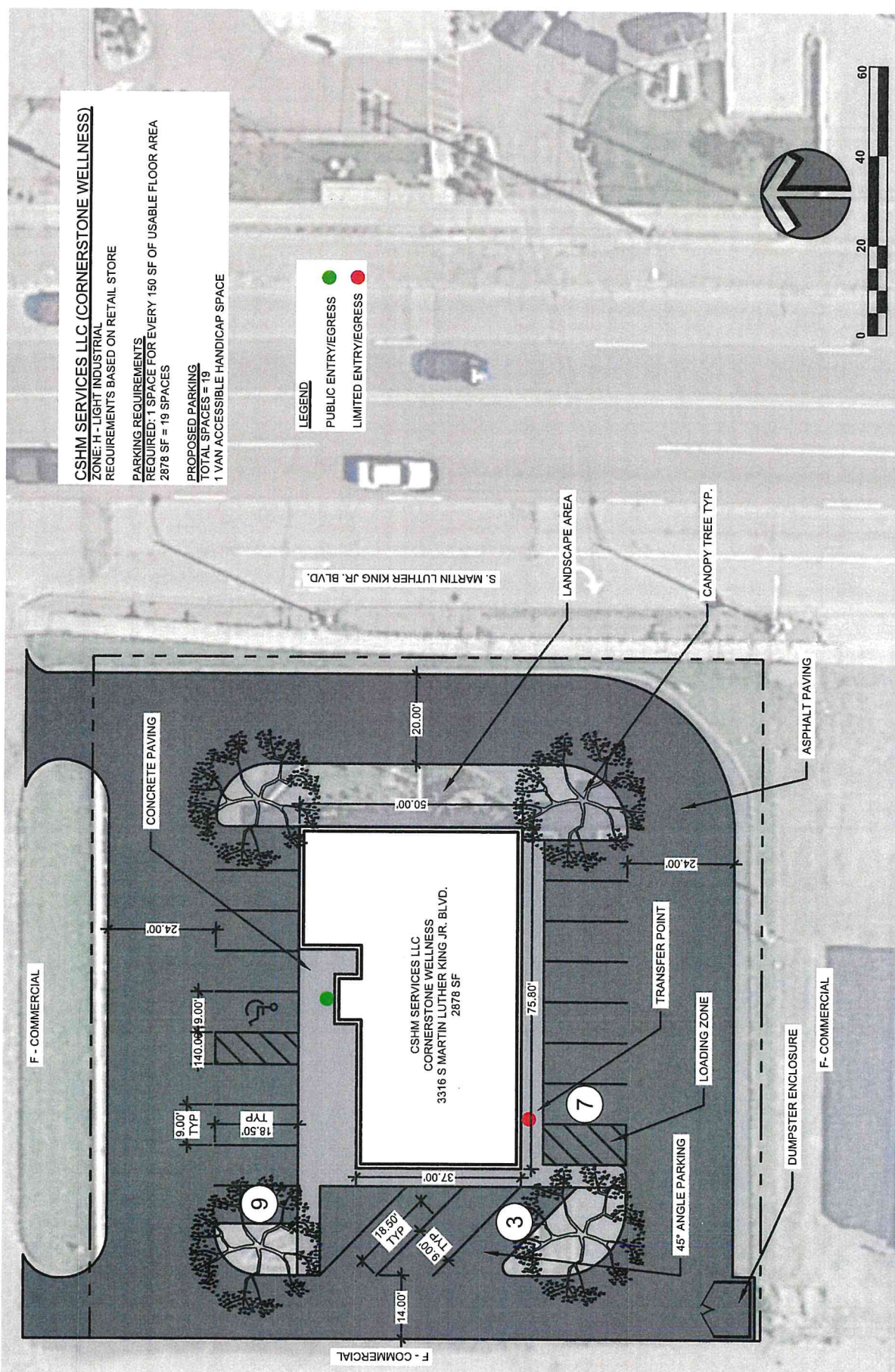
| Feet ▾

Measurement Result

260.2 Feet

Clear





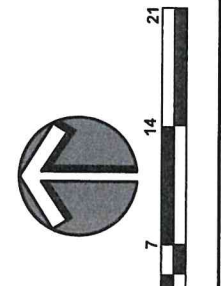
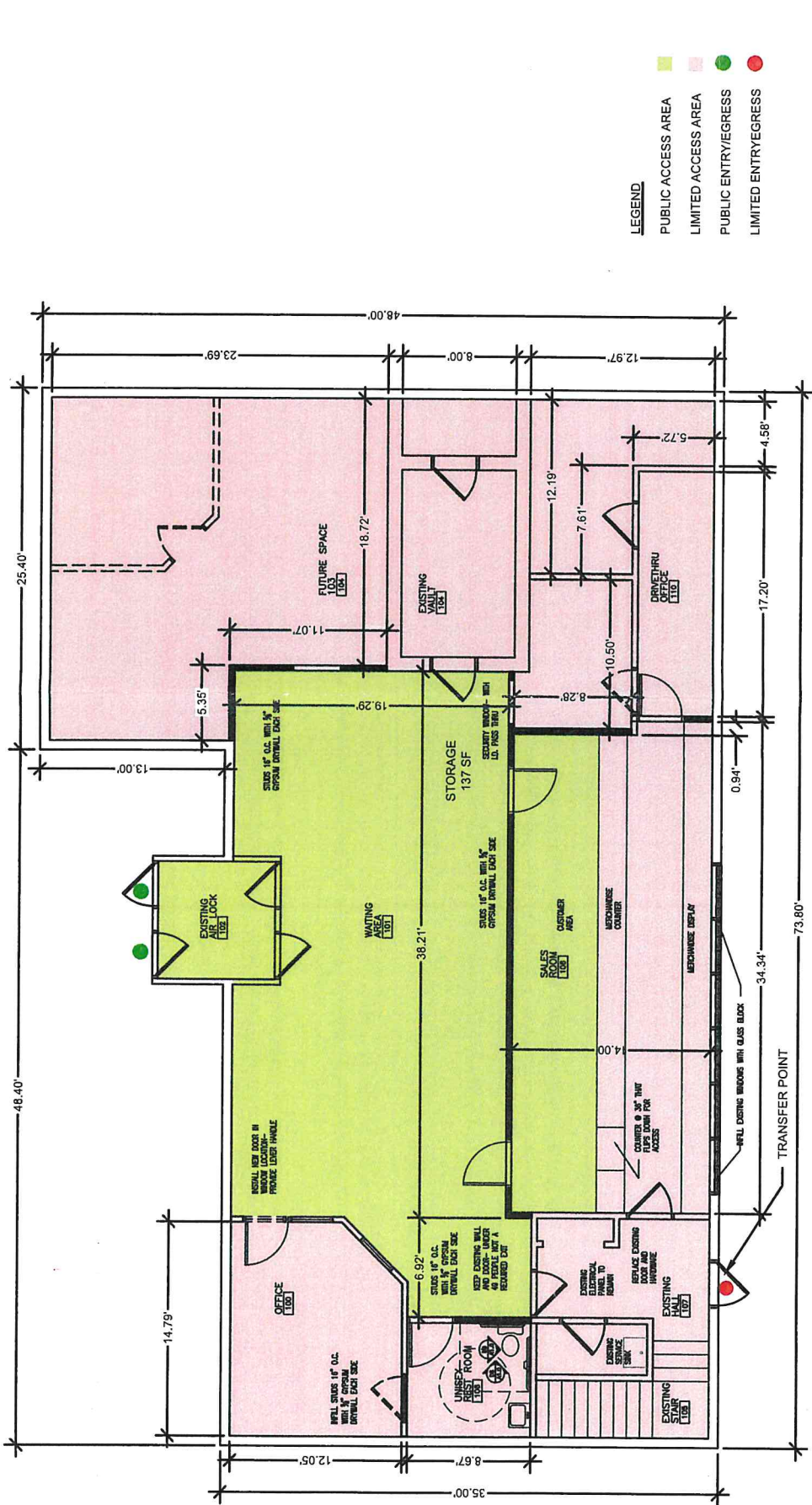
REVISIONS	DATE	COMMENTS

OWNER:
DQ MANUFACTURING LLC

BUILDING FLOOR PLAN
CSHM SERVICES LLC
(CORNERSTONE WELLNESS)
 3316 S. MARTIN LUTHER KING JR. BLVD. LANSING, MI 48910

DATE: 12/10/2017
PROJECT NO: 17-001
PROJECT NAME: CSHM SERVICES LLC (CORNERSTONE WELLNESS)
SCALE: 1/8" = 1'-0"
DATE: 12/10/2017
BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]

SHEET A6



LEGEND
 PUBLIC ACCESS AREA
 LIMITED ACCESS AREA
 PUBLIC ENTRY/EGRESS
 LIMITED ENTRY/EGRESS

BUILDING INFORMATION
 PRE-EXISTING, FREE STANDING, SINGLE-STORY RETAIL FACILITY
 - BRICK/WOOD CONSTRUCTION
 BUILDING USE
 PREVIOUS USE - BANK
 EXISTING USE - MARIJUANA RETAIL ESTABLISHMENT
 STORAGE AREA
 137 SQUARE FEET

CSHM SERVICES LLC
(CORNERSTONE WELLNESS)
 3316 S MARTIN LUTHER KING JR. BLVD. LANSING MI, 48910
 ZONE: H - LIGHT INDUSTRIAL

ARCHITECTURE DESIGN INTERIOR ARCHITECTURE

INTERIOR ARCHITECTURE

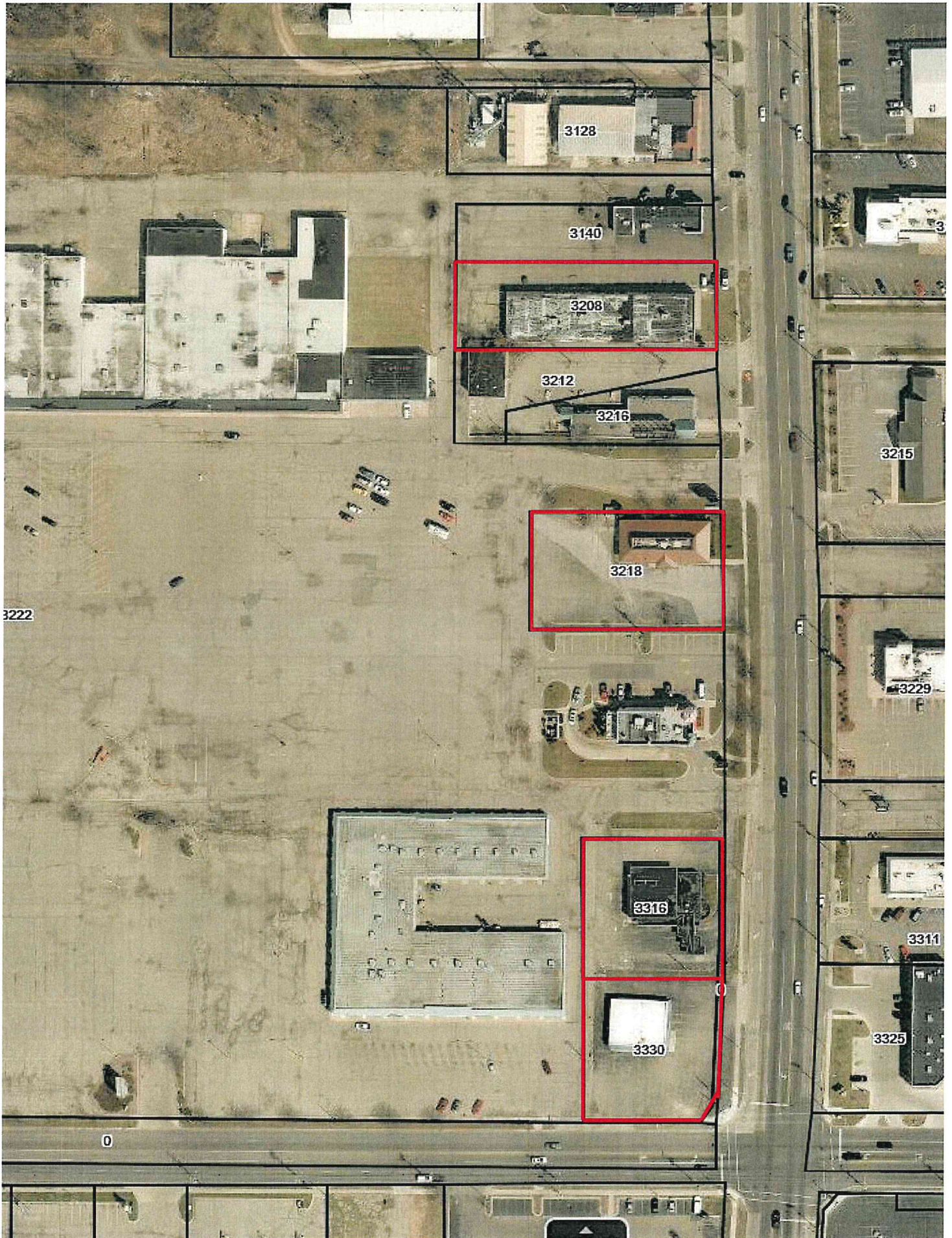


DATE:
11/17

JOB NO:
2015.050

3316 S. M. L. King





Legend

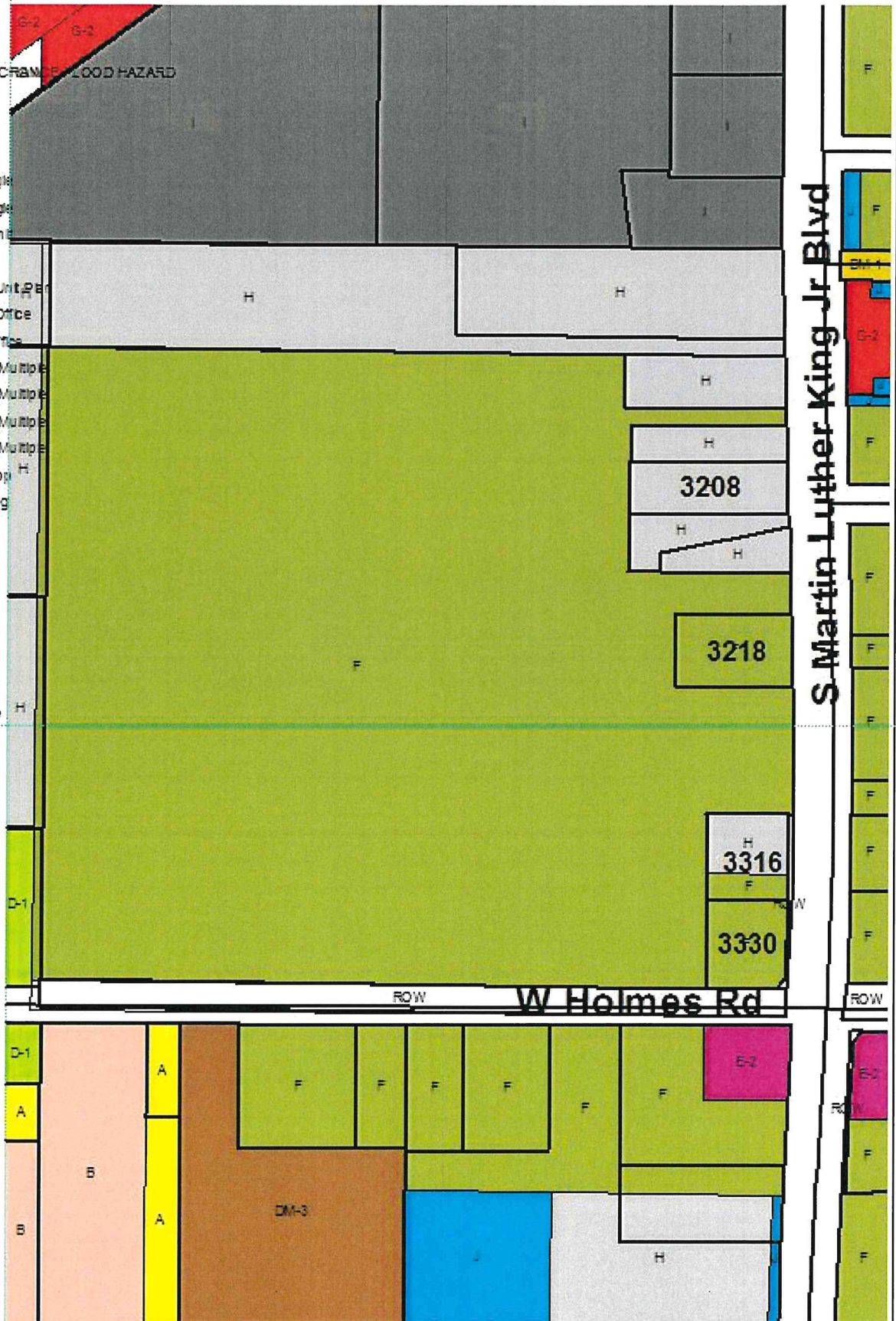
roads_final

FEMA Flood Zones

Flood Zone

-  0.2 PCT ANNUAL CHANCE FLOOD HAZARD
-  A
-  AE
-  Tax Parcels
-  A Residential-Single
-  B Residential-Single
-  C Residential-2 Unit
-  NONE
-  CUP Community Unit, Part
-  D-1 Professional Office
-  D-2 Residential Office
-  DM-1 Residential Multiple
-  DM-2 Residential Multiple
-  DM-3 Residential Multiple
-  DM-4 Residential Multiple
-  E-1 Apartment Shop
-  E-2 Local Shopping
-  F Commercial
-  F-1 Commercial
-  G-1 Business
-  G-2 Wholesale
-  H Light Industrial
-  I Heavy Industrial
-  J Parking
-  ROW Right of Way

City of Lansing Zoning Map



GENERAL INFORMATION

APPLICANT/OWNER: Green Square Holdings, LLC
AST Ventures, LLC
812 S. Main Street, Suite 200
Royal Oak, MI 48067

REQUESTED ACTION: Variance to the 500 foot separation requirement between two medical marijuana provisioning centers

EXISTING LAND USE: Vacant Commercial Building

EXISTING ZONING: "F" Commercial District

PROPERTY SIZE & SHAPE: Slightly Irregular Shaped Lot – 22,419 square feet

SURROUNDING LAND USE: N: Commercial
S: Commercial
E: Commercial
W: Commercial

SURROUNDING ZONING: N: "F" Commercial & "H" Light Industrial Districts
S: "F" Commercial District
E: "F" Commercial District
W: "F" Commercial District

MASTER PLAN DESIGNATION: The Design Lansing Master Plan designates the subject property as "community mixed use center". S. ML King is designated as a major arterial.

REQUEST

This is a request by Green Square Holdings, LLC for a variance to permit a medical marijuana provisioning center at 3330 S. ML King that would be located approximately 260 feet from another proposed provisioning center at 3316 S. ML King. Section 1300.13(A)(2) of City Ordinance 1217 prohibits a medical marijuana dispensary within 500 feet of another medical marijuana dispensary. A variance to the required separation distance between the 2 proposed provisioning centers is therefore, being requested.

Required	Proposed	Variance
500 foot separation	260 foot separation	240 feet

ANALYSIS

On September 7, 2017, the City Council adopted Ordinance No. 1217 regulating medical marijuana facilities. Section 1300.13 of the Ordinance requires a 500 foot separation between medical marijuana provisioning centers. The distance is measured from nearest edge of building to nearest edge of building, along the centerline of the street (see attached). Section 1300.18 of the Ordinance authorizes the Board of Zoning Appeals to grant variances from the separation distance requirements. The criteria that the Board must consider in determining whether to grant a variance to the separation requirement is different from the criteria used to evaluate variances to the Zoning Ordinance. In this case, the Board does not have to establish that a practical difficulty or unnecessary hardship exists that warrants relief from the ordinance standard. Section 1300.18 (3) of Ordinance 1217 states that, in making its decision on variances to separation requirements, the Board shall consider all of the following:

1. The amount of time, if any, that the applicant has been operating in compliance with this chapter at the present location.

The applicant has not been operating a provisioning center on the subject property. The ordinance that was adopted in 2017 allows for 25 licenses to operate medical marijuana provisioning centers in the City. The City received 87 license applications for the first 20 licenses that will eventually be issued. The applications have been reviewed in accordance with a scoring system developed by the City Clerk's Office. The applicant and the other 3 applicants that have applied for variances scored in the top 20 of the 87 applications that were received. If the variances are approved, the applications will remain in consideration for issuance of the initial 20 licenses. If denied, they could all be excluded from any further consideration. In the alternative, 2 of them that are separated by more than 500 feet could still be considered.

2. The extent to which the applicant has demonstrated a commitment to the land use and public nuisance concerns in the surrounding neighborhood.

As evidenced by the attached photographs, the building and the site are well maintained. There are no illegal signs or debris on the site and parking is more than adequate to accommodate the provisioning center. In addition, the applicant's proposal for the center scored in the top 20 of the 87 licensing applications that were received. If approved, the applicant intends to make improvements to the site (repaving/re-striping the parking lot, new landscaping, new and enhanced exterior lighting) and to the appearance of the building (see attached design).

3. **The distance between the applicant's location and any medical marijuana provisioning center that is within 500 feet of the applicant's location.**

The applicant's provisioning center would be located approximately 260 feet from the proposed provisioning center at 3316 S. ML King. The owner of that provisioning center is also seeking a variance. If approved, both applicants will continue to be considered for issuance of a license although approval of the variances does not guarantee that either of them will be issued a license.

4. **The need for a provisioning center at the location in order to provide the safe and efficient access to medical marijuana with the City.**

If all of the requested variances are approved, 4 of the total 25 provisioning centers that will eventually be issued licenses in the City would be located within about 700 feet of each other. The alternative is to spread the facilities out along the corridors. While this would eliminate a concentration of provisioning centers in one particular area, it would result in them being located in more geographic areas of the City, some of which may not be as appropriate and compatible with the surrounding areas as those that are the subject of the current variance requests. Some of the benefits to allowing several provisioning centers in the 3200-3300 blocks of S. ML King is that none of them would adjoin any residential uses, the area is already characterized by high impact commercial uses and the transportation system is designed to accommodate the traffic generated by the centers. S. ML King is one of the City's primary commercial corridors where businesses have a high level of exposure to some of the highest traffic volumes in the City. From a planning standpoint, provisioning centers should be concentrated along major commercial corridors where there is easy access to public transportation and the roadway is designed to accommodate high volumes of traffic.

5. **The character of the structure and its surroundings.**

As depicted on the attached photographs, the building and the site are well maintained and consistent with the character of the area in which it is located. If approved for issuance of a license, the applicant intends to make substantial improvements to the building and the site, including repaving/restriping the parking lot and new landscaping, which will enhance the area in which it is located.

6. **The impact of the variance on the character of the structure's surroundings and owners of other properties in the vicinity.**

Unlike most commercial businesses along S. ML King, the subject property and the property at 3316 S. ML King do not adjoin any residential properties. Both sites are completely surrounded by commercial uses. The nearest residential property is on

the east side of S. ML King, more than 1000 feet to the north. The proposed provisioning center, therefore, will have no impact on any residential properties and nor will it change the character of the surrounding area.

The majority of the commercial businesses in the vicinity of the subject property are fast-food restaurants, automotive-service establishments and convenience retail uses that generate a high volume of business on daily basis. All of these types of uses are permitted by right on the subject property. While provisioning centers also generate a high volume of business, the level of activity and the amount of traffic will be no greater than many uses that could be established on the property as a matter right or by the majority of other businesses already existing in the area. Furthermore, S. ML King is a major arterial that is designed to accommodate a high volume of traffic.

FINDINGS

This is a request by Green Square Holdings, LLC for a variance to permit a medical marijuana provisioning center at 3330 S. ML King that would be located approximately 260 feet from another proposed provisioning center at 3316 S. ML King. Section 1300.13(A)(2) of City Ordinance 1217 prohibits a medical marijuana dispensary within 500 feet of another medical marijuana dispensary. A variance to the required separation distance between the 2 proposed provisioning centers is therefore, being requested.

The available information supports a finding that the requested variance is consistent with the criteria listed in Section 1300.18(3) of the City's ordinance regulating medical marijuana facilities (Ordinance No. 1217).

RECOMMENDATION

Based on the information and findings described above, the following motion is offered for the Board's consideration:

BZA 4046.18 be approved for a variance of 240 feet to the required 500 foot separation between a medical marijuana provisioning center at 3330 S. ML King and a medical marijuana provisioning center at 3316 S. ML King, on a finding that the variance is consistent with the variance evaluation criteria set forth in Section 1300.18(3) of Ordinance 1217, as detailed in the staff report for this application.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

Measurement

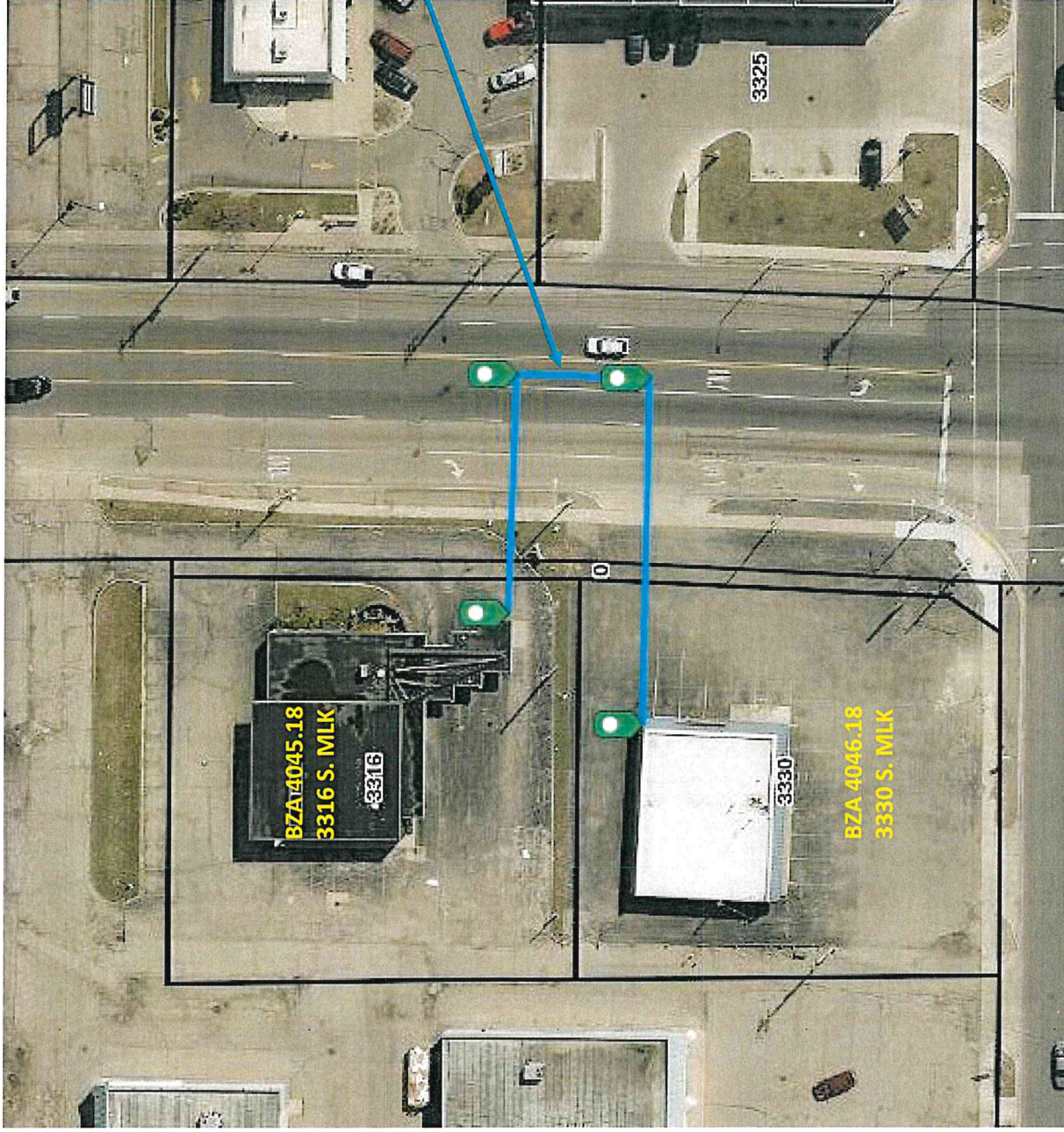


| Feet ▾

Measurement Result

260.2 Feet

Clear



Variance Analysis for Medical Marihuana Provisioning Center

Green Square, LLC
3330 S. Martin Luther King Jr. Boulevard
Lansing, Michigan

Introduction:

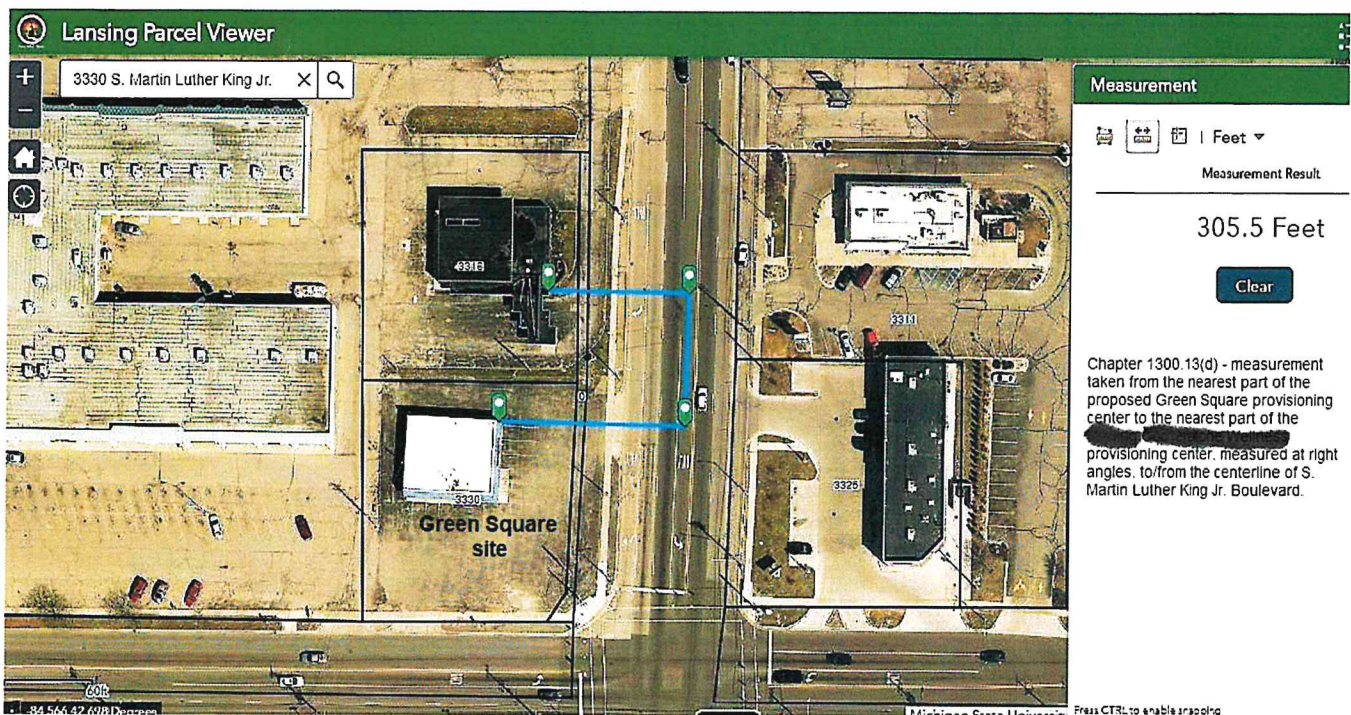
The subject property at 3330 S. Martin Luther King Jr. Boulevard (parcel 33-01-01-29-451-022) is located at the northwest corner of S. Martin Luther King Jr. Boulevard and W. Holmes Road. The 0.5 acre parcel is zoned F, Commercial land improved with an approximate 2,800 square foot vacant building and associated parking areas. According to city records, the existing building was constructed in 1962 and previously occupied by a Laundromat (One Hour Martinizing). The proposed medical marihuana provisioning center will occupy the entire building with extensive interior and exterior building renovations planned to satisfy state and local requirements. Site enhancements including new parking lot pavement, striping and landscaping are also planned. A photo of the subject property as it currently exist is provided below.



3330 S. Martin Luther King Jr. Boulevard – looking west

Variance Request for Proposed Medical Marihuana Provisioning Center:

Chapter 1300.13(a) of the City of Lansing Code of Ordinances establishes location, buffering, dispersion and zoning requirements for medical marihuana provisioning centers. The proposed medical marihuana provisioning center at 3330 S. Martin Luther King Jr. Boulevard is not located within 1,000 feet of an operational school, or within 500 feet of public playground equipment located in park, commercial child care organization, church or substance abuse prevention, treatment or rehabilitation facility. However, the proposed medical marihuana provisioning center is located within 500 feet of another proposed medical marihuana provisioning center at (3316 S. Martin Luther King Jr. Boulevard) Based on the buffering and dispersion calculation methodology outlined in Chapter 1300.13(d), the proposed Green Square provisioning center is located approximately 305 feet from another proposed provisioning center (see below).



Given this pre-existing condition, Green Square, LLC respectfully requests a variance from the 500 foot buffering and dispersion requirement outlined in Chapter 1300.13(a).

Determination of Practical Difficulty or Unnecessary Hardship:

Green Square, LLC (Lansing)
3330 S. Martin Luther King Jr. Boulevard

October 11, 2018

Chapter 1244.06(c) of the City of Lansing Code of Ordinances identifies criteria for determining if a practical difficulty or unnecessary hardship exists. The need for a variance from the 500 foot separation requirement from another medical marihuana provisioning center is unique to this particular property and does present a practical difficulty/unnecessary hardship to Green Square, LLC.

While the City of Lansing adopted an authorizing ordinance in September 2017 to license and regulate medical marihuana facilities, no facilities have yet been licensed/approved. The proposed provisioning center located at 3316 S. Martin Luther King Jr. Boulevard has not received formal approval, the strict application of the buffering and dispersion requirements in Chapter 1300.13(a), from another provisioning center that has not yet received formal licensing/approval, creates a practical difficulty and unnecessary hardship upon Green Square, LLC. Furthermore, this hardship is not the result of actions by Green Square, LLC and is peculiar to the subject property located at 3330 S. Martin Luther King Jr. Boulevard.

Variance Consideration Criteria for Proposed Medical Marihuana Provisioning Center:

Chapter 1300.18(a)(3) of the City of Lansing Code of Ordinances establishes six criteria for consideration of variance requests involving buffering and dispersion requirements for medical marihuana provisioning centers. A discussion of these criteria and how they apply to the Green Square, LLC proposal is provided below.

- i. The amount of time, if any, that the applicant has been operating in compliance with this chapter at the present location.*

The applicant is not currently operating a provisioning center from the subject property.

A formal application has been submitted and is currently pending approval from the City of Lansing.

- ii. The extent to which the applicant has demonstrated a commitment to the land use and public nuisance concerns in the surrounding neighborhood.*

The existing building/parking lot at 3330 S. Martin Luther King Jr. Boulevard is aged and has fallen into a state of disrepair with and aged exterior façade, boarded up windows, deteriorated asphalt and a lack of greenspace/landscaping. In conjunction with the reuse

of the building/site for the proposed provisioning center, the applicant has committed to make significant improvements to the property. Extensive interior and exterior building renovations will be completed and new parking lot pavement, striping and landscaping will be installed across the site.

- iii. The distance between the applicant's location and any proposed medical marihuana provisioning center that is within 500 feet of the applicant's location.*

As described above and based on the buffering and dispersion calculation methodology outlined Chapter 1300.13(d), the proposed Green Square provisioning center is located approximately 305 feet from another proposed provisioning center.

- iv. The need for a provisioning center at the location in order to provide the safe and efficient access to medical marihuana within the City.*

The proposed provisioning center at the subject property is needed in order to provide qualified patients and caregivers within the City of Lansing, and adjacent communities, convenient and efficient access to safe medicinal marihuana products.

- v. The character of the structure and its surroundings.*

Reuse of the existing building/site for a provisioning center is in character with the surrounding commercial land use and zoning pattern along S. Martin Luther King Jr. Boulevard and W. Holmes Road.

- vi. The impact of the variance on the character of the structure's surroundings and owners of other properties in the vicinity.*

Granting the variance to allow establishment of the provisioning center at the subject property, with the above referenced building and site enhancements, will have a positive impact on surrounding businesses/property owners and will also improve property values and the visual streetscape along S. Martin Luther King Jr. Boulevard and W. Holmes Road.

Additional Variance Consideration Criteria and Standards:

Chapter 1244.06(e) of the City of Lansing Code of Ordinances identifies four additional standards for consideration of variance requests. A discussion of these standards and how they apply to the Green Square, LLC proposal is provided below.

- (1) The proposed use will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.*

The subject property and surrounding area is zoned F, Commercial which allows for a variety of general retail and commercial uses. Furthermore, the Future Land Use Plan for the City of Lansing classifies the subject property and the surrounding area as appropriate for Community Mixed-Use Center. The location, size and character of the proposed provisioning center at the subject property is consistent with the F, Commercial zoning district and the Community Mixed-Use Center future land use classification, and will be in harmony with orderly development within this heavily commercialized corridor.

- (2) The proposed use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.*

Access to the subject property is provided through an existing full service driveway from S. Martin Luther King Jr. Boulevard and an existing full service driveway from W. Holmes Road. Anticipated traffic generation from the proposed medical marihuana provisioning center will be similar to other commercial uses allowed in the F, Commercial zoning district and can be accommodated by the adjacent roadway network. Adequate vehicular parking areas will be provided at the subject property and existing sidewalks are present along S. Martin Luther King Jr. Boulevard and W. Holmes Road which provide a non-motorized, pedestrian mode of travel to/from the proposed provisioning center.

- (3) The location, size, intensity, site layout and periods of operation of any such proposed use will be designed to eliminate a possible nuisance emanating therefrom, which nuisance*

might be noxious to the occupants of any other nearby permitted use, whether by reason of dust, noise, fumes, vibration, smoke or lights.

The location, size, intensity, layout and operation of the proposed medical marihuana provisioning center will not produce any nuisances that might be noxious to the occupants or patrons of nearby businesses.

(4) The location and height of structures and joint driveways and the location, nature and height of walls and fences will be such that the proposed use will not interfere with or discourage the appropriate development and use of adjacent land and structures or unreasonably affect their value.

The location and height of the existing building and the location of existing driveways at the subject property will not interfere with or discourage appropriate development of adjacent properties and structures or adversely impact associated values.

Respectfully Submitted,

Michael West, AICP
Certified Community Planner
10691 Abigail Street
Portage, Michigan 49002
(269) 491-4733
mkwest999@aol.com



**& M
CONSULTANTS**
5 WASON ST.
ARBORN, MI-48124
(313) 790-0129
(313) 582-0028

PROJECT: Provisioning Center
30 S. MARTIN LUTHER
G JR. BLVD
EAST LANSING, MI 48910

AGENT: GREEN SQUARE
BUILDING LLC.
30 S. MARTIN LUTHER
G JR. BLVD
EAST LANSING, MI 48910

Issued: /07/2017

NOTE: Use note scale drawings. Use calculated dimensions only if existing conditions in

SHEET TITLE:

SCALE: 1" = 4' 0"

Project Number:
1-264

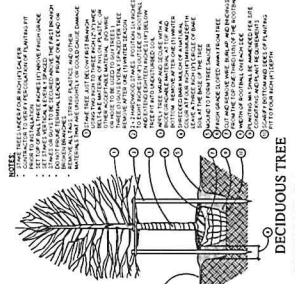
SHEET NUMBER:
2





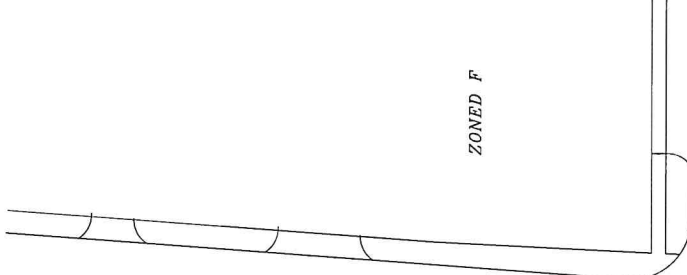
LANDSCAPE PLANTING NOTES:

1. All plant material shall be delivered to the site within 14 days of the date of the contract.
2. The City of Detroit requires that all plant material be delivered to the site within 14 days of the date of the contract.
3. The City of Detroit requires that all plant material be delivered to the site within 14 days of the date of the contract.
4. The City of Detroit requires that all plant material be delivered to the site within 14 days of the date of the contract.
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16. The City of Detroit requires that all plant material be delivered to the site within 14 days of the date of the contract.
17. The City of Detroit requires that all plant material be delivered to the site within 14 days of the date of the contract.
18. The City of Detroit requires that all plant material be delivered to the site within 14 days of the date of the contract.
19. The City of Detroit requires that all plant material be delivered to the site within 14 days of the date of the contract.
20. The City of Detroit requires that all plant material be delivered to the site within 14 days of the date of the contract.



PLANTING DETAILS

KEYQTY	BOTANICAL NAME	COMMON NAME	SIZE
R 11	CRIMSON KING MAPLE	CRIMSON KING MAPLE	3' cal. B&B
MNC 7	Malus sp. 'White Candle'	White Candle Crabapple	2' cal. B&B
ST 41	Amorcanalis 'Happy Returns'	STELLA DORO Daylily	2 gal. pot, 15" o.c.
SJA 52	PERONISTIA ATRIPICIFOLIA	RUSSIAN SAGE	2 gal. pot, 15" o.c.
JPN 9	*LIMEGLOW 'CREEPING JUNIPER	JUNIPERS HOR	



W HOLMES RD

ZONED F

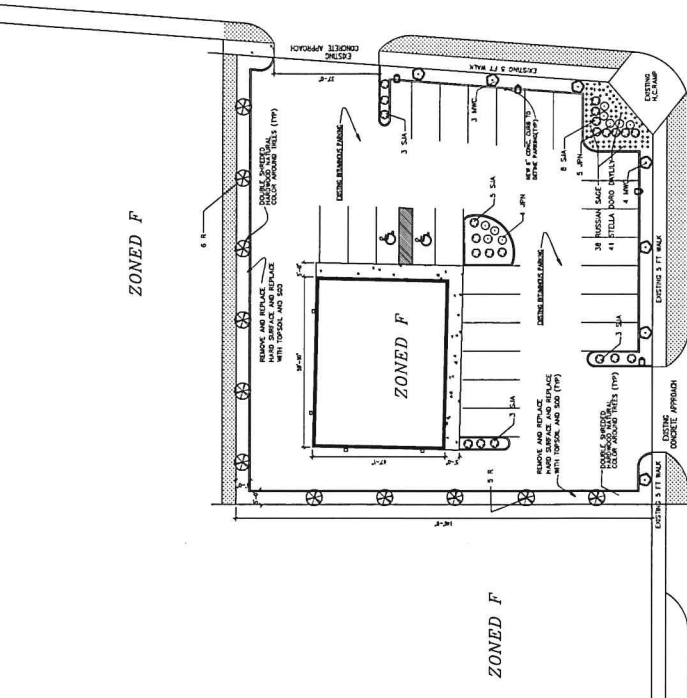
MARTIN LUTHER KING BLVD



LANDSCAPING PLAN

SCALE: 1" = 20'-0"

ZONED F



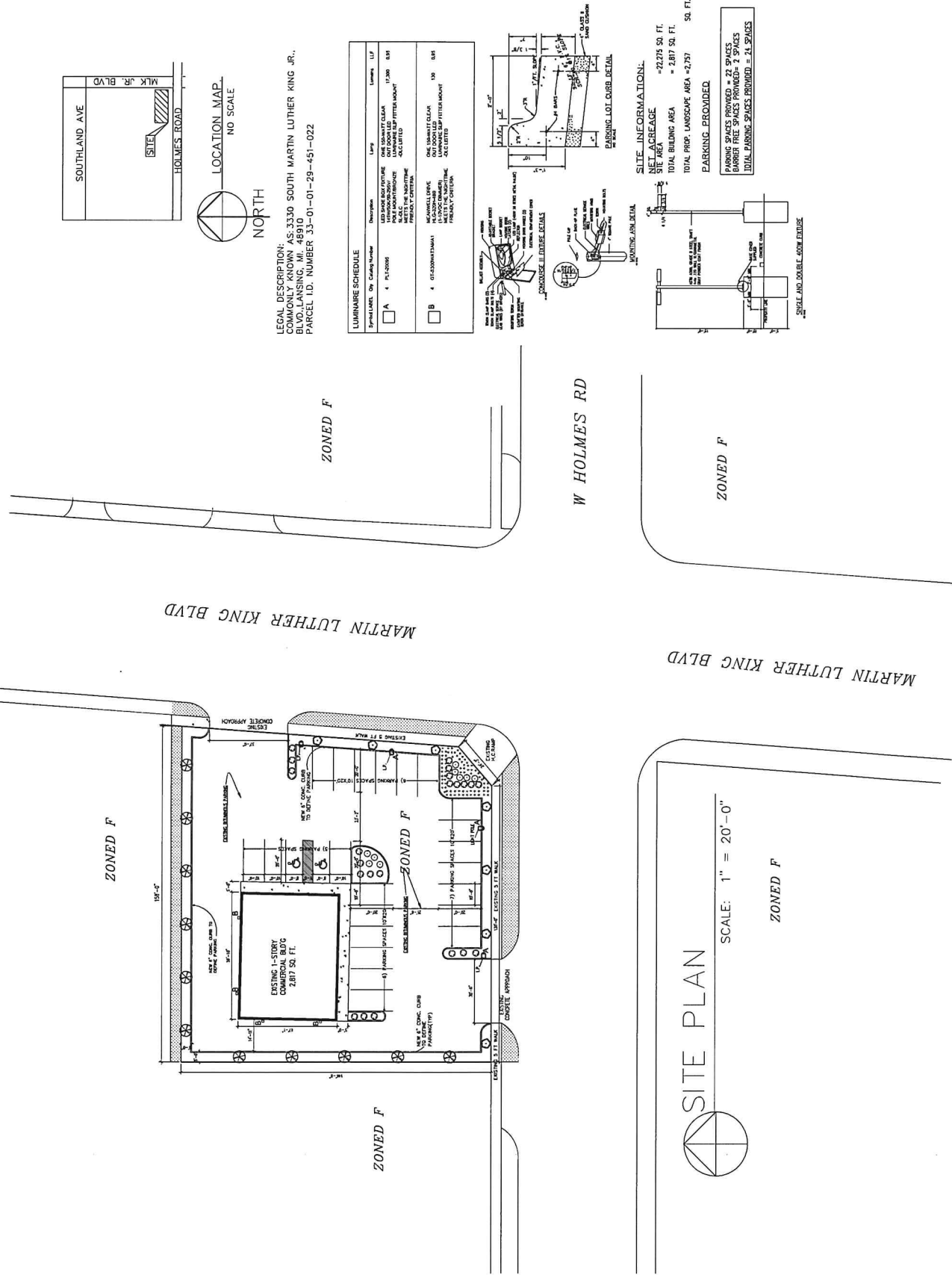
W HOLMES RD

ZONED F

A & M CONSULTANTS
 835 WAGON ST.
 DEARBORN, MI 48124
 PH(313) 790-0129
 PH(313) 582-0028

PROJECT:
Provisioning Center
 3330 S MARTIN LUTHER KING JR. BLVD
 LANSING, MI 48210
CLIENT:
 GREGORY SQUARE HOLDING LLC
 3330 S MARTIN LUTHER KING JR. BLVD
 LANSING, MI 48210
Issued:
 12/07/2017
 10/13/2018

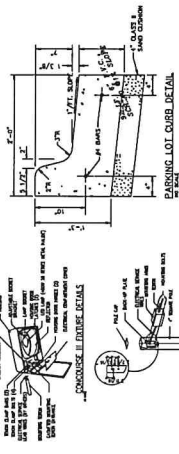
NOTE:
 Do not scale drawings. Use tabulated dimensions only. Field setting conditions in field.
SHEET TITLE:
PROP. SITE PLAN
SCALE:
 1" = 20'-0"
Project Number:
 17-264
SHEET NUMBER:
 SP-2



LEGAL DESCRIPTION:
 COMMONLY KNOWN AS 3330 SOUTH MARTIN LUTHER KING JR., BLVD, LANSING, MI 48210
 PARCEL I.D. NUMBER 33-01-01-29-451-022

LUMINAIRE SCHEDULE

Symbol	Label	Qty	Grade Number	Description	Height	LF
A	4	1	1	1" x 1" x 1" CLEAR LUMINAIRE MOUNTED ON POLE WITH ADJUSTABLE ARM AND SHIELD TO PREVENT GLARE AND LIGHT POLLUTION	17'-0"	5.0
B	4	1	1	1" x 1" x 1" CLEAR LUMINAIRE MOUNTED ON POLE WITH ADJUSTABLE ARM AND SHIELD TO PREVENT GLARE AND LIGHT POLLUTION	17'-0"	5.0



SITE INFORMATION:
 NET ACRES: 22.275 SQ. FT.
 TOTAL BUILDING AREA: 2,817 SQ. FT.
 TOTAL PROP. LANDSCAPE AREA: 2,757 SQ. FT.
 PARKING PROVIDED:
 PARKING SPACES PROVIDED = 21 SPACES
 BARRIER FREE SPACES PROVIDED = 2 SPACES
 TOTAL PARKING SPACES PROVIDED = 23 SPACES

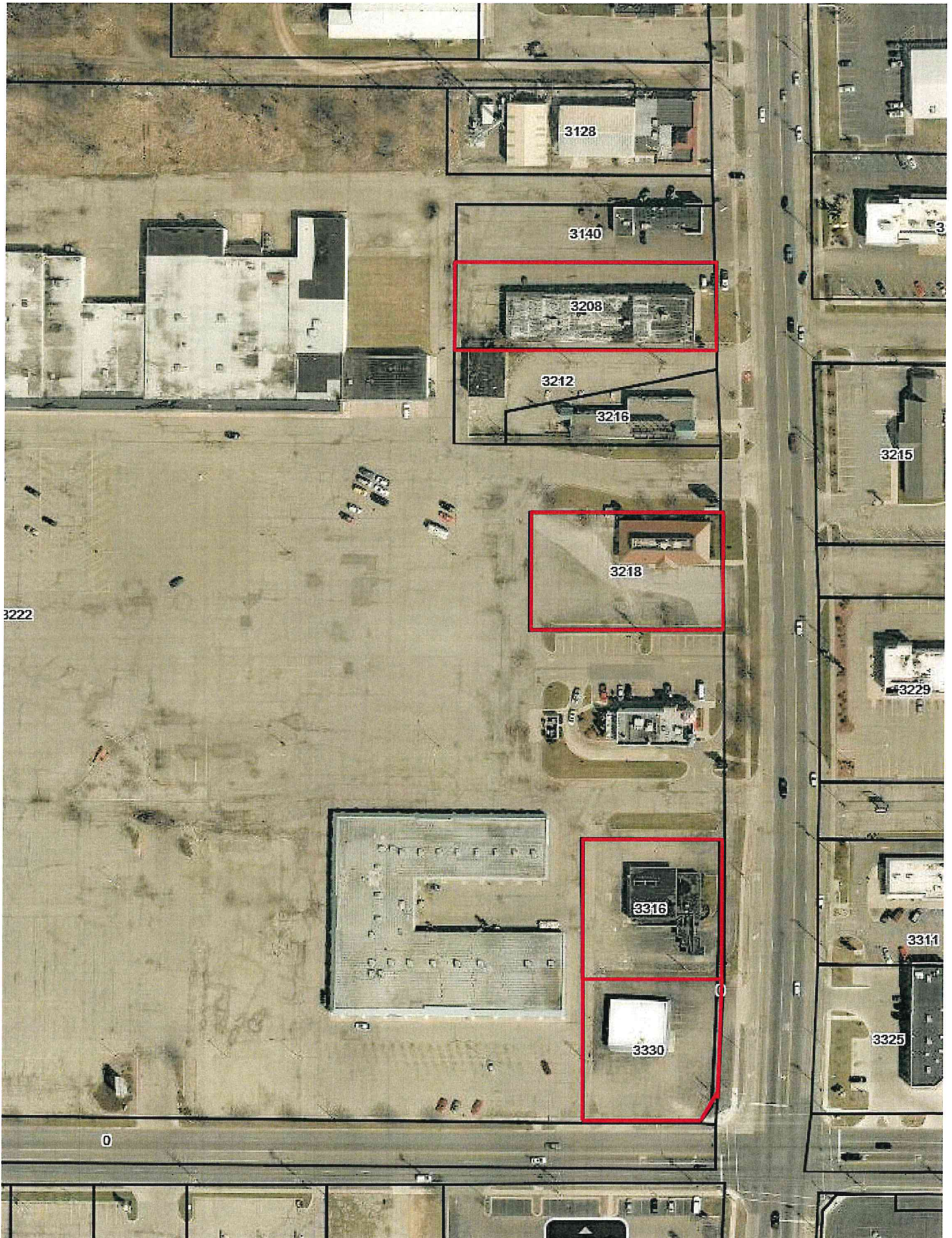


SCALE: 1" = 20'-0"

ZONED F

3330 S. M. L. King





City of Lansing Zoning Map

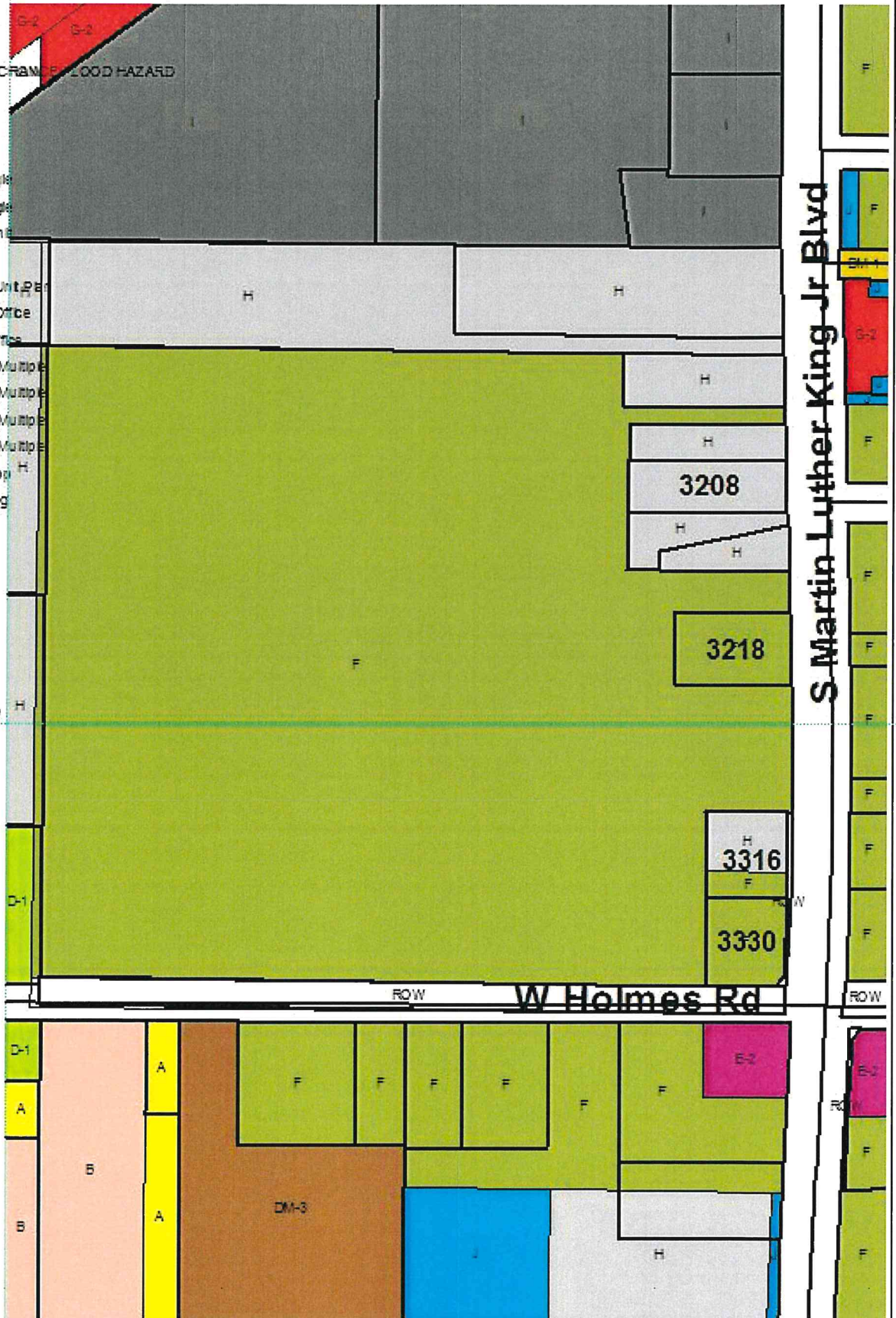
Legend

roads_final

FEMA Flood Zones

Flood Zone

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- Tax Parcels
- A Residential-Single
- B Residential-Single
- C Residential-2 Units
- NONE
- CUP Community Unit, Part
- D-1 Professional Office
- D-2 Residential/Office
- DM-1 Residential-Multiple
- DM-2 Residential-Multiple
- DM-3 Residential-Multiple
- DM-4 Residential-Multiple
- E-1 Apartment Shop
- E-2 Local Shopping
- F Commercial
- F-1 Commercial
- G-1 Business
- G-2 Wholesale
- H Light Industrial
- I Heavy Industrial
- J Parking
- ROW Right of Way



Stachowiak, Susan

From: Deb <DebClawson@comcast.net>
Sent: Tuesday, November 27, 2018 10:40 PM
To: marcie.alling@lansingmi.gov; kurt.berryman@lansingmi.gov; josh.hovey@lansingmi.gov; christopher.iaannuzzi@lansingmi.gov; jordan.learning@lansingmi.gov; mitch.rice@lansingmi.gov; waylon.sanford@lansingmi.gov; matthew.solak@lansingmi.gov
Cc: Stachowiak, Susan; Swope, Chris; emwomboldt@comcast.net
Subject: Comments on Variance Requests under the Medical Marijuana Ordinance BZA-4043.18, BZA-4044.18, BZA-4045.18, and BZA-4046.18

Dear Member of the Zoning Board of Appeals:

I am a resident of Southwest Lansing close to South Martin Luther King Boulevard (MLK). I am writing to request the Zoning Board of Appeals deny the 4 variance requests referenced above for marijuana provisioning facilities on properties at 3208, 3218, 3316, and 3330 S. MLK.

These proposed properties do not meet the requirement of the Medical Marijuana Ordinance that marijuana facilities be at least 500 feet apart. As admitted by the Zoning Administrator, granting these variance requests could result in there being 4 of 25 proposed provisioning facilities clustered together in an area. However, the Zoning Administrator does not mention that there is a marijuana growing facility at 2829 S. MLK, a marijuana processing facility at 2829 S. MLK, an approved provisioning facility at 3425 S. MLK, and other provisioning facilities seeking licenses for the following properties on S. MLK: 2829, 3812, 4924, 5124,, 5510, 5528, and 6283. Some of these license applications have been denied, but the document indicates that denials could be in the appeals process so it is not clear to me which of these properties may still be a provisioning facility location.

Granting these variance requests could result in Southwest Lansing being disproportionately impacted, leading to declining property values. The Ordinance was designed to avoid such a result. Variance requests should be considered not in a vacuum; the Southwest Lansing area redevelopment should be considered holistically and not simply based on individual variance requests for individual properties. It would be interesting to see a map of MLK as it traverses the City to see where the bulk of marijuana facilities are seeking to locate or are already located. It could be that the area of the City surrounding that main artery is already saturated without these facilities.

The Zoning Board of Appeals may deny these requests. In keeping with the intent and plain language of the Ordinance, marijuana provisioning centers are to be dispersed throughout the City. Granting these variances would be contrary to the Ordinance.

Thank you for your consideration.
Debra Clawson

Stachowiak, Susan

From: CHARLES A <fleckj@comcast.net>
Sent: Saturday, November 17, 2018 12:56 PM
To: Stachowiak, Susan
Subject: Strongly oppose variance

To whom it may concern,

I want you to personally know that I oppose the variances on the properties at MLK and Logan Square. I understand the purchaser want to use the following addresses for marijuana sales. 3208,3218,3316, and 3330. It is so frustrating living in the Lewton-Rich neighborhood and seeing the south end going down. When we purchased our property on Hampden Drive in 1990 , Logan Square was a vibrant shopping center. We were proud to live in the neighborhood. Now each year it gets worse and and we think about selling and leaving the area.

Our neighborhood is still relatively strong thanks to the work of Patty Farhat, and committed community workers. However, we need others to stand strong with us to enhance the area not make it a pot haven. It is embarrassing to drive through the area now, please don't allow businesses that will add to the decline. Hopefully those in power seriously consider the home owners when making these decisions.

Sincerely,

Jan and Charles Fleck

Sent from XFINITY Connect App

DONALD W. HORTON

5747 Richwood St. Apt. 42

Lansing, Michigan 48911

Email: dhorton52@yahoo.com

Phone 1 517 8829325

My name is Donald Horton with Rejuvenating South Lansing. We are here today to oppose the proposal for variance to the separation requirement between medical marijuana provisioning centers.

The City of Lansing has written and approved a medical marijuana ordinance and it clearly states that the provisioning centers cannot be within 500 feet of each other. We oppose any changes to the ordinance especially for approving variances to change the intent of this ordinance.

The four medical marijuana provisioning centers are requesting variances to separate the requirement between medical marijuana provisioning centers as stated in the City of Lansing's Medical Marijuana Ordinance. That ordinance states that provisioning centers cannot be within 500 feet of each other. These 4 medical marijuana provisioning centers cannot get a medical marijuana license through the City of Lansing because they are no 500 feet or more apart.

There were 87 provisioning centers that applied for medical marijuana licenses and their cap is 20 according to the Medical Marijuana Licenses in the City of Lansing. Therefore, they should not even be considered for licenses because their locations do not follow the ordinance rules. Why are they even allowed to dispute the ordinance? Two of the four are right next door to each other. The other two are very close to each also. It is our understanding that once a variance is placed on a property it stays with the property.

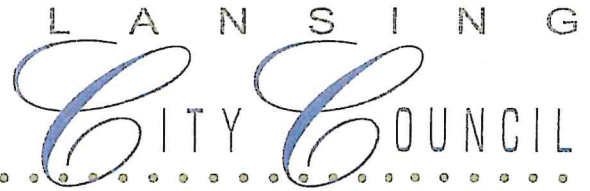
Despite the idea that these proposed centers will not affect the surrounding neighborhoods, we would beg to differ. We think it will. It will certainly have an impact on property values of homes in the vicinity. There are several neighborhoods between MLK and Washington Ave. We also think that it will have an adverse effect on business's in the neighborhood as well. As you know, the owner of Logan Square is holding an auction on November 11, 2018 to sell that property. How appealing will it be for prospective buyers to learn that there will be 4 provisioning centers so close together. How is this going effect the new business owners at 930 W. Holmes? And what will be the impact on other business's in the area.

If we are going to allow this in this area, when will it happen in another area. This is not good policy. It is not good for the City of Lansing. It is not good for local business, and most assuredly, it is not good for the surrounding neighborhoods and property values throughout the area.

Thank you for allowing me to express my opinion here this evening,

Respectfully Submitted

Donald W. Horton



November 8, 2018

City of Lansing Board of Zoning Appeals
124 W. Michigan Ave.
Lansing, Mi. 48933

Board of Zoning Appeals Members;

I am Council Member At-Large for the City of Lansing and I oppose the approval of the variances being requested for the properties along South Martin Luther King Jr. I have been involved with the Medical Marihuana (Marijuana) ordinance for over a decade. Each draft ordinances reviewed and the two ordinances that were passed by City Council each had a separation distance between establishments. The public made it abundantly clear that the clustering of provisioning center was a problem. The ordinance adopted on June 27, 2011 and the ordinance adopted on September 7, 2017 were reviewed by the public, Planning Board and Council all with the understanding there were regulations concerning clustering of provisioning centers. This is not something new. Granting such variances on any of these properties would be a detriment to this area and the surrounding businesses within this area. I strongly urge you to deny these requests.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol Wood".

Carol Wood
Councilmember At-Large
Carol.wood@lansingmi.gov

Tenth Floor City Hall
124 W. Michigan Ave.
Lansing, MI 48933
517-483-4177
Fax: 517-483-7630



November 8, 2018

City of Lansing Board of Zoning Appeals
124 W. Michigan Ave.
Lansing, Mi. 48933

Board of Zoning Appeals Members;

I am Council Member At-Large for the City of Lansing and I oppose the approval of the variances being requested for the properties along South Martin Luther King Jr.

I have been involved with the Medical Marihuana (Marijuana) ordinance for over a decade. Each draft ordinance reviewed and the two ordinance that were passed by City Council each had a separation distance between establishments. The public made it abundantly clear that the clustering of provisioning center was problem.

The ordinance adopted on June 27, 2011 and the ordinance adopted on September 7, 2017 were reviewed by the public, Planning Board and Council all with the understanding there were regulations concerning clustering of provisioning centers. This has not something new.

Granting such a variance would be a detriment to this area and the surrounding businesses within this area. I strongly urge you to deny these requests.

Sincerely,

A handwritten signature in black ink, appearing to read "Carol Wood".

Carol Wood
Councilmember At-Large
Carol.wood@lansingmi.gov

Tenth Floor City Hall
124 W. Michigan Ave.
Lansing, MI 48933
517-483-4177
Fax: 517-483-7630





November 8, 2018

City of Lansing Board of Zoning Appeals
124 W. Michigan Ave.
Lansing, Mi. 48933

Board of Zoning Appeals Members;

As a Lansing City Councilman representing Southeast Lansing, I strongly oppose the approval of the variances being requested for the four properties along S. Martin Luther King Jr. Blvd. It is my understanding that the variances being requested are part of an overall effort on behalf of the applicants to obtain successful licensing from the City of Lansing for medical marijuana provisioning facilities.

The City of Lansing's Medical Marijuana Ordinance clearly states that Provisioning Centers cannot be within 500 feet of each other. This is alarming to me that this is even being considered, not to mention that Susan Stachowiak is even recommending the variance approval of these four properties. Once again I strongly oppose any change to the Medical Marijuana Ordinance especially for approving variances to change the intent to this ordinance.

As you may be aware the owner of the Logan Square is holding an auction on November 11th 2018 to sell the property. I believe it is in the best interest of our city and to the property owner that we do not allow this variance to be approved. The Logan Square is long overdue for attention and I would not want to miss out on any development opportunity because we are littering the area with marijuana provisioning centers.

Lastly, I ask each of you to consider the responsibility you have been entrusted with. The Board of Zoning Appeals, along with the Planning Board, are the guardians of our zoning code. Your charge is to ensure land use patterns make sense and comply with zoning code. Any request for a variance or exception to our code should be carefully considered and the unintended consequences must be acknowledged.

Again, I respectfully ask that you deny the variance requests for the four properties situated along S. Martin Luther King Jr. Blvd.

Sincerely,

Jeremy A Garza, 2nd Ward Lansing City Council
Jeremy.garza@lansingmi.gov

Tenth Floor City Hall
124 W. Michigan Ave.
Lansing, MI 48933
517-483-4177
Fax: 517-483-7630



November 8, 2018

City of Lansing Board of Zoning Appeals
124 W. Michigan Ave.
Lansing, Mi. 48933
Board of Zoning Appeals Members;

As a Lansing City Councilman representing Southwest Lansing, I vehemently oppose the approval of the variances being requested for four properties situated along S. Martin Luther King Jr. Boulevard. My understanding is that the respective variances being requested are part of an overall effort on behalf of the applicants to obtain successful licensing from the City of Lansing for medical marijuana provisioning facilities.

Dating back to 2010, the Lansing City Council has worked tirelessly to solicit input from the community regarding medical marijuana and prospective legislation to allow for and regulate medical marijuana facilities. As a result, various drafts of ordinances were examined and ultimately, two separate ordinances were duly ratified. Although public comment included various concerns over the number of facilities, types of facilities, and location of facilities, the clustering of provisioning centers was a topic discussed often. Knowing that the Lansing City Council would most likely cap the number of provisioning centers, many patient advocates worried about potential grouping of provisioning centers and what that would mean for patient access. There were others that worried about one section of town being disproportionately affected by the clustering of provisioning centers. Candidly, many expressed concern that such clustering would likely occur in South Lansing. Consequently, both ordinances examined by the Lansing Planning Board and passed by the Lansing City Council, included language to safeguard our community from such grouping of provisioning centers. The aforementioned pieces of legislation were carefully crafted with input from the community, the city's administration, the Planning Board and City Council. It is my opinion that to approve the requested variances would be an egregious circumvention of the spirit of the process and language found within the city's medical marijuana code.

Lastly, I ask each of you to consider the responsibility you have been entrusted with. The Board of Zoning Appeals, along with the Planning Board, are the guardians of our zoning code. Your charge is to ensure land use patterns make sense and comply with zoning code. Any request for a variance or exception to our code should be carefully considered and the unintended consequences must be acknowledged.

Again, I respectfully ask that you deny the variance requests for the four properties situated along S. Martin Luther King Jr. Boulevard.

Sincerely,

Adam Hussain, 3rd Ward Lansing City Council
adam.hussain@lansingmi.gov

Tenth Floor City Hall
124 W. Michigan Ave.
Lansing, MI 48933
517-483-4177
Fax: 517-483-7630

Stachowiak, Susan

From: Jason Wilkes <jason.wilkes724@gmail.com>
Sent: Thursday, November 08, 2018 12:12 AM
To: Stachowiak, Susan
Cc: Hussain, Adam; Wood, Carol; Andy Schor; Elaine Womboldt
Subject: Opposition to MLK zoning variances

Susan Stachowiak and Board of Zoning Appeals Members:

RE: 3208 S. MLK, 3218 S. MLK, 3300 S. MLK, and 3316 S. MLK

I strongly OPPOSE the variances requested for the above-mentioned properties because they are all in violation of the Medical Marijuana Ordinance No. 1217, which was passed in September 2017. These pot shops are all within 500 feet of each other which is not permitted per this ordinance. Furthermore, there is a cap of 20 per the ordinance and those licenses have not yet been filled. I am NOT in favor of and OPPOSED to ANY request(s) for variances. Having 4 in such close proximity of each other makes no sense whatsoever and in no way should special accommodations be made for anyone when they have known the requirements. The businesses, neighbors, and taxpayers in this area deserve to have their voices heard and this can not be allowed to happen. These **careless** and **reckless** requests must stop! Please VOTE NO on the variances and ensure this statement is entered into public record and shared with the board.

Thank you,

Jason Wilkes, President
Averill Woods Neighborhood
Continental Drive Resident
517-819-6111

Stachowiak, Susan

From: Robert McCormack <rmccormack@mccdev.com>
Sent: Wednesday, November 07, 2018 6:38 PM
To: Stachowiak, Susan
Cc: Rejuvenating South Lansing
Subject: Objection to variance requests along South MLK Street

Ms. Stachowiak,

My name is Robert McCormack, and I part of the ownership group that is redeveloping the former EDS building at 930 W. Holmes Road. We recently learned about the requested variances for the four properties located at 3208, 3218, 3316, and 3330 S. Martin Luther King Street.

As you might be aware, we are spending significant time, money and resources in redeveloping our property, and in fact just this week received final City Council approval for a Brownfield redevelopment plan which will greatly enhance the property and adjacent public right of ways by adding significant landscaping, lighting, and green space, with park-like settings, and areas for public art to be exhibited.

We strongly oppose the proposed variances, as we believe it is clear that the City of Lansing's Medical Marijuana Ordinance was created specifically with language to prohibit provisioning centers within 500 feet of each other for good reason. To allow these four properties to operate so close to each other will likely greatly stifle future development in an area that might otherwise be about to "take off".

I would appreciate it if you would share this email with all of the members of the Board of Zoning Appeals, and feel free to reach out to me with any questions.

Best regards,

Robert "Mack" McCormack
McCormack Development, LLC
10734 Sky Prairie Street
Fishers, IN 46037
812-345-2498 (c)
317-863-4177 (o)
317-863-5701 (f)
rmccormack@mccdev.com

Stachowiak, Susan

From: Marylin Ebaugh <mebaugh44@gmail.com>
Sent: Wednesday, November 07, 2018 5:28 PM
To: Stachowiak, Susan; Rejuvenating South Lansing
Subject: Re zoning of 3208, 3218, 3316 and 3330 South MLK

Please forward this to the Planning Board prior to the meeting.

I strongly oppose the rezoning of these four properties to allow them to be any type of marijuana facility. The city and citizens have worked VERY VERY hard to provide some balance in the number of dispensaries. The ordinance was created to provide adequate facilities for those who need the medical marijuana while not turning the city into the "marijuana capitol". Please DO NOT undermine what is already in place.

Marilyn Ebaugh
2201 Pamela Place
Lansing,

Rejuvenating South Lansing

Where Everyone is a Neighbor

Elaine Womboldt, Facilitator
4815 Tressa Drive
Lansing, MI 48910

November 7, 2018

Susan Stachowiak, Zoning Administrator
City of Lansing, Planning Office
316 N. Capitol, Ave, Suite D-1
Lansing, MI 48933-1234

Ms. Stachowiak and Board of Zoning Appeals Members,

Once again, Rejuvenating South Lansing had to seek outside assistance to obtain the Agenda for tonight's meeting. I contacted President Wood late Monday, November 5, 2018 asking her if she had the agenda and she told me "No" but she would assist me in getting it. I also made public comment at the City Council meeting Monday night that this agenda and information was not available. We had little time to prepare for your meeting on Thursday, November 8, 2018.

On Tuesday afternoon, November 6, 2018, Ms. Stachowiak called me to tell me it was on line. I began reading all the documentation. I was very surprised and disappointed that Susan Stachowiak, Zoning Administrator made recommendations that all 4 variances be approved by the Board of Zoning Appeal Members.

I looked on-line for "Board of Zoning Appeals Duties" and did not find anything that stated it was the responsibility of the Zoning Administrator to make recommendations to the Board of Zoning Appeals on variance(s) request(s). I believe this is not an appropriate procedure and her recommendations give an unfair advantage to the 4 properties requesting variances. Her recommendations were part of the on line packet before you have had an opportunity to receive emails, letters, or public comment from residents/property owners. It seems to me our rights have been denied by the Zoning Administrator making her recommendations before all the evidence is presented to the Board of Zoning Appeal members.

Rejuvenating South Lansing vehemently opposes the four variances requested for (BZA-4043.18) 3208; (BZA-4044.18) 3218; (BZA-4045.18) 3316 and (BZA-4046.18) 3330 S. ML King in Lansing, MI. The power of the law in Ordinance No. 1217 must be followed.

The City of Lansing Medical Marijuana Ordinance No. 1217 prohibits a medical marijuana provisioning center within 500 feet of another provisioning center. There was extreme concern of the consequences of allowing them any closer than 500 feet. The spirit of the ordinance was to prevent clustering. The **intent of Ordinance No. 1217 since it was passed on September 7, 2017 by the City Council was clear** with specific language in the ordinance stating 500 feet or more. I was at this Council meeting when the ordinance was created, discussed and passed.

There needs to be no other discussion, no other considerations. Ordinances in the City of Lansing are the laws which we are to obey. They do not qualify for Medical Marijuana Licenses because the properties in question do not follow the Medical Marijuana Ordinance which is now in place. There were 87 applications requesting medical marijuana licenses with a cap of 20 available. There are several others to consider. The four asking for variances also can find another location in the City of Lansing for their medical marijuana provisioning center. There are several properties available.

At this time, letters opposing all 4 variances have been submitted by: Councilmember At Large Wood, 2nd Ward Councilmember Garza, Robert McCormack, Marylin Ebaugh, and Jason Wilkes. There will be more submitted before the Board of Zoning Appeal Meeting.

Please listen to our voices and oppose the four (4) requested variances on MLK.

Respectfully,



Elaine Womboldt, Facilitator
Rejuvenating South Lansing
Where Everyone is a Neighbor

CC: Carol Wood, Councilmember At-Large
Jeremy Garza, 2nd Ward Councilmember
Robert "Mack" McCormack, McCormack Development, LLC, ownership group of 930 W. Holmes
Jason Wilkes, Averill Woods Neighborhood
Marylin Ebaugh
File

Stachowiak, Susan

From: Nathan Hartley <nathan@7hartleys.org>
Sent: Saturday, November 10, 2018 11:43 AM
To: Stachowiak, Susan
Cc: Lansing Mayor
Subject: Please deny the MLK/Holmes Marijuana variance requests
Attachments: 2018_11_10 11_29 AM Office Lens.jpg

I agree with the memo written by Adam Hussain (attached). Please deny the MLK/Holmes Marijuana variance requests.

Thank you,
Nathan Hartley
4254 Glenburne Blvd

Stachowiak, Susan

From: Suzanne Elms-Barclay <elmsbarclay1@gmail.com>
Sent: Thursday, November 08, 2018 11:32 AM
To: Stachowiak, Susan
Subject: Susan: I have heard you are the only person who can send this to ALL the members of the

Zoning Appeals Board and, therefore, ask you to please do so and to make sure that my comments, below, go onto any and all public records:.

And, to start with, how can you consider that it is blatantly WRONG that there is when a MARIJUANA LOBBYIST is ON THIS BOARD!! Talk about poking Michigan's citizens right in the eye with this improbable influence on your board. Who considers that unbiased or right to have anyone who profits from Marijuana be on this board ? It is beyond unconscionable !!! Why not put a citizen who has lost a child to suicide from the effects of the so-called "medical marijuana" on the board, at least. BECAUSE, it is an insult to believe JOSH HOVEY presence on this board is considered reasonable; how can he be removed for conflict of interest?

If there is anyway that my comments can even be considered or recognized, I thank you. But, having had people (pot smokers) LAUGH AT ME IN PUBLIC MEETINGS about my son's death AND MY FAVORITE: someone telling me my son's suicide wasn't because of psychosis he had in conjunction with his LEGALLY PRESCRIBED MEDICATION but "because I was a BAD MOTHER," I despair that this Board will consider any of the medical or technical research I have found since my son's suicide and even pretend to try to make this "Marijuana for All" situation any safer for any of Michigan's citizens.

Here's my message that I hope you will share with this Board:

If anyone can find a law firm that is willing to take on my son's Wrongful Death, I think I have enough evidence and research to make it fruitful.

I was contacted by Jeff Nutt but he implied that I would have to "contribute" to the attorney's fees which is beyond what I think I could deal with....especially because I don't want to profit from David's death so would want a lawyer who sues in order to get their own payment. If I were to be awarded any \$, I would give it away.

I had tried to call the various "ambulance" chasers (Bernstein, Fieger) and got no interest. I even tried Buckfire Wrongful Death. However, I had at that point mentioned only suing the mayor and the doctor (neither is feasible as the mayor is ex-mayor and the doctor had immunity in section g of the 2008 MMA.)

I now believe that ANY lawsuit should be against either the state of Michigan or its LARA department which took \$ for applications for med cards, issued med cards, tracks opioid use and licenses the Pharmacists. The notable gap in the system is that LARA knew to whom each medical marijuana card was issued but no mechanism was set up so that the pharmacist who filled so many legal RXs of David's which are shown on that drugs.com list, despite its claim that there are 610 prescription drugs which have a reaction with cannabis; the Pharmacy was not made aware that David had a med marijuana card and/or used it.

See <https://drugs.com/drug-interactions/cannabis.html> or the attachment. You and everyone else have my total permission and cooperation and can see if an attorney or firm which secures its fees from the settlement. It would be too hard to fight a hopeless cause, however, and I think my paying to retain a lawyer upfront increases the odds of my being left by the side of the road.

AND:

On November 7, 2018 at 7:53 PM Suzanne Elms-Barclay <elmsbarclay1@gmail.com> wrote:

If you or yours can find an attorney or a Law firm which is willing to take on LARA at the state of Michigan, pro-bono, let me know, as I have found through my research, **a huge systemic flaw/oversight in the medical marijuana law which is directly responsible for my son's death.**

The potential dangers of this flaw will certainly be only made worse with recreational pot. because there will be **NO POSSIBILITY OF THIS IGNORED SAFE-GUARD** with willy-nilly recreational marijuana, how many more people will be unknowingly put into a potentially deadly situation, without their knowledge, as was my son, David.

LARA was responsible for the intake of "physician's forms" and cash for an application from my son for "medical marijuana", LARA presently licenses Pharmacies and also asks Pharmacies to track Opioid use. **But there was a huge oversight in the process which collected fees and issued "official" use cards for marijuana: I apologize, in advance for all the bold type, red lettering etc. I know it isn't business-like or make me more "believable" or some such thing but this "process" of learning of the gaping holes and lies and lack of enforcement or even any apparent concern for the lives that have been lost due to medical (and now recreational) marijuana is upsetting beyond red letters and bold points of view. I am screaming for help !!!**

"My son's death was due to a horrific gap in safety: because NO ONE IS INVOLVED WITH telling patients of possible severe drug reactions with using marijuana while having LEGAL prescriptions filled by their "bona-fide" doctor. Thus although there is published and

available information about the potential interaction between "cannabis" and over 610 legitimate prescriptions ... **Why wasn't there ANY RESPONSIBILITY through LARA OR THE STATE OF MICHIGAN, in this supposedly "regulated issuance of medical marijuana cards" ?**

[drugs.com/drug-interactions/cannabis.html](https://www.drugs.com/drug-interactions/cannabis.html) ,readily available on-line, warns that there are at least 610 prescription medications which have severe interactions with cannabis. **NO ENTITY WAS REQUIRED TO CHECK AND NOTIFY THE 'PATIENT' OF DANGEROUS POTENTIAL INTERACTIONSor the pharmacist or the "bona fide" physicians that this individual had received a "legal" card from the State of Michigan without any acknowledgement of the those known dangerous reactions between their legally prescribed drugs and marijuana:**

Someone needs to sue LARA or the State of Michigan or this dangerous over-sight and lack of responsible medical protocol **BECAUSE, DESPITE THE INVOLVEMENT OF A LICENSING AGENCY FOR THE STATE OF MICHIGAN .. neither the Pharmacy knew he was smoking pot, nor did we, nor did his "bona-fide" primary physician and/or his endocrinologist or his psychologist"**

Suzanne Elms, 1628 Lindbergh Drive, Lansing MI 48910 372-0094

Stachowiak, Susan

From: Jordan G. Leaming <jordanleaming@gmail.com>
Sent: Thursday, November 08, 2018 2:57 PM
To: Stachowiak, Susan
Cc: Marcie Alling (marciejalling@gmail.com); Hovey, Josh (jhovey@rossmangroup.com); Josh Hovey; ricemcp@live.com; Kurt Berryman; Chris Iannuzzi; matthew.solak@gmail.com; waylonsanford@gmail.com; McGrain, Brian; Sumner, Heather; O'Boyle, Amanda; Smiertka, Jim; Jackson, Brian; Swope, Chris; Biehler, Deb
Subject: Re: November 8, 2018 BZA Packet - Part 1 of 3

Good afternoon,

I will be unable to attend the meeting this afternoon.

I did want to share with everyone my concerns with the marijuana provisioning center variance requests.

First, the adopted code does not allow for provisioning centers to be this close to each other. In fact, the way I read the code is that the city envisioned placement of these businesses to be spread out around the city to have access to a wider range of residents in different areas of the city, not create a concentrated mile of dispensaries.

Second, while these businesses may have been selected as being in the "top 20," none of them have a license and as such no standing to pursue a variance.

Granting variances here undermines the entire adopted code as well as any future decision of the Zoning Board.

I regrettably am not able to attend, but feel strongly this is a mistake to grant any variances in the information I reviewed.

I also feel it necessary for the Board to have a meeting with the city attorney's office and city clerk's office to understand how these variances are appearing based on the concerns noted above.

Best,
Jordan Leaming

On Nov 2, 2018, at 4:45 PM, Stachowiak, Susan <Susan.Stachowiak@lansingmi.gov> wrote:

Please let me know if you will be unable to attend the meeting.

Thanks
Sue

Susan Stachowiak
Zoning Administrator
Department of Economic Development & Planning – Planning Office
316 N. Capitol Ave., Suite D-1 | Lansing, MI 48933
O: 517-483-4085 E: Susan.Stachowiak@lansingmi.gov
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)

<image001.png>

CSHM Services, LLC is respectfully requesting that the Lansing Board of Zoning Appeals delay taking action on BZA-4045.18 while the applicant thoroughly examines all options relative to the variance request for a medical marijuana provisioning center at 3316 S. ML King.

Lawrence Jaramillo 11-8-18

Lawrence Jaramillo

Date

City of Lansing
c/o Board of Zoning Appeals
Neighborhood Empowerment Center
600 W Maple Street
Lansing, MI 48906

RE: 3208 MLK, Inc. (Medical Marijuana Provisioning Applicant)
Location: 3208 S Martin Luther King Boulevard, Lansing, MI 48910

To whom it may concern:

We are the neighbors of 3208 MLK, Inc. We support their request to be awarded a license in the City of Lansing to operate a medical marijuana provisioning center. We strongly believe they would be a great asset to both the community and the City of Lansing.

TM Fantisre S 3208 S MLK

Jessica Ross - Check into Cash - 3901 S. MLK BULD 48910
3140 S. M.L.K 48910 - crack chicken
Wayne Haddad

2937. S. MLK BLD 48910

3022 S. MLK Lan, 48910

3022 S. MLK Jr. Blvd.
Lansing MI 48910

3216 S. MLK JR. Blvd.
Lansing MI 48910

3216 S. MLK Jr. Blvd
Lansing MI 48910

2108 S. MLK Jr. Blvd