

6/14/2018

Ann Arbor Planning Commissioners
Ann Arbor City Council
Ann Arbor City Mayor Taylor

Steve Kay
Curatives AA
3050 Packard
248.388.2143
skay011@aol.com

Mayor Taylor, Commissioners and Council Members;

June 13th, 2018

Dear Commissioners, Council Members, and Mayor Taylor

My name is Steve Kay I am a part of a petitioning group for a marijuana provisioning center license in your city at 3050 Packard. I am an educated, lifetime long Michigan resident, and businessman. My partners and I purchased 3050 Packard in Ann Arbor in 2016 because conclusively we couldn't think of a more historically progressive location in the State to participate in the new economy of Medical Marijuana. Since purchasing the building we have always asked for the City's direction on our property and its use. We have always listened. We were always treated professionally and with respect by everyone we have ever interacted with in our Ann Arbor dealings. Ironically, our abidance to City rules and requests has created an unintended problem. We are now confronted with this unforeseen issue that will seemingly prevent our business from receiving a special exception. It is with great horror and humility that we also realize we may suddenly be seen as an agitator to the City by trying to raise awareness to our problem. This is a City we continue to respect idealistically. We do not think the problem was intentionally caused by the City or even perhaps by the business interest that has caused us to bring our issue to light. When at the end of the last Planning Commission we heard the floor be cleared for a political figure of great historic influence to the City speak freely and openly about her perspective, we were scared. We are not conspiracy theorists. As a group we took a deep breath and all came to some conclusions:

1 We have a problem that the City didn't intend or create.

2 The mistake made by the petitioner that has created the problem may or may not have done so unintentionally. This petitioner, however, created a problem because of her abuse of the State's MMFLA memorandum for rules on temporary operations of existing and recognized dispensaries which gave her an unfair advantage.

3 We simply need to have our position understood by the City to come up with a fair solution for us all so we are not seen as an agitator.

We do not want to compare our position to the great wrongs of our world, but ultimately we feel victim shamed for bringing this issue to light. We can palpably feel the dismissive tone because it's a medical marijuana issue. We chose Ann Arbor because of your leadership and respect of this industry. Our potential loss on our building and site plan is secondary to the fear that we were not treated fairly and with equal consideration to the City's process on these type of businesses.

Time line and Our Story

-April of 2016 we bought 3050 Packard. We knew that an EXISTING and known dispensary, Ann Arbor Health Collective located at 3060 Packard, that is within our "marijuana business radius" who would apply going forward and thereby block our application according Ann Arbor's 600 ft radius ordinance. In other words, if Ann Arbor Health Collective decided to apply for a license, that would preclude us from using 3050 Packard as it's intended purpose, a legal marijuana dispensary. We were told by the City there would be no more dispensaries allowed to open because the City had a moratorium on new dispensaries. We were told if anyone, including us were to open, they would be immediately shut down. We were told no favoritism would be shown upon State licensing to the already existing open dispensaries. We knew we had an open dispensary 50 ft away from us. We knew we would have to share and participate in a fair process at the appropriate time to apply within the City. Thinking there would be no grandfathering we waited. Important point: from April of 2016 to November 2018, no new dispensaries were allowed to open legally in Ann Arbor. We are aware of three failed attempts within the City during that period that new dispensaries attempted to open but were given Cease and Desist Orders by Ann Arbor.

-February 10th-12th 2018 our team waited outside in line for 2 days in a blizzard to ultimately secure a 3rd place position to apply to the City for an SEU hearing

-February 14th 2018 our application was denied because a building interfered with an application that was submitted. It was not the building 50ft in front that blocked us, rather a building at 3152 Packard.

- 3152 Packard Huron View Business from April 2016 to February 12th would have been in conflict with any 600 ft allowable zone from the same building at 3060 Packard that we had our zone conflict 50ft in front of us.

-The concentric zones now put us in conflict with 3152, but also allowed someone behind us in process to apply 600 ft from Huron View, but not 600 ft from us.

Huron View claims they were in business on 12/1/17. Intentional or by mistake, they are allowed to wipe away our SEU because they were allowed to be considered an “established marijuana dispensary”. The spirit of the memorandum by the State of Michigan was not to allow people to rush in at the last day and say they were open to gain an unfair advantage. It is damaging to us and every other petitioner that 3162 Huron View be given preferential treatment as an existing dispensary and be allowed to apply for a city license before the general public is allowed to do so. We were told grandfathering, and certainly one day of grandfathering, would not be allowed. Should one person be allowed to unilaterally open a marijuana dispensary when City Council publicly discussed and established the fair and legal process to do so? We followed the rules you set forth.

We have obtained the following considerations from Through the Freedom of Information Act:

-In an email dated 12/13/17, from Derek Delacourt to Huron View and CC'd Brett Lenart, Jill Thacher and Kristen Larcom, Mr. Delacourt says, “I don't have that address (3152 Packard) on file at the City nor do I have any type of request for occupancy, zoning compliance, or any other record of operation on file.”

-In an email dated 12/13/17 Ann Arbor Community Services Administrator, Derek Delacourt to Huron View questions their facility as operational. “ I asked our Zoning Administrator to go out and take a look at the location you request and it

is clear that the facility is not open or operational. ...Facilities that are not open are required to receive applicable approvals prior to opening.”

In an email dated 12/14/17 From Derek Dalecourt writes to Huron View Ms. Montague, “There does not appear to be an active or operational provisioning center located at this address. There is a (paper) sign and what appears to be two empty display cabinets at the location and nothing that would give the indication of an operating site. Staff is correct to not accept an occupancy permit requests at this time, currently nothing is being accepted or processed until a final determination on the ordinance is made. “

Christina Montague responds, “Huron View has been open daily since December 1 and serving our existing patients. We are open and operating daily and I am sorry if someone came by when we were out.” How convenient to say, “Sorry ,we were not there.” Huron View was NEVER open.

In another email dated 12/15/17 from Mr. Delacourt to response to Ms. Montague, “There does not appear to be an active or operational provisioning center located at (3152 Packard).”

In an email dated 12/15/17 from Kristen Larcom to Jacqueline Beaudry and cc's to Jill thatcher, Derek Dalecourt, Jacqueline Beaudry, Kevin McDonald and Stephen Postema, Kristen sends an attached file of Medical Marijuana Zoning ordinance Amendments.

“ Whereas, LARA established Emergency Rule 19 to conditionally allow applicant for a state operating license who is operating and had operated the proposed marijuana facility since before December 15, 2017, to temporarily continue to operate the existing facility on and after December 15, 2017, even though continued operation would otherwise require a state operating license.”

As of 12/15/17 The Provisioning Centers list for the City of Ann Arbor had not been able to verify Huron View Provisioning center. That said, if they were to have proven their business was open, were they going to get a cease and desist consistent to the period going back to April 2016?

Email dated 12/28/17 Christina asks Matt Morrow, Administrative Assistant Level III for Ann Arbor, “ I am unsure where I need to start the Ann Arbor MML application process.”

Wait, 12/28/2017 she is asking this? 27 days after she said she was opening? She said they were open and servicing patients since 12/1/17.

In an email dated 1/4/2017 Huron View Christina Montague tells Ann Arbor City Clerk, Jacqueline Beaudry she "is the CEO of Huron View and wants to be put on the "list."

Ms Beaudry responds, "Do you represent an existing medical marijuana facility? We are currently only signing the Attestation E forms businesses. the new zoning ordinance will go into effect on February 12, 2018." This seems to be the correct response to her claim.

On 1/5/18 Christina Montague emails Jill Thacher says, " Jacqueline (sp) Beaudry recommended that I contact you. I would like to meet with you next week or as soon as possible to get briefed on how to complete the application / registration process for my my provisioning center located at 3152 Packard." In an email dated 1/17/18 Christina Montague asks Jill Thacher for a site plan for her business. Ms. Thacher responds, "I checked my files and could not find any site plan for your address. One or two of the lots are site planned, but not this one unfortunately."

Metaphorically, and literally Huron View skipped in line. When someone skips a long important line they thumb their noses at the core decency of the people behind them. We are sorry we are bringing this to your attention, but we also depend on the fair and equal consideration to this problem. Huron View's disregard for protocol has impacted our business plan and will impact others. We ask that you take a close look at this situation and decide if this is the precedence that should be set for business operations going forward, not only for us, but others that seek the leadership of this fine city.

Respectfully,

A handwritten signature in black ink, appearing to read "Steve Kay", with a long vertical line extending downwards from the end of the signature.

Steve Kay
Curatives AA
3050 Packard
248.388.2143

Lenart, Brett

From: Thomas Bletcher <hcpandb@aim.com>
Sent: Friday, June 15, 2018 5:32 PM
To: mark.schroeder22@gmail.com
Cc: Planning
Subject: 140 Hill Street...

...certainly better than 132 Hill...meets Michigan Housing Law requirements...be nice if the porch were restored with this project...

...Tom Bletcher....

Thomas E. Bletcher
Senior Partner
Harmon Culhane, Petersen, & Bletcher
121 East Davis Street
Ann Arbor, Michigan 48104-3205

Area Code 734 Telephone Number NOrmandy 3-8005

Lenart, Brett

From: Pfarr, Marie <mpfarr@med.umich.edu>
Sent: Monday, June 18, 2018 7:52 AM
To: Planning
Subject: Concerns Regarding Approval of Medical Provisioning Center at Packard

Dear Planning Commission -

I am a Pediatric Chief Resident in the Ann Arbor area. I am writing to express my significant concerns regarding the potential approval of a medical marijuana provisioning center at 3152 Packard St due to its close proximity to May's Bilingual Preschool. As a medical provider in this community, I am both alarmed and disappointed to learn that the neither City Council nor the Planning Commission have taken appropriate steps to safeguard our children, including infants and toddlers as well as K-12 aged-children outside of formal elementary/secondary school locations, from negative effects of marijuana exposure. The decision to afford the 1000 foot minimum distance between K-12 schools and marijuana-related business only to children in a K-12 school is medically arbitrary, inadequate and irresponsible as all ages of children are equally at risk for harm from marijuana regardless of specific location. It is further upsetting to learn that the city has approved two dispensary locations located near daycare/preschool facilities without regard for the negative medical impact.

Given that marijuana remains a schedule I drug under the federal Controlled Substance Act due to the extremely high risk for addiction, that medical marijuana is not regulated by the FDA and is therefore not mandated to have child-safe packaging, that ingestion and inhalation, including second-hand inhalation, of marijuana is documented to have both negative immediate impacts on child health and longer-term impacts on brain development and that the American Academy of Pediatrics has raised notable concerns related to "normalization" of marijuana use secondary to adult modeling, I urge you to prioritize the safety of all children in our community and disapprove any medical marijuana provisioning center permits that are proximate to children.

Additionally, I specifically urge you to amend the 5:50.1(3)(c) city ordinance to create a minimum requirement of a 1000 foot buffer between any marijuana-related business and locations caring for or educating children such as daycares, preschools and locations with pre/after school or summer programs in addition K-12 schools to protect the health of all infants, children and adolescents in Ann Arbor.

Sincerely,

Marie A. Pfarr, MD
Pediatric Chief Resident 2018-2019
Ann Arbor Area

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Lenart, Brett

From: Jacher, Joe <jjacher@med.umich.edu>
Sent: Monday, June 18, 2018 11:23 AM
To: Planning
Subject: Medical Marijuana Dispensaries Too Close to Children

Dear Planning Commission -

I am writing to express my significant concerns regarding the potential approval of a medical marijuana provisioning center at 3152 Packard St due to its close proximity to May's Bilingual Preschool. As a (medical provider, pediatrician, parent) in this community, I am both alarmed and disappointed to learn that the neither City Council nor the Planning Commission have taken appropriate steps to safeguard our children, including infants and toddlers as well as K-12 aged-children outside of formal elementary/secondary school locations, from negative effects of marijuana exposure. The decision to afford the 1000 foot minimum distance between K-12 schools and marijuana-related business only to children in a K-12 school is medically arbitrary, inadequate and irresponsible as all ages of children are equally at risk for harm from marijuana regardless of specific location. It is further upsetting to learn that the city has approved two dispensary locations located near daycare/preschool facilities without regard for the negative medical impact.

Given that marijuana remains a schedule I drug under the federal Controlled Substance Act due to the extremely high risk for addiction, that medical marijuana is not regulated by the FDA and is therefore not mandated to have child-safe packaging, that ingestion and inhalation, including second-hand inhalation, of marijuana is documented to have both negative immediate impacts on child health and longer-term impacts on brain development and that the American Academy of Pediatrics has raised notable concerns related to "normalization" of marijuana use secondary to adult modeling, I urge you to prioritize the safety of all children in our community and disapprove any medical marijuana provisioning center permits that are proximate to children.

Additionally, I specifically urge you to amend the 5:50.1(3)(c) city ordinance to create a minimum requirement of a 1000 foot buffer between any marijuana-related business and locations caring for or educating children such as daycares, preschools and locations with pre/after school or summer programs in addition K-12 schools to protect the health of all infants, children and adolescents in Ann Arbor.

Sincerely,

Joseph Jacher

Joseph Jacher, MS CGC
Genetic Counselor, Pediatric Genetics
University of Michigan
Phone: (734) 615-8328
Fax: (734) 763-6561

Lenart, Brett

From: Gross, Elise <ecgro@med.umich.edu>
Sent: Monday, June 18, 2018 10:01 AM
To: Planning
Subject: Concerns Regarding Approval of Medical Provisioning Center at Packard

Dear Planning Commission,

My name is Elise Gross, and I am a pediatrician in Ann Arbor. I am writing to express my significant concerns regarding the potential approval of a medical marijuana provisioning center at 3152 Packard St due to its close proximity to May's Bilingual Preschool. As a pediatrician in this community, I am both alarmed and disappointed to learn that the neither City Council nor the Planning Commission have taken appropriate steps to safeguard our children, including infants and toddlers as well as K-12 aged-children outside of formal elementary/secondary school locations, from negative effects of marijuana exposure. The decision to afford the 1000 foot minimum distance between K-12 schools and marijuana-related business only to children in a K-12 school is medically arbitrary, inadequate and irresponsible as all ages of children are equally at risk for harm from marijuana regardless of specific location. It is further upsetting to learn that the city has approved two dispensary locations located near daycare/preschool facilities without regard for the negative medical impact.

Given that marijuana remains a schedule I drug under the federal Controlled Substance Act due to the extremely high risk for addiction, that medical marijuana is not regulated by the FDA and is therefore not mandated to have child-safe packaging, that ingestion and inhalation, including second-hand inhalation, of marijuana is documented to have both negative immediate impacts on child health and longer-term impacts on brain development and that the American Academy of Pediatrics has raised notable concerns related to "normalization" of marijuana use secondary to adult modeling, I urge you to prioritize the safety of all children in our community and disapprove any medical marijuana provisioning center permits that are proximate to children.

Additionally, I specifically urge you to amend the 5:50.1(3)(c) city ordinance to create a minimum requirement of a 1000 foot buffer between any marijuana-related business and locations caring for or educating children such as daycares, preschools and locations with pre/after school or summer programs in addition K-12 schools to protect the health of all infants, children and adolescents in Ann Arbor.

Sincerely,
Elise Gross

Elise Gross, MD
Pediatric Chief Resident
C.S. Mott Children's Hospital
Michigan Medicine Health System

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Lenart, Brett

From: Sampson, Matthew (Matt) <mgsamps@med.umich.edu>
Sent: Tuesday, June 19, 2018 7:11 AM
To: CityCouncil; Planning
Subject: Opposition to approval marijuana dispensaries near daycare centers

Dear Ann Arbor Planning Commission and other city representatives -

I am writing to you with concerns of the city not having formal protection for infants and toddlers with regards to the negative effects of marijuana that parallel the 1000ft buffer zone between marijuana related facilities and K-12 schools. I am asking you to amend the city ordinances to provide protection to all children and to deny, or at a minimum postponed any decision, on special exemption permits for marijuana facilities until these safety related concerns can be fully evaluated with the cooperation of the medical community.

As a father, pediatrician and citizen of this community, I am disappointed to learn that Ann Arbor has already approved two marijuana dispensary locations near daycare and that the city is considering a third site, 3152 Packard St, which is only 300ft from May's Bilingual Preschool. I am particularly disappointed that the city did not seek significant input from the local medical community, including pediatricians that serve the city, when developing the verbiage for the ordinance or discussing the decision to approve marijuana dispensaries so close to daycares/preschools. I urge to to take action now to protect children of all ages in the city.

There is no safe level of exposure to marijuana for kids of any age. Toddlers are specifically at risk due to the lack of child-proof packaging with accidental ingestion since marijuana is not FDA regulated and therefore not mandated to have child-proof packaging. Young children are also vulnerable to the negative effects of second-hand smoke in their developing lungs and to adverse impacts in brain development. Additionally, children of all ages, including toddlers, are at substantial risk of "normalization" of smoking while watching adult modeling. These effects have tangible and permanent impacts on asthma and long-term brain development linked to heightened addictive tendencies that is discretely different from adult exposure. Marijuana differs from other substances like alcohol as it is combustible and is often sold in edible forms that resemble "real" food.

City Council has already affirmed and formally recognized that marijuana exposure for kids in K-12 schools is not safe nor desirable with the 5:50.1 (3)(c) ordinance, which mandates the 1000ft buffer between marijuana facilities and K-12 schools. The decision to limit the protection to only those older than 5 years physically in a K-12 school building is developmentally arbitrary and medically irresponsible.

Eleven other states including Arkansas, Colorado, Illinois, Massachusetts, Nevada, New Jersey, New Mexico, Ohio, Pennsylvania, Vermont and Washington have specifically included daycares and preschools (in addition to K-12 schools) in their ordinances mandating a buffer zone between marijuana facilities and kids. Some states, like Massachusetts, have even included "places that children frequently congregate". Having a such a protection in place for children of all ages is critical for their safety and, as demonstrated via the broad application in these other states, is feasible.

Let us work together to have Ann Arbor be an example to the rest of Michigan for putting the safety of all children first while balancing the needs of others in our city as we learn how to co-exist within our

community in this new era of medical marijuana dispensaries being legalized. Please use your vote tonight related to the 3152 Packard St site to validate the concerns of the medical community and reassess the 5:50.1 (3)(c) city ordinance with the full participation of medical providers and broad citizen representation. Vote to either deny the 3152 Packard St permit or at least postpone the decision until the child-related safety concerns can be properly and responsibly addressed.

Sincerely,

Matt Sampson, MD MSCE

Assistant Professor of Pediatrics
Division of Nephrology
University of Michigan School of Medicine
3560B MSRB II
West Medical Center Drive
Ann Arbor, MI 48109
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Lenart, Brett

From: Orringer, Kelly <korringe@med.umich.edu>
Sent: Tuesday, June 19, 2018 8:44 AM
To: Planning
Subject: "Medical" marijuana dispensaries near preschools and daycares in Ann Arbor

Dear Planning Commission -

I am writing to express my significant concerns regarding the potential approval of a medical marijuana provisioning center at 3152 Packard St due to its close proximity to May's Bilingual Preschool. As a UM Medical School faculty member, UMHS administrator, pediatrician and parent in this community, I am both alarmed and disappointed to learn that the neither City Council nor the Planning Commission have taken appropriate steps to safeguard our children, including infants and toddlers as well as K-12 aged-children outside of formal elementary/secondary school locations, from negative effects of marijuana exposure. The decision to afford the 1000 foot minimum distance between K-12 schools and marijuana-related business only to children in a K-12 school is medically arbitrary, inadequate and irresponsible as all ages of children are equally at risk for harm from marijuana regardless of specific location. It is further upsetting to learn that the city has approved at least two dispensary locations located near daycare/preschool facilities without any regard for the negative medical impact.

Given that marijuana remains a schedule I drug under the federal Controlled Substance Act due to the high risk for addiction (especially with childhood exposure per the Journal of the American Medical Association, that medical marijuana is not regulated by the FDA and is therefore not mandated to have child-safe packaging, that ingestion and inhalation, including second-hand inhalation, of marijuana is documented to have both negative immediate impacts on child health and longer-term impacts on brain development and that the American Academy of Pediatrics has raised notable concerns related to "normalization" of marijuana use secondary to adult modeling, I urge you to prioritize the safety of all children in our community and disapprove any medical marijuana provisioning center permits that are proximate to children.

Additionally, I specifically urge you to amend the 5:50.1(3)(c) city ordinance to create a minimum requirement of a 1000 foot buffer between any marijuana-related business and locations caring for or educating children such as daycares, preschools and locations with pre/after school or summer programs in addition K-12 schools to protect the health of all infants, children and adolescents in Ann Arbor.

Sincerely,

Kelly Orringer, MD
Fellow, American Academy of Pediatrics
Division Director, General Pediatrics
University of Michigan Medical School

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American Academy of Pediatrics



DEDICATED TO THE HEALTH OF ALL CHILDREN™

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jared.burkhart@miaap.org

June 18, 2018

Dear Members of the Ann Arbor Planning Commission,

I am writing to express my concerns regarding the potential approval of a medical marijuana provisioning centers in close proximity to licensed daycare facilities or other locations where preschool and younger children regularly congregate. I feel there should be a buffer zone consistent with the 5:50.1(3)(c) city ordinance requiring a minimum of 1000 feet for k12 public and private schools.

As President-Elect of the Michigan Chapter of the American Academy of Pediatrics (AAP) and an Ann Arbor resident and general pediatrician in the area for the last 25 years, I can speak to both the AAP recommendations and my personal observations of trends in increased marijuana exposure and use in youth in the city and county.

Furthermore, in reviewing ordinances in other municipalities and states, there are many examples of buffer zones that are inclusive of all ages of children and settings, including schools and daycare centers. This makes sense from a medical and developmental standpoint. Excluding children younger than kindergarten age from buffer zone ordinances does not.

The compelling reasons to amend the city ordinance to include settings where young children prior to school entry regularly congregate, including daycare centers, include:

- Brain sensitivity to the effects of exposure given its plasticity and continued development—preschool-aged brain is particularly vulnerable to toxic exposures
- Development specific this age group that includes learning by the modeling of others
- Secondhand smoke exposure in developing lungs
- Risk of unintentional ingestion from edible and other forms of intake

I am proud of Ann Arbor's willingness to raise the tobacco purchase age to 21 years. This indicates the interest, concern, and willingness to act to reduce youth exposure and access. On the other hand, I am disappointed to learn that the neither City Council nor the Planning Commission have taken appropriate steps to safeguard our children, including infants and toddlers as well as K-12 aged-children outside of formal elementary/secondary school locations, from negative effects of marijuana exposure.

I specifically urge you to amend the 5:50.1(3)(c) city ordinance to create a minimum requirement of a 1000-foot buffer between any marijuana-related business and locations caring for or educating children such as daycares, preschools and locations with pre/after school or summer programs in addition K-12 schools to protect the health of all infants, children and adolescents in Ann Arbor.

Sincerely,

A handwritten signature in black ink that reads "Sharon Swindell MD, MPH".

Sharon Swindell MD, MPH

Lenart, Brett

From: Walkovich, Kelly <kwalkovi@med.umich.edu>
Sent: Monday, June 18, 2018 10:37 PM
To: Planning; CityCouncil; Taylor, Christopher (Mayor)
Cc: maydelosh@gmail.com; Swindell, Sharon (Sharon)
Subject: Concern regarding marijuana dispensaries close to daycares/preschools

Dear Ann Arbor Planning Commission and other city representatives -

I am writing to express my continued concern regarding the potential approval of the special exemption permit for the proposed medical marijuana dispensary at 3152 Packard St due to its extreme proximity to May's Bilingual Preschool in the context of a broader concern for infants and toddlers not being afforded the same protections from marijuana exposure as K-12 kids with a 1000ft buffer zone.

As previously mentioned, my daughter's daycare (May's Bilingual Preschool) received a notice that a special exemption permit for a medical marijuana dispensary is under consideration. The proposed site is 3152 Packard St, which is only 300ft away from the daycare. This is highly alarming to me both as a pediatrician practicing in Ann Arbor for over a decade and particularly as a mother focused on keeping her daughter safe from all hazards. It is also concerning to me that two dispensary permits have been recently approved that are near daycares without adequate consideration for the impact on nor safety of the kids at those daycares.

There is no safe level of exposure to marijuana for kids of any age. Toddlers are specifically at risk due to the lack of child-proof packaging with accidental ingestion since marijuana is not FDA regulated and therefore not mandated to have child-proof packaging. Young children are also vulnerable to the negative effects of second-hand smoke in their developing lungs and to adverse impacts in brain development. Additionally, children of all ages, including toddlers, are at substantial risk of "normalization" of smoking while watching adult modeling. These effects have tangible and permanent impacts on asthma and long-term brain development linked to heightened addictive tendencies that is discretely different from adult exposure. Marijuana differs from other substances like alcohol as it is combustible and is often sold in edible forms that resemble "real" food. Of note, May's Bilingual Preschool is immediately abutting a city bus stop, placing the daycare children at heighten risk for accidental ingestion and toxic second-hand exposure.

City Council has already affirmed and formally recognized that marijuana exposure for kids in K-12 schools is not safe nor desirable with the 5:50.1 (3)(c) ordinance, which requires a 1000ft buffer between marijuana facilities and K-12 schools. The decision to limit the protection to only those older than 5 years physically in a K-12 school building is developmentally arbitrary and medically irresponsible. I realize that neither the Planning Commission nor the City Council had the full participation of the medical community while drafting the ordinance or in the prior approval of the two dispensaries close to daycares. That said, with your now improved awareness of the serious medical risks to all children, I urge you to use your vote to prioritize the safety of all children, infants through adolescents, in Ann Arbor and disapprove all marijuana dispensaries within 1000ft of daycares, preschools, K-12 schools and other locations that children regularly congregate. Specifically, I urge you to disapprove the special exemption permit for 3152 Packard St given it's extreme proximity to May's Bilingual Preschool, which is licensed for children ages 0-12 years. I also urge you with work with your colleagues on City Council to formally amend the city ordinance verbiage to include licensed daycares and preschools.

I know that the Planning Commission at the last public hearing was worried about the practical side of being able to track daycares and preschool. I confirmed that the State of Michigan, through LARA, actually has a very straightforward website for locating and tracking all licensed daycares/preschools (<http://w1.lara.state.mi.us/ChildCareSearch>). If the city is not willing to put in the resources/effort to track the licensed daycares/preschools and maintain the safety of all of its citizens, then I would propose that the city should not be in such a rush to approve/open marijuana dispensaries. There is no mandate to have medical marijuana dispensaries, they are simply legally permissible now.

Additionally, I was able to confirm that other states have laws/city ordinances that include buffer zones between daycares/preschools and marijuana facilities including: Arkansas, Colorado, Illinois, Massachusetts, Nevada, New Jersey, New Mexico, Ohio, Pennsylvania, Vermont and Washington so there is certainly a precedent for doing so. Even some of the historically liberal states like Massachusetts, which has legalized recreational marijuana, included verbiage that protects not only daycare/preschools but also all areas that children commonly congregate, e.g. playgrounds.

Through my serendipitous exposure to this issue, I have become more informed and am mobilizing the medical community so that we can help provide data and expert opinion allowing us to work together to ideally revisit and amend/refine the ordinance to better protect all of our citizens, including the youngest.

I am asking for your help in negotiating the city's political infrastructure to have:

- 1) City Council re-examine and amend the 5:50.1 3c ordinance with a broader input from the medical community who both serves the patients utilizing medical marijuana and protects the children within Ann Arbor, and***
- 2) the Planning Commission temporarily stop reviewing special exemption permits for medical marijuana dispensaries until the issue of the safety of dispensaries near children, infants through adolescents, can be fully, but expeditiously, re-examined, and***
- 3) the Planning Commission either deny or postpone the decision on the 3152 Packard St site.***

I also ask you to consider how many dispensaries truly need to be within the city to be effective and reasonably available to the public. The Ann Arbor Library System is lauded as a public resource gem of the city and is highly utilized and accessible with 5 locations. Given the limited size of our city and the public transportation infrastructure, patients who are genuinely benefitting from the use of medical marijuana will not be dissuaded or prevented from accessing a handful of dispensaries carefully and thoughtfully dispersed within the city.

Many other communities across the nation have voted to include protection for daycares/preschools with a buffer zone consistent with that afforded K-12 schools but the State of Michigan has not yet drafted a standard. Let us work together to have Ann Arbor be an example to the rest of Michigan for putting the safety of all children first and balancing the needs of others in our city as we learn how to co-exist within our community in this new era of medical marijuana dispensaries being legalized.

Please join me in "just saying no" to dispensaries too close to children.

Your time and help is much appreciated. Please let me know how I can be of further assistance.

Sincerely,
Kelly Walkovich, MD

JUN 19 2018

CITY OF ANN ARBOR
RECEIVED

June 19, 2018

City of Ann Arbor
Planning Commission
301 E. Huron St.
Ann Arbor, MI 48104

Re: 2245-2247 Public Hearing Special Use Exemption

Dear Council:

This letter is meant to notify you my opposition to this action. My parcel is 2207 W. Stadium Blvd. It is home to the Key Bank. I do not feel the use fits with the neighborhood.

Thank you.



Clark Forest LLC
Tom Clark – Sole Member