



TO: THE MITCHELL PLANNING COMMISSION AND CITY COUNCIL OR BOARD OF ADJUSTMENT, THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

The undersigned applicant(s) and owner(s) is hereby making an application pursuant to the provisions of the City of Mitchell Zoning Code.

The names and addresses of the current property owners within one hundred and forty feet (140') of the applicant's property (excluding streets and alleys) will be notified upon the filing of this application.

Applicant(s) request that dates be set for public hearings before the Mitchell Planning Commission and City Council or City Board of Adjustment. Furthermore, the applicant(s) request the City of Mitchell to publish the appropriate notice(s) in accordance with the City of Mitchell's Ordinances.

Rezoning \$150 application due with the application.

- Applicant is request to rezone property from \_\_\_\_\_ District to \_\_\_\_\_ District.

Variance \$100 application due with the application.

- Description of Variance Requested: See attached.

Conditional Use Permit \$100 application due with the application.

- Description of Conditional Use: \_\_\_\_\_

This Application is for the following described real property:

- Legal Description: \_\_\_\_\_

- Property Address: \_\_\_\_\_

Dated this 16<sup>th</sup> day of December, 2021.

[Signature]  
Applicant  
Don Livesey  
Owner

**DLJ, LLC  
VARIANCE REQUEST  
501 JUNIPER STREET  
MEDICAL CANNABIS DISPENSARY**

DLJ, LLC (“DLJ”) requests the variance from City of Mitchell Zoning Regulation 9-15-6(B), which states in relevant part “no cannabis dispensary shall operate within one thousand feet (1,000’) of another cannabis dispensary”. The reason this variance is needed is because there happened to be another dispensary location that has been approved by the City of Mitchell that rests within 1,000 of DLJ’s location at 501 Juniper. The other dispensary will be located in the space where Runnings is currently located.

As shown on the attached map (Attachment A), the closest boundary edge between 501 Juniper and the other dispensary is approximately 867 feet. If the right of way is excluded as set forth in the ordinance, the distance is approximately 448 feet. There is no way DLJ could have known there would be a dispensary at that location at the time it filed its application.

A variance is appropriate in this case for multiple reasons. First, the two dispensary locations are separated by a four-lane portion of South Burr Street. Second, they are not in view from each other, since there is a hotel that sits in between the two locations. Third, the distance between the entrances of the locations is well over 1,000 feet. Fourth, having these two dispensaries at their respective proposed location would not interfere with any of the stated goals of the Mitchell cannabis ordinance because it would not have any adverse impact on the health, safety or welfare of the general public, would not create conflicts arising from ownership or employees, and would not create any increased safety risk or increased risk of unauthorized use or access of cannabis.

DLJ would operate a safe and healthy medical cannabis dispensary. Since its owner is a Mitchell resident and business owner, DLJ is committed to being an outstanding corporate citizen within the Mitchell community.

