



City of Stamford
Zoning Board

STAFF REPORT

TO: CITY OF STAMFORD ZONING BOARD
FROM: VINEETA MATHUR, PRINCIPAL PLANNER
SUBJECT: ZB #221-08 (Mod) Special Permit, 222-15 Zoning Text Change,
APPLICANT: STAMFORD RESEARCH DRIVE LLC, FFD West LLC
DATE: May 06, 2022

MASTER PLAN: Master Plan Category 13 (General Industrial)

ZONING: M-G (General Manufacturing)

REQUESTED ACTIONS:

221-08 (Mod)	Special Permit	Change from Medical Marijuana Dispensary to Hybrid Retail
222-15	Text Amendment	Section 5.E amending sign standards for Medical Marijuana Dispensary to allow a ground/pole sign

Introduction

The Applicants Stamford Research Drive LLC and FFD West LLC are requesting modification of the previously approved Special Permit to allow the conversion of a Medical Marijuana Dispensary into a Hybrid Retail facility which includes the sale of recreational marijuana for adult use (ages 21 and over) in addition to pharmaceutical sales. The Applicant Stamford Research Drive LLC also requests the approval of a text amendment to allow a ground or pole sign at a Medical Marijuana Dispensary in addition to the permitted wall signage.

Background

The Medical Marijuana Dispensary facility within the existing building at 12 Research Drive use was approved in May 2021 at the time when the State of Connecticut allowed only medical sale

of marijuana/cannabis pursuant to Public Act 12-55. Subsequent to site interior and exterior improvements, Fine Fettle Dispensary at 12 Research Drive opened its medical marijuana facility in February 2022. The operator is in the pipeline to receive a Hybrid Retail license from the State. No changes are proposed to the interior of the building or the site for the conversion.

Site and Surroundings

The use will be located in an existing commercial building at the southeast corner of Research Drive and Larkin Drive. The building is shared by the dispensary and ACME Sign Co. The surrounding uses are mostly commercial and light industrial and do not conflict with the proposed use.

222-08 (Mod) Special Permit Proposed Change of Use

[Public Act No. 21-1](#) entitled “An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis” (the “Act”) was adopted earlier this year and allowed the retail sale of cannabis in Connecticut. In order to facilitate the implementation of the new regulations, the Act states that unless otherwise provided for by a municipality through its zoning regulations or ordinances, a cannabis establishment shall be zoned as if for any other similar use, other than a cannabis establishment, would be zoned. The new regulations allow for legal sale of marijuana under strict controls such as amount of cannabis sold to a consumer at one time, strength of the formula, labeling, packaging and advertising.

Staff, in consultation with the Law Department determined that the most similar use in the Zoning Regulations to Hybrid Retail is Medical Marijuana Dispensary (MMD). The regulations for MMD have stringent standards for location including the following:

a. Medical Marijuana Dispensaries must possess a current license from the State of Connecticut Department of Consumer Protection and comply with the Regulations of the State of Connecticut Department of Consumer Protection Concerning the Palliative Use of Marijuana, per the Connecticut General Statutes, Section 21a-408-1 to 21a-408-70, inclusive, as may be amended from time to time. Failure to maintain proper licenses shall be deemed an immediate violation of the City of Stamford Zoning Regulations;

The number of facilities which can be established in the City is limited by the number of licenses available and issued by the State of Connecticut. The applicant will need to provide proof of a Hybrid Retail license prior to a Building Permit.

b. No Medical Marijuana Dispensaries shall be located within a 3,000 feet radius of any other Dispensary;

The 3000 feet separation between facilities along with the limitation on the Zoning Districts in which this use can be located (M-G, M-L, C-N, C-B, C-I and C-L) limit these facilities to commercial and industrial areas and separated from residential districts. The only other marijuana facility is located at 814 East Main Street approximately 2 miles from this site.

(c) Signage standards limiting permitted signage

The signage limitations with requested amendment described later in the report are suitable for both medical and recreational marijuana facilities.

(d) Parking is required pursuant to Section 12 using the standards for retail use.

Retail use has one of the highest parking requirements (4 spaces per 1000 sf of floor area). No change in retail space is proposed.

Given that the above stated standards currently in place for medical marijuana are appropriate and sufficiently limiting for a hybrid retail use, staff believes that the medical marijuana dispensary is the appropriate ‘similar use’ in Stamford’s zoning regulations to the proposed use.

The Applicant has submitted a statement of findings supporting the Special Permit request.

Responding to the finding regarding future traffic patterns and adequacy of parking the Applicant states that “If there is unusually high demand when the store initially opens, the Applicants will implement parking and traffic management measures to minimize any impact on the area, including an outsourced and professional parking management firm at its own expense. It has also offered employees \$200 per month to any employee who choose to carpool, cycle, or use public transportation for over 50% of his/her/their workdays in a given month. If public safety services are needed in the first thirty (30) days after opening, the Cannabis Bill authorizes the City to charge FFD up to \$50,000 for such costs incurred.”

The security systems established for the existing dispensary will remain in place for the Hybrid facility. The interior will continue to feature secure double door entrance, separation of the various areas including the patient area, dispensary, receiving/packaging and the secure vault. The Applicant has provided a detailed operations plan which includes a description of the rigorous safety features.

222-15 Text Amendment

Stamford’s sign regulations at the time of establishment matched the State regulation regarding signage. The CT department of Consumer Protection has since updated their guidance on signage understanding that in addition to the discreet wall signage, a ground or pole sign is essential for business to provide directional guidance to its clients. Basing the signage on the smallest

ground/pole sign standard in Stamford's sign regulation, the following text is proposed (new language is underlined. :

c. Signage for Dispensaries must comply with the following standards:

(1) Signage on the Dispensary facility Building shall be limited to a single Sign no larger than sixteen inches in height by eighteen inches in width;

(2) In addition to a Sign on the facility Building, a Dispensary may install one (1) additional Ground Sign or Pole Sign, not exceeding sixteen (16) square feet in area and ten (10) feet in height when ground mounted. For a Dispensary located in a plaza or strip mall with other businesses, this signage may be larger to conform with and be consistent with signage by other businesses located in the same plaza or strip mall subject to administrative approval by the Land Use Bureau.

(3) Dispensaries may use the words "medical marijuana dispensary facility" on the facility's signage. (4) There shall be no illumination of a Sign advertising a marijuana project at any time;

(5) There shall be no signage that advertises marijuana brand names or utilizes graphics related to marijuana or paraphernalia on the exterior of the Dispensary or the Building in which the Dispensary is located;

(6) There shall be no display of marijuana or paraphernalia within the Dispensary which is clearly visible from the exterior of the Dispensary; and (7) There shall be no signage which advertises the price of its marijuana.

Staff recommends approval of the text which allows the minimum necessary additional signage for these facilities as is customary for businesses where the building is setback from the street frontage.

The proposed sign is approximately 7 sf circular pole sign on a 10ft pole and will be located at the corner of Research Drive and Larkin Street.

The wall signage was approved by staff as part of the sign permit process and meets the

Referral Comments

Stamford Planning Board

The Stamford Planning Board, during its regularly scheduled meeting held on March 29, 2022 recommended approval of application 221-08 (Mod) for the amendment of the Special Permit and 222-15 for a text amendment to allow a ground/pole sign for the Medical Marijuana Dispensary use. The Planning Board found the request to be compatible with the neighborhood and consistent with Master Plan Category #13 (Industrial General). The Chair of the Planning Board requested that the Zoning Board staff confirm with the Law Department that a Hybrid Retail facility is

permissible in Stamford given that the subject facility was permitted when only the medical marijuana use was allowed by Zoning.

Traffic Transportation and Parking Bureau

In a letter dated March 23, 2022, Mani Poola made minor comments related to the site landscaping and pavement marking for three parking spaces.

Law Department

In an email dated March 8, 2022, Cynthia Anger, Assistant Corporation Counsel stated that “As we discussed, P.A. 21-1 authorized the Hybrid Retail sale of marijuana. Specifically, section 148(c) provides that such establishments must be zoned "as if for any other similar use, other than a cannabis establishment would be zoned." Although there are provisions in the Act for a process that would allow the City to regulate or prohibit Hybrid Retail sales, the City currently has not enacted any regulations or prohibitions. However, our zoning regulations do regulate medical marijuana dispensaries and this particular application seeks to add adult-use retail sales to an existing and previously approved dispensary at 12 Research Drive. A Hybrid Retailer is defined as a “person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.” The definition incorporates the purchase and sale of medical marijuana. It makes sense that in this case, the "similar use" envisioned by the Act would be a permitted dispensary. Accordingly, the application should be reviewed as a request for a use that is similar to a dispensary. Further, since the Hybrid Retailer application seeks to establish the use within an existing dispensary, the application is properly a request for modification of the dispensary special permit.”

Summary

Staff believes that the approval of the two related applications including the Special Permit modification (221-08 MOD) and Text Amendment (222-15) will allow the implementation of the updated State regulation regarding marijuana sales for a site which meets the strict zoning standards for location of the medical marijuana dispensary and will be further regulated under the State licensing requirements. The proposed text amendment will update Stamford’s regulation to make them consistent with the current guidelines from the Department of Consumer Protection regarding signage.