



**City of Stamford**  
**Zoning Board**

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**STAFF REPORT**

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**TO:** CITY OF STAMFORD ZONING BOARD  
**FROM:** VINEETA MATHUR, PRINCIPAL PLANNER  
**SUBJECT:** ZB #223-15 Special Permit  
**APPLICANT:** Sweetspot Stamford, LLC (“Sweetspot”) and A&F High Ridge, LLC  
**DATE:** May 19, 2023  
**MASTER PLAN:** Master Plan Category 7 (Commercial Arterial)  
**ZONING:** C-N (Neighborhood Business)

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**REQUESTED ACTIONS:**

223-15	Special Permit	Section 19.C.2 Hybrid Retail marijuana dispensary Section 12.K.4.e Exemption from sidewalk requirement
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**Introduction**

The Applicants Sweetspot Stamford, LLC (“Sweetspot”) and A&F High Ridge, LLC (Collectively “Applicants”) are requesting approval of a Special Permit to allow a Hybrid Retail facility which includes the sale of recreational marijuana for adult use (ages 21 and over) in addition to pharmaceutical sales in an existing 2,612 sf retail space. The Applicant also requests the approval of a Special Permit to exempt the proposal from the requirement to provide sidewalks.

**Site and Surroundings**

The dispensary will be located in an existing commercial building at 111 High Ridge Road bordered by High Ridge Road, Oaklawn Avenue and Halpin Avenue. The building is currently occupied by a variety of retail tenants served by a common parking area.

## **223-15 Special Permit to allow a Hybrid Retail use**

Public Act No. 21-1 entitled “An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis” (the “Act”) was adopted in 2021 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.

Based on an opinion from the Law Department, it was determined that the most similar use in the Zoning Regulations to Hybrid Retail is Medical Marijuana Dispensary (MMD). The regulations for MMD have specific standards for location and signage 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 applicant will need to provide proof of a Hybrid Retail license prior to a Building Permit. They currently possess a conditional license.

*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, TCD-D, C-I and C-L) limit these facilities to commercial and industrial areas. The site is located 8000 ft from the Hybrid Retail facility located at 12 Research Drive (Fine Fettle) and approximately 8900 ft from the Hybrid Retail facility located at 816 East Main Street (Curaleaf).

*(c) Signage standards limiting permitted signage*

*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, where such signs are permitted, not exceeding*

*lesser of (i) what is permitted in the underlying zoning district, or (ii) ten (10) square feet in area and ten (10) feet in height when ground mounted;*

*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 product 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.*

The signage permitted for this use is significantly lower than the signage permitted in the C-N district. The C-N district allows 2 sf of signage per linear foot of building with no maximum size or maximum number for front wall signage. An additional 30 sf of signage is permitted on each side or rear wall. The permitted ground signage for other retail uses in the C-N district is also significantly larger (50 sf in size, 21 ft high). The proposed signs shown on the elevation of the store are illustrative. Final signage plans showing full compliance with the above stated regulations will be required at the time of a signage permit request.

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

No change in the existing parking is proposed. The site is currently legally non-conforming with respect to parking. Based on historical research of the property, the letter provided by the Zoning Enforcement Office confirms the legal non-conforming status related to parking. The property was developed at a time when the parking requirement was 1 per 500 sf resulting in a requirement of five (5) parking spaces for the proposed Hybrid Retail use.

The Applicant has submitted a statement of findings supporting the Special Permit requests pursuant to Section 19.C.2.

A detailed security plan has been submitted by the Applicant which includes a secure entry vestibule, bullet proof separation of packaging and retail space, storage vault, secure display cases as well empty display packaging. The facility will provide priority access to medical patients through a separate check-out window as well as early hours. Access to various parts of the facility will be restricted through RFID cards among other security measures.

### **12.K.4.e Special Permit for exemption of the sidewalk requirement**

Section 12.K.1 establishes a requirement for the construction of sidewalks for Renovations or alterations exceeding \$250,000 in cost, as determined by the Building Department. While the Applicant believes that the total cost of the renovation will be below the threshold however they are seeking this exemption, in case the cost estimate by the Building Department exceeds \$250,000. If triggered, the sidewalk requirement will be applicable to the southeast portion of Halpin Road. The sidewalks along Oaklawn Avenue were renovated by the City and the requirement does not apply to the frontage on High Ridge Road given it is a State road. Finally the northeastern portion of the property does not have direct frontage on Halpin Road and instead fronts on City-owned property used as metered parking. An existing sidewalk extends along the eastern side of Halpin Avenue between High Ridge Road and Oaklawn Avenue. The exemption requires the following findings:

*A finding by the Zoning Board, pursuant to a Special Permit application, that:*

*(1) existing conditions do not allow for the construction of a sidewalk;*

*(2) the provision of a sidewalk would not serve the goal of providing a pedestrian network;*  
*or*

*(3) provision of a sidewalk would create less safe conditions for pedestrians.*

A response to these findings have been provided by the Applicant in the application material.

### **Referral Comments**

#### **Planning Board**

During their regularly scheduled meeting held on Tuesday April 11, 2023 the Planning Board recommended approval of the proposed Special Permit request (2 in favor, 0 against, 3 vote) and found that the request is consistent with Master Plan Category 7 (Commercial – Arterial). The abstaining members of the Planning Board expressed concern regarding the appropriateness of the use because of proximity to schools, pediatric facility, tutoring facility and a liquor store and the potential impact on traffic.

#### **Law Department**

In a memo dated April 18, 2023, from City of Stamford's Law Department, Attorney Dana B. Lee responded to staff regarding the effect of abstentions on the vote by the Planning Board. The Planning Board vote was as follows: 2 in Favor, 0 opposed and 3 abstentions. Attorney Lee clarified that the Planning Board follows the Robert's Rules of Parliamentary Procedure according to which approval of an action requires more than half of the members present and voting to

approve and excludes abstentions. Given there were two votes, both in favor the item is considered approved.

### **Engineering Bureau**

Susan Kiskan, in her letter dated March 17, 2023 stated that the department does not object to the application moving forward and recommended that the Applicant ensure compliance with the Drainage Manual.

### **Transportation Traffic and Parking Bureau**

In a letter dated April 18, 2023 TTP made comments on the traffic study and suggested some modifications to the parking area for traffic safety.

### **Fire Marshall**

The Fire Marshall in an email dated March 23, 2023 expressed some concerns about egress for the space which should be addressed prior to issuance of a Building Permit.

### **Environmental Protection Board**

Pam Fausty in a letter dated May 15, 2023 stated that EPB staff has no objections to the proposed activity given they are limited to interior of the building. Any site work will require a site development plan and compliance with Stamford's Drainage Manual.

### **Summary**

Staff believes that the approval of the application for Special Permit 223-15 will allow the implementation of the updated State regulation regarding marijuana sales for a site which meets the zoning standards for location of the medical marijuana dispensary and will be further regulated under the State licensing requirements.