



City of Stamford
Zoning Board

STAFF REPORT

TO: CITY OF STAMFORD ZONING BOARD
FROM: LINDSEY COHEN, ASSOCIATE PLANNER
SUBJECT: ZB #223-46 Special Permit
APPLICANT: Budr Cannabis (“Budr”)
DATE: April 26, 2024
MASTER PLAN: Master Plan Category 6 (Commercial Neighborhood Business)
ZONING: C-L (Limited Business)

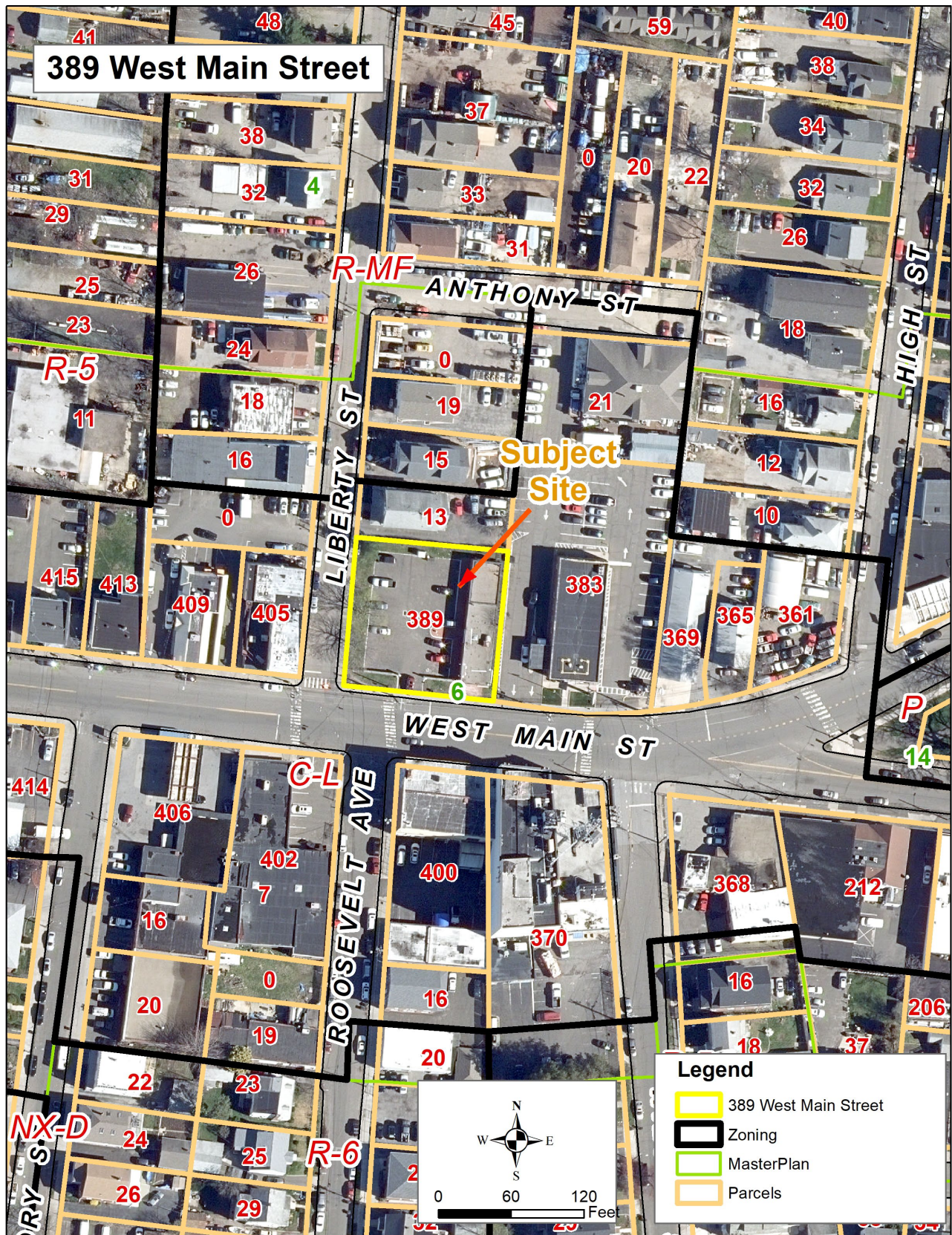
REQUESTED ACTIONS:

223-46	Special Permit	Section 19.C.2 Hybrid Retail marijuana dispensary
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Introduction

The Applicant Budr Cannabis (“Budr”) is requesting approval of a Special Permit to allow a retail facility which includes the sale of recreational marijuana for adult use (ages 21 and over) in an existing 2,488 sf commercial building on a 6,926 sf lot located at 389 West Main Street.

Site & Surroundings The property 389 West Main Street is located at the intersection of West Main Street and Liberty Street, at the northeastern corner. The site is located in the C-L zoning district and is surrounded by the C-L district on all sides. East and west along West Main Street are commercial businesses. Just behind the commercial lots along West Main Street are primarily single-family homes with interspersed commercial uses. The Yerwood Center that houses the Boys & Girls Club of Stamford is located approximately 800 feet to the east of the site. Similarly situated is the New Covenant Center which provides supportive services for individuals and families.



The Applicant is not proposing any changes to the existing building. The commercial building will be fit out to accommodate the proposed Adult Cannabis Retail use and enhanced security features. The site currently has a total of 20 parking spaces. There are no proposed changes to the parking area and the existing parking meets the current requirements. The building complies with C-L district area, height and bulk requirements. Hours of operation have not been provided. Previous approvals for Hybrid Retail dispensaries included the following hours:

Monday-Saturday: 10:00 a.m. - 7:00 p.m.

Sunday: 11:00 a.m. - 5:00 p.m.

Staff recommends that the Zoning Board consider similar hours for new dispensaries.

Compliance with Zoning Regulations Section 5, “Use Regulations” for Adult-Use Cannabis:

In accordance with Section 5, “Use Regulations,” of the Zoning Regulations, adult-use cannabis retailer means a place of business licensed by the State of Connecticut where adult-use cannabis may be sold at retail directly to qualifying customers. The following use regulations apply:

- a. *In Stamford there shall be no more than one adult-use cannabis retailer for every 25,000 residents.*

Stamford has a population 136,188 people according to the latest U.S. Census Data population estimates dated July 1, 2022. A ratio of 1 adult-use cannabis retailer for every 25,000 residents equates to 5 adult-use cannabis retailers. There are currently three special permits approved for cannabis retailers leaving two special permit approvals available before hitting the maximum. This standard is met by the proposal.

- b. *Adult-use cannabis retailers 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 be required to provide proof of an Adult-Use Cannabis Retailer License prior to a Building Permit. They currently possess a provisional adult-use retailer license.

- c. *No adult-use cannabis retailers shall be located within a 3,000 feet radius of any other Dispensary, or within 1,000 feet of public or non-public schools;*

The proposed dispensary is located approximately 1.45 miles (7,656 ft) away from the Hybrid Retail facility at 816 East Main Street (Curaleaf) and even further from 12 Research Drive (Fine Fettle).

During their regularly scheduled meeting held on Tuesday, January 30, 2024, the Planning Board recommended approval of the proposed Special Permit request with the recommendation that the Zoning Board asks the Law Department to confirm that the programs and activities offered for children at the Yerwood Center would not define it as a “school” per the Zoning Regulations. The Yerwood Center is approximately 800 ft to the east of the proposed facility. The Zoning Board received the Law Department’s written determination by John R. Harness, Assistant Corporation Counsel, on Tuesday, March 5, 2024 via email. The determination concluded that the programs and activities offered for children at Yerwood Center facilities could meet the definition of “schools” as established in the Regulations, subject to a fact specific inquiry by the Board.

Following is a summary of the programming at the Boys and Girls Club at Yerwood Center based on discussion with the CEO of the Stamford Boys and Girls club. The Boys and Girls Club of Stamford (BGC) provides afterschool programs during the school year and a summer program during the school summer break at the Yerwood Center serving children Kindergarten through third grade. The afterschool program and summer programs are taught by certified teachers and cover various subjects including literacy and math along with extracurricular classes such as art and sports. The programs during the summer months are conducted by BGC teachers along with Stamford Public School (SPS) high school staff and high school student volunteers. The Boys and Girls club also hosts night gym programs for youth with funding from the City of Stamford. BGC routinely coordinates with SPS regarding educational and counseling continuity for students. The students are dropped off at the Yerwood Center directly by school buses. The afterschool programs run from 3:00pm to 6:30pm during weekdays and the summer programs run for 8 hours on weekdays for six weeks during the summer. The center serves 250 children both during the school year and during the summer. The summer programs at BGC operate under a license from the Connecticut Office of Early Childhood education. The BGC has also received the Federal 21st Century Community Learning Center grant which supports afterschool educational programming throughout.

The Zoning Regulations defines School, Non-Public as: “Any Building, Structure and/or land principally and regularly used by teachers and students for instructional and educational purposes, at the nursery, primary and secondary levels only, which is not under the direct supervision and control of the Stamford Board of Education and which is licensed by the State of Connecticut, or which is administered by an accredited educational institution or a bona fide religious institution. “School, Non-Public” shall include land used for recreational purposes as an adjunct to the principal instructional or educational use and any dormitories connected with such schools, but excluding fraternities and sororities. “School, Non-Public” shall not include vocational or secretarial schools.”

The Zoning Regulations defines School, Public as: “Any Building, Structure and/or land principally and regularly used by teachers and students for instructional or educational purposes, which is under the direct supervision and control of the Stamford Board of Education.”

The Zoning Regulations defines School, Vocational or Secretarial or Language as: “Any Building, Structure and/or land principally and regularly used by teachers and students for instructional or educational purposes, at the post-secondary level (excluding colleges and universities), which is licensed by the State of Connecticut or administered by an accredited educational institution or an accredited language school.”

While the proposal satisfies the distance requirement from other dispensaries, whether or not the proposal satisfies the distance requirement from a school is to be determined by the Zoning Board.

d. Signage for adult-use cannabis retailers shall be more restrictive of either (1) the requirements of the State of Connecticut relating to signage for adult-use cannabis retailers or (2) the sign regulations for the respective zoning district as prescribed in Section 13 of the Zoning Regulations. In addition, the following limitations shall apply to hybrid retailers:

- (1) There shall be no illumination of a sign advertising adult-use cannabis product at any time;*
- (2) There shall be no signage that advertises adult-use cannabis 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;*
- (3) There shall be no display of adult-use cannabis or paraphernalia within the dispensary which is clearly visible from the exterior of the dispensary;*
- (4) There shall be no signage on the exterior of the dispensary which advertises the price of its adult-use cannabis;*
- (5) 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; and*
- (6) 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.*

The Application does not show any proposed signage as part of their application. Future signage requests will be subject to review by Zoning Board staff.

The signage permitted for this use is significantly lower than the signage permitted in the C-L district. The C-L district allows 2 sf of signage per linear foot of building with no maximum size or maximum number for front wall signage. An additional 60 sf of signage is permitted on each side or rear wall. The permitted ground signage for other retail uses in the C-L district is also significantly larger (60 sf in size, 21 ft high).

- e. *Parking shall be provided according to Section 12 of the Zoning Regulations, following the parking standard for Retail Store.*

The total floor area of the building is 2,448 sf. Applying the retail use parking standard (4 parking spaces per 1,000 sf) to the entire 2,448 sf including any accessory spaces used for storage, the total parking requirement will be 10 parking spaces. The proposal includes a total of 20 spaces. The site has adequate parking to be fully used for a retail use.

Compliance with Zoning Regulations Section 19.C.2, “Standards and Conditions” for Special Permit uses:

Special Permits shall be granted by the Zoning Board only upon a finding that the proposed use or Structure or the proposed extension or alteration of an existing use or Structure is in accord with the public convenience and welfare after taking into account, where appropriate:

1. The location and nature of the proposed site including its size and configuration, the proposed size, scale and arrangement of structures, drives and parking areas and the proximity of existing dwellings and other structures.

The Applicant does not propose any changes to the site size and configuration, nor the size, scale and arrangement of structures, drives and parking areas. The existing 2,448 sf building is the only building on the commercial lot, with a significant portion of the lot dedicated to parking. The site for the Adult Retail dispensary is located along one of the major east-west traffic arteries of Stamford, West Main Street also known as Route 1. There is only one vehicular entrance/exit onto West Main Street, keeping patrons off Liberty Street which is a smaller and more residential street. The parking lot provides twice the number of parking spaces required by Zoning. The arrangement of structures, drives and parking areas is suitable for handling the traffic and parking demand for the use. The lot abutting this property to the north is a two-family home and to the east is a bank with a drive-through.

2. The nature and intensity of the proposed use in relation to its site and the surrounding area. Operations in connection with special permit uses shall not be injurious to the neighborhood, shall be in harmony with the general purpose and intent of these Regulations, and shall not be more objectionable to nearby properties by reason of noise, fumes, vibration, artificial lighting or other potential disturbances to the health, safety or peaceful enjoyment of property than the public necessity demands.

The Applicant has submitted a thorough safety plan containing both mechanical and operational safety measures to address the potential for the use to have an adverse impact on the surrounding neighborhood. As noted in the Application package, Cannabis retailers receive products in pre-packaged and sealed containers that prevent odor. Lighting will be similar to that of other commercial businesses on the lot. However, there is potential negative impact of the dispensary due to its proximity to the Boys and Girls Club at the Yerwood Center and the Zoning Board may determine whether the Yerwood Center can be considered a school according to the definition of schools in the Zoning Regulations and after understanding the services offered. The Zoning Regulations require 1,000 ft separation between dispensaries and schools because of the potential for such use to disturb health, safety or peaceful enjoyment of school property. If the Zoning Board determines that Yerwood Center qualifies as a school, then the proposed site would not meet the 1,000 ft separation requirement and would also, therefore, not be in harmony with the intent of these Regulations.

3. The resulting traffic patterns, the adequacy of existing streets to accommodate the traffic associated with the proposed use, the adequacy of proposed off-street parking and loading, and the extent to which proposed driveways may cause a safety hazard, or traffic nuisance.

As stated in the discussion above, the property is located along one of the major east-west traffic arteries of Stamford, West Main Street also known as Route 1. The street has adequate capacity to accommodate the traffic associated with the proposed use. The proposed off-street parking is twice as much as what is required. There are no proposed changes to the driveways that may cause a safety hazard or traffic nuisance.

4. The nature of the surrounding area and the extent to which the proposed use or feature might impair its present and future development.

The surrounding area is mostly heavy commercial and residential. The Zoning Board should consider appropriate limitations on hours of operation and exterior lighting so as to not adversely affect the residential neighborhoods on the West Side of Stamford.

SECURITY PLAN

A detailed security plan has been submitted by the Applicant which includes access controls via keypad entry and required RFID cards. Only management level or other authorized staff will have access codes/cards. The premises will be monitored by security personnel, cameras and a motion detection system. The entrance will be staffed and designed with an access control vestibule to ensure no one under 21 enters the sales floor. A security manager will ensure all systems are operated effectively and ensure protection of visitors and staff.

Referral Comments

Planning Board

During their regularly scheduled meeting held on Tuesday, January 30, 2024, the Planning Board recommended approval of the proposed Special Permit request and found that the request is consistent with Master Plan Category 6 (Commercial – Neighborhood Business) with the recommendation that the Zoning Board asks the Law Department to confirm that the programs and activities offered for children at the Boys and Girls Club at the Yerwood Center and the New Covenant Center would not define these facilities as “schools” per the Zoning Regulations. See discussion above.

Engineering Bureau

The Engineering Bureau by letter dated December 14, 2023, stated that the department does not object to the application moving forward and recommended that the Applicant ensure compliance with the Stormwater Drainage Manual.

Transportation Traffic and Parking Bureau

In a letter dated April 26, 2024, Transportation Traffic and Parking Bureau made recommendations regarding restriping, providing a stop sign and improving handicap access.

Fire Marshal

The Assistant Fire Marshal Chad Armstrong in an email dated January 15, 2024, noted that he had no objections with this project. Prior to building permit issuance, the Fire Marshal will review plans for fire and life safety code compliance.

Environmental Protection Board

In a letter dated December 19, 2023, the EPB staff stated that it has no objections to the proposed activity given that the property contains no inland wetlands, watercourses or conservation easement areas and is not located within the Coastal Management Area or a special flood hazard area. EPB staff notes that the landscape strips along the four sides of the property present an opportunity to enhance tree cover in a highly developed neighborhood and recommends the Zoning Board require the applicant to provide a landscaping plan that complies with Stamford’s Street Tree Planting Manual.