



City of Stamford
Zoning Board

STAFF REPORT

TO: CITY OF STAMFORD ZONING BOARD
FROM: VINEETA MATHUR, PRINCIPAL PLANNER
SUBJECT: ZB #224-16 Special Permit
APPLICANT: Nautilus Botanicals EJVI LLC (“Nautilus”) and 1308 East Main Street, LLC
DATE: May 6, 2024
MASTER PLAN: Master Plan Category 7 (Commercial Arterial)
ZONING: C-N (Neighborhood Commercial)

REQUESTED ACTIONS:

224-16	Special Permit	Section 19.C.2 Hybrid Retail marijuana dispensary
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Introduction

The Applicants Nautilus Botanicals EJVI LLC (“Nautilus”) the contract purchaser and 1308 East Main Street, LLC, the Property’s owner (together with Nautilus, the “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) occupying a 6,072 sf commercial building located at 1038 East Main Street.

Site & Surroundings The property 1038 East Main Street is located along the eastern Stamford City boundary in the C-N (Neighborhood Commercial) zoning district. The area to the west and south of the site is occupied by various commercial office buildings, medical offices and restaurants. Gerli Park is located to the south of the property across East Main Street. The area to the north of the site is occupied by single family homes. Noroton River lies to the east of the property and single family homes are located to the east of the river in Darien.

Proposed Hybrid Retail Use

The Applicant is proposing to reuse use the existing restaurant building for the proposed dispensary. The applicant proposes an addition to the second story where the retail store and office will be located. The first floor will only be used for storage. The existing shed, fence and a roof area in the rear of the building will be removed.

The building will contain 1,191 sf of retail use, 2,689 sf of office use and 2,192 sf of storage space. The building therefore generates a parking requirement of 16 spaces. The site will be restriped to have a total of 21 parking spaces.

The applicant proposes the following hours:

Monday – Sunday – 9am – 9pm.

Previous approvals for such Hybrid Retail dispensaries include 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 as approved for prior 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 regulations for adult-use cannabis retailer shall also apply to hybrid retail facilities where both medical and adult-use cannabis products are sold at retail directly to qualifying customers and/or patients. Such uses must comply with the requirements of the Zoning Regulations for adult-use cannabis and medical marijuana dispensary facility and meet the following additional standards:

- 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 Hybrid Retailer License prior to a Building Permit. Nautilus Botanicals received a provisional cannabis cultivation license Connecticut Responsible and Equitable Regulation of Adult-Use Cannabis Act (“RERACA”). This license entitles Nautilus Botanicals to form an equity joint venture for the purpose of opening a Hybrid Cannabis Retailer subject to approval by the City, Connecticut Social Equity Council, and final licensure from the DCP. Nautilus Botanicals has formed an equity joint venture, Nautilus Botanicals EJV1 LLC, for the purpose of opening a retail hybrid cannabis dispensary in Stamford, CT.

- 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 1.1 miles (5,800 ft) away from the Hybrid Retail facility at 816 East Main Street (Curaleaf) and 2.8 miles from 12 Research Drive (Fine Fettle). No public or non-public schools are located within a 1,000 sf radius of the proposed hybrid dispensary. This requirement has been satisfied.

- 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.

Signage approval is not requested as part of the application. The signage shown on the elevation is illustrative and not part of the approval. Actual signage request, compliant with the Zoning Regulations stated above will be subject to review by Zoning Board staff.

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

The building will contain 1,191 sf of retail use, 2,689 sf of office use and 2,192 sf of storage space. The building therefore generates a parking requirement of 16 spaces. The site will be restriped to have a total of 21 parking spaces. There are approximately 40 faintly striped parking spaces. The applicant proposes to restripe the lot to make it compliant with the current parking standards.

The Applicant has submitted a statement of findings with respect to the Special Permit findings required pursuant to Section 19.C.2.

The Applicant has also requested an exemption from the sidewalk requirement given that the current sidewalk is in a state of good repair. Street tree fee-in-lieu may be required if the Applicant is unable to provide the street trees on site.

SECURITY PLAN

A detailed security plan has been submitted by the Applicant which includes a security officer stationed at the check in booth to check IDs, cameras and motion detectors, access control using keypad entry and RFID cards. All cannabis products will be stored in a secure vault surrounded by 8” thick concrete. Various security equipment will be used to prevent unauthorized access to restricted areas, policies and procedures regarding access control will be put in place and a commercial grade alarm system will be installed.

Coastal Site Plan Review

The subject site is located within the CAM boundary and is contiguous to the Noroton River with the floodway line bisecting the site. A portion of the site is in the AE zone. No change to the footprint of the existing building is proposed. The proposed addition to the second story will be

above elevation 15 ft which is above the Minimum Elevation Standard (MES) of 12 ft. The applicant proposes to improve the flood resiliency of the building by adding flood vents to the first floor and use of flood resistant material on the floor and portions of the wall below MES. The applicant also submitted a flood contingency plan to address comments from DEEP. Further details related to the flood contingency plan will be provided prior to a Building Permit.

Referral Comments

Planning Board

During their regularly scheduled meeting held on Tuesday, April 15, 2024, the Planning Board recommended approval of the proposed Special Permit request and found that the request is consistent with Master Plan Category 7 (Commercial – Arterial) and aligned with Master Plan Strategy 3.B.4: Encourage the reconfiguration of retail space to accommodate market trends and potential new users.

Engineering Bureau

The Engineering Bureau by letter dated April 26, 2024, 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 30, 2024, Transportation Traffic and Parking Bureau requested updates to the traffic counts, addition of stop sign, stop bar and double yellow centerline line and dimensions of parking spaces and drive aisles. The Applicant provided an updated site plan in response to these comments.

Harbor Management Commission

The Harbor Management Commission in a letter dated April 27, 2024 stated that the proposal is consistent with the Harbor Management Plan based on the understanding that the proposed project is expected to reduce the vulnerability of interior building uses to coastal flood hazards.

Environmental Protection Board

In a letter dated May 2, 2024, Robert Clausi Executive Director, Environmental Protection Board stated that it has no objections to the proposed Special Permit and also stated that the Zoning Board may conclude that the proposed activities are consistent with the minimum requirements of the

CAM act and Stamford's Flood Prone Area Regulations and included conditions to be met prior to the Building Permit.

Department of Energy and Environmental Protection

In a letter dated April 26, 2024 Brian Thomas, Director DEEP Land and Water Resources Division provided comments for the subject application including clarification regarding the no-rise in the flood levels of the floodway, flood contingency plan and discussion of storm-water management for the site. The applicant provided a response to these questions in a letter dated May 2, 2024.