



City of Annapolis

Planning Commission
Department of Planning & Zoning
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May 5, 2022

To: Annapolis City Council

From: Planning Commission

Re: Findings for Ordinance O-6-22 (ZTA2022-001): Medical Cannabis Dispensaries

Attachments: Staff Report from the Department of Planning and Zoning to the Planning Commission

SUMMARY

The purpose of this legislation is to allow medical cannabis dispensaries throughout the City with restrictions on proximity to any existing dispensary and to public and private schools. A medical cannabis dispensary is defined as “an entity licensed under the Maryland Code, Health - General Article, Title 13, Subtitle 33 that acquires, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers cannabis, products containing cannabis, related supplies, related products containing cannabis including food, tinctures, aerosols, oils, or ointments, or educational materials for use by a qualifying patient or caregiver.”

ANALYSIS

O-6-22 proposes a different approach to allowing medical cannabis dispensaries as a use subject to standards. The standards proposed provide distance limits to existing dispensaries and public and private schools, as shown on the maps in attachments 2 and 3. Attachment 2 shows the impact of the 2-mile and 1000 foot limitations, which virtually eliminates any locations in the City where dispensaries could be located. In essence, the effect of these buffers would run against the core intent of the legislation to include the dispensary as a permissible land use subject to standards. Further, these highly restrictive buffers would perpetuate the findings of the 2017 business disparity study and 2018 advisory opinion referenced above.

Staff then began evaluating alternatives, including the map shown in attachment 3. This map is based on what is mandated in Anne Arundel County for distance from existing dispensaries and public and private schools. It shows a 1-mile dispensary buffer and a 750-foot school buffer from public and private schools. Attachment 4 is the list of schools included in the map. These buffers strike a balance between addressing the Planning Commission’s concerns while also allowing for a sufficient range of possible existing commercially zoned locations for a

dispensary. The 1-mile dispensary buffer would still limit the total number of dispensaries in the City.

Staff also evaluated other amendments to the legislation that would deal with the impact issues previously identified by the Planning Commission in 2021 and is proposing the following additional standards as mitigation measures:

“No loitering” signs shall be conspicuously posted in all parking areas.

Displays and depictions of medical cannabis may not be visible to the general public

The facility may not have an on-site physician for issuing written certifications for medical cannabis.

Staff does not feel a need to propose additional amendments regarding lighting or security as there is no documented pattern of higher crime activity associated with medical cannabis dispensaries in comparison to other retail establishments. In fact, as attachments 4 and 5 show, the patterns of violent crime and property crime in Annapolis between 2010 and 2021 are concentrated in areas generally far from the one existing medical cannabis dispensary adjacent to the Annapolis city limits.

Staff is also recommending that the definition of licensed premises of a licensed dispensary of medical cannabis be amended to state the following: “*A licensed premises of a licensed dispensary of medical cannabis is as defined in COMAR 10.62.01.01.*” This change will allow that if there are any changes to State law as to the definition, it will not require the City Code to be amended to be in compliance with State regulations.

RECOMMENDATION

The Planning Commission by a vote of 4-0 with one abstention recommends O-6-22 be APPROVED with the following amendments:

Modify the definition to state that: A licensed premises of a licensed dispensary of medical cannabis is as defined in COMAR 10.62.01.01.

Add the following standards:

A 1-mile dispensary buffer and a 750-foot public and private school buffer

“No loitering” signs shall be conspicuously posted in all parking areas.

Displays and depictions of medical cannabis may not be visible to the general public

The facility may not have an on-site physician for the purpose of issuing written certifications for medical cannabis.

The Commission further suggests the City Council study means of buffering dispensaries from adjoining residential properties. Two potential means of buffering are excluding the MX zone and imposing a definite distance between dispensaries and residential properties.

Approved and submitted on behalf of the Planning Commission

Alex Pline, Chair

Robert Waldman, Vice-chair

David Iams, Member

Thomas Sfaykanudis, Member

Teresa Rubio-Dorsey, Member