

## Planning & Zoning Meeting Minutes

May 29, 2024

Meeting called to order at 6:32 p.m.

Pledge of Alliance-Rebecca Marasco

Moment of Silence-Rebecca Marasco

Roll Call

Members Attending: Rebecca Marasco, Jilana Wilson, Jim Fennemore and John Willard

Absent: Luke Thomas

*John made a motion with a second by Jilana to excuse Luke's absence. Rebecca, Jilana, John and Jim, Aye. None Opposed. Motion carried.*

Staff Attending: Roseann Lamar-Town Clerk, Michael Wooleyhand-Town Manager

Council: Mayor Doug Denison

Attendees: Rob Coupe, Wilma Paiz and James Sacra

### **Adoption of Agenda:**

*John made a motion with a second by Jilana to approve the agenda as presented. Rebecca, Jilana, John, Jim, Aye. None Opposed. Motion carried.*

### **Adoption of Minutes:**

*Jim made a motion with a second by John to approve the minutes as presented. Rebecca, Jilana, John, Jim, Aye. None Opposed. Motion carried.*

### **New Business:**

- Rezoning Request- 307 N. Layton Ave from Residential (R1) to Commercial
- Mr. Sacra explained that the current tenant will be leaving as of June 30<sup>th</sup>, 2022.
- They are running out of space because their business has grown so much and would like to stay here in town.
- Mr. Sacra has said that they have looked at other properties. With the tenant moving out this would give them the opportunity to make this a commercial property and they would be able to expand. This would coincide with the rest of the surrounding parcels.
- Mr. Sacra stated that eventually wants to build some office space in the front. Have been working with Storm water management and DelDOT.

*John made a motion with a second by Jilana to move forward with the Rezoning request to be presented to the council meeting following the public hearing at the next planning and zoning meeting. Rebecca, Jilana, John, Jim, Aye. None Opposed. Motion carried.*

- Variance Request-37 S. Mechanic Street
- Ms. Paiz is a single mom with three girls, in which her mother lives with her as well.
- Mom helps her out with childcare.
- Ms. Paiz is looking to add some more space by adding an extra bedroom and bathroom and would also like to add a porch.
- With the setbacks in accordance with the Current Land Use and Development code setbacks are twenty-five feet (25).
- Ms. Paiz current setback is thirteen feet (13), so she is asking for a reduced setback to be given from the twenty-five feet (25) to thirteen feet (13) so that the extra bedroom and porch can be constructed onto the residence.

*John made a motion with a second by Jim to approve the Variance request as presented and to move forward with a recommendation to the Board of Adjustments for review. Rebecca, Jilana, John, Jim, Aye. None Opposed. Motion carried.*

- Presentation-Delaware Office of the Marijuana Commissioner (OMC)
- Mr. Rob Coupe, the Marijuana Commissioner came to speak and share what the office is responsible for since last July when he was appointed.
- Marijuana has been around for over five hundred years (500), since nineteen thirty-seven years (37).
- As to date twenty-four states (24) have legalized marijuana.
- Personal use quantity up to one ounce.
- A person cannot sell, grow or manufacture unless it is a state licensed business.
- Eight (8) municipalities in Sussex County have prohibited marijuana and one (1) in New Castle county-Middletown.
- Timeline of Implementation of licenses: July 11, 2024, adoption regulations for adult use Recreational businesses. September 1, 2024, begin accepting license applications. November 1, 2024, begin to issue sixty (60) Cultivation facility licenses, December 1, 2024, begin to issue thirty (30) Manufacturing facility licenses, March 1, 2025, begin to issue thirty (30) Retail store licenses, March 1, 2025, begin to issue five (5) Testing facility licenses.
- Application fee of a thousand dollars (\$1000.00) just to get a security plan in place and get this motion to start the license process.
- Applicants must have a conditional license before they can apply for a permit with a municipality.

- If the applicant gets approval from municipality, applicant will go back and complete the final stages of the application through the state and meet all their requirements.
- The license is for two years (2), commissioner office comes and does a physical audit, and the applicant must be in good standing with the municipality and all the requirements that the town has requested. Also, must be in good standing with that municipality.
- The ideal goal is a reduction of the illegal market.
- Safety standards for cultivation, manufacturing and sales.
- Risk of mold, residuals and pesticides are addressed through standards and testing.
- A Canadian study revealed illegal a significant contrast in safety between cannabis grown for the legal market versus illegal market in Canada.
- Delaware testing project will test illegal marijuana products seized by the DSP (Delaware State Police).
- The First Compassion Center opened in two thousand five (2005).
- Patients in the Medical Marijuana program eight hundred and sixty (860) in May 2024 a decline of one thousand seven hundred forty-four patients (1,744) since May 2023.
- Patients by County: New Castle (49%), Kent County (19%), Sussex (32%)
- Authorizing physicians- seven hundred and seventy (770)
- Currently there are thirteen (13) Medical marijuana retailers.
- What is the Economic impact, creation of jobs, improving blighted areas, serving citizens with disabilities/medical needs and a reduction of the illegal market.
- Some industry Business challenges, it's a cash business, banking limitations, investors, no pesticides-must use organic growing standards, restriction on advertising.
- Delaware Code Title 4, Chapter 13, Section 1343, this section goes over the licensing process.
- The (OMC) Office of the Marijuana Commission) has the right to refuse a license under Delaware Code Title 4, Chapter 24, Section 1354.
- This section covers grounds for license refusal, transfer, or extension of premises. It states that the Commissioner may not grant a license if it would violate any county or municipality law adopted under Section 1351 of Title 4.
- Discussion ensued between the planning and zoning committee and Mr. Rob Coupe from the (OMC).
- The planning and zoning committee thanked Mr. Coupe for taking time out to come and speak with them and go over the presentation.

### **Old Business:**

- Marijuana Ordinance – An Ordinance amending the land use and development code of the town of Wyoming to authorize the use of land in certain zoning districts for Marijuana based businesses pursuant to conditional use approval.
- Mayor Denison made some changes/revised this ordinance per the last planning and zoning meeting regarding allowing marijuana-based businesses/facilities into town.

- The number of active conditional use permits for the following categories of marijuana establishments at any given time shall not exceed the following.
  - (1) Marijuana Cultivation Facility, Marijuana Product Manufacturing Facility, Marijuana Testing Facility: 2 permits.
  - (2) Marijuana Retail Store: 1 permit.
- If multiple conditional use applications are submitted for the same category of marijuana establishments and all are determined to satisfy the criteria for granting a conditional use permit the permit shall be granted to the applications that are determined to most completely satisfy the criteria.
- If another conditional use permit application is submitted while the conditional use permit application is pending the town may delay consideration so that both applications may be given full consideration and heard at the same time.
- No conditional use permits for the categories of marijuana establishments in this section will be issued prior to April 1, 2026, to allow time for the Town of Wyoming to observe the implementation of legal adult-use recreational marijuana sales in the State of Delaware and consider the impacts to small municipalities. Applications for conditional use for marijuana establishments may be accepted and considered prior to April 1, 2026.
- Currently there is nothing outlining marijuana-based businesses/facilities in the land use and development code.
- Reiterated that these are tightly regulated facilities and must comply with all state and federal laws.
- Reiterated that by having a conditional use in place, the planning and zoning commission as well as council can put into place limitations such as: limit hours for operations, oversee parking, how many square feet for buildings, etc.
- The committee asked if Mayor Denison would consider taking out Marijuana Cultivation and Retail.
- Mayor Denison replied that he doesn't see a need to remove them, cause then there would be no point of the having ordinance in place.
- Discussion ensued.

*Jilana made a motion with a second by John to recommend the ordinance to council with the following changes Page 4., Section 10. Marijuana establishments a. (1) add or between marijuana product manufacturing facility and marijuana testing facility. Clarify a total of only two permits. Page 4., Section 10. c. change accepted in the last sentence to submitted and change the moratorium date to March 1, 2027, for review. Rebecca, Jilana, John, Jim, Aye. None Opposed. Motion carried.*

- Will check into setting up a date for a Public Hearing since this will be making a proposed amendment to the Land Use and Development Code.

**Next Regular Meeting:**

- Public Hearing Wednesday June 26<sup>th</sup>, 2024 @ 6:00 p.m.
- Wednesday June 26<sup>th</sup>, 2024 @ 6:30 p.m.

**Public Comments:**

- None

**Adjourned:**

*John made a motion with a second by Jilana to adjourn the meeting at 9:03 p.m. Rebecca, Jilana, John, Jim, Aye. None Opposed. Motion carried.*

Roseann Lamar, CMC  
Town Clerk