



## **Agenda Item Details**

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| Meeting            | Nov 17, 2021 - Wheeling Plan Commission Regular Meeting  |
| Category           | 7. Items for Review  |
| Subject            | B. Docket No. 2021-39A, Special Use for a Cannabis Cultivation Center - NBCG Partners, LLC (160 W. Hintz Road)   |
| Type               | Action, Discussion   |
| Fiscal Impact      | No   |
| Budgeted           | No   |
| Recommended Action | Recommend approval of Docket No. 2021-39A, granting Special Use, as required under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-07 Industrial District, Chapter 19-10 Use Regulations, and associated sections, in order to permit a cannabis cultivation facility located at 160 W. Hintz Road, in accordance with the Petitioner's Project Description Letter, received 9/22/2021, Plan Set prepared by Psenka Architects, Inc., dated 10/20/2021(Sheets A-1 thru A-5), Equipment Enclosure Details prepared by Psenka Architects, Inc., dated 10/20/2021(Sheet A-6), Aqua Force Air Cool Variable Speed Screw Chiller Specifications, Rooftop Mechanical Specifications, Carrier Flower AGU Specifications, and Carrier Veg AHU Specifications, for NBCG Partners, LLC. |

## **PUBLIC HEARING INFORMATION**

2021-39A – NBCG Partners, LLC (lessee), seeks a Special Use as required under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-10.060 Nonresidential Use Regulations, and associated sections, to permit a cannabis cultivation center in the I-3 (General Industrial) zoning district, for the property located at 160 W. Hintz Road.

## **GENERAL PROPERTY INFORMATION**

Applicant: NBCG Partners, LLC (lessee)

Property size: 3.23 acres / 59,446 sq. ft. building

Neighboring Property Land Use(s):

North: Industrial

East: Industrial

South: Industrial

West: Railroad Tracks/Industrial

Existing Use of Property: Vacant Industrial Building

Existing Zoning: I-3 (General Industrial Zoning District)

Comprehensive Plan Designation: Industrial

Zoning History:

- Ordinance #4645, approved 11/7/2011, granting a variation for setbacks of accessory structures (Docket No. 2011-13A).
- Ordinance #4646, approved 11/7/2011, granting special use and site plan approval for outdoor storage (Docket No. 2011-13B).

## **SUMMARY OF REQUEST**

The applicant, NBCG Partners, LLC (lessee), is seeking a special use to permit a cannabis cultivation center for the property located at 160 W. Hintz Road. Associated with the proposed cannabis cultivation center, the petitioner is also seeking multiple zoning variations, which are detailed in the corresponding staff reports for each variance.

Based on the proposed changes to the site, the petitioner is also requesting minor site plan and building appearance approval, which requires final approval from the Plan Commission.

## **USE ANALYSIS**

A Special Use is the use of land in which, because of their unique characteristics, cannot ordinarily be allowed in a particular zoning district without consideration of their impact upon neighboring land uses and would not be detrimental to the public health, safety or general welfare. After review of the Standards summarized in this staff report, the Commission may impose reasonable restrictions that make the special use more compatible for the zoning district in which it is located, which may include conditions related to site plan aspects to mitigate adverse effects.

The petitioner is proposing to convert the existing industrial building for a cannabis cultivation growing facility. The facility will have a combination of office, active manufacturing and storage space. Per the petitioner's project description letter, the facility will operate from 7:00 AM through 6:00 PM Monday through Friday and will be open on Saturdays as needed. Approximately 10 employees (with a potential to increase the number of employees in the future) will be staffed for the proposed cultivation use.

The property is located within the I-3 (General Industrial) Zoning District. The Zoning Code permits a cannabis craft grower as a special use in the I-1 and MXI Zoning Districts, but not the I-3 Zoning District. However, a cultivation center is permitted as a special use in the I-3 Zoning District. Since the primary operation of the facility is cannabis growing, the Village is processing this request as a cultivation center rather than a craft grower. The petitioner has been informed of this process and understands they need to obtain approvals from the Illinois Department of Agriculture (IDOA) based on any Village approval for a cultivation center.

The main difference between the craft grower and the cultivation center is the maximum amount of canopy space that is permitted for plants in the flowering stage. Per the Zoning Code, a licensed cannabis craft grower may contain a maximum of 5,000 square feet of canopy space for plants in the flowering stage, which may be allowed to increase subject to IDOA approval. A licensed cannabis cultivation center shall not contain more than 210,000 square feet for plants in the flowering stage for cultivation of adult use cannabis. These size limitations of the Zoning Code were based on the initial regulations prepared by the Illinois Joint Committee of Administrative Rules. The attached proposed floor plan illustrates a complete build-out of the building for cultivation growing, if at a point in the future, the IDOA permits increases in canopy space. At this current time, the building use is limited to 5,000 square feet of canopy space.

**Standards for Special Use: Following are the petitioner's responses (in italics) to the standards for special use. (Any staff comments follow the petitioner's response):**

**1. State why the Special Use is necessary for the public convenience at the proposed location.**

*Petitioner:* The building and the lot will remain substantially unchanged. Neither the footprint nor the height of the current building will be altered. Landscaping will remain the same. All adjacent and nearby properties are zoned Industrial and accordingly have commercial or industrial uses. All adjacent property is already developed and occupied. Although an adult use cannabis cultivation center facility is clearly a different use than nearby properties, the primary functions of a cultivation center are very similar to other industrial and commercial uses like creating food products from raw materials, packaging finished products, selling and shipping finished products to wholesale customers. There is nothing about a cultivation center facility that would prevent development in the area nor have a negative impact on adjacent properties and unless you knew it was there you wouldn't even notice it from the outside. All HVAC equipment that is installed on the exterior of the building will be screened in a fashion to match the existing building and to fully conceal the exterior equipment.

*Staff:* Public Act 101-0027, the Cannabis Regulation and Tax Act, which became effective January 1, 2020, established adult recreational use of cannabis within Illinois. As a result, the cultivation of recreational cannabis is also necessary to support the sale and consumption of recreational cannabis.

**2. State how the Special Use will not alter the essential character of the area in which it is to be located.**

*Petitioner:* There are no adjacent residential uses and the property, including parking, is not visible from the closest residential area. The existing parking lot configuration will remain largely unchanged and is more than adequate to meet the needs of a cultivation center facility. To accommodate the exterior placement of the HVAC equipment, our site plan calls for the elimination of a majority of the parking spaces along the west side of the building reducing the total number of parking spots to 58 which is more than adequate for our use. The existing ingress and egress to/from Hintz Road will remain unchanged. A cultivation center facility will not have any noticeable impact on traffic to and from the property.

*Staff:* The proposed use will occur completely within the interior of the building (except for exterior mechanical equipment associated with the operation) and will not alter the industrial character of the area.

**3. State how the location and size of the Special Use, the nature and intensity of the operation involved in or conducted with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it will be in harmony with and not impede the normal, appropriate and orderly development of the district in which it is to be located and the development of surrounding properties.**

Petitioner: The Illinois Department of Agriculture, the licensing agency for cultivation centers, will not allow an adult use cannabis cultivation center to operate without zoning approval from its local zoning authority. The business cannot begin to operate as a licensed cultivation center in the absence of zoning approval. The property cannot be used as a cultivation center without local zoning approval and will likely sit vacant if zoning approval is denied.

Staff: The proposed use will occupy an existing building and is not envisioned to disrupt surrounding properties.

**4. State how the location, nature and height of buildings, walls and fences, and the nature and extent of the landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or will not impair the value thereof.**

Petitioner: The building and the lot will remain substantially unchanged. Neither the footprint nor the height of the current building will be altered. Landscaping will remain the same. All adjacent and nearby properties are zoned Industrial and accordingly have commercial or industrial uses. All adjacent property is already developed and occupied. Although an adult use cannabis cultivation center facility is clearly a different use than nearby properties, the primary functions of a cultivation center are very similar to other industrial and commercial uses like creating food products from raw materials, packaging finished products, selling and shipping finished products to wholesale customers. There is nothing about a cultivation center facility that would prevent development in the area nor have a negative impact on adjacent properties and unless you knew it was there you wouldn't even notice it from the outside. All HVAC equipment that is installed on the exterior of the building will be screened in a fashion to match the existing building and to fully conceal the exterior equipment.

Staff: Staff concurs with the petitioner's response.

**5. State how the parking areas will be of adequate size for the particular use, properly located and suitably screened from adjacent residential uses, entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances and the development will not cause traffic congestion.**

Petitioner: There are no adjacent residential uses and the property, including parking, is not visible from the closest residential area. The existing parking lot configuration will remain largely unchanged and is more than adequate to meet the needs of a cultivation center facility. To accommodate the exterior placement of the HVAC equipment, our site plan calls for the elimination of a majority of the parking spaces along the west side of the building reducing the total number of parking spots to 58 which is more than adequate for our use. The existing ingress and egress to/from Hintz Road will remain unchanged. A cultivation center facility will not have any noticeable impact on traffic to and from the property.

Staff: The subject property is not located within the industrial center of Wheeling and adjacent to any residential developments and has sufficient access to not cause traffic congestion.

**6. State how the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulation in that zone.**

Petitioner: The Illinois Department of Agriculture, the licensing agency for cultivation centers, will not allow an adult use cannabis cultivation center to operate without zoning approval from its local zoning authority. The business cannot begin to operate as a licensed cultivation center in the absence of zoning approval. The property cannot be used as a cultivation center without local zoning approval and will likely sit vacant if zoning approval is denied

Staff: The proposed use is consistent with the I-3 Zoning District (General Industrial) and the Comprehensive Land Use designation of Industrial uses for the subject the site.

**STAFF REVIEW**

**Fire Department Review:** The remaining Fire Department's comments are related to the Village's Building and Fire Prevention Codes and will be confirmed during the building permit review.

**Engineering Division Review:** The Engineering Division's review comments are related to site construction and will be confirmed during site (engineering) permit review.

**Police Department:** The Wheeling Police Department will review the proposed use and operations at the Business License phase.

**Staff Recommended Action:** Staff recommends approval of the special use.

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If the Plan Commission finds that the petitioner has satisfied the requirements for the granting of a special use, the appropriate motion would be to:

**Recommend approval of Docket No. 2021-39A,** granting Special Use, as required under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-07 Industrial District, Chapter 19-10 Use Regulations, and associated sections, in order to permit

a cannabis cultivation facility located at 160 W. Hintz Road, in accordance with the Petitioner's Project Description Letter, received 9/22/2021, Plan Set prepared by Psenka Architects, Inc., dated 10/20/2021(Sheets A-1 thru A-5), Equipment Enclosure Details prepared by Psenka Architects, Inc., dated 10/20/2021(Sheet A-6), Aqua Force Air Cool Variable Speed Screw Chiller Specifications, Rooftop Mechanical Specifications, Carrier Flower AGU Specifications, and Carrier Veg AHU Specifications, for NBCG Partners, LLC.

**ATTACHMENTS:**

Location and Zoning Maps (staff)

Photos of existing conditions (staff)

Petitioner's Project Description Letter, received 9/22/2021

Plan Set prepared by Psenka Architects, Inc., dated 10/20/2021(Sheets A-1 thru A-5)

Equipment Enclosure Details prepared by Psenka Architects, Inc., dated 10/20/2021(Sheet A-6)

Air Handler Specs

Chiller Specifications

Rooftop Mechanical Specifications

Carrier Flower AGU Specifications

Carrier Veg AHU Specifications

[160 W Hintz Images.pdf \(4,430 KB\)](#)

[Wheeling Project Narrative.pdf \(199 KB\)](#)

[Plan Set A1-A5 11092021.pdf \(3,840 KB\)](#)

[Sheet A6 11092021.pdf \(2,658 KB\)](#)

[Air Handler Specs.pdf \(953 KB\)](#)

[Carrier 500 ton Chiller Specs.pdf \(6,793 KB\)](#)

[Rooftop mechanical specs.pdf \(431 KB\)](#)

[Flower AHU Specs.pdf \(953 KB\)](#)

[Veg AHU specs.pdf \(4,134 KB\)](#)