CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

October 27, 2014

Zogleman LP
18900 West 87th Street South
Viola, KS 67149-9528

Stericycle, Inc.
3140 North 7th Street Trafficway
Kansas City, KS 66115

RE: CON2014-00028 – City conditional use to permit a "transfer station" for medical waste on property containing approximately 3.94 acres zoned LI Limited Industrial (LI) generally located on the west side of South West Street, approximately ¼ mile north of West Macarthur Road (3811 South West Street).

Dear Ladies and Gentlemen:

At its regular meeting on **October 9, 2014**, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the following conditions:

A. Permitted uses shall be restricted to those permitted by-right in the Limited Industrial district plus a medical waste transfer station. Only medical wastes (as defined in K.A.R. 28-29-27) may be received or handled at this location. No other types of solid waste may be accepted or processed at this location.
B. The site's gravel parking, loading and driveway areas are permitted to continue until its non-conforming status is lost.
C. All vehicles transporting medical waste in or out of the facility are required to be licensed under Chapter 7.08 of the Code of the City of Wichita.
D. The applicant shall obtain all applicable permits prior to commencing operations at the site, including, but not limited to, compliance with K.A.R. 28-29-27.
E. The transfer of medical waste shall take place inside an enclosed building.
F. The site shall be developed in general conformance with the approved site plan.
G. Any violation of these conditions shall render the Conditional Use null and void.

There were not any protests filed; therefore, the action of the planning commission is final. The attached signed resolution is a record of the planning commission's approval.

If you have any questions concerning this application, please contact our office at 268-4421.

CONDITIONAL USE RESOLUTION NO. CON2014-00002

WHEREAS, Zogleman LP and Stericycle, Inc. ; pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit a medical waste "transfer station" on approximately 3.94 acres zoned LI Limited Industrial (LI), described as:

Lot 4 except the north 150 feet, Block A, Royal Industrial Addition to the City of Wichita, Sedgwick County, Kansas (3811 South West Street)

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of October 9, 2014, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit a medical waste "transfer station" on property zoned, LI described as:

Lot 4 except the north 150 feet, Block A, Royal Industrial Addition to the City of Wichita, Sedgwick County, Kansas (3811 South West Street)

Approved subject to the following conditions:

A. Permitted uses shall be restricted to those permitted by-right in the Limited Industrial district plus a medical waste transfer station. Only medical wastes (as defined in K.A.R. 28-29-27) may be received or handled at this location. No other types of solid waste may be accepted or processed at this location.
B. The site's gravel parking, loading and driveway areas are permitted to continue until its non-conforming status is lost.
C. All vehicles transporting medical waste in or out of the facility are required to be licensed under Chapter 7.08 of the Code of the City of Wichita.
D. The applicant shall obtain all applicable permits prior to commencing operations at the site, including, but not limited to, compliance with K.A.R. 28-29-27.
E. The transfer of medical waste shall take place inside an enclosed building.
F. The site shall be developed in general conformance with the approved site plan.
G. Any violation of these conditions shall render the Conditional Use null and void.

Adopted this 9TH day of OCTOBER, 2014.

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

STAFF REPORT
DAB IV 10-6-2014
MAPC 10-9-2014

CASE NUMBER: CON2014-00028

APPLICANT/AGENT: Zogleman LP (Dale Zogleman) and Stericycle, Inc. (Chad Bergmann) / Golder Associates, Inc. (Maureen A. Yaskanin)

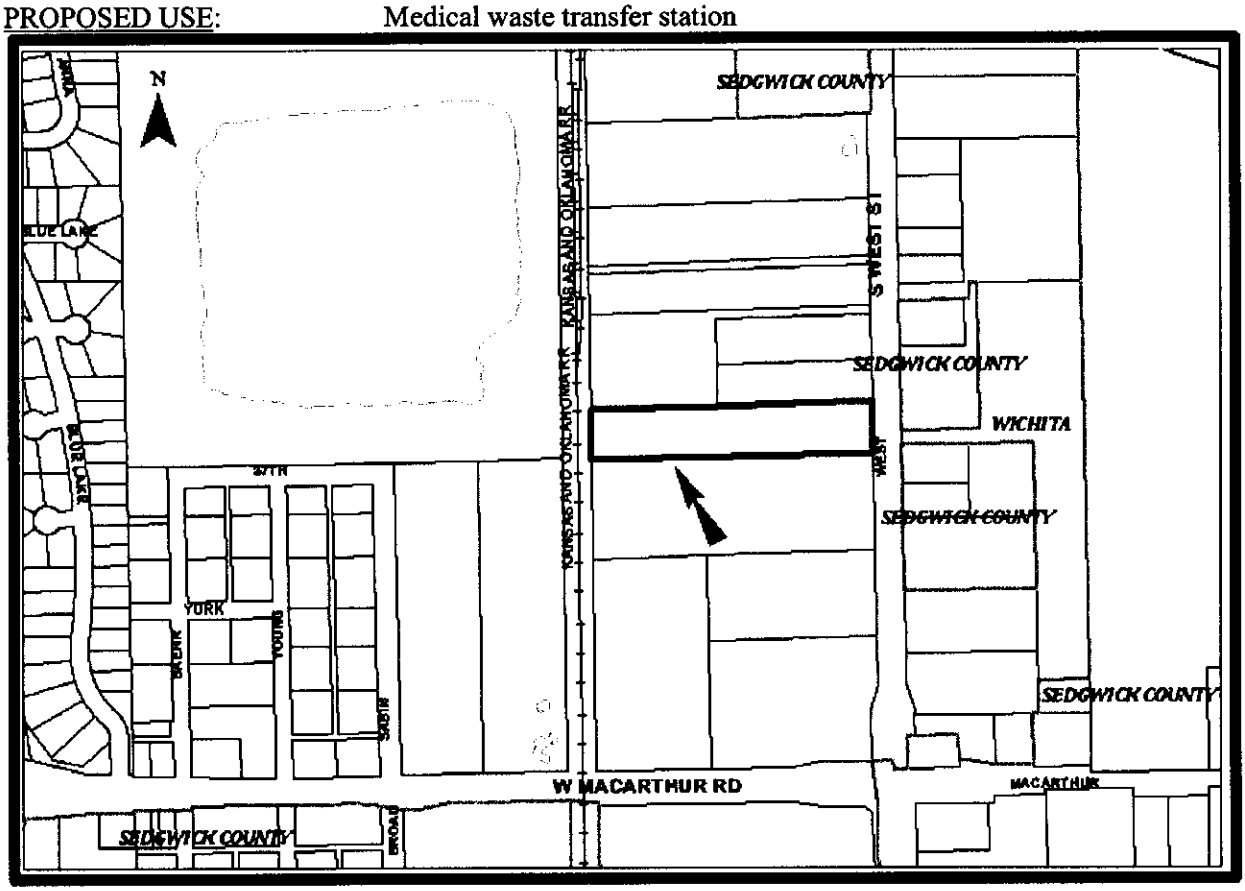
REQUEST: Conditional Use to permit a "transfer station" for medical waste

CURRENT ZONING: LI Limited Industrial

SITE SIZE: 3.94 acres

LOCATION: 3811 South West Street

PROPOSED USE: Medical waste transfer station



BACKGROUND: The applicant is seeking "conditional use" approval to operate a medical waste "transfer station." The Limited Industrial (LI) zoned application area is located on the west side of South West Street, 1,250 feet north of West MacArthur Road (3811 South West Street). The subject property contains 3.94 acres that are developed with a 3,000 square-foot warehouse/truck terminal and associated gravel driveway and parking lot. The site is platted as Lot 4 except the north 150 feet, Block A, Royal Industrial Addition.

The applicant currently operates a medical waste transfer station on property located south at 3901 South West Street, which was approved in 2000 (CON2000-00043). The applicant collects medical waste from various medical facilities located in Wichita and transports the waste to the transfer station. At the transfer station the medical waste is then consolidated into larger loads and shipped to licenses disposal facilities located out of town. No medical waste is or will be disposed of on-site. No municipal solid waste is or will be processed by the applicant. All the waste is collected in sealed containers. It is anticipated that the facility will generate approximately 12 daily truck trips per day. The applicant seeks to move its current activities to the subject property to obtain improved terminal facilities. The applicant's site plan is an aerial photo of the property since they do not plan on adding new structures.

The Wichita-Sedgwick County Unified Zoning Code (UZC) Article II, Section II-B.13.e defines a "transfer station" as any enclosed facility where solid wastes are transferred from one vehicle or rail car to another or where solid wastes are stored and consolidated before being transported for disposal elsewhere. In the LI zoning district, a "transfer station" is permitted only with Conditional Use approval.

The UZC (Article IV, Section IV-A.2.b) states that all parking areas, loading areas and driveways on all developments other than low density residential developments shall be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing and shall be maintained in good condition and free of all weeds, dust, trash and other debris. As noted above the site is served by gravel drive and parking areas. It is believed that the parking surface is a legal non-conforming improvement and this application does not trigger a requirement to pave the site's driveway, parking or loading areas.

According to Kansas Administrative Regulations (K.A.R.) 28-29-27 "medical services waste" is defined as those solid waste materials which are potentially capable of causing disease or injury and which are generated in connection with human or animal care through inpatient and outpatient services. Medical waste shall not include any solid waste which has been classified by the secretary as a hazard waste under Kansas Statues Annotated (K.S.A.) 1982 Supp. 65-3431 and any amendments thereto, or that is radioactive treatment material licensed under K.S.A 1982 Supp. 48-1607 and regulations adopted under the statute.

South of State Highway 54 South West Street has a significant amount of LI zoning and industrial/warehouse development. The entire west side of South West Street between I-235 and West MacArthur Road is zoned LI. The applicant is operating the exact use on a location 360 feet south of the application area. Surrounding land is zoned either LI or Single-Family Residential (SF-5) and is developed with a truck terminal/warehouse, warehouse, salvage yard, place of worship, single-family residence or a farm/ranch.

CASE HISTORY: The Royal Industrial Addition was recorded in March of 1976.

ADJACENT ZONING AND LAND USE:

North: LI Limited Industrial; truck terminal/transit warehouse
South: LI Limited Industrial; truck terminal/transit warehouse

East: LI Limited Industrial, General Commercial and SF-20 Single-family Residential; salvage yard, warehouse and church
West: SF-5 Single-family Residential; spent sandpit, farming and ranching

PUBLIC SERVICES: South West Street is a two-lane asphalt road. The site is served or can be served by all usual municipal and public services.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide depicts the site as appropriate for "employment/industry center" uses. The "employment/industry center" category encompasses areas with uses that constitute center or concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The range of uses includes manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be approved subject to the following conditions:

A. Permitted uses shall be restricted to those permitted by-right in the Limited Industrial district plus a medical waste transfer station. Only medical wastes (as defined in K.A.R. 28-29-27) may be received or handled at this location. No other types of solid waste may be accepted or processed at this location.
B. The site's gravel parking, loading and driveway areas are permitted to continue until its non-conforming status is lost.
C. All vehicles transporting medical waste in or out of the facility are required to be licensed under Chapter 7.08 of the Code of the City of Wichita.
D. The applicant shall obtain all applicable permits prior to commencing operations at the site, including, but not limited to, compliance with K.A.R. 28-29-27.
E. The transfer of medical waste shall take place inside an enclosed building.
F. The site shall be developed in general conformance with the approved site plan.
G. Any violation of these conditions shall render the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: South of Highway 54, South West Street has a significant amount of LI zoning and industrial/warehouse development. The entire west side of South West Street between I-235 and West MacArthur Road is zoned LI. The applicant is operating the exact use on a location 360 feet south of the application area. Surrounding land is zoned either LI or SF-5 and is developed with a truck terminal/warehouse, warehouse, salvage yard, place of worship, single-family residence or a farm/ranch.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LI. The LI district permits nearly all uses except residential and intense industrial uses. The site could be used for uses permitted by-right in the LI district; however, the conditions of approval placed on the property adequately adjoining property owners.

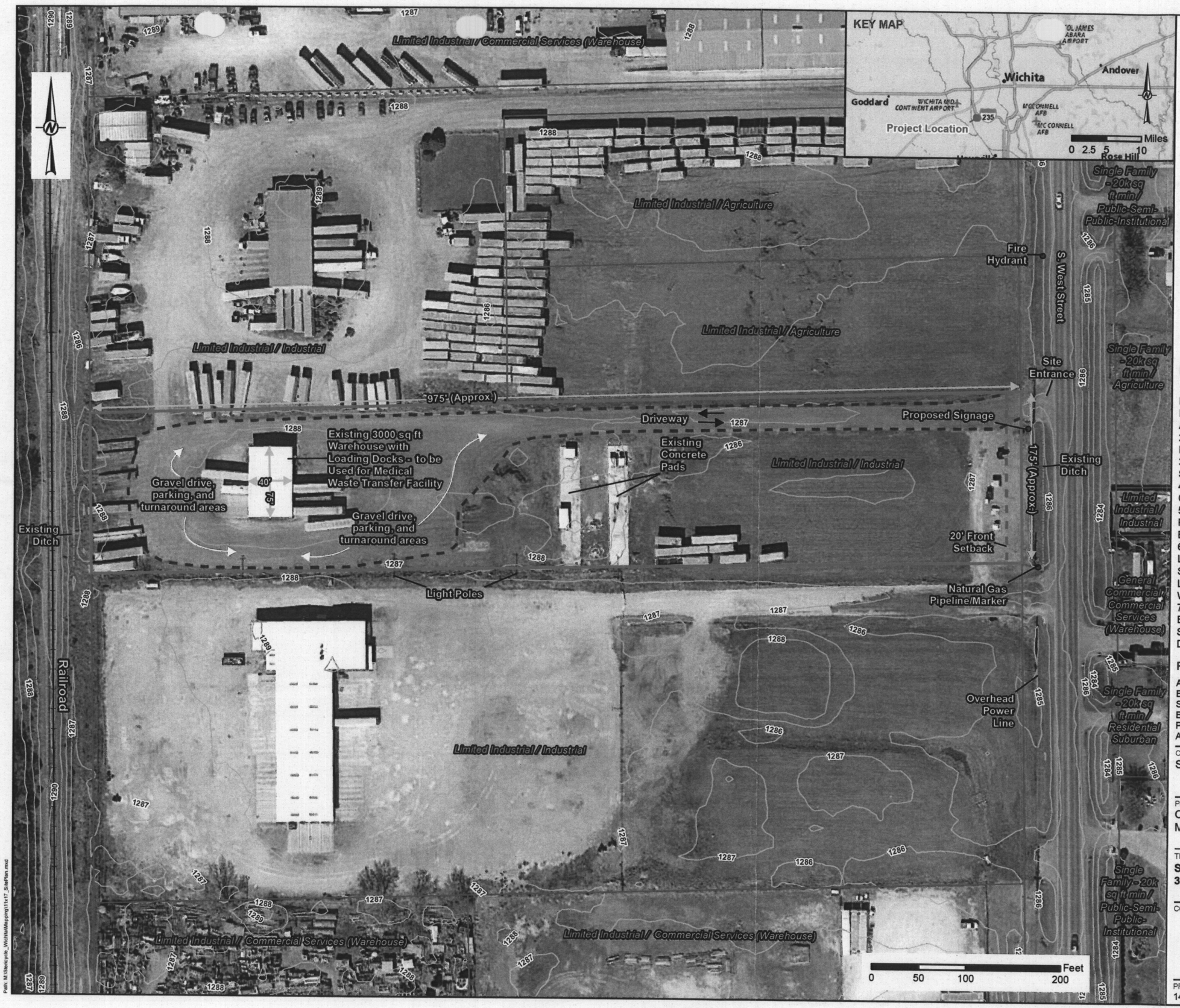
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested use is currently in operation some 350 feet to the south of the application area, and has not created any known detrimental impacts on nearby property. The proposed conditions of approval minimize potential negative impacts.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Health, safety and welfare considerations dictate the need

for the requested use and the service it provides to the community. Denial would presumably represent a performance hardship on the service provider in that the building's docks match the height of the operator's truck beds, which allow for a more efficient transfer of containers and provide increased safety to the company's workers.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide depicts the site as appropriate for "employment/industry center" uses. The "employment/industry center" category encompasses areas with uses that constitute center or concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The range of uses includes manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices. The proposed use is a collection, consolidation, warehouse and shipping service.

6. Impact of the proposed development on community facilities: No additional impact on existing community facilities has been identified.



LEGEND

- APPROXIMATE PROPERTY BOUNDARY FOR PROPOSED CUP
- NEIGHBORING PARCEL BOUNDARIES

Zoning / Land Use

- 20' SETBACK
- AREA OF CRUSHED STONE SURFACING
- EXISTING DITCH
- 1288 EXISTING TOPOGRAPHY
- DIMENSIONS
- TRAFFIC FLOW

SITE PLAN

APPROVED 10-31-14 BY DM

NOTES

1. APPLICANT NAMES: ZOGLEMAN LP AND STERICYCLE, INC. LEGAL DESCRIPTION: LOT 4, EXCEPT NORTH 150 FEET; BLOCK A, ROYAL INDUSTRIAL ADDITION (WICHITA) SEDGWICK COUNTY, KS., AREA = 3.94 ACRES.
2. SITE IS NOT IN A FLOODPLAIN PER FEMA FLOOD INSURANCE RATE MAP 20173C0345E.
3. NO MODIFICATION WILL BE MADE TO EXISTING STREET. S. WEST STREET IS A 2-LANE ROAD WITH ASPHALT PAVEMENT.
4. ALL DIMENSIONS ARE APPROXIMATE BASED ON SEDGWICK COUNTY GIS INFORMATION AND HAVE NOT BEEN FIELD-VERIFIED.
5. MUNICIPAL WATER/SEWER, NATURAL GAS, ELECTRIC AND PHONE ALL PRESENT ON-SITE AND ROUTED FROM S. WEST ST. TO BUILDING.
6. NO GRADING, ADDITIONAL STRUCTURES, FENCING, LANDSCAPING OR OTHER IMPROVEMENTS NOT SHOWN ON THE SITE PLAN ARE PROPOSED. SITE SECURITY WILL BE PROVIDED BY LOCKING ALL CARGO-CARRYING VEHICLES AND STORAGE AREAS WITHIN THE BUILDING WHEN NOT ATTENDED OR IN ACTIVE USE.
7. EXISTING DITCHES PRESENT ON SITE ARE SHOWN ON PLAN. EXISTING SITE DRAINAGE SHOULD BE ADEQUATE TO DIRECT STORM WATER RUNOFF AWAY FROM BUILDING AND OFF DRIVEWAYS.

REFERENCE

AERIAL IMAGERY: IMAGE CAPTURED 3/12/2014. OBTAINED USING GOOGLE EARTH PRO LICENSE.
SURFACE ELEVATION CONTOURS DERIVED FROM 3M USGS DIGITAL ELEVATION MODEL.
PARCEL DATA OBTAINED FROM SEDGWICK COUNTY, KS GIS DEPARTMENT AT HTTP://GIS.SEDGWICK.GOV/, DOWNLOADED AUGUST 7, 2014.

CLIENT
STERICYCLE - WICHITA

PROJECT
CONDITIONAL USE PERMIT APPLICATION FOR MEDICAL WASTE TRANSFER STATION

TITLE
SITE PLAN
3811 S. WEST STREET, WICHITA, KANSAS

CONSULTANT
Golder Associates

YYYY-MM-DD	2014-08-04
PREPARED	KJC
DESIGN	KJC
REVIEW	DO
APPROVED	MAY

PROJECT No. 1407761

CON 2014-28 MAPC 10-9-14

FIGURE 1

IF THIS MEASUREMENT DOES NOT MATCH WHAT IS SHOWN, THE SHEET SIZE HAS BEEN MODIFIED FROM:

Path: M:\Stericycle_Wichita\Mapping\11x17_SitePlan.mxd