



Wichita-Sedgwick County Metropolitan Area Planning Department

November 9, 2001

REVISED LEGAL DESCRIPTION OF PROPERTY – REVISED RESOLUTION

MSM Leasing Company
%Howard K. Sherwood
%G. Marc Myers
%James R. Maetzold
P. O. Box 9163
Wichita, KS 67277

FILE COPY

RE: CON2000-00043 – Conditional Use to permit a Medical Waste Transfer Station on property zoned “LI” Limited Industrial. Generally located on the northwest corner of MacArthur and West Street.

Dear Ladies and Gentleman:

At its regular meeting on December 7, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE subject to the following conditions:

- A. Permitted uses shall be restricted to those permitted by-right in the “LI” 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. All vehicles transporting medical waste in or out of the facility will be licensed under Chapter 7.08 of the Code of the City of Wichita.
- C. The applicant shall obtain all applicable permits prior to commencing operations on this site, including, but not limited to, compliance with K.A.R. 28-29-27.
- D. The site shall be developed in general conformance with the approved site plan.
- F. Any violation of these conditions shall render this Conditional Use Permit null and void.

CONDITIONAL USE RESOLUTION NO. CON-2000-00043

WHEREAS, G. Marc Myers, James R. Maetzold and Howard K. Sherwood (owners); MSM Leasing Company (Howard K. Sherwood, applicant), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow a Medical Waste Transfer Station on 1.5 acres zoned "LI" Limited Industrial described as:

The West 160 feet of the East 200 feet of the North 300 feet of Lot 7, Block A, Royal Industrial Addition, Sedgwick County, Kansas. Generally located on the northwest corner of MacArthur and 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 December 7, 2000, considered 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 conditional use to allow a Medical Waste Transfer Station on 1.5 acres zoned "LI" Limited Industrial described as :

The West 160 feet of the East 200 feet of the North 300 feet of Lot 7, Block A, Royal Industrial Addition, Sedgwick County, Kansas. Generally located on the northwest corner of MacArthur and West Street.

subject to the following conditions:

- A. Permitted uses shall be restricted to those permitted by-right in the "LI" 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. All vehicles transporting medical waste in or out of the facility will be licensed under Chapter 7.08 of the Code of the City of Wichita.
- C. The applicant shall obtain all applicable permits prior to commencing operations on this site, including, but not limited to, compliance with K.A.R. 28-29-27.
- D. The site shall be developed in general conformance with the approved site plan.
- F. Any violation of these conditions shall render this Conditional Use Permit null and void.

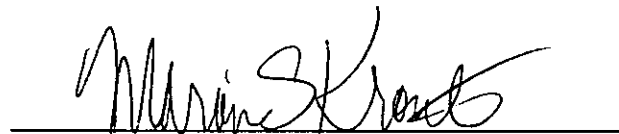
Adopted this 7th day of December, 2000. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION



Chris Carragher, Chair MAPC

ATTEST:



Marvin S. Krout, Secretary

STAFF REPORT

MAPC, 11/9/00

CASE NUMBER: CON2000-00043 (DLM)

OWNER/APPLICANT: G. Marc Myers, James R. Maetzold and Howard K. Sherwood (owners); MSM Leasing Company (Howard K. Sherwood, applicant)

AGENT: Stericycle (Wade Van Zee)

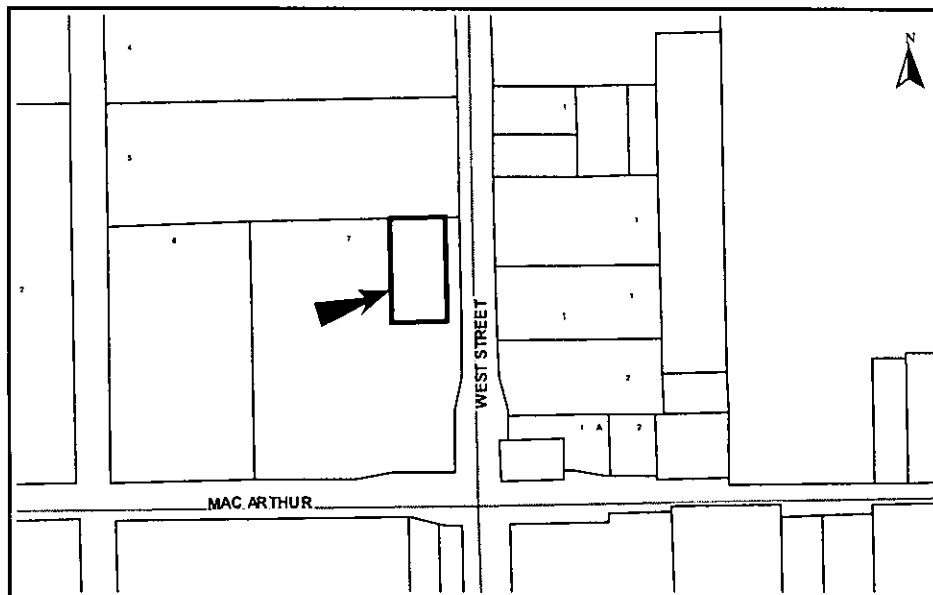
REQUEST: Conditional Use to permit a Medical Waste Transfer Station

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 1.5 acres

LOCATION: Northwest corner of MacArthur and West Street

PROPOSED USE: Medical Solid Waste Transfer Station



BACKGROUND: Stericycle, a company that specializes in managing medical waste, is seeking a Conditional Use permit to operate a "medical waste transfer station" on property located approximately 458 feet north of MacArthur and west of West Street. The applicant is co-leasing the site from the property owner. Another firm that handles municipal solid waste (MSW) is already leasing this site. The applicant has minimal rights to use the existing building, basically the restroom and some desk space. The MSW firm does not transfer waste at this site, but uses it for offices, maintenance and vehicle parking. The site is part of Lot 7 of the Royal Industrial Addition. The company collects medical waste from various sites around the area. The waste is then transported to this location for consolidation and shipment to an approved disposal site. No medical waste (or municipal solid waste) will be disposed of at this site. A total of three trucks are currently assigned to this location, two route trucks and one tractor-trailer rig. Route trucks are cargo type trucks, not packer trucks used for collection of solid waste. The applicant indicates that they back the route trucks up to the tractor-trailer and make the transfer out-of-doors, trailer to trailer. All the waste is collected in sealed containers, as mandated by various state and federal agencies.

The application area is 1.5 acres in size and is zoned "LI" Limited Industrial. The site is developed with a single building today (3,750 sq. ft.). The building is used as an office, storage and maintenance facility. A chain link fence surrounds most of the site. A single curb cut along West Street provides access. The parking area is surfaced with asphalt or gravel and occupies most of the site not covered by the existing building. Four striped parking stalls are identified on the site plan.

According to K.S.A. 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 services waste shall not include any solid waste which has been classified by the secretary as a hazardous waste under K.S.A. 1982 Supp. 65-3431 and any amendment thereto, or that is radioactive treatment material licensed under K.S.A. 1982 Supp. 48-1607 and regulations adopted under the statute."

Planning staff contacted both city and county solid waste officials to see if this use needs to comply with adopted solid waste transfer station regulations and guidelines. The response was that since this is a very specialized use with a relatively small waste stream and a small number of contractors it was not necessary to apply household solid waste rules for this type of application.

Surrounding land is zoned "LI" Limited Industrial or "LC" Limited Commercial. Surrounding uses include: trucking, auto repair, vacant or place of worship

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

ADJACENT ZONING AND LAND USE:

NORTH: "LI" Limited Industrial; vacant
SOUTH: "LI", Limited Industrial; trucking
EAST: "LI", Limited Industrial and "LC", Limited Commercial; auto repair and towing
WEST: "LI", Limited Industrial; trucking

PUBLIC SERVICES: West Street is a four-lane facility carrying an average daily traffic volume of 7,528 vehicles. Public sewer and water services are available.

CONFORMANCE TO PLANS/POLICIES: The 1999 "Wichita Land Use Guide" recommended land use map depict this site as appropriate for "industrial" uses. Industrial location guidelines indicate that industrial uses should be located in close proximity to: support services, major arterials, city truck routes, belt highways, utility trunk lines, rail spurs, airports and as extensions of existing industrial uses. Industrial uses should not feed directly into local streets in residential areas; and they should be located away from existing or planned residential areas, and sited so as not to generate industrial traffic through less intensive land use areas. The "Unified Zoning Code" in 1996 established solid waste transfer stations as uses conditionally permitted in the RR Rural Residential, LI Limited Industrial and GI General Industrial districts.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

- A. Permitted uses shall be restricted to those permitted by-right in the "LI" 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. All vehicles transporting medical waste in or out of the facility will be licensed under Chapter 7.08 of the Code of the City of Wichita.
- C. The applicant shall obtain all applicable permits prior to commencing operations on this site, including, but not limited to, compliance with K.A.R. 28-29-27.
- D. The transfer of medical waste shall take place inside an enclosed building

- E. The site shall be developed in general conformance with the approved site plan.
- F. Any violation of these conditions shall render this Conditional Use Permit null and void.

This recommendation is based on the following findings:

- 1. The zoning, uses and character of the neighborhood. Surrounding land is zoned "LI" Limited Industrial or "LC" Limited Commercial. Surrounding uses include: trucking, auto repair, vacant or place of worship. The character of the land uses in the area is industrial and heavy commercial.
- 2. The suitability of the subject property for the uses to which it has been restricted. The site is zoned "LI" Limited Industrial. This district permits nearly all uses except residential and heavier industrial uses. The site could be used for activities already permitted. However, the conditions placed on the property by this application adequately protect adjoining property.
- 3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the Conditional Use Permit will not detrimentally affect nearby property owners since nearly all the adjoining property is zoned the same as the applicant's property, and the conditions applied to this request ensure that the requested use will not negatively impact nearby property.
- 4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The 1999 "Wichita Land Use Guide" recommended land use map depict this site as appropriate for "industrial" uses. This request is compatible with adopted plans.
- 5. Impact of the proposed development on community facilities: None identified.

300' BACK FENCE

SITE PLAN

APPROVED 12/21/00 BY DM

GRAVEL

CONCRETE PAD

OVERHEAD DOORS (3)

OFFICE & STORAGE

GRAVEL

GATE

CHAIN LINK FENCE

STORMWATER DITCH

SOUTH WEST STREET

SCALE DRAWING
3901 S. WEST ST.
WICHITA, KS



Stericycle®

The Specialist in Managing Medical Waste

W 160' of the E 200' of the SCALE 1" = 20'
N 300' of Lot 7, Block A Regal Industrial Subdivision

Prepared by Wade Van Zee



This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. Enclosed is a signed copy of the above-referenced Conditional Use Resolution. If you have any questions concerning this case, please call our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Miller". The signature is fluid and cursive, with the first name "Dale" and last name "Miller" clearly distinguishable.

Dale Miller
Chief Planner

DM/rs

Cc: Country Pawn & Antique, %Mark Springs, 3842 S. West, Wichita, KS 67217
Stericycle, %Chuck Merritt, 2407 Tulip Street, Longmont, CO 80501
John D. Sherwood, 9630 Clubhouse Ct., Wichita, KS 67226
Wade Van Zee, Stericycle, RR #4 Box 243 L, Clinton IL 61727
County Commissioner District IV, Carolyn McGinn
Director, County Code Enforcement, Glen Wiltse