



Wichita-Sedgwick County Metropolitan Area Planning Department

March 20, 2019

Stericycle
Attn: Wade Van Zee
5815 Weldon Springs Road
Clinton, IL 61727

WAM Capital Corp
P.O. Box 247
Wichita, KS 67201

RE: CON2018-00045 - City request to approve a Conditional Use Permit to permit a Medical Waste Transfer Station on property zoned LI Limited Industrial generally north of West Pawnee Avenue and west of South West Street (4210 West Pawnee Avenue).

At its regular meeting on **January 24, 2019**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

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

Sincerely,

David L. Yearout, AICP
Principal Planner

Copies to: WCC IV, Jeff Blubaugh, Mail Stop 1-13
Rebecca Fields, CSR IV, Mail Stop 1-135
Paul Hays, OCI, Mailstop 1-72
Jeff Van Zandt, City Law, Mailstop 1-134
Julianne Kallman, Engineering, Mail Stop 1-71

CONDITIONAL USE RESOLUTION NO. CON2018-00045

WHEREAS, WAM Capital Corp (Owner) and Stericycle, Inc./Wade Van Zee (Contract Purchaser) (Applicant), 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 Transfer Station for Medical Waste on property zoned LI Limited Industrial (LI) located north of West Pawnee Avenue and west of South West Street (4210 West Pawnee Avenue), and legally described as:

Lot 10, Pawnee & West Industrial Park Second Addition, Wichita, Sedgwick County, Kansas.

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 January 24, 2019, 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 allow a Transfer Station for Medical Waste on property zoned LI Limited Industrial (LI) located north of West Pawnee Avenue and west of South West Street (4210 West Pawnee Avenue), and legally described as:

Lot 10, Pawnee & West Industrial Park Second Addition, Wichita, Sedgwick County, Kansas.

Subject to the following conditions:

1. 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.
2. 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.
3. 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.
4. The transfer of medical waste shall take place inside an enclosed building.
5. The site shall be developed in general conformance with the approved site plan.
6. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
7. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 24th Day of January, 2019

METROPOLITAN AREA PLANNING COMMISSION

Cindy Miles
Cindy Miles, Chair, MAPC

ATTEST:

Dale Miller
Dale Miller, Secretary

BACKGROUND: The applicant is seeking "conditional use" approval to operate its medical waste "transfer station" on property zoned LI Limited Industrial (LI) at 4210 West Pawnee Avenue. According to the applicant, the business is wishing to consolidate its operations at the new location. The subject property contains 1.89 acres that is developed with a 20,160 square-foot warehouse/truck terminal and associated driveway and parking lot. The site is platted as Lot 10 of Pawnee and West Industrial Park Second Addition to the City of Wichita.

The applicant currently operates a medical waste transfer station on property located at 3811 South West Street, which was approved by a conditional use permit in 2014 under CON2014-00028. 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 licensed 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. The applicant's site plan is attached and shows the creation of new loading docks on the north side of the existing building and modifications to the parking areas. A total of 31 off-street parking spaces are provided. According to the applicant, there will be between 24 and 27 employees at the facility. The Parking requirements of the UZC call for one parking space per employee.

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 shown on the Site Plan, the subject property is in compliance with the standards of the UZC.

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 Statutes 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.

The character of the surrounding area is a mixture of industrial and commercial. The subject property is surrounded by land zoned LI Limited Industrial (LI) in all directions. There are fast food restaurants along South West Street south of Pawnee Avenue on land zoned LI Limited Industrial. Most of the other land uses in the neighborhood are industrial in nature.

CASE HISTORY: The subject property is a part of the Pawnee and West Industrial Park Second Addition, which was filed with the Register of Deeds on March 29, 1995. The property is zoned LI Limited Industrial and appears to have been in that zoning category for a number of years. No other zoning action are of record for the subject property.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Industrial
SOUTH:	LI	Industrial
EAST:	LI	Vacant
WEST:	LI	Industrial

PUBLIC SERVICES: The subject property has access to West Pawnee Avenue, an improved, two-lane public street. Municipal water and sewer services and all other utilities are currently provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, (MAPC approval November 19, 2015) identifies the site as “New Employment.” The “new employment” classification applies to those areas that likely will develop or be redeveloped by 2035 for centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services or corporate offices; among other potential uses. The overall spirit and intent of this zone change appears to be in conformance with the stated policies and guidelines of the adopted Plans for the City of Wichita.

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

1. 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.
2. 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.
3. 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.
4. The transfer of medical waste shall take place inside an enclosed building.
5. The site shall be developed in general conformance with the approved site plan.
6. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
7. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is a mixture of industrial and commercial. The subject property is surrounded by land zoned LI Limited Industrial (LI) in all directions. There are fast food restaurants along South West Street south of Pawnee Avenue on land zoned LI Limited Industrial. Most of the other land uses in the neighborhood are industrial in nature.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LI Limited Industrial and has been used in the past for other industrial uses. The proposed Medical Waste Transfer Station is similar to previous uses of the subject property.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed Medical Waste Transfer Station should have similar impacts on nearby properties as previous uses of the subject property. There are no indications that past uses of the subject property have had detrimental impacts on nearby properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, (MAPC approval November 19, 2015) identifies the site as “New Employment.” The “new employment” classification applies to those areas that likely will develop or be redeveloped by 2035 for centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services or corporate offices; among other potential uses. The overall spirit and intent of this zone change appears to be in conformance with the stated policies and guidelines of the adopted Plans for the City of Wichita.
5. Impact of the proposed development on community facilities: The subject property has access to West Pawnee Avenue, a two-lane arterial at this location. Municipal water and sewer services and all other utilities are currently provided to the subject property.

Attachments:

Proposed Site Plan

Supporting Documents from Applicant

