CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

September 12, 2006

Ms. Teresa Neal
4829 S. Meridian
Wichita, KS 67217

RE: CON2006-00032 – City Conditional Use to permit a medical waste transfer station (truck to truck). Located on the south side of 30th St., South and east of West St. (3535 West 30th St., South) (District IV)

Dear Ms. Neal:

This letter is to inform you that the action taken by the Metropolitan Area Planning Commission at its regular meeting on **August 17, 2006**, to **APPROVE** the above request, subject to the following conditions, is the final action on this case.

1. Permitted uses shall be restricted to those permitted by-right in the "LI" Limited Industrial district plus "transfer station" restricted to the collection, transfer and transport of medical waste. 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, nor may any waste of any kind be disposed on the site.
2. All vehicles transporting medical waste in or out of the facility are to be licensed by the appropriate licensing agencies, and the applicant shall obtain all applicable local, state or federal permits prior to commencing operations on the site. (Including, but not limited to, Chapter 7.08 of the Code of the City of Wichita.)
3. The site shall be developed in general conformance with the approved site plan.
4. If after review by the Planning Director and the Superintendent it is determined the activity authorized by CON2006-00032 is not in compliance with the approved conditions of approval, this Conditional Use Permit may be declared null and void.

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

Sincerely,

Dale Miller

Dale Miller, Current Plans Manager
Current Plans Division

DLM:mc

Copies to: Enviroclean Management Service, 12750 Merit Drive, Suite 770, Park Central VI, Dallas, TX 75251
Vicky Huang, Engineering Division, Mail Stop #1-71
Kelli Glassman, IV NA, Mail Stop #1-135
Paul Gray, WCC IV, Mail Stop 1-13

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. #6

STAFF REPORT

MAPC 8-17-06

FILE COPY

CASE NUMBER: CON2006-00032

APPLICANT/AGENT: Teresa L. Neal (co-lessee) and EnviroClean Management Services, Inc. (Preston H. Tuttle, co-lessee) / Preston H. Tuttle (agent)

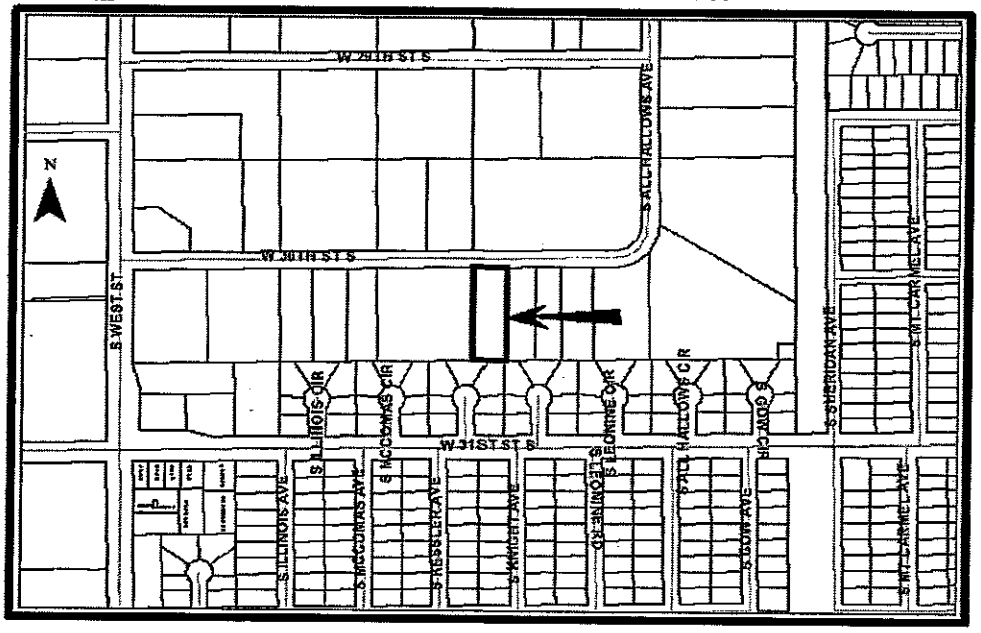
REQUEST: Transfer station

CURRENT ZONING: LI Limited Industrial

SITE SIZE: 1.1 acres

LOCATION: East of West Street and south of West 30th Street South (3535 W. 30th Street South)

PROPOSED USE: Truck to truck transfer of waste



BACKGROUND: The applicants are seeking approval of a "conditional use" to operate a transfer station for medical waste. EnviroClean Management Services, Inc. (EMSI) currently operates a medical waste collection and disposal service. The collection process is as follows. One to two smaller vehicles (cargo vans) collect medical waste from various medical facilities around town. These smaller vehicles would then travel to the application site, 3535 West 30 Street South, where the waste is to be transferred to one or two larger long haul vehicles. The larger long haul trailers and their contents are then taken to Emporia, Kansas where the waste is permanently disposed. The application area will not be used as a final disposal location for any of the waste. EMSI will use the site strictly as a transfer location. All waste is sealed during the collection and transport process, and is on-site for less than seven days. Most waste is to be transported within 48 hours. The waste is handled in compliance with State of Kansas medical waste regulations (K.A.R. 28-29-27). Municipal solid waste will not be accepted or transferred at this location.

The application site is a platted lot, zoned LI Limited Industrial and 1.1 acre in size that is developed with a 4,000 square foot building. The applicants will lease the entire site, but they intend to use only the western portion of the building for storage of cleaning supplies and bathroom uses. The building will not be used for transfer station activities. The majority of the site is undeveloped providing ample space for parking, trailer storage and traffic circulation.

Adjacent properties to the north, east and west are used for industrial uses. The land to the south is developed with single-family residential uses. There is a significant hedgerow separating the application area from the residential lots.

CASE HISTORY: The property is part of the Kessler-Koch Addition, recorded in 1975.

ADJACENT ZONING AND LAND USE:

NORTH: LI Limited Industrial; industrial
SOUTH: MF-29 Multi-family Residential; residential
EAST: LI Limited Industrial; industrial
WEST: LI Limited Industrial; industrial

PUBLIC SERVICES: The site is a platted lot with all normally provided public services available.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" depicts this site as appropriate for "employment/industry center."

RECOMMENDATION: Based upon 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 "LI" Limited Industrial district plus "transfer station" restricted to the collection, transfer and transport of medical waste. 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, nor may any waste of any kind be disposed on the site.
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3. The site shall be developed in general conformance with the approved site plan.
4. If after review by the Planning Director and the Superintendent it is determined the activity authorized by CON2006-00032 is not in compliance with the approved conditions of approval, this Conditional Use Permit may be declared null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Adjacent properties to the north, east and west are used for industrial uses and zoned LI Limited Industrial. The land to the south is developed with single-family residential uses and is zoned MF-29 Multi-family Residential. Access to the site is through an established industrial area. There is a significant hedgerow separating the residential use from the application area. West Street, which provides the arterial street connection to South 30th Street is a significant industrial corridor for heavy equipment dealers, warehousing and other industrial uses.

2. The suitability of the subject property for the uses to which it has been restricted: The site could be used as currently zoned as LI Limited Industrial zoning, which permits a wide variety of commercial and industrial uses.

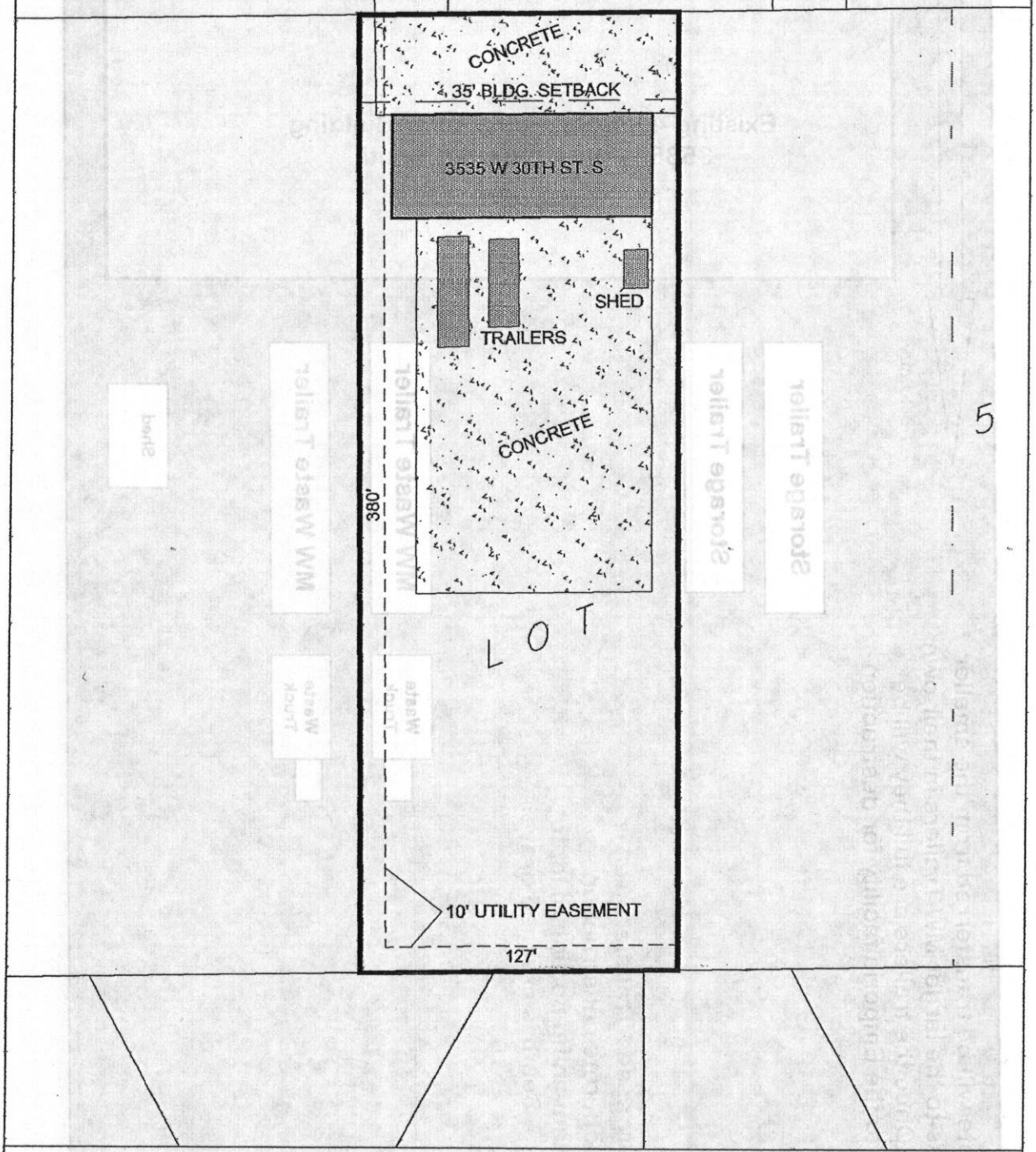
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The recommended conditions of approval and various local and state regulations dealing with the transfer of this type of waste will minimize any detrimental affects on nearby traffic. Since the request is for the transfer of waste, not the disposal of the waste, potential detrimental impacts are minimized.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Controlled collection and transport of this type of waste is essential to maintaining the public's health. Denial would presumable result in less efficient disposal that could add to the

cost of health care.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide" depicts this site as appropriate for "employment/industry center."

6. Impact of the proposed development on community facilities: None identified.



EXHIBIT

EnviroClean Management Services, Inc.
3535 West 30th Street South
Wichita, Kansas

SCALE: 1" = 40'

Baughman
ENGINEERING | SURVEYING | PLANNING
LANDSCAPE ARCHITECTURE

CON 2006-32