

CITY PLANNING COMMISSION AGENDA

STAFF: HANNAH VAN NIMWEGEN

FILE NO:
CPC UV 15-00133EX – QUASI-JUDICIAL

PROJECT: STERICYCLE MEDICAL WASTE TRANSFER FACILITY EXTENSION OF USE VARIANCE

APPLICANT: STERICYCLE, INC.; BRIDGET KELLY

OWNER: THUNDERBOLT MANAGEMENT GROUP, INC.; MERRILL AUSTIN



PROJECT SUMMARY:

1. **Project Description:** This request is to execute by motion an extension of a condition attached to a previously approved Use Variance. The Use Variance approval permitted a medical waste temporary storage and transfer facility on a portion of a 4.08 acre property located at 4120 Mark Dabling Boulevard that is zoned M-1/SS (Light Industrial with a Streamside Overlay). At the time of review, staff placed a condition of approval on the Use Variance application requiring a Certificate of Designation be completed and approved by the governing authority by December 31, 2016. City Planning Commission approved this request as part of the consent agenda on December 17, 2015.

The figures and much of the information contained within this staff report are from the original report reviewed last December. This proposal is not to alter any aspect of the proposed project, but just to modify the condition attached to approval to extend the deadline of Certificate of Designation approval.

The accompanying Site Plan illustrates an approximately 18,000 square foot existing office/warehouse building which was approved with the Use Variance in 2015. Stericycle, Inc. occupies a small corner office in the northwestern portion of this building, and will utilize three truck bays in this same corner. No alterations were proposed to the building or site during initial review, and no alterations are included with the proposed extension. **(FIGURE 1)**

2. **Applicant's Project Statement:** The attached project statement was included in the initial Use Variance staff report package. **(FIGURE 2)**
3. **Planning and Development Team's Recommendation:** Staff recommends issuing a new motion to extend the condition attached to the Use Variance "CPC UV 15-00133."

BACKGROUND:

1. **Site Address:** 4120 Mark Dabling Boulevard
2. **Existing Zoning/Land Use:** M-1/SS (Light Industrial with a Streamside Overlay) / Light trucking and distribution with ancillary offices **(FIGURE 3)**
3. **Surrounding Zoning/Land Use:** North: M-1 / construction supply and distribution
South: M-1/SS / storage and distribution yards
East: M-1/SS / Mark Dabling Boulevard, then Pikes Peak Greenway Trail, and various supply and equipment storage and distribution yards
West: M-1/SS / Douglas Creek, Denver & Rio Grande Western RR, then construction supply and distribution
4. **Comprehensive Plan/Designated 2020 Land Use:** Employment Center
5. **Annexation:** Pate's Addition / 1966
6. **Master Plan/Designated Master Plan Land Use:** None.
7. **Subdivision:** Graves Subdivision Filing No. 1
8. **Zoning Enforcement Action:** None.
9. **Physical Characteristics:** The site is paved and developed. No significant changes in grade for majority of the site then slopes downward towards the creek bed along the southwestern corner of the site.

STAKEHOLDER PROCESS AND INVOLVEMENT:

With the initial review of the Use Variance, public notice was provided to 11 property owners within 500 feet of the site on two occasions: 1) after the submittal of the applications, 2) prior to the Planning Commission meeting. The site was also posted on those two occasions. No public comments were received at that time. For the proposed extension of the approved condition, public notice was mailed to all property owners within 500 feet of the subject property and the site was posted with the hearing information. No comments were received.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Review Criteria / Design & Development Issues:

a. Background

On December 17, 2015 the City Planning Commission considered and approved a request for a Use Variance to allow a medical waste short-term storage and transfer facility on a portion of a 4.08 acre property located at 4120 Mark Dabling Boulevard. This site is zoned M-1/SS (Light Industrial with a Streamside Overlay). A condition of approval was attached to the motion stating a Certificate of Designation was required to be approved by December 31, 2016.

To review, Stericycle Inc. collects medical waste from hospitals, urgent care facilities, doctor's offices, etc., sterilizes, and ultimately disposes of the waste within a designated disposal site. Currently, Stericycle Inc. utilizes a sterilization and disposal site in Dacono, Colorado. The operations at 4120 Mark Dabling Boulevard, however, do not include any disposal, sterilization, or processing of the materials collected. This site operates entirely as a transfer station. Drivers collect the medical waste from various sites; travel to the transfer location; load the material onto refrigerated trailers located on site where the material is stored for a short time; and finally transfer the material to the processing site in Dacono, Colorado. The raw material collected and brought to this site will not be consolidated, processed, or removed from their containers in any way. See applicant's project narrative for a more detailed explanation of the proposed business operations (**FIGURE 2**).

Whereas this use is considered a "transfer station" according to the City of Colorado Springs Zoning Ordinance, Stericycle Inc.'s proposed operation at the subject site is considered a "medical waste storage facility" according to the Colorado Department of Public Health and Environment (CDPHE). This is due to the onsite short-term storage of medical waste containers within the refrigerated trailers. All medical waste storage facilities are required to receive a Certificate of Designation from the site's governing jurisdiction. Chapter six, Article three of the City of Colorado Springs City Code requires Certificates of Designation be granted by the City Planning Commission (**FIGURE 4**). A Certificate of Designation is not requested with this amendment to the approved condition extending the deadline for approval.

Processing, review, and issuing a Certificate of Designation is unlike other land use actions. When code and/or state statute deems a Certificate of Designation is required for a particular land use (most frequently for solid waste disposal sites or facilities), the requesting entity must commission an Engineering Design and Operations Plan (EDOP) describing all aspects of the proposed operation including, but not limited to, geological, hydrological, engineering, and operational data for the design, operation, closure, and post-closure of the facility.

The entity needing the Certificate of Designation begins the process by initiating consideration with the local development review authority, who then refers the EDOP to CDPHE for comprehensive technical review to ensure the siting, design, and operating criteria of the proposed facility are protective of human health and the environment. City Code states this process is initiated through the City Planning Department. Stericycle, Inc. initiated consideration by submitting the EDOP to the Land Use Review staff, who immediately referred the request to CDPHE on March 29, 2016. Ultimately, CDPHE completes their review, requests revisions if necessary, and issues a recommendation of approval or denial to the local governing body (referrer). As described by CDPHE, following the date of referral, CDPHE has 30 days to determine if the package is complete and ready for the technical review. After the completeness review, CDPHE has 180 days to issue comments requesting revisions or clarification. Stericycle, Inc. received review comments 75 days following the 30 day completeness review. A revised EDOP was returned to CDPHE September 1, 2016. However, administrative issues occurred during the State's second review, therefore preventing the Certificate of Designation request moving forward prior to the Use Variance conditional deadline of December 31, 2016. The above mentioned issues are not the fault of Stericycle, Inc. or City staff. However, City staff encourages

the conditional deadline to issue the Certificate of Designation be extended until said issues are resolved.

2. Extension of approved condition

Currently, the condition of approval reads;

“An application to Land Use Review for a Certificate of Designation as required under Chapter 6 of the City Code shall be made no later than June 30, 2016. The Certificate of Designation must be finally approved by the City of Colorado Springs no later than December 31, 2016. If these actions are not fully completed by December 31, 2016, the City may take any applicable enforcement action permitted under the City Code.”

Stericycle, Inc. complied with the first part of the condition requiring initiation prior to June 30, 2016. Though, is unable to meet the second deadline. Staff recommends this conditional deadline be extended to December 31, 2017. The proposed revised condition shall read;

“An application to Land Use Review for a Certificate of Designation as required under Chapter 6 of the City Code shall be made no later than June 30, 2016. The Certificate of Designation must be finally approved by the City of Colorado Springs no later than December 31, 2017. If these actions are not fully completed by December 31, 2017, the City may take any applicable enforcement action permitted under the City Code.”

3. Conformance with the City Comprehensive Plan:

The 2020 Land Use Plan within the Comprehensive Plan indicates the site is within an Employment Center. It is the finding of the Land Use Review Division that the approved Stericycle Inc. Use Variance still substantially aligns with the City Comprehensive Plan 2020 Land Use Map and the Plan's goals and objectives.

Objective LU 8: Integrate Employment Centers into the Wider City Land Use Pattern

Colorado Springs has been successful at attracting and retaining major employers and growing small businesses, which has led to a healthy, thriving economy. However, the needs of employers, such as land requirements, location considerations, and availability of housing, must be balanced with overall quality of life issues. Employment activities that are not integrated into the community lead to higher infrastructure costs, increase traffic and congestion, and create a sense of separation from the community. Employment centers should be developed so they meet the needs of the employers, while at the same time contributing to the quality of life in Colorado Springs. The City's efforts should focus on creating opportunities for quality employment at various economic levels for its residents, and on environmentally responsible industries that make a positive contribution to the community.

4. Conformance with the Area's Master Plan: No Master Plan exists for this site.

STAFF RECOMMENDATION:

CPC UV 15-00133 – USE VARIANCE CONDITION ALTERATION

Approve the use variance with the new condition of approval extending the Certificate of Designation approval deadline from December 31, 2016 to December 31, 2017 based upon the finding that the request continues to comply with the Use Variance review criteria in City Code Section 7.5.803.B:

Condition of Approval

1. An application to Land Use Review for a Certificate of Designation as required under Chapter 6 of the City Code shall be made no later than June 30, 2016. The Certificate of Designation must be finally approved by the City of Colorado Springs no later than December 31, 2017. If these actions are not fully completed by December 31, 2017, the City may take any applicable enforcement action permitted under the City Code.