

**CITY PLANNING COMMISSION AGENDA**

**STAFF: HANNAH VAN NIMWEGEN**

**FILE NO:**  
**CPC UV 15-00133-A1MN16 – QUASI-JUDICIAL**

**PROJECT: STERICYCLE MEDICAL WASTE TRANSFER FACILITY'S CERTIFICATE OF DESIGNATION**

**APPLICANT: STERICYCLE, INC.; BRIDGET KELLY**

**OWNER: THUNDERBOLT MANAGEMENT GROUP, INC.; MERRILL AUSTIN**



### **PROJECT SUMMARY:**

1. Project Description: This request is to approve a Certificate of Designation permitting a medical waste transfer facility at 4120 Mark Dabling Boulevard that is zoned M-1/SS (Light Industrial with a Streamside Overlay). City Planning Commission's review and approval of a Certificate of Designation is required by City Code Section 6.3.105. The requirement for a Certificate of Designation for medical waste storage and transfer facilities is set forth in Colorado Revised Statutes Title 30, Article 20, Part 1 and structured by the Colorado Code of Regulations 6 CCR 1007-2, Part 1.

The accompanying site plan illustrates an 18,000 square foot existing office/warehouse building which was approved with the use variance in 2015. No alterations are proposed to the approved use variance plan. **(FIGURE 1)**

2. Applicant's Project Statement: The attached project statement was included in the use variance staff report package. **(FIGURE 2)**
3. Planning and Development Team's Recommendation: Staff recommends approving the Certificate of Designation for a medical waste storage and transfer facility.

### **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, Pikes Peak Greenway Trail, and various supply and equipment storage and distribution yards  
West: M-1/SS/Douglas Creek, Denver & Rio Grande Western RR, 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 the majority of the site then slopes downward towards the creek bed along the southwestern corner.

### **STAKEHOLDER PROCESS AND INVOLVEMENT:**

The public notification process for a Certificate of Designation is set by state statute and requires additional levels of notification than standard land use application. This included posting the property with a sign detailing hearing information, and posting an additional notice with hearing information in the City administrative offices. These postings must occur thirty (30) days in advance of the City Planning Commission meeting. Additionally, ten (10) days in advance of the hearing postcards were sent to property owners within 500 feet of the property and a notice was published in the Gazette. The public notice requirements are in compliance with City Code Section 6.3.105, the City Zoning Code in Chapter 7, and Colorado Revised Statutes Section 30-20-104. Staff has not received any public comments regarding the proposal.

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

1. Review Criteria / Design & Development Issues:

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. Issues arose during the Colorado Department of

Public Health and Environment's (CDPHE) review of the Engineering Design and Operation Plan (EDOP) which pushed their recommendation passed the deadline for Certificate of Designation approval set by the use variance. To compensate, City Planning Commission approved an extension of the use variance condition of record on December 15, 2016. At this time, all issues have been resolved and CDPHE recommends approval of the Certificate of Designation (**FIGURE 4**).

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**).

Processing, review, and issuing a Certificate of Designation is unlike other land use actions. When State Statute deems a Certificate of Designation is required for a particular land use, the requesting entity must commission an EDOP to describe 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 seeking approval of the Certificate of Designation initiates the process with the local development review authority (City Code Section 6.3.104 dictates the City Planning Department) who then refers the EDOP to CDPHE for technical review to ensure the siting, design, and operating criteria of the proposed facility are protective of human health and the environment.

Stericycle, Inc. initiated consideration by submitting the EDOP to Land Use Review staff, who referred the request to CDPHE on March 29, 2016. Stericycle, Inc. received review comments within CDPHE's published review timeframe. A revised EDOP was returned to CDPHE September 1, 2016. Administrative issues occurred during the State's second review, preventing the Certificate of Designation request from moving forward prior to the use variance conditional deadline of December 31, 2016. City Planning Commission approved an extension of the conditional deadline through the end of 2017. On December 20, 2016 CDPHE issued their recommendation of approval of a Certificate of Designation (**FIGURE 4**).

Additionally, as part of the EDOP review process, City Planning is required to route the EDOP for evaluation to appropriate City departments (Colorado Springs Utilities, Engineering Development Review, Water Resources Engineering) and El Paso County Health Department. Following their review of the EDOP, no concerns regarding the proposed operation were cited.

2. Factors to be considered by the City Planning Commission outlined in City Code Section 6.3.106

City Code Section 6.3.106 outlines four factors to be considered by the City Planning Commission when reviewing the Certificate of Designation. The following list, including the justifications that the Land Use Review Division considered while reviewing the application, contains those review factors:

- A. *The effect that the solid waste disposal site or facility will have on the surrounding property, taking into consideration the types of processing to be used, surrounding property uses and values, and wind and climatic conditions.*

The site is located within a light industrial area and is surrounded by industrial and commercial users. The Stericycle, Inc operations at 4120 Mark Dabling Boulevard do not include any disposal, sterilization, or processing of the medical waste collected. This site operates entirely as a transfer station. Drivers collect the medical waste from various sites; travel to the transfer location; load the sealed package of material onto refrigerated trailers located on site where the material is stored for a short time; and finally transfer the material to the company's processing

site in Dacono, Colorado. Staff finds that surrounding properties will not be adversely affected by this use.

B. *The convenience and accessibility of the solid waste disposal site or facility to potential users.*

The site is centrally located within the City. It has easy access to Garden of the Gods Road and to Interstate 25. The site is easily accessible for all users.

C. *The ability of the applicant to comply with the health standards and operating procedures required by this article and by the "Solid Waste Disposal Sites And Facilities Act", part 1 of article 20 of title 30, Colorado Revised Statutes, and the regulations promulgated thereunder by the Colorado Department of Public Health and Environment found at 6 CCR 1007.2.*

A letter from the Colorado Department of Public Health and Environment has been provided to the City and notes that the health standards and operating procedures required by the state have been followed.

D. *Recommendations by the various departments and divisions of the Health Department.*

El Paso County Public Health has reviewed this application and supports the Colorado Department of Public Health and Environment recommendations for this facility.

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-A1MN16 – CERTIFICATE OF DESIGNATION**

**Approve** a Certificate of Designation for a medical waste storage and transfer facility located at 4120 Mark Dabling Boulevard based upon the finding that the request complies with the factors outlined in City Code Section 6.3.106.