BOARD OF ZONING ADJUSTMENT
STAFF REPORT **Date: November 7, 2016**

CASE NUMBER 6064

APPLICANT NAME JKX4 Enterprises, LLC & Star Medical Waste Services, LLC (Joe C. Kappil, Agent)

LOCATION 1917 Brookdale Drive West
(Northwest corner of Brookdale Drive West and Brookdale Drive North)

VARIANCE REQUEST **USE:** Use Variance to allow a medical waste facility in an I-1, Light Industry District.

FRONT LANDSCAPING AREA: Front Landscaping Area Variance to reduced frontage landscape area.

TREE PLANTING: Tree Planting Variance to allow reduced frontage tree plantings.

ZONING ORDINANCE REQUIREMENT

USE: The Zoning Ordinance requires a minimum of an I-2, Heavy Industry District, with Planning Approval for a medical waste facility.

FRONTAGE LANDSCAPING AREA: The Zoning Ordinance requires full compliance with landscape area requirements.

TREE PLANTING: The Zoning Ordinance requires full compliance with the tree planting requirements.

ZONING I-1, Light-Industry

AREA OF PROPERTY 2.2± Acres

ENGINEERING COMMENTS If the USE VARIANCE is approved the applicant will need to have the following conditions met:

a. Clarify the "pavement washing operations and disposal of effluents" efforts that are mentioned in the Application with the City of Mobile Engineering Department prior to submitting a Land Disturbance Permit to ensure that there will be no illicit discharge into the City's MS4 (Municipal Separate Storm Sewer System).

b. Submit and receive a Land Disturbance Permit for the proposed site development through Central Permitting.

TRAFFIC ENGINEERING COMMENTS Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. On-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.

FIRE DEPARTMENT COMMENTS All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code).

CITY COUNCIL DISTRICT District 1

ANALYSIS The applicant is requesting Use, Front Landscape Area, and Tree Planting Variances to allow a medical waste facility in an I-1, Light Industry District, with reduced frontage landscape area and reduced frontage tree plantings; the Zoning Ordinance requires a minimum of an I-2, Heavy Industry District, with Planning Approval for a medical waste facility, and full compliance with landscape area and tree planting requirements.

The subject site has previously been used for an electric motor service business and contractors' offices. The applicant proposes to occupy an approximately 7,000± square-foot building on one lot (2.2± acres) and use it for a medical waste processing facility in an I-1, Light Industry District. Such activity requires an I-2, Heavy Industry District, with Planning Commission Approval. As the site would require 6,937 square feet of frontage landscaping area, and 3,375 square feet are proposed to be provided, the applicant seeks a Frontage Landscaping Area Variance. And as five frontage trees would be required for the site's street frontage, and three are proposed, a Frontage Tree Planting Variance is requested.

The applicant's narrative states:

> *Zoning variance is hereby requested for use as 1-2 from the current zoning of I-1 thus allowing us to operate a Medical Waste Processing Facility along with storage, transfer, transportation and recycling of recyclables based on the fact that all of the process operations happen inside of the premises at 1917 Brookdale Drive West, Mobile, AL 36618 and the process do not pose any danger, nuisance or generate excessive noise, odors, air pollution, excessive traffic in to community. We are also requesting a variance on the number of trees on property. This facility may employee up to 10 people from the nearby neighborhood. Companies similar to ours have been granted variance in the past. One such example is our competition Stericycle, Inc. on I-65 Feeder Road.*

Our proposal.

Our present Medical Waste Processing Company in Pasadena, Texas is in a Light Industrial part of Pasadena and is close to a residential neighborhood. We have been an excellent neighbor to our residential and commercial neighbors. We have a stellar track record with no violations with any City, County, State and Federal agencies. We want to expand into Alabama and in particularly in the Mobile area. We are requesting to The Board of Zoning Adjustment to grant our request to operate a Medical Waste Processing facility along with storage, transfer, transportation and recycling of recyclables out the property at 1917 Brookdale Drive West, Mobile, AL 36618. This may potentially provide employment for 10 people in the coming year. I hope you grant our request for variance.

The facility sits on Brookdale Drive West facing east. Across the facility is a vacant land of about 3 - 4 acres. On the south side is a Greer Enterprises, LLC a waste management and recycling facility, on the west side i.e., immediate back of the building is a drainage ditch and about 100 acres of wetlands and on the north side of the building about an 1 acre of vacant land. JKX4 Enterprises is proposing to make adequate parking spaces for future employees and customers.

Our proposed open hours are 6.00 am to 11.00 pm Monday through Saturday. If business increases drastically we may add an additional shift to cope with increase in workload. This is mutually beneficial to all parties. We may have about 8 employee vehicles and 1 to 5 Star trucks hauling Medical Wastes. Customer vehicles are in and out all through the day. Typical unload time for a truck is between 15 minutes to an hour. Customer vehicles coming to facility will be staggered on an hourly window schedule.

All process equipment used and process technology applied is approved by Alabama Department on Environmental Management (ADEM). Prior to opening, a permit application will be made to ADEM and a test run performed before the actual waste processing take place in the warehouse.

Process activity and vehicular traffic to the facility will in no way adversely affect the well being of neighbors or pose, nuisance, odor, excessive noise or air pollution problem. We anticipate no more than 100 employee and customer vehicles during daily operation.

The Warehouse building and office space is about 9,939 sq. ft, made out of structured steel and is in good condition. The front is landscaped nicely with plant shrubs and the north side parking lot is asphalted. The warehouse building is divided into 3 areas. Office about 2,000 sq.ft, main warehouse of about 6,000 sq.ft and back storage and unloading area about 1,900 sq.ft.

We are requesting to the Honorable Board of Zoning Variance of 1-2 use in an 1-1 zoning so that we can operate a Medical Waste Processing Facility along with storage, transfer, transportation and recycling of recyclables, lab packing etc. from this site. We are also requesting a variance on the number of trees on site. We are proposing to

repave the parking lot, make additional parking spaces, new curb cut so that trucks can come in and out of the facility easily.

Once the variance is granted, we will begin the application process with ADEM and obtain all necessary permits to operate the site. All process operations will comply with City of Mobile, Mobile County, ADEM rules and regulations.

5.1.1 Site Development Plan

The contents of this site development plan include the criteria that in the selection and design of the facility will provide for the safeguarding of the health, welfare, and physical property of the people and the environment through consideration of geology, soil conditions, drainage, land use, zoning, adequacy of access roads and highways, and other considerations as the proposed medical waste treatment facility dictates. This site development plan includes the general facility design, a surface water drainage report, the medical waste management equipment design, a geology summary, a closure plan, and the closure plan cost estimate.

Since this application is for a medical waste treatment facility the geology and subsurface discussion is minimal. Discussions on groundwater sampling and analysis, landfill gas management, and post-closure are not applicable.

5.1.2. General Facility Design

StarMedical Waste Services, LLC is located on a 2-acre tract at 1917 Brookdale Drive West, Mobile, AL 36618. The site was originally improved in 1980now owned by Brookdale Properties, LLC. The existing improvements include a 9,939 square foot, office and warehouse building, concrete paving and parking, and chain link fence. The existing building is 9,939 square feet of combined office and warehouse space. Two warehouse areas cover 9,083 square feet and 856 square feet, of office.

The larger approximately 8,000 square foot warehouse area will be the primary location for waste processing. No waste processing will occur within the smaller approximately 1,000 square foot warehouse area. The existing office areas will be used for record keeping and administrative activities.

The proposed equipment needed for treatment activities includes autoclaves or steam sterilization units, boiler system, compactor, shredder, baler, refrigerated truck or trailer, and supporting appurtenances. Areas will be designated for the unloading of waste, for the sterilization process, for compaction, baling, shredding, for various types of waste storage, and for cleaning and storing reusable plastic tubs.

Exterior areas will be designated, for sterilized waste compaction and storage. Supplies, recyclable municipal solid waste storage containers, and bound cardboard bales may be located under the canopied areas and within the smaller warehouse area. The proposed activities will be supported by the existing infrastructure.

The equipment and activity areas are shown on the Proposed Facility Layout included in this application. Each piece of proposed equipment will reside within its designated area of activity. The dimensions and proposed equipment shown reflect one possible ultimate development scenario and may need to be modified to fit the actual units as they are purchased and installed. A layout modification will be submitted to the ADEM prior to any changes to the size or location of the activity areas.

5.1.2.2. Facility Access

In order to protect the public from exposure to potential health and safety hazards and to discourage unauthorized entry or uncontrolled disposal of solid waste or hazardous materials, the facility will be equipped with access control features. Access to the facility will be from Brookdale Drive West from the front of the building which faces east side. This road is paved and well maintained.

The facility may be surrounded by a six-foot high chain link fence with climb-proof barbed wire. The fence will be located along the property line and will have approximate 20-foot wide electronic or manual gate on the side and east side. The gates will be locked after business hours.

The facility will be located on a previously developed commercial tract. The site includes an existing metal building on a concrete foundation with existing concrete access and parking areas and will have additional parking areas. All vehicular traffic will remain on the existing concrete surfaces. The existing building is set back from the entrances to allow for adequate turning radii and maneuverability.

The proposed primary treatment units will be maintained within the enclosed building. The building has three existing overhead roll-up truck access doors located on the north and west sides through which the collection vehicles will travel. A refrigerated trailer or truck, as well as the compactor and compactor dumper, will be located on the outside, adjacent to the south wall of the existing building. An additional 10- foot wide overhead roll-up door is proposed within the south wall for compactor area access. All doors will be locked after business hours.

Public access will be controlled to minimize unauthorized vehicular traffic, unauthorized and illegal dumping, and public exposure to hazards associated with waste management. Controlled access will be ensured with the existing fence, gates, and doors.

Additional emergency access will be provided along the west and south property line. An existing 12-foot wide garage door is located on the west side and a 12-foot wide garage door on the south side and proposed 8-foot garage door on the south side

5.1.2.3. Waste Movement

The collection vehicles transporting the medical waste to the facility will be 15- to 24-foot long bobtail vans. On occasion, large vehicles may be accommodated. It is estimated that of the average amount of waste received monthly approximately 90 percent will be untreated medical waste with the remaining 10 percent being a mix of paper and recyclables. The projected waste streams are shown in their relative anticipated volume of receipt in the following pie chart.

Upon arrival, authorized Star employees will inspect the load within each truck for compliance with the law, for radiation, for appropriate documentation, and to prevent unauthorized wastes from entering the facility. If any radiation is detected the entire truck will be returned to the generator. If any waste, or portions of waste, within the truck is deemed unacceptable, that waste or portions of waste will be returned to the generator. Medical waste will be handled as defined in the Waste Acceptance and Analysis. Once the load within a truck is accepted, Star will keep the truck within the facility. Any truck with untreated medical waste located outside will be within property lines.

Once the collection trucks are directed into the building, the containers will be unloaded and the waste placed in the queue for steam sterilization. The waste will arrive in special containers designed for the transport and storage of medical waste. Should there be an interruption in unloading, the trucks may be delayed, rerouted to an alternate facility, or temporarily parked within the proposed process area. Should the untreated medical waste need to be stored on site, the waste will be stored in accordance to Storage Requirements.

The waste may be weighed when within the truck or later when within the queue for steam sterilization. The average processing time from the arrival of the untreated medical waste through completion of the treatment and compaction process is two hours.

5.1.2.3.1. Flow Diagram

The storage, processing, and disposal sequences for the medical waste and recyclable anticipated at the proposed facility are shown. Waste receipt is governed by various decision operations to ensure that prohibited materials are rejected from the facility as soon as practical.

The proposed flow diagram may vary with actual waste streams and available equipment. Each process, decision, and recording point is identified and described on the drawings. A legend is used to differentiate untreated medical waste from routine municipal solid waste. Once the medical waste is steam sterilized, it is treated as routine municipal solid waste.

5.1.2.3.2. Schematic

The various phases of separation, processing, and storage of the medical waste, sharps, and confidential documents are shown on Drawing. Waste collection vehicles located within the proposed truck aisle will be either positioned to unload medical waste into the autoclave cart staging area or positioned to unload confidential documents into the shredder system area. Should the untreated medical waste need to be stored longer than 72 hours, the alternate flow through the refrigerated storage unit is shown. Untreated medical waste, alternate untreated medical waste, treated medical waste, treated sharps, and confidential document flows are identified. Each proposed component of the facility is shown in the schematic.

5.1.2.3.3. Ventilation and Odor Control

Ventilation and odor control will be accomplished by design through process control. The untreated and treated medical wastes and regulated garbage may be potentially odoriferous. The remaining anticipated paper and recyclables, when properly segregated and stored in the proposed designated areas, will not create significant odors. In door design and process controls for odor from the untreated and treated medical wastes include adequate packaging, prompt handling, and general sanitation. Any problematic odors will be contained within the existing structure.

Outdoor design and process controls for odor from the untreated and treated medical wastes include adequate packaging and storage, prompt handling, general sanitation, and if necessary, mechanical odor control.

Untreated medical waste will stay within the sealed odor-retaining containers in which it is transported. In most cases, these containers, in turn, will stay within the collection vehicles in which it arrives. All waste that needs to be stored for more than 72 hours will be refrigerated.

The majority of the proposed waste handling will be done within the existing large warehouse in the proposed processing area. The existing metal building is approximately 12 feet tall at the gable and about 20 feet tall at the eves. The existing metal walls and ceiling are coated with insulation. An existing blower circulates the interior air. There are two existing truck and one pedestrian access doors to the exterior. An additional 8 foot door is proposed for the south wall to connect the autoclave area to the compaction area. No windows exist nor are proposed.

The proposed boiler and autoclave units will be vented to the exterior of the building. Vents from the stack and pop-off valve will be provided from the boiler. A vent from the spurge tank will be provided from the autoclave units. The latent steam released from the units will carry no biological contamination, will be low temperature, and will have no adverse impact to the environment. At the end of process steam is vented.

Air emissions from the burner at this medical waste treatment facility will not contribute to any air pollution as defined in the Alabama Clean Air Act. The facility will comply with all regulations regarding air emissions and will obtain any necessary ADEM authorizations.

The facility will be operated to provide adequate ventilation for odor control and employee safety. The operator will prevent nuisance odors from leaving the boundary of the facility. If nuisance odors are found to be passing the facility boundary, the facility operator may chose to close the doors, to suspend operations until the nuisance is abated, or immediately take action to abate the nuisance. Order neutralizing equipment may also be installed.

Odor control is accomplished by routine cleanup, proper storage, clean operations, and removing any thing that may be odoriferous. Should order neutralizing equipment be required and installed, it will be properly maintained and operated. Cleaning and maintenance of the odor neutralizing equipment will be performed as recommended by the manufacturer and as necessary so that equipment efficiency is maintained.

Should odor become a problem with compactor operation, either an ozone odor control system, a deodorant spray system, or some other approved equivalent system, will be implemented. An ozone odor control system generates ozone, a powerful oxidizer which breaks down odor molecules and converts them into water vapor and other odorless, harmless gases. In addition to eliminating all odors from the air, the ozone-rich atmosphere inhibits germ and bacteria growth. The system requires no chemicals or fragrances and only incidental, routine service. The deodorant spray system consists of an electrical pump with enclosure, a reservoir, and spray heads. The pump operation is energized on the forward stroke of the packer ram. Removable or integral-type reservoirs may be available for use with the proposed compactor.

In the unlikely event of an emission, a report will be made in accordance with Emissions Event Reporting and Recordkeeping Requirements. The reporting of scheduled maintenance will be made in records reflecting Scheduled Maintenance, Startup, and Shutdown.

5.1.2.3.4. Generalized Construction Details

The existing building is a Class C office and warehouse structure, constructed with a reinforced concrete slab on grade concrete foundation, structural steel frame, and metallic panel and masonry exterior. The existing pitched built-up metal roof is 12 feet high at the eves and 20 feet high at the peak. The site was originally improved in 1980. No drawings are available from this original construction. The interior of the larger existing warehouse area is currently insulated, climate controlled, and lighted.

The large warehouse area in the building has three existing overhead roll-up truck access doors located on the south and west sides through which the collection vehicles can access. The door locations will allow for trucks to unload waste from one or the

other. An additional 8 foot door will be added on the north wall for compactor access. No other building improvements are required to support the proposed medical waste treatment activities. No building construction drawings will be required for these minor building modifications.

Steam sterilization will be utilized in the treatment of medical waste. Refrigerated units may be used to temporarily store the untreated medical waste. Shredding and compaction may be used in the handling of the treated medical waste. Shredding and compaction, as well as baling, may be used in the handling of routine municipal solid waste. Support systems will include baling, storage, and wash areas.
Each system will be designed and manufactured with appropriate structural support for installation on the existing reinforced concrete foundation. Discussions with equipment manufacturers confirm that no foundation reinforcement will be required to support the proposed equipment and appurtenances.

5.1.2.3.5. Disposition of Effluent

The anticipated effluents from the proposed medical waste treatment facility will include process waters from the medical waste treatment process and general wash waters from the routine municipal solid waste process activities. Accidental medical waste spills will be treated prior to disposal. The medical waste treatment process waters, in door wash waters, and any treated spills will be discharged into the existing City of Mobile sanitary sewer system. Any necessary sampling and analysis will be coordinated with the City. Outdoor wash waters will be discharged into the existing storm sewer systems.

The City of Mobile currently provides public water supply and sanitary sewer collection for the existing improvements. The public water and sanitary sewer utilities are located within the public right-of-way of Brookdale Drive West.

The site is currently connected to the City of Mobile public water system through an existing 5/8-inch line from an existing City 8-inch water main. The existing line provides water to the kitchen and bathrooms within the office area and to several spigots. Addition water service will be required for the proposed medical waste treatment and processing units. The existing 5/8-inch line will be removed and replaced with a 2-inch line from the existing City 8-inch water main up to the large warehouse area. From the large warehouse area, the existing 5/8-inch line will remain and continue to serve the office areas. The new 2- inch water line will be extended into the large warehouse area where a spigot will be installed for the proposed wash area, a connection will be made into the proposed boiler system, and a connection will be made into the proposed autoclave units.

The site is currently connected into the City of Mobile public sanitary sewer collection system through an existing 4-inch line connecting into a City 12-inch sanitary sewer line. The existing line drains the kitchen and bathrooms in the office area and two existing drainage structures in the large warehouse area.

Within the large warehouse area exist 2 drainage features: one will be made a large 2 feet by 2 feet drain area to include a proposed washing of reusable tubs and other containers. Other drains may be added to include easy washing of the process area. Refer to the spill prevention and control section of the Site Operating Plan of Part IV of this application for information on wash water.

Also within the existing large warehouse area, the proposed autoclave units will be placed adjacent to a drain or placed in a newly dug trench. No additional waste water connections are required to serve the proposed medical waste treatment facility.

No process water will be released until cooled to 140 degrees Fahrenheit or less. All process water and wash water from cleaning will be either placed back into the processing unit or discharged into the City of Mobile's publicly owned treatment works (POTW) via the existing drain line in the building. Management and discharge will be in accordance with local requirements. All necessary authorizations and approvals will be obtained and retained within the operating record at the site. No contaminated water will be discharged off site without specific written authorization. The facility will comply with the POTW limits and requirements for discharge.

The waste water discharged into the City of Mobile sanitary sewer and POTW will not: 1) interfere with or pass-through the waste treatment facility process or operations; 2) interfere with or pass-through its sludge process, use or disposal; or 3) otherwise be inconsistent with prohibited discharge standards of Title 40 Code of Federal Regulations (CFR) Part 403 (relating to General Pretreatment Regulations for Existing and New Source Pollution).

The existing building is constructed with a slab on grade concrete foundation, with metal exterior, and pitched roof with drainage down spouts. The down spouts drain directly onto the existing concrete pavement and parking that surround the building. The concrete paving and parking are sloped to drain to either the existing storm sewer or to the drainage ditch along the wetlands.

Proposed out door activity will be limited to storage. Site sanitation will include routine pavement washing. No wash water contamination is anticipated, but should there be an inadvertent release, the liquid will be contained and handled in accordance with the spill procedures.

5.1.2.3.6. Noise Control

The potential for noise at the proposed medical waste treatment facility will be from the operation of the collection vehicles and the operation of the compaction equipment. All of the remaining proposed medical waste processing activities will be performed within the existing insulated building. The compactor will be located within the proposed process area adjacent to the south side of the building.

According to the Center for Hearing and Communication the specific noise level for a normal business area is 40 decibels. Refer to http://www.chchearing.org/noise-center-home/facts-noise/common-environmental-noise-levels. Likewise, the specific noise level for freeway traffic is 70 decibels. The proposed Star facility is located right in between these two theoretical noise levels. According to copy righted 2002 Marathon Equipment Company decibel readings, typical compactor noise levels range from between 68 to 73, when measured from 60 feet from the equipment centerpoint.

According to the Environmental Protection Agency, a 24-hour exposure level of an average of 70 decibels is the level of environmental noise that will prevent any measurable hearing loss over a lifetime. Refer to http://www.epa.gov/history/toPics/noise/01.htm.
The average anticipated noise level of the proposed facility will be comparable to that of the existing traffic on State Highway 225. Should peak noise levels associated with compaction operations become problematic, packing operations may be rescheduled.

5.1.2.4. Sanitation and Processing for Proper Cleaning

Surfaces considered for proper cleaning will include: 1) the existing concrete floor, proposed equipment, and proposed containers within the large warehouse area; 2) the existing concrete floor and proposed containers within the small warehouse area; 3) the existing concrete pavement 4) the existing site concrete pavement. Each of these surfaces will be cleaned on a regular basis.

The majority of the waste processing activities performed, and thus the majority of the working surfaces with the potential to come in contact with the waste, will be within the existing large warehouse area. These surfaces will be washed at the completion of processing. Processing facilities that operate on a continuous basis will be swept and washed down on a regular basis. Likewise, reusable storage and transfer containers will be disinfected and washed on a regular basis. All spills will be cleaned immediately. The proposed equipment units will be cleaned in accordance with manufacturer's recommendations. The wash waters from the working surfaces, containers, units, and spills will be directed into the existing drainage structures located within the existing large warehouse area. These existing structures drain into the City of Mobile sanitary sewer system.

5.1.2.5. Water Pollution Control

Water pollution will be controlled by restricting the comingling of storm water, process water, and wash waters. All of the waste treatment activities performed will be within the existing large warehouse area. All waters from within the existing large warehouse area will drain to the City of Mobile sanitary sewer collection system and to an approved POTW.

The proposed outdoor process areas will be restricted in size and use. Any polluted water will be handled in accordance with the contaminated water management. All untreated

medical waste located outdoors will be within the sealed containers in which it arrives. In the unlikely event that a medical waste spill occurs outdoors, the spills will be cordoned off and cleaned immediately.

5.1.2.6. Endangered Species Protection

After 1980, the site looks much like it does today, with the existing building and site improvements. No endangered or threatened species are, or have been, living within the facility boundary for at least 67 years.

5.1.2.7 Vehicular Traffic

All vehicular traffic arriving at the facility will come from I-65 access via Brookdale Drive North and then to Brookdale Drive West. We anticipate not more than 100 vehicles entering the facility on any given day. Brookdale Drive North and Brookdale Drive West are not heavily travelled roads. Vehicles entering the facility will no way adversely affect the operation and well being of any other businesses in the neighborhood and do not pose any potential noise pollution.

5.1.3. Surface Water Drainage Report

The proposed project, as a municipal solid waste facility, must be constructed, maintained, and operated to manage run-on and runoff during the peak discharge of a 25-year rainfall event and must prevent the off-site discharge of waste materials including, but not limited to in-process and/or processed materials. Surface water drainage in and around the facility must be controlled to minimize surface water running onto, into, and off the treatment area. In the case of the Star facility, the proposed treatment area is within a completely enclosed existing structure. Exterior activities will be limited to site ingress and egress, waste storage within either a hauling vehicle or refrigerated trailer, or waste compaction/storage within an integrated watertight manufactured container. There will be an impenetrable physical barrier between rainfall and surface water and the proposed waste and waste treatment processes. Should the compaction system be compromised, a secondary containment system will be constructed around the compaction process area capable of containing the 24-hour, 25-year rainfall event.

The applicant states that the business will initially receive and treat approximately 10,000 pounds of medical waste from hospitals, 5,000 pounds from laboratories, and 5,000 pounds from doctor's offices, dental offices, and other similar small medical waste generators for a total of ten tons on a monthly basis. The operation will ultimately be able to process a maximum of 25 tons per day.

The types of wastes anticipated include medical waste, sharps, confidential documents, cardboard, primary cell batteries, plastics, and other miscellaneous recyclable items. All medical waste and sharps will be processed through steam sterilization. Confidential documents will be shredded and cardboard will be baled. Batteries, plastics and miscellaneous recyclables will be

separated and stored. It is estimated that of all wastes receive, approximately 90 percent will be untreated medical waste with the remaining 10percent being a mix of paper and recyclables. It is proposed that the treated medical waste will be disposed of at a landfill and recyclables will be either recycled of disposed of at a landfill.

Medical waste will be steam sterilized and disinfected using two proposed autoclave units within the existing building. A proposed compactor will be used for the consolidation and storage of treated medical waste and other routine municipal solid waste. A proposed shredder system will be used to process confidential documents.

It should be noted that the Board approved a Use Variance to allow a medical waste facility (Stericycle, Inc.) in an I-1 District in 2012, approximately ½-mile Southeast of the subject site across I-65. But that facility was proposed as a transfer facility only with all wastes being shipped elsewhere for processing. No containers are opened or processed at that site. Also, on the next developed site to the South of the subject site, a medical waste facility is operating, but is doing so without Zoning approvals or a business license for the location.

The Zoning Ordinance distinguishes between I-1, Light Industrial, and I-2, Heavy Industrial districts as follows:

I-1 districts: Light industry districts. These districts are composed of land and structures used for light manufacturing or wholesaling, or suitable for such uses, where the use and its operation do not directly adversely affect nearby residential and business uses. These districts are usually separated from residential areas by business areas or by natural barriers. The district regulations are designed to allow a wide range of industrial activities subject to limitations designed to protect nearby residential and business districts.

I-2 districts: Heavy industry districts. These districts are composed of land and structures used for heavy manufacturing and related activities or suitable for such uses. Located for convenient access from existing and future arterial thoroughfares, highways and railway lines, these districts are in many instances separated from residential areas by business or light industry areas or by natural barriers; where they are adjacent to residential areas some type of artificial separation may be required. The district regulations are designed to permit the development of the district for almost any industrial uses, subject to the minimum regulations necessary for the mutual protection of the uses.

As defined in the Zoning Ordinance, a Hazardous material or substance is a substance that is considered hazardous when it has one of the following characteristics: flammable, explosive, corrosive, toxic, radioactive, or if it readily decomposes into oxygen at elevated temperatures.

As medical waste is considered a hazardous material in the Zoning Ordinance and the containers are to be opened and processed at the subject site, the Use Variance application is needed.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a

literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

Pertaining to the Front Landscaping Variance request, the site was developed in the early 1980's prior to the adoption of the Landscaping and Tree Planting requirements of the Zoning Ordinance. To that extent, no allowance was made for the now-required 6,937 square feet of frontage landscaping area. The site currently can accommodate 3,375 square feet of frontage landscaping area. The configuration of the vehicle parking and access/maneuvering area combined with the tractor-trailer truck maneuvering area required does not allow for reconfiguration of the site to gain the required frontage landscaping area.

The Tree Planting Variance request would seem to be a different matter. Five overstory trees would be required for the site's 178 linear feet of street frontage. The site plan indicates three frontage trees proposed. However, there is sufficient green space in the area of those three trees to provide one more tree, and an island on the North side of the site entrance provides sufficient area for one tree planting. Therefore, the five required frontage trees could be provided.

The applicant has not illustrated that a literal enforcement of the Ordinance would result in an unnecessary hardship due to the use as a medical waste processing facility. No hardship is mentioned in the narrative, and any hardship would be self-imposed by the applicant. Furthermore, the primary proposed use for hazardous materials processing would be out of character for an I-1 District. Similarly, the applicant has not illustrated that a hardship would be imposed by the requirement of providing five frontage trees. The Board should consider the Use and Tree Planting Variance requests for denial.

The applicant has illustrated that a hardship would be imposed by the requirement to provide compliant frontage landscaping area and the Board should consider this request for approval.

RECOMMENDATION: Staff recommends to the Board the following findings of facts for Denial of the Use and Tree Planting requests:

1) Approving the variances will be contrary to the public interest in that the use would be contrary to the established zoning classification, and the site can accommodate the required number of frontage trees;
2) Special conditions (other similar hazardous materials processing businesses operate within the immediate area, and insufficient tree planting area is available) do not exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and

3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the use would be incompatible to an I-1 District, and the required frontage trees can readily be provided.

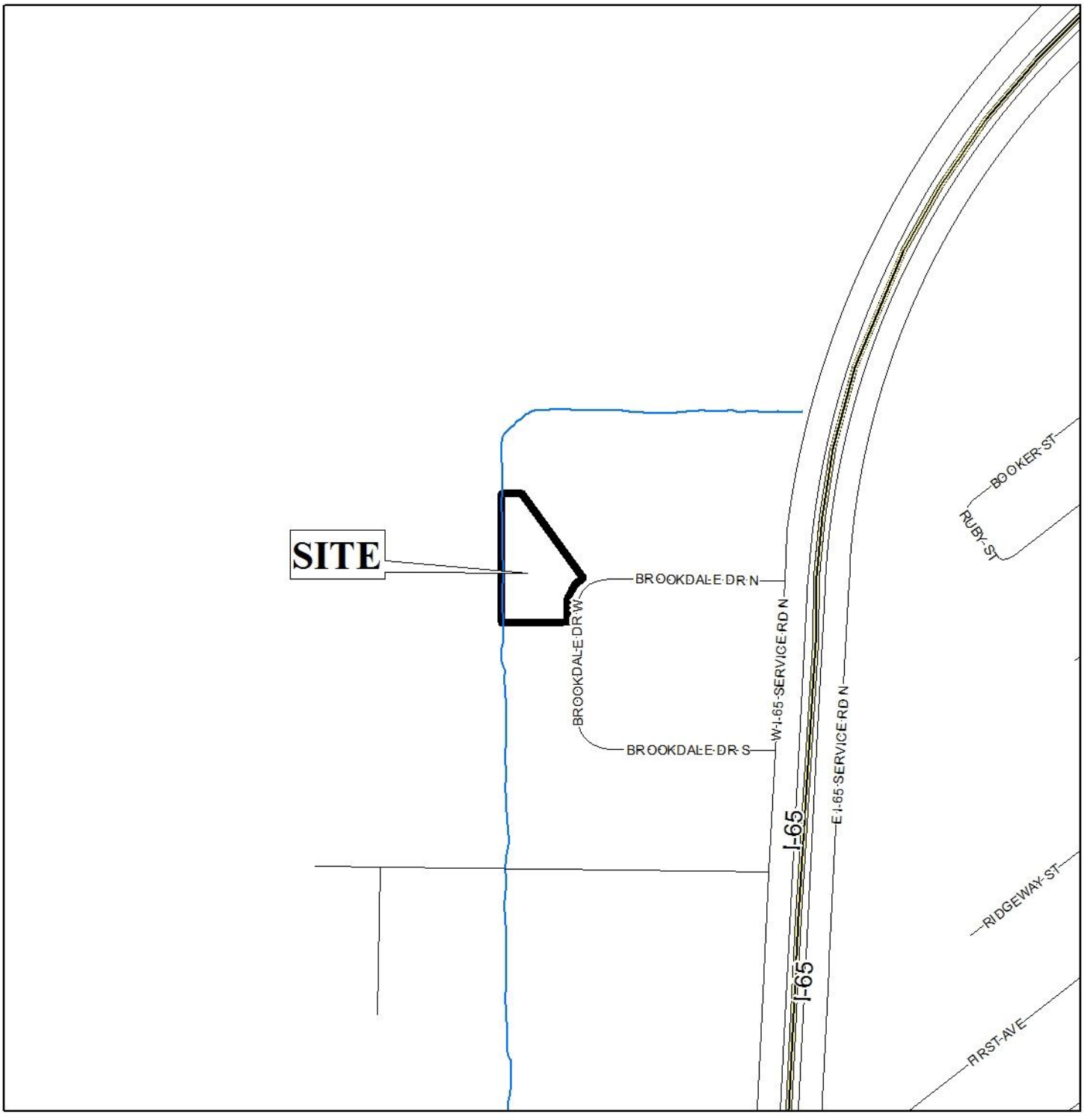
Staff recommends to the Board the following findings of facts for the Approval of the Frontage Landscaping Area request:

1) Approving the variance will not be contrary to the public interest in that the site cannot accommodate the required frontage landscaping area;
2) Special conditions (the site was developed prior to the requirement for frontage landscaping area and sufficient room for such was not provided) exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because a site reconfiguration to provide the required frontage landscaping area could diminish access/maneuvering area for standard vehicle parking and hinder the access/maneuvering area for tractor-trailer trucks.

Therefore, the Frontage Landscaping Area request is recommended for approval, subject to the following condition:

1) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 6064 DATE November 7, 2016

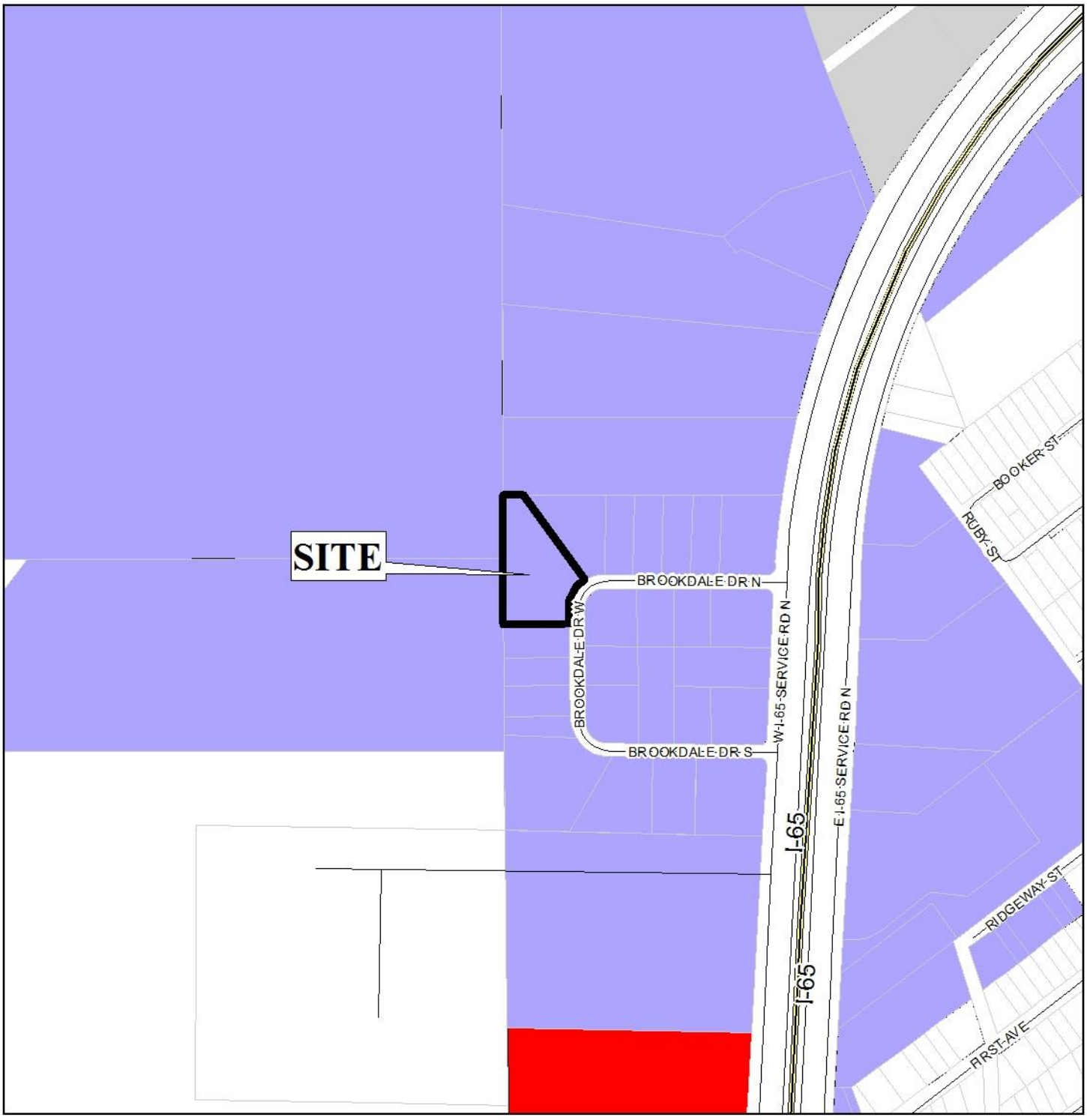
APPLICANT JKX4 Enterprises, LLC & Star Medical Waste Services, LLC (Joe C. Kappil, Agent)

REQUEST Use, Front Landscape Area, and Tree Planting Variances

N

NTS

LOCATOR ZONING MAP



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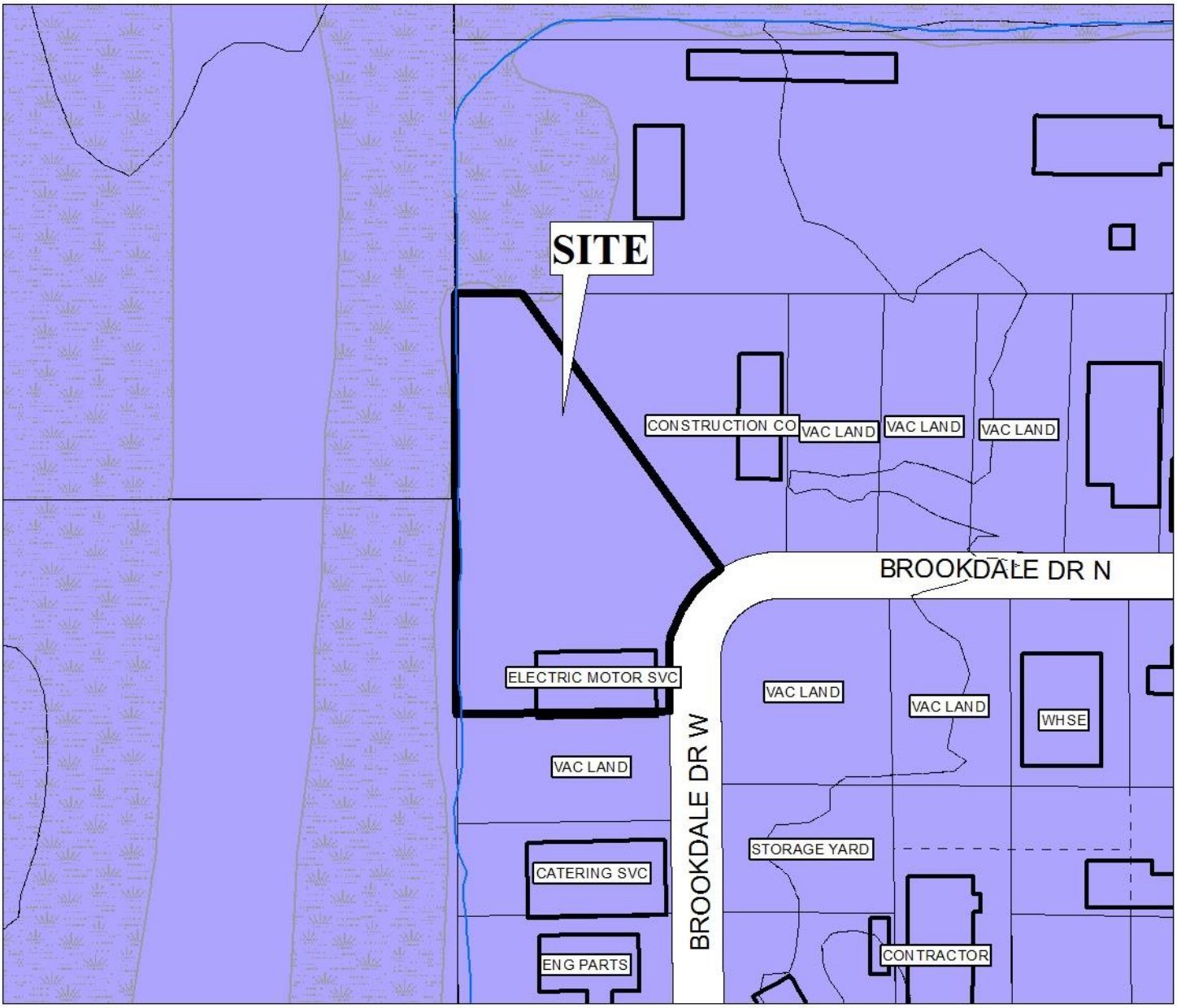
N

NTS

BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING



The site is surrounded by industiral units.

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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1	
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2	
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6	

N

NTS

BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING AERIAL

The site is surrounded by industiral units.

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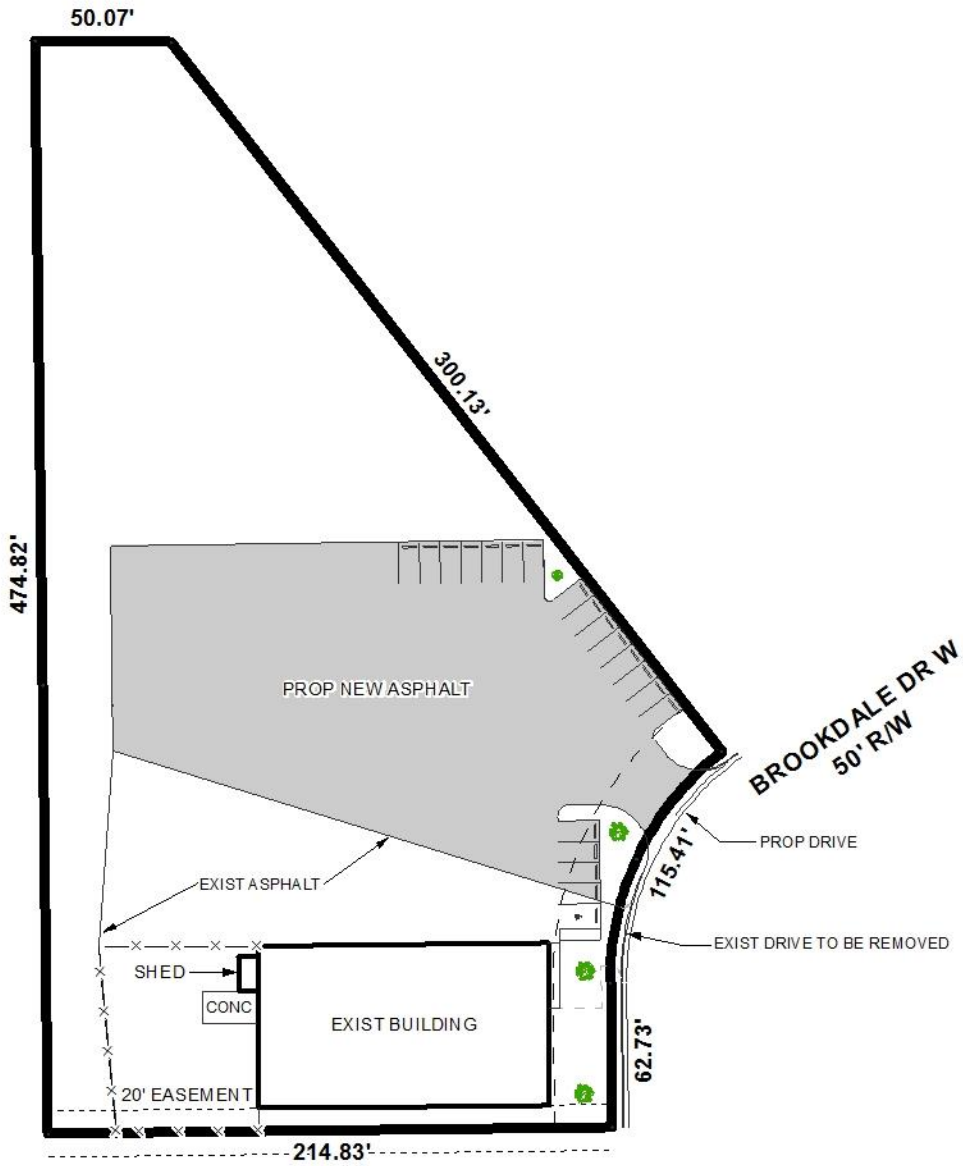
NTS

SITE PLAN



The site plan illustrates the existing building, existing asphalt area, easement, setback, and proposed asphalt area.

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