

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: August 6, 2012****CASE NUMBER**

5766/5167

APPLICANT NAME

Stericycle, Inc.

LOCATION

1660 East I-65 Service Road North and 3404 Beltline Park Drive South

(North side of Beltline Park Drive South, extending from East I-65 Service Road North to Beltline Park Drive East)

VARIANCE REQUEST**USE:** Use Variance to allow a medical waste facility in an I-1, Light Industry District.**SURFACEING:** Surface Variance to amend a previously approved Surfacing Variance to allow aggregate-surfaced parking and storage area.**SHARED ACCESS:** Shared Access to allow access between two building sites.**ZONING ORDINANCE
REQUIREMENT****USE:** The Zoning Ordinance requires at least an I-2, Light Industry District, with Planning Approval for a medical waste facility.**SURFACE:** The Zoning Ordinance requires all surfaces to be paved with concrete, asphalt, or an approved alternative paving surface.**SHARED ACCESS:** The Zoning Ordinance requires all access to be on site in all commercial districts.**ZONING**

I-1, Light-Industry

AREA OF PROPERTY

13.4± Acres

**ENGINEERING
COMMENTS**

The surface of all driving and maneuvering areas are required to be paved with asphalt, concrete or an approved surface. The Engineering Department did not receive a request to review an alternate surface. Any development, whether gravel or paved, will need to be reviewed for conformance to the Storm Water and Flood Control Ordinance prior to construction.

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**FIRE DEPARTMENT
COMMENTS**

No comments

**CITY COUNCIL
DISTRICT**

District 1

ANALYSIS

The applicant is requesting Use, Surface and Shared Access Variances to amend a previously approved Variances, and allow a medical waste facility with aggregate surface and shared access between two building sites in an I-1, Light Industry District; the Zoning Ordinance requires I-2, Heavy Industry District, with Planning Approval for a medical waste facility, and surfaces must be paved with asphalt, concrete or an approved alternative paving surface with all access on-site in an I-1, Light Industry District.

The applicant proposes to occupy an approximately 10,000± square-foot building on one lot (1.2± acres) and use an adjacent lot (1.05± acres) for parking and access. Both lots are zoned I-1, Light Industry; however, the lot with the existing building provides aggregate parking within the rear of the structure, which the applicant wishes to retain the aggregate parking surface, whereas, the adjacent lot provides asphalt parking surface.

The applicant states Stericycle, Inc. is a medical waste transfer company, which would use this site as a transfer facility. The medical waste is collected in closed containers and bags from medical facilities (hospitals, Drs. offices, etc.), delivered to the site where the containers and bags stay intact and are transferred via rolling containers into a larger truck and transported to Stericycle's processing facility in Louisiana. At no time are these containers and bags opened or processed at the proposed transfer facility.

The facility would operate Monday thru Friday from 6:00 AM to 10:00 PM, there are 8 warehouse and office personnel on site at all times, and thirteen drivers with constant rotation of trucks arriving and leaving at 20 minute intervals. There will be no customers visiting the facility, since all transactions take place at the customers' business location.

In March 2003, the Board approved Use, Parking Ratio and Parking Surface Variances for this site to allow a church facility in an I-1, Light-Industry District, with twenty-nine (29) on-site parking spaces and to allow an aggregate parking area. Due to the use proposed by the applicant, that variance was recommended for denial, but was subsequently approved by the Board.

As medical waste is considered a hazardous material in the Zoning Ordinance and the containers are briefly stored at this location before being transferred to Stericycle's off-site processing facility, the Use Variance application is needed. Since the site was an existing industrial site prior to the previous Use Variance to allow a church facility, it would not be practical to require compliance with the surfacing requirement of the Ordinance. However, the lot to the rear is

currently asphalt and complies with the surfacing, landscaping and tree requirements of the Zoning Ordinance; however, should be allowed to share access, with compliance with Traffic Engineering comments.

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.

Contributing factors to the approval of the previous variance were the facts that the site had been an industrial use for many years and was located on I-65 Service Road, a major street. Also, the site is located within an industrial park and has been subject to heavy equipment traffic in previous years.

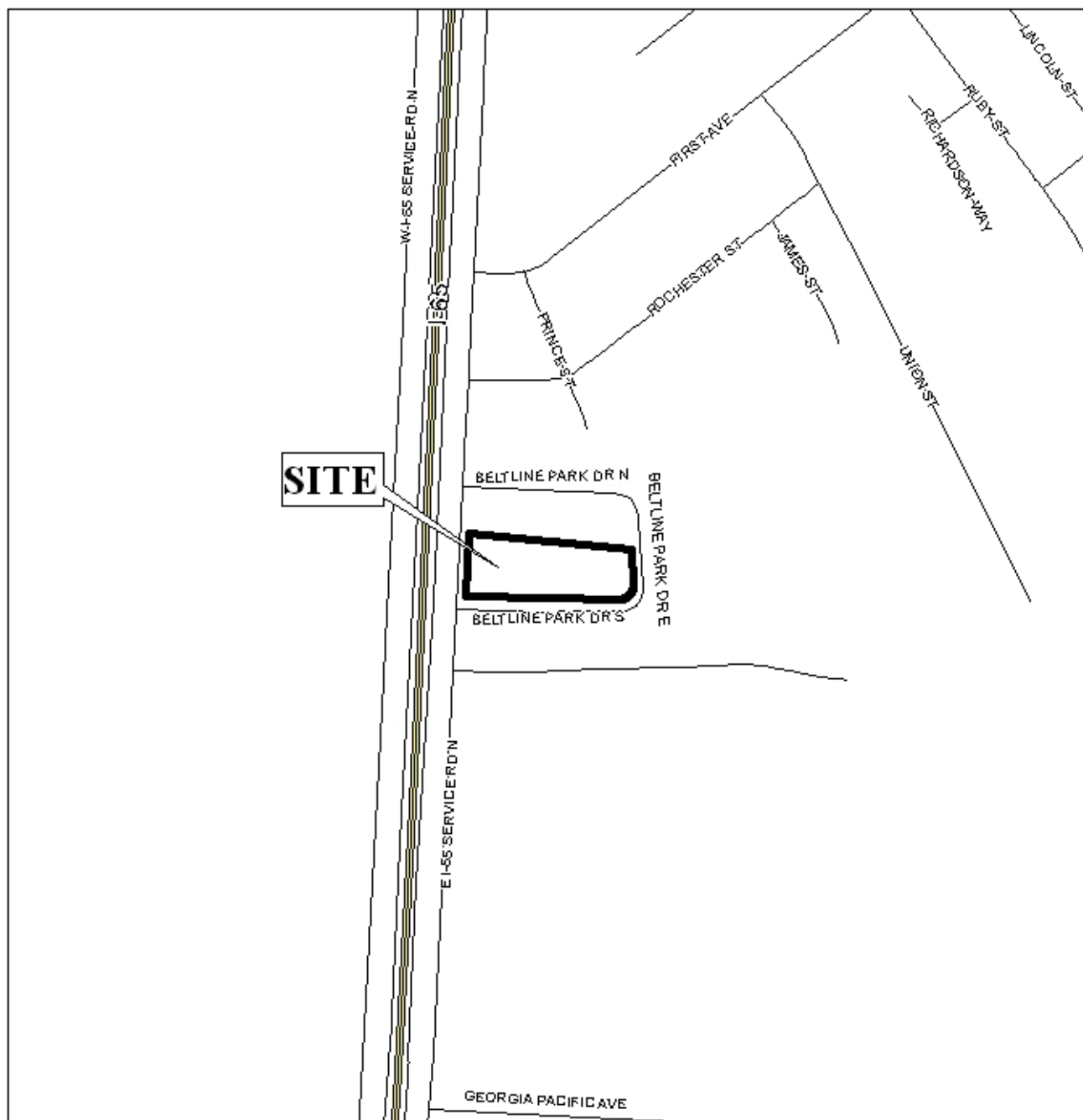
The applicant has not illustrated that a literal enforcement of the Ordinance would result in an unnecessary hardship due to the use as a medical waste transfer station. In addition, no hardship is mentioned in the narrative, and any hardship implied to be imposed by the previous placement of gravel on the site and its subsequent use as a church parking lot would be self-imposed by the property owner. The Board should consider the Shared Access requests for approval.

RECOMMENDATION: Based on the preceding, Shared Access request is recommended for approval, subject to the following conditions:

- 1) full compliance with the tree requirements of the Zoning Ordinance for the entire site;
- 2) full compliance with the landscaping and tree requirements of the Zoning Ordinance for the asphalt parking lot development;
- 3) full compliance with all other codes and ordinances.

Based on the preceding, Use and Parking Surface Variances are recommended for denial.

LOCATOR MAP



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APPLICANT Stericycle, Inc.

REQUEST Use, Surface and Shared Access Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Businesses are located to the north of the site.
Vacant land is located to the south of the site.

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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	NTS
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

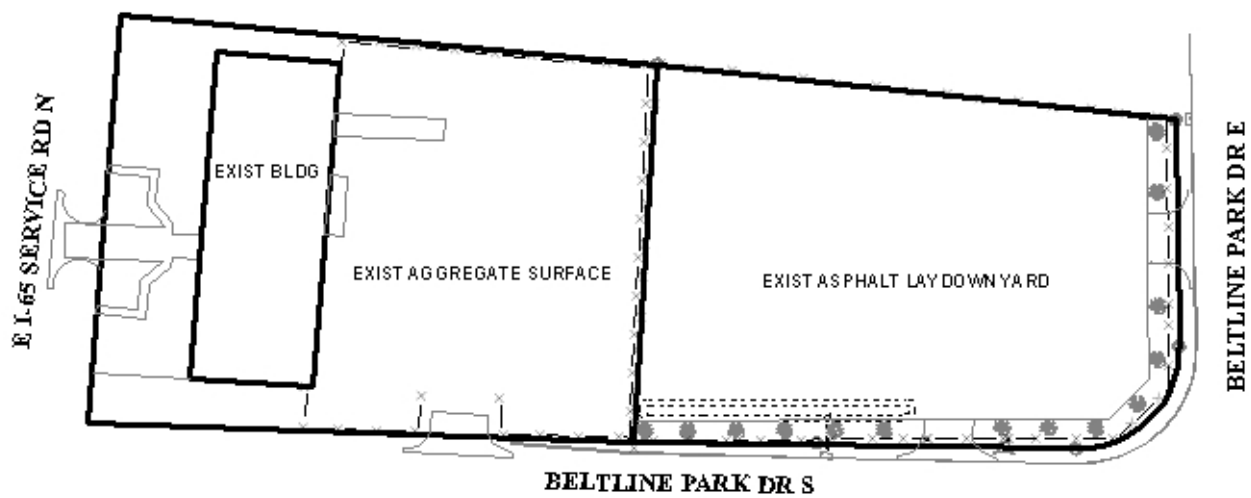


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SITE PLAN



The site plan illustrates the existing improvements.

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