

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: OCTOBER 25, 2007**

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:

**SUP-24513 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER:
ICONIUM CORPORATION, LLC - Request for a Special Use Permit FOR A FACILITY TO
PROVIDE TESTING, TREATMENT, OR COUNSELING FOR DRUG OR ALCOHOL ABUSE
at 1311 South Casino Center Boulevard (Appl # 162-03-116-050) C-2 (General Commercial) Zone,
Ward 3 (Reese)**

IF APPROVED, C.C.: 11/21/07

IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg. 0

Planning Commission Mtg. 0

City Council Meeting 0

City Council Meeting 0

RECOMMENDATION:

DENIAL

BACKUP DOCUMENTATION:

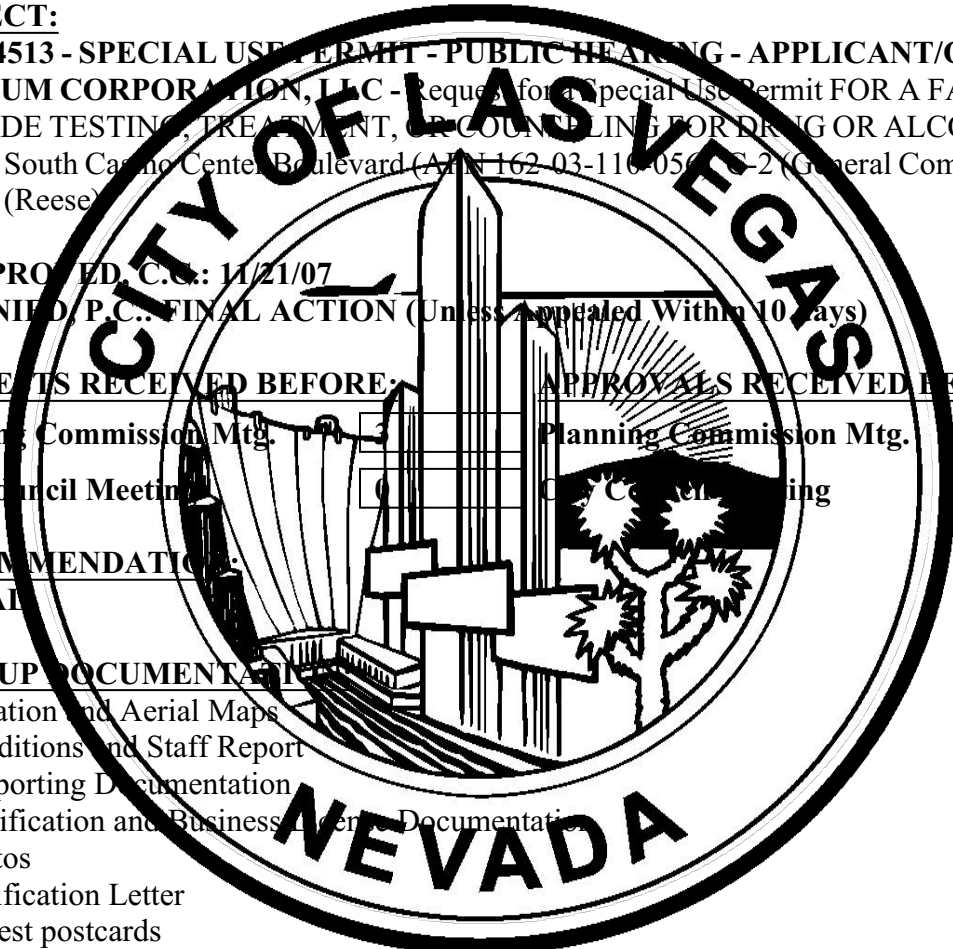
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Certification and Business License Documentation
5. Photos
6. Justification Letter
7. Protest postcards
8. Submitted after final agenda Protest/support postcards
9. Submitted at meeting Support letter by applicant

Motion made by DAVID STEINMAN to Approve subject to amended conditions

Passed For: 1; Against: 3; Abstain: 1; Did Not Vote: 0; Excused: 2
DAVID STEINMAN; (Against-GLENN TROWBRIDGE, STEVEN EVANS, SAM
DUNNAM); (Abstain-RICHARD TRUESDELL); (Did Not Vote-None); (Excused-LEO
DAVENPORT, BYRON GOYNES)

Motion made by SAM DUNNAM to Deny

Passed For: 3; Against: 1; Abstain: 1; Did Not Vote: 0; Excused: 2



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GLENN TROWBRIDGE, STEVEN EVANS, SAM DUNNAM; (Against-DAVID STEINMAN); (Abstain-RICHARD TRUESDELL); (Did Not Vote-None); (Excused-LEO DAVENPORT, BYRON GOYNES)

NOTE: COMMISSIONER TRUESDELL abstained as he owns property within the notice area.

Minutes:

DOUG RANKIN, Planning and Development Department, stated the proposed use is not compatible with existing land uses in the area and recommended denial.

COMMISSIONER EVANS declared the Public Hearing open.

TONY CELESTE, 3800 Howard Hughes Parkway, appeared on behalf of the applicant, BRENT MASSMAN, and requested approval. He explained the applicant had been operating a clinic for 10 years without complaint or incident and submitted letters of support from businesses adjacent to the existing site. He stated the clinic was being forced to relocate as the clinic's lease had been terminated. MR. CELESTE emphasized the importance of drug treatment at the site and described typical daily activities at the clinic. He underscored the important role the clinic plays in the community and the appropriateness of the use and respectfully requested approval.

TODD FARLOW, 240 North Main Street, appeared in opposition, stating this proposal is completely inappropriate at this location.

PHIL VARRICCHIO, 1320 Casino Center Boulevard, appeared in opposition and stated this project would negatively impact the redevelopment currently taking place in the area.

MR. CELESTE emphasized the benign nature of the clinic, pointing out the clinic was privately funded and did not serve indigent patients. MR. MASSMAN explained that this location was selected because it would serve the downtown area and it would improve the neighborhood. He pointed out the clinic is fully accredited and would provide much-needed services to the community.

COMMISSIONER STEINMAN stated he had visited a different location. After having questioned the applicant at length and observing the business operation, he expressed his support as he felt this use would not negatively impact the neighborhood.

MR. CELESTE informed COMMISSIONER TROWBRIDGE that the applicant planned to use the adjacent southern parcel for parking. COMMISSIONER TROWBRIDGE expressed his support, stating the existing buildings gave a very prison-like look to the neighborhood and this project would be more attractive.

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In response to COMMISSIONER EVANS' question, MR. MASSMAN explained that the clinic was licensed to dispense many different kinds of medication.

COMMISSIONER EVANS acknowledged that the applicant provides a needed service to people seeking help, but could not support this use in this location. He expressed concern about the impact a drug treatment facility would have on the area and the clinic's ability to dispense medications. MR. CELESTE accepted the additional conditions, but that motion did not pass.

MR. CELESTE explained that the applicant had selected a site where he would not be subject to lease termination and purchasing this particular parcel allowed him to better control his business' destiny.

During the drafting of COMMISSIONER STEINMAN'S motion, MARCO WHEELER, Director of the Planning and Development Department, suggested an additional condition regarding the building's signage and MR. RANKIN suggested amending Condition 1.

COMMISSIONER EVANS declared the Public Hearing

