

April 23, 2009

The Greenville Board of Adjustment met on the above date at 7:00 PM in the City Council Chamber of City Hall.

Dr. Mulatu Wubneh * Chairman

Ann Bellis *	Charles Ewen X
Wanda Harrington *	John Hutchens*
Scott Shook *	Charles Ward X
Renee Safford-White *	Linda Rich *
Louis Treole *	

The members present are denoted by an “*” and those absent are denoted by an “X”.

VOTING MEMBERS: Wubneh, Bellis, Harrington, Hutchens, Shook, Safford-White, Rich

OTHERS PRESENT: Mr. Mike Dail, Planner
Mr. Wayne Harrison, Planner
Mrs. Sarah Radcliff, Secretary
Mr. Bill Little, Assistant City Attorney
Mr. Chris Kelly, Engineering Assistant
Jonathan Edwards, Communications Technician

MINUTES

Motion was made by Ms. Rich, seconded by Ms. Harrington to accept the March 26, 2009 minutes as presented. Motion carried unanimously.

PUBLIC REHEARING ON THE SPECIAL USE PERMIT ISSUED TO C.A. FRIEND, INC.

Dr. Wubneh stated there was a change to the agenda and that item 2 would be heard first. He stated the applicant had requested a continuation in order for them to get representation. He asked Mr. Dail for staff’s recommendation.

Mr. Dail stated staff had no objections to a one month continuation.

Mr. Keith Frizelle, applicant, asked for a 30 day extension in order to obtain counsel.

Mr. Treole asked when the applicant received notice and what attempts were made to obtain council.

Mr. Dail said the first notice was mailed on March 20, 2009. He said Reginald Walton received notification and contacted staff to let them know he was no longer affiliated with Club Gas. Mr. Dail stated the notice sent to C.A. Friend was returned without delivery the day before the March meeting and the notice sent to Keith Frizelle was returned without delivery the day after the March meeting. Notice was sent to Keith Frizelle on April 6, 2009 via certified mail for the April meeting and staff has not received anything back from the post office regarding that notice. Mr. Dail stated the public hearing was advertised in The Daily Reflector as required prior to both meetings.

Motion was made by Mr. Hutchens, seconded by Mr. Shook, to continue the request until the May 2009 meeting.

Motion carried unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY POHL, LLC

The applicant, POHL, LLC, desires a special use permit to operate a correctional facility pursuant to Section 9-4-78(f)(4)f. of the Greenville City Code. The proposed use is located along Industrial Boulevard. The property is further identified as being tax parcel number 77450.

Dr. Wubneh asked all those who wished to speak for or against the case to come forward and be sworn in.

Mr. Dail delineated the area on the map. He stated the property as well as the surrounding properties are zoned I (Industrial). The property is located within close proximity to a major thoroughfare, being North Memorial Drive.

Surrounding Development:

North: Regional Storage and Transport
South: Attends Healthcare Products
East: Vacant
West: Attends Healthcare Products

Description of Property:

The property is currently vacant and has approximately 190 feet of frontage along Industrial Boulevard with a total lot area of 2.17 acres. The applicant wishes to construct a 8,713 square foot facility on this property.

Comprehensive Plan:

The property is located within Vision Area "B" as designated by the Comprehensive Plan. The proposed use is in general compliance with the Future Land Use Plan which recommends industrial development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on April 6, 2009. Notice of the public hearing was published in the Daily Reflector on April 13 and April 20, 2009.

Staff Recommended Conditions:

The proposed project must receive a letter of support from the Local Management Entity (LME) and must meet all licensing requirements of the State of North Carolina Division of Mental Health before beginning operation.

Mr. Dail said there were some additional recommended conditions that were not included in the packet. The facility is limited to a maximum of twelve beds and the facility must maintain an alarm and notification system to notify local law enforcement in the event of criminal activity, riot, escapes and attempted escapes from this facility.

Mr. Dail stated he had received a copy of a letter of support from the LME.

Other Comments:

Site plan approval is required.

The proposed project must meet all related NC State fire and building codes prior to occupancy.

Staff Recommendation:

Planning staff is of the opinion that the request can meet all the development standards required for issuance of a special use permit upon proper findings by the Board.

Mr. Treole asked if this was a lock-down facility.

Mr. Dail stated the service definition from the state was included in the packet. He said the state had different levels of residential treatment for mental health patients. Level 3 is the highest you can go while still being in a residential setting and not having a locked facility. Level 4 is when they transition into a locked facility and resembles a reform school type atmosphere. They are locked down and cannot leave the facility and they are receiving help to overcome the mental problems they may have so they can be reintroduced into society. He said the facility was for juveniles to keep them out of prison and hopefully back into school.

Durk Tyson spoke in favor of the request on behalf of the applicant. He said there was a need for this type of facility in Eastern North Carolina.

Mr. Treole asked if the plans and specifications would be sent to the Planning Board.

Mr. Tyson said the building plans have already been approved by the Department of Health and Human Services, but the city would have to approve the site plan.

Ms. Rich asked what determined who would be placed in this facility.

Joe Cray, applicant, stated this would be the first of this type of facility in the area. He said the people that would be housed at the facility are those that are referred after going through psychiatric therapy. He said the facility is a 24/7 lock-down facility.

Mr. Treole asked if there would be violent offenders.

Mr. Cray said some of them would be and that was one of the reasons there were so few of the facilities around.

Ms. Harrington asked what kind of staff would be at the facility.

Mr. Cray said there would be paraprofessionals, a staff nurse, therapists, and psychiatrists.

Ms. Harrington asked how many people would be there full time.

Mr. Cray said there would be at least 15, not counting supervisors.

Dr. Wubneh asked if the facility specifically served the city or the county or served other areas.

Mr. Cray said it would serve several areas.

Mr. Shook asked if they were licensed through the state.

Mr. Cray said they were.

Mr. Treole asked if they would have a fence around the area.

Mr. Cray said they would.

Ms. Marjorie Pearson stated she didn't have a problem with the facility, but wanted to know who to contact if someone escaped.

Mr. Cray said it would be very difficult for someone to escape, but if they did their alarm system is wired directly to the police department. He said Ms. Pearson could call him directly or the police department.

Ms. Safford-White asked what the procedure was if someone escaped.

Mr. Cray said they would first notify the police. He said depending on what time of day it is, he would notify people in the area.

Dr. Wubneh asked if there was a protocol to follow if someone escaped.

Mr. Cray said there was a procedure in place.

Mr. Carroll McLawhorn stated he was the owner of several properties along Industrial Boulevard. He said he was not against the facility but he wanted to know how the facility would be viewed from Industrial Boulevard and how lighting would be addressed and what the process was before it was approved.

Dr. Wubneh said the board would hear the facts and vote based on the facts presented. He said there are conditions and guidelines to be met by city staff as well as the state.

No one else spoke in favor or opposition to the request.

Dr. Wubneh asked Mr. Dail if the letter from Pitt County Mental Health was sufficient to cover the staff recommended condition of a letter of support from the Local Management Entity.

Mr. Dail stated if the letter fulfilled the state requirement, it was fine.

Mr. Treole asked if there would be security cameras.

Mr. Cray said there would be cameras outside the building as well as throughout the interior.

Ms. Rich asked if there were windows in the patients' rooms, and if so what measures would be taken to keep the patients from getting out of those windows.

Mr. Cray said there would be windows in the rooms. He said the windows were special windows that were unbreakable.

Mr. Harrington asked if the fenced area on the drawing was where they would have outside activities.

Mr. Cray said all twelve kids would not be outside at the same time. They would take turns going out in groups of three. He said it would be a nine-foot fence.

Dr. Wubneh asked Mr. Dail for the position of the city.

Mr. Dail stated staff had no objections to the request.

Dr. Wubneh closed the public hearing and read the Findings of Fact.

Motion was made by Ms. Bellis, seconded by Ms. Harrington to approve the Findings of Fact including the conditions in the application plus the additional conditions that there only be twelve beds in the facility and the facility maintain an alarm system. Motion carried unanimously.

Motion was made by Ms. Safford-White, seconded by Mr. Hutchens to approve the petition. Motion carried unanimously.

Based on the facts found by the Board and the evidence presented, the Board orders that this permit be granted and subject to full compliance with all of the specific requirements stated in the Zoning Ordinance of the City of Greenville for the proposed use.

With no further discussion, the meeting adjourned at 7:50p.m.

Respectfully Submitted

Michael R. Dail, II
Planner