

MINUTES ADOPTED BY THE BOARD OF ADJUSTMENT

Special Meeting October 22, 2014

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

Scott Shook, Chairman *

Charles Ewen X

Claye Frank *

Bill Fleming *

Justin Mullarkey *

Thomas Taft, Jr. *

Kevin Faison *

Bill Johnson *

Michael Overton *

Jeremy Spengeman *

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

VOTING MEMBERS: Shook, Frank, Fleming, Faison, Johnson, Taft, Spengeman

OTHERS PRESENT: Mr. Bill Little, Assistant City Attorney
Mr. Michael Dail, Planner
Ms. Amy Nunez, Secretary
Mr. Jonathan Edwards, Communications Technician

MINUTES

Mr. Fleming made a motion to approve the September 25, 2014 minutes as presented, Mr. Frank seconded and the motion passed unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY JASON BARNETT AND JEANNETTE BARNETT- APPROVED

The applicants, Jason Barnett and Jeannette Barnett, desire a special use permit to operate a mental health day program facility pursuant to Appendix A, Use (8)ff(1). of the Greenville City Code. The proposed use is located at 4054 S. Memorial Drive Suite J. The property is further identified as being tax parcel number 22582.

Chairman Shook stated that Thomas Taft Jr. and Michael Overton arrived.

Attorney Little stated that Mr. Overton was an alternate and would not vote.

Mr. Dail delineated the area on the map. He stated that the property is located in the southern portion of the City. It is along the major thoroughfare of S. Memorial Drive and the minor thoroughfare of Reedy Branch Road.

Zoning of Property: CG (General Commercial)

Surrounding Zoning:

North: CG (General Commercial)

South: OR (Office Residential) & CG (General Commercial)

East: CG (General Commercial)

West: CG (General Commercial)

Surrounding Development:

North: AAMCO, Community Square Shopping Center
South: Pitt Community College
East: Community Square Shopping Center, Burger King
West: Community Square Shopping Center, Pitt Community College

Description of Property:

The applicant's unit is located within the Community Square Shopping Center. The shopping center fronts on S. Memorial Drive and Reedy Branch Road, is approximately 7.0 acres in size and contains several commercial buildings with multiple units.

Comprehensive Plan:

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

Notice:

Notice was mailed to the adjoining property owners on October 8, 2014. Notice of the public hearing was published in the Daily Reflector on October 13, 2014 and October 20, 2014.

Related Zoning Ordinance Regulations:

Definition:

Mental health, emotional or physical rehabilitation day program facility.

- (1) An establishment qualified for a license by the State of North Carolina which provides a day treatment, day activity or other extended counseling service to persons who do not reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment, children or adolescents who are emotionally disturbed and need special educational services, and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. Persons receiving service at the establishment may be at the facility for no longer than 18 hours within any 24 hour period.
- (2) Dangerous to others means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that his conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.

Staff Recommendation:

The facility must comply with all requirements, licensing, rules, health certifications, background checks and other requirements imposed or directed by the NC Division of Health & Human Services; the Commission or Council on MR/Developmental Disabilities; and Community Alternative Programs for DD/MR adults and/or juveniles.

At no time will clients of the training center be permitted to wait or be outside without being accompanied by

a staff member of the training center to supervise and ensure proper behavior of the clients including but not limited to aggressive actions, littering, fighting, yelling, loitering or other unacceptable behavior.

Other Comments:

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. Fleming asked why does staff approve assuming the applicant gets licensed and if licensing checked.

Mr. Dail stated yes, that the State has a list of these types of facilities in operation. Staff reviews this list every two months. These facilities could not operate unless the State sends them clients.

Chairman Shook stated he wanted the record to reflect that Mr. Justin Mullarkey had arrived.

Chairman Shook opened the public hearing.

Attorney Little stated that since Mr. Mullarkey did not hear the Staff presentation, he would not vote.

Mr. Jason Barnett, applicant, spoke in favor of the request. He stated he is the CEO and co-owner of Paradigm Inc which is a mental health agency in business for over 12 years in Greenville. They provide several services: residential, in office individual therapy and 2 day programs (Psycho Social Rehabilitation [PSR] and Day Supports). In order to run these services, they must be, and are, licensed by the State. He stated they are monitored and/or inspected by several entities like: State, City Fire/Safety, Sanitation and East Carolina Behavioral Health. He stated they also have National Accreditation since 2009 by CQL (Council on Quality and Leadership). The previous location was on 10th Street for which they were approved for a special use permit and never had any issues. They moved location for additional space. They have three qualified professionals working in their office who have 4 year degrees and 4 years of experience. There also is one licensed clinical social worker who does the individual therapy and a RN, which is he.

Mr. Fleming asked where they get their clients.

Mr. Barnett stated from hospitals, case managers from mental health centers, family members, or the individual themselves.

Mr. Fleming asked how they are reimbursed for their services.

Mr. Barnett stated by Medicaid or state funds.

No one spoke in opposition of the request.

Chairman Shook asked for City Staff Recommendation.

Mr. Dail stated City Staff has no objection.

Chairman Shook closed the public hearing and opened for board discussion.

Mr. Fleming stated he was impressed with the presentation and it broadened his knowledge.

Mr. Mullarkey concurred.

Chairman Shook read the required findings criteria. No objections.

Mr. Taft made a motion to adopt the finding of facts with the stated conditions, Mr. Faison seconded and the motion passed unanimously.

Mr. Frank made a motion to approve the petition with the stated conditions, Mr. Fleming seconded and the motion passed unanimously.

With no further business, Mr. Fleming made a motion to adjourn, Chairman Shook seconded, and it passed unanimously. Meeting adjourned at 7:16 p.m.

Respectfully Submitted

Michael R. Dail, II
Planner