



**CITY OF CREEDMOOR
PLANNING BOARD
PLANNING BOARD MEETING
FEBRUARY 8, 2024
7:00 PM**

CALL TO ORDER

1. RECOGNITION OF QUORUM
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES

[Approval of Minutes](#)

4. PUBLIC COMMENT
5. OLD BUSINESS
6. NEW BUSINESS

[FIP-2023-01, Sunnyside on Main](#)

[Code of Ordinances Chapter 156: Community Appearance](#)

7. REPORT ON RECENT DEPARTMENT ACTIVITY

[Report on Departmental Activity](#)

8. REPORTS FROM CHAIRPERSON AND MEMBERS

ADJOURN



CITY OF CREEDMOOR

P.O. BOX 765
111 MASONIC STREET
CREEDMOOR, NC 27522
WWW.CITYOFCREEDMOOR.ORG
(919) 528-3332

PLANNING BOARD AGENDA REPORT

MEETING DATE: February 8, 2024

PREPARED BY: Mike Frangos, Community Development Director
Community Development

ISSUE CONSIDERED: Approval of Minutes

SUMMARY OF ISSUE:

REQUESTED MOTION: Motion to approve the minutes of January 11, 2024 as presented.

ATTACHMENT(S) [Planning Board Meeting Minutes_20240111.pdf](#)

**REVIEWED BY
CITY MANAGER:**



MINUTES OF
CITY OF CREEDMOOR
PLANNING BOARD MEETING
JANUARY 11TH, 2024
7 P.M.

Present in Person at City Hall Boardroom

Steve Faucette, Edie McDuffie, Mike Allen, and Rick Harbit. Also present Community Development Director Michael Frangos, AICP, CZO and Planning Technician Rebecca Middleton.

Absent

Robert Gorham

Call to Order

Meeting called to order at 7:00PM.

Approval of Agenda

The swearing in of newly appointed member Kechia Brustmeyer-Brown was removed from the agenda. Mike Allen made a motion to approve the agenda as amended. Seconded by Rick Harbit. Motion passed with a vote of 4-0.

Approval of Minutes

Edie McDuffie made a motion to approve the minutes of the November 9, 2023 Planning Board meeting as presented. Seconded by Rick Harbit. Motion passed with a vote of 4-0.

Comments from the Public

No comments from the Public.

Old Business | CZ-2023-02, Creedmoor Village Draft Conditions

Community Development Director Michael Frangos updated the board with the current status of CZ-2023-02, Creedmoor Village. Frangos reported that the draft conditions had not yet been approved by the Board of Commissioners. He informed the board that there had been a public hearing for Creedmoor Village in November, where the main concerns of citizens had been public safety, overcrowding, and congestion along NC HWY 56. Frangos then covered the Creedmoor Village draft conditions with minimal comment from the planning board. Board members appeared to be favorable towards Creedmoor Village and were eager to know the timeline of development.

New Business | ZTA-2024-01, Various text amendments to the Creedmoor Development Ordinance

Community Development Director Michael Frangos presented the Planning Board with multiple areas in the Code of Ordinances and the Creedmoor Development Ordinance that require updates. Frangos explained an example to the board of the typical violation process for a property owner in non-compliance. He stated that the notification process typically lasts 75 days before a fine is issued, and the general sentiment amongst board members was that this time period is too long to go without enforcement action. Board members were also in support of implementing the other text amendments proposed at the meeting. No decisions were made at this time but the board was encouraged to consider these changes for the future.

Report on Recent Departmental Activity

Community Development Director Michael Frangos said there was no report this month. During this time Frangos briefly answered the Board's questions about future projects near Marry Lane, about Brames Crossing and the Joe Peed Rd. lift station.

Reports from the Chairperson and Members

There were no reports from the Planning Board Members.

Adjourn

A motion to adjourn was made by Mike Allen, seconded by Edie McDuffie. The motion passed unanimously.

Meeting adjourned at 8:00PM.

Steve Faucette, Chairperson



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PLANNING BOARD AGENDA REPORT

MEETING DATE: February 8, 2024

PREPARED BY: Mike Frangos, Community Development Director
Community Development

ISSUE CONSIDERED: FIP-2023-01, Sunnyside on Main

SUMMARY OF ISSUE: Owner and proprietor of Sunnyside on Main, Dennis Pelletier is requesting a reimbursement from the Facade Improvement Program for the installation of a new awning at 209 N. Main Street.

The Creedmoor Development Ordinance Article 14: Facade Improvement Program requires that the Planning Board will review the application package and make a recommendation to the Board of Commissioners to either:

- Approve the application;
- Deny the application;
- Modify the application and resubmit.

REQUESTED MOTION: Motion to recommend approval of FIP-2023-01 to the Board of Commissioners.

ATTACHMENT(S) [Sunnyside_Dennis Pelletier_FIPapppacket_20240208.pdf](#)

**REVIEWED BY
CITY MANAGER:**



**CITY OF CREEDMOOR
FACADE IMPROVEMENT PROGRAM
GRANT APPLICATION**

Applicant Name DENNIS PELLETIER
 Property Owner Name JOEL PANARA CUSD, LLC
 Business Owner Name (if different) _____
 Business Name SUNNYSIDE ON MAIN EIR # 93-4390189
 Phone # 919-671-2837
 Email SUNNYSIDEONMAIN@GMAIL.COM
 Street Address 209 N. MAIN ST. CREEDMOOR, NC 27522
 Mailing Address 1135B LAWRENCE RD. CREEDMOOR, NC 27522

Use of Building

Current use of building: Den/Cafe Vacant
 Proposed use of building: Den/Cafe

Description of Proposed Renovation (Attach drawing, sketch, or conceptual image of proposed renovations, specifically identifying changes and paint color for each detail of the building, along with a photo of the building as it currently exists.):

To Replace Current Black Awning w/ graphics (Frame Our House Cafe), Add
 Recessed w/ Black Awning w/out graphics

Itemized Cost Breakdown of Facade Renovation:

(Please attach separate sheet) REMOVE EXISTING AND INSTALL AWNING 3'x6'x24'
 BLACK FABRIC BY CAROLINA CANOPY CHARLOTTE NC 27516 1935.00 (1800+135TX)

Checklist for Complete Application

- 1) I have read the City of Creedmoor Facade Improvement Program Outline and fully understand the agreement.
- 2) The "Owner Consent Form" is attached, if applicable.
- 3) Drawings, sketches, and/or pictures, including color scheme and samples for project are attached.

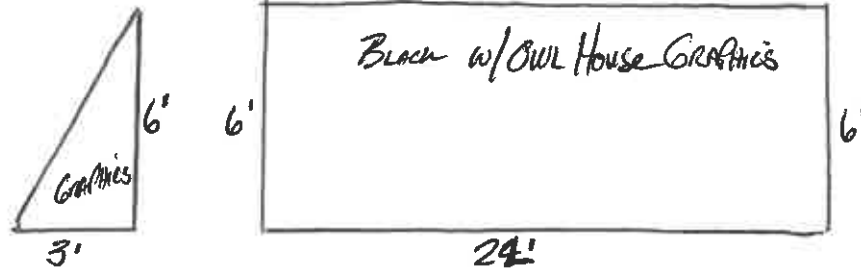
I understand the City of Creedmoor Facade Improvement Program must be used in the manner described in this application, and the application must be reviewed and approved by the Planning Board prior to commencement of any project. I understand that failure to comply with the approved application may result in a forfeiture of all grant funds. I understand that if I am approved for this grant, the city may be required to issue me an IRS Form 1099-G for any payments I receive, depending on the federal tax classification status I marked on IRS Form W-9 I submitted with my application. Funds will be released within 30 days after all work-related receipts have been received and the Planning Board reviews and gives final project approval.

Applicant Signature Dennis Pelletier Date 11/15/2023

209 N. MAIN ST. CREAMHUR NC 27522

New location for: Sunnyside on Main

Drawing or Schematic of Current
SIDE FRONT



To Replace Awning w/ Plain Black Fabric No Graphics
AND USING THE EXISTING FRAME, SAME SIZE 3'x6'x24'.



CITY OF CREEDMOOR FACADE IMPROVEMENT PROGRAM

OWNER CONSENT FORM

Information

Applicant Name: Dennis Pelletier
 Property Address: 209 N Main Street Creedmoor, NC 27522
 Property Owner Name: 211 N Main Street, LLC
 Property Owner Mailing Address: 9 Portofino PL Durham, NC 27707
 Property Owner Telephone: 919-623-4002

Statement of Consent

I, Joel Panara, authorized representative of 211 N Main Street, LLC (the "Owner"), am the record owner of real property located at 209 N Main St. Creedmoor, NC 27522 (the "Property"). I have executed a valid lease, or have otherwise consented to lease the Property to Dennis Pelletier (the "Tenant"). I hereby consent to the Tenant's facade improvements as part of the City of Creedmoor Facade Improvement Program or the Tenant is otherwise entitled to make the proposed improvements. I hereby hold the City of Creedmoor harmless for any action taken by the City based upon Tenant's representations pertaining to the Facade Improvement Program and for any harm that may result from such representations.


 Property Owner Signature

08 January 2024
 Date

Chatham County, North Carolina

Sworn to and subscribed before me this 8 day of January, 2024.

Pamela R Kearsley (SEAL)
 Notary Public

My commission expires: 3/9/28





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PLANNING BOARD AGENDA REPORT

MEETING DATE: February 8, 2024

PREPARED BY: Mike Frangos, Community Development Director
Community Development

ISSUE CONSIDERED: Code of Ordinances Chapter 156: Community Appearance

SUMMARY OF ISSUE: Please review the existing Code of Ordinances requirements of Chapter 156: Community Appearance. These would apply to the city limits only, including the Main Street district. Are these requirements too lenient or too restrictive? If you wanted them to change how would you amend them?

REQUESTED MOTION: No action required for discussion only.

ATTACHMENT(S) [creedmoor-nc-Chapter156_CommunityAppearance.pdf](#)

**REVIEWED BY
CITY MANAGER:**

CHAPTER 156: COMMUNITY APPEARANCE

Sections

General Provisions

- 156.01 Purpose
- 156.02 Public nuisance
- 156.03 Prohibition of property blight
- 156.04 General conditions
- 156.05 Definitions

Property Blight

- 156.15 Property blight
- 156.16 Unsecured building or structure
- 156.17 Abandoned construction
- 156.18 Attractive nuisance
- 156.19 State of disrepair
- 156.20 Exterior property conditions
- 156.21 Single-family dwelling landscaping
- 156.22 Multi-family dwelling landscaping requirements
- 156.23 Non residential landscaping requirements
- 156.24 Land maintenance weeds
- 156.25 Parkstrips
- 156.26 Inadequate solid waste management
- 156.27 Outdoor storage
- 156.28 Hazardous conditions

Parking, Storing or Maintaining Certain Items

- 156.40 On property designated or used for a residence prohibited
- 156.41 Special mobile equipment
- 156.42 Motor vehicles and boats
- 156.43 Household items
- 156.44 Boxes, lumber, dirt and other debris
- 156.45 Activities prohibited on property designated or used as a residence
- 156.46 Parking restrictions

Cross reference:

Abandoned, nuisance and junked vehicles, see §90.01

Hazardous substances, see §§ 95.01 et seq.

Minimum housing standards, see §§151.01 et seq.

Tractor trailer parking in residential districts, see §72.22

GENERAL PROVISIONS

§ 156.01 PURPOSE.

(A) The purpose of this chapter is to promote the public health, safety and welfare by requiring a minimum level of maintenance of private property to protect the livability, appearance and social and economic stability of the city and to protect the public from the health and safety hazards and the impairments of property values that result from the neglect and deterioration of property.

(B) Further, the city has unique residential and commercial properties and neighborhoods that define the character and heritage of the city by their distinct architectural and J structural appearance. The city recognizes the importance of maintaining and preserving such properties in order to preserve the city's heritage and physical appearance by adopting reasonable standards of maintenance and property appearance as contained in this section.

(Ord. 2006-O-23, passed 9-26-06)

§ 156.02 PUBLIC NUISANCE.

Any property upon which there exists property blight as set forth in the provisions of this chapter is hereby declared and determined to be a public nuisance.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.03 PROHIBITION OF PROPERTY BLIGHT.

(A) No person, whether as owner, agent, manager, operator, lessee, tenant, sublessee, or occupant in possession of a property, shall maintain a blighted property or cause or permit property to be maintained as a blighted property.

(B) No person, whether as owner, agent, manager, operator, lessee, sublessee, tenant or occupant of a property, shall take any action or allow any action to be taken at that property in violation of any provision of this chapter or any order issued pursuant to the provisions of this chapter.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.04 GENERAL CONDITIONS.

The presence of any one or more of the following conditions on property constitutes property blight:

(A) Any condition that is detrimental to the public health, safety or general welfare or that constitutes a public nuisance.

(B) Any condition of deterioration or disrepair that creates a substantial adverse impact on neighboring properties.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.05 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOAT. A boat of any kind, whether self-propelled or propelled by any other means, including sailing vessels and all other structures adapted to be navigated on water from place to place for recreational purposes or for the transportation of merchandise or persons.

CAMPER SHELL. A vehicle accessory designed to be mounted upon a motor vehicle and to provide facilities for human habitation, camping purposes or storage.

DECORATIVE LANDSCAPING. Decorative non-live materials used to cover dirt in a garden or yard, such as rocks, gravel, or bark and does not include pavement with asphalt, cement or any other impervious surface.

GRAFFITI. An unauthorized inscription, word, figure, mark, design or other inscribed material that is written, marked, etched, scratched, drawn, or painted on a surface.

HOUSEHOLD ITEM. Any item, including any part of the item, typically used in the interior of a dwelling. By way of example and not limitation, the term "household item" includes washing machines, sinks, stoves, heaters, boilers, tanks, mattresses, sofas, couches or futons, upholstered chairs, and indoor carpets.

MOTOR VEHICLE. A passenger vehicle, truck, recreational vehicle, motorcycle, motor scooter, golf cart, or other similar self-propelled vehicle. **MOTOR VEHICLE** does not mean a motorized wheelchair, bicycle, tricycle or quadricycle.

PARKSTRIP. The area along public streets and avenues between the curb line (or edge of the roadway if no curb line is present) and the sidewalk line (or property line if no sidewalk is present).

PASSENGER VEHICLE. Any motor vehicle designed, used and maintained primarily for the transportation of persons for noncommercial purposes. A **PASSENGER VEHICLE** does not include a motor vehicle designed and equipped for human habitation.

POLLUTED WATER. Water that contains any bacterial growth, including algae, remains of rubbish, fecal matter, untreated sewage, refuse, debris, papers, or any other foreign matter or material that, because of its nature or location, constitutes an unhealthy or unsafe condition.

SEVENTY-TWO HOURS. For purposes of this chapter, an item is unlawfully parked, kept or stored on a piece of property in excess of 72 hours, when all of the following conditions have been met:

(1) The item is located on the front or side yard of the property or on a street immediately adjacent to that front or side yard; and

(2) That item is visible from a street; and

(3) That item has not been removed from the visible front or side yard of the property or the street immediately adjacent to that front or side yard to an area that is not visible from a public street for at least 24 consecutive hours during a 72 consecutive hour period.

(Ord. 2010-O-02, passed 1-26-10; Am. Ord. 2021-O-19, passed 11-1-21)

PROPERTY BLIGHT

§ 156.15 PROPERTY BLIGHT.

The existence of any one or more of the conditions or activities described in this subchapter constitutes property blight.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.16 UNSECURED BUILDING OR STRUCTURE.

(A) Any vacant or abandoned building or structure or portions thereof, shall be secured at all points of ingress and egress and maintained against unauthorized entry at all times. Any dangerous, deteriorated, abandoned, partially destroyed or unfinished building constitutes property blight. A building or structure is unsecured when either of the following conditions exist:

(1) The building or structure is inhabited, occupied or used without the consent of the owner or the agent of the owner; or

(2) Unauthorized persons can readily gain entry to the building or structure without the consent of the owner or the agent of the owner.

(B) Any wood, metal or other material used for securing a vacated or abandoned building must be of a material similar to, and consistent with, the color, texture and character of the vacated or abandoned building.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.17 ABANDONED CONSTRUCTION.

A partially constructed, reconstructed or demolished building or structure upon which work has been abandoned constitutes property blight. Work is deemed abandoned when there is no valid current building or demolition permit for the work or when there has not been any substantial work on the building or structure for a period of six months or more.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.18 ATTRACTIVE NUISANCE.

Any property that is unsecured that constitutes an attraction to children or a harbor for vagrants, criminals or other unauthorized persons, or is in a condition such that persons can resort thereto for the purpose of committing a nuisance or unlawful act constitutes property blight.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.19 STATE OF DISREPAIR.

(A) Any building or structure that is in a state of disrepair or where an owner has failed to properly maintain, repair or replace exposed exterior windows, doors, canopies, awnings, roof, chimneys, painted surfaces, fences, screen walls, foundations, outdoor stairs, porches and railings, constitutes property blight. A building or structure is in a state of disrepair when any of the following conditions exist:

(1) Exterior walls or roof coverings have become deteriorated, do not provide adequate weather protection, or show evidence of the presence of termite infestation or dry rot; or

(2) Broken or missing windows or doors that create a hazardous condition or a potential attraction to trespassers; or

(3) Building exteriors, walls, fences, retaining walls, driveways, or walkways that are broken or deteriorated to the extent that the disrepair is visible from a street or neighboring properties, or

(4) Any part of the property, including any building or structure located on the property, that is visible from a street or neighboring property that is defaced with graffiti.

(B) NOTE: Deteriorated above refers to exterior appearance that has wood and painted surfaces not in good condition, significantly peeling or parts of the wall missing; and brick or other surface materials not in good condition with significant deterioration or missing surfaces.

(C) In addition to the above, all premises shall be structurally sound and impervious to moisture and weather elements.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.20 EXTERIOR PROPERTY CONDITIONS.

The existence of any one or more of the following exterior property conditions constitutes property blight:

(A) The property contains overgrown, diseased, dead or decayed trees, weeds or other vegetation that:

- (1) Constitutes a fire hazard or other condition that is dangerous to the public health, safety, welfare; or
- (2) Creates the potential for the harboring of rats, vennis, vector, or other similar nuisances; or
- (3) Substantially detracts from the aesthetic and property values of neighboring properties; or
- (4) Is overgrown onto a public right-of-way at least 12 inches; or

(5) Is completely dead, over twelve inches in height, and covers more than fifty percent of the front or side yard visible from any street.

(B) Or, that the property fails to comply with applicable development permit requirements with respect to any landscaping requirements.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.21 SINGLE-FAMILY DWELLING LANDSCAPING REQUIREMENTS.

(A) A residential dwelling(s) subject to a development permit shall be landscaped in accordance with the requirements of the development permit.

(B) Subject to the paved surface limitations set forth in this section, a residential dwelling(s), not subject to a development permit, shall have landscaping installed in the non-paved portions of the front and side yards that are visible from any street. For purpose of this subsection only, "landscaping" means live trees, shrubs, lawns, other live plant materials or decorative landscaping have been installed.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.22 MULTI-FAMILY DWELLING LANDSCAPING REQUIREMENTS.

(A) A multi-family dwelling subject to a development permit shall be landscaped in accordance with the requirements of the development permit.

(B) Subject to the paved surface limitations contained in this section, a multi-family dwelling, not subject to a development permit, shall have landscaping installed in the non-paved portions of the front and side yards that are visible from any street.

(C) For purpose of this subsection only, "landscaping" means that at least 50% of the non-paved portions of the front and side yards that are visible from any street shall be covered with live trees, shrubs, lawns, or other live plant materials, or shall have decorative landscaping installed.

(D) Failure to meet the landscaping requirements of this section constitutes property blight.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.23 NON RESIDENTIAL LANDSCAPING REQUIREMENTS.

(A) A non residential building or property shall be landscaped in accordance with the requirements of the approved site plan or land use permit.

(B) All required landscaping shall be maintained in such a manner to assure healthy plant growth while enhancing the grounds. This should include weeding, edging, watering, removal of dead and/or unattractive plant materials and general clean-up of the grounds.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.24 LAND MAINTENANCE AND WEEDS.

(A) Any landscaping, visible from public property, or from a public street, that is dead, significantly damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance, shall be removed and disposed in a timely manner.

(B) No owner or occupant of land shall allow or permit trees, shrubs or plant growth to impede, obstruct, or interfere with vehicular or pedestrian passage on any street, sidewalk, or alley or interfere with the visibility of passing traffic or obstruct traffic control devices.

(C) No owner or occupant of a parcel of land shall allow weeds or grass to reach a height of 12 inches or more.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.25 PARKSTRIPS.

(A) *Purpose.* It is the purpose of this section to require the responsible party to keep the parkstrip, public sidewalks, right-

of-way, drainage swales, grass strips, maintained and unnecessarily obstructed.

(B) *Responsible party.* The responsible party including but not limited to; property owner, lessee, tenant, or occupant of real property abutting the parkstrip.

(C) Lots which are considered in a natural state (§54.03 Definitions) are not responsible for parkstrip maintenance.

(D) Parkstrip ordinance applies to streets within the City of Creedmoor.

(E) Damage to persons, persons property, city equipment, city infrastructure caused by improper maintenance is at the cost of the responsible parties.

(F) *Plant material.*

(1) The parkstrip shall be covered with plant material, including turf grass and/or deciduous trees.

(2) Turf grass shall be controlled so it does not exceed 12 inches in height as provided in §156.24(C). This measurements supersedes previous measurements pertaining to parkstrips.

(3) Deciduous trees are allowed in the parkstrip.

(G) *Other material.* For the purpose of soil stabilization, landscape rock, one to three inches in diameter, may be used but shall not spill onto the sidewalk or street and shall be installed flush with adjacent sidewalk or curb to prevent trip hazards.

(H) *Maintenance.*

(1) It shall be the responsibility of the responsible party to ensure that the parkstrip abutting the property is kept clear of dirt, grass, weeds, mud, trash, debris and vegetation of any kind to prevent a hazard to the public.

(2) The responsible party that has a drainage swale running along the street that abuts the responsible party's property shall mow, trim, and otherwise properly maintain such swale so that it can continue to serve its proper drainage function.

(3) Plant material shall not be allowed to overhang or encroach upon the sidewalk, curb, or street (Development Ordinance § 11.13 Hazardous Trees, Ord. 2016-0-18, Amended 9-20-2016).

(4) A three-foot radius clear space shall be maintained around the circumference of fire hydrants, except as otherwise required or approved.

(I) *Weather event.* The responsible party whose property abuts a paved sidewalk, shall remove snow, hail, sleet and other similar accumulation from such within 48 hours after the accumulation ceases to fall.

(J) *Prohibitions on encroachments purpose.* These encroachments are prohibited due to the potential for causing vehicle damage and the increase in difficulty to maintain and install public improvements.

(K) *Prohibitions.*

(1) *Structural encroachments.* Retaining walls, fences, steps, boulders, concrete or masonry pillars, and other similar structural encroachments are prohibited in the parkstrip.

(2) *Permanent sport structures.* No permanent placement of basketball goal, recreation structures or other similar items.

(3) Exterior decorative decor; including but not limited to brick columns, fountains, permanent (immobile) planters, lighting, birdbaths, decorative edging or borders, lawn ornaments, and fencing.

(4) The relocation of snow or ice from the parkstrip to the street is prohibited as it impedes the normal movement of traffic on the street. Additionally, it shall be unlawful for any person to relocated yard waste, grass clippings, leaves, sediment, trash, or debris of any kind into the storm drainage system of the city, including any streets, storm drains, ditches, swales, streams, lakes, culverts, rights-of-way, dedicated easements, or in any other area where it might impede the flow of water through the storm drainage system of the city (§ 96.09 Debris in Stormwater Drainage System).

(5) (a) Mailboxes and/or mailbox clusters that do not meet or Follow USPS standards. Replacement or new installation of mailboxes is limited to mailboxes installed on breakaway supports including:

1. Four-inch by four-inch wooden post;
2. Two-inch diameter steel or aluminum piping;
3. Bury post no more than 24 inches deep; or
4. Other breakaway supports.

(b) Installation of decorative planter boxes around the base of the mailbox support is restricted in the parkstrip. Follow the United States Postal Service (USPS) guidelines for placement and installation requirements.

(L) Failure to meet the landscaping requirements of this section constitutes property blight.

(Ord. 2010-O-02, passed 1-26-10; Am. Ord. 2021-O-19, passed 11-1-21)

§ 156.26 INADEQUATE SOLID WASTE MANAGEMENT.

The accumulation of solid waste constitutes property blight in the following situations:

(A) The accumulation of solid waste is visible from a street or neighboring property and is present for more than seventy-two consecutive hours; or

(B) The accumulation of solid waste is being stored or disposed of in a manner that would allow the material to be transported by wind or otherwise onto or upon any street, or neighboring property, unless the method of storage or disposal is specifically allowed by this chapter.

(C) The accumulation of dirt, litter, or debris in vestibules or doorways of buildings constitutes property blight if it is visible from any street or neighboring properties and is present for more than 72 consecutive hours.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.27 OUTDOOR STORAGE.

No person shall deposit or cause to be deposited, store, or maintain any garbage, junk, debris, trash or litter, on any parcel unless safely stored within a lawful enclosed building or structure, or screened by a lawful solid-fence or screen wall in such a manner as to not be visible from the public right-of-way.

Note: This provision does not pertain to refuse collection facilities authorized by the city or covered under a permit issued in accordance with the permit requirements of the city.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.28 HAZARDOUS CONDITIONS.

(A) Any property upon which there exists a hazardous condition constitutes property blight.

(B) A property is considered to have a hazardous condition prohibited by this chapter if any one or more of the following conditions exists on the property:

(1) Land having a topography, geology, or configuration that, as a result of grading operations or improvements to the land, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems that pose a threat of injury or are injurious to any neighboring property.

(2) Any condition or object, including without limitation landscaping, motor vehicles, fencing or signs, that obscures the visibility of traffic, pedestrians, or street intersections in a manner that constitutes a hazard.

(3) Items are present that are inadequately secured or protected and, due to their accessibility to the public, may prove hazardous including, without limitation:

- (a) Unused or broken equipment or machinery;
- (b) Abandoned wells, shafts, or basements;
- (c) Unprotected swimming pools, or major excavations;
- (d) Structurally unsound fences or structures;
- (e) Lumber, or accumulations of lumber or other construction materials; or
- (f) Chemicals, motor oil, or other hazardous or toxic materials.

(4) Any swimming pool, pond or other body of water that is abandoned, unattended, unfiltered, or not otherwise maintained, so that the water has become or is becoming polluted water.

(Ord. 2010-O-02, passed 1-26-10)

PARKING, STORING AND MAINTAINING CERTAIN ITEMS

§ 156.40 ON PROPERTY DESIGNED OR USED FOR A RESIDENCE PROHIBITED.

(A) The parking, storing or maintaining of any one or more of the following items on property designed or used as a residence constitutes property blight:

(1) Any construction or commercial equipment, machinery, vehicle having a manufacturer's gross vehicle weight rating of ten thousand pounds or more, or construction materials, except that the construction equipment, machinery, vehicle or materials may be temporarily kept within or upon the property for and during the time that the equipment, machinery, vehicle, or materials are required in connection with the delivery, pick-up, construction, installation, repair, or alteration of improvements or facilities on the property, unless the activity is otherwise prohibited by this code, by any permit issued pursuant to this code, or by other applicable law.

(2) Any un-mounted camper shell, in a front yard or a side yard visible from a street.

(3) Any motor vehicle, boat, or trailer that is defaced with graffiti and is in an area visible from any street for a period of time in excess of 72 consecutive hours.

(4) Any refrigerator or other appliances that is un-operable or not connected, in an area visible from any street or in an area accessible to the public.

(B) Note: Any discarded icebox, refrigerator, or other appliance or container which has an airtight door or lid, snap-lock or other locking device which may not be released from the inside, shall have the door or lid removed at all times.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.41 SPECIAL MOBILE EQUIPMENT.

(A) No special mobile equipment shall be parked, stored, or maintained in an area visible from any street for a period of time in excess of 72 consecutive hours.

(B) No special mobile equipment shall be parked, stored, or kept within five feet of any required building exit, including exit windows.

(C) Note: For the purpose of this section, special mobile equipment is defined as construction related equipment, compressors, welders or similar equipment that is transported on its own wheels or on a flat bed trailer.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.42 MOTOR VEHICLES AND BOATS.

No motor vehicle or boat that has been wrecked, dismantled or disassembled, or any part thereof, or any motor vehicle or boat that is disabled or may not be operated because of the need of repairs or for any other reason shall be parked, stored, or maintained in an area visible from any street for a period of time in excess of 72 consecutive hours.

(Ord. 2010-O-02, passed 1-26-10)

Cross reference:

Junked or abandoned vehicle regulations, § 90.01

§ 156.43 HOUSEHOLD ITEMS.

(A) No household item(s) shall be stored or maintained in an area visible from any street for a period of time in excess of seventy-two consecutive hours.

(B) The storage or maintenance of a household item in a side or rear yard shall either be:

(1) In an accessory building constructed in accordance with the provisions of this chapter; or

(2) In an area that provides for a five-foot setback from any property line and, which is not visible from any street.

(C) No household item shall be stored, or maintained outside of a structure or building that is within five feet of any required building exit, including exit windows.

(D) This section does not prohibit the storage, or maintenance of machinery installed in accordance with the provisions of this code in the rear or side yard setback areas for household or recreational use, furniture designed and used for outdoor activities, or any item stored or kept within an enclosed storage structure.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.44 BOXES, LUMBER, DIRT, AND OTHER DEBRIS.

No boxes, lumber, dirt, or other debris shall be stored or maintained in an area visible from any street for a period of time in excess of seventy-two consecutive hours.

The storage or maintenance of boxes, lumber, dirt, or other debris in a side or rear yard shall either be:

(1) In an accessory building constructed in accordance with the provisions of this chapter; or

(2) In an area that provides for a five-foot setback from any property line, and which is not visible from any street. In addition to the setback requirement, at least 1, 500 square feet, or at least 60% of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational or open space.

(3) No boxes, lumber, dirt, or other debris shall be stored or maintained within five feet of any required exit, including exit windows.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.45 ACTIVITIES PROHIBITED ON PROPERTY DESIGNED OR USED AS A RESIDENCE.

The following activities on any property designed or used as a residence constitute property blight if seen from a street or public-right-of-way:

(A) (1) Wrecking, dismantling, disassembling, manufacturing, fabricating, building, assembling, repairing, painting, or servicing, in any setback area, of any airplane, aircraft, motor vehicle, special mobile equipment, boat, trailer, machinery, equipment, appliance or appliances, furniture or other personal property in a required building setback area.

(2) Note: The setback requirement does not apply if the adjoining property is owned by the property owner conducting the activities listed above.

(3) This section shall not prohibit the following:

(a) An owner, lessee, or occupant of the property from repairing, washing, cleaning, or servicing of personal property that is owned, leased, or rented by the owner, lessee, or occupant of the property so long as any repairing or servicing performed shall be completed within a 72 consecutive hour period; or

(b) Repairing or servicing-of a motor vehicle or part thereof within a completely enclosed building in a lawful manner where it is not visible from a street.

(B) The use of any motor vehicle for living or sleeping quarters in any place in the city, except in a location lawfully operated as a mobile home park or travel trailer park, subject to the following:

(1) Nothing contained in this section shall be deemed to prohibit bona fide guests of a city resident from occupying a recreational vehicle upon residential premises with the consent of the resident for a period not to exceed 72 hours.

(2) Any recreational vehicle so used shall not discharge any waste or sewage into the city's sewer system except through the residential discharge connection of the residential premises on which the recreational vehicle is parked.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.46 PARKING RESTRICTIONS.

(A) *Residential parking restrictions.* The following parking restrictions shall apply to all residential properties and residential neighborhoods. On a property designed or used as a residence, no person shall park or store any trailer, boat or motor vehicle in the front yard of property that results in:

(1) Uncut grass or weeds under or around the trailer, boat or motor vehicle, or deteriorates the lawn area to the extent that no grass remains under or adjacent to the trailer, boat or motor vehicle; or

(2) Creates an un-vegetated area(s) that allows for standing water or significant erosion of the area(s) onto a public street or adjoining property.

(B) *Other parking restrictions.* Nothing contained in this part is intended to nor shall be construed or interpreted to allow parking that is prohibited or restricted by any other provision of this code or by any other provision of law.

(Ord. 2010-O-02, passed 1-26-10)



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PLANNING BOARD AGENDA REPORT

MEETING DATE: February 8, 2024

PREPARED BY: Mike Frangos, Community Development Director
Community Development

ISSUE CONSIDERED: Report on Departmental Activity

SUMMARY OF ISSUE: January 2024 Community Development Monthly Manager's Report

REQUESTED MOTION: No action required.

ATTACHMENT(S) [Community Development Department Managers Report_20240206.pdf](#)

**REVIEWED BY
CITY MANAGER:**



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Community Development Monthly Report JANUARY 2024

Representatives of CAMPO, Granville County, Franklin County, Wake County, City of Creedmoor, and Town of Butner convened a ZOOM meeting on 1/29/2024 to discuss the scope of the proposed Northwest Area Study. The northwest area of CAMPO's jurisdiction includes southern Granville County and part of Franklin and Wake Counties. The study will comprehensively address all mobility modes and areas of transportation planning, and potentially address housing and water resource availability. The study is scheduled for FY25 as part of CAMPO's Unified Planning Work Program (UPWP) and likely will last 18 months.

CDM Smith has recently submitted a site plan for the new Joe Peed Road Lift Station. It shows the new five acre location on the south side of Joe Peed Road and the west side of Ledge Creek within out ETJ. The site plan will go before the Planning Board for recommendation and the Board of Commissioners for final approval. Staff has compiled a review memo of the site plan, revisions are expected back shortly.

Sunnyside on Main owner Dennis Pelletier (former Owl House location) has submitted a Facade Improvement Grant (FIP) application for a new awning. [The item will appear on the 2/8/2024 Planning Board agenda for a recommendation.](#)

After several years as a temporary use, B & G Pipe at 1686 NC Hwy. 56 has submitted a large site plan package with an NCDOT driveway permit and will appear on an upcoming BOC agenda for final review and approval. [Few stormwater plan components still remain incomplete and stormwater review fees have yet to be paid.](#)

The National Sign Plazas, LLC (NSP) agreement for wayfinding professional services has been finalized. [A purchase order was issued and first payment made.](#)

Davis Martin Powell representing the property owner Bekee Ventures LLC have submitted a site plan for 109 Park Avenue. The item has been forwarded to the CTRC for full review. [Following a rapid review and revision, the Planning Board and Board of Commissioners has scheduled a special joint meeting on 1/30/2024 to review and finalize the site plan.](#)

Construction continues on Yakamoz Steakhouse at 816 N. Durham Avenue with both interior and exterior improvements. The owner predicts opening early in 2024. [Issues regarding the final placement of the dumpster remain incomplete.](#)

LGI Homes, Inc. has confirmed that they plan to mobilize the construction of Brames Crossing. Interest rates on construction financing have hindered progress but that their intentions are to start building as soon as possible. CD Staff has met in person with Brandee Melcher, Brames Crossing Project Manager for LGI Homes. They intend to demolish the existing home and outbuildings in January 2024. [Several zoning authorizations for demolition were issued for houses and structures at four separate locations throughout the property.](#)

CDO staff attended an informational webinar regarding the City's \$250,000 grant award from the Office of State Budget and Management (OSBM). The funding source is GF – Directed Grant – Regional Economic Development Reserve and is intended to be used for the renovation of City Hall. In order to claim the grant funds the City will provide a detailed scope of work outlining what will be accomplished with the grant funds, including a budget.

Urban Design Partners, on behalf of LGI Homes, Inc. has resubmitted the Yorkshire subdivision as a general rezoning. Since the applicants previously withdrew their conditional zoning request there is no waiting period required for re-submission. The general rezoning requests a change from AG-Agricultural zoning to SFR-Single-Family Residential has been assigned case number ZMA-2023-01. It appeared on the 11/9 Planning Board agenda and received a recommendation for denial. [The applicant has requested that the public hearing be delayed.](#)

Gander Development, likely developer of a large scale residential subdivision near to Marry Lane and Pleasant Grove Baptist Church, has enlisted Exult Engineering to conduct a traffic impact analysis along NC 56 near Mt. Energy Elementary School. A meeting was held on 11/1 to discuss the parameters of that study. [After several email exchanges the extent of the TIA has been agreed upon and the traffic engineering work is underway.](#)

The Granville-Person Stormwater Utility Group met in Butner Town Hall on 8/20 to update on the status of the Falls Lake Watershed Rules re-examination process, regulatory compliance, reporting, and other utility business. A resolution supporting the CPII was approved at the 10/2 BOC meeting. The Finance Department has provided Raftelis the initial batch of stormwater related expenditures, as requested. [Raftelis initial results were reviewed and additional information collected on personnel costs shared among the stormwater fund. The City Manager has requested Raftelis present their findings at the 2024 BOC Planning Retreat.](#)

The Site Group has submitted a complete application package for conditional district zoning. CZ-2023-02 will begin CTRC review and comments will be collected. Previously The Site Group convened a pre-application neighborhood meeting regarding the proposed Creedmoor Village development on 4/13/2023. Eight interested parties attended. Presenters proposed a mixed-use pedestrian friendly development that includes commercial and residential elements. Their conceptual site plan outlines approximately 113,000 square feet of commercial space, 400 units of multi-family apartments, and 300 units of single-family attached townhomes and many new intersections with NC 56 Hwy. The Planning Board tabled the case until September 14, 2023 while the applicant compiles more information to answers questions presented. On 9/14 the Planning Board unanimously voted to recommend approval with conditions to the Board of Commissioners on a proposal with fewer multi-family units and more townhomes than previously proposed. Published advertisements in the Butner-Creedmoor News, mailed notifications, and property posting have been completed in a timely manner. A Public Hearing was held on November 6, 2023. Revisions to the conceptual master plan and conditions of approval are underway after comments received. The applicant still has reservations regarding the desired timeline of milestones as it relates to the availability of water and wastewater allocation. [Draft version 7 has been reviewed and approved by both parties and the final action is expected at the 2/6/2024 BOC meeting.](#)

Implementation of the Water and Wastewater Allocation Policy (Resolution 2022-R-14) approved by the BOC on 10/17/2022 has established a framework for reviewing and approving small-scale residential allocations. To date [nine](#) residential approvals have been given for homes to be built at: 205 W. Rogers Avenue, 815 N. Crescent Drive, 2106 Southerby Lane, 306 Park Avenue, and 2029 Hawley School Road, 103 Beverly Court, 204 Mill Street, and 402 Fleming Street; leaving zero gallons per day of residential

and 5,490 gallons per day non-residential allocation unassigned. Two potential non-residential projects are vying to be the first to submit a site plan application. Chad Abbott intends to construct commercial flex space on a lot near US 15 Hwy. and N. Main Street intersection, and Randy Lanou's Mule Town Depot. CDO has coordinated with SGWASA on their status of our zoning approvals, and when allocations may lapse if no progress has been made. Resolution 2023-R-05 was adopted by the BOC to redistribute 510 GPD previously reserved for the City Hall Expansion project to residential development. One new residential SFD at 0 Dove Road was recently approved, and the Zoning Compliance Permit for 205 W. Rogers Ave. recently expired, returning that allocation with other GPD available. 5,490 GPD available for non-residential uses. A new ZCP has been issued for a new 3BR/2BA structure at 205 W. Rogers Avenue putting our residential allocation total at [223 GPD](#).

Wooten Task Order #18 was issued for survey and design at 2766 Clifton Avenue. Surveying was completed and design will start in early April. The design team consulted with Public works staff and the City Engineer about existing conditions and proposed outcomes. The project includes installation of a new yard inlet and connection to an existing curb inlet and junction box under that is under the residential driveway; followed by extensive fill, re-pouring of the entire driveway, and final grading of the property side yard. Ana Wadsworth, P.E. with The Wooten Company operating under Task Order #18 has completed two alternative designs for the repair, as presented on 7/17/2023 BOC meeting. Those designs have been distributed to potential contractors for cost estimates. We hope to have three competitive bids, and will work with the lowest responsible and responsive bidder. Ana Wadsworth's last responsibility under task order #18 will be to assist decision makers in choosing the best alternative to correctly complete the repair. CDO received no bids for the Conway project on 8/29/2023. During September CDO staff reached out to three more drainage contractors (The Oak Drainage & Utilities, Moffat Pipe, and Precision Earth & Pipe, LLC). Contract has been awarded to Chris Milko, LLC. [City Engineer is handling implementation and construction oversight.](#)

Task Order #12 for Ferbow Street Utility Relocation was agreed to as a turn-key project, where Wooten would manage the bidding process, procurement, awarding of a contract, construction administration and engineering inspections. The Wooten Company has significant experience and substantial expertise in water and wastewater infrastructure construction projects like these. The game plan moving forward will be to rebid the project with a longer lead time for plan reviews, and longer period to execute the work in question. Relaxing these parameters will allow potential public utility certified contractors to re-consider if this project can be completed profitably and therefore make them interested in bidding. The list of contractors provided by SGWASA and Wooten's contacts will be each directly contacted regarding this project and will be posted on Beacon Bids.com website, and the State of NC procurement system in order to reach as big a group of potential bidders as possible. Assuming this renewed effort comes to fruition we hope to have three competitive bidders by the September BOC meeting. CDO received one bid from Pipeline Utilities, Inc. on 8/29/2023. The total bid was \$308,308; more than double the engineer's estimate. BOC formally rejected the outlandish bid on 9/5 and re-opened the bidding period. Recently SGWASA has suggested bundling this project with other repair work in the near future. Contract has been awarded to Moffat Pipe. [City Engineer is handling implementation and construction oversight.](#)

Stimmel Associates is also working with the City Engineer on the drafting, compiling, preparation, and publishing of a revised Standard Specification and Construction Details Manual for the City. This manual will serve to inform all the development community about our quality standards, review processes, construction oversight procedures, Falls Lake Rules compliant storm water controls, and an assortment of other minimum standards the BOC has authorized. The kick-off meeting for this project was held on 7/6. Emails have been exchanged during the month of August answering minor questions and stating preferences. Additional items related to addressing standards and tree-trimming requirements on

public rights-of-way have been added to the document's scope. The second review meeting was held on 10/21 where staff began review and discussion of the initial draft. The third draft review meeting was held on March 9, 2023, and the fourth on April 6, 2023. Edits are still underway. [City Engineer is overseeing project.](#)

CDO staff has been searching for firms willing to provide estimates for surveying and marking services. Several local companies have been directly solicited and we're still working to get three comparable estimates. Once again, proposals for service have come in much higher than expected.

Code Enforcement – January 2024

Citizen complaints: 2
Letters mailed: 18
New Cases: 2
Cases closed / in compliance: 7
Fines levied: \$300
Fines collected: \$0
Snipe signs removed: 13
SCM Inspections: 11
Outfall Inspections: 0
Work Order Requests: 0
Zoning Inspections: 4

- Bobby Ray at 116 W. Lyon Street – Certificate of Zoning Compliance issued on 1/9/2024
- Lisa (Linn) Kawaz, owner of 702 N. Crescent Drive, has cut her grass. An invoice for civil fines and penalties totaling \$8,910 was sent certified mail on 12/18/2023. [A second and final notice with a 2/2/2024 payment deadline was sent, no green slip has yet to be returned. Otherwise court order proceedings will continue to enter judgement for payment.](#)
- Meeting with Stephanie Gonyea, Park Manager, regarding Broadview MHP on Hillsboro Street.
- Sent inquiry to GC Health Department re: mobile food truck operating at 113 S. Durham Avenue.

City Engineer

Continuing follow up with John Sandor (NCDOT) regarding R-5707L (cash reimbursement and landscape maintenance). The initial \$25,000 reimbursement check arrived. As the project reaches the end of the warranty period the remainder of the City's overpayment (\$19,343) should be returned.

-Ferbow St. Utility Relocation- Continuing with post-award requirements. On 1/18/24, the preconstruction meeting was conducted with Wooten (3 attendees), Moffat Pipe (3 attendees), SGWASA (2 attendees), Golden Pond HOA (3 attendees), and City personnel (2 attendees) in attendance. The few questions/issues that could not be resolved during the meeting were resolved in the following days. Construction is expected to begin in early March with a duration of less than one month. The clarification of roles/responsibilities and the sharing of contact information was an important outcome.

-Clifton Ave. Drainage Repair- Continuing with post-award requirements. On 1/18/24 the preconstruction meeting was conducted with Chris Milko, Willie Conway, and City personnel (4) in attendance. The construction sequence was agreed upon and questions/issues were addressed. Based on an update from Lindsey Precast, Milko expects to have all material on-hand by 2/5/24 and will begin work as soon as the extended forecast (7-10 days) looks favorable. Duration for Milko's work and the driveway replacement (including cure time and form removal) is approximately 2.5 weeks.

-Repaving/paving- Mike Frangos, Steve Edwards, and I met with Lester Lowe and Ana Wadsworth (Wooten) to discuss the resurfacing of Douglas Dr. and the paving of Holly Creek Ln. Both roads have

unique considerations and multiple options. Wooten will investigate and provide the City with estimates for the various options along with pros and cons of each for our consideration.

-Yakamoz Steakhouse- Responded to business owner's request to modify approved site plan regarding dumpster location. Mike Frangos and I met with the owner and his contractor onsite to discuss his request. This was followed by correspondence with the owner's design engineer and review of several proposed options. After considering the unique aspects of this project, an alternative was developed that was acceptable to all parties.

-Responded to Citizen's Request- Steve Edwards, Phillip Howell, and I met with homeowner in Southerby's to discuss a request for an additional driveway (he owns adjoining lots, one house). He was requesting a temporary construction entrance for dump trucks in order to fill in a deep "ditch" he believes is a safety hazard. It was explained the ditch is a blue line stream and he couldn't simply fill it in. After identifying the point of contact at NCDEQ, I forwarded their contact info to the homeowner.

-Wooten Stormwater Mapping- Mike Frangos, Jerry Seibert, and I met with Tyrus Cohan, Wooten's GIS/Mapping expert. We identified additional areas to map (Powell Bill roads) and drainage structures to locate. To increase the ease of use of the Stormwater Atlas/Maps, several improvements to their layout were discussed and agreed upon.

-Technical Standards and Drawings- Following Stimmel's second DRAFT submittal on 1/8/24, I have been reviewing them and comparing to previous comments/recommendations. Additionally, several new topics have been identified for inclusion.