



Instruction Packet and Affidavit for Neighborhood Notification Letters

Town of Apex
Dept of Planning and
Community
Development
PO Box 250
Apex, NC 27502

T: 919-249-3426
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This packet consists of instructions and templates for sending a required Neighborhood Notification Letter. Planning staff are available to advise you in the preparation of these materials. Call the Department of Planning and Community Development at (919) 249-3426 for more information.

WHAT IS THE PURPOSE OF A NEIGHBORHOOD NOTIFICATION LETTER?

A neighborhood notification letter is a required form of community outreach to receive initial feedback regarding certain Minor Site Plans prior to submittal to the Department of Planning and Community Development per the standards found in UDO Sec. 2.2.7.A. The intention of the letter is to initiate neighbor communication to identify issues and concerns early on and provide the applicant an opportunity to address neighbor concerns about the potential impacts of the project.

WHEN IS A NEIGHBORHOOD NOTIFICATION LETTER REQUIRED?

Applicants for most Minor Site Plans that are located within 300 feet of a residential land use and have not had a rezoning approval in the previous two (2) years are required to send a letter to all property owners and tenants abutting and located within 300 feet of the land subject to the application, to any neighborhood association that represents citizens within that notification area, and to the Town of Apex Department of Planning and Community Development at least 14 days prior to the submittal of the Minor Site Plan.

Applicants for Minor Site Plans for the uses Day care facility; Government service; School, public or private; Restaurant, drive-through; and Convenience store with gas sales are required to hold a neighborhood meeting as outlined in Sec. 2.2.7.B *Neighborhood Meetings* and should follow the procedures outlined in the Neighborhood Meetings Packet.

INSTRUCTIONS

The Neighborhood Notification Letter must be prepared and mailed in accordance with the rules listed below.

Who to notice:

- The applicant is required to notify the Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property, and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of submitting the Minor Site Plan application, not including the day of mailing. The applicant shall send an email to addressing.team@apexnc.org to request the notification list *as early as possible* in order to receive the list in time for the mailing. The list will be provided within 5-10 business days of the initial request. The applicant shall use their own return address on the envelopes.

Timing of mailing:

- The letter must be sent at least 14 days in advance of submitting the Minor Site Plan, not including the day of mailing (use attached template).

Mailing requirements:

- A vicinity map and reduced copy of the preliminary site plan of the proposed development must be provided.
- Contact information for the applicant's representative and Town Staff must be provided on the attached "Project Contact Information" form.
- "Common Construction Issues & Who to Call" sheet (attached) must be included as part of the handout.

For accountability purposes, please submit the following with your application:

- A copy of the letter mailed to neighbors and neighborhood organizations (use attached template);
- The notification list provided by Town staff;
- The affidavit, signed, dated, and notarized (use attached affidavit template); and
- One (1) reduced copy of the maps and plans submitted with the letter.

NEIGHBORHOOD NOTIFICATION LETTER

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Date

Dear Neighbor:

You are receiving this neighborhood notification letter to inform you of a new development proposal at

Address(es) PIN(s)

in accordance with the Town of Apex Neighborhood Notice procedures. This letter is a required form of community outreach for certain Minor Site Plans to allow the applicant to receive initial feedback from neighbors prior to submittal to the Department of Planning and Community Development per the standards found in UDO Sec. 2.2.7.A.

The intention of the letter is to initiate neighbor communication to identify issues and concerns early on and provide the applicant an opportunity to address neighbor concerns about the potential impacts of the project.

Please refer to the Project Contact Information page for ways to contact the applicant. Once an application has been submitted to the Town, it may be tracked using the Interactive Development Map (<https://experience.arcgis.com/experience/41bf89a7c97d43a2934b0e823c8bfa45>) or the Apex Development Report (<http://www.apexnc.org/DocumentCenter/View/405/Apex-Development-Report-PDF?bidId=>) located on the Town of Apex website at <http://www.apexnc.org/180/Planning-Community-Development>.

The following is a description of the proposal (also see attached map(s) and plan sheet(s)):

Estimated submittal date: _____

If you have any concerns or questions about the proposed Minor Site Plan, please contact those listed on the Project Contact Information Sheet.

If you have questions about the general process for this application, please contact the Planning and Community Development Department at 919-249-3426. You may also find information about the Apex Planning and Community Development Department and on-going planning efforts at <http://www.apexnc.org/180/Planning-Community-Development>.

PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Development Contacts:

Project Name: _____ Zoning: _____

Location: _____

Property PIN(s): _____ Acreage/Square Feet: _____

Property Owner: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Developer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Builder (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts	
Planning and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Private Agreements and Easement Negotiation:

The Town of Apex cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations.

The developer's site plan can be viewed any time after submittal on the Interactive Development Map at: <https://experience.arcgis.com/experience/41bf89a7c97d43a2934b0e823c8bfa45>.

Documentation:

Neighbors to a proposed new development are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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Noise & Hours of Construction: Non-Emergency Police 919-362-8661

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

Construction Traffic: James Misciagno 919-372-7470

Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control: Water Resources – Infrastructure Inspections 919-362-8166

There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/striping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

Parking Violations: Non-Emergency Police 919-362-8661

Unless a neighbor gives permission, there should be no construction parking in neighbors' driveways or on their property. Note that parking in the right-of-way is allowed, but Town regulations prohibit parking within 15 feet of driveways so as not to block sight triangles. Trespassing and parking complaints should be reported to the Non-Emergency Police phone number at 919-362-8661.

Dirt in the Road: James Misciagno 919-372-7470

Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

Dirt on Properties or in Streams: James Misciagno 919-372-7470 Danny Smith Danny.Smith@ncdenr.gov

Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith (danny.smith@ncdenr.gov) with the State.

Dust: James Misciagno 919-372-7470

During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

Trash: James Misciagno 919-372-7470

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.

Temporary Sediment Basins: James Misciagno 919-372-7470

Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures: Jessica Bolin 919-249-3537

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

Electric Utility Installation: Rodney Smith 919-249-3342

Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

AFFIDAVIT OF MAILING A NEIGHBORHOOD NOTIFICATION LETTER

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

I, _____, do hereby declare as follows:

Print Name

1. I have mailed a Neighborhood Notification Letter for the proposed Minor Site Plan in accordance with UDO Sec. 2.2.7.A *Notification Letter*.
2. The letters were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the application submittal date.
3. I have included the mailing list, letter, and reduced plans with the application.
4. I have prepared these materials in good faith and to the best of my ability.

Date

By: _____

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County, on this the _____ day of _____, 20_____.

SEAL

Notary Public

Print Name

My Commission Expires: _____