

CONDITIONAL USE PERMIT

APPLICATION FOR NEW CUP OR A REVISION TO AN EXISTING CUP

Chatham County
Planning Department

P. O. Box 54, 80-A East St, Pittsboro, NC 27312
Telephone: (919) 542-8204 FAX: (919)542-2698

Section A. APPLICANT INFORMATION

NAME OF APPLICANT: F-L Legacy Owner, LLC

MAILING ADDRESS OF APPLICANT: 352 Paseo Reves Drive, St. Augustine, FL 32095

PHONE NUMBER/E-MAIL OF APPLICANT: Office: 904-274-4310 Cell: 904-718-5739

E-mail: ats@freeholdcommunities.com

PROPERTY OWNER INFORMATION (If different from the applicant): ***Owner Authorization Signature Required; See end of application.**

Name(s) Same as Applicant

Address: _____

ZIP _____

Telephone: _____ FAX: _____

E-Mail Address: _____

PROPERTY INFORMATION: The following information is required to provide the necessary information to process the rezoning request:

ADDRESS OF SUBJECT SITE: The Legacy at Jordan Lake, Covered Bridge Trail, Legacy Falls Drive and Big Woods Road, Chapel Hill, Chatham County, North Carolina

CHATHAM COUNTY PROPERTY PARCEL NUMBER (AKPAR #): 17378, 83655 and 89437

CURRENT ZONING DISTRICT/CLASSIFICATION: R-1

TOTAL SITE ACRES/SQUARE FEET: 627.6 acres, more or less

PROPOSED USE(S) AND PROPOSED CONDITIONS FOR THE SITE: **Please select the use/s category from Section 10.13 of Zoning Ordinance**

Existing Planned Residential Development (or Planned Unit Development) The purpose of the requested amendment is to revise the site plan/sketch design to relocate some residential lots, to increase open space, to reconfigure some road rights of way, to reduce total roadway length and to eliminate one subdivision road connection to Big Woods Road as shown on the proposed sketch plan. This request does not propose to add any land to the PUD or to change the number of residential lots permitted in the PUD.

It is important that the applicant provide information to explain how the permit request or revision satisfies the following required five findings. **All applications shall contain the following information.** Please use attachments or additional sheets in order to completely answer these findings if necessary. If there is a finding that you feel does not apply to this submittal, please mark with "N/A" for not applicable. **Please use the "Materials Checklist" to complete each finding.**

1. The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located. **See attached.**

2. The requested conditional use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare. **See attached.**

3. The requested permit or revision to the existing permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community. **See attached.**

4. The requested permit will be or remain consistent with the objectives of the Land Conservation and Development Plan. **See attached.**

5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations. **See attached.**

STOP!

You must meet with the Chatham County Appearance Commission and hold the Community Meeting BEFORE you can submit the application to the Planning Department. Please check the boxes below once these meetings have been held:

<input type="checkbox"/> Chatham County Appearance Commission	Date of Meeting <u> N/A </u>
<input type="checkbox"/> Held Community Meeting	Date of Meeting <u> N/A </u>

Section B. SUBMITTAL INFORMATION AND PROCEDURE

- (1) Sixteen (16) completed application packets and all supporting information shall be submitted to the Planning Department at least forty-five (45) days prior to the Public Hearing. A digital copy of the application packet shall be submitted pursuant to the Planning Department Digital Document Submission Guidelines.
- (2) The Planning Department shall, before scheduling the public hearing, ensure that the application contains all the required information as specified in Section 5 of the zoning ordinance.
- (3) The Planning Department shall have fifteen (15) days from the date of submittal to notify the applicant that the application is complete for scheduling the public hearing.
 - a. If the Planning Department determines the information is not sufficient for review, the Department shall notify the applicant of the specific information that is required for review.
 - b. The Planning Department shall take no further action on the application until the applicant submits the required information.
 - c. Once the applicant corrects the identified deficiencies, the applicant shall resubmit to the Planning Department at least 45 days prior to the next Public Hearing meeting, and the Department shall have 15 days to review the information and notify the applicant that the information is sufficient for review.
 - d. A determination that an application contains sufficient information for review as provided in this subsection (b) does not limit the ability of other county agencies, the Planning Board or the Board of Commissioners to request additional information during the review process.
- (4) The application is reviewed by the Technical Review Committee prior to the Public Hearing for comments and recommendations from other agencies.

Section C. SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION and REQUIRED INFORMATION TO BE INCLUDED ON THE SITE PLAN

PLEASE INCLUDE ALL OF THE FOLLOWING (CHECK OFF). Please check the list below carefully before you submit:

- (1) The application shall include a **site plan**, drawn to scale, with supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to the predetermined ordinance requirements, will govern the development and use of the property. The following information must be provided, if applicable:
 - a. Information showing the boundaries of the proposed property as follows: **Unchanged.**
 1. If the entire parcel will be zoned, a GIS or survey map and parcel number of the subject property.
 2. If only a portion of the parcel will be zoned, a boundary survey and vicinity map showing the property's total acreage, parcel number, current zoning classification(s) and the general location in relation to major streets, railroads, and/or waterways,
 - b. Legal Description of proposed conditional zoning district; **Unchanged.**
 - c. All existing and proposed easements, reservations, and rights-of-way; **Unchanged except as shown on proposed sketch plan.**

- d. Proposed number and general location of all building sites, their approximate location, and their approximate dimensions; **Number unchanged; location and dimensions unchanged except as shown on proposed sketch plan.**
- e. Proposed use of all land and structures, including the number of residential units and the total square footage of any non-residential development; **Number of residential units (463) unchanged; see proposed sketch plan.**
- f. All yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant; **(SECTION 12 LANDSCAPING & BUFFERING REQUIREMENTS) Unchanged.**
- g. All existing and proposed points of access to public and/or private streets; **Unchanged except as shown on proposed sketch plan.**
- h. Stream buffers required through this or other Chatham County Ordinances or Regulations, and other Local, State, or Federal regulatory agencies. Delineation of areas within the regulatory floodplain as shown on the Official Flood Insurance Rate Maps for Chatham County; **Unchanged.**
- i. Proposed phasing, if any; **Unchanged.**
- j. Generalized traffic, parking, and circulation plans; **(SECTION 14 OFF STREET PARKING) Unchanged except as shown on proposed sketch plan.**
- k. Proposed provision of utilities; **Unchanged.**
- l. The location of known sites of historic or cultural significance within or adjacent to the project area, including any structure over 50 years old; **Unchanged.**
- m. The approximate location of any cemetery; **Unchanged.**
- n. Proposed number, location, and size of signs; **(SECTION 15 SIGN REGULATIONS) Unchanged.**
- o. Location and description of any proposed lighting on the project site with a note that any lighting will comply with Section 13; **(SECTION 13 LIGHTING STANDARDS) Unchanged.**
- p. The location of existing and/or proposed storm drainage patterns and facilities intended to serve the proposed development, and impervious surface calculations; **Unchanged** and
- q. Environmental Impact Assessment pursuant to **Section 11.3** of the Zoning Ordinance, if applicable. **If you are or will be disturbing two or more acres in connection with this application, you are required to submit and EIA with this application. Failure to do so will result in the delay of scheduling your request for public hearing or may be returned completely for re-submission. N/A**

The above information is required to be shown on the site plan submitted with this application. If, for some reason, any of the required items above are not included on the site plan, reasons for excluding those requirements must be given.

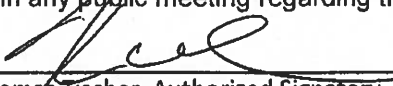
(2) In the course of evaluating the proposed use, the Zoning Administrator, Planning Board, Chatham County Appearance Commission, or Board of Commissioners may request additional information from the applicant. This information may include, but not be limited to, the following:

- a. Proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
- b. Existing and general proposed topography;
- c. Scale of buildings relative to abutting property;
- d. Height of structures;
- e. Exterior features of the proposed development;
- f. A traffic impact analysis of the proposed development prepared by a qualified professional. The traffic impact analysis shall follow the NCDOT TIA Analysis Guidelines, and shall also include consideration for non-motorized and public transportation;
- g. Any other information needed to demonstrate compliance with these regulations.

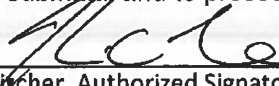
NOTE: The Zoning Administrator has the authority to waive any application requirement where the type of use or scale of the proposal makes providing that information unnecessary or impractical.

SECTION D. SIGNATURE STATEMENTS

OWNER'S SIGNATURE*: In filing this application, I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate Andrew Smith, Mark Ashness and Patrick Bradshaw to act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.

Signature: 
Thomas Fischer, Authorized Signatory, FL Legacy Owner, LLC
Date: 5/3/12

APPLICANT SIGNATURE: I hereby acknowledge that I am making this application on behalf of the above owner's statement or myself as the owner and that all the information presented in this application is accurate to the best of my knowledge, information, and belief. I acknowledge understanding of the requirements set out in this application and in the ordinances and/or guidelines used to determine the completeness of this submittal and to proceed as determined.

Signature: 
Thomas Fischer, Authorized Signatory, FL Legacy Owner, LLC
Date: 5/3/12

OFFICE USE ONLY:

DATE RECD: _____
BY: _____
APPLICATION #: PL20 _____
FEE PAID \$: _____
<input type="checkbox"/> Check No. _____ <input type="checkbox"/> Cash <input type="checkbox"/> CC <input type="checkbox"/> Money Order

STATEMENT OF PURPOSE

F-L Legacy Owner, LLC is applying to Chatham County for modification of a conditional use permit in an R-1 zoning district for a Planned Unit Development off Big Woods Road in northeastern Chatham County. The PUD was originally approved in March of 2004. A modification was approved in 2005 relocating the main amenity to some newly acquired property. A second modification was approved in 2014 relocating some lots and reconfiguring some road rights of way.

The Legacy as currently approved encompasses 463 residential lots with amenities on 627.6 acres, more or less. F-L Legacy proposes to relocate 26 lots from a portion of the project on the south side of Parkers Creek to back within the main community.

The revisions proposed provide several benefits to the overall project:

1. The overall project road length is reduced from approximately 42,200 linear feet to approximately 39,500 linear feet, a reduction of approximately 2,700 linear feet, which decreases impervious surface coverage.
2. Subdivision lots will be more clustered, which creates more open space. Open space will increase from approximately 200 acres to approximately 214 acres, an increase of about 14 acres.
3. Relocating lots and reconfiguring roadways results in elimination of a future subdivision road connection to Big Woods Road.

With no change in the overall project density and planned reduction in roadway and infrastructure, there are no impacts to adjoining properties or net increase in development activity within the project.

**General Application Requirements
(from Submission Materials Checklist)**

1. Location: See proposed sketch plan.
 - a. Public highways serving site. Unchanged (Big Woods Road; SR 1716.)
 - b. Private roads serving site. Unchanged except as shown on proposed sketch plan. The internal private roads of The Legacy at Jordan Lake connect to the public right-of-way of Big Woods Road. One private road connection will be eliminated by this revision.
 - c. Current Zoning. Unchanged—R-1 with a conditional use permit for a planned residential development/planned unit development.
 - d. Watershed designation and impervious surface % allowed. Unchanged.
 - e. Major Wildlife Areas. Unchanged.
 - f. Size of Site. Unchanged-- +/- 627.6 acres.
 - g. Current utility or other easements assigned to the site. Unchanged.
 - h. Current Use of Site. Unchanged—planned residential development/planned unit development.
 - i. Description of current contents of site. Unchanged as to undeveloped portion.
 - j. Other Conditional Use Permits for the site. Conditional use permit for a planned residential development/planned unit development approved in 2004 and modified in 2005 and 2014.
2. Description of Use. Unchanged-- planned residential development/planned unit development.
3. Start and Completion Projections. Unchanged. The project has started development. The current deadline for submission of final subdivision plats for all remaining phases and residential lots is December 31, 2020.
4. Reference to Existing County Plans. Unchanged.

SITE PLAN REQUIREMENTS

The currently approved site plan for The Legacy at Jordan Lake (formerly known as, "The Homestead at Jordan Lake") is incorporated herein by this reference and is unchanged except as shown on the proposed sketch plan submitted with this application. As required by the Chatham County Zoning Ordinance in effect prior to December 2, 2008, the proposed site plan/sketch plan, as supplemented by the information in this application, is in the form required for a subdivision sketch plan pursuant to Section 5.1 of the Chatham County Subdivision Regulations in effect prior to December 2, 2008.

The only changes proposed to the site plan/sketch plan are to relocate some lots and reconfigure some road rights of way. The effect of these changes is to create a more compact community, to increase total open space, to reduce the total projected length of roadways, to reduce impervious surface coverage and to eliminate one subdivision road connection to Big Woods Road. This application does not propose to add any land to the PUD or to change the number of residential units permitted in the PUD.

As lots are platted in the PUD, they are subjected to the Declaration of Covenants, Conditions, and Restrictions for The Legacy at Jordan Lake, recorded in Book 1252, Page 524, Chatham County Registry, as amended. The undeveloped portion of the PUD is not yet subject to restrictive covenants.

Specific Conditional Use Permit Application Requirements (Five Findings)

All information and evidence submitted in support of the five findings required for the issuance of the conditional use permit for The Legacy at Jordan Lake (formerly known as, "The Homestead at Jordan Lake") in 2004 and the modifications of the conditional use permit in 2005 and 2014 is incorporated herein by this reference. The only changes proposed to the conditional use permit by this application are to relocate some lots and reconfigure some road rights of way. The effect of these changes is to create a more compact community, to increase total open space, to reduce the total projected length of roadways, to reduce impervious surface coverage and to eliminate one subdivision road connection to Big Woods Road. This application does not propose to add any land to the PUD or to change the number of residential units permitted in the PUD. With no change in the overall density in the PUD and reduction in the length of roadways and associated infrastructure, the proposed modification will create a more cohesive, better-designed community for owners of property within The Legacy at Jordan Lake, will have no negative impacts to adjoining properties and will result in less impact to the environment. The Legacy at Jordan Lake, as modified by this application, will continue to meet all of the five findings.

Finding #1: The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.

Planned residential developments are listed as an eligible conditional use in the R-1 (formerly RA-40 in the Chatham County Zoning Ordinance in effect prior to December 2, 2008) zoning district.

Finding #2: The requested conditional use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare.

- A. **Need and Desirability:** The relocation of some lots and reconfiguration of some road rights of way as shown on the proposed sketch plan will create a more compact, better-designed community for property owners within the PUD, will increase total open space, will reduce the total projected length of roadways, will reduce impervious surface coverage, will eliminate a subdivision road connection to Big Woods Road and will promote the development of homes and neighborhoods that are in demand in the market. The revision, which does not add land or increase the number of units in the PUD, will have no negative impact to adjoining property owners. The revision does not otherwise change the need and desirability analysis of the existing approved conditional use permit.

- B. **Survey of Similar Uses:** The revision does not change the number of approved residential units in the PUD and, therefore, does not change the impact of the PUD on similar uses, or vice versa. The Applicant believes that there is substantial demand in the market for the neighborhoods and homes it intends to develop at The Legacy at Jordan Lake.

- C. Public Provided Improvements: No additional public improvements are needed to support the requested revisions to the conditional use permit.

Finding #3: The requested permit or revision to the existing permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.

This application does not propose to add any land to the PUD or to change the number of residential units permitted in the PUD. With no change in the overall density in the PUD, an increase in open space and reduction in the length of roadways and associated infrastructure, the proposed revision will have no negative impacts to adjoining properties and will result in less development activity and less impact to the environment. The revision will have no adverse impact on emergency services, traffic, visual impacts and screening, lighting, noise, chemicals and biological and radioactive agents or the signage for the community. Because the revision eliminates one subdivision road connection to Big Woods Road and results in a more compact development of the community, it will have positive impacts on several of these considerations.

Finding #4: The requested permit will be or remain consistent with the objectives of the Land Conservation and Development Plan.

As this application does not add land to the PUD or change the number of residential units permitted in the PUD, it does not change the relation of the already-approved conditional use permit to the Land Conservation and Development Plan, nor does it change watershed or flood considerations—except to the extent that it will increase open space and reduce impervious surface coverage. The Legacy at Jordan Lake promotes balanced growth by providing desirable homes in an area where they are in demand. Broad wooded buffers along Big Woods Road, expansive open spaces and recreational opportunities within The Legacy and the relatively low density of the development preserve the form and function of rural character. The high quality water, wastewater and stormwater control systems that serve the community help reduce the environmental impacts of the community. .

Finding #5: Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations.

As the requested revision does not add land to the PUD or change the number of residential units permitted in the PUD, it will cause no adverse change in water requirements, wastewater capacity requirements, water or sewer impacts, access roads or stormwater runoff. Increased open space and reduced impervious surface will reduce stormwater runoff impacts. The Legacy at Jordan Lake will continue to be served by the Chatham County water system and the regulated community wastewater system. One of the approved access roads connecting to Big Woods Road will no longer be needed and will be eliminated by this application.

SECTION D. SIGNATURE STATEMENTS

OWNER'S SIGNATURE*: In filing this application, I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate Andrew Smith, Mark Ashness and Patrick Bradshaw to act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.

Signature: _____
Thomas Tischer, Authorized Signatory, FL Legacy Owner, LLC

Date: _____

APPLICANT SIGNATURE: I hereby acknowledge that I am making this application on behalf of the above owner's statement or myself as the owner and that all the information presented in this application is accurate to the best of my knowledge, information, and belief. I acknowledge understanding of the requirements set out in this application and in the ordinances and/or guidelines used to determine the completeness of this submittal and to proceed as determined.

Signature: _____
Thomas Tischer, Authorized Signatory, FL Legacy Owner, LLC

Date: _____

OFFIE USE ONLY:

DATE RECD: _____

BY: _____

APPLICATION #: PL 20 _____

FEE PAID \$: _____

Check No. _____ Cash CC Money Order

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