



Chatham County Planning Board Agenda Notes

Date: March 6, 2018

Agenda Item: VII-2

Attachment #: 3

- Subdivision**

 Conditional Use Permit

 Rezoning Request

 Other:

Subject:	Request by F-L Legacy Owner, LLC for subdivision Preliminary Plat approval of The Legacy at Jordan Lake – Phase 5A3 , consisting of 17 lots on 9.36 acres, located off SR-1716, Big Woods Road, parcel #17378.
Action Requested:	See Recommendation
Attachments:	<ol style="list-style-type: none"> 1. Major Subdivision Application. 2. Conditional Use Permit Stipulation update 3. Preliminary plat titled “The Legacy at Jordan Lake – Tract 2 Subdivision Plat – Ph 5A3

Introduction & Background:

Zoning: R-1 with Conditional Use Permit for a Planned Unit Development
Watershed District: WSIV-Protected & Jordan Lake Buffer Area
Water Source: public, Chatham County
Sewer Source: private, waste water treatment plant
Road type: private, paved
Within the 100 year flood plain: No floodable area in Phase 5A3
Reviewed: Under pre-2008 Subdivision Regulations

The Legacy at Jordan Lake Subdivision was approved by the Board of County Commissioners on March 15, 2004 as a Planned Unit Development for a cluster development. Modifications were made to the plan in 2005 to add 50.6 acres and change the number of lots to 463. The project is approved for 463 lots on 626 acres with an amenity center. Phase One received final plat approval in December, 2005 for 105 lots. Phases Two and Three, consisting of 114 lots received preliminary / final plat approval in 2006 (54 lots in Phase Two and 60 lots in Phase Three).

In 2011, the developer submitted a request to the Board of County Commissioners to relinquish the final plat approvals for Phases Two and Three (undeveloped); to recombine the 114 lots with the remaining undeveloped portion of the property into one parcel of land containing 402 acres; and to allow Phases Two and Three to revert to their approved preliminary plat status as of November 20, 2006. The BOC approved the request on

November 7, 2011. The Resolution Accepting The Voluntary Relinquishment of Final Plat Approvals of The Legacy at Jordan Lake, Phases Two and Three is recorded in Book 1593, Page 272. The recorded recombination plat can be viewed at Plat Slide 2011, Pages 199 & 200 and at Plat Slide 2012, Page 10. The Resolution stated that the recreation fees and the water availability fees previously paid by the developer would be retained by the county and credited toward any similar fees incurred by the developer in future submittals until December 31, 2015 or any later date required by an amendment to the Permit Extension Act. To date, 248 lots have been final platted with 193 occupied homes. The tennis courts, playground, clubhouse and pool have been completed. The clubhouse and pool opened to the residents on September 9, 2017.

As part of a 2014 CUP revision, the final plat sunset date for all phases is December 31, 2020. The Phase 5A3 layout conforms to the revision to the CUP approved in 2014.

The Planning Board has 60 days to act on the request.

Discussion & Analysis:

Request: The request before the Board is for preliminary plat approval of Phase 5A3, consisting of 17 lots on 9.36 acres. The developer has provided an update to the Conditional Use Permit conditions of approval. See attachment # 2. Phase 5A3 is being developed out of Tract 2 owned by F-L Legacy Owner, LLC and is adjacent to a perimeter property line. Per the applicant, the balance of Tract 2, approximately 62.124 acres, will be for future subdivision phases. Staff recommends that the final plat better illustrate Phase 5A3’s proximity to the overall boundary and the conservation area along Parker’s Creek and any other adjacent conservation area.

Roadways: Roadways within Phase 5A3 will be private, with a 50 foot wide right-of-way. The roadways will be paved to the NCDOT standards, but not reviewed and approved by NCDOT. Per Note 12 on the preliminary plat, the roads will be privately maintained by the Legacy at Jordan Lake, HOA.

Permits: Other agency permits as required for preliminary plat submittal have been received as follows:

Chatham County Environmental Quality Department – Watershed Protection Division	Erosion Control Permit	October 25, 2017
NCDWR	Water System Distribution Extension	November 20, 2017
NCDWR	Authorization to Construct	November 20, 2017
NCDWR	Wastewater Collection System Extension	February 9, 2018

Copies of the permits can be viewed on the Planning Department webpage at www.chathamnc.org/planning Rezoning and Subdivision Cases, 2018. This project predates the Chatham County Stormwater Ordinance; however, the 2005 CUP stated that “a stormwater management plan shall be approved by the County prior to issuance of a Zoning Determination Permit, and the developer is required to provide the County with final plans and an impervious surface calculation sheet. The developer shall construct storm water management control measures sufficient to serve the project area prior to issuance of a

Certificate of Occupancy". The plan for Phase 5A3 was submitted to Brian Burkhardt, PE, Chatham County Environmental Quality Director for review. Per Mr. Burkhardt, "Based on the information submitted, the existing pond is sufficiently sized to treat the stormwater runoff from Phase 5A3 based on the ½" storm."

Mark Ashness, P. E., CE Group, engineer for the developer, has provided the following information regarding stormwater management for The Legacy at Jordan Lake:

The Legacy was submitted in 2005 and predated the County Stormwater regulations.

The applicant voluntarily provided the following at that time:

1. Additional 50' (100' each side) voluntary buffer on all blue line streams.
2. **For portions of the project within the Jordan Lake Critical Area** (this is a very small area near Big Woods Road) Treat for the 1YR 24 Hour Storm.

Phase 53A is not located within the Critical Area watershed.

Water/Sewer: the development is served by county water and a private waste water treatment plant. The developer has placed the Certificate of Water Easement on both Sheets 1 & 2 as required by Chatham County Utilities. The certificate on Sheet 1 has incorrect road names. Staff recommends the certificate be corrected on the final plat to state the correct road name, Hidden Bluff Drive.

Historical / Archeological: Per the engineer, there are no cemeteries or historical structures, i.e. buildings, chimneys, fences, etc, 50 years or older located in Phase 5A3.

Road Names: The Emergency Operations Office has approved the road name *Hidden Bluff Drive* for submittal to the Board of Commissioners for approval.

Conditional Use Permit Stipulations: See attachment # 2.

Water Features: Phase 5A3 is adjacent to Parker's Creek. The area adjacent to Parker's Creek is owned by F-L Legacy and is in a conservation area (Area B). Parker's Creek is not part of Phase 5A3.

Fire Marshal Review: The Fire Marshal has reviewed the plans for Phase 5A3 regarding access for emergency vehicles and found the plans acceptable based on road widths. The development is a gated community and the fire department has been provided access if the gate is locked.

Technical Review Committee: The TRC met on February 14, 2018 to review the plans for Phase 5A3. There were no concerns from staff.

Comprehensive Plan: The property is located in an area designated as Compact Residential. The designation is based on the existing approved Planned Unit Development for a cluster development.

The plat meets the requirements of the Subdivision Regulations for preliminary plat review.

Recommendation: The Planning Department recommends granting approval of the road name, Hidden Bluffs Drive, and granting approval of the subdivision Preliminary Plat of **The Legacy at Jordan Lake – Phase 5A3** with the follow two conditions:

1. The final plat shall better illustrate Phase 5A3's proximity to the overall boundary and the conservation area along Parker's Creek and any other adjacent conservation area.
2. The Certificate of Water Easement on Sheet 1 be corrected to state the correct road name, Hidden Bluff Drive.