



## Chatham County Planning Board Agenda Notes

**Date:** June 5, 2018

**Agenda Item:** VII-1     **Attachment #:** 2

- Subdivision**           
  **Conditional Use Permit**           
  **Rezoning Request**  
 **Other:**

<b>Subject:</b>	Request by F-L Legacy Owner, LLC for subdivision Final Plat approval of <b>The Legacy at Jordan Lake Portion of 4A2</b> consisting of 14 lots on 3.883 acres, located off SR-1716, Big Woods Road, parcel 92463
<b>Action Requested:</b>	See Recommendation
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Major Subdivision Application</li> <li>2. Final Plat titled "The Legacy at Jordan Lake – Tract 2B Subdivision Plat, Portion of Phase 4A2, prepared by CE Group, dated April 25, 2018.</li> </ol>

**Introduction & Background:**  
**Zoning:** R1 with a 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 4A2  
**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 received final plat approval. *As part of a 2014 CUP revision, the final plat sunset date for all phases is December 31, 2020.* The Phase 4A2 layout conforms to the revision to the CUP approved in 2014.

**Discussion & Analysis:**

Phase 4A2 received preliminary plat approval on September 18, 2017 for 43 lots. The request before the Board is for final plat approval of a portion of The Legacy, Phase 4A2, consisting of 14 lots on 3.883 acres with a financial guarantee for completion of the remaining infrastructure. The pre-2008 Subdivision Regulations allow a final plat to be submitted with a financial guarantee when a minimum of 40% of the total cost of improvements have been completed and when the public health and/or safety will not be endangered. Mark Ashness, P. E., CE Group, Inc. has certified in a cost estimate letter dated May 11, 2018 that 64% of the required infrastructure has been completed and that the roads are graded and stoned and accessible to emergency vehicles. The cost letter states that the developer anticipates the roads to be paved prior to final plat recordation. An updated cost letter may be submitted if additional work has been completed prior to recordation of the final plat to reduce the amount of the financial guarantee. The county attorney will review and approve the form of the contract and financial guarantee.

The roadways in The Legacy are private and to be constructed to meet NCDOT's Standards and Specifications, but not reviewed or approved by NCDOT. A third party testing agency has been retained to provide testing and certification. Those records will then be provided to the Homeowners Association. Per Note 12 on the plat, maintenance of the private roads is the sole responsibility of The Legacy at Jordan Lake HOA, Inc.

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.
3. **For portions of the project within the Jordan Lake Protected Area** Capture the equivalent volume of runoff equal to the 1<sup>st</sup> 1/2" of runoff from impervious areas and detain and release slowly over a 2-5 day period.

Capturing the 1<sup>st</sup> ½ inch is consistent of what other PUD projects proposed at that time. The additional 50' buffer on each side of stream and treating the 1 YR 24 Hour Storm (within the critical area) were proffers that were above and beyond what other projects were doing in 2005.

The Technical Review Committee met on May 16, 2018 to review the request for final plat. 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.

**Recommendation:**

The Planning Department recommends granting approval of the final plat titled "The Legacy at Jordan Lake – Tract 2B, Subdivision Plat, Phase 4A2" with the following conditions:

1. The county attorney shall review and approve the contract and financial guarantee prior to final plat recordation.
2. The final plat shall not be recorded until the engineer has certified that the roadway providing access to the parcels are accessible to emergency vehicles.