



CE GROUP

301 GLENWOOD AVENUE, SUITE 220

RALEIGH, NC 27603

Phone: (919) 367-8790

E-Mail: mitch@cegroupinc.com

October 19, 2018

Mrs. Diana Hales
Chair
Chatham County Board of Commissioners
9 East Street
Pittsboro, NC 27312

RE: The Legacy at Jordan Lake Phase 4A2B

Dear Mrs. Hales and Members of the Board:

On Tuesday October 2, 2018, Freehold Communities and the CE Group, Inc. presented the Final Plat for the Legacy at Jordan Lake – Phase 4A2B before the Chatham County Planning Board. Although the Planning Staff concluded that the Final Plat conforms to the Preliminary Plat, already approved by the Board of Commissioners, and meets the requirements of the Subdivision Regulations and recommended approval of the Final Plat, the Planning Board recommended against approval. The two main concerns were development on steep slopes within the phase as well as stormwater due to the close proximity of the development to Jordan Lake.

Background – The Legacy at Jordan Lake was originally approved by the Board of County Commissioners on March 15, 2004 as a Planned Unit Development. In 2005, the Owners of the property at the time voluntarily provided 100' buffers on all streams requiring buffers within the Protected Area of the Jordan Lake watershed. At the time, the Chatham County and State of North Carolina requirement was 50' on either side of the top of bank of a stream within the Protected Area and 100' for a stream within the Critical Area. Sometime, well before the 2008 stormwater regulations were enacted, the Owners of the development voluntarily agreed to provide stormwater management facilities consistent with the regulation at the time for non-residential projects. The Chatham County nor the State of North Carolina requirement for low density residential projects did not exist at the time. The non-residential requirement was to draw down the ½" storm in a period of 2-5 days.

Steep Slopes – The current Chatham County Erosion and Sedimentation Control Ordinance states the following:

§ 164.06 SLOPE STANDARDS.

(A) The county's GIS data shall be used to determine and indicate where steep, moderate and gradual slopes exist on a slopes map. Where the accuracy of these data is in question by the applicant, an on-site topographic survey may be provided to the county by a state registered land surveyor or a professional engineer licensed by the state to demonstrate compliance with this section. The county GIS map or on-site topographic survey must be submitted with the initial erosion and sedimentation control plan or prior to obtaining a residential lot disturbance permit pursuant to § 164.13.

(B) All land-disturbing activity for which an erosion and sedimentation control plan has not been approved prior to December 2, 2008 that requires a plan or a residential lot disturbance permit must meet the following slope standards.

(1) Steep slopes.

(a) No land-disturbing activity in excess of 5,000 square feet shall occur on any steep slope, except to the extent it is necessary and otherwise permitted by state law to be used for septic system needs, or for roadway crossings or

(b) utilities, where no practicable alternative exists; provided, however, that this limitation shall not apply to subdivision lots which have sketch, preliminary or final approval prior to December 2, 2008.

(b) All land-disturbing activity that will be permitted within areas of steep slopes as defined by this chapter and identified on the county GIS map must include the following standards on the erosion and sedimentation control plan and all sitework must conform to these standards.

Per the above section of the Erosion and Sediment Control Ordinance and the attached email from the Watershed Protection Director, Phase 4A2B is not required to adhere to this portion of the Ordinance.

However, included in this packet is an exhibit that shows the areas of steep slopes in relation to Phase 4A2B. As you can see, from this exhibit, the area of steep slopes that were affected by this development comprised an isolated 3% of the total area that was cleared and graded during the development of this phase. The steep slope information shown on this exhibit was sent to the CE Group by the Chatham County GIS Manager.

Stormwater – The voluntary stormwater controls on this project have been designed to capture concentrated flows from all roadways and lots draining to the roads. There are lots within each phase that are situated below the road grade and cannot drain to the roadway system. In those instances, runoff from driveway and roof surfaces are discharged in a sheet flow condition into grassed areas within back yards. This technique is referred to as disconnected runoff. Ultimately this sheet flow runoff (from individual lots) is conveyed across open space and through buffers into existing streams as a non-concentrated flow. The purpose of the undisturbed buffer is to treat areas of non-concentrated flow.

The stormwater ponds have been sized to overtreat the watershed, taking into account the impervious coverage of the entire phase, regardless of whether the runoff actually is directed to the water quality measure.

This approach of over treating and use of disconnected runoff is consistent with all subdivision projects in Chatham County including those subject to the current stormwater regulations.

As the County Planning Staff has found, and as was not disputed at the Planning Board, the Final Plat for Phase 4A2B is consistent with the approved preliminary plat and satisfies the requirements of the Subdivision Regulations. The development of the phase in reliance on the approved preliminary plat is nearly complete. We hope that you find the above information useful in making your determination to approve this Final Plat.

Respectfully Submitted,
CE Group, Inc.



Mitch Craig, PE
Principal/Project Manager

Attachments:

1. Email from Rachael Thorne (Watershed Protection Director) – 10/11/2018
2. Steep Slopes Exhibit
3. Drainage Area Exhibit (All of Phase 4A)
4. Drainage Area Exhibit (WQ Pond 4A-1)
5. PUD Approval (Original – 03/16/2004)

Mitch Craig

From: Rachael Thorn <rachael.thorn@chathamnc.org>
Sent: Thursday, October 11, 2018 10:53 AM
To: Jason Sullivan; Mitch Craig
Cc: Andrew Smith; Mike McCollum; Mark Ashness; Kimberly Tyson; Lynn Richardson; Patrick Bradshaw
Subject: RE: The Legacy: Submittal Discussion

To recap the portion of our discussion regarding stormwater:

- This project is exempt from Chatham County Stormwater Ordinance
- The approval of this project also occurred prior to Post-Construction Stormwater requirements from the state for Phase II "Tipped" communities so no state component is involved
- The only requirements for stormwater are those established within the CUP
- This project is also exempt from the Steep Slopes provision of the Soil Erosion and Sedimentation Control Ordinance but not from other erosion control requirements

Thanks,
Rachael Thorn
Watershed Protection Director
Chatham County
Office: (919) 545-8343

In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying.

From: Jason Sullivan
Sent: Wednesday, October 10, 2018 4:15 PM
To: Mitch Craig <mitch@CEGROUPOINC.COM>
Cc: Andrew Smith <ats@freeholdcommunities.com>; Mike McCollum <mkm@freeholdcommunities.com>; Mark Ashness <mark@CEGROUPOINC.COM>; Kimberly Tyson <kimberly.tyson@chathamnc.org>; Rachael Thorn <rachael.thorn@chathamnc.org>; Lynn Richardson <lynn.richardson@chathamnc.org>; Patrick Bradshaw <bradshaw@bradshawrobinson.com>
Subject: RE: The Legacy: Submittal Discussion

Mitch,
The attached email has a link to the slopes data for your use. Please let me know if you have any questions.

Jason Sullivan
Planning Director
Chatham County
P.O. Box 54
80-A East St.
Pittsboro, NC 27312
Office: 919/542-8233
Fax: 919/542-2698

www.chathamnc.org/planning

Please let us know how we are doing by completing a short survey – [click here](#)

In keeping with the NC Records Law, emails, including attachments, may be released to others upon request for inspection and copying.

From: Mitch Craig [<mailto:mitch@CEGROUPINC.COM>]

Sent: Wednesday, October 3, 2018 1:41 PM

To: Jason Sullivan <jason.sullivan@chathamnc.org>

Cc: Andrew Smith <ats@freeholdcommunities.com>; Mike McCollum <mkm@freeholdcommunities.com>; Mark Ashness <mark@CEGROUPINC.COM>

Subject: The Legacy: Submittal Discussion

Jason,

I hope that you are doing well. I appreciate your input last night at the Planning Board meeting regarding Phase 4A2B. My client, Andy Smith, will be in town next Tuesday October 9th and we would like to set up a meeting with you to ask some questions regarding the remainder of development of the subdivision. Would you have time from 3:00 to 4:00 pm to meet with us?

Thanks,
Mitch

MITCH CRAIG, PE
PRINCIPAL | PROJECT MANAGER



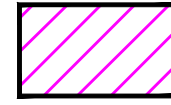
301 Glenwood Avenue, Suite 220
Raleigh, NC 27603
Phone: (919) 367-8790 ext.108
Cell: (919) 218-0990
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US Green Building Council Member

STEEP SLOPES IN PHASE 4A2B

3%



SLOPES IN EXCESS OF 25% THAT WERE AFFECTED BY CLEARING/GRADING



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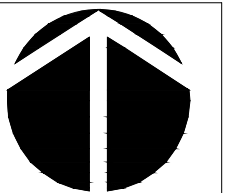
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THE LEGACY AT JORDAN LAKE

PHASE 4A2B

STEEP SLOPES EXHIBIT

10/19/2018



PHASE 4 LIMITS OF DISTURBANCE (43.01 ACRES)

AMENITY CENTER/ PAR 3

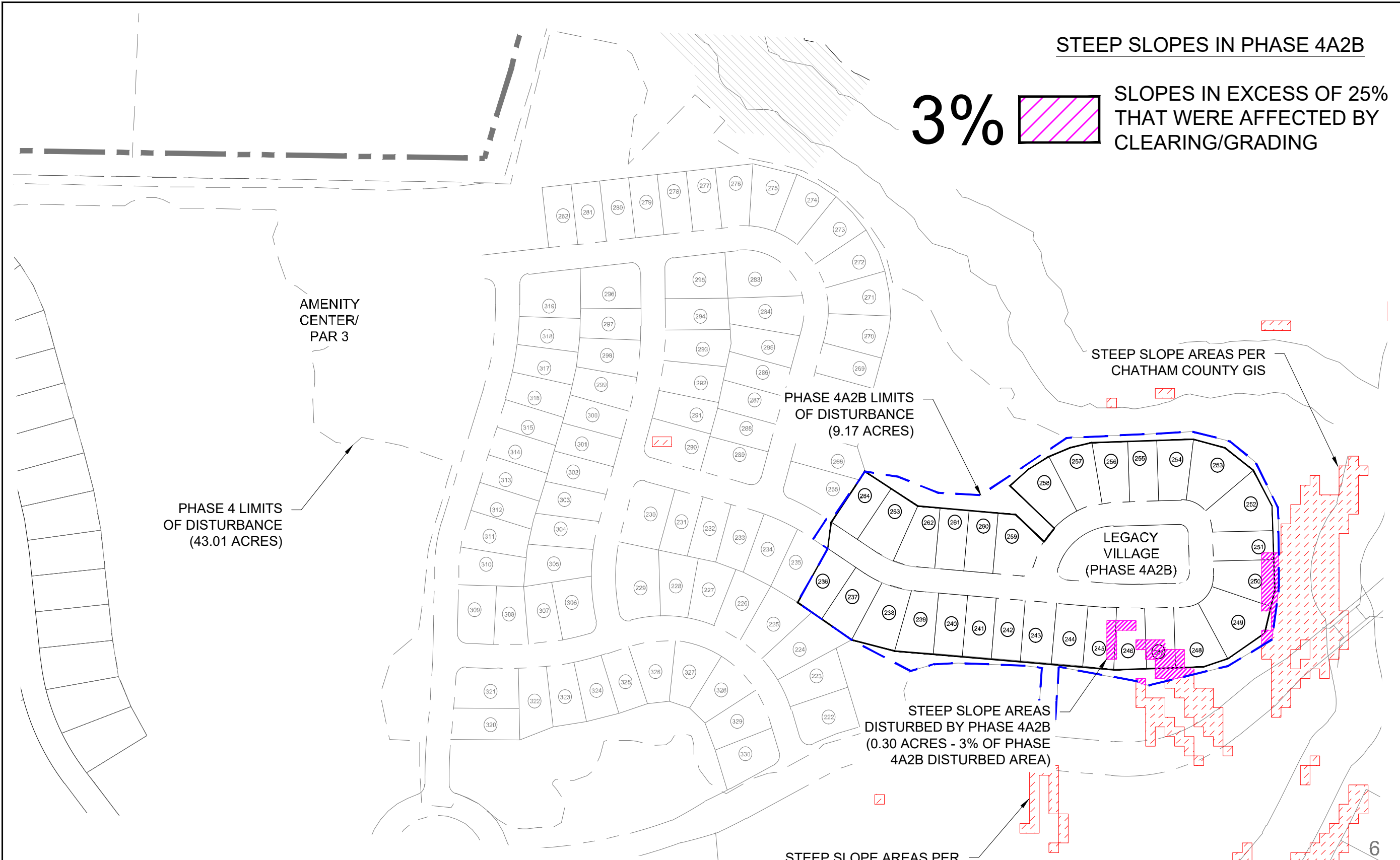
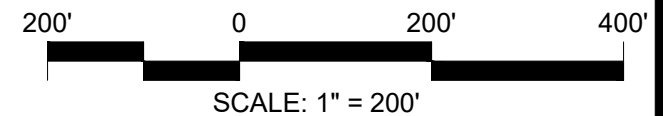
PHASE 4A2B LIMITS OF DISTURBANCE (9.17 ACRES)

STEEP SLOPE AREAS PER CHATHAM COUNTY GIS

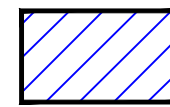
LEGACY VILLAGE (PHASE 4A2B)

STEEP SLOPE AREAS DISTURBED BY PHASE 4A2B (0.30 ACRES - 3% OF PHASE 4A2B DISTURBED AREA)

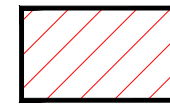
STEEP SLOPE AREAS PER CHATHAM COUNTY GIS



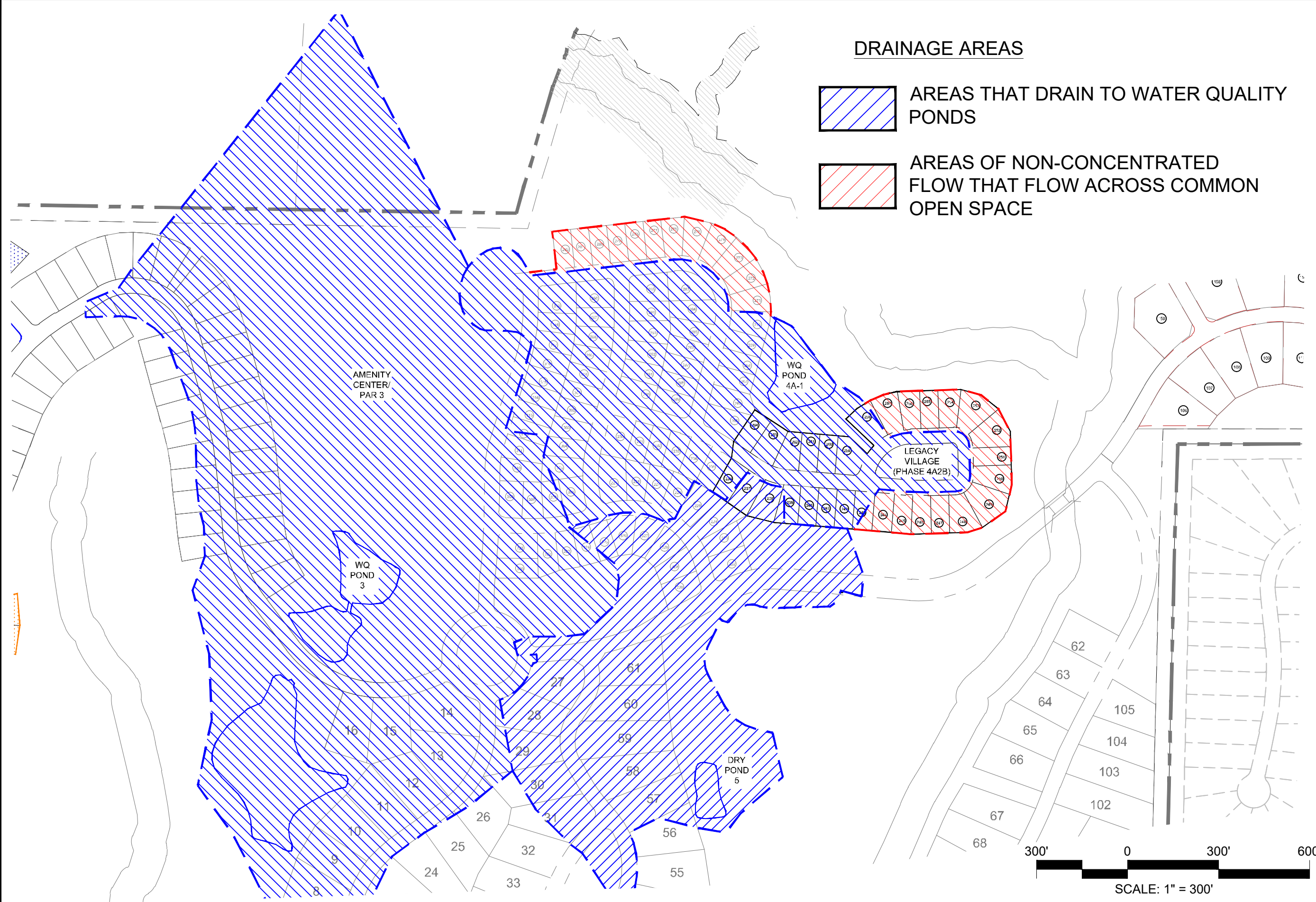
DRAINAGE AREAS



AREAS THAT DRAIN TO WATER QUALITY PONDS



AREAS OF NON-CONCENTRATED FLOW THAT FLOW ACROSS COMMON OPEN SPACE



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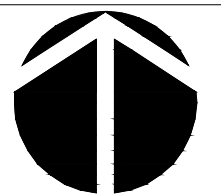
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**THE LEGACY AT JORDAN LAKE
PHASE 4A**

DRAINAGE AREA EXHIBIT (PHASE 4A)

10/19/2018





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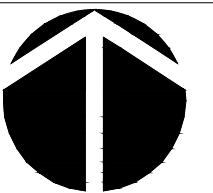
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THE LEGACY AT JORDAN LAKE

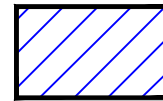
PHASE 4A2B

DRAINAGE AREA EXHIBIT (WQ POND 4A-1)

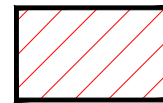
10/19/2018



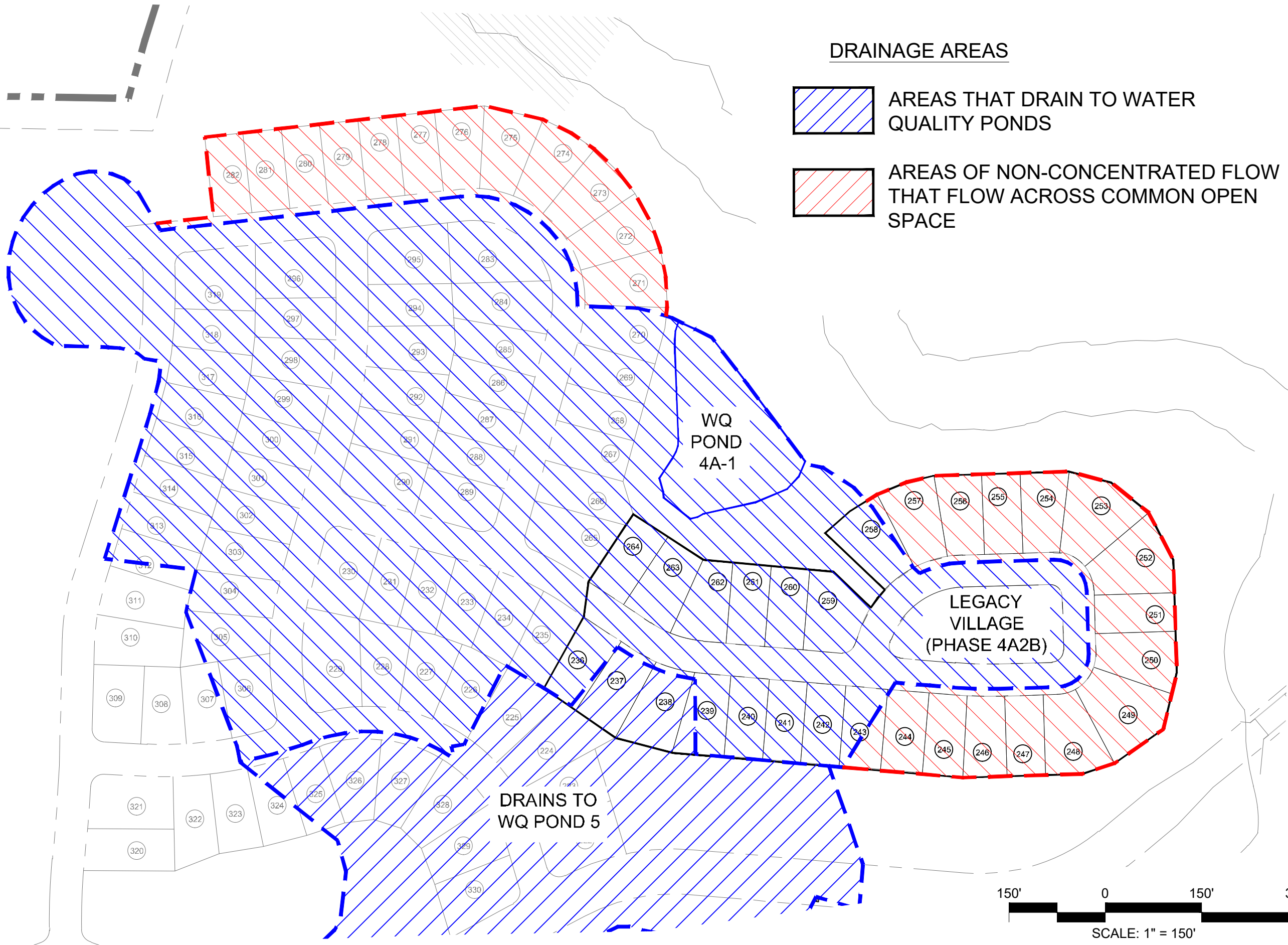
DRAINAGE AREAS



AREAS THAT DRAIN TO WATER QUALITY PONDS



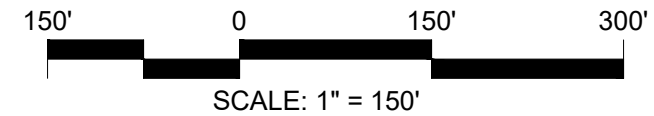
AREAS OF NON-CONCENTRATED FLOW THAT FLOW ACROSS COMMON OPEN SPACE



DRAINS TO
WQ POND 5

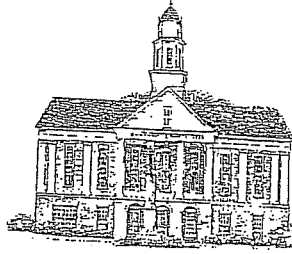
WQ
POND
4A-1

LEGACY
VILLAGE
(PHASE 4A2B)



COUNTY OF CHATHAM

PLANNING DEPARTMENT
POST OFFICE BOX 54
PITTSBORO, N. C. 27312-0054



PHONE: 919-542-8204
FAX: 919-542-0527
email: keith.megginson@ncmail.net

ORGANIZED 1770

707 SQUARE MILES

March 16, 2004

Mark Ashness and/or Cynthia Sax Perry
PO Box 147
Pittsboro, NC 27312

Dear Mr. Ashness and Ms. Perry:

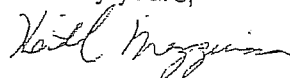
During their regular meeting March 15, 2004, the Chatham County Board of Commissioners considered your request as described below:

Request by Mark Ashness and/or Cynthia Sax Perry on behalf of Jordan Lake, LLC and Holland and Rebecca Gaines for a zoning approval of a RA-40 District with a Conditional Use Permit for a Planned Unit Development, "The Homestead at Jordan Lake", consisting of 475 residential units, fitness facility and community / institutional use on approximately 577 acres, off Big Woods Road [S.R. 1716], in Williams and New Hope Townships.

After considering your written request, comments received at the public hearing, and recommendations of the Planning Department and Planning Board, the Board of Commissioners approved your request. Please see attached, "An Ordinance Amending The Zoning Ordinance Of Chatham County", and "A Resolution Approving An Application For A Conditional Use Permit For Jordan Lake, LLC And Holland And Rebecca Gaines", reflecting the Board of Commissioners approval of your request March 15, 2004.

Minutes of the meeting are available from Ms. Sandra Sublett, Clerk to the Board of County Commissioners, at 542-8200. If you have any questions about the Board's action or would like to discuss uses of your land, please call me at 542-8205.

Sincerely yours,



Keith Megginson
Planning Director
Chatham County

Attachments (2)

C: Jordan Lake, L.L.C. and Holland and Rebecca Gaines
PO Box 204
Goldston, NC 27252

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF CHATHAM COUNTY

WHEREAS, the Chatham County Board of Commissioners has considered the application of Jordan Lake, LLC and Holland and Rebecca Gaines to amend the zoning map of Chatham County to rezone the property described below from RA-5 to RA-40 and finds that the amendment is consistent with the Land Conservation and Development Plan for Chatham County and

WHEREAS, the Board finds that all uses allowed would be suitable for the property proposed for rezoning;

BE IT ORDAINED by the Board of Commissioners of Chatham County as follows:

1. That the property described in section entitled Community Summary in the Application for Conditional Use Permit, Planned Unit Development, Chatham County, North Carolina, The Homestead at Jordan Lake attached hereto and incorporated herein by reference and generally referred to as being 578 acres and located off Big Woods Road (SR-1716), 1.3 miles north of U. S. Highway 64 be rezoned from RA-5 to RA-40.
2. This ordinance shall become effective upon its adoption.

Adopted this 15th day of March, 2004.

CHATHAM COUNTY BOARD OF COMMISSIONERS

By: Thomas J. Emerson
Chairman

ATTEST:

Dandra B. Dobbins, CMC
Clerk

A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT
FOR JORDAN LAKE, LLC AND HOLLAND AND REBECCA GAINES

WHEREAS, Jordan Lake, LLC and Holland and Rebecca Gaines have applied to Chatham County for a conditional use permit for a certain tract or parcel of land containing approximately 578 acres located off Big Woods Road (SR-1716), 1.3 miles north of U. S. Highway 64 (Parcel #'s 19350, 17378, 76026, 19331, and 19365) for use as a Planned Unit Development for residential uses approved by the rezoning amendment adopted this date; and

WHEREAS the Chatham County Board of Commissioners hereby make the five findings as listed below:

1. The use requested are among those listed as eligible conditional uses in the district in which the subject property is located or is to be located.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare.
3. The requested 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.
4. The requested permit will be consistent with the objectives of the Land Development Plan.
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.

NOW, THEREFORE, BE IT RESOLVED BY THE CHATHAM COUNTY BOARD OF COMMISSIONERS as follows:

That a Conditional Use Permit be, and it hereby is, approved for the reasons hereinabove stated subject to the additional stipulations and conditions set forth hereinafter; and

BE IT RESOLVED FURTHER that the Chatham County Board of Commissioners hereby approves the application for the conditional use permit in accordance with the plan of The Homestead dated October 20, 2003 attached hereto and incorporated herein by reference with specific conditions as listed below:

1. The development shall provide public utility access to adjacent undeveloped properties by rights of way to the adjoining boundary and in accordance with the County's existing subdivision regulations. The exact locations shall be determined prior to preliminary subdivision plat approval, but shall include consideration of the lands of Swan, Seymour, Deloach, Corn, Burnette, Hayes, and McLean.

Corp denied access off Big Woods to 'Institutional' tract. See letter dated 6-28-25

2. The tract identified as "Community/Institutional" shall not be used for uses prohibited by the County's watershed regulations.

3. A detailed site plan shall be approved by the county prior to issuance of a certificate of zoning compliance for any multi-family or non-residential use. Such site plans shall include details of all proposed improvements, including, but not limited to, streets and pedestrian access, buffers and landscape plans, lighting, utilities, storm water with hydraulic calculations, watershed protection with calculations, wastewater collection and treatment systems, water supply and distribution systems providing adequate fire flow, and solid waste collection systems. All plans for utilities shall be approved by the respective agencies with jurisdiction prior to preliminary plat approval.

4. There shall be utility access easements to the properties listed above in number 2 as well as to The Preserve near the location of lots 113 and 114 and the proposed road connection with The Preserve.

5. There shall be a minimum 100-foot buffer along the lands of Corn and Burnette.

6. Off-site road improvements to Big Woods Road as recommended in the letter from Jason B. Clapp with Ramey Kemp and Associates dated October 16, 2003 attached hereto shall be constructed and installed prior to final subdivision plat approval of the first phase of the development. All required State and Federal permits for the developments shall be obtained prior to preliminary plat approval.

7. The lighting within the development shall conform to all provisions of the recommended county lighting guidelines dated September 2, 2003.

8. Storm water management within the watershed critical area shall comply with the provisions of a memorandum from Mark Ashness to Keith Megginson dated December 30, 2003 attached hereto.

9. An environmental impact assessment shall be required prior to preliminary plat approval.

10. There shall be a reduction within the WS IV Critical Area by 21 lots.

Continued Validity. The continued validity and effectiveness of this approval is expressly conditioned upon the continued compliance with the plans and conditions listed above.

Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

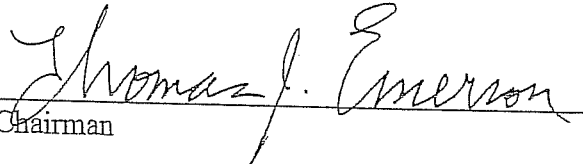
Non-Waiver. Nothing contained herein shall be deemed to waive any discretion on the part of Chatham County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

BE IT FURTHER RESOLVED that the Board of Commissioners of the County of Chatham hereby approves the application for a conditional use permit in accordance with the plans and conditions listed above.

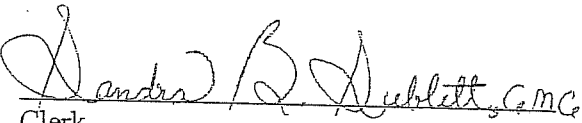
This 15th day of March, 2004.

CHATHAM COUNTY
BOARD OF COMMISSIONERS

By:


Chairman

ATTEST:


Clerk