



## Chatham County Planning Board Agenda Notes

**Date:** October 1, 2019

**Agenda Item:** VIII-2

**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 – Phase 4A3</b> , consisting of 34 lots on 8.38 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 – Phase 4A3 Subdivision Plat – Portion of Tract 2A &amp; 2B”, dated May 15, 2019, prepared by CE Group, Inc.</li> </ol>

**Introduction & Background:**  
**Zoning:** R-1 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 4A3  
**Reviewed:** Under the 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 acres 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. 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, Phase Two and Three is recorded in Deed 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 307 lots have received final plat approval. 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 completion date for the entire project is December 31, 2020.*

**Discussion & Analysis:**

The request before the Board is for final plat approval of The Legacy, Phase 4A3 consisting of 34 lots on 8.38 acres with a financial guarantee. Phase 4A3 received preliminary plat approval from the Board of Commissioners on April 15, 2019. The final plat conforms to the approved preliminary plat. 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 improvement have been completed and when the public health and/or safety will not be endangered. Mitch Craig, PE, CE Group, submitted a cost letter with the final plat submittal certifying that 40% of the required infrastructure has been completed; that all roadways are private and will be constructed to NCDOT standards; and that the roadways are accessible to emergency vehicles. 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. Per Note 13 the maintenance of all park, common and meadow areas are the sole responsibility of The Legacy at Jordan Lake HOA, Inc.

The Technical Review Committee met on September 11, 2019 to review the request. Bev Wiggins with Chatham County Historical Association wanted to know if the developer had coordinates of the Haw River Cemetery. There's a possibility the cemetery is located near the boundary of Legacy. Staff had no concerns or questions.

After the TRC meeting the developer contacted Ms. Wiggins with coordinates of the Haw River Cemetery. The Haw River Cemetery is located on adjacent property north of the proposed project. The developer show the cemetery on the cover sheet.

The submittal meets the requirements of the Subdivision Regulations.

**Recommendation:** The Planning Department recommends granting final plat approval of **The Legacy at Jordan Phase 4A3** with the following condition:

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.