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Vote on a request by Patrick Bradshaw for a **twenty-four (24) month extension of preliminary plat to extend the current preliminary plat expiration date for The Legacy at Jordan Lake Subdivision Phase 3 from May 31, 2021 to May 31, 2023, consisting of 69 remaining lots**, located off Big Woods Road, S. R. 1716, Williams Township, parcels #92463 and 89438.

..ABSTRACT

Action Requested:

Vote on a request by Patrick Bradshaw for a **twenty-four (24) month extension of preliminary plat to extend the current preliminary plat expiration date for The Legacy at Jordan Lake Subdivision Phase 3 from May 31, 2021 to May 31, 2023, consisting of 69 remaining lots**, located off Big Woods Road, S. R. 1716, Williams Township, parcels #92463 and 89438.

Introduction & Background:

Zoning District : R1 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 parcels 89438 and 92463

This subdivision is review under the Pre-2008 Subdivision Regulations. The Legacy at Jordan Lake received Sketch Plan approval 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 334 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. The current preliminary plan for the

remaining 69 lots will expire on May 31, 2021 unless an extension request is approved by the Board of Commissioners. If the current preliminary plat expires, any future development of the property will be reviewed and approved under the current Subdivision Regulation.

Discussion & Analysis:

The previous deadline for submission of the final plat was December 31, 2020. That time was extended by the adoption of Senate Bill 704, adopted by the General Assembly and approved by the Governor in response to COVID-19 crisis, for five months to May 31, 2021. The request before the Board is for a twenty-four month extension of preliminary plat to extend the preliminary plat expiration date from May 31, 2021 to May 31, 2023. The developer, F-L Legacy Owner, LLC, has stated in the extension request letter, the reason for the extension request is based on lot sales to homebuilders and consumers, the sales have rapidly ground to a halt. To complete the infrastructure development necessary to finalize 69 lots, by May 2021 would impose a financial hardship. If the extension request is granted, it will give the developer a reasonable opportunity to weather the current difficulties and find a market for the remaining 69 lots.

Phase 3 preliminary plat was approved by Board of Commissioners on January 21, 2020. All required permits have been obtained and can be reviewed on Chatham County Planning page <https://www.chathamnc.org/government/departments-programs/planning/rezonings-subdivision-cases/2019-items/legacy-phase-3-preliminary-plat>

Planning Board Discussion

The Planning Board reviewed the application during their July 7, 2020 meeting. Planning Board discussion included questions regarding what would be the difference between the Pre-'08 approval and resubmitting under current regulations, if one inch runoff can be treated instead of the current half inch runoff, and why the project cannot be completed by the Governor's Executive Extension Order of May 31, 2021. Patrick Bradshaw, Attorney and Andy Smith, Developer were present during the virtual meeting. Staff explained the difference between Pre-'08 Subdivision Regulations and the current regulations. If the subdivision sunset date expires with lots that have not received final approval, the remaining lots will be reviewed under the current four step process in the currently approved regulations. Mr. Smith expressed that he didn't want to start clearing, building the roads and lots, and then the lots sit for years waiting on a buyer. Mr. Smith stated he feels that would be an erosion control issue and would constantly be on the site fixing things. He also said they are asking to not allow the last 69 lots on the preliminary plat to expire and would like to start construction at a later time. Mr. Bradshaw explained if the last 69 lots cannot be developed it will be a

hardship to the other lot owners in the community. This community has substantial private infrastructure such as roads, club house, gym, swimming pool, and golf course that all need to be maintained. Although there is not a buyer for these lots now, in the long run the community really needs these lots to be completed and sold.

Mr. Smith explained they have reduced the impervious surface from 100' wide lots to 75' wide lots and shortened the road by hundreds of feet. Economically, they cannot make the ponds the right size for 1" runoff.

With the COVID-19 pandemic Mr. Smith doesn't know what this crisis is going to be and he doesn't want to go back yearly and ask for extensions. He wants to get it developed and sold to homeowners as fast as possible, but he doesn't want to come to the Commissioners every year asking for more time because the lots aren't selling. Two years is being asked because they are hopeful for a vaccine for the virus and people will become comfortable buying houses again. But, he doesn't know when the vaccine will be available or when people will start buying homes again. Mr. Bradshaw stated it becomes uneconomic to develop these remaining lots either because it doesn't make sense to do it right now or because it can't be done under different regulations, it will make a real hardship for the other lot owners in this community.

Planning Board discussion included that the development has been approved since 2004; that the Legislature has approved multiple permit extension acts that have benefited this project; that the Commissioners updated the subdivision regulations in 2008; that the development is not subject to the county storm water program; and that they appreciate the developer's situation. The Planning Board, by unanimous vote (8-0), recommends denial of the extension request.

How does this relate to the Comprehensive Plan: n/a

Recommendation:

The Planning Department is not making a recommendation on the request as this is a policy decision to be made by the Board of County Commissioners. The Planning Board recommends denial by unanimous vote.