

..TITLE

Vote to approve a request by Mark Ashness, P.E. on behalf of Conservancy Real Estate Group, LLC for subdivision **First Plat Amendment** (extension), **Road Name, and Right-of-Way Extension** approval and review and approval of **Conservancy at Jordan Lake**, consisting of 1524 lots on 1,262.9 acres, located off Old US Hwy 1 parcels #62390, 5774, 5775, 5780, 5233, 60441, 65275, 85343, 65274, 85344, 5558, 5238, 68379, 5570, 85342, 5504, 5211, 5569, 85341, 5519, 85340, 85346, 85347, 5551, 69379, 85339, 5545, 5559, 5502, 5568 in Cape Fear Township.

..ABSTRACT

Action Requested:

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Introduction & Background:

Zoning: R-1
Water System: Public, County Water
Sewer System: Proposed Private Wastewater Treatment Plant
Subject to 100-year flood: Special flood hazard area is located within a portion of the development adjacent to Shaddox Creek.

General Information: The subdivision process is a four (4) step process: Concept Plan, First Plat, Construction Plan, and Final Plat. The applicant has completed the Concept Plan review and First Plat approval. The Board of Commissioners approved “Conservancy at Jordan Lake” consisting of public rights-of-way with 1,524 lots (1,521 lots residential, 1 private wastewater treatment plant, 2 amenities lot) on 1,262.9 acres on March 21, 2022. A development schedule was approved for “Conservancy at Jordan Lake” during First Plat approval. Planning Board reviewed Estates at Finley Farm (formerly Conservancy at Jordan Lake) consisting of 45 lots on May 2, 2023, but developer withdrew the submittal prior to the project being presented to Board of Commissioners in June 2023.

Section 5.2 C (6) “Approval of a First Plat shall be valid for a period of twelve (12) months following the date of approval by the Board of Commissioner. Approval shall remain valid provided the Construction Plan application is submitted during the time period. A one-year extension may be granted if the application demonstrates that delays beyond their control are responsible for the lapse and have the extension submitted and reviewed following the process outlined in Section 5.2(D) 4 prior to the expiration of approval...The first phase subdivision must submit Construction Plans within two (2) years of the approval for First Plat.”

Phase 1 construction plan approval for 322 lots will expire on March 21, 2024, unless the Board of Commissioners approves an extension/modification request. (note: this

has now been extended to March 21, 2025 through the adoption of recent amendments to the Subdivision Regulations at the request of the applicant)

Discussion & Analysis:

The request is for an amendment of the First Plat, to revise the public rights-of-way to private rights-of-way, widen the right-of-way, extend the Construction Plan submittal date, and to receive road name approval.

Roadways: The roadways were approved for a 50' wide public right-of-way. The right-of-way will be increased to 60' wide right-of-way. The public right-of-way is proposed to be converted to private right-of-way and shall follow Section 7.2 D (2) (3) (4) in the Subdivision Regulations.

Extension Request: Section 5.2 (D) 4 states "The first phase subdivision must submit Construction Plan within two (2) years of the approval for First Plat." The deadline to submit for construction plan is March 21, 2024, the request is for six (6) months extension with a deadline of September 21, 2024. Per the cover letter it states, "Chatham County's standard timeline for all subdivision projects is (24) months for submission of Construction Drawings. For smaller to mid-size projects this is a reasonable time frame. For larger projects with significant on-site and off-site infrastructure; additional time is likely required."

Road Names: Road names were approved at First Plat. When the Estates at Finley Farm first plat was submitted, Emergency Operations released all remaining road names. The road names Adelaide Circle, Ellerston Place, Crystal Downs Lane, Oakland Hills Avenue, Starmount Forest Drive, Lahinch Lane, Somerset Hills Court, Bakers Bay Lane, Ballyneal Drive, Ganton Circle, Carnoustie Court, Saint Andrews Loop, Rock Barn Circle, Sand Hill Court, Muirfield Circle, Kingsbarns Court, Kingston Heath, Pine Needles Lane, Melbourne Trail, Hope Valley Circle, Winged Foot Drive, Sunningdale Circle, Myers Park Trail, Kiawah Circle, Prairie Dunes, Riviera Place, Bandon Dunes Trail, Valderrama Drive, W. Sussex Place, Sawgrass Pond Lane, Royal Birkdale Lane, Mid Pines Place, Swinley Forest Drive, Bethpage Circle, Old Town Court, Wintergreen Court, Victoria Pines Drive, Pine Valley Lane, Woodhall Lane, Cabot Links, Friars Head Place, Shoreacres Drive, Winding Bay Drive, and Whistling Straits Way have been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval.

Timbering: On September 21, 2023, planning staff received a call about timbering on parcels within the Conservancy at Jordan Lake boundaries. Staff investigated and discovered the property within the boundaries of Conservancy at Jordan Lake had indeed been timbered and was actively being timbered during the investigation. Planning staff have reached out to the County Attorney to determine what effect this activity has on the First Plat approval.

Planning Board Discussion:

Planning Board met November 7, 2023. Mark Ashness, P.E., Clay Matthews, P.E., Brad Zadell, and Kyler Zadell were present for the development team. Mr. Ashness gave a brief presentation on the request for a six-month extension, road name approval, converting public roads to private. Mr. Ashness stated NCDOT varies from division to division and district to district and the one we are in does not allow the gravity sewer lines to be located under the pavement. Manhole covers in the middle of the road are in the public road and the gravity sewers lines are normally placed under the pavement.

Planning Board discussion included the following:

- If staff has determined the legal implications of the timbering on to project. Staff stated Watershed Protection Department is working with the applicant.
- Private roads will be a huge maintenance project for the HOA.
- Will there be complications with the gravity fed lines within private roads? Mr. Ashness stated placing the gravity sewer in the middle of the road provides the horizontal separation from the pressurized water line.
- If all roads will be converted to private? Mr. Ashness stated they are currently discussing leaving the main parkway as a public road because no homes will be located on the main road and no sewer will be required.
- Board members expressed concern about a subdivision of this size having private roads.
- Is it common for public roads to convert to private roads? Staff explained converting roads happens from time to time but is difficult.
- What happens if the private roads cannot be kept up? Staff explained it is a private matter within the community and there is a period of time when the homeowners are at risk and that includes public roads as well.

The Planning Board took the following votes on this item:

1. Motion to approve the request as submitted – after discussing the request the board made a motion to amend the prior motion
 - a. Motion to separate the request into two actions – one for the extension and the second to consider the private roads and road names (vote 9-0 to approve the amendment)
2. Motion to recommend the 6 month extension (vote 8-1 to recommend denial)
3. Motion to approve the road names and change the roads from public to private (vote 4-5 and no additional action was taken)

After the Planning Board meeting Mr. Ashness provided Planning staff with a memorandum dated November 27, 2023. Per the memo, the extension request is to be removed since the amendment to Subdivision Regulation Section 5.2 (C) 6 was adopted November 20, 2023. The proposed plat titled “The Conservancy at Jordan Lake revised November 27, 2023, First Plat Amendment 2A- First Plat” highlights the area that will remain a public right-of-way and all other roads are proposed to be private. A private road maintenance fund will be set up at the initiation of construction in the 1st phase to set aside funds for future maintenance and the fund will continue to be seeded by the HOA and professionally operated by a third-party management.

How does this relate to the Comprehensive Plan: N/A

Recommendation:

The extension request is to be removed based on the amendments to the Subdivision Regulations adopted by the Commissioners on November 20, 2023.

The Planning Board did not recommend approval of the road names or the conversion of the public roads to private (the vote to approve failed by 4-5).

The Planning Department recommends granting approval of the road names Adelaide Circle, Ellerston Place, Crystal Downs Lane, Oakland Hills Avenue, Starmount Forest Drive, Lahinch Lane, Somerset Hills Court, Bakers Bay Lane, Ballyneal Drive, Ganton Circle, Carnoustie Court, Saint Andrews Loop, Rock Barn Circle, Sand Hill Court, Muirfield Circle, Kingsbarns Court, Kingston Heath, Pine Needles Lane, Melbourne Trail, Hope Valley Circle, Winged Foot Drive, Sunningdale Circle, Myers Park Trail, Kiawah Circle, Prairie Dunes, Riviera Place, Bandon Dunes Trail, Valderrama Drive, W. Sussex Place, Sawgrass Pond Lane, Royal Birkdale Lane, Mid Pines Place, Swinley Forest Drive, Bethpage Circle, Old Town Court, Wintergreen Court, Victoria Pines Drive, Pine Valley Lane, Woodhall Lane, Cabot Links, Friars Head Place, Shoreacres Drive, Winding Bay Drive, and Whistling Straits Way and granting approval to convert the public road to private road and increasing the right-of-way with the following conditions:

1. A copy of the road maintenance policy shall be provided to planning staff prior to recordation of the final plat.