

..TITLE

Vote on a request by F-L Legacy Owner, LLC for subdivision Final Plat approval of **The Legacy Phase 5A2**, consisting of 22 lots on 10.29 acres, located off SR-1716, Big Woods Road and Legacy Falls Drive South, parcel #17378.

..ABSTRACT

Action Requested:

A request by F-L Legacy Owner, LLC for subdivision Final Plat approval of **The Legacy Phase 5A2**, consisting of 22 lots on 10.29 acres, located off SR-1716, Big Woods Road and Legacy Falls Drive South, parcel #17378.

Introduction & Background:

Zoning: 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 Phase 5A2

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 226 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 5A2 layout conforms to the revision to the CUP approved in 2014.

Discussion & Analysis:

Phase 5A2 is a portion of Phase 5A that received preliminary plat approval on April 20, 2015 for 57 lots. Phase 5A1 received final plat approval on April 20, 2015 for 35 lots. The request before the Board is for final plat approval of The Legacy, Phase 5A2, consisting of 22 lots on 10.29 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 August 9, 2017 that 60% 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 HOA. 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 1st 1/2" of runoff from impervious areas and detain and release slowly over a 2-5 day period.

Capturing the 1st 1/2 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.

Sheet 1 of the final plat shows a stream located in the common area. Staff recommends that the stream be shown on Sheet 2 along with the 100 foot per side riparian buffer measured from the top of bank landward. Staff also recommends that conservation area / open space be labeled on Sheet 2.

The Technical Review Committee met on August 16, 2017 to review the request for final plat. Staff discussion included that the property is located within the Jordan Lake Buffer Area; that there are no

additional streams shown on the NRCS maps that affect Phase 5A2; that language is on the plat stating that the county would not be responsible for restoring private infrastructure in the course of repairing the public water system; and that emergency vehicle access is adequate. Staff had no other concerns or questions. The submittal meets the requirements of the Subdivision Regulations with changes stated above.

The Planning Board met on September 5, 2017 to review the request. Mark Ashness, P. E, CE Group and Fred Ward were present to represent the developer and to answer questions from the Board. Questions from the Planning Board included whether a HOA will be responsible for maintenance of the park area/common spaces; purpose of park; can stormwater devices be increased to capture the first 1" of runoff versus the approved 1/2" of runoff from impervious areas; are stormwater ponds inspected annually; and is there an Operations & Maintenance Agreement for the stormwater features?

Mark Ashness, P. E. stated that a HOA will be responsible for maintenance of all park/common areas; that the park is a wooded area and will remain as such; that as stated in the agenda notes capturing the 1st ½ inch of runoff was consistent with other PUD projects proposed at that time; that the additional 50' buffer on each side of blue line streams 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; that a separate management company is responsible for inspecting the ponds yearly; and there is an O & M Agreement.

The Planning Board requested that a note be added to the final plat to state the maintenance responsibility of the park/common area.

Recommendation:

The Planning Department and the Planning Board by a vote of 8 – 1 recommend granting approval of the final plat titled "The Legacy at Jordan Lake – Tract 2, Subdivision Plat, Phase 5A2" with the following conditions:

1. The county attorney shall review and approve the contract and financial guarantee prior to final plat recordation.
2. Prior to recordation of the final plat, Sheet 2 shall be revised to show the stream along with the 100 foot per side riparian buffer. (This condition has been met)
3. Prior to recordation of the final plat, Sheet 2 shall be revised to label the conservation / open area. (This condition has been met)

The Planning Board added the following:

4. Prior to recordation of the final plat, a note shall be added to state the maintenance responsibility of the park/common areas. (This condition has been met)