

..TITLE

Vote on a request by F-L Legacy Owner, LLC for subdivision Final Plat approval of **The Legacy at Jordan Phase 5A3** consisting of 15 lots on 9.36 acres, located off SR-1716, Big Woods Road, parcel 92463.

..ABSTRACT

Action Requested:

Vote on a request by F-L Legacy Owner, LLC for subdivision Final Plat approval of **The Legacy at Jordan Phase 5A3** consisting of 15 lots on 9.36 acres, located off SR-1716, Big Woods Road, parcel 92463.

Introduction & Background:

Zoning: R-1 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 5A3

Reviewed: Under pre-2008 Subdivision Regulations

The Legacy at Jordan Lake Subdivision was approved by the Board of 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 263 lots have received final plat approval with 193 occupied homes. 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 5A3 consisting of 15 lots on 9.36 acres with a financial guarantee. Phase 5A3 received preliminary plat approval from the Board of Commissioners on May 21, 2018. 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 improvements 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 74% of the required infrastructure has been completed; that all roadways are private and will be constructed to NCDOT standards; that the waterline installation has been completed; 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 June 20, 2018 to review the request. Per an e-mail received from Larry Bridges, Utilities Director, the water line installation has been completed; however, the as-built drawings and engineer's certifications have not been received. The cost of these documents will be included in the financial guarantee if they have not been provided prior to final plat recordation. Staff had no concerns or questions.

The submittal meets the requirements of the Subdivision Regulations.

There was one condition of preliminary plat approval as follows:

1. The entire 100' riparian buffer area along Parker's Creek shall be labeled 'undisturbed' on the final plat.

This condition has been met.

Planning Board Discussion

The Planning Board reviewed this item during their July 10, 2018 meeting and discussion included shifting of the lots to address a neighboring property owners concerns, steep slopes, open space areas, and spray irrigation. Board members complimented the developer on working with the neighbor to address his concerns. One board member expressed concern that shifting some of the lots moved them closer to Parker's Creek. The applicant addressed concerns about the possible use of the open space behind lots 400-403 and stated that no spray irrigation or other uses were planned for that area. The Planning Board by a vote of 6-3 recommended approval of the request.

How does this relate to the Comprehensive Plan:

The property is located in an area designated as Compact Residential. The designation is based on the existing approved Planned Unit Development for a cluster development.

Recommendation:

The Planning Department and Planning Board, by a vote of 6-3, recommends granting final plat approval of **The Legacy at Jordan Phase 5A3** with the following conditions:

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.