

## **..TITLE**

Vote on a request by F-L Legacy Owner, LLC for subdivision Preliminary Plat approval of **The Legacy at Jordan Lake – Phases 4A3, 6A1, and 6A2** consisting of 88 lots (34 lots in 4A3, 27 lots in 6A1 and 27 lots in 6A2) on 30.90 acres, located off SR-1716, Big Woods Road, parcels #17378 and 92463.

## **..ABSTRACT**

### **Action Requested:**

A request by F-L Legacy Owner, LLC for subdivision Preliminary Plat approval of **The Legacy at Jordan Lake – Phases 4A3, 6A1, and 6A2** consisting of 88 lots (34 lots in 4A3, 27 lots in 6A1 and 27 lots in 6A2) on 30.90 acres, located off SR-1716, Big Woods Road, parcels #17378 and 92463.

### **Introduction & Background:**

**Zoning:** R-1 with a Conditional Use Permit for a Planned Unit Development

**Watershed District:** WSIV-Protected & Jordan Lake Buffer Areas

**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, 6A1, and 6A2

**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, 307 lots have been final platted. 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 final plat sunset date for all phases is December 31, 2020.

**Discussion & Analysis:**

**Request:** The request before the Board is for preliminary plat approval of Phase 4A3, 6A1, and 6A2 consisting of 88 lots on 30.90 acres. The developer has provided an update to the Conditional Use Permit conditions of approval. See attachment # 2. Phase 4A3 is being developed out of Tract 2B and Phases 6A1 and 6A2 are being developed out of Tract 2 and all phases are owned by F-L Legacy Owner, LLC. Phase 6A has steep slopes in the vicinity of the original layout and the layout that is currently shown decreases the length of the cul-de-sac. The lots in this portion of the phase were removed to limit construction in the area of the steep slopes.

**Roadways:** Roadways within Phases 4A3, 6A1 and 6A2 will be private, with a 50 foot wide right-of-way. The roadways will be paved to the NCDOT standards, but not reviewed and approved by NCDOT. Per Note 12 on the preliminary plat, the roads will be privately maintained by the Legacy at Jordan Lake, HOA.

**Permits:** Other agency permits as required for preliminary plat submittal have been received as follows and may be reviewed at

<https://www.chathamnc.org/government/departments-programs/planning/rezonings-subdivision-cases/2019-items/the-legacy-of-jordan-lake-phases-4a3-6a1-and-6a2-preliminary-plat> :

|   |  |                       |
|---|--|-----------------------|
| Chatham County Watershed Protection Department Phases 6A1 and 6A2 | Erosion Control Permit                 | 08/27/2018            |
| Chatham County Watershed Protection Department Phase 4A3          | Land-Disturbing Permit                 | Permit #2017-0515     |
| NCDWR   | Water System Distribution Extension    | 8/22/2018 (Phase 6A1) |
| NCDWR   | Water System Distribution Extension    | 1/15/2019 (Phase 6A2) |
| NCDWR   | Authorization to Construct             | 1/11/2019 (Phase 4A3) |
| NCDWR   | Authorization to Construct             | 8/22/2018 (Phase 6A1) |
| NCDWR   | Authorization to Construct             | 1/11/2019 (Phase 6A2) |
| NCDWR   | Wastewater Collection System Extension | 1/29/2015 (Phase 4A)  |
| NCDWR   | Wastewater Collection System Extension | 2/6/2019 (Phase 6)    |

Copies of the permits can be viewed on the Planning Department webpage at

www.chathamnc.org/planning Rezoning and Subdivision Cases, 2019. This project predates the Chatham County Stormwater Ordinance; however, the 2005 CUP stated that “a stormwater management plan shall be approved by the County prior to issuance of a Zoning Determination Permit, and the developer is required to provide the County with final plans and an impervious surface calculation sheet. The developer shall construct storm water management control measures sufficient to serve the project area prior to issuance of a Certificate of Occupancy”. The plan for Phase 6A was submitted to Morgan DeWit, PE, Chatham County Senior Watershed Specialist for review. Per Ms. DeWit, “Based on the information submitted, the existing pond is sufficiently sized to treat the stormwater runoff from Phase 6A based on the ½” storm.” See attachment # 4. An email dated 2/3/15 from Dan LaMontagne, PE, Chatham County Public Works Director states Phase 4A pre-dates the County stormwater ordinance and stormwater runoff in Phase 4A there are stormwater controls to handle the first ½”. See attachment #5. This project is exempt from the Steep Slopes provision of the Soil Erosion and Sedimentation Control Ordinance, but not from other erosion control requirements per Rachael Thorn, Watershed Protection Director email dated 10/11/18. See attachment #6.

Mitch Craig, 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.

Phases 4A3, 6A1 and 6A2 are not located within the Critical Area watershed.

**Water/Sewer:** The development is served by county water and a private waste water treatment plant. The developer has placed the Certificate of Water Easement on all Sheets 1-4 as required by Chatham County Utilities.

**Historical / Archeological:** Per the engineer, there are no cemeteries or historical structures, i.e. buildings, chimneys, fences, etc, 50 years or older located in Phase 4A3, 6A1 and 6A2.

**Road Names:** The Emergency Operations Office has approved the road names *Edgebrook Court, Waterfall Pointe, Willow Trace Court, and Stone Bridge Crossing* for submittal to the Board of Commissioners for approval.

**Conditional Use Permit Stipulations:** See attachment # 2.

**Water Features:** Phases 6A1 and 6A2 are adjacent to Parker’s Creek. The area adjacent to Parker’s Creek is owned by F-L Legacy and is in a conservation area (Buffer Area 4). Parker’s Creek is not part of Phase 6A1 and 6A2.

**Fire Marshal Review:** The Fire Marshal has reviewed the plans for Phase 4A3, 6A1 & 6A2 regarding access for emergency vehicles and found the plans acceptable based on road widths. The development is a gated community and the fire department has been provided access if the gate is locked.

**Technical Review Committee:** The TRC met on February 13, 2019 to review the plans for Phases 4A3, 6A1 and 6A2. There were no concerns from staff.

**Planning Board:**

The Planning Board reviewed the application during their March 5, 2019 meeting. Planning Board discussion included questions about the impervious surface calculation; stormwater runoff; concerns with post construction erosion being close to Jordan Lake and Parker's Creek; concerns about the private roads, long term; and private wastewater treatment plant. Mitch Craig, Mark Ashness, and Andy Smith representing F-L Legacy Owner responded that the impervious surface calculation varies between sections. Larger lots may have 9,000 to 10,000 sq. ft. per lot and the smaller lots may have 5,000 to 6,000 sq. ft. per lot. Stormwater runoff is captured by the existing stormwater ponds and runoff that isn't directed to the stormwater pond spreads onto the lawn as sheet flow, which is disconnected impervious. The condition of the roads was addressed four years ago when the property was acquired by F-L Legacy Owner, LLC, and all of them were repaved and sidewalks repaired because of poor conditions. The homeowners association is established, active, and has enough funds to move forward with maintenance of the private roads. The private wastewater treatment plant has 120,000 gallons of capacity per day and is based on a theoretical usage of 200 gallons per day per home, but typical daily usage per home is 125 gallons per day. The project is subject to the County's erosion control ordinance and the sediment basins meet the County's current requirements when they are permitted. The Planning Board voted 9-2 to recommend granting approval of the preliminary plat application with staff's recommendations.

**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 Board, by a vote of 9-2, and Planning Department recommend granting approval of the road names, Edgebrook Court, Waterfall Pointe, Willow Trace Court, and Stone Bridge Crossing and granting approval of the subdivision Preliminary Plat of **The Legacy at Jordan Lake – Phase 4A3, 6A1 and 6A2** as submitted.