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Vote on a request to approve by Mitch Craig, P.E. on behalf F-L Legacy Owner, LLC for subdivision **Preliminary Plat** review and approval of **The Legacy at Jordan Lake - Phase 3**, consisting of 69 lots on 29.59 acres, located off Big Woods Road, parcels #89438 and #92463.

..ABSTRACT

Action Requested:

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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 3

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, 394 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.

The Planning Board has two (2) meetings to review the request.

Hard copies of the construction plans may reviewed at the Planning Department office.

Discussion & Analysis:

Request: The request before the Board is for preliminary plat approval of Phase 3, consisting of 69 lots on 29.59 acres and the last phase of project. The lots in Phase 3 are a smaller than the previous platted lots, which increased the open space. The developer has provided an update to the Conditional Use Permit conditions of approval. See attachment #10. Phase 3 is being developed out of Tract 2B, phases are owned by F-L Legacy Owner, LLC. Phase 3 has steep slopes in the vicinity. See attachment #9 for the Steep Slopes Exhibit.

Roadways: Roadways within Phases 3 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/legacy-phase-3-preliminary-plat>:

Chatham County Watershed Protection	Erosion Control Permit	09/06/2019
Department		(Phase 3)
NCDWR	Water System Distribution Extension	10/11/2019 (Phase 3)
NCDWR	Authorization to Construct	10/11/2019 (Phase 3)
NCDWR	Wastewater Collection System Extension	11/8/2019 (Phase 3)

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 stormwater management control measures sufficient to serve the project area prior to issuance of a Certificate of Occupancy”. The plan for Phase 3 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 3 based on the ½" storm." See attachment # 4. An email dated 2/3/15 from Dan LaMontagne, PE, Chatham County Public Works Director confirms that Phase 3 pre-dates the County stormwater ordinance, but runoff in Phase 3 is conveyed to stormwater devices that were required under through the conditional use permit. 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.

Phase 3 is 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 1-3 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 3.

Road Names: The Emergency Operations Office has approved two of the three road names High Wood Ridge and North Crest Drive for submittal to the Board of Commissioners for approval. One additional road name will be needed were High Woods Ridge and North Crest Drive intersect. Per Emergency Operations Office North Crest Drive stops at High Woods Ridge, because Emergency Operations Office cannot start the addressing at a cul-de-sac.

Conditional Use Permit Stipulations: See attachment # 10.

Water Features: Phase 3 is adjacent to an unnamed stream. The stream has a 50' buffer on either side of the stream and is located within the open space area owned by F-L Legacy. Three stormwater ponds are proposed for the project.

Fire Marshal Review: The Fire Marshal has reviewed the plans for Phase 3 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 November 13, 2019 to review the plans for Phase 3. Items discussed were utilities, stormwater maintenance and stormwater drawings, and road names may need to be adjusted. There were no other concerns from staff.

Planning Board:

The Planning Board reviewed the application during their December 3, 2019 meeting. Planning Board discussion included questions regarding the number of stormwater ponds, steep slopes and limits of disturbance, streams within the phase, open space, if the roads were two-way, and the total numbers of lots. Mr. Mark Ashness, Mr. Mitch Craig, Attorney Patrick Bradshaw, and Mr. Andy Smith were present and addressed the questions asked of the board. Mr. Ashness explained to the board that not all the lots in the phase will be completely disturbed. The unnamed stream is an intermittent or less than an intermittent and the stream to the east is a perennial. Open space will remain as is and the roadways are two-way streets. Mr. Ashness stated that this phase had already been on final plat, but after the recession the bank took this property back and removed the final plat. The Planning Board by unanimous vote (9-0) recommends granting approval with the conditions listed in the recommendation.

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 unanimous vote (9-0), and Planning Department recommends granting approval of the road names, High Woods Ridge and North Crest Drive and granting approval of the subdivision Preliminary Plat of **The Legacy at Jordan Lake – Phase 3** as submitted with the following conditions:

1. The final plat Site Data on sheets 2 and 3 shall show 69 residential lots.
2. The final plat will provide the third road name where High Woods Ridge and North Crest Drive intersect.
3. Prior to final plat recordation the county attorney shall approve the form of the contract and financial guarantee.
4. Prior to final plat recordation the engineer shall certify to the county that there is all weather access for emergency vehicles and the certification must be approved by the Fire Marshal.