



# CHATHAM COUNTY BOARD OF COMMISSIONERS AGENDA ABSTRACT

ITEM NUMBER:  
MEETING DATE:  
12-12-05

## PART A

**Subject:**

Request by The Legacy at Jordan Lake, LLC for subdivision preliminary and final approval of **“The Legacy at Jordan Lake, Phase One”**, consisting of 105 lots on approximately 238 acres, located off S. R. 1716, Big Woods Road, Williams and New Hope Townships.

**Action Requested:** See Recommendations.

**Attachments:**

1. Major subdivision application.
2. ArcView Map, parcel #17378
3. Copy of zoning approval letter and resolution, dated March 16, 2004.
4. Memorandum from Mike Zaccardo, P. E., CE Group, dated November 14, 2005.
5. Environmental Impact Assessment, dated October, 2005
6. Final plat entitled “The Legacy at Jordan Lake, Phase One”, consisting of seven (7) sheets, prepared by Absolute Land Surveying and Mapping, P. C., dated October 31, 2005.
7. Minority report submitted by Chris Walker, Planning Board member.

**Submitted By:**

\_\_\_\_\_  
Keith Megginson, Planning Director

\_\_\_\_\_  
Date

**County Manager Review:**

\_\_\_\_\_  
Charlie Horne, County Manager

\_\_\_\_\_  
Date

**This abstract requires review by:**

☒ **County Attorney**

\_\_\_\_\_  
Date Reviewed

☒ **Finance Officer**

\_\_\_\_\_  
Date Reviewed

☐ **Budget Officer**

\_\_\_\_\_  
Date Reviewed

## PART B

### ***The Legacy at Jordan Lake, Phase One***

#### **Introduction / Background / Previous Board Actions:**

See major subdivision application and preliminary / final plat for background information.

March 15, 2004: County Commissioner approval of a RA-40 District with a Conditional Use Permit for a Planned Unit Development to consist of 454 residential lots on 577 acres.

October 19, 2005: County Commissioner approval for a modification to the permit as stated above to add 50 acres and 9 residential lots.

#### **Issues for Further Discussion and Analysis:**

The request before the Board is for preliminary and final approval of The Legacy at Jordan Lake, Phase One, formally The Homestead, consisting of 105 lots on approximately 238 acres. Attachment # 3, A Resolution Approving An Application For A Conditional Use Permit For Jordan Lake, LLC and Holland and Rebecca Gaines, states the ten conditions of zoning approval. Conditions, # 1, 3, 5, 7 will be addressed either within future phases of development or prior to issuance of certificate of zoning compliance. Conditions 2, 4, 6, 8, 9 and 10 are addressed as follows:

Condition # 2: regarding use of the "Community/Institutional" tract. This tract is shown on sheet four and labeled as "Community Area". Per a letter received from the Department of the Army, dated June 28, 2005, access to this tract from public lands, i.e. SR-1716, Big Woods Road, has been denied. Per this letter access can be provided either by way of public access from the adjacent property of The Preserve or from within the Jordan Lake LLC property. The final plat will label the tract as Community/Institutional and will have a note added stating, "This lot is not approved for building development." The note is required since the Subdivision Regulations in Section 6.4 C (3) requires additional information to be shown for the approval of nonresidential lots.

Condition # 4: A 20 foot wide Drainage Easement / Utility easement is shown along the common boundary lines of Lots 87 and 88 providing utility access to The Preserve. See sheet five of the preliminary / final plat. Utility easement(s) to other properties as required will be addressed in later phases of the project.

Condition # 6: The letter from Jason B. Clapp with Ramey Kemp and Associates, dated October 16, 2003, reference: The Homestead on Big Woods Road, Traffic Assessment, stated in part under Recommendations "In order to accommodate the traffic exiting The Homestead, the main entrance should provide a three-lane cross-section that consists of two egress lanes (an exclusive left turn and right turn lane) and one ingress lane. A two-lane cross-section that consists of one egress lane and one ingress lane should suffice for the southern driveway and medical office drive, considering the lower traffic volumes that are expected at these access points." Condition # 6 states that said improvements "*shall be constructed and installed prior to final subdivision plat approval of the first phase of the development*". The developer has not yet constructed the roadway improvements and is requesting final subdivision approval by covering the cost of said

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**Issues for Further Discussion and Analysis – con't**

improvement under the financial guarantee for Phase One. Per a memorandum from Mike Zaccardo, PE, CE Group, the developers think that there will be no safety issues at this time and that the required improvements to Big Woods Road will be completed prior to issuance of the first certificate of occupancy for Phase One. See attachment # 4.

Condition #6 is a condition of the conditional use permit which is a zoning requirement. It was written to have the road improvements to Big Woods Road in place at the time lots were available for sale within the development and subsequently in place when the general public i.e. potential lot buyers and building construction traffic would be using the roads. At the time the conditions were developed and approved it was not anticipated that final approval might be requested prior to any improvements being installed. It was not anticipated in the condition to cover the cost of the off site improvements with a financial guarantee. It seems reasonable to tie the timing of the Big Woods Road improvements to when traffic warrants the improvements. Whether that is before building permits are issued or before certificates of occupancy are issued is a subjective judgment. Since the off site road improvements to Big Woods Road have not been installed the project does not meet the required conditions to be considered for final plat approval. It is up to the Board of Commissioners to decide whether the condition may be satisfied by a financial guarantee.

Condition # 8: Storm water management within the WSIV-Critical Area will comply with provisions of a memorandum from Mark Ashness, dated December 30, 2003. This memorandum along with pond sizing information can be viewed on the Planning Department web page by going to the County web site at [www.co.chatham.nc.us](http://www.co.chatham.nc.us) - click on Planning – click on Zoning and Subdivision Cases – click on The Legacy at Jordan Lake, Phase One- click on Stormwater. Costs of said improvements are covered under the financial guarantee and will be completed prior to issuance of the first certificate of occupancy for Phase One.

Condition # 9: An Environmental Impact Assessment is included in this packet. See attachment # 5. During the Planning Board meeting a question was raised about the necessity of having a 404 permit from the US Army Corps of Engineers and a 401 certification from the State Division of Water Quality. Mark Ashness, engineer for the developer, explained that the permits were not required because the stream crossings by roads have been designed with bridges so there will not be stream or wetlands disturbance. He stated that the costs for a bridge are about \$250,000, for an open bottom culvert \$80,000 and for a regular culvert \$30,000. Although the costs are more, the bridge and open bottom culvert allow development to proceed without some delays from governmental reviews and there is less environmental disturbance. Water lines and sewer lines may cross streams. According to the County's consulting engineers if there is less than 1/10th of an acre of surface disturbance or if there is no surface disturbance due to directional drilling said permits are not required. According to information provided by the developer's engineer, Mark Ashness, permits have been received for the utility crossings.

Condition # 10: The number of lots within the WSIV-Critical Area was reduced by 21.

County water is available and sewer is to be provided by an on-site wastewater treatment plant. Agency reviews have been received as follows:

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|--|--|-------------------|
| Department of the Army<br>Corps of Engineers | Request for access to<br>Big Woods Road                      | November 8, 2005  |
| Department of the Army<br>Corps of Engineers | Letter of Consent<br>Agreement                               | November 14, 2005 |
| NCDOT  | Pre- Commercial<br>Driveway Permit                           | October 28, 2005  |
| NCDENR                                       | Erosion Control Permit                                       | August 18, 2005   |
| Chatham County<br>Public Works               | Water Plan Approval  | July 27, 2005     |
| NCDENR                                       | Authorization to Construct                                   | October 14, 2005  |
| NCDWQ  | Wastewater Treatment &<br>Reclaimed Water Utilization System | March 22, 2005    |
| NCDWQ  | Pressure Sewer Extension<br>Phase I                          | August 11, 2005   |

The above listed approval documents may be viewed on the Planning Department web page at the address previously stated.

The Chatham County Emergency Operations Office has approved the Phase One road names **Legacy Way, Legacy Falls Drive North, Legacy Falls Drive South, Rolling Meadows Lane, Covered Bridge Trail, Stoney Creek Way, and Bridgewater Court.**

***The developer is requesting final approval of Phase One with a 100 per cent financial guarantee based on filing a statement of record for the subdivision in accordance with the Federal Interstate Land Sales Full Disclosure Act. See the Subdivision regulation,***

Section 3.1, Improvement and Adequate Security, B (1), Adequate Security for complete language. A financial guarantee in the form of a letter of credit for completion of Phase One roadways, off-site widening of Big Woods Road, utilities, and storm water retention has been submitted to the county attorney for review and approval.

The plat displays the necessary information.

### ***The Legacy at Jordan Lake, Phase One***

**Recommendation:** The Planning Department and Planning Board recommend granting approval of the road names Legacy Way, Legacy Falls Drive North, Legacy Falls Drive South, Rolling Meadows Lane, Covered Bridge Trail, Stoney Creek Way, and Bridgewater Court and preliminary and final plat approval of “The Legacy at Jordan Lake, Phase One”, with the following conditions:

1. The plat shall not be recorded until the county attorney has given final approval to the financial guarantee.
2. The improvements to Big Woods Road as required in condition # 6 of the zoning approval shall be completed prior to issuance of the first certificate of occupancy for Phase One.
3. Storm water retention ponds as required in condition # 8 of the zoning approval shall be completed prior to issuance of the first certificate of occupancy for Phase One.