

PLANNING & ZONING REVIEW NOTES

VI. 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.

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.

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:

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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. Per the developer, access to said tract is to be from The Preserve Trail.

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 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 judgement. 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

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Department web page by going to the County web site at 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.

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:

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

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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.

RECOMMENDATION: If the Planning Board thinks that condition #6 may be satisfied by a financial guarantee then the Planning Department recommends 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 approved 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 approval 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 approval for Phase One.
4. Roadway construction shall not commence until staff has received a copy of the commercial driveway permit(s) from NCDOT.