

..TITLE

Request by Meritage Homes for subdivision final plat approval of The Legacy, Phase 2, consisting of 54 lots on 82.52 acres, located off SR-1716, Big Woods Road, Williams and New Hope Townships, Parcel Number 89438.

..ABSTRACT

Action Requested:

Request by Meritage Homes for subdivision final plat approval of The Legacy, Phase 2, consisting of 54 lots on 82.52 acres, located off SR-1716, Big Woods Road, Williams and New Hope Townships, Parcel Number 89438.

Introduction & Background:

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

Watershed District: WS IV Protected & WS IV Critical

Water Source: Chatham County

Sewer Source: Private Wastewater Treatment Plant

Road Surface: Paved, private

Within the 100 year flood plain: No

The Legacy at Jordan Lake Subdivision was approved by the Board of County Commissioners on March 15, 2004 with modifications to the plan in 2005. 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 received preliminary / final plat approval in 2006 for 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) consisting of 114 lots on 165.5 acres and to recombine the 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 Commissioners 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 in the Office of the Register of Deeds. The recorded recombination plat can be viewed at Plat Slide 2011, Pages 199 & 200 and at Plat Slide 2012 Page 10. Per the Permit Extension Act of 2009 the final plat submittal deadline for the balance of the entire

project is December 31, 2015. The Resolution stated that the recreation exaction fees and the water availability fees previously paid by the developer for Phases Two and Three 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.

The Legacy at Jordan Lake is reviewed under the pre-2008 Subdivision Regulations.

Discussion & Analysis:

The request before the Board is for final plat approval of The Legacy, Phase 2, consisting of 54 lots on 82.52 acres with a financial guarantee for completion of the remaining infrastructure. 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 has been completed and when the public health and/or safety will not be endangered. Mark Ashness, PE, CE Group has certified in a Cost Estimate letter dated September 4, 2013 that to date 52.7% of the required infrastructure work has been completed and also certified that the roadway is currently accessible to emergency vehicles so that the public health and safety is not endangered. The county attorney has approved the form of the financial guarantee. The private roadways within Phase 2 will be constructed to the NCDOT construction standards. Staff has received confirmation that the WWTP has capacity to serve Phase 2.

Attachment # 2 above lists three conditions of approval that was required in 2006. These conditions have been met. Lot layout, number of lots, and road configuration are the same as the approved preliminary plat.

The Technical Review Committee met on September 11 to review the request. Leonard McBryde, Utilities Director, questioned the location of the utility easement and installation of the water line required to the adjacent property, The Preserve, versus the plan that had been submitted to his office at preliminary plat review. Per Mark Ashness, PE, CE Group, the water line was installed per the final plat and he will furnish the Utilities Department with a revised utility plan prior to final plat recordation.

The submittal meets the requirements of the Subdivision Regulations. Staff has requested a few minor changes be made to the mylar copy of the final plat prior to recordation, i.e. remove approval certificate for Planning Department, label roadway 'private', show road name Covered Bridge Trail, add parcel #19331. The plat meets the requirements of the Subdivision Regulations with changes stated above.

The Planning Board met on October 1, 2013 to review the request. Greg Hoff, representing Meritage Homes, and Mark Ashness, P. E., CE Group were present to answer questions from the Board. A board member asked what the amenity center would consist of and how many of the existing developed lots were currently for sale. Mr. Hoff stated that he anticipates there will be a club house, par three golf course,

swimming pool, and tennis courts. Mr. Hoff also stated that there are approximately 10-12 existing homes up for resale and that Meritage Homes has purchased 60 of the existing approved undeveloped lots. He stated that Meritage Homes builds homes in the price range of \$300,000.00 and up and that the price ranges of the existing homes in the development were in the range of \$600,000.00 to \$1,000,000.00.

Recommendation:

The Planning Board by vote 8-0-1 (9 members present) and Planning Department recommends granting final plat approval of *The Legacy, Phase 2* with the following conditions:

1. A revised utility plan shall be furnished to the Chatham County Utilities Department prior to final plat recordation showing the correct location of the utility easement / water line installation to the adjacent property of The Preserve.
2. The mylar copy of the final plat shall be revised per recommendation of staff, i.e. take off approval certificate for Planning Department, label roadway 'private', show road name Covered Bridge Trail, and add parcel #19331.