

**..TITLE**

Vote on a request to approve the request by DR Horton, Inc. on behalf of The Estates at Legend Oaks Subdivision for final plat approval of The Estates at Legend Oaks, Phase 1B, consisting of 21 lots on 33.659 acres, located off Hwy 15-501 North and Legend Oaks Drive, Williams Township, parcel #18665.

**..ABSTRACT**

**Action Requested:**

Request by DR Horton, Inc. on behalf of The Estates at Legend Oaks Subdivision for final plat approval of The Estates at Legend Oaks, Phase 1B, consisting of 21 lots on 33.659 acres, located off Hwy 15-501 North and Legend Oaks Drive, Williams Township, parcel #18665.

**Introduction & Background:**

**Zoning:** R-1

**Watershed District:** WSIV-PA

**Water Source:** Public, Chatham County

**Septic:** Individual on-site, private

**Within 100 year flood plain:** No

Legend Oaks Subdivision received sketch plan approval in 2005 for 60 lots and received preliminary plat approval in 2006 for 63 lots. All lots in the original Phases I and II have received final plat approval. In 2007, the Board of County Commissioners denied a request for sketch design of Legend Oaks, Phase III consisting of 71 lots. In 2007, by Consent Judgment and Settlement Agreement, a sketch plan for Phase III consisting of 56 lots was approved. In August 2009, Phase III received preliminary plat approval from the Board of County Commissioners for 56 lots. The final plat submittal deadline for all 56 lots is July 1, 2015. The name has changed from Legend Oaks, Phase III to The Estates at Legend Oaks. Legend Oaks and The Estates at Legend Oaks are reviewed under the pre-2008 Subdivision Regulations. To date, 12 lots, Phase 1A, in The Estates at Legend Oaks, have received final plat approval.

**Discussion & Analysis:**

The developer is requesting final plat approval of Phase 1B, consisting of 21 lots with a financial guarantee for the completion of required infrastructure. The Subdivision Regulations states that when forty (40) percent of the total cost of improvements have been completed ..... and when the public health and/or safety will not be endangered, the County may waive the requirement that the applicant complete all required improvements prior to the signing of the subdivision plat.....” See Section 3.1 B (1) of the Subdivision Regulations for the complete language. Trenton Stewart, P. E. has certified in a cost estimate letter, dated 9/11/14 that approximately 58% of the required infrastructure has been completed. At this time there is not sufficient gravel on the roadbed serving Phase 1A for access by emergency vehicles so that the public health and/or safety will not to be endangered. Per the cost letter the work completed to date exceeds the required 40%, so that the County may waive the requirement that the

applicant complete all required improvements prior to the signing of the subdivision plat and accept a financial guarantee for the completion of the improvements. Staff recommends that the final plat not be recorded until sufficient gravel has been placed on the roadway in order to protect the public health and safety; the engineer has provided a certification regarding emergency vehicle access; and the Chatham County Fire Marshal has verified that the condition has been met.

The lots will be accessed by a public, state maintained roadway, county water will be used and, private, on-site septic systems and repair areas. Staff has received septic improvement permits for 21 lots.

As stated previously, The Estates at Legend Oaks (formally Legend Oaks, Ph III) received sketch design approval based on the Consent Judgment and Settlement Agreement in 2007. Item # 6 of The Consent Judgment stated *“As part of the settlement, HBP has provided additional buffers along certain streams shown on Exhibit A, which additional buffers are in excess of the fifty(50) feet required under the existing County Subdivision Ordinance (the “Additional Buffers”).* Following additional engineering and site planning analysis at the final plat stage, it was determined that the Additional Buffers would render Lot 12 undevelopable. The developer requested that the Consent Judgment be amended to remove the additional buffers on Lot 12. In January, 2014 the Consent Judgment was amended to remove the additional 50 foot wide buffer along the stream on Lot 12. All other requirements remained the same.

In reviewing the final plat for Phase 1B, Leonard McBryde, Public Utilities Director, recommended that the water line along Triton Walk Way be a 6” line along the entire length of the cul-de-sac due to the development potential of the adjacent property of 25 acres, owned by others. The current approved water plans allowed the waterline to transition from a 6” to a 2” line. Mr. McBryde spoke with Trenton Stewart, P.E. for the project and requested the waterline along Triton Walk Way be upgraded to a 6” line. The developer is agreeable and is having the water plan revised to reflect the change. No new permit is required per the Utilities Director.

Staff has requested that the final mylar show the linear wetland on Lot 47 as depicted on the “Surface Waters & Wetland Evaluation Map, HBP Site prepared by Burdette Land Consulting, Inc., dated June 12, 2007.

Staff has requested that the owners address be added to the plat. With these additions, the plat meets the requirements of the Subdivision Regulations.

The Planning Board reviewed the request for final plat approval at their meeting on October 7<sup>th</sup>. Jason Reiswig, with DR Horton, was present to answer any questions. No adjacent property owners were present. The Board had no concerns regarding the request. There was general discussion as to whether a second access road could be provided to the subdivision. The access road is currently a long dead-end cul-de-sac.

Staff stated that there were a couple of right-of-way dedications to adjoining properties that had been required in the previous phases and if those properties were developed in the future another access may be provided.

**Recommendation:**

The Planning Board by vote of 8-0-1 and Planning Department recommends granting final plat approval of The Estates at Legend Oaks, Phase 1B with the following conditions:

1. Owner's name and address shall be shown on the mylar copy of the plat.
2. The water line along Triton Walk Way shall be upgraded to a 6" line along the entire length of the cul-de-sac. The Utilities Director shall receive revised plans prior to final plat recordation.
3. The county attorney shall review and approve the form of the financial guarantee prior to final plat approval.
4. The linear wetland on Lot 47, shall be shown on the mylar as depicted on the "Surface Waters & Wetland Evaluation Map, HBP Site prepared by Burdette Land Consulting, Inc., dated June 12, 2007.
5. In order to protect the public health and safety, the final plat shall not be recorded until sufficient gravel has been placed on the roadway and staff has received certification from the engineer, and verification from the Chatham County Fire Marshal that the condition has been met.