

445 Legacy Falls Dr N
Chapel Hill, NC 27517

September 15, 2014

Chatham County Commissioners
C/O Chatham County Manager
PO Box 1809
Pittsboro, NC 27312

Dear Commissioners:

We want to make you, the Commissioners, aware of our concerns regarding the application submitted to you by F-L Legacy Owner, LLC , for the modification of a conditional use permit for a Planned Unit Development (CUP/PUD) at the Legacy at Jordan Lake off Big Woods Road in northeastern Chatham County.

We have lived at The Legacy for about two years. We moved to this neighborhood because it was an upscale, gated community with strong covenants. We love the vision for open space, environmental protection, and a healthy lifestyle as demonstrated by the golf course on a sloping hillside, collection and re-use of rainwater, and the walking trails. We are concerned about the application for changing the location of the amenities complex. Specifically, the application being considered creates unsafe conditions by (1) relocating the amenities complex from a position at the end of the street to a position near a busy intersection; (2) placing the playground near the traffic; (3) not providing enough parking; and (4) not addressing Postal Service requirements for cluster mailboxes. The proposal also relocates houses from an area that is not currently within the gated neighborhood to the previous site of the amenities complex and reduces the size of all lots. This makes The Legacy much more congested.

We discuss our concerns and potential recommendations below.

1. Relocation of amenities complex near busy intersection

The currently approved CUP/PUD places the amenities complex a short distance up the hill from the first tee of the short irons golf course where the street will end. This position helps ensure that few residents would use this end of the street to enter and exit the neighborhood, thereby providing more safety for those living nearby and residents who may walk or cycle to the complex.

The proposed change in the CUP/PUD will place the amenities complex near the central traffic circle where the residents from over 300 homes will routinely travel. Residents of the 116 homes proposed in Phase 4 and resident in over 200 homes from Phases 1, 2, & 3 will use this traffic circle. Moreover, much of the vehicular traffic currently passing through this area exceeds posted speed limits.

Recommendation: Retain the amenities complex in the original approved location.

2. Location of playground

The proposed design of the amenities complex places the children's playground near the traffic circle and the intersection with Covered Bridge Trail, an area already described as having heavy traffic. There is a danger that children may dart out into the road while coming and going, as well as when they are using the playground, perhaps trying to recover an errant ball.

Recommendations:

- *Place the playground within the proposed amenity area away from the busy road and traffic circle by at least 100 feet; or*
- *Build the amenities complex in its original approved location.*

3. Parking Spaces

The 18 parking spaces visibly shown in the proposed CUP/PUD are inadequate. According to Sec. 14 C. of the Chatham County Zoning Ordinance, there should be 1 space per 25 community residents. Based on this standard, and using a conservative average of 2 residents for each of the 463 Legacy homes, at least 37 spaces would be required. Plus, another 12 spaces would be required for the adjoining golf course (four spaces for each of three tees) bringing the total number of spaces to 49. Without adequate parking space, users will have to park on narrow streets not designed for parking, creating potential pedestrian and vehicle safety issues.

Recommendations:

- *Enlarge parking area as necessary to meet standards and the needs of the community. Provide wider streets in the area of the amenities to accommodate overflow parallel parking; or*
- *Build the amenities complex in its original approved location.*

4. Location of Cluster Mailboxes

The application contains no provisions for cluster mailboxes (required by the US Postal Service) for Phases 4 – 7. We note that new mailboxes for Phase 2 (under construction with 54 homes) were recently installed in an unsafe location, on Covered Bridge Trail at its intersection with Stoney Creek Way. Because of the topography of Covered Bridge Trail, most residents of Phase 2 will likely drive rather than walk to the mailboxes for pickup/drop-off, perhaps on the way home from work, school, etc. They would stop on the right-hand side of Stoney Creek Way or Covered Bridge Trail, open their door into the traffic lane, and walk across the street and back to their car. Or, they would stop on the left side of Covered Bridge Trail near the mail boxes, which could cause a traffic accident because residents making a left turn from Stoney Creek Way would have to turn into oncoming traffic to

avoid the stopped vehicle. Or residents traveling down Covered Bridge Trail would have to move left and drive into oncoming traffic. (See attached photograph.)

Recommendation:

The proposed plan should indicate locations for the new cluster mail boxes in Phases 4 – 7 and ensure that there is adequate off-street parking.

5. Relocation of homes from another area to previous site of amenities

The approved CUP/PUD for The Legacy included a strong focus on open space with the golf course sloping upwards (west) from the traffic circle to the amenities complex. It also ensured that the dramatic views from the hilltop could be enjoyed by all community residents. The proposed CUP/PUD replaces the amenities complex with numerous small villa homes (on lots approximately 7500 square feet). The backs or fronts of villas on such small spaces would create congestion. Additionally, the proposal reduces all lot sizes in Phases 4-7. While the application states this change will create a “more compact” neighborhood, we believe reducing lot sizes will create congestion.

The approved CUP/PUD includes about 93 villa homes in a neighborhood north of the golf course called Legacy Village. It also provides three areas of green space within that neighborhood. The proposed CUP/PUD adds 23 homes to Legacy Village (creating a total of 116), which increases the density of that neighborhood by about 20%. The proposal also removes the green space and reduces the lot sizes. While the overall density of the Legacy at Jordan Lake remains the same, the density of this small area is increased. This increase in homes also increases traffic at the circle where the proposed amenities will be located.


Recommendations:

- *Require a significant mature landscape buffer between the golf course and adjacent Phase 4 Villa homes; or*
- *Build the amenities complex in its original approved location.*

Thank you for considering our recommendations. We hope you will delay approving the proposed CUP/PUD until these concerns are addressed.

Sincerely,


Lawson (Rick) Gist


Valeria G. Gist



This is an illustration of how a single car parked on the wrong side of Covered Bridge Trail at the mail box creates a traffic problem. Any approaching cars would be forced to drive into the incoming traffic lane.

The Legacy at Jordan Lake
Intersection of Covered Bridge Trail and Stoney Creek Way

Submission information

Submitter DB ID : 8287
Submitter's language : Default language
IP address : 173.95.176.222
Time to take the survey : 12 min. , 16 sec.
Submission recorded on : 9/12/2014 10:20:53 AM

Survey answers

FULL NAME (required):
Angela Glover

CONTACT INFORMATION: While this information is optional, it is helpful for the county to have on file in case meetings are cancelled or to provide followup information.

Daytime phone number (please provide in box below): Not answered

Email address (please insert in box below): aglover1022@yahoo.com

RESIDENCY: Please note below where you reside in the county, if you live in Chatham County. You also can note if you do not reside in the county. To view a map of townships, [Click here](#)

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Cape Fear
Center
Gulf
Hadley
Haw River
Hickory Mountain
Matthews
New Hope
Oakland
Williams
Do not live in the county

DATE OF MEETING THAT YOU WANT TO ADDRESS: Please make sure you select a valid date of a regularly scheduled Board of Commissioners meeting, which are typically held the first and third Mondays but may vary in July and for holidays. See below for more information on when public hearings and public input periods.

09/15/2014

SIGNUP OR COMMENT OPTIONS: You can either sign up to speak at the Public Input Period or a scheduled Public Hearing. You also can provide comments for the meeting below even if you can't attend or do not want to speak.

PUBLIC INPUT PERIODS are held at the beginning of every regularly-scheduled Board of Commissioners meeting, including both the Work Session and Regular Session. Comments are limited to THREE minutes and the entire Public Input Period is usually limited to 30 minutes.

PUBLIC HEARINGS are typically scheduled for evenings of the regular sessions, usually held on the third Monday starting at 6 pm but the time can vary depending on the circumstances. If you select the Public Hearing option below, you will need to identify the topic of the hearing.

WRITTEN COMMENTS: You also are welcome to submit written comments below in lieu of speaking at the meeting.

Public Input (Regular Session - usually night meeting)

Public Input Session (Work Session - usually afternoon meeting)

Public Hearing (note topic of hearing below)

Written Comments (insert in box below)

PUBLIC HEARING TOPIC (must be scheduled hearing topic):

Hearing Topic #1 Free Hold/ Legacy At Jordan Lake Hearing Topic #2 Not answered

WRITTEN COMMENTS: You may submit comments even if you do not plan to speak.

Insert written comments here: I would like to address the subdividing of existing lots in the Legacy at Jordan lake community. I would not like to see the existing lots or future lots subdivided. It will add to the overcrowding of the Legacy and add more traffic.

Also if Freehold subdivides the lots further in the Legacy it can set a precedence for other communities to further subdivide their lots and place low end track homes on them.

I would like to see the lots remain the sizes they are now at the Legacy at Jordan lake.

Thank you

APPROX. TEXT OF 3-MINUTE SPEECH BY EILEEN MCKENNA RE 9/15/2014 PUBLIC HEARING ON THE LEGACY'S CUP MODIFICATION APPLICATION

Good evening. My name is Eileen McKenna; I live at 40 Rolling Meadows Ln in The Legacy.

As a Legacy property owner for the last three years, I disagree with the Applicant's assertions that their proposal will not be detrimental to the health, safety, or welfare of the community, and that the revision will have no adverse traffic, visual or screening impacts.

I refer you to my online comments for the details, but draw your attention to the following:

1. Unauthorized Taking of Community Property: Purchasers at the Legacy relied upon the approved CUP, the existing CCR's, and the current ARB Guidelines. The original Clubhouse site was selected to be the dramatic focal point from the center of the community frequented by many. That site, arguably the best in The Legacy, was carefully selected by the original developer for its dramatic distant views and set aside for the common enjoyment of all.

The Applicant proposes to lop off this choice piece of the common property and in effect "privatize" it, selling it to the builder/developer of the Phase 4 villa homes, only a select few of which will have the grand view intended for all. And in return, everyone at the center of the community will have their eyes drawn not to the well-designed, well-sited focal point (the clubhouse), but to the rear elevations of a soldier line of houses of unspecified design. I strenuously object to this proposed use of that land, which would definitely be to the detriment of the community.

I ask the Board to require Applicant to reserve that choice piece of property at the top of the golf course for the continued use and enjoyment by the community at large.

2. Applicant's Failure to Enforce or Amend The Legacy CCR's: Applicant has stated to the homeowners that the recorded covenants and restrictions are still in effect, but that they *don't apply* to the Applicant (Phases 4-7) nor to the previous declarant, Meritage Homes (building in Phases 1-3). If this is the case, *then the CCR's should be changed and recorded for all to see*. Without any notice, there have been many significant deviations from the ARB Guidelines, to the detriment of the community. ((These include, but are not limited to, failure to install the correct, carefully specified street (shade) trees and to conform to architectural specifications (e.g., window spec. (no grill-between-glass), eight-foot minimum front porch depth; arch. details used on front elevation required on all other sides, such as full-width shutters, exterior trim, brick or stone.))
3. Lack of Shade Trees: A CCR requirement of particular note is for the installation every 50 feet of carefully specified street trees, or shade trees. Since 2012, this requirement has been largely ignored, with serious long-term visual and environmental implications. *I ask the Board to make any approval of this CUP modification expressly contingent upon the Applicant's current and future enforcement of this Legacy CCR shade tree requirement in all Phases, including 1, 2 and 3. ((Visual impact; screening; environmental impact: air temp, quality))*
4. Unsafe location of the proposed amenities' parking lot; ((busy traffic circle and Covered Bridge Trail))
5. Inadequate size of that parking lot; ((Sec. 14 of zoning ordinance requires 49 vs. 24 proposed.))

6. Unsafe location of playground; ((busy traffic circle and Covered Bridge Trail))
7. Lack of designated cluster mailbox locations with off-street parking in Phases 2 -7; ((unsafe one just installed on Covered Bridge at Stoney Creek))
8. Need for road repairs of existing hazards before more construction is approved or started; ((Deep potholes, depressions, cave-ins))

I invite and encourage you all to visit The Legacy to better understand our objections to the proposal, and also to read my online comments for more details on what I've said.

Thank you for the opportunity to speak.



Eileen McKenna

40 Rolling Meadows Ln S

Chapel Hill, NC 27517

Email: mckennanc@earthlink.net

Tel: 919-535-4135

-----Original Message-----

From: webmaster@chathamnc.org [mailto:webmaster@chathamnc.org]

Sent: Friday, September 12, 2014 10:11 AM

To: Lindsay Ray

Subject: Person signing up for public input or hearing

Submission information

Submitter DB ID : 8286

Submitter's language : Default language

IP address : 24.136.161.26

Time to take the survey : 8 min. , 16 sec.

Submission recorded on : 9/12/2014 10:10:37 AM

Survey answers

FULL NAME (required):

EILEEN MCKENNA

CONTACT INFORMATION: While this information is optional, it is helpful for the county to have on file in case meetings are cancelled or to provide followup information.

Daytime phone number (please provide in box below): Not answered

Email address (please insert in box below): MCKENNANC@EARTHLINK.NET

RESIDENCY: Please note below where you reside in the county, if you live in Chatham County. You also can note if you do not reside in the county. To view a map of townships, [Click here](#)

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Hickory Mountain

Matthews

New Hope

Oakland

Williams

Do not live in the county

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Written Comments (insert in box below)

PUBLIC HEARING TOPIC (must be scheduled hearing topic):

Hearing Topic #1 Legacy at Jordan Lake CUP Modification Hearing Topic #2 Not answered

WRITTEN COMMENTS: You may submit comments even if you do not plan to speak.

Insert written comments here: As a homeowner and resident of Legacy at Jordan Lake since 2012, I have a number of questions and concerns about the proposed Legacy CUP Modification, which I hope the County will carefully consider before granting approval to the application.

1. Amenities - Parking:

a. Number of parking spaces (~24) shown at amenities site is inadequate, as supported by its intended use by residents of 463 homes, and the requirements of Sec. 14 of the county zoning ordinance. I have safety concerns because overflow users would have to park on narrow neighboring (subdivision) streets not designed for parking, creating potential car and pedestrian safety issues. Because of the sloping topography, some residents who live relatively close to the amenities (and especially those who may be toting young children, pool paraphernalia, lunches, etc.) will drive rather than walk. An event at the golf course last year, when only about 40 home sites were occupied, led to cars parked all the way around the traffic circle.

Recommendation: Enlarge parking area as necessary to meet the needs of the community. Using the Zoning Ordinance standard of one space per 25 community members, and assuming an average of two residents per Legacy home, 37 spaces would be required. Adding 12 spaces as required for the adjoining golf course (four spaces for each of three tees) brings the total number of spaces to 49.

Provide in the area of the amenities wider streets to accommodate overflow parallel parking, or provide diagonal or perpendicular parking overflow.

b. Safety of proposed location of parking lot is questionable, with one entry/egress on Covered Bridge Trail just 125 ft. from the main traffic circle, at the top of Rolling Meadows Lane. There is too much busy traffic here, with vehicles zipping around the circle and onto Covered Bridge, a main road in the community servicing 330 home sites. The circle is used not only by residents, visitors, delivery trucks, construction vehicles, etc. to those home sites, but also will be used by additional residents and guests (from about 130 lots elsewhere in the community) accessing the amenities. Vehicles exiting Rolling Meadows Lane add to the complexity.

Recommendation: Relocate amenities' parking lot to new Village Walk Drive (away from the traffic circle, and off Covered Bridge Trail), which will have much less traffic.

2. Amenities – Playground: Safety of proposed location of playground near the traffic circle and Covered Bridge Trail is questionable. See #1 above. There is a danger of children darting out into the busy road while coming and going, as well as when using the playground.

Recommendation: Locate the playground within the proposed amenity area away from the busy road and traffic circle by at least 100 feet, and locate the parking lot servicing it on the less-busy proposed Village Walk Drive.

(NOTE: Concerns 1 and 2 would both be addressed if the amenities were retained in their original approved location.)

3. Location of Cluster Mailboxes: No set-aside locations for cluster mailboxes (currently required by the US Postal Service) are shown on the proposal for Phases 4 – 7. We note that new mailboxes for Phase 2 at the Legacy (currently under construction - 54 homes total) were recently installed in an unsafe location, on Covered Bridge Drive at its intersection with Stoney Creek Way. The mailboxes are at the bottom of a relatively steep incline up to Phase 2. Because of the mailboxes' location and the topography, most residents of Phase 2 (which they service) will likely drive rather than walk to them for mail pickup/drop-off, often on the way home from work, school, etc. This would require them to park on the main road Stoney Creek Way, open their door into the traffic lane, and walk across the street and back to their car. Adding to the danger is the traffic going into and out of Stoney Creek Way at the same location. Poor weather conditions, including rain, snow, or ice, will add to the risk. We wish to ensure that proper attention to safety is given when the cluster mailboxes for Phase 4 – 7 are planned.

Recommendation: The proposed plan should indicate locations for the new cluster mailboxes in Phases 4 – 7 and ensure that there is adequate off-street parking with safe ingress/egress.

4. Roads: Current road conditions within the community are unsafe, including deep depressions, potholes, and cave-ins. Residents wish to ensure that the new developer is held accountable for properly repairing and final-paving existing roads, as well as properly constructing roads in new Phases 4 - 7. The past history of the community, with numerous changeovers of developer/declarant, has left promises unfulfilled. The original developer's performance bond was released, and afterwards they went through bankruptcy and foreclosure. Meritage Homes, the most recent declarant/developer (prior to the present Applicant) and owner of many lots in Phase 1, and all in Phases 2 and 3, promised it would repair/pave the roads, but is no longer the developer/declarant and will not be doing so. My concern is that, despite the Applicant's current oral assurances that they will address the roads, its very business plan, to sell off each of the phases to (probably) different builders/developers, will result in its no longer being majority lot holder and declarant before the roads are ready for final paving. Who then will be the declarant/developer of the community, and how can current homeowners (HOA) be assured they won't be stuck with a large road-finishing bill that was the Developer's responsibility?

Recommendation: Make application approval conditional upon explicit applicant/developer responsibility for proper repair and construction of all Legacy roads, and require a performance bond

until all roads are final-paved. Legally structure obligation so it cannot be avoided or discharged by applicant's conveyance of properties to other parties, or by bankruptcy.

5. Lack of Landscaped Buffer between golf course and proposed newly-sited villa homes adjacent to them: The original plan for The Legacy included a strong focus on the golf course sloping upwards to the clubhouse beyond, as viewed from the community center (circle). The newly proposed plan replaces the clubhouse and its amenities with numerous small villa homes, the backs or fronts of which would be visually open to the golf course and all traffic at the circle. (The plan shows no roads to these homes.) Recommendation: 1) Require a significant mature landscape buffer between the golf course and adjacent Phase 4 Villa homes; or 2) Reserve area previously designated for clubhouse for future clubhouse/HOA building; or 3) Build the amenity complex in its original location.

I also have some questions of the Board which can perhaps be addressed at the Hearing:

A. The Applicant stated at a recent homeowners' meeting that they are the Declarant for Phases 4 – 7 (as proposed) plus the lots in Phase 1 that not owned by Meritage, but Meritage is Declarant for their own lots. This makes no sense to me – is there not just one declarant for the entire community?

B. The (previous?) developer/declarant, Meritage, has been constructing homes that do not comply with the community's Covenants and Restrictions, but they never legally changed those CCR's. The current applicant informed the homeowners that the Meritage house plans have been "grandfathered in", i.e., will be accepted whether or not they conform to the CCRs. They also indicated that the CCR's will not apply to their Phases. Can the Board clarify the legality of this?

C. Among the CCRs being violated is a requirement for certain street (shade) trees, carefully specified by a landscape architect, to be installed on each home site when a house is built. Meritage has not been following that written requirement, to the detriment of the community. This will definitely have a significant long-term environmental impact. Did the original PUD approval include the requirement of those street trees, and can the Board enforce the requirement against the Applicant and/or Meritage? I appreciate the opportunity to comment, and thank the Board in advance for giving consideration to my concerns.

Eileen McKenna (Homeowner, Lot 32, The Legacy at Jordan Lake)