

## **..TITLE**

Vote on a request to approve F-L Legacy Owner, LLC for subdivision final plat approval of The Legacy at Jordan Lake, Phase 4A1, consisting of 32 residential lots plus a Lift Station Lot, located off S. R. 1716, Big Woods Road, Williams Township, parcel #17378.

## **..ABSTRACT**

### **Action Requested:**

Request by F-L Legacy Owner, LLC for subdivision final plat approval of The Legacy at Jordan Lake, Phase 4A1, consisting of 32 residential lots plus a Lift Station Lot, located off S. R. 1716, Big Woods Road, Williams Township, parcel #17378.

### **Introduction & Background:**

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

**Watershed District:** WSIV-Protected & Jordan Lake Buffer Area

**Water Source:** public, Chatham County

**Sewer Source:** private, waste water treatment plant

**Road type:** private, paved

**Within the 100 year flood plain:** No floodable area in Phase 4A1

**Reviewed:** Under pre-2008 Subdivision Regulations

The Legacy at Jordan Lake Subdivision was approved by the Board of County Commissioners on March 15, 2004 as a Planned Unit Development for a cluster development. Modifications were made to the plan in 2005 to add 50.6 acres and change the number of lots to 463. 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, consisting of 114 lots received preliminary / final plat approval in 2006 (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); to recombine the 114 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 BOC 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. The recorded recombination plat can be viewed at Plat Slide 2011, Pages 199 & 200 and at Plat Slide 2012, Page 10. The Resolution stated that the recreation fees and the water availability fees previously paid by the developer 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.

Status of project to date:

- Phase 1 consisting of 105 lots received final plat approval in 2005
- Phase 2 consisting of 54 lots received final plat approval in 2013
- Phase 3 has preliminary plat approval
- Phases 4, 5, & 6 have sketch plan approval
- Phase 4A1 received preliminary plat approval for 32 lots on April 20, 2015
- Phase 5A received preliminary plat approval for 57 lots on April 20, 2015
- Phase 5A1 consisting of 35 lots is pending final plat approval

*As part of a 2014 CUP revision, the final plat sunset date for all phases is December 31, 2020. The Phase 4A1 layout conforms to the revision to the CUP approved in 2014.*

#### **Discussion & Analysis:**

Phase 4A1 received preliminary plat approval on April 20, 2015 for 32 lots. The request before the Board is for final plat approval of The Legacy, Phase 4A1, consisting of 32 lots plus a lift station on 11.66 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, P.E., CE Group, Inc. has certified in a cost estimate letter dated August 7, 2015 that 41% of the infrastructure has been completed. Mr. Ashness stated that the cost estimate letter will be updated and resubmitted prior to final plat recordation and that he expects the project to be approximately 75% complete at that time. Prior to final plat recordation, a certification from the engineer that the roadway is accessible to emergency vehicles and verification from the Fire Marshal that he agrees is required. The form of the financial guarantee and contract must be reviewed and approved by the county attorney prior to final plat recordation.

There were three conditions of approval in 2006 when the project was first approved. All three conditions have been met.

The roadways in The Legacy are private. Per the engineer, all private roads are constructed to meet NCDOT's Standards and Specifications. A 3<sup>rd</sup> Party Testing Agency has been retained to provide testing and certification. Those records will then be provided to the HOA. County water is available to the subdivision and sewer service will be provided by the private wastewater treatment plant. Language has been drafted by the Utilities Department and approved by the county attorney to be added to the final mylar to address situations that have private roads and county waterlines.

The Technical Review Committee met on August 12, 2015 to review the submittal. Staff had no concerns or questions. The submittal meets the requirements of the Subdivision Regulations.

The Planning Board met on September 1, 2015 to review the request. Mark Ashness, Developer was present to answer any questions. A board member asked the size of the Lift Station Lot. Mr. Ashness stated that the lot was 2,091.44 square feet / .048 acre and is designed to serve Phase 4. There were no other questions or concerns.

**Recommendation:**

The Planning Board by unanimous vote and Planning Department recommend granting final plat approval of The Legacy at Jordan Lake, Ph 4A1 as submitted with the following conditions:

1. The plat not be recorded until the county attorney has approved the form of the contract and financial guarantee.
2. The plat not be recorded until staff has received certification from the engineer regarding emergency vehicle access and the Fire Marshal has approved.