

..TITLE

Vote on a request to approve F-L Legacy Owner, LLC for subdivision preliminary plat approval of The Legacy, Phase 5A, consisting of 57 lots on 21.86 acres, located off S. R. 1716, Big Woods Road, Williams Township, parcel #17378.

..ABSTRACT**Action Requested:**

Request by F-L Legacy Owner, LLC for subdivision preliminary plat approval of The Legacy, Phase 5A, consisting of 57 lots on 21.86 acres, 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 5A

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

--Phase 4, 5, & 6 have sketch plan approval

--Phase 4A will be reviewed by the Board of Commissioners for preliminary plat approval on April 20, 2015.

As part of a 2014 CUP revision, the final plat sunset date for all phases is December 31, 2020. The Phase 5A layout conforms to the revision to the CUP approved in 2014.

Discussion & Analysis:

Request: The request before the Board is for preliminary plat approval of Phase 5A, consisting of 57 lots on 21.86 acres.

Roadways: Roadways within Phase 5A will be private, with a 50 foot wide right-of-way. The roadways will be paved to the NCDOT standards, but not reviewed and approved by NCDOT. The roads will be privately maintained. Hidden Bluff Drive will provide access to the balance of Phase 5 at a later date.

Permits: Other agency permits as required for preliminary plat submittal have been received as follows:

Chatham County Soil and Sedimentation Control	Erosion and Sedimentation Control Plan	January 5, 2015
NCDENR	Water Main Extension	January 21, 2015
NCDENR	Authorization to Construct	January 21, 2015
NCDENR	Wastewater Collection System Extension Permit	March 10, 2015

Copies of the permits can be viewed on the Planning Department webpage at www.chathamnc.org/planning Rezoning and Subdivision Cases, 2015. This project pre-dates the County Stormwater Ordinance. Per Mark Ashness, P. E., the project does

have wet or dry stormwater controls at all release points handling the first ½” of impervious (with a 2-5 day drawdown).

Historical / Archeological: Per the engineer, there are no cemeteries or historical structures, i.e. buildings, chimneys, fences, etc, 50 years or older located in Phase 5A.

Road Names: The road names *Legacy Falls Drive South*, *Winding Creek Loop*, and *Hidden Bluff Drive* have been approved by the Emergency Operations Office for submittal to the Board of Commissioners for approval.

Conditional Use Permit Stipulations: See attachment #2 dated March 10, 2015.

Water Features: There is a stream located within the Phase 5A common area and a 100 foot wide, undisturbed buffer has been placed along the length of the stream. The buffer is measured from the bank of the stream landward.

Fire Marshal Review: The Fire Marshal has reviewed the plans for Phase 5A regarding access for emergency vehicles and found the plans acceptable based on road widths. The development is a gated community and the fire department has been provided access if the gate is locked.

Technical Review Committee: The TRC met on March 18, 2015 to review the plans for Phase 5A. There were no concerns from staff.

The area between Lot 350 and Lot 373 will be common area and will provide access for the community to the amenity area. A 50 foot wide perimeter buffer, as required, is shown along the common property line with parcel #63520. The plat meets the requirements of the Subdivision Regulations for preliminary plat review. If there are no concerns from the Planning Board on the issue, the developer has requested that the preliminary plat approval of Phase 5A be placed on the April 20, 2015 Board of Commissioners agenda for action. This will allow Phase 4A1 and Phase 5A to both be reviewed and acted upon at the same meeting.

The Planning Board met on April 7, 2015 to review the request. Mark Ashness, P. E., CE Group, LLC was present to answer questions from the Board. The Board had no concerns.

Recommendation:

The Planning Board by unanimous vote and Planning Department recommends approval of the road names, *Legacy Falls Drive South*, *Winding Creek Loop*, and *Hidden Bluff Drive* and recommends approval of the request for preliminary plat approval of “The Legacy, Phase 5A” with the following condition:

Language to be added to the final plat regarding a public water line easement within the private road right-of-way.