

..TITLE

Vote on a request to approve F-L Legacy Owner, LLC for subdivision preliminary plat approval of The Legacy Phase 4A1, consisting of 32 lots on 11.66 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 4A1, consisting of 32 lots on 11.66 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 & WSIV-Critical Area & 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

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
As part of a 2014 CUP revision, the final plat submittal date for all phases is December 31, 2020. The Phase 4A1 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 4A1, consisting of 32 lots on 11.66 acres.

Roadways: Roadways within Phase 4A1 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. Sidewalks will be provided. The entrance to The Legacy is gated.

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

NCDENR	Water Main Extension	January 15, 2015
NCDENR	Authorization to Construct (Water System)	January 16, 2015
NCDENR	Wastewater Collection System Extension Permit	January 29, 2015
Chatham County Environmental Quality Dept Land & Water Resources Division	Erosion Control Permit	January 5, 2015

Copies of the permits can be viewed on the Planning Department webpage at www.chathamnc.org/planning Rezoning and Subdivision Cases, 2015.

Historical / Archeological: Per the engineer, there are no historical structures, i.e. buildings, chimneys, fences, etc, 50 years or older or cemeteries, located within the Phase 4A1 area. It appears there may be a portion of a cemetery, E84.1, located in the common area proposed for Phase 3. Fred Ward, Consultant, has offered to meet with Bev Wiggins with the Chatham County Historical Association to visit the cemetery site. Per Mr. Ward, the cemetery appears to be located on a portion of the Legacy property and on a portion of an adjoining property.

Road Names: The road names *Legacy Club Drive*, *Sweet Briar Lane* and *Village Walk Drive* have been reviewed by the Emergency Operations Office for submittal to the Board of Commissioners for approval.

Conditional Use Permit Stipulations: See attachment # 2, dated February 23, 2015, prepared by Mark Ashness, P.E., for an update on the status of meeting the Conditional Use Permit conditions. Per the engineer, Phase 4A1's location within the project is such that most all of the conditions are not applicable to this specific phase.

Water Features: There are no water features, i.e. creeks, streams, wetlands within the Phase 4A1 area that require an undisturbed buffer.

Water Source: Potable water will be provided by Chatham County. Language will be added to the final plat regarding a public water line easement within the private road right-of-way.

Sewer: Lots will be served by a private WWTP.

Fire Marshal Review: Tom Bender, Chatham County Fire Marshal, reviewed the plans for Phase 4A1 regarding access for emergency vehicles and found the plans acceptable based on road width and size of the cul-de-sac (42.5' pavement radius and 55' right-of-way radius) for turnarounds.

Technical Review Committee: The TRC met on February 11, 2015 to review the plans for Phase 4A1. Mark Ashness, P. E. was present to answer questions. Staff had questions regarding the placement of the water lines. Mr. Ashness stated that there is a 10 foot wide utility easement shown on the plat for placement of the water meters and that the water lines are installed within the private road right-of-way. There were no other questions.

The Planning Board met on March 3rd to review the request. Mark Ashness, P. E., was present to represent the developer and answer questions. The Planning Board had questions regarding connection to The Preserve; overall density; open space; gated community; and lighting. Mr. Ashness stated that there was an existing utility easement extending from The Legacy to The Preserve; that there was no roadway connection, except for an emergency vehicle access point; that the overall density of the project has not changed; that an additional 60 to 70 acres of open space had been provided due to many of the lots being reduced in size; that the development was a gated community; and that any lighting would conform to the Chatham County Lighting Ordinance.

The plat meets the requirements of the Subdivision Regulations for preliminary plat review.

After the Planning Board meeting, planning staff realized that a condition regarding wording for the public water line easement was not included in the recommendation. The recommendation now includes the same condition as recommended for the preliminary plat approval for Phase 5A. The developer was contacted regarding the addition of the condition and had no objection.

Recommendation:

The Planning Board by unanimous vote and Planning Department recommends granting approval of the road names Legacy Club Drive, Sweet Briar Lane and Village Walk Drive and approval of the request for preliminary plat review of "The Legacy, Phase 4A1" as submitted.

The Planning Department also recommends the following condition: Language to be added to the final plat regarding a public water line easement within the private road right-of-way.