

..TITLE

Vote on a request to approve F-L Legacy Owner, LLC for subdivision final plat approval of The Legacy Phase 5A1, consisting of 35 lots on 11.78 acres, located off SR-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 Phase 5A1, consisting of 35 lots on 11.78 acres, located off SR-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 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

As part of a 2014 CUP revision, the final plat sunset date for all phases is December 31, 2020. The Phase 5A1 layout conforms to the revision to the CUP approved in 2014.

Discussion & Analysis:

Phase 5A1 is a portion of Phase 5A that received preliminary plat approval on April 20, 2015 for 57 lots. The request before the Board is for final plat approval of The Legacy, Phase 5A1, consisting of 35 lots on 11.78 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 July 10, 2015 that 48% 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 90% complete at that time. Prior to final plat recordation, certification from the engineer that the roadway is accessible to emergency vehicles and verification from the Fire Marshal that he agrees is required. The county attorney will have to review and approve the form of the financial guarantee and contract 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 3rd 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 July 15, 2015 to review the submittal. Staff discussed the language needed to be added to final plats regarding situations that have private roads and county waterlines to state that the county would not be responsible for restoring private infrastructure in the course of repairing the public water system. Staff had no other concerns or questions.

The submittal meets the requirement of the Subdivision Regulations. Staff requested a few minor changes be made to the mylar copy of the final plat prior to recordation, i.e. remove approval certificate for the Planning Department; add certificate of approval for recording for the County Commissioners; correct the number of lots on sheet 1; add a note to the plat stating responsibility of the maintenance of the private road. The plat meets the requirements of the Subdivision Regulations with changes stated above.

The Planning Board met on August 4, 2015 to review the request. Mark Ashness, P.E., CE Group, was present to represent the developer and answer questions. Mr. Lucier asked if the Waste Water Treatment Plant would have to be enlarged to accommodate the lots. Mr. Ashness stated that the plant was originally sized and constructed to support all 463 lots. Mr. Lucier also asked what direction the county water line was coming from to serve the project. Mr. Ashness stated that the county water line runs from the north down Big Woods Road and serves The Preserve, The Legacy, and Windfall Creek. Mr. Lucier asked if the water line currently loops back and ties in with the water line on Mt. Gilead Road. Mr. Ashness stated that currently it does not.

Recommendation:

The Planning Board by unanimous vote and Planning Department recommends granting final plat approval of The Legacy, Phase 5A1 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.
3. Language be added to the mylar regarding county water lines and private roads.
4. The mylar be revised per recommendations of staff, i.e. remove approval certificate for the Planning Department; add certificate of approval for recording for the County Commissioners; correct the number of lots on sheet 1; add a note to the plat stating responsibility of the maintenance of the private road.