

..TITLE

Vote on a request to approve Preliminary Plat review and approval of **The Legacy, Phase 3A1**, consisting of 30 lots on 16.01 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 review and approval of **The Legacy, Phase 3A1**, consisting of 30 lots on 16.01 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 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 floodable area in Phase 3A1

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 received preliminary plat approval in 2006
- Phase 4, 5, & 6 have sketch plan approval
- Phase 4A1 received final plat approval for 32 lots on October 19, 2015
- Phase 5A received preliminary plat approval for 57 lots on April 20, 2015
- Phase 5A1 consisting of 35 lots received final plat approval on September 21, 2015

As part of a 2014 CUP revision, the final plat sunset date for all phases is December 31, 2020.

Discussion & Analysis:

This request is for a revision to a portion of the 2006 preliminary plat for Phase 3. As stated above, Phase 3 received final plat approval in 2006; however, in 2011 the developer requested that the final plat be relinquished and that Phase 3 be allowed to revert back to its preliminary plat approval status. No lots had been sold in Phase 3 and no development had occurred. The Board of Commissioners approved the request. Attachment # 2 are copies of the 2006 preliminary plat for Phase 3. See 2006-498. Attachment # 3 shows the modifications being made at this time to the approved preliminary plat layout.

The 2006 Erosion Control Approval and the 2006 Water Main Extension Permit expired two years after issuance. The developer submitted a new Erosion Control Plan, attachment # 6, to the Chatham County Soil Erosion and Sedimentation Control Office for review for the entire Phase 3 area. A Letter of Approval was issued March 4, 2016. The developer also submitted a new water main extension plan for Phase 3A1, attachment # 5, to the NCDWR, Public Water Supply Section and received an Authorization to Construct, dated February 8, 2016. Copies of the plans and permits can be viewed on the Planning Department webpage at www.chathamnc.org/planning, Rezoning and Subdivision Cases, 2016. The Pressure Sewer Extension Permit dated October 26, 2006 does not have an expiration date. The preliminary plat modifications did not require a revision to the Sewer Extension Permit. The project is not subject to the Chatham County Stormwater Ordinance; however, the developer has submitted a copy of the stormwater plans to Rachael Thorn, CPESC, Land & Water Resources Supervisor. The plans meet the pre-2008 state stormwater requirements.

The road name High Woods Ridge has been previously approved by the Board of Commissioners.

The Technical Review Committee reviewed the request on March 16, 2016. Mark Ashness, P. E. was present to explain the modifications and answer questions. Discussion included the future realignment of the balance of Phase 3 and language to be added to the final mylar regarding a public water easement for Chatham County.

The Planning Board met on April 5, 2016 to review the request. Mark Ashness, P. E., CE Group was present to represent the developer. There were questions about the distance between the lots and water features, amount of open space and built upon area, and any other changes from the prior approval.

Recommendation:

The Planning Department and the Planning Board, by unanimous vote, recommend granting preliminary plat approval to The Legacy, Phase 3A1 with the following condition:

1. Language be added to the final mylar as follows: The private road also serves as a private utility easement and a public water easement for the Chatham County water system. Chatham County will not be responsible for restoring private infrastructure (wastewater system components, streets, sidewalks, curb and gutter, landscaping, etc.) in the course of repairing the public water system.