



Chatham County, NC

Legislation Text

File #: 17-2322, **Version:** 1

Vote on a request by Freehold Communities on behalf of F-L Legacy Owner, LLC for subdivision Preliminary Plat review and approval of The Legacy, Phase 4A2, consisting of 43 lots on 8.56 acres, located off Big Woods Road, S. R. 1716, Williams and New Hope Townships, parcel #17378.

Action Requested:

Request by Freehold Communities on behalf of F-L Legacy Owner, LLC for subdivision Preliminary Plat review and approval of The Legacy, Phase 4A2, consisting of 43 lots on 8.56 acres, located off Big Woods Road, S. R. 1716, Williams and New Hope Townships, 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 4A2

Reviewed: Under pre 2008 Subdivision Regulations

General Information:

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. To date, 226 lots have been final

platted with 156 occupied homes. The tennis courts and playground lot are completed and the clubhouse and pool are scheduled to be completed in Mid-August, 2017.

As part of a 2014 CUP revision, the final plat sunset date for all phases is December 31, 2020. The Phase 4A2 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 4A2, consisting of 43 lots on 8.56 acres.

Roadways: Roadways within Phase 4A2 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.

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

Chatham County Soil and Erosion and Sedimentation Control Plan: January 5, 2015

NCDENR Water Main Extension: June 22, 2017

NCDENR Authorization to Construct: June 22, 2017

NCDENR Wastewater Collection System Extension Permit: January 29, 2015

Copies of the permits can be viewed on the Planning Department webpage at www.chathamnc.org/planning Rezoning and Subdivision Cases, 2017. This project predates the Chatham 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 4A2.

Road Names: The road name shown on the preliminary plat, Twin Creeks Loop, should be Two Creeks Loop and will be changed on the final plat. The Emergency Operations Office has approved the road names *Two Creeks Loop and Stone Bridge Crossings* for submittal to the Board of Commissioners for approval.

Conditional Use Permit Stipulations: See attachment # 2.

Water Features: There are no water features located in Phase 4A2.

Fire Marshal Review: The Fire Marshal has reviewed the plans for Phase 4A2 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 July 12, 2017 to review the plans for Phase 4A2. It

was noted that the final plat information should include a note regarding repair of the public water line and a note regarding maintenance responsibility of the private roads. There were no other concerns from staff.

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

The Planning Board met on August 1, 2017 to review the request. Fred Ward was present to represent the developer. The Planning Board discussed the request and had questions / concerns regarding the location of the stormwater pond; whether the first ½" or 1" of stormwater was being treated; and were there streams adjacent to Phase 4A2 given the name of the road, Two Creeks Loop.

Fred Ward addressed the Board and stated that there is a large stormwater pond adjacent to Phase 4A2 and that the stormwater treatment meets or exceeds the requirements of the pre-2008 Subdivision Regulations; that there are streams adjacent to, but not part of Phase 4A2 and that those streams have the required undisturbed buffers and will be shown as required on later phases of the project. Mark Ashness, P.E. CE Group, engineer for the project was not present at the Planning Board meeting but has provided the following information regarding stormwater:

The Legacy was submitted in 2005 and predated the County Stormwater regulations.

The applicant voluntarily provided the following at that time:

1. Additional 50' (100' each side) voluntary buffer on all blue line streams.
2. **For portions of the project within the Jordan Lake Critical Area** (this is a very small area near Big Woods Road) treat for the 1YR 24 Hour Storm.
3. **For portions of the project within the Jordan Lake Protected Area** Capture the equivalent volume of runoff equal to the 1st 1/2" of runoff from impervious areas and detain and release slowly over a 2-5 day period.

Capturing the 1st ½ inch is consistent of what other PUD projects proposed at that time. The additional 50' buffer on each side of stream and treating the 1 YR 24 Hour Storm (within the critical area) were proffers that were above and beyond what other projects were doing in 2005.

With regard to Phase 4A-2 Pond (which is located in the protected area). This pond was designed and permitted during construction of Phase 4A-1 and is already in place. The Pond is currently acting as a sediment basin and will be converted to a wet pond that will have a permanent pool area of just over ½ AC. The ponds temporary storage volume is sized to capture the equivalent volume of runoff equal to or greater than the 1st 1/2" of runoff from impervious areas in compliance with the stated project intention.

Recommendation: The Planning Board by a vote of 6-4 and the Planning Department recommend granting approval of the road names Two Creeks Loop and Stone Bridge Crossings and recommend

granting preliminary plat approval **The Legacy, Phase 4A2** with the following condition:

1. The road name 'Two Creeks Loop' be shown on the final plat.