

REGENCY PARK PDD AMENDMENT

GENERAL DEVELOPMENT OVERVIEW

Regency Park is a 655.24-acre Planned Development District (PDD). An amendment to the PDD is being proposed. These changes are reflected in the proposed Land Use/Circulation Plan. The acreage for the amendment is 168.31 acres. The amendment proposes a change in the current land uses within Regency Park PDD. The current land uses for this portion of the PDD include commercial, office, research and development, hotel, club, retirement village, and health care facility. The amendment proposes limited retail, a range of residential uses, office, and congregate care. The Town's adopted Land Use Plan for this area shows office, institutional and industrial. This is based on the current approved Land Use Plan for Regency Park PDD. With this submittal is a request to amend the Town's adopted Land Use Plan. The current land uses are reflected in the existing Regency Park Plan that is included in the document.

The proposed Regency Park PDD Amendment reflects the changes that have happened since the adoption of Regency Park PDD. Residential development has occurred adjacent to the proposed amendment. This includes Regency Park Estates and Barrington. The proposed residential land uses will create a more well balanced mixed-use PDD. More people will have the opportunity to live near where they work. Exclusive of this amendment, there is currently additional office development occurring within Regency Park PDD. The anticipated six (6) year absorption schedule for this amendment will accelerate the revenue generated from this property. It will also accelerate the improvement of public facilities. This will be further discussed in a market analysis of the proposed development that will be submitted to the Town prior to the public hearing. All of the above reasons justify a change to the Town's adopted Land Use Plan and the amendment to Regency Park PDD.

The proposed revision provides for a maximum of 402 residential units. There may be an additional two (2) units if Tract 1 does not develop commercially. A maximum of 18,000 square feet of retail is proposed for Tract 1 with an alternate use of two (2) single-family lots. The number of residential units may also be reduced if offices are built. A maximum of 295,000 square feet of office may be built in Tracts 6 and 7. Tract 7 now only permits office uses.

There are 39.11 acres of buffer and 12.94 acres of open space within the proposed amendment for a total of 52.05 acres out of 168.31 acres. This represents 31% of the site. The open space requirement for Regency Park PDD has already been met. This proposal adds an additional 49.53 acres to the current open space total of 150.58 acres.

Vehicular access is provided from the extension of Regency Parkway. Additional access points are also proposed as shown on the Land Use/Circulation Plan. Sidewalks are planned for both sides of Regency Parkway and one side of Ederlee Drive (see Plan). Sidewalks will be on one side of all other streets except cul-de-sacs. There is a trail connection proposed from Regency Parkway to the existing trail around Symphony Lake. The Land Use/Circulation Plan shows the connection of Glade Park Road to Regency Parkway. Right of way will be dedicated as site and/or subdivision plans are submitted to the Town for approval.

STORMWATER MANAGEMENT PLAN

Per the original Regency Park PUD plan, the PUD was initially approved by the Town of Cary prior to the adoption of the Town's Water Supply Watershed Protection Ordinance. Regency Park is exempt from the impervious area limitations and impoundment provisions of the ordinance. The Owner reserves the right to use Symphony Lake in perpetuity to meet the requirements of any applicable watershed ordinance.

Regency PDD is located within the Swift Creek Watershed, of the Neuse River Basin. Symphony Lake, which is currently owned and maintained by the Town of Cary, was approved and constructed for Regency PUD as a stormwater quality BMP and satisfies the Ordinance requirements for removal of 85% of the total suspended solids (TSS) as required by the Ordinance. Per Chapter 4.4.6 of the Watershed Protection Overlay District requirements in the LDO, the developer agrees to pay the one-time fee that enables the proposed development to use Symphony Lake as a watershed protection device (BMP). Furthermore, the lake will not be used for nitrogen removal. Nitrogen will be addressed on site.

The project is subject and will adhere to Federal, State and Local stormwater regulations. These requirements include:

US Army Corps of Engineers

- Wetlands Protection (Clean Water Act, Section 404)
NCDENR - Division of Water Quality
- Wetlands Protection
- 401 Water Quality Certification
- Neuse River Riparian Buffers
- Town of Cary
- Stormwater Management Plan for New Development
- Sediment & Erosion Control

The project development will address the two main parameters of the Town's stormwater ordinance - total nitrogen control and 1-year design storm peak attenuation - on a development-wide basis where possible. The proposed development will be planned and constructed in a manner emphasizing the protection of the existing wetland areas, riparian buffers and streams. No buffer reductions are being requested. Disturbance of wetland and riparian buffer areas shall be prohibited except where required to construct road crossings, utilities, greenways and other items specifically allowable by the US Army Corps of Engineers, NCDENR, and the Town of Cary. Disturbance of riparian buffers for the above mentioned practices would be limited to those necessary to promote a safe, functional and desirable community.

No portion of the property subject to this PDD amendment is located within the FEMA regulated flood plain as depicted on the FIRM Map# 37183C0503 E, March 3, 1992.

With the proposed Land Use Plan for the Regency Park PDD amendment, the density of development has been decreased from the current approved PDD thus decreasing the amount of impervious coverage. This downzoning will result in decreased runoff.

PHASING

From the start of construction (infrastructure), it is anticipated that the proposed build-out will be six (6) years. This schedule may change due to changes in market conditions. The proposed six-year build-out is reflected in the Phasing Plan.

TRACT DEFINITION

PARCEL	Acres	Use	Max. No.of Units or Max. Sq. Ft.
Tract 1	2.21	Retail	18,000 SF*
Tract 2	30.10	SF	39 units
Tract 3	10.02	SF	39 units
Tract 4	19.40	Mixed Res.**	90 units
Tract 5	26.44	Mixed Res.**	114 units
Tract 6	12.84	Mixed Use**	120 units; 115,000 SF
Tract 7	15.25	Office**	180,000 SF

* Alternate use: Single-family: 2 units

** In all of these tracts, any of the uses proposed can be used as long as the maximum number of units and square footages are not exceeded.

PERMITTED USES WITHIN TRACTS

The following uses are permitted within each tract.

TRACT 1

Commercial Uses (Office & Retail Sales & Service)

Under Section 5.1.2 Table of Permitted Uses, the following uses within the Commercial Uses category are prohibited. All other uses under the Commercial Uses category are permitted.

Farming, general
 Forestry
 Produce Stand
 Kennel, indoor only
 Kennel, indoor/outdoor
 Veterinary hospital/office, with indoor kennel
 Veterinary hospital/office, with outdoor kennel
 Club, lodge or hall
 Bank, with drive-through service
 Bank, without drive-through service
 Nightclub/bar, indoor operation
 Nightclub/bar, with outdoor operation
 Radio or TV broadcasting studio
 Guesthouse
 Hotel or motel
 Amusement establishment
 Commercial indoor recreation facility
 Neighborhood recreation center indoor/outdoor, private

Pool or billiard hall
Theater, large
Theater, small
Athletic field, private
Commercial outdoor recreation facility
Golf course, privately owned
Golf driving range
Motor vehicle raceway
Outdoor amphitheater, commercial
ABC store
Convenience store
Farm market
Funeral home
Postal center, private
Sexually oriented business
Trade school
Parking lot
Parking structure
Auto sales/rental
Car wash
Heavy equipment sales/rental
Towing & Vehicle Storage
Vehicle filling station
Vehicle repair, heavy
Vehicle, service light

Residential Uses

Single-family detached dwelling

TRACT 2

Residential Uses

Single-family detached dwelling

TRACT 3

Residential Uses

Single-family detached dwelling, patio dwelling, cottage home, zero lot line, cluster home

TRACT 4

Residential Uses

Single-family detached dwelling, patio dwelling, cottage home, zero lot line, cluster home, townhouse, semi-detached/attached dwelling

TRACT 5

Residential Uses

Single-family detached dwelling, patio dwelling, cottage home, zero lot line, cluster home, townhouse, semi-detached/attached dwelling

TRACT 6

Residential Uses

Multi-family dwelling, patio dwelling, cottage home, zero lot line, cluster home, townhouse, semi-detached/attached dwelling, congregate care

Nonresidential Uses

Financial Institution (bank)

Office (office, business or professional offices)

TRACT 7

Nonresidential Uses

Financial Institution (bank)

Office (office, business or professional offices)

Accessory or ancillary uses normally associated with these primary uses and which do not constitute more than 25% of the gross floor area on a site are allowed in conjunction with the principal use.

STANDARDS FOR NEW DEVELOPMENT

Compliance with Development Plan Procedures Required

All new development shall be subject to development plan review in accordance with Section 3.10 of the Cary Land Development Ordinance, except as otherwise stated in this PDD document.

General Development Requirements

As applicable, the following general requirements shall govern development within the amended area within Regency Park PDD:

- (A) **Measurement of Acreage, Density, and Units**
Acreage may vary due to variations in parcel configuration. In no case, however, shall the number of units increase above the number approved for each tract.
- (B) **Reduction of Building Setbacks**
All building setbacks may be reduced a maximum of 10% by Town of Cary staff.
- (C) **Interior Buffers or Building Setbacks**
Within all nonresidential parcels, there will be no interior buffers or building setbacks. In all residential parcels, when building setbacks are less than five (5) feet from a sideyard line, a maintenance easement of up to five (5) feet will be provided on the adjacent property to facilitate building maintenance. Garages and accessory buildings within rear yards have no setbacks. Up to five (5)-foot maintenance easement from adjacent owners will be provided where setback is less than three (3) feet. All building setbacks will be as specified in this PDD document and will not be subject to any or all code changes.
- (D) **Buffers and Streetscapes**
All widths and types of buffers and streetscapes shall be as specified on the Land Use/Circulation Plan and within this PDD document and shall not be subject to any or all code changes.
- (E) **Open Space Configuration and Dimensions**
The exact configuration and dimension of open space areas shall be determined at the time of subdivision or site plan approval. No additional open space above and beyond what is specified in the PDD Document shall be required of any parcel.

- (F) **Lot Clearing**
There will be no tree clearing on any lot within Tract 2 prior to the issuance of a building permit except for infrastructure improvements. For the remaining tracts, the tree save areas will be identified on the Tree/Slope Protection Areas Map found in the PDD Document.
- (G) **Sidewalks**
Sidewalks are planned for both sides of Regency Parkway and one side of Ederlee Drive within our development (see Plan). Sidewalks will be on one side of all other streets except cul-de-sacs. The applicant has agreed to construct a 2700' asphalt greenway trail along the west side of Regency Parkway from Glade Park Drive to the entrance of the Town of Cary parkland and connecting directly to the existing Symphony Lake Greenway. This trail may be substituted for the proposed sidewalk on Regency Parkway.
- (H) **Recreation Requirement**
There is no additional recreation requirement for Regency Park PDD. However, the applicant is proposing a trail connection from Glade Park Drive, along Regency Parkway and linking with the existing Symphony Lake Greenway and the Town of Cary parkland at Symphony Lake (see map in PDD document). A portion of the trail may be substituted with the sidewalk that is shown on the west side of Regency Parkway.
- (I) **Open Space Requirement**
The open space requirement for Regency Park PDD has already been met. The amendment proposes an additional 49.53 acres of open space, including buffers. This represents 29.4% of the site.
- (J) **Alternate Street Design**
The developer reserves the option to request alternate street designs from Town of Cary standards that may include, but not be limited to one-way circulation, reduced right-of-way and street widths and alleyways.
- (K) **Access Points**
Access points are identified on the Land Use/Circulation Plan. Exact location of these access points shall be determined at subdivision or site plan submittal.

- (L) Recreation Facility
A recreation facility may be located on the site.
- (M) Street Connectivity
Connectivity requirements will be met.
- (N) Street Layout
The proposed street layout may vary due to topography and building configurations.
- (O) Pedestrian Crossings
Marked pedestrian crossings will be provided within the development. Refer to the Land Use/Circulation Plan for crossing location.
- (P) Road Sections
The road section for Regency Parkway is proposed to be a 60' right-of-way with a 27' B/B cross section. Right of way will be dedicated as site and/or subdivision plans are submitted to the Town for approval for property.
- (Q) ***Lake Buffer & Undisturbed Natural Area Easement***
For those lots beginning at a point on the north side of Tract 3 where the existing greenway crosses the western end of the Symphony Lake and continues southeastwardly to a point where it intersects with the open space area between Tracts 2 and 3, there will be a 100-foot undisturbed buffer and a 20-foot undisturbed natural area easement measured from the lake edge. For the lots in Tract 2 that are adjacent to the buffer of the lake, there will be a 100-foot undisturbed buffer and a 50-foot undisturbed natural area easement measured from the lake edge.
- (R) **Noise**
Disclosure
There will be full representation and disclosure in all residential sales for the noise generated by the Koka Booth Amphitheater. A sample disclosure letter, which will be given to all prospective purchasers, can be found in the Appendix.
- Deed**
Deed restrictions will be placed on all residential properties preventing future claims regarding noise from the amphitheater. For all residential units purchased, a

restriction/disclosure will be added to purchaser's deed regarding noise.

Construction

For those residential units to be constructed within Tracts 2, 3 and 4, Noise Level Reduction (NLR) Design Requirements will be incorporated which create a minimum NLR of 25 dB as shown in the Appendix. which will be given to all prospective purchasers, can be found in the Appendix. The site plan will identify which units within the 80-decibel sound radius that will have sound attenuation building practices on them.

(S) Design Standards

The retail tract will comply with Cary's Design Guidelines by including elements such as street trees, benches, and a pedestrian plaza. The following design criteria will be used in the development of the commercial tract.

- a. The building or buildings will have residential detailing such as brick, stone, wood, and a pitched roof. The design will be sensitive to the surrounding residential neighborhoods.
- b. If there are multiple buildings they will relate in similarity of materials and colors. Similarity should imply that buildings will work together but need not be the same.
- c. For human scale and visual interest the mass of the building or buildings should be broken down horizontally and vertically.
- d. Buildings at street corners should be designed to address the corner, that is, to engage the interest of drivers, pedestrians and bicyclists at the intersection. The design should provide a building entry and distinctive architectural element at the corner.
- e. The buildings will offer pedestrian interest along sidewalks, plazas and paths. This may include windows, entrances, and architectural details. Signage, awnings, and appropriate articulation are encouraged.
- f. Building height will not exceed two (2) stories.

- g. Trash storage, loading and truck parking will be located to minimize visibility from the street/sidewalk and building entrances.

SPECIFIC DEVELOPMENT STANDARDS

The following development standards will apply to the proposed uses.

Tract	Maximum Number of Dwelling Units/SF	Minimum Lot Size (Square feet)	Minimum Front Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Minimum Side Yard Setback (feet)	Maximum Building Height (feet)
Tract1 Retail Option: Single-family detached dwelling	18,000 SF (option: 2 units)	0; (18,000)	0; (20' w/parking in front, 15' w/out parking)	0; 15'	0; (6' aggregate with no minimum Corner side yard 8')	2 stories retail
Tract 2 Single-family detached dwelling	39 units	18,000	20' w/parking in front, 15' w/out parking	15'	6' aggregate with no minimum Corner side yard 8'	N/A
Tract 3 Single-family detached dwelling, patio dwelling, cottage home, zero lot line, cluster home	39 units	7,500 single-family detached; all other 0	10'	15'	6' aggregate with no minimum Corner side yard 8'	N/A
Tract 4 Single-family detached dwelling, patio dwelling, cottage home, zero lot line, cluster home, townhouse, semi-detached/ attached dwelling	90	7,500 single-family detached; all other 0	10'	15; 16' between attached multi-family buildings	6' aggregate with no minimum Corner side yard 8'	N/A
Tract 5 Single-family detached dwelling, patio dwelling, cottage home, zero lot line, cluster home townhouse, semi-detached/ attached dwelling	114	7,500 single-family detached; all other 0	10'	15'; 16' between attached multi-family buildings	6' aggregate with no minimum Corner side yard 8'	N/A

Tract	Maximum Number of Dwelling Units/SF	Minimum Lot Size (Square feet)	Minimum Front Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Minimum Side Yard Setback (feet)	Maximum Building Height (feet)
Tract 6 Multi-family dwelling, patio dwelling, cottage home, zero lot line, cluster home, townhouse, semi-detached/ attached dwelling, congregate care Nonresidential: Office, financial institution	120	7,500 single-family detached; all other 0	10'; 0 for nonresidential	15'; 16' between attached multi-family buildings; 0 for nonresidential	6' aggregate with no minimum Corner side yard 8'; 0 for nonresidential	6 stories
Tract 7 Nonresidential: Office, financial institution		0 nonresidential	0 nonresidential	0 nonresidential	0 nonresidential	6 stories

OPEN SPACE, STREETSCAPES AND BUFFERS

Open Space

The original open space requirement for Regency Park PDD was 131.05 acres. The amount provided was 150.58 acres. The amendment is providing an additional 49.53 acres. This is 29.4% of the site under consideration for the amendment.

Streetscapes

Streetscape is an area located along a street to provide special plantings, community identity or other landscape treatments. The provision of streetscapes along public right-of-ways is not intended to totally obscure development. The purpose is to provide a transition area, establish an image for the development and reinforce the character of the project.

Where buildings back up to a road, there will be a 25-foot streetscape. Existing vegetation within the 25-foot streetscape will not be removed except where needed for road construction and site grading of adjacent tracts. The streetscape will be re-vegetated when the streetscape is void of natural vegetation or when clearing and/or grading for roadway improvements encroach more than 33% into the required twenty-five (25) streetscape yard. If re-vegetation is required, plant material will be installed at the following rate per fifteen hundred square feet (1500) of disturbed streetscape. Examples may include but are not limited to:

- 2 deciduous, hardwood trees (Oak, Poplar, Gum, etc.) or magnolia's @ 8' ht.
- 5 Evergreen trees (Virginia/Loblolly Pine, Red Cedar, etc.) @4'-5' ht.

Where buildings front a road, there will be no streetscape. The following street tree plantings will apply:

- Foundation plantings
- 1 4" shade tree per 60'
- 1 2" understory or flowering tree for every 2 units

These streetscape standards shall only apply to Regency Parkway.

Stream Buffers

Stream buffers within this amendment shall be undisturbed land areas reserved adjacent to streams to protect water quality. No grading is allowed within the stream buffer except for street crossings, pedestrian paths, utility extensions, stormwater devices and where permitted within the Town's Watershed Protection Ordinance. Lotting will not be permitted in any resulting stream buffers.

Undisturbed Buffers

Perimeter buffers adjacent to existing residential uses shall remain undisturbed where vegetation is present, except for the construction of streets, pedestrian paths, utilities and water quality devices. Disturbed perimeter buffers shall be re-vegetated according to Town of Cary Type C buffer requirements. Lotting is not permitted in undisturbed buffers. Undisturbed buffers will be maintained by the Homeowners Association as common open space. In order to promote healthy vegetation within undisturbed buffers, underbrush and trees (less than 5" caliper for larger trees and less than 2" caliper for under-story trees) may be trimmed or removed. Where adjacent property is vacant, one-half of the required buffer will be provided.

Tree surveys in undisturbed buffers will not be required provided tree protection measures are in place prior to land disturbance.

DEFINITIONS

A Cottage Home is defined as a single-family detached structure.

MAPS

Existing Regency Park PDD Plan
Land Use/Circulation Plan
Phasing Plan
Tree/Slope Protection Areas