

# Planning Commission

## Joint Meeting with Northampton County Planning Commission

August 19, 2013  
7:00 P.M.  
Social Services Building in Eastville

1. Call to Order – Planning Commission Joint Meeting
  - a. Roll Call – Establish a quorum
  
2. Order of Business
  - a. U.S. 13 and S.R. 184 Overlay District
  
3. Adjourn

# Planning Commission Staff Report

From: Rob Testerman

Date: August 14, 2013

Item: 2A- US 13 and SR 184 Overlay

Attachments: Draft Overlay District, 2010; Excerpt from Annexation Agreement; Overlay summary, 2012; Comp Plan paragraph, 2012

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## Background

The Town of Cape Charles shares a great interest with Northampton County in the future development of areas along Rt. 184, 642, and 13. While economic growth and development for the County is needed, we want to ensure that it won't become detrimental to the business owners and citizens of Cape Charles.

The Town and County last worked together on a possible overlay district in 2010, the draft ordinance only referred to Rts 184 and 642. A one mile stretch of Route 13 at the intersection with Route 184 should also be considered, as that area, should it be commercially developed could have major effects on the Town.

## Item Specifics

The goal of the joint planning commission meeting is to open dialog between the two localities. This will ensure that while the County moves forward working with their zoning ordinance modifications, they will have the opportunity to consider the thoughts and concerns of the Town of Cape Charles. As Cape Charles is a part of Northampton County, it would be mutually beneficial to ensure that development along Routes 13, 184 and 642 does not place an undue burden on the business owners and citizens in Cape Charles.

The ultimate goal in the past, and still today, is to work with the County Planning Commission and Board of Supervisors to incorporate features in our Comprehensive Plans as well as our Zoning Ordinances (both County and Town) that would recognize this this area of joint concern.

In addition to a possible overlay district, it may be beneficial if the County were to forward plans for development, or rezoning in this area to the Town for input. Although the final say would be made by the County, the Town's input would be valuable in the decision making processes. This is outlined in Section 8 of the Annexation Agreement.

To give everyone a sense of where we have been in the past with this, please refer to the attachments. The first attachment is a draft of a "Historic Town Entrance Corridor Overlay District" that the Town and County last looked at in 2010. The second attachment is an excerpt from the Annexation Agreement that outlines the areas of mutual interest, and commercial development in this area. The third attachment is an outline prepared by Tom Bonadeo that was developed in 2012 regarding where we are and possibilities to move forward. The final attachment is a draft paragraph prepared in 2012 by Tom Bonadeo and submitted to Northampton County for consideration in their Comprehensive Plan update.

## Recommendations

Discuss issues and concerns with Northampton County Planning Commission.

**Historic Town Entrance Corridor Overlay District (HTE District)**

1. Title: This section shall be known and referenced as the Historic Town Entrance Corridor Overlay (HTE) District of Northampton County and the Town of Cape Charles.
  2. Findings of Fact: As Cape Charles' primary connections to U.S. Route 13, U.S. State Route 184 and U.S. State Route 642 represent a significant community investment and contribute to Cape Charles and Northampton County's public health, safety, and welfare. U.S. State Route 184 and U.S. State Route 642 provide access to one of Northampton County's major centers of commercial and residential development. Furthermore, the Town's entrance corridors provide a first impression of Cape Charles for tourists and the traveling public entering the Town's Historic District and, as safe and accessible roadway facilities, serve a vital economic development function. The HTE District designation will provide for development as permitted by the underlying zoning districts, while preserving and enhancing the safety, function, capacity, and visual appearance of the U.S. State Route 184 and U.S. State Route 642 corridors.
  3. Purpose and Intent: ~~As the primary entrances to the Cape Charles Historic District, U.S. State Route 184 and U.S. State Route 642 provide tourists and the traveling public with a visual first impression of the community. Seems redundant from #2~~ As provided in Section 15.2-2306 of the Code of Virginia, the HTE District is intended to preserve rural and scenic characteristics which compliment the Cape Charles Historic District. Additionally, pursuant to the authority granted by the Code of Virginia, and in particular the legislative intent established in Section 15.2-2200 and the purposes of zoning ordinances established in Section 15.2-2283, the HTE District is intended to enhance the safety, function, and capacity of U.S. State Route 184 and U.S. State Route 642 **and to encourage appropriate economic development near the Town of Cape Charles.** ~~As major traffic routes, these corridors represent significant community investments, and contribute to the public health, safety, and welfare. These corridors serve a vital economic development function, which the HTE District is intended to preserve. Seems redundant from #2~~
  4. Areas of Applicability: The HTE District shall apply to all lands identified as HTE as designated by the Northampton County Board of Supervisors and as shown on the Northampton County Zoning District Map, and also as designated by the Cape Charles Town Council and as shown on the Town of Cape Charles Official Zoning Map. Such maps together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this **Article Section**.
- The HTE District regulations shall apply to all development within the designated HTE District, requiring site plan or subdivision review. The HTE District shall also apply to redevelopment projects, as outlined in **Section Sub-section 10, Redevelopment, below**, regardless of whether such redevelopment requires site plan or subdivision review.
5. Use Regulations: Permitted uses, special permit uses, accessory uses, and special requirements shall be established by the underlying zoning district, unless specifically modified by the requirements set forth herein. These requirements may include, but shall not be limited to, requirements for setbacks, parking, landscaping, signs, and lighting.
  6. Lot Size: Lot size shall be subject to the requirement of the underlying zoning district(s).

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7. Conflict with Other Regulations: In any case where the requirements of this Article Section conflict with any other provision of the Northampton County Zoning Ordinance or Cape Charles Zoning Ordinance, as applicable, and other regulations or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.
8. Performance Standards:
  - a. Purpose and Intent: The purpose and intent of these performance standards is to minimize the impact of highway-oriented development on the safety, function, and traffic capacity of the U.S State Route 184 and U.S. State Route 642 corridors.
  - b. General Performance Standards for Development and Redevelopment:
    1. Site Plans: All site plans shall include an access plan drawn to the same scale as the site plan and showing the location and dimensions of all streets, sidewalks, driveways, crossovers, parking areas, access aisles, landscape areas, and any other relevant information in accordance with §154.045 Site Plans of this Chapter.
    2. Site Access: Access to U.S. State Route 184 and U.S. State Route 642 shall be provided by direct or indirect means, consistent with the following:
      - (a.) Number of Access Points: Each tract of land recorded prior to January 1, 1998, is entitled to one direct access point to the public roadway network, provided that VDOT approves. Where multiple tracts of land are developed as a single entity, as in the case of a shopping center, office park, residential subdivision, or similar development, they shall be treated as one tract of land for the purposes of determining the permitted number of access points. (What was rationale/standard for using Jan. 1, 1998? The County used the date of adoption of the original Highway Corridor Overlay District as the date upon which the limitation on access points to U. S. 13 was imposed and would be expected to follow same approach for a new corridor overlay district.)
      - (b.) Corner Clearance: The minimum corner clearance of driveways from intersecting streets shall be 400 feet approaching the intersection. Downstream corner clearance shall be 250 feet minimum. For side street approaches, the minimum corner clearance shall be 250 feet. At signalized intersections, corner clearances in excess of these minimum dimensions may be required, in consultation with the VDOT. Where a traffic study is submitted that shows 20-year peak period 95 percentile queue lengths will not extend past the driveway location, corner clearances may be reduced, in consultation with the VDOT.
      - (c.) Minimum Sight Distance: Minimum sight distances along the highway shall be provided to allow vehicles to safely turn left or right onto the highway. Sight distances provided along the HTE District shall be a minimum of 1,000 feet.
      - (d.) Outparcels: All access to outparcels must be internalized utilizing the main access drive of the principal retail center. Access to each outparcel shall be as direct as possible, avoiding excessive movement across the parking aisles and queuing across surrounding parking and driving aisles. In no instance shall the circulation and access of the principal commercial facility and its parking and service be impaired. (Recommend adding definition of "outparcel:" A parcel of land depicted on a final subdivision plat which is designated for public or private open space, right-of-way, utilities, or other similar purposes; or a parcel of land

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left over after platting which is smaller than the minimum permitted lot size for the zoning district in which it is located and therefore unbuildable unless combined with additional land; or a parcel of land located adjacent to a shopping center which shares a common parking lot with other establishments within said shopping center but is separated from the principal buildings and establishments by a parking area.)

- (e.) Residential Developments: Where practicable, **N** new residential subdivisions shall include an internal street layout which shall continuously connect to the streets of surrounding developments to accommodate travel demand between adjacent neighborhoods without the necessity of using the highway. [Note: concern was expressed about neighborhoods which are separated by water.]
  - (f.) Median Crossovers: Where a proposed development fronts an existing or planned median crossover, access from the development to adjacent sites shall be provided, so as to promote shared access and minimize demand for additional crossovers.
  - (g.) Shared Access and Reverse Frontage: Internal access roads and inter-parcel connections shall be provided to facilitate the local movement of traffic between existing and proposed development and minimize demand for local trips on the highway. Based on consultation with the appropriate VDOT staff Resident Engineer, inter-parcel access may take the form of direct driveway connections or reverse frontage roads. [Note: One NC Planning Commissioner expressed concern that this might result in the backs of houses facing the Cape Charles Historic Gateway.]
  - (h.) Pedestrian access: Pedestrian walkways shall be incorporated into each project so as to minimize conflicts with vehicular traffic. Pedestrian circulation systems shall connect uses within individual projects, and shall be extended to adjacent parcels where inter-parcel vehicular access is required.
  - (i.) Bicycle access: Bicycle facilities may be incorporated into each project so as to minimize conflicts with vehicular traffic. If installed, bicycle circulation systems shall connect uses within individual projects, and shall be extended to adjacent parcels where inter-parcel vehicular access is required.
3. Traffic Impact Analysis: All developments generating more than 2,000 average daily trips shall prepare and submit a traffic impact analysis. The projected number of average daily trips shall be based on trip generation rates as defined by the most recent publication of the Institute of Transportation Engineers "Trip Generation." In addition, a traffic impact analysis may be required for developments generating 2,000 or fewer average daily trips when it is determined, in consultation with the appropriate VDOT staff Resident Engineer, that safety considerations or a degradation in the level of service of the roadway warrant such analysis. The traffic impact analysis shall identify level of service impacts of the proposed development, based on a twenty-year demand projection, and shall be used to determine necessary improvements to support the development. At a minimum, the impact analysis shall address the following:
- (a.) Turn lane and access improvements
  - (b.) Internal site circulation

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- (c.) Shared access / access to adjacent sites
  - (d.) Impacts to intersections and median crossovers
  - (e.) Potential need for signalization
4. Required Improvements: Required improvements, the need for which is generated by the proposed development, shall be determined in consultation with the **appropriate** VDOT **staff**. The developer shall be responsible for providing any required improvements, which shall be shown on site plans. The need for required improvements shall be based on the following:
- (a.) Applicable traffic impact analyses
  - (b.) Highway safety and capacity
5. Setback from VDOT Right-of-Way: Buildings shall be set back from the VDOT right-of-way a minimum of 100 feet, the first 20 feet of which abutting the **roadway right-of-way** shall be a vegetated buffer which includes the vegetation installation required in **Article VII, Section F. of this Ordinance §154.105 (G) of the Northampton County Code**. The remaining area in the 20-foot buffer may be planted in grass and/or groundcover. Parking areas and stormwater best management practices may be located in the setback outside the vegetated buffer.
9. Redevelopment: In order to promote the orderly retrofit of existing developments that do not conform to the requirements of the HTE District, while encouraging reuse of previously developed properties, the following redevelopment standards shall apply. The following standards provide guidelines for use in bringing nonconforming sites as close to conformance as possible. All trip generation shall be based on ITE methods as described herein.
- a. Access: Reconstruction, relocation, or elimination of access points shall be required under any of the following circumstances. In such cases, necessary improvements shall be identified in consultation with the **appropriate** VDOT **staff**, and shall be designed to bring the site as close to compliance as possible with the access provisions of this ordinance.
    - 1. The redevelopment will cause an increase of 10 average daily trips (ADT) and 20% or more ADT. **(This and the follow subparagraph are used in the conjunctive, meaning that if the ADT increases by 50, but not 20%, then this is not applicable. This is the language in the model and Northampton's adopted US 13 Corridor Overlay District; Cape Charles should ensure that it wants to adopt the same standard.)**
    - 2. The redevelopment will cause any turning movement to increase by 5 ADT and 20% or more ADT.
    - 3. The redevelopment will cause an increase in use by vehicles exceeding 30,000 pounds gross vehicle weight of 10 vehicles per day or 20% or more vehicles exceeding 30,000 pounds gross vehicle weight per day.
    - 4. Structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20% of current assessed building value.

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5. As required to address identified safety deficiencies, based on consultation with the appropriate VDOT staff ~~Residency Administrator~~.
- b. Traffic Impact Analysis: A traffic impact analysis shall be submitted for all redevelopment projects in which the proposed use will generate more than 2,000 ADT and increase existing ADT by 50% or more.
- c. Required Improvements: Improvements required to support the redevelopment shall be based on consultation with the appropriate VDOT staff ~~Residency Administrator~~, required traffic impact analyses, and highway safety and capacity.
- d. Signage: Reconstruction, relocation, or elimination of freestanding signs shall be required ~~under the following circumstances~~ when (1) structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20% of current building value or (2) existing signs interfere with required site distances. Required improvements shall bring on-site signage as close to compliance as possible with ~~Article 12 §154.190 et seq~~ of the Northampton County ~~Zoning Ordinance Code~~ or Section 4.1 of the Town of Cape Charles Zoning Ordinance, as applicable. Additional signage requirements are as follows:
  1. ~~Structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20% of current building value.~~
  2. ~~Existing signs interfere with required site distances.~~
  3. Billboards are not allowed in the overlay district. [Note: billboards are not allowed in the County, so this is not necessary for the county—not sure about CC regs]
  4. ~~New signs shall be designed to meet the architectural standards of the project for which they are to installed.~~ [Note: County does not have architectural standards.]
  5. New, freestanding signs shall not exceed 8 feet in height and shall otherwise conform to §154.190 of this Chapter. ~~the Cape Charles sign ordinance for size and lighting~~. [Note: a reference to Cape Charles regulations would not be appropriate in the County's zoning ordinance. If CC decides to use the same regulations, the wording could be similar to that in d. above or e. & f. below, where it's either county or town, whichever is applicable.]
- e. Lighting: Where structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20% of current assessed building value, all lighting shall be brought into compliance with ~~Article 7 §154.112 et seq~~, of the Northampton County Zoning Ordinance Code or Section 4.4 of the Town of Cape Charles Zoning Ordinance, as applicable.
- f. Landscaping: Where structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20% of current assessed building value, landscaping shall be brought as close to compliance as possible with ~~Article 7 §154.105 et seq~~ of the Northampton County Zoning Ordinance or Section 4.4 and Appendix F of the Town of Cape Charles Zoning Ordinance, as applicable. This shall include appropriate landscaping of existing green space, as well as provision of additional green space to the extent that it does not

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interfere with traffic flow or required parking. Where additional green space is required, priority shall be given to establishing front yard green space.

1. Existing ~~trees and landscaping~~ **vegetation** shall be retained. Trees over 6" DBH shall be protected during construction. ~~Bushes, such as Crepe Myrtles,~~ **Shrubs** shall also be protected during construction.

~~2. Penalty for removal or destruction of existing trees and landscaping shall be \$xxx per tree or shrub. [Note: County does not have monetary penalties for vegetation removal.]~~

3. All existing trees and ~~landscaping~~ **shrubs** shall be identified on the site plan or plot plan prior to construction and tagged in the field.

11. Other Standards: TBD

which are rented for occupancy.

7. For the first ten (10) years following the imposition of such tax by the County, the County shall cause such revenue as is derived from collections within the corporate limits of the Town of Cape Charles to be forwarded annually to the Town to be used by the Town for purposes of beach replenishment, harbor improvements, recreation or beautification within the corporate limits of the Town of Cape Charles or along the corridor between the Town of Cape Charles and U.S. Route 13. Thereafter the County shall retain such revenue and may use same for any purposes permitted by law.

8. The County acknowledges that the Town and the Commission have concerns about the potential impact to the existing business districts within the towns of Cape Charles and Cheriton caused by commercial development along the Virginia State Route 184 corridor and at the traffic light on U.S. Route 13. The Town and County also acknowledge that land use and development decisions within the post-annexation boundaries of Cape Charles, the corridor between Cape Charles and U.S. Route 13 and the area adjacent to U.S. Route 13 at the intersection with Old Stone Road (Virginia State Route 184) are important matters both to the Town and County. Each party agrees to receive comments from the other relative to these matters and to give due consideration to the comments and other input made by the other. In addition, the County agrees that if the Town submits within twelve months of the effective date of annexation a proposal for amendment to the land use section of the Northampton County Comprehensive Plan regarding land use in such

area or submits within twelve months of the effective date of annexation a proposal for additional or modified land use controls along such corridor, then the County shall refer such proposals to the Northampton County Joint Local Planning Commission for its review, public hearings and recommendations thereon. Upon receipt of such recommendations, the County shall hold a public hearing and take such action as it deems appropriate. In the event that the County receives a rezoning application for proposed commercial or industrial use or a preliminary subdivision plat or any preliminary site plan submitted for the development of any commercial or industrial property located in that area at the intersection of Highway 13 and Route 184, which is recommended for commercial development in the County's current Comprehensive Plan, then the County shall promptly forward to the Town a copy of such submittal. Comments made to the County by the Town will be considered by the County in its decision-making process.

9. The parties acknowledge receipt of the "Report on the Town of Cape Charles-County of Northampton County Annexation Action" dated February 19, 1991, prepared by the Commission on Local Government and believe that the parties have adequately addressed the Commission's concerns and therefore urge the Commission to recommend and/or the Court to approve this Annexation Agreement.

10. All the terms and provisions of this Agreement shall be binding upon and inure to the benefit of and to the extent permitted by law shall be enforceable by and upon the respective successors and assigns of the parties.

retention and access rights to the wetlands park. Brown & Root agrees to file a Rezoning Application for 10 acres of its Property adjacent to the property owned by the Virginia Port Authority, to light industrial. If all or portions of the rezoned light industrial property are not utilized within 10 years of said rezoning, Brown & Root reserves the right to submit a rezoning application to the Town for this 10 acre area to a more appropriate category. Should the Town grant a rezoning application for Brown & Root's property, following annexation, the Town agrees to grant density credit to Brown & Root for the property dedicated for the wetlands park, at the same unit per acre ratio as that approved by the Town for the balance of Brown & Root's property.

14. Brown & Root and the Town agree to jointly support the creation of a special zoning district along Route 184 into the Town and along Route 13 within one mile of each direction of the intersection of Route 13 and Route 184. The Town and Brown & Root agree to urge reasonable restrictions on commercial development, sign restrictions, increased setbacks, landscaping requirements and other measures to encourage quality development within the this area.

15. Brown & Root covenants and agrees that the obligations set forth herein shall run with the land and be binding upon the owners of its property, their successors and assigns.

16. The Town hereby expressly waives any defenses available to it by statute such as sovereign immunity with respect to obligations made by the Town herein. The Town represents that it intends to fulfill its obligations in this Agreement and will

Corridor Overlay  
Route 184 and Route 642 and Route 13

We are looking for a new view of the Corridor Overlay. This “new look” includes the two areas of Route 184 and Route 642 that we have been talking about but also includes the area along Route 13 as discussed in the Annexation Agreement. This area is a one mile stretch of Route 13 at the intersection with Route 184.

The objective is to work with Northampton County Planning Commission and Board of Supervisors to incorporate features in our Comprehensive Plans (County and Town) and ultimately in our (County and Town) zoning ordinances that would recognize this area of joint concern. This area is also a concern to the Town of Cheriton who was working on a boundary adjustment to include a portion bordering on Route 13.

How could this work? There are several possible scenarios that could make this work and the Cape Charles Planning Commission (CCPC) has worked on the overlay district for the entrance to town for some time. The CCPC created an overlay document based on the Northampton County Rt. 13 Corridor Overlay. Since the area of the Overlay is outside the jurisdiction of the CCPC, adoption of this document would have no strength.

Here are the things that the CCPC would like to see in an overlay district/county zone.

Overlay on 642 AND 184

1. The view sheds along the entrances (184 and 642) to the Historic District would be protected from visual development.
2. The entrances would have similar sign control and a historic guideline as the Town currently has.
3. Commercial development would be very limited.
4. Access (driveways) would be limited to the extent possible within the Code of Virginia.
5. Dark sky compliant light fixtures would be required for every outside light fixture.
6. The Crape Myrtles along 184 are a “signature” view for the town.
7. Trees such as sycamores along 642 would also be desired. These have been planted by Bay Creek on its property that borders 642.
8. Reduced speed limit to 25 mph, within the Town boundaries.

Item Specifics

The areas for study are as follows:

1. Route 184 Corridor Overlay
  - a. Part of the Annexation Agreement
  - b. Protection of the view-sheds
  - c. Started but never finished
  - d. Code of Virginia allows overlays on entrances to historic districts
2. Route 642 Corridor Overlay
  - a. This wasn't in the Annexation Agreement because it was expected to be closed – won't happen now
  - b. Protection of the view-sheds
  - c. Has been rezoned Town Edge
  - d. Town Edge creates some expectations for town services such as water, wastewater and transportation connectivity to downtown.
3. Route 13 Special Commercial Zoning at Route 184 intersection
  - a. Annexation Agreement recommended this one mile area of special commercial zoning to protect the commercial businesses in the two nearby towns of Cheriton and Cape Charles.
  - b. Food Lion example

4. Town Edge
  - a. Work on Town edge definition with Towns to include these overlay characteristics if applicable.
5. What needs work?
  - a. County and Town Comprehensive Plans need specific coordination in this area.
    - i. Common section in each plan recognizing the value of these zones to the County and Towns.
    - ii. Historic/Architectural regulations (related to an entrance to a historic district)
    - iii. Coordinated sign regulations with Towns
    - iv. Landscaping Requirements

## Northampton County Comprehensive Plan

### Historic Town Entrance Overlay District

The Historic Entrance Corridor Overlay District is intended to implement the goal of protecting the natural, scenic, historic, architectural and cultural resources of the County's Historic Towns. The purpose of the Overlay is to protect the Town's natural and built environment leading into the Historic District and to protect the natural, scenic, historic, architectural and cultural resources within the view of each corridor.

Guidance of corridor development includes but is not limited to: reducing impacts from development on existing land forms and other natural resources; promoting only corridor development design compatible with nearby historic, architectural and cultural resources; providing pedestrian, bicycle and vehicular connections between parcels and over the district; reducing the prominence of parking lots on the corridors; increasing site plantings; regulating the size, intensity, and placement of signs and lighting (Dark Sky Compliant) within the overlay district.