

# DOUBLE TOLLGATE AREA PLAN

ADOPTED  
21 May 2002



Clarke County  
Comprehensive Plan  
Implementing Component  
Article 4

# Clarke County Board of Supervisors

Supervisors  
Millwood Voting District  
John Staclin  
Chair  
(540) 837-1903

Berryville Voting District  
J. Michael Hobert  
Vice Chair  
(540) 955-4720

Buckmarsh Voting District  
David Weiss  
(540) 955-2151



www.co.clarke.va.us

Supervisors  
White Post Voting District  
A.R. Dunning  
(540) 837-1719

Russell Voting District  
Barbara Byrd  
(540) 955-1215

County Administrator  
David L. Ash  
(540) 955-5100  
FAX: (540) 955-4002

## ORDINANCE (Approved 5-13-03)

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held at the Circuit Courthouse of said County on 5-13, 2003, at 10:30 a.m. On motion by Supervisor Dunning, the Board of Supervisors approved the following ordinance by a unanimous vote.

**WHEREAS**, Objective 6 of the Clarke County Comprehensive Plan states: Encourage residential, commercial, and industrial development in designated growth areas. Provide for nonresidential business development at the intersections of two or more federally-designated primary highways (U.S. Routes 50/17 and 340 and U.S. Routes 340 and 522;

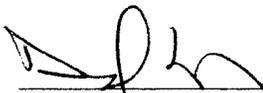
**WHEREAS**, Objective 7 of the Clarke County Comprehensive Plan states: Encourage economic growth that is compatible with the County's environmental quality, rural character, and residential neighborhoods, and that provides a positive net cash flow for County finances;

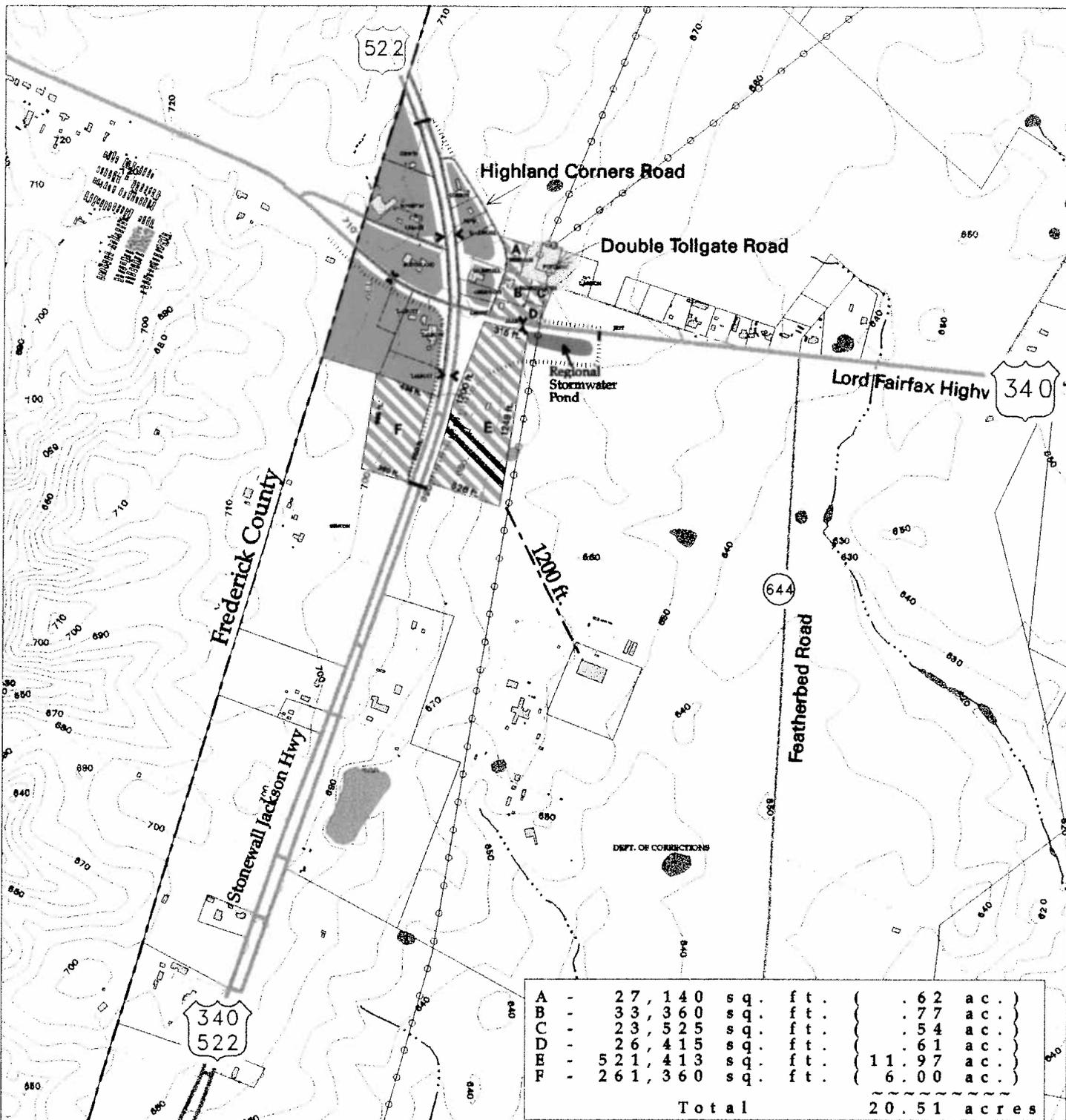
**WHEREAS**, on 21 May 2002 the Clarke County Board of Supervisors adopted the Double Tollgate Area Plan, which identifies specific properties that are eligible for Highway Commercial zoning designation;

**WHEREAS**, the area within the Plan in the southeast corner of the Double Tollgate intersection, was estimated by the County Geographic Information System as approximately 13 acres and a 1 October 2002 survey performed by Dunn Land Surveys more accurately defines this area as covering 11.9728 acres.

**NOW THEREFORE BE IT RESOLVED THAT**, the Clarke County Board of Supervisors approves the amendment of County Tax Maps so as to change from the Agriculture Open-Space Conservation (AOC) Zoning District to the Highway Commercial (CH) and Historic Access Corridor Overlay District the properties identified as Tax Map Parcel 27A-((A))-7, 27A-((3))-A, B, & C, 27-((A))-10 (portion more specifically described in the attached 1 October 2002 survey performed by Dunn Land Surveys), and 27-((A))-12 (portion), totaling approximately 20.5 acres, located at the intersection of Route 277, 340, and 522, Greenway Magisterial District, as shown on the attached map.

Attest:

  
\_\_\_\_\_  
David L. Ash, County Administrator



A	-	27	140	sq. ft.	(.62 ac.)
B	-	33	360	sq. ft.	(.77 ac.)
C	-	23	525	sq. ft.	(.54 ac.)
D	-	26	415	sq. ft.	(.61 ac.)
E	-	521	413	sq. ft.	(11.97 ac.)
F	-	261	360	sq. ft.	(6.00 ac.)
<b>Total</b>					<b>20.51 acres</b>

**DOUBLE TOLLGATE PLAN  
HIGHWAY COMMERCIAL ZONING**  
Adopted by Board of Supervisors  
May 13, 2003



0 1  
Inches  
0 1000  
Feet  
Clarke County GIS

/gis/maps/dbtollprison\_cmp



- Highway Commercial/Access Corridor Zoning (23.6 acres)
- Rezoned Highway Commercial/Access Corridor Zoning (20.5 acres)
- Existing Ponds
- Structures
- ▭ Parcel Boundary
- ▭ Highway State Roads
- ▭ Frontage Road
- ▭ Powerline
- ▭ 10' Elevation Contours
- ▭ County Boundary
- Permitted Points of Access
- Median Opening
- ✕ Right In/Right Out

# DOUBLE TOLLGATE AREA PLAN

## BOARD OF SUPERVISORS

John Staelin, Chairman  
Philip Shenk, Vice-Chairman  
Barbara Byrd  
A. R. Dunning Jr.  
Michael Hobert

## PLANNING COMMISSION

Robert W. Smalley, Jr. Chair  
Jane Harris Ghramm, Vice-Chair  
Jay Arnold            Beverly McKay  
Todd Carlisle        Camra Mills  
Carol Flues           Robert Wade  
Thomas McFillen     David Weiss  
A. R. Dunning Jr., BOS Representative

## DOUBLE TOLLGATE AREA PLAN COMMITTEE

Jane Harris Ghramm, Chair  
Carol Flues  
Thomas Gilpin  
David Jelinek  
Daniel Mackay-Smith

## CLARKE COUNTY PLANNING DEPARTMENT

Charles Johnston, Planning Administrator

## DOUBLE TOLLGATE AREA PLAN CONSULTANTS

Land Use Impact Study  
Russell Archambault, RKG Associates, Inc., Alexandria, VA

Transportation and Utility Services Study  
Larry Johnson, Chester Engineers, Martinsburg, WV

Historic and Architectural Overview  
Maral Kalbian, Boyce, VA

The 2001 Clarke County Comprehensive Plan, as well as its 1994 predecessor, establishes the intersection of Routes 277, 340, and 522, known as Double Tollgate, as an appropriate location for commercial uses. Specifically, the Plan's Objective 6 and the pertinent Policy 3 state:

**Objective 6.**

Encourage residential, commercial, and industrial development in designated growth areas.

Provide for nonresidential business development at the intersections of two or more federally-designated primary highways (U.S. Routes 50/17 and 340 and U.S. Routes 340 and 522).

**Policy 3**

Promote business activities at the intersections of two or more federally-designated primary highways: Waterloo (U.S. Routes 50/17 and 340) and Double Tollgate (U.S. Routes 340 and 522) through provision of public water and sewer services and provision of additional areas zoned for business uses. An area plan should be prepared before any commercial rezoning action, to identify the specific boundaries and mixes of uses, the way public services are to be provided, and the way proposed activities will be integrated with surrounding uses, especially agricultural and residential.

The purpose of this Plan, as stated in the policy above, is to identify the specific boundaries and mixes of uses, the way public services are to be provided, and the way proposed activities will be integrated with surrounding uses, especially agricultural and residential.

Work began on the Plan as the result of a September 19, 2000, Board of Supervisors Resolution requesting the Planning Commission to prepare and recommend a Double Tollgate Business Intersection Area Plan by July 1, 2001. The Board's resolution contained the following assumptions and recommendations:

Assumption 1            The Shenandoah (formerly Wheatlands) development in Frederick County is completed;

Assumption 2            The land zoned industrial in Warren County is fully developed;

Assumption 3            There is sewage capacity (50,000 gallons per day) available for commercial development at the Double Tollgate intersection;

*Recommendation 1*

An appropriate area to be zoned commercial in the vicinity of the Double Tollgate intersection based on:

- assumption three above,
- the anticipated level of traffic at this intersection in 2020, and
- the population in the area in 2020 that would be served by commercial development at this intersection;

*Recommendation 2*

Transportation improvements for that portion of Lord Fairfax Highway (Routes 277 and 340) within one mile of the Double Tollgate intersection and all of Stonewall Jackson Highway (Routes 340 and 522) based on the planned development at this intersection and in adjoining counties.

*Recommendation 3*

Any other actions consistent with the County Comprehensive Plan that the Commission concludes would be fiscally beneficial to the County or are necessary to promote and encourage appropriate business activity at this intersection.

On October 6, 2000, the County Planning Commission established the Double Tollgate Area Plan Committee to develop and recommend a plan to the Commission. The Committee held eight meetings from October 26, 2000 to May 24, 2001. It obtained the assistance of a consultant in economics, land use planning, and real estate; a civil engineering consultant; and an architectural historian. The Planning Commission held a public hearing on (date) and recommended approval to the Board of Supervisors. The Board held a public hearing on (date) and approved the following policies.

1. Forty-eight acres of highway commercial uses will be the appropriate level of commercial development at the Double Tollgate intersection based on projected economic trends for the vicinity over the next 15 to 20 years, highway access criteria, and ownership patterns (see map). This 48-acre area is comprised of 24 acres currently zoned Highway Commercial and another 24 acres currently in the Agricultural-Open Space-Conservation (AOC) Zoning District. The most significant single property for future commercial uses is the 13-acre area in the southeast corner of the primary highway intersection now owned by the Virginia Department of Corrections. This area could be a prime retail site in the future for a neighborhood commercial center and could contain a portion of a regional stormwater management pond. The eastern and southern limits of the additional commercial areas coincide with median openings in Routes 340 and 522 located in accord with preferred access management principles.
2. Currently, there is no economic need to expand the area zoned Highway Commercial. However, applying Highway Commercial Zoning to the 24-acre area now zoned AOC is consistent with the Comprehensive Plan policy: “Promote business activities at the intersections of ... primary highways ... through ... provision of additional areas zoned for business uses.” Such a rezoning shows the seriousness of the County’s commitment to provide for commercial development in this area. Demonstration of this commitment is critical to enabling the transfer of the approximate 13 acres owned by the Virginia Department of Corrections to a private development entity. Applying Highway Commercial Zoning to the designated commercial area also specifically identifies the area to be served by central water, sewer, and stormwater facilities, thus giving validity to such service request. Finally, establishing Highway Commercial Zoning for the designated expansion area reduces the hurdles of governmental review of proposed commercial development when market forces dictate its appropriateness.
3. The allowed uses in the Highway Commercial Zoning District are suitable to accommodate the types of uses that are likely to locate at this commercial area. Future commercial uses will primarily serve nearby residential neighborhoods and passing motorists.
4. In order to benefit more fully from the anticipated highway commercial uses, the County should review its tax structure and consider establishment of a meals tax. A meals tax of up to 4% may be established with approval by voter referendum. This tax has been established in adjoining jurisdictions.
5. VDOT is requested to include improvements to the Double Tollgate intersection in its Primary Highway Plan. These improvements should include additional turn lanes at the

intersection and expansion of Route 277 and Route 340 to four lanes, in a 150 right-of-way, from the Frederick County line to a point 1000 feet east of the Double Tollgate intersection. Special attention should be provided to the design of these turn lanes to improve traffic safety. Median openings on Routes 277 and 340 should be approximately 1000 feet away from the Double Tollgate intersection. Existing median openings on Routes 340 and 522 should be shifted to points approximately 1300 feet north and south of the Double Tollgate intersection (see map). In addition, the anticipated significant increase in traffic volume on Route 522 in Clarke County is a cause for concern from a safety point of view. These concerns warrant allocation of transportation resources and, therefore, this two-mile segment of Route 522 should be a priority for primary highway planning.

6. Commercial site plans shall be designed to comply with the following access management standards for Routes 277, 340, and 522. Uses on site plans shall be able to directly access primary highways. Site plans shall show not more than one right-in/right-out curb cut on each of the primary highways, located approximately 500 feet from the Double Tollgate intersection. Site plans shall be designed to provide for inter-parcel access through driveway connections and frontage roads. Site plans shall provide for additional right-of-way for primary and secondary roads to implement the improvements described in policy 6 and provide for the safe movement of vehicles. Access management standards shall be applied with some flexibility for uses in existing structures.
7. Commercial uses in new structures shall be served by central water and sewer facilities. Central water and sewer service shall be sought from the appropriate authorities in Frederick County and/or in cooperation with the Virginia Department of Corrections.
8. A private regional stormwater pond or ponds, incorporating Best Management Techniques (BMTs), is encouraged.

These policies are derived from the Double Tollgate Area Land Use Impact Study prepared by RKG Associates and the Double Tollgate Area Transportation and Utility Services Study prepared by Chester Engineers.

These studies contain a summary of findings, an overview of current conditions, a description of anticipated impacts from proposed land use activities in Clarke, Frederick, and Warren Counties, and recommended actions in response to current and future conditions. The above policies were based on the recommendations of the studies but were in some instances modified to reflect a composite of the County Comprehensive Plan, the Board of Supervisors Double Tollgate Resolution and all the information and recommendations provided.

In addition, the Historical and Architectural Overview of the Double Tollgate Community was prepared by Maral Kalbian, Architectural Historian, to describe and assess the historic resources of the area that should be considered and protected in future development.

These three reports follow.

On October 6, 2000, the County Planning Commission established the Double Tollgate Area Plan Committee to develop and recommend a plan to the Commission. The Committee held eight meetings from October 26, 2000 to May 24, 2001. It obtained the assistance of a consultant in economics, land use planning, and real estate; a civil engineering consultant; and an architectural historian. The Planning Commission held a public hearing on (date) and recommended approval to the Board of Supervisors. The Board held a public hearing on (date) and approved the following policies.

1. Forty-two acres of highway commercial uses will be the appropriate level of commercial development at the Double Tollgate intersection based on projected economic trends for the vicinity over the next 15 to 20 years, highway access criteria, and ownership patterns (see map). This 42-acre area is comprised of 24 acres currently zoned Highway Commercial and 18 acres currently in the Agricultural-Open Space-Conservation (AOC) Zoning District. The most significant single property for future commercial uses is the 13-acre area in the southeast corner of the primary highway intersection now owned by the Virginia Department of Corrections. This area ~~could be~~ **is** prime retail site in the future for a neighborhood commercial center and ~~could~~ **should** contain a portion of a regional stormwater management pond. The eastern and southern limits of the additional commercial areas coincide with median openings in Routes 340 and 522 located in accord with preferred access management principles.
2. Currently, there is no economic need to expand the area zoned Highway Commercial. Applying Highway Commercial Zoning to the 18-acre area now zoned AOC shall be considered when requested by property owners. Such requests will allow the property owners to make proffers to implement policies for transportation, stormwater management, and water and sewer utilities for the Double Tollgate Area. Market forces should determine to appropriate time to consider rezoning applications. By not taking action at this time, modifications to the Plan can be considered as economic conditions in the Double Tollgate area change.
1. At present, 6 acres of the Benton property, Tax Map Parcel 27-A-12, are zoned Highway Commercial and accessed off Virginia Route 277. This parcel also has frontage on Routes 340/522. Currently, the entire property is used for agricultural purposes. Locating the commercially zoned area on Routes 340/522 instead of Route 277 would improve its commercial development potential, because of greater traffic volumes. Superior highway visibility would also improve access from a safety standpoint. Therefore, if requested by the property owner, the County will initiate a rezoning application to shift the current 6 acres of commercial zoning from Route 277 to Route 340/522.
2. The allowed uses in the Highway Commercial Zoning District are suitable to accommodate the types of uses that are likely to locate at this commercial area. Future commercial uses will primarily serve nearby residential neighborhoods and passing motorists.
3. In order to benefit more fully from the anticipated highway commercial uses, the County should review its tax structure and consider establishment of a meals tax. A meals tax of up to 4% may be established with approval by voter referendum. This tax has been established in adjoining jurisdictions.

