



**2022**

# **Double Tollgate Area Plan**

**An Implementing Component Plan of the  
2022 Clarke County Comprehensive Plan**

**Adopted by the Board of Supervisors  
January 17, 2023**

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## EXECUTIVE SUMMARY

The 2022 Double Tollgate Area Plan is the third iteration of this Clarke County Comprehensive Plan implementing component plan. The Area Plan provides guidance and recommendations on land use and public infrastructure decision-making for Double Tollgate, an unincorporated business intersection located at the County's southwestern gateway. The Area Plan helps to ensure that appropriate land is provided to support highway commercial uses, that necessary public utilities and a safe transportation network are available to support these uses, and that the character of development enhances the overall character of the County.

The Area Plan was first adopted in 2001 to plan for growth projected as a result of residential and business growth in nearby Frederick and Warren Counties. The second iteration was adopted in 2016 with changes to reflect the fact that nearby growth did not occur as previously projected and that opportunities to provide public water and public sewer to the Plan Area had not materialized. Whereas the 2001 Area Plan anticipated growth, the 2016 version recommended designating the Plan Area as a "deferred growth area" with no investment in public infrastructure until future development changes occurred to trigger new growth.

Two significant changes affecting the Plan Area occurred after 2016 which necessitate the revisions included in this third iteration of the Double Tollgate Area Plan:

- Former "Camp 7" property. With the permanent closure and disposition of the former Camp 7 correctional facility located to the southeast of the Plan Area, the State-owned properties were divided among multiple State agencies. The General Assembly in 2019 transferred 65 undeveloped acres to the Virginia Port Authority with the directive to work with Clarke County on developing this property for "economic development purposes." Approximately 155 acres containing portions of the former correctional facility were transferred to the Virginia Department of Military Affairs for development of a future regional training center. In order for both projects to come to fruition, access to public water and public sewer is necessary.
- Frederick County water and sewer. For many years, Frederick County officials expressed no interest in providing public water and public sewer to Clarke County and specifically to the Double Tollgate area. This changed in 2021 when the Frederick County Board of Supervisors acted to empower Frederick Water to provide public water and public sewer to neighboring jurisdictions. This approval authorized Frederick Water to begin negotiations with Clarke County on a development agreement which includes designation of a formal water and sewer service area in Double Tollgate.

The Area Plan's recommendations are updated to remove the "deferred growth area" status in order to plan for anticipated development served by public water and public sewer. The previous Plan Area is expanded to include the State-owned properties to the southeast and is also divided into three newly-designated "Sub-Areas" with recommended policies to manage future development in these different areas. New recommendations are also included to ensure that the users of new or improved public infrastructure bear the majority of the cost of construction and maintenance.

The Area Plan should be used to provide guidance to Double Tollgate Area property owners, elected and appointed officials, and other interested stakeholders regarding the County’s approach to managing the development of this key business intersection. The Area Plan should be applied in tandem with the County’s Comprehensive Plan and other applicable component plans.



**Figure 1 – View of intersection towards northwestern quadrant**

## **I. INTRODUCTION**

### **A. Plan History**

#### *Development of the Original Area Plan (2001)*

The Double Tollgate Area Plan was first adopted by the Board of Supervisors on May 21, 2002 as the County’s second Business Intersection Area Plan and a component of the 2001 Comprehensive Plan. The Plan’s purpose 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” in the Double Tollgate Plan Area (2001 Comprehensive Plan Objective 6, Policy 3).

Development of the Area Plan began September 2000 with a Board of Supervisors resolution requesting the Planning Commission to prepare and recommend a “Double Tollgate Intersection Area Plan” by July 1, 2001. This resolution included the following future assumptions for the Commission to base the Area Plan’s development:

1. The Shenandoah (formerly Wheatlands) development in Frederick County (Lake Frederick) is completed.
2. The land zoned industrial in Warren County is fully developed.

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

The resolution also requested three specific recommendations to be provided by the Planning Commission:

1. An appropriate area to be zoned commercial in the vicinity of the Double Tollgate intersection based on:
  - Assumption 3 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.
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.
3. Any other actions consistent with the 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.

The Commission formed the Double Tollgate Area Plan Committee on October 6, 2000 to conduct the work requested by the Board of Supervisors. Eight Committee meetings were held from October 2000 to May 2001 and three consultants were hired to provide research and recommendations to support the Area Plan development. All of the resultant consultant studies listed below were included as appendices to the original Area Plan document:

- Economics, land use planning, and real estate consultant (RKG Associates) – Produced the Double Tollgate Area Land Use Impact Study
- Civil engineer (Chester Engineers) – Produced the Double Tollgate Area Transportation and Utility Services Study
- Historic resources consultant (Maral Kalbian, Architectural Historian) – Produced the Historical and Architectural Overview of the Double Tollgate Community

The Committee's work resulted in the development of eight policies to guide land use decision-making in the Double Tollgate Planning Area.

Policy 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.

Policy 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.

Policy 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.

Policy 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.

Policy 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.

*Policy 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.*

*Policy 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.*

*Policy 8. A private regional stormwater pond or ponds, incorporating Best Management Techniques (BMTs), is encouraged.*

The Board of Supervisors adopted the Double Tollgate Area Plan and the eight recommended policies on May 21, 2002.



**Figure 2 – View of intersection towards northeastern quadrant**

*Planning Commission Double Tollgate Committee (2012)*

Nine years after the Area Plan adoption, the Board of Supervisors at their May 24, 2011 meeting discussed the possibility of funding a study recommended by Planning Staff to determine the cost and feasibility of bringing public water and sewer to the Plan Area. Staff presented



preliminary engineering figures developed in March 2011 indicating the following estimated costs:

- Development of a central water system -- \$2 million
- Development of a sewage collection system including pump stations -- \$2 million
- Construction of a new sewage treatment plant -- \$1.8 million to \$4.5 million depending upon size and technology

Based on these figures and the current size of the Double Tollgate Plan Area, these projects would cost the County approximately \$160,000 per acre. Staff indicated that the main purpose of this study would be to determine whether allowing development of a larger-scale development in the Plan Area would create an economy of scale to justify the infrastructure investment and provide an economic benefit to the County. As an alternative to public sewer development, Planning Staff indicated that allowing businesses to use commercial drainfields – which are currently prohibited by the County’s well and septic ordinance – could also be studied. Following discussion of the proposal, the Board voted to forward the matter to the Planning Commission for further study and to provide recommendations on future development of the Plan Area. The Commission’s study was to take into account that public water and sewer is unlikely to be developed for an extended time period and was to recommend appropriate modifications to the Double Tollgate Area Plan.



**Figure 3 – View from southeastern quadrant of intersection, tourist attraction in background**

The Planning Commission formed the Double Tollgate Committee on February 3, 2012 consisting of seven commissioners with support from Planning Staff and Virginia Department of Health Staff. The Committee met six times from March to May 2012 and produced a detailed Double Tollgate Area Report that was approved by the full Commission on July 6, 2012. The report contained the following Summary of Consensus Findings:

1. *No cost-effective, publicly-provided sewage treatment option was identified. The committee investigated other options than were presented in the Chester Engineering report of 2011. This issue will be re-visited during the 2012 Comprehensive Plan update.*
2. *Given current economic conditions, the committee did not entertain the option of amending regulations to allow for a wider range of private septic systems. The committee recommends deferring consideration of such short-term amendments until long-term planning for the area is evaluated anew during the 2012 Comprehensive Plan update.*
3. *At present, any commercial development at Double Tollgate will need to rely on owner-financed, individual sewage treatment options under our current regulations.*
4. *There may be long-range availability of cost-effective public sewer which would make commercial development at Double Tollgate more attractive than at present. However this is unpredictable due to current economic conditions.*
5. *There is no current cost-effective source of public water. Individual wells will be required for any commercial development.*
6. *Given the above difficulties regarding commercial development at Double Tollgate, no changes to the Highway Commercial acreage at Double Tollgate are recommended.*
7. *It is not recommended that a consultant be engaged specifically to evaluate Double Tollgate. However, any consultant utilized for the 2012 Comprehensive Plan update will be asked to address Double Tollgate issues, particularly with regard to allowed uses and other Zoning Ordinance changes. During this review, triggers for public investment in sewer/water infrastructure should be developed and clearly defined to address future demand.*
8. *For near-term commercial development, the county should focus on those areas with already existing or readily available sewer and water, given the sewer/water difficulties at Double Tollgate.*
9. *Long-term, the attraction for private commercial development at Double Tollgate is difficult to predict. As noted above, an identified series of triggers should prompt re-evaluation of public investment in Double Tollgate infrastructure in the future.*
10. *The county should consider unique commercial enterprises which do not require sewer/water availability, such as an expanded solar farm, in the Double Tollgate area. Joint venture with the Commonwealth and the Department of Corrections could be pursued.*

The Board of Supervisors accepted the Double Tollgate Committee's report at their August 21, 2012 meeting. The Committee's recommendations were used in the development of revised recommendations applicable to the Plan Area in the 2013 revision of the Comprehensive Plan.

### 2016 Area Plan

The 2016 Area Plan was developed based on guidance from the 2013 Comprehensive Plan. Two of the items in the 2013 Comprehensive Plan's Statement of Purpose identified growth areas such as the Double Tollgate Plan Area as the location to direct future development and infrastructure investments:

- *Land use decision-making shall emphasize directed, controlled growth on a rural, small-town scale in designated areas where public infrastructure can be efficiently provided. These areas include the Towns of Berryville and Boyce as well as other villages and business intersections described in this Plan and its Implementing Component Plans.*
- *The County will focus its resources on infrastructure and economic development projects to serve the designated growth areas. Residents and businesses in rural areas should continue to expect rural levels of service.*

The 2013 Comprehensive Plan also recommended designating the Plan Area as a deferred growth area as a result of delays in projected development within and in proximity to the Plan Area and limited access to public water and sewer from Frederick County.

5. *Designate the Double Tollgate area (U.S. Routes 340 and 522) as a deferred growth area and delay county investment in infrastructure until such time as it is applicable and economically feasible. Feasibility should be triggered through evaluation of factors such as the quantity and long-term stability of growth in the immediate area, the availability of public water and public sewer capacity, and compliance with any adequate public facility measures that are developed. Once it is feasible to do so, promote business activities at Double Tollgate through provision of public water and sewer services and provision of additional areas zoned for business uses.*

*The Double Tollgate Area plan should be maintained to identify: 1) the specific boundaries and mixes of uses, 2) the way public services are to be provided, and 3) the way proposed activities will be integrated with surrounding uses, especially agricultural, residential, and parcels held in permanent conservation easement. The boundary of the adopted Double Tollgate Area Plan should not be expanded until the land area addressed by the Plan is substantially developed, and the Plan should be periodically reviewed and updated.*

The Board of Supervisors adopted the 2016 Area Plan on December 20, 2016.

### **B. Physical Description of Plan Area**

The original Double Tollgate Plan Area consists of parcels totaling approximately 24 acres that were zoned Highway Commercial (CH) prior to the Area Plan adoption, and parcels or portions of parcels totaling approximately 20.5 acres that were rezoned to the CH District on May 13, 2003 by the Board of Supervisors. Properties in the original Plan Area are all zoned Highway Commercial (CH) and Highway Access Corridor (HAC) Overlay District.

The revised Plan Area includes approximately 292 acres of land owned by various agencies of the Commonwealth of Virginia which are currently zoned Agricultural-Open Space-Conservation (AOC). The majority of this land was previously operated as the “Camp 7” correctional facility by the Virginia Department of Corrections. Approximately 30 acres is currently operated by the Virginia Department of Transportation (VDOT) as a maintenance facility. When Camp 7 discontinued operations and was decommissioned, the State-owned properties were divided and assigned to various State agencies for different purposes:

- Virginia Port Authority -- 65 acres designated to be developed “for economic purposes” in cooperation with Clarke County by General Assembly in 2019.
- Virginia Department of Military Affairs – 154.66 acres for future development as a regional training center
- Virginia Department of Corrections – 40.57 acres, no uses currently identified
- Virginia Department of Transportation – 31.52 acres, existing maintenance facility

Chapter II describes how the properties in the Plan Area are grouped into “Sub-Areas” with each Sub-Area containing specific policies to guide development.



**Figure 4 – Undeveloped Virginia Port Authority property from U.S. 340**

#### Public Water and Public Sewer

There is currently no broadly available public water or public sewer service to the properties in the Plan Area, although Clarke County and Frederick County officials are working together on a project to extend public water and public sewer to the Plan Area. The former Camp 7 correctional facility is served by an existing 12-inch public water transmission line from

Frederick County and a small sewage treatment facility with a permitted capacity of 37,000 gallons per day that was originally designed to serve only the former correctional facility.

### Transportation

The Plan Area is bisected by two Federal primary highways (Stonewall Jackson Highway/US 522 and Lord Fairfax Highway/US 340) and one State primary highway (Lord Fairfax Highway/Route 277). Other secondary public roads serving the northeastern corner of the Plan Area include Double Tollgate Road (Rt. 670) and Highland Corners Road (Rt. 669). The Appendix includes a table depicting average daily traffic counts for the primary highway intersection and the highway corridors that feed traffic to and from the intersection. As noted in the table, there has only been a modest increase in daily traffic from 2001 to 2019.

It should be noted that the primary highway intersection contains significant deficiencies including substandard turn lanes and through lane capacity. An improvement project was identified for this intersection and added to the County’s Transportation Plan and priority project list in 1997. The Double Tollgate Area Transportation and Utility Services Study developed by Chester Engineering for the original Area Plan also includes various recommendations for improvements at this intersection. Consideration should be given to updating Chester Engineering’s recommendations and pursuing mechanisms for funding necessary safety and capacity improvements.

### Zoning

Properties located in the original Plan Area (described in Chapter II as Sub-Area A) are currently zoned Highway Commercial (CH) and Highway Access Corridor (HAC) Overlay District. A description of these two zoning districts is included below. The State-owned properties (described in Chapter II and Sub-Areas B and C) are zoned Agricultural-Open Space-Conservation (AOC). State-owned lands are exempt from local zoning requirements per the Code of Virginia.



**Figure 5 – Northern section of the Plan Area, Shen-Valley Flea Market and retail shop**

Highway Commercial (CH) District

The intent of the Highway Commercial Zoning District is set forth in Zoning Ordinance Section 4.1.5 as follows:

*This district is intended to provide sufficient space in appropriate locations for a wide variety of commercial activities, generally serving a wide area and located on primary highways with more than 5,000 trips per day. The uses in this district should not be characterized by extensive warehousing, frequent heavy trucking activity, open storage of materials, or the nuisance factors of dust, odor, and noise associated with light industrial activities.*

The list of permitted and special uses in the District is as follows:

<b>Agricultural Uses</b>	<b>Use Type</b>
Agricultural Building	Accessory Use
Agriculture	Permitted Use
<b>Residential Use</b>	<b>Use Type</b>
Commercial District Accessory Dwelling	Accessory Use
<b>Business Uses</b>	<b>Use Type</b>
Automobile Repair Business	Special Use
Bowling Alley	Special Use
Catering	Permitted Use
Commercial Accessory Structure	Accessory Use
Commercial Boarding Kennel	Permitted Use
Commercial Breeding Kennel	Permitted Use
Commercial Center	Permitted or Special Use
Commercial Recreational Uses and Structures	Special Use
Convenience Store with Gasoline Sales	Permitted Use
Farm Machinery Sales and Service	Permitted Use
Farm Supplies Sales	Permitted Use
Feed and Grain Mill	Special Use
Financial Institutions	Permitted Use
Firearms Sales and Service	Special Use
Funeral Home	Special Use
Hotels	Permitted Use
Personal Service Business	Permitted or Special Use
Professional Service Business	Permitted Use
Restaurants	Permitted Use
Retail Business	Permitted or Special Use
Self-Service Storage Facility	Special Use

Shop for Welding, Blacksmith, Tinsmith, Woodworking	Special Use
Veterinary Clinic	Permitted Use
Wireless Communication Facility	Permitted or Special Use
<b>Recreation/Education/Assembly Uses</b>	<b>Use Type</b>
Churches and Other Places of Worship	Permitted Use
Indoor Theater	Permitted Use
Private Club	Permitted Use
<b>Public and Miscellaneous Use</b>	<b>Use Type</b>
Animal Shelter, Governmental	Permitted Use
Cemetery	Permitted Use
Community Services Facility	Permitted Use
Fire and/or Rescue Squads	Permitted Use
Passive-Use Public Park	Permitted Use
Public Utility Facility	Permitted Use
Small Wind Energy System	Accessory or Special Use

Permitted and accessory uses are allowed by-right subject to administrative review in most cases. Special uses are allowed only with approval of a special use permit and site development plan by the Board of Supervisors following review and recommendation by the Planning Commission. Special uses are also subject to public hearing requirements. Detailed information on the allowable uses in the Highway Commercial District may be found in Zoning Ordinance Section 5.2.



**Figure 6 – View of undeveloped Highway Commercial-zoned property, southeastern quadrant**

Historic Access Corridor Overlay District (HAC)

The Plan Area is also included within the County’s Historic Access Corridor Overlay District (HAC) as set forth in Section 4.2.5 of the Zoning Ordinance. The purpose of the HAC Overlay District is listed as follows:

*“...to promote and protect the health, safety, comfort, and general welfare of the community through establishing high quality design criteria. The purpose of the quality design criteria is to achieve architectural control of the buildings, structures, places, and areas of new development along the arterial streets or highways which are significant routes of tourist access to the County, municipalities in the County, to designated historic landmarks, buildings, structures or district therein, or in a contiguous county or municipality. The purpose of architectural control is to preserve and enhance areas of special historical, cultural, architectural or archaeological significance. The protection of these vital corridors will help stabilize and improve property values, protect and enhance the designated area's attraction to tourists and visitors, and will support and stimulate complimentary development appropriate to the prominence afforded properties contiguous to significant arterial routes. Benefits attributable to the promotion of superior design and appearance of structures constructed and altered along arterial highways will ultimately promote the public health, safety, and general welfare of the citizens of Clarke County.”*

In addition to complying with site development plan requirements for new commercial uses or expansion/modifications to existing uses, applicants must also comply with the HAC Overlay District’s design requirements. The design requirements for the Double Tollgate Plan Area govern architectural style and form, building height, roofs, exterior walls, windows and doors, and structural details. Compliance with these design requirements is evaluated during the site development plan review process and is approved by Planning Commission issuance of a certificate of appropriateness.

### **C. Scope of Current Plan Revision**

The Clarke County Planning Commission initiated review of the Double Tollgate Area Plan by resolution on November 5, 2021. The resolution recommended that two specific issues should be considered:

- The impact of serving the plan area with public water and public sewer.
- Whether to change the plan area’s current “deferred growth” status.

Since the 2016 adoption of the current Double Tollgate Area Plan, changes have occurred that necessitate re-examination of the “deferred growth” status that was assigned to this Plan Area. The former State-owned “Camp 7” property adjoining to the southeast and located outside of the Plan Area is now being considered for other State uses and a portion of the property has been assigned to the Virginia Port Authority for economic development purposes. Some of the uses being contemplated will require public water and potentially public sewer beyond the capacity of the existing sewage treatment plant that formerly served the Camp 7 facility.

In 2021, the Frederick County Board of Supervisors approved Clarke County’s request for public water and public sewer to be extended into the Double Tollgate area. This approval authorized Frederick Water (the County’s agency responsible for managing public water and sewer infrastructure) to begin negotiations with Clarke County on a development agreement which includes designation of a formal water and sewer service area. Several owners of Highway



Commercial zoned properties in the original Plan Area have long desired public water and public sewer to develop and re-develop their properties. Provision of these services would likely trigger near-term growth on these commercial properties.

To address these changes, the Area Plan’s goals, objectives, and strategies have been updated to replace the “deferred growth status” with new recommendations in anticipation of a Plan Area served with public water and public sewer. Consistent with the Comprehensive Plan’s guidance, the need for public infrastructure to be provided in an efficient and fiscally-responsible manner is reflected in these changes. This includes ensuring that the development community, as the primary beneficiaries of the new infrastructure, assumes a significant share of the cost to construct the water and sewer infrastructure and to bear responsibility for constructing improvements to the public road network caused by the impact of their projects. Additional emphasis is placed on ensuring high-quality site and architectural design to protect the County’s southwestern gateway.



**Figure 7 – Access road to former Department of Corrections facility, VDOT maintenance shop on right**

If efforts to extend public water and public sewer to Double Tollgate are successful, a service area in which Frederick Water would provide these utilities would need to be established. Public utility service areas should only be designated in areas planned for future growth which would include the original Double Tollgate Plan Area. Since public water and public sewer are likely to be needed for uses on the State-owned properties, the Frederick Water service area would exceed the current boundaries of the Double Tollgate Plan Area.

As a result of these recent changes, the Double Tollgate Plan Area is proposed to be expanded to include the State-owned properties to the southeast. Since these properties are all zoned Agricultural-Open Space-Conservation (AOC) and expected to be developed and operated differently from the Highway Commercial (CH) zoned properties, the revised Plan Area is divided into “Sub-Areas.” Sub-Areas are a tool currently used in the Berryville Area Plan to define areas with different future development projections and to establish unique policies for managing development in each Sub-Area. Chapter II contains a detailed description of the Plan

Area, its three designated Sub-Areas, and the policies for managing future land uses in each Sub-Area.

It is important as the Comprehensive Plan and related component plans develop over time that the recommendations of the Double Tollgate Area Plan are also kept up to date and coordinated with these Plans. Language is included to ensure that the Area Plan is reviewed on a five-year schedule so that recommendations are kept up to date and changing needs and impacts are addressed.

#### **D. Guidance from the 2022 Comprehensive Plan and 2013 Transportation Plan**

The 2022 Comprehensive Plan specifically addresses designated growth areas and the Double Tollgate Area in Objective 9 – Designated Growth Areas for Development. In the 2013 Comprehensive Plan, Policy #5 recommended designating the Double Tollgate Area as a “deferred growth area.” The 2022 update incorporated the following new recommendations regarding County investment in public water and public sewer, road improvements, and broadband internet to support potential new growth in the Plan Area:

5. *Evaluate the Double Tollgate Business Intersection Area at U.S. Routes 340 and 522 (as designated in the Double Tollgate Business Intersection Area Plan) for potential County investment in infrastructure to support existing business growth and new business development. County infrastructure investment should be subject to the following strategies:*
  - a. *Development of public water and public sewer should be in partnership with property owners, local governments, and applicable State agencies which may require public infrastructure to serve the adjacent State-owned property formerly known as Camp 7.*
  - b. *The County, in partnership with applicable stakeholders, should explore all possible approaches to serve the Business Intersection Area with public water and public sewer before giving any consideration to extending the existing County utility systems.*
  - c. *Property owners who develop their properties in this business intersection area shall be solely responsible for the cost and construction of public road improvements required as a result of their development. The County may consider partnerships to pursue funding for construction of necessary intersection-wide improvements.*
  - d. *The County should help facilitate business-class broadband availability in this development area using the applicable policies of Objective 13, Broadband Internet Access.*

Policy #6 was also modified in the 2022 revision to ensure the Area Plan is kept up-to-date as development occurs in the commercial areas and adjoining State-owned properties:

6. *The Double Tollgate Area Plan should be maintained and periodically updated to identify the specific boundaries and mixes of uses; the way public services are to be provided as described in Policy #5 above; and the way proposed activities will be integrated with surrounding uses, especially agricultural uses, residential uses, and lots held in permanent conservation easement. The Area Plan should also address:*

- *The relationship between and potential development integration of the current Business Intersection Area and adjoining properties owned by the Commonwealth of Virginia (formerly known as the Camp 7 property).*
- *Creation of zoning requirements, design criteria, or other regulations to address the unique characteristics of this designated development area.*
- *Potential future expansion of the Business Intersection Area to accommodate future commercial growth and economic development subject to the County's capacity to serve with public infrastructure.*

Policies #7 and #9 are also noteworthy as they address the issues of ensuring that growth is allowed at a pace that the County can support with effective public infrastructure, and that the cost of new infrastructure is shared by the new and expanded users that benefit from it.

7. *Ensure that land-use decisions do not allow urban and suburban forms of development to occur in designated growth areas unless public facilities and services commensurate with such development either are available or are programmed with a plan for cost recovery. Cost recovery includes but is not limited to direct contribution by the development community or increased tax revenue generated by the new development.*

9. *Consider developing levels of service for public facilities including public water, public sewer, roads, schools, and parks to ensure that the County is capable of providing adequate services to support existing and new development.*

The 2013 Transportation Plan includes a description of a priority improvement project for Double Tollgate's primary highway intersection:

*Intersection of US Route 340/277 (Lord Fairfax Highway) and US Route 522 (Stonewall Jackson Highway) at Double Tollgate.*

*Planning Cost Estimate:*                      \$2,100,000

*Assessed Need/Description:*

*This dangerous intersection has experienced an increase in traffic of over 30% since 2001 and has insufficient turn lanes and through lane capacity. The Double Tollgate intersection is one of the County's two designated business growth areas and currently contains a gas station/ convenience store, church, flea market, and tourist attraction (Dinosaur Land). Traffic is expected to increase in the coming years as large-scale*

*residential development occurs in nearby Lake Frederick (2,000+ units in Frederick County) in addition to further development in Frederick and Warren Counties along the corridor.*

*Recommendation:*

*Safety and capacity improvements at intersection. Improve existing right and left turn lanes to current urban design standards and the reconfiguration of the north and south sides of the intersection to add through capacity when new development occurs.*

This project was first added to the County's priorities list in 1997.



**Figure 8 – Vacant former Department of Corrections facility and sewage treatment package plant**

## II. PLAN AREA AND SUB-AREA POLICIES

The Double Tollgate Plan Area is divided into three Sub-Areas, each with specific development policies to guide their different projected development patterns:

### **Sub-Area A, Primary Commercial Development Area.**

Sub-Area A contains all of the properties that were originally designated in the 2001 Area Plan and continued in the 2016 Area Plan. All properties or portions of properties in Sub-Area A are currently zoned Highway Commercial (CH) and Highway Access Corridor (HAC) Overlay District, and also located in close proximity to the intersection of U.S. 340/U.S. 522/Va. 277. By virtue of this zoning, these properties are most ready for commercial development or redevelopment and for public water and public sewer service.

### **Sub-Area B, State Property Designated for Economic Development.**

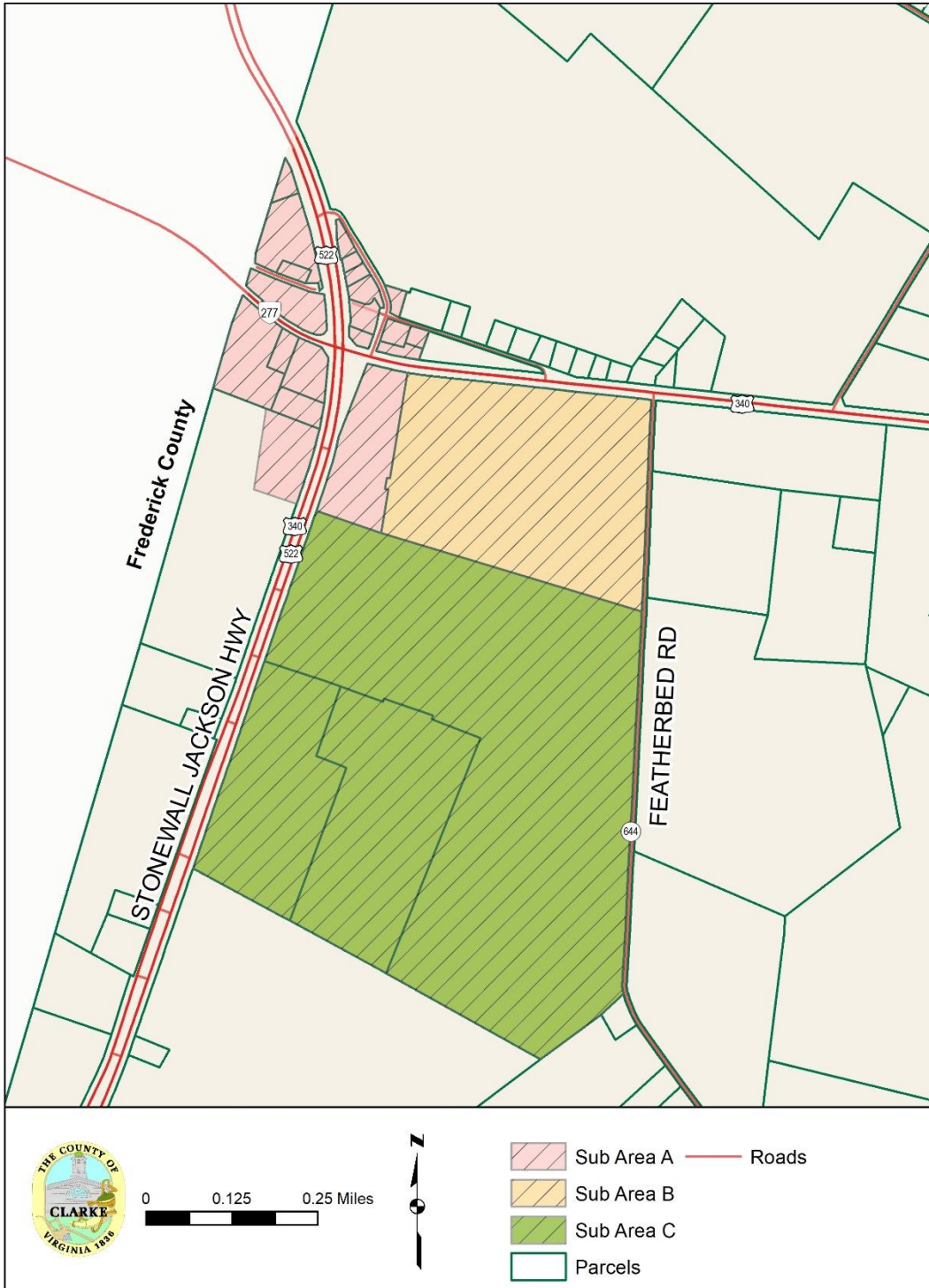
Sub-Area B consists of one 65-acre lot. This property is currently owned by the Virginia Port Authority and was transferred to the Authority by the General Assembly in 2019 with the directive to work with Clarke County “to promote the use of the land for economic development purposes.” This property is located on the south side of U.S. 340 immediately east of Sub-Area A and extends to Featherbed Road (Rt. 644). It is currently zoned Agricultural-Open Space-Conservation (AOC). Policies are included to recommend parameters by which a rezoning for compatible commercial development projects could be achieved.

### **Sub-Area C, Other State Properties.**

This Sub-Area includes the remaining three State properties currently owned by the Department of Military Affairs, Department of Corrections, and VDOT. This Sub-Area is included in the Plan Area in order for current and future uses on these State-owned properties to have access to public water and public sewer from Frederick County. Policies presume that governmental uses or permissible AOC District uses will be conducted in this Sub-Area but also provide flexibility for a range of uses to be served by public water and sewer under specific circumstances.

No new properties in private ownership are included in the Double Tollgate Plan Area. Per the Area Plan’s Goal #3, the Plan Area should not be expanded to include new areas until, at a minimum, Sub-Areas A and B reach full build-out and new public infrastructure resources are identified to serve an expanded Plan Area.

# Double Tollgate Plan Area



**A. SUB-AREA A – Primary Commercial Development Area**

- Description – Current plan area as described in the 2016 Double Tollgate Area Plan. Properties or portions of properties in Sub-Area A include:

<b>Quadrant</b>	<b>Tax Map #</b>	<b>Area</b>	<b>Current Use</b>
Northwestern	27-A-5A	0.78 acres	Retail (portion of flea market)
Northwestern	27A-A-9	5.13 acres	Retail (portion of flea market)
Northwestern	27A-A-11	0.57 acres	Retail (portion of flea market)
Northwestern	27A-A-12	3.26 acres	Retail (7-11 convenience store)
Northeastern	27A-A-7	0.38 acres	Single-family dwelling
Northeastern	27A-A-8	0.63 acres	Retail
Northeastern	27A-2-A	0.87 acres	Single-family dwelling
Northeastern	27A-2-B	0.45 acres	Single-family dwelling
Northeastern	27A-2-C	0.96 acres	Vacant
Northeastern	27A-A-16	0.47 acres	Vacant
Northeastern	27A-A-17	1.08 acres	Church
Northeastern	27A-3-A	0.77 acres	Single-family dwelling
Northeastern	27A-3-B	0.47 acres	Vacant
Northeastern	27A-3-C	0.67 acres	Single-family dwelling
Southeastern	27-A-10B	11.92 acres	Vacant
Southwestern	27-A-12	5.58 acres*	Vacant
Southwestern	27-A-12A	6.62 acres	Vacant
Southwestern	27A-A-13	1.06 acres	Vacant
Southwestern	27A-A-14	2.80 acres	Tourist attraction (Dinosaur Land)
Southwestern	27A-A-15	1.74 acres	Tourist attraction (Dinosaur Land)

\* Approximate area of the portion of this lot that is located in the Double Tollgate Plan Area

**Sub-Area A Policies**

- Properties in Sub-Area A are zoned Highway Commercial (CH) and Highway Access Corridor (HAC) Overlay District. Properties should remain zoned CH and should not be rezoned to any other zoning district.
- Public water and sewer should be provided to this area.

**B. SUB-AREA B – State Property Designated for Economic Development**

- Description – State-owned property designated for economic development. Contains one lot owned by the Virginia Port Authority (27-A-10C, 65 acres) that is currently zoned Agricultural-Open Space-Conservation (AOC).

### **Sub-Area B Policies**

- In order for commercial development to occur in Sub-Area B, this area must be designated for public water and public sewer service. Until such time as public water and public sewer is made available, Sub-Area B should be limited to the uses that are allowed in the AOC District.
- A rezoning of land in Sub-Area B to Highway Commercial (CH) is generally acceptable provided that public water and public sewer is available and contingent upon a proposed development plan containing the following elements:
  - Site layout, landscaping and screening, and the architectural design of structures shall be of a high quality by virtue of location at the County’s southwestern gateway.
  - Road improvements shall be provided that prevent degradation of the safety, capacity, and functionality of the existing road network that could be caused by the development’s proposed traffic generation.
  - Interparcel access shall be provided to adjacent Plan Area properties in order to limit new highway access points.
  - Use of best management practices for stormwater management to protect ground and surface water quality.
- Any rezoning of land in Sub-Area B to Highway Commercial (CH) shall also include the Highway Access Corridor (HAC) Overlay District in order to ensure high-quality, compatible architectural design for structures at the County’s southwestern gateway.

### **C. SUB-AREA C – Other State Properties**

- Description – State properties in ownership by various State agencies. Contains three lots totaling 226.75 acres that are currently zoned Agricultural-Open Space-Conservation (AOC):
  - Virginia Department of Military Affairs, 154.66 acres (Tax Map #27-A-10)
  - Virginia Department of Corrections, 40.57 acres (Tax Map #27-A-10A)
  - Virginia Department of Transportation, 31.52 acres (Tax Map #27-A-11)

### **Sub-Area C Policies**

- Sub-Area C is designated for governmental and AOC District uses which may be served by public water and public sewer except as noted below.



- Recognizing that ownership of these State-owned properties and proposed uses may change over the next five years, approval of permissible Highway Commercial (CH) District uses may only be acceptable if:
  - Proposed uses on the subject property would be served by public water and public sewer.
  - Public water and public sewer capacity is available for the proposed development in Sub-Area C without adversely impacting available capacity for commercial uses in Sub-Areas A and B.
  
- Any rezoning to the Highway Commercial (CH) District shall contain the following elements:
  - A rezoning to the Highway Access Corridor Overlay District (HAC).
  - Site layout, landscaping and screening, and the architectural design of structures shall be of a high quality by virtue of location at the County’s southwestern gateway.
  - Road improvements that prevent degradation of the safety, capacity, and functionality of the existing road network that could be caused by the development’s proposed traffic generation.
  - Interparcel access to adjacent Plan Area properties in order to limit new highway access points.
  - Use of best management practices for stormwater management to protect ground and surface water quality.



**Figure 9 – Virginia Department of Military Affairs property**

### **III. PLAN GOALS, OBJECTIVES, AND STRATEGIES**

This Chapter contains the 2022 Double Tollgate Area Plan’s Goals, Objectives, and Strategies. The Goals Statement depicts the purpose and long-term expectations of the Area Plan in its most general terms. Objectives are specific expressions of the topics to be addressed in furtherance of the Goals Statement. Strategies are detailed action items to be followed to implement the Area Plan’s Goals and Objectives.

#### **A. Plan Goals**

The Goals of the 2022 Double Tollgate Area Plan are as follows:

1. The Double Tollgate Plan Area is a key location for the development of regionally-serving commercial and State government uses. To support current uses and future growth, the Plan Area should be served with the following public infrastructure developed through partnerships with government agencies, landowners, and the development community in a fiscally-responsible manner as described in Objective 9 (Designated Growth Areas for Development), Policy #5 of the Comprehensive Plan:
  - Public water and public sewer
  - A safe and efficient public road network
  - Business-class broadband internet service
2. The Plan Area shall be divided into three “Sub-Areas” to plan for projected development patterns. Development within each Sub-Area shall be consistent with the recommendations enumerated in Chapter II, Plan Area and Sub-Area Policies.
3. The current Plan Area shall not be expanded until properties within the Plan Area with Highway Commercial (CH) zoning (Sub-Area A) or that are designated for economic development (Sub-Area B) achieve substantial build-out, and new public infrastructure resources are identified to serve an expanded Plan Area.
4. The Area Plan shall be reviewed on a five-year schedule as recommended in Objective 9 (Designated Growth Areas for Development), Policy #6 of the Comprehensive Plan to ensure that the Area Plan’s recommendations are relevant and address current needs and impacts associated with the Plan Area.

#### **B. Plan Objectives and Strategies**

##### **Objective 1.**

Invest County resources in a fiscally-responsible manner to support development and re-development of businesses in the Plan Area.

**Strategy A.**

Continue working with Frederick County to extend public water and public sewer to the Double Tollgate Plan Area in Clarke County.

**Strategy B.**

Quantify the need for future public infrastructure investments, including transportation and public water/public sewer. Utilize metrics such as level of service criteria to evaluate the efficiency of the road network, and develop adequate public facilities measures to determine the County's capacity to serve the Plan Area with public infrastructure in an effective manner.

**Strategy C.**

Provide economic development resources and programs to support and facilitate future growth and re-development within the Plan Area in a manner consistent with Objective 10 (Economic Development) of the Comprehensive Plan.

**Objective 2.**

Pursue partnerships and funding opportunities with Federal and State agencies and the private sector to provide public water and public sewer service, business-class broadband internet access, and necessary road improvements to the Plan Area.

**Strategy A.**

Explore various funding models and approaches to facilitate the extension of public water and public sewer to the Plan Area, ultimately ensuring that the cost of providing these services are paid predominately by the potential users of the system.

**Strategy B.**

Work to ensure that transportation impacts of new development projects are sufficiently mitigated by the developers of those projects. Where necessary, pursue Smart Scale or other transportation funding opportunities in partnership with government agencies and the private sector for improvements to benefit the entire Plan Area road network.

**Objective 3.**

Recognizing the Plan Area's important location at the County's southwestern gateway, establish and maintain regulations to ensure quality and efficient site development standards and compatible uses.

**Strategy A.**

Ensure that new development is limited to regionally serving commercial uses and agricultural support businesses that are compatible with the scale and character of the Plan Area. Prohibit the development of new residential uses in the Plan Area with the exception of owner-occupied or caretaker-occupied residences that are accessory to a business use.

**Strategy B.**

Evaluate site design standards that incorporate public safety elements for business owners, employees, and customers including but not limited to Crime Prevention through Environmental Design (CPTED) techniques.

**Strategy C.**

Work cooperatively with the Virginia Department of Transportation (VDOT) and private developers to fund transportation improvement projects that are consistent with the County’s Transportation Plan. Work with private developers specifically on voluntary provision of improvements to prevent degradation of the level of service of the Double Tollgate intersection and associated turn lanes.

**Strategy D.**

Maintain the high standards of existing site development regulations including but not limited to architectural design, landscaping, outdoor lighting, screening/buffering, and parking. Ensure that new or amended regulations effectively balance the need to remain “business-friendly” with the County’s desire for high quality development. Any rezoning of properties within the Plan Area to the Highway Commercial (CH) zoning district shall also include a rezoning to the Highway Access Corridor (HAC) overlay zoning district to recognize the need for compatible architectural design at the County’s southwestern gateway.



**Figure 10 – Dinosaurs on display in front of Dinosaur Land**

#### IV. CONCLUSION

A land use plan is only as good as the degree to which it is implemented so it is critical to work towards researching, evaluating, and pursuing the recommendations set forth in this Area Plan. Likewise, a land use plan is only effective if it is kept up to date and reflects the community's current conditions, needs, and impacts.

It is recommended that the Area Plan be reviewed on a five-year review schedule according to the following process:

1. On a five-year schedule from the adoption date of the current Double Tollgate Area Plan, the Planning Commission shall adopt a resolution addressing the status of the Plan, whether it should be updated, and to what degree it should be updated. This resolution may come in one of the following forms:
  - A finding that the current Plan recommendations are sufficient and that no amendment is necessary.
  - A finding that changes in the community warrants a comprehensive review and update of the Plan. An example would be the release of decennial Census data and growth projections.
  - A finding that the Plan does not address, or inadequately addresses, a specific topic area or areas warranting a focused update of the Plan. While the update may have a specific purpose, the review should remain comprehensive to ensure that all impacts are carefully evaluated.
  
2. It is recommended that at the beginning of year four in the five-year schedule, the Commission should begin work evaluating the Plan status. This can be accomplished as a committee of the whole or by designating a special subcommittee. Plan status should be evaluated by considering factors including, but not limited to:
  - Recent release of updated demographics.
  - Recent updates to the County Comprehensive Plan.
  - Impact of new development projects since the previous Plan update.
  - Impact of recently completed capital projects or transportation improvements.
  - Any other subject not addressed or inadequately addressed by the current Plan.

While not recommended, a proposal may be considered to amend the Area plan outside of the scope of the Plan's five-year review cycle. Frequent, piecemeal changes to the Plan can result in the document becoming fragmented and inconsistent. It can also devalue the importance of the document as a long-range planning guideline. For these reasons, interim amendments are strongly discouraged.



# **APPENDIX**

**VDOT Traffic Counts for Double Tollgate Plan Area 2001-2019**





**VDOT TRAFFIC COUNTS FOR DOUBLE TOLLGATE PLAN AREA  
2001-2019**

<b>Road Segment</b>	<b>2001</b>	<b>2005</b>	<b>2010</b>	<b>2014</b>	<b>2019*</b>
Northbound US 340/522 - Warren County Line to Double Tollgate Intersection	13000	19000	18000	17000	18000
Northbound US 522 - Double Tollgate Intersection to Frederick County Line	12000	14000	14000	14000	13000
Northbound US 340 - Double Tollgate Intersection to Rt. 658 (White Post)	6100	7700	6300	7700	8300
Northbound US 340 - Rt. 658 (White Post) to US 50 (Waterloo)	6500	8100	6600	7800	8500
Northbound US 340 - US 50 (Waterloo) to Boyce Town Limits	6400	8700	6900	8300	8800

Note - Traffic Counts are represented as Annual Average Daily Trips (AADT)

\* 2019 was the last year that pre-COVID traffic counts were taken

