



Clarke County Planning Commission

AGENDA – Comprehensive Plan Committee Meeting

Thursday, June 16, 2022 (2:00PM)

Berryville/Clarke County Government Center – Main Meeting Room

1. **Approval of Agenda**
2. **Approval of Minutes – May 12, 2022 Meeting**
3. **Continued Discussion – Double Tollgate Area Plan Review (Initial Draft)**
4. **Next Steps**
5. **Adjourn**



Clarke County Planning Commission

DRAFT MINUTES – Comprehensive Plan Committee Meeting

Thursday, May 12, 2022 – 2:30PM

Berryville/Clarke County Government Center – Main Meeting Room

ATTENDANCE:			
Matthew Bass (Board of Supervisors)	✓	Bob Glover (Millwood)	✓
Anne Caldwell (Millwood)	✓	Randy Buckley (White Post)	✓
George L. Ohrstrom, II (Ex Officio)	X		

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator)

CALL TO ORDER: By Mr. Stidham at 2:38PM.

1. Approval of Agenda

Members approved the agenda by consensus as presented by Staff.

2. Approval of Minutes – April 7, 2022 Meeting

Members voted 3-0-1 to approve the April 7, 2022 meeting minutes as presented by Staff.

Motion to approve April 7, 2022 meeting minutes as presented by Staff:			
Bass	ABSTAINED	Glover	AYE (seconded)
Caldwell	AYE	Buckley	AYE (moved)

3. Continued Discussion – Double Tollgate Area Plan Review

Mr. Stidham stated that the Committee has two items for discussion with the first being proposed changes to the Double Tollgate Area Plan’s goals, objectives, and strategies. He said the second item is a new approach to divide the plan area into sub-areas similar to the approach used in the Berryville Area Plan. He then reviewed the Area Plan’s current goals, objectives, and strategies and Staff’s recommended changes as described in the Staff memo.

Regarding draft Goal 2, Vice-Chair Buckley said that he is not comfortable with the wording, “based on property ownership.” Mr. Stidham replied that he is trying to convey that Sub-Area A contains all properties in private ownership and Sub-Areas B and C contain all properties in State ownership. Vice-Chair Buckley said that “based on property ownership” to him means that someone has purchased the property for development purposes. Commissioner Bass suggested striking “that may occur based on property ownership” as it is not necessary. He added that the wording may also be viewed as discriminating against one property over another. Vice-Chair Buckley suggested specifically referencing State-owned properties. Commissioner Bass replied that you do not have to include a reference in this Goal because it is explained elsewhere in the Plan. Mr. Stidham said that he will strike the language as recommended by Commissioner Bass and replace “potential” with “projected.” He also asked if it would be problematic if the current language were replaced by “as driven by private sector or State government ownership.”

Commissioner Glover replied that the language gets too far into the weeds. Mr. Stidham agreed and reiterated that this is more clearly described later in the Plan.

Regarding Goal 1, Commissioner Bass noted that the Board of Supervisors is particularly interested in the removal of the deferred growth area status given the public water and sewer opportunity with Frederick County.

Mr. Stidham continued with a review of the draft objectives and strategies from the Staff memo. Regarding draft Objective 1 Strategy B, Commissioner Bass asked if “level of service” should have quotation marks or be hyphenated. Mr. Stidham replied that he has not seen the term used with hyphens. Regarding “level of service criteria” and “adequate public facilities measures,” Commissioner Glover asked if this is in reference to public infrastructure or public buildings. Mr. Stidham replied that it refers to public infrastructure. Commissioner Glover said he is concerned that it could be referencing public buildings. Mr. Stidham said that he could re-word this strategy so that public infrastructure is referenced earlier. Commissioner Caldwell suggested replacing “adequate public facilities” with “adequate infrastructure measures.” Mr. Stidham said that he used “level of service criteria” specifically as a term of art referencing the functionality of the public road network. He also said that “adequate public facilities” is a term of art referencing whether a locality has sufficient infrastructure capacity to serve a development. He concluded by saying that he will work on the wording and potentially explain what these two terms mean in the revised wording. Commissioner Bass suggested the wording, “Develop metrics to quantify future needs for public infrastructure, etc. Such measures may include but not be limited to level of service criteria and adequate public facilities measures.” Commissioner Glover suggested separating public water and public sewer from the transportation network because the public utilities are a near term need and will drive development. Mr. Stidham noted that all aspects of the Double Tollgate intersection is substandard including turn lanes and road alignment. Commissioner Glover replied that transportation improvements are not a show stopper. Mr. Stidham stated that we are planning to serve the area with public water and public sewer but developers will need to make improvements to accommodate their traffic if they want to develop here. Vice-Chair Buckley explained an example of the intersection size being too small to accommodate two-way turning movements with truck traffic. Mr. Stidham said that he could see a future developer looking to redevelop the properties in the northeastern quadrant and improving the overall access to U.S. 340.

Regarding draft Objective 3 Strategy A, Commissioner Bass asked if “highway commercial” in the first line should be capitalized. Mr. Stidham replied no because it refers to the type of uses and added that he would replace it with different wording. Vice-Chair Buckley said that he likes the reference to Double Tollgate being located at the County’s southwestern gateway. He added that currently when you cross into the County at Double Tollgate, you can tell that you have entered a different jurisdiction and added that he hopes we can keep it that way. Mr. Stidham noted that in Strategy D there is new language to reference architectural design of structures. He added that Mr. Camp noted that the plan area should also be zoned to the Historic Access Corridor (HAC) Overlay District which provides for a higher level of architectural control. He said he would add this language into the next draft.

Committee members had no additional questions or comments on the goals, objectives, and strategies.

Mr. Stidham reviewed the proposed plan area map, the three recommended Sub-Areas, and the draft policies for each Sub-Area. Commissioner Glover asked whether the County was given a choice by the State on how the property in proposed Sub-Area B will be developed. Mr. Stidham replied that the General Assembly gave the property to the Virginia Port Authority with broad direction to work with the County on economic development efforts for the property.

Regarding Sub-Area C, Commissioner Glover asked how long each agency has owned their respective properties. Mr. Stidham replied that Virginia Department of Military Affairs is the most recent new owner of the 154.66 acre lot. He also noted that the Virginia Department of Corrections owns the remaining lot from the former Camp 7 complex and that the Virginia Department of Transportation has owned their lot for many years.

Commissioner Caldwell asked what would happen if the State planned a use for Sub-Area B that was totally incompatible with the County's approach to zoning and what would the procedure be for rezoning. Mr. Stidham replied that the General Assembly has directed the Virginia Port Authority to work with the County and by that directive, they should be looking at uses that we would allow. He also noted that the directive may intend to have the property eventually go to private ownership once a compatible use is determined. Commissioner Glover asked how much say we have in this. Mr. Stidham replied that legally we do not have zoning authority over uses on State-owned property. He added that if the State proposes something that is incompatible, then we would complain to our representatives. He reiterated that we do have a say in the 65 acres that would be in Sub-Area B based on the General Assembly's directive. He added that this might not be the case with Sub-Area C. Commissioner Glover asked if there is another example of State-owned property in the County. Mr. Stidham replied that Blandy Experimental Farm several years ago constructed research cottages on their property and did not have to get County permits or comply with Zoning Ordinance requirements. Commissioner Bass said that some of these properties are out of sight and out of mind for some people and we do not have much control over how the properties can be used. Commissioner Caldwell said she thinks we need a healthy dose of optimism about how these properties will be used. Commissioner Bass added that there will be demand for limited development there once water and sewer is available. Commissioner Glover noted that there is not a lot of land that is privately owned in the plan area. Mr. Stidham said that Double Tollgate is adjoined by properties in Frederick County that are zoned for business uses and that sometimes the introduction of water and sewer is what kicks off development of properties. He also noted that many types of businesses want to be located at an intersection of two major highways. Commissioner Glover asked what has kept Dinosaur Land operating for so long. Vice-Chair Buckley replied that it is the lack of water and sewer but there are parties that are interested in redeveloping that property.

Mr. Stidham asked if members were comfortable with the initial drafts of the core sections and whether he can move forward with drafting the rest of the plan. Members agreed that they are comfortable with the initial draft. Commissioner Glover said that there needs to be some explanation as to why the Sub-Areas are being designated with most of it being in State ownership. He said that most of the area promoted in this plan is not going to be developed for

privately-owned uses. Vice-Chair Buckley said that the southwestern corner is in common ownership and is ready for development and the 7-11 store will connect to utilities as soon as they are available. He also said that the church property is owned by a developer. Mr. Stidham added that during the solar farm review, several owners of homes in the northeastern quadrant indicated that they were waiting to be bought out by developers. Vice-Chair Buckley added that the types of uses that will be developed are going to be highway-serving uses such as convenience stores with gas sales. Commissioner Glover asked about a sit-down restaurant as there are limited options in this area. Vice-Chair Buckley said that those uses could work on the smaller Highway-Commercial zoned lots. Commissioner Bass said that even a small commercial area can provide needed tax revenue. Mr. Stidham noted that this is a “baby steps” approach because five years ago, Frederick County had no interest in extending water and sewer to Clarke. He said that they are giving us capacity based on our current projected development but this can be revisited every five years to determine whether there is new demand to be served. Commissioner Glover asked why the additional residential lots on the north side of U.S. 340 were not included. Mr. Stidham replied that we only modeled the privately-owned lots in the current plan area. He said that future additions to the plan area can be evaluated at each five-year review period. Vice-Chair Buckley said that seeing the 65 acres in Sub-Area B developed is difficult for him because he is used to seeing open space at that location when you enter the County.

4. Scheduling of Next Meeting

Members agreed to schedule the next meeting for Wednesday, June 8 at 2:00PM.

ADJOURN: Meeting was adjourned by consensus at 3:25PM.

Brandon Stidham, Clerk



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TO: Planning Commission Comprehensive Plan Committee members

FROM: Brandon Stidham, Planning Director

RE: 2022 Double Tollgate Area Plan – Initial Draft

DATE: June 8, 2022

Enclosed are clean and redlined copies of the 2022 Double Tollgate Area Plan Initial Draft. This complete draft (except for new photos which will be added later) contains cover-to-cover edits including changes to the Goals-Objectives-Strategies (Chapter III) and the Plan Area Description and Sub-Areas (Chapter II) requested by the Committee at the last meeting. This memo summarizes all of the changes made to date and follows the redlined version of the draft.

The goals for the June 16 meeting are:

1. To address any questions and concerns as well as document any additional changes or corrections that need to be made.
2. To determine if the Committee is ready to forward the draft for review by the full Commission at the June 28 Work Session.

Summary of Changes (page numbers reference redlined draft)

Executive Summary (pp. 1-2)

The Executive Summary is new for this version and is intended to highlight the purpose of the Area Plan and the changed circumstances that have occurred since 2016 to warrant the major changes. Some of the text was taken from and replaces the Plan Purpose narrative in the 2016 Area Plan's Introduction section.

Chapter I -- Introduction (pp. 2-26)

A. Plan History (pp. 2-9)

In addition to moving the Plan Purpose language to the new Executive Summary section, the significant changes to the Plan History section involve removing narrative that explained how the original 2001 Area Plan transitioned to the current 2016 Area Plan. For example, the description of the original 8 plan policies (pp. 4-7) included narrative to explain the implementation status of each policy as of the 2016 Area Plan development. This language is no longer necessary to retain in the revised draft.

B. Physical Description of Plan Area (pp. 10-19)

This significantly revised section begins with the first description of the new Plan Area which includes the State-owned properties to the southeast. Narrative is included to explain the current State agency ownership breakdown of each parcel and a cross-reference to Chapter II which describes the Plan Area and new Sub-Areas in detail.

New sections on Public Water and Public Sewer, Transportation, and Zoning are now labeled for clarity purposes. The Public Water and Public Sewer section references the existing water line and sewage treatment facility that previously served Camp 7, noting that they have insufficient capacity to support development in the Plan Area. Reference is also included to Clarke and Frederick County’s efforts to extend public water and public sewer to the Plan Area.

The Transportation section includes a new cross-reference to the Traffic Counts table in the Appendix. It also includes a paragraph describing the functional deficiencies of the primary highway intersection and the need to update the original Chester Engineering transportation improvement recommendations as well as to seek funding to construct safety and capacity improvements.

The Zoning section includes an updated uses chart for the Highway Commercial (CH) District from the new Zoning Ordinance. The current Inventory of Businesses and Uses section has been deleted and incorporated into the Plan Area description in Chapter II.

C. Scope of Current Plan Revision (pp. 19-20)

This section replaces the current “Original Plan Policies” section which has been mostly relocated to the Plan History section. This section expands upon the Executive Summary by going into greater detail on the Commission’s five-year review resolution which initiated the Area Plan review in November 2021. It also provides greater detail on the potential proposed uses on the State-owned properties and the County’s efforts to obtain public water and public sewer from Frederick County. These details help to explain why it is necessary to expand the Plan Area to include the State properties and also why the new “Sub-Area” approach is used.

D. Guidance from the 2022 Comprehensive Plan and 2013 Transportation Plan (pp. 21-26)

This section is entirely revised to reference applicable guidance from the revised 2022 Comprehensive Plan – specifically Objective 9 (Designated Growth Areas for Development). As you may recall, several policies in this Objective were revised to replace the “deferred growth area” status with growth of uses to be served by public water and public sewer from Frederick County. Reference to the Double Tollgate intersection improvement project from the 2013 Transportation Plan is added to this section in order to highlight the need for safety and functional improvements.

The 2016 Area Plan currently references applicable recommendations from the Economic Development Strategic Plan. Since the Strategic Plan will no longer continue as an implementing component plan, references are not carried over to the 2022 Area Plan draft.

Chapter II – Plan Area and Sub-Area Policies (pp. 27-31)

The initial draft of this section was reviewed by the Committee at the May 12 meeting. This revised draft includes a new narrative summary on Page 27 describing each Sub-Area, current zoning, and a brief synopsis of each Sub-Area’s unique policies. A paragraph is also included to note that no new properties in private ownership are being added to the Plan Area and that no properties should be added until:

1. All properties in Sub-Areas A and B reach full build-out.
2. New public infrastructure resources are identified to serve an expanded Plan Area.

The description table for Sub-Area A on Page 29 is expanded to include reference to each property’s current use and to remove the property owner’s name. The first Sub-Area A policy has also been amended to reference that these properties are zoned both Highway Commercial (CH) and Highway Access Corridor (HAC) Overlay District. A third Sub-Area B policy has also been added to state that any rezoning of land in this Sub-Area to the CH District shall also include the HAC Overlay District “in order to ensure high-quality, compatible architectural design for structures at the County’s southwestern gateway.

Chapter III – Plan Goals, Objectives, and Strategies (pp. 32-35)

The Committee also reviewed the initial draft of this Chapter at the May 12 meeting and edits requested by Committee members have been incorporated.

Under Goal #2, members requested that reference to planning based on property ownership to be reworded. This has been replaced with the following language:

The Plan Area shall be divided into three “Sub-Areas” to plan for the projected development patterns. Development within each Sub-Area shall be consistent with the recommendations enumerated in Chapter II, Plan Area and Sub-Area Policies.

This simplified language provides a direct cross-reference to Chapter II’s Sub-Area Policies.

Regarding Objective 1, Strategy B, members had concerns with the use of the terms “level of service criteria” and “adequate public facility measures,” noting that this might be confusing to the average reader without explaining what the terms mean. Strategy B now reads:

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 facility measures to determine the County’s capacity to serve the Plan Area with public infrastructure in an effective manner.

This new language should clarify that both terms reference metrics that are used to determine public infrastructure functionality and the County’s service capacity.

Under Objective 3, Strategy A, members indicated that reference to “highway commercial uses” may be obvious to commissioners and staff but not so clear to the average reader. This term has

been replaced with “regionally-serving uses” to better describe the form and scale of commercial development sought at this intersection.

Staff also amended Objective 3, Strategy D to reference rezoning to the HAC District “to recognize the need for compatible architectural design at the County’s southwestern gateway.” This is a reflection of similar language noted earlier in Chapter II under Sub-Area Policies.

Chapter IV – Conclusion (p. 36)

No changes were made to this Chapter as it discusses the need to review the Area Plan on a five-year basis to ensure that it remains up to date.

Appendix

The current Area Plan contains a map of the Double Tollgate Plan Area. This map has been replaced with the new Sub-Area Map included at the end of Chapter II.

The VDOT Traffic Counts chart has been updated through 2019 since counts taken in 2020 and 2021 were affected by the COVID pandemic.

Please let me know if you have questions or will not be able to attend the meeting.



2022

Double Tollgate Area Plan

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

INITIAL DRAFT (CLEAN)

For Committee Review

June 16, 2022

ACKNOWLEDGEMENTS

CLARKE COUNTY PLANNING COMMISSION

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Randy Buckley, Vice Chair (White Post Election District)
Frank Lee (Berryville Election District)
Gwendolyn Malone (Berryville Election District)
Scott Kreider (Buckmarsh Election District)
Ronnie “Ron” King (Buckmarsh Election District)
Anne Caldwell (Millwood Election District)
Bob Glover (Millwood Election District)
Pearce Hunt (Russell Election District)
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CLARKE COUNTY BOARD OF SUPERVISORS

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Matthew Bass (Berryville Election District)
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DATE OF PLANNING COMMISSION PUBLIC HEARING AND ADOPTION:

TO BE DETERMINED

DATE OF BOARD OF SUPERVISORS PUBLIC HEARING AND ADOPTION:

TO BE DETERMINED

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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.

INITIAL DRAFT FOR COMMITTEE REVIEW – CLEAN 6/16/2022

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.

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

INITIAL DRAFT FOR COMMITTEE REVIEW – CLEAN 6/16/2022

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

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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.

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

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.

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.*

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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.*

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- *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.

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- 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.

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 public water line from Frederick County and a small sewage treatment facility. These water and sewer facilities were designed to serve only the former correctional facility and have limited capacity to serve adjoining uses.

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 uses operated on State-owned lands are exempt from local zoning requirements per the Code of Virginia.

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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:

Agricultural Uses	Use Type
Agricultural Building	Accessory Use
Agriculture	Permitted Use
Residential Use	Use Type
Commercial District Accessory Dwelling	Accessory Use
Business Uses	Use Type
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

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Shop for Welding, Blacksmith, Tinsmith, Woodworking	Special Use
Veterinary Clinic	Permitted Use
Wireless Communication Facility	Permitted or Special Use
Recreation/Education/Assembly Uses	Use Type
Churches and Other Places of Worship	Permitted Use
Indoor Theater	Permitted Use
Private Club	Permitted Use
Public and Miscellaneous Use	Use Type
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.

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.

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*

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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.*

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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:

Project – 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.

PHOTOS TO BE ADDED

[INSERT Photo 1: Convenience Store – Northwestern quadrant]

[INSERT Photo 2: Tourist attraction/retail shop - southwestern quadrant]

[INSERT Photo 3: View of Double Tollgate intersection from the north]

[INSERT Photo: Location of solar power plant north of Plan Area]

[INSERT Photo: Undeveloped property -- southeastern quadrant]

[INSERT Photo 6: Department of Corrections property located to south of Plan Area]

[INSERT Photo 7: Virginia Port Authority Property (from Featherbed Road)]

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.

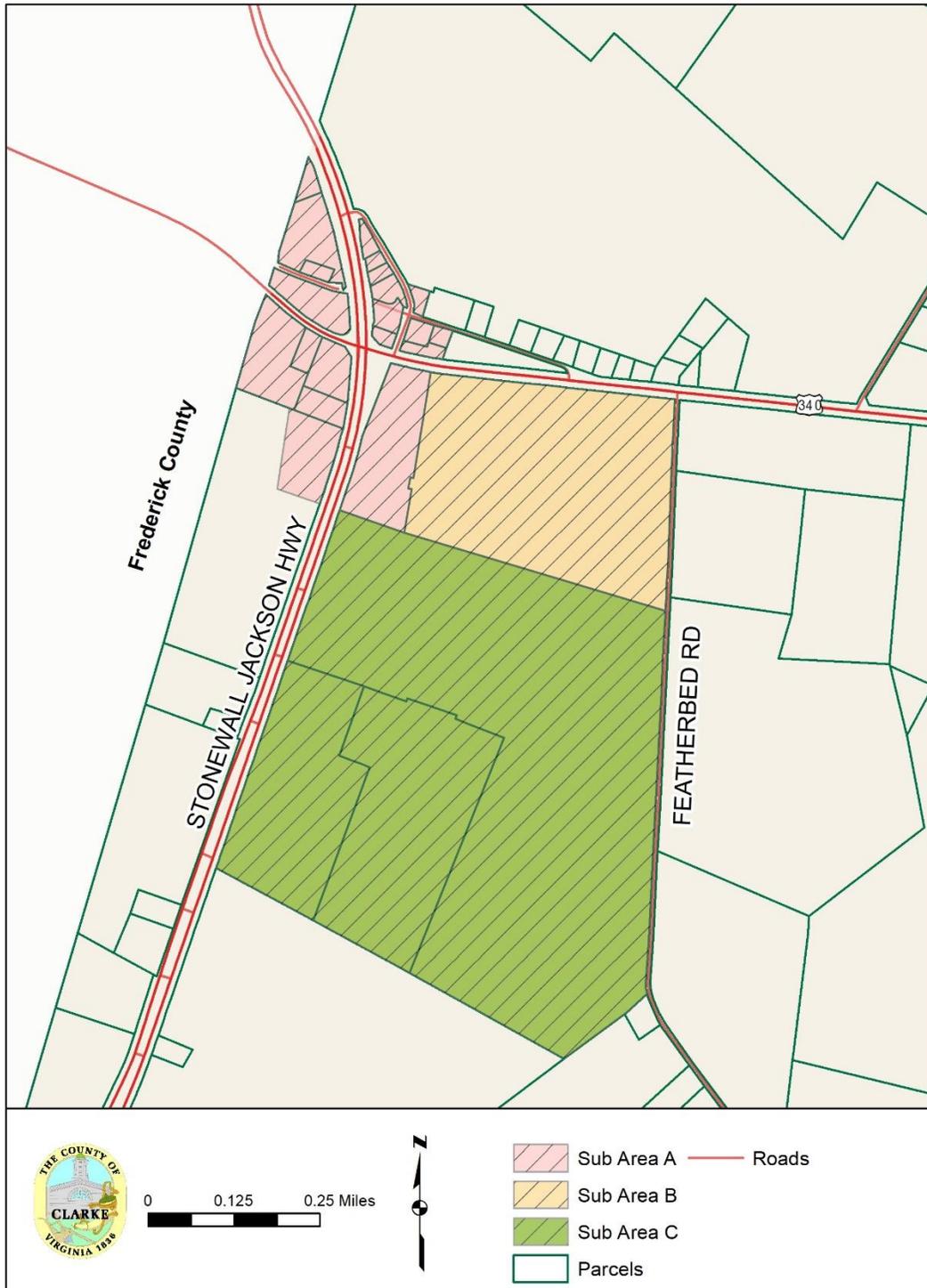
Sub-Area B consists of one 65-acre lot. This property is currently owned by the Virginia Port Authority and was transferred to the Authority by the General Assembly in 2019 with the directive to work with Clarke County “to promote the use of the land for economic development purposes.” This property 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 State uses to have access to public water and public sewer from Frederick County. These properties are all zoned AOC and are currently not intended to be rezoned for commercial use. However, a policy is included to recommend re-evaluating the status of Sub-Area C properties at each five-year review cycle to determine whether changed circumstances warrant moving the properties to Sub-Area B.

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



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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:

Quadrant	Tax Map #	Area	Current Use
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 that depicts 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 reserved exclusively for State agency uses which may be served by public water and public sewer.
- Should properties in this Sub-Area be transferred to private ownership, such properties shall be limited to the uses that are allowed in the AOC District. Rezoning of Sub-Area properties to commercial zoning shall be prohibited.
- The ownership status and State agency plans for properties in Sub-Area C should be evaluated once every five years to determine whether properties desired for commercial development within the Sub-Area should be re-designated to Sub-Area B.

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 the 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 Clarke County to serve the Plan Area.

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 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.

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**

Road Segment	2001	2005	2010	2014	2019*
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



2022

Double Tollgate Area Plan

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

INITIAL DRAFT (REDLINED)

For Committee Review

June 16, 2022

ACKNOWLEDGEMENTS

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Randy Buckley, Vice Chair (White Post Election District)
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Gwendolyn Malone (Berryville Election District)
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DATE OF PLANNING COMMISSION PUBLIC HEARING AND ADOPTION:

TO BE DETERMINED

DATE OF BOARD OF SUPERVISORS PUBLIC HEARING AND ADOPTION:

TO BE DETERMINED

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 Plans ~~help~~ *helps to* ensure that appropriate land is provided ~~for~~ *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's ~~Goals, Objectives, and Strategies (Chapter II)~~ 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, ~~Economic Development Strategic Plan, Transportation Plan,~~ and other *relevant applicable* component plans.

I. INTRODUCTION

A. Plan ~~Purpose and~~ History

Purpose

~~The Double Tollgate and Waterloo Area Plans were developed to provide specific guidance for land use decision making in two of the County's major primary highway intersections. These Business Intersection Area Plans are implementing components of the Clarke County Comprehensive Plan. As noted in the Comprehensive Plan, both intersections are ideally suited for "highway commercial" uses — business activities that serve and depend upon vehicular access to convey customers. The Area Plans help ensure that appropriate land is provided for highway commercial uses, that necessary public utilities are available to support these uses, and that the character of development enhances the overall character of the County.~~

~~Chapter I contains a history of the Double Tollgate Area Plan, how it was originally developed, and the degree to which the original recommended policies have been implemented over time. The Chapter also includes an overview of recommendations from the 2013 Comprehensive Plan and pertinent component plans that were used to guide the revision of the Area Plan. Chapter II contains the Area Plan's Goals, Objectives, and Strategies that were created to reflect the County's current planning recommendations, demographics, and status of development. Chapter III describes the process for updating the Area Plan on a periodic basis.~~

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 *d*development:

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1. ~~Assumption 1~~— The Shenandoah (formerly Wheatlands) development in Frederick County (Lake Frederick) is completed.
2. ~~Assumption 2~~— The land zoned industrial in Warren County is fully developed.
3. ~~Assumption 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. ~~Recommendation 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. ~~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.
3. ~~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.

The ~~Planning~~ 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. ~~These policies are described in detail in Subsection C below.~~

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.

~~The current Plan Area remains unchanged since the Double Tollgate Area Plan's original adoption. The 13-acre parcel referenced in the Policy at the southeastern corner of the primary highway intersection remains undeveloped as of 2016 with no pending or proposed plan of development in place. This parcel is now in private ownership and is no longer owned by the Department of Corrections.~~

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.

~~The Board of Supervisors implemented the Policy's recommendations on the Plan Area boundaries by rezoning the previously zoned AOC properties to Highway Commercial in 2003.~~

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.

~~The current list of Highway Commercial District uses (referenced in Subsection B above) supports the service goals of Policy 3.~~

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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.

~~The County has not adopted a meals tax as recommended by Policy 4.~~

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.

~~While transportation improvements to the Double Tollgate intersection have not been included in the Commonwealth Transportation Board's (CTB) Six Year Improvement Plan or other State funding plan, the following project is included in the County's 2013 Transportation Plan as a priority project:~~

~~**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:**~~

~~**Project—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.**~~

~~Policy 6 is also transportation related and addresses issues similar to and overlapping issues in Policy 5:~~

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 5 includes recommendations on turn lane design and crossover locations, and Policy 6 includes recommendations on access management standards and interparcel access. Since the development of the Area Plan, VDOT has adopted access management and related design standards that supersede the need for the County to adopt their own design requirements. Under current regulations, new or expanding projects are required to demonstrate compliance with VDOT entrance design standards and projects of a certain size or projected traffic volume are also required to conduct traffic impact analyses (TIAs). The TIA identifies the most intensive land use scenario proposed by the development project and calculates required improvements based on vehicle trips per day, projected turning movements, and vehicle types among other information. These standards, as opposed to local regulations, govern the design and construction of transportation improvements.~~

~~It should also be noted that Policy 6 states that site plans shall provide for additional right-of-way for primary and secondary road improvements. Absent voluntary provision by property owners or developers, land for right-of-way cannot be required as a condition of approval of a site development plan.~~

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.

~~The Plan Area is not currently served by public water and sewer and no plans or proposals to develop or expand these services currently exist either with Frederick County or the Department of Corrections.~~

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

~~As of 2016, no development has occurred in the Plan Area to require stormwater management features or retention ponds.~~

~~In accordance with changes to State law in 2014, the Virginia Department of Environmental Quality (DEQ) is responsible for managing and overseeing stormwater impacts on projects that~~

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~~disturb one acre or more through the Virginia Stormwater Management Program (VSMP). Clarke County is an “opt-out” locality and allows DEQ to manage the VSMP permitting process exclusively. Any future development of regional stormwater ponds would be under the regulatory authority of DEQ.~~

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

2012-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.

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*

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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. The Board requested that the Commission set a high priority for updating the Area Plan immediately following completion of the Comprehensive Plan review and also directed Staff to issue a request for proposals to hire an economic development consultant to aid in the update of the Comprehensive Plan and implementing component plans. These requests were incorporated into the adoption of the revised 2013 Comprehensive Plan in March 2014 and the adoption of the County's first Economic Development Strategic Plan in October 2014. Both of these plans***

~~contain policies and strategies resulting from the work of the Double Tollgate Committee. These items are discussed in detail in Subsection D below.~~

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 and Statistics

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 2013 by the Board of Supervisors (see Map 1). *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.

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 public water line from Frederick County and a small sewage treatment facility. These water and sewer facilities were designed to serve only the former correctional facility and have limited capacity to serve adjoining uses.*

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 uses operated on State-owned lands are exempt from local zoning requirements per the Code of Virginia.

Highway Commercial (CH) District

The intent of the Highway Commercial Zoning District is set forth in ~~the 2016~~ Zoning Ordinance **Section 4.1.5 (§3-A-13)** 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:

Agricultural Uses	Use Type
Agricultural Building	Accessory Use
Agriculture	Permitted Use
Residential Use	Use Type
Commercial District Accessory Dwelling	Accessory Use
Business Uses	Use Type
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
Recreation/Education/Assembly Uses	Use Type
Churches and Other Places of Worship	Permitted Use
Indoor Theater	Permitted Use
Private Club	Permitted Use
Public and Miscellaneous Use	Use Type
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.

Permitted uses (by-right; no approval by Board of Supervisors required): _____

- _____ Agricultural, horticultural, and forestry uses and structures
- _____ Cemeteries
- _____ Churches and other places of religious assembly
- _____ Clubs, lodges (private)

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- ~~Community services~~
- ~~Farm machinery sales and service~~
- ~~Farm supplies and sales~~
- ~~Financial institution~~
- ~~Garages for storage and repair of motor vehicles when in a completely enclosed structure~~
- ~~Gasoline filling stations for servicing and repair of motor vehicles when in a completely enclosed structure~~
- ~~Motor vehicle sales, service, and rental~~
- ~~Motels~~
- ~~Nurseries, greenhouses (commercial)~~
- ~~Offices~~
- ~~Professional services~~
- ~~Public utility uses and structures, except extensive storage or storage as a primary purpose~~
- ~~Restaurants~~
- ~~Retail and Service Businesses (with a maximum gross floor area of 15,000 sq. ft. for each free-standing business or for each business in a shopping center)~~
- ~~Theaters, indoor~~
- ~~Undertaking establishments, mortuaries, funeral homes~~
- ~~Volunteer fire and/or rescue squads~~
- ~~Veterinary services, animal hospitals, Commercial Boarding Kennels, Breeding Kennels~~

~~Accessory uses (by right; customarily accessory and clearly incidental and subordinate to the permitted principal uses and structures):~~

- ~~Dwelling unit, provided:
 - ~~Such unit is in conjunction with any principal permitted use or structure;~~
 - ~~Only one such unit per establishment; and~~
 - ~~Such unit may be occupied only by the owner, manager, watchman, or caretaker of the establishment, and their immediate family~~~~
- ~~Indoor storage~~
- ~~Parking areas and loading spaces~~
- ~~Structures (in combination with any other supporting structures) less than 50 feet high for commercial and noncommercial communication antennae~~
- ~~Wind Turbine, Small (not more than two structures 100 feet in height or less for a small wind turbine generating electrical energy primarily for onsite usage)~~

~~Special uses (require approval of a special use permit by the Board of Supervisors following Planning Commission review/recommendation and Public Hearings before the Commission and Board):~~

- ~~Bowling alleys~~
- ~~Dance halls~~
- ~~Enclosed outdoor storage~~
- ~~Feed and grain mill~~
- ~~Firearms sales and service~~

- ~~Mini storage units and, as an accessory use, outdoor vehicle storage~~
- ~~Monopoles greater than 50 feet in height for telecommunication antennae~~
- ~~Pool rooms, billiard parlors, game arcades~~
- ~~Recreational structures and uses (commercial)~~
- ~~Restaurants with entertainment, nightclubs, taverns, bars~~
- ~~Retail and Service Businesses (with a gross floor area of more than 15,000 square feet but less than 50,000 square feet each free-standing business or for each business in a shopping center)~~
- ~~Shops for welding, blacksmith, tinsmith, woodworking~~
- ~~Stone cutting, monument works~~
- ~~Theaters, outdoor~~
- ~~Truck stop (no motor freight terminal)~~
- ~~Warehousing~~
- ~~Wind Turbine, Small (three or more structures 100 feet in height or less for a small wind turbine generating electrical energy primarily for on-site usage)~~
- ~~Wind Turbine, Small (structures greater than 100 feet in height for a small wind turbine generating electrical energy primarily for on-site usage)~~

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 §3-E-4** 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.

Inventory of Existing Businesses and Uses in the Plan Area

The Plan Area contains a mix of business and residential uses along with agricultural, public, and institutional uses immediately adjacent to the Plan Area. Business uses are focused at the intersection of US 522, US 340, and Rt. 277. The chart below summarizes the existing uses according to location and account code reference included in Map 1 of the Appendix.

Use	Intersection Quadrant	Code Reference (see Map 1 in Appendix)
Convenience store	NW	5702
Flea market	NW	5690, 5698, 5701
Church	NE	5707
Retail business	NE	5697
Tourist attraction/retail	SW	5703, 5704, 5705
Vacant	SE	9023
Residential/other	NE	5696, 5718, 5719, 5720, 5721

Uses of note immediately adjacent to the Plan Area include the former Department of Corrections facility to the southeast (7911) and the Potomac Edison power substation to the northeast (8226). Also to the northeast on the Gibson property (5673), the Board of Supervisors in June 2016 approved a special use permit for the construction of the County’s first solar power plant on approximately 223 acres. Developments in Frederick County within two miles of and potentially impacting the Plan Area include the Lake Frederick residential community to the south and the Winchester South Marketplace retail development to the north. Both developments are located in Frederick County.

C. Original Plan Policies

Plan Assumptions and Current Conditions

As noted in Subsection A, the Area Plan was developed under the direction of three assumptions provided by the Board of Supervisors:

- *Assumption 1—The Shenandoah (formerly Wheatlands) development in Frederick County (Lake Frederick) is completed.*

Residential development at Lake Frederick was adversely impacted by the economic downturn in the late 2000s, resulting in a much slower pace of development than originally projected. Amended development plans have been approved by Frederick County to facilitate development which has experienced an increase in recent years. As of 2016, the development remains incomplete.

- *Assumption 2—The land zoned industrial in Warren County is fully developed.*

As of 2016, approximately 15% of Warren County’s industrial zoned land along the US 340/522 corridor between Fairgrounds Road and Interstate 66 is undeveloped. Warren County Planning Staff indicates that there is an additional 800 acres of agricultural land that is planned for industrial uses in the future, resulting in a total of 36% of undeveloped industrial land along this

corridor.

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

~~Per May 2016 correspondence by Planning Staff with Frederick County Sanitary Authority Staff, there is no excess public sewer capacity available to serve properties outside the current service area that is contiguous with the boundaries of the Lake Frederick development. Properties that cannot be served currently by public sewer include Frederick County properties adjacent or near the Lake Frederick service district in addition to Double Tollgate Plan Area properties. State environmental law changes that were adopted in the mid-2000s impacted the operations and available treatment capacity of municipal sewage treatment plants. State regulations will likely continue to be an impediment to expansion of sewage treatment capacity from Frederick County into the future.~~

~~An additional issue related to the original Area Plan development is projected traffic impact. The Double Tollgate Area Study for Transportation and Utility Services (prepared by Chester Engineers) was used to base the Area Plan’s transportation policy recommendations. The Study indicated that the majority of traffic volume increase would come from outside the Double Tollgate Plan Area. The Study also references a 1998 study of the US 522/340 Corridor from the I-66 interchange in Warren County to a location 4.2 miles north of the interchange. This study projects as many as 108,716 trips per day with full build-out of the land uses in Warren County. Based on recent (2015) traffic counts, the highest volume segment in the Plan Area—northbound US 340/522 between the Warren County line and the Double Tollgate intersection is only 17,000 trips per day (see complete Table in the Appendix).~~

Policies

~~This section outlines the original eight policies that were adopted in the Area Plan and the degree to which each policy was or was not implemented.~~

~~***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.***~~

~~The current Plan Area remains unchanged since the Double Tollgate Area Plan’s original adoption. The 13-acre parcel referenced in the Policy at the southeastern corner of the primary highway intersection remains undeveloped as of 2016 with no pending or proposed plan of~~

~~development in place. This parcel is now in private ownership and is no longer owned by the Department of Corrections.~~

~~***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.*~~

~~The Board of Supervisors implemented the Policy’s recommendations on the Plan Area boundaries by rezoning the previously-zoned AOC properties to Highway Commercial in 2003.~~

~~***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.*~~

~~The current list of Highway Commercial District uses (referenced in Subsection B above) supports the service goals of Policy 3.~~

~~***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.*~~

~~The County has not adopted a meals tax as recommended by Policy 4.~~

~~***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.*~~

While transportation improvements to the Double Tollgate intersection have not been included in the Commonwealth Transportation Board's (CTB) Six Year Improvement Plan or other State funding plan, the following project is included in the County's 2013 Transportation Plan as a priority project:

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:

Project—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.

Policy 6 is also transportation related and addresses issues similar to and overlapping issues in Policy 5:

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 5 includes recommendations on turn lane design and crossover locations, and Policy 6 includes recommendations on access management standards and interparcel access. Since the development of the Area Plan, VDOT has adopted access management and related design standards that supersede the need for the County to adopt their own design requirements. Under current regulations, new or expanding projects are required to demonstrate compliance with VDOT entrance design standards and projects of a certain size or projected traffic volume are also required to conduct traffic impact analyses (TIAs). The TIA identifies the most intensive land use scenario proposed by the development project and calculates required improvements

~~based on vehicle trips per day, projected turning movements, and vehicle types among other information. These standards, as opposed to local regulations, govern the design and construction of transportation improvements.~~

~~It should also be noted that Policy 6 states that site plans shall provide for additional right-of-way for primary and secondary road improvements. Absent voluntary provision by property owners or developers, land for right-of-way cannot be required as a condition of approval of a site development plan.~~

~~***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.***~~

~~The Plan Area is not currently served by public water and sewer and no plans or proposals to develop or expand these services currently exist either with Frederick County or the Department of Corrections.~~

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

~~As of 2016, no development has occurred in the Plan Area to require stormwater management features or retention ponds.~~

~~In accordance with changes to State law in 2014, the Virginia Department of Environmental Quality (DEQ) is responsible for managing and overseeing stormwater impacts on projects that disturb one acre or more through the Virginia Stormwater Management Program (VSMP). Clarke County is an “opt-out” locality and allows DEQ to manage the VSMP permitting process exclusively. Any future development of regional stormwater ponds would be under the regulatory authority of DEQ.~~

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.

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 County's 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~~ ~~2013~~ Comprehensive Plan and ~~2013~~ *Transportation Plan Related Component Plans*

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:

Project – 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.

Two of the items in the 2013 Comprehensive Plan's Statement of Purpose identify 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.~~

~~Encourage business and residential development in designated growth areas to implement the principles of 1) preserving open space, farmland, natural beauty, cultural features, and critical environmental areas, and 2) improving the quality of life and services in existing towns and directing development towards these existing towns. 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) through the following policies, the Berryville Area Plan, the Waterloo Area Plan, and the Double Tollgate Area Plan.~~

Policy 5, however, recommends 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.~~

~~Chapter III of the Comprehensive Plan speaks to the Business Intersection Area Plans specifically:~~

~~● Chapter III Business Intersection Area Plans (pp. III-11-12):~~

~~The Board of Supervisors adopted the Waterloo Area Plan in August 1995 and adopted the Double Tollgate Area Plan in May 2002. The County's proposed Economic Development Strategic Plan will likely require additions and changes to the Area Plans, both of which will be reviewed concurrently with the development of the Economic Development Strategic Plan. The Double Tollgate Area Plan will also be amended to establish a deferred growth approach as recommended in the draft revised Comprehensive Plan.~~

~~1. Summary~~

~~The County has two intersections of major arterial highways that are federally designated routes: Waterloo (US Routes 50/17 & 340), and Double Tollgate (US Routes 340 & 522). These are uniquely well-suited locations for business activities dependent upon vehicular traffic. Area plans are necessary to insure that appropriate parcels are provided for such development, that the necessary utility services are available, and that the character of the development enhances the character of the County.~~

~~The original Double Tollgate Area Plan calls for an increase in the area zoned Highway Commercial at this intersection from 24 acres to 44 acres, establishment of access management standards to protect the carrying capacity of the primary highways, and provision of central water and sewer service. While there has been a substantial increase in the volume of traffic on Route 522, no new private development has occurred since adoption of the Plan. Much of the planning associated with this Area Plan was based upon anticipated growth around nearby Lake Frederick (in excess of 2,000 new residential units) and other areas in Frederick and Warren Counties, as well as availability of public sewer from Frederick County. By 2013 and as a result of the downturn in the economy, only a fraction of the anticipated new growth had occurred in this area. Also, new state water quality requirements have reduced Frederick's available wastewater capacity. Given these changed circumstances and the costs for the County to extend public utilities to serve this area, the Comprehensive Plan recommends designating the Double Tollgate Area as a deferred growth area. The Area Plan will have to be reviewed and amended to add development triggers to indicate when and under what circumstances growth should occur in this Area.~~

~~Both the Waterloo and Double Tollgate Area Plans include specific maps to identify the boundaries of the Areas to ensure that development is confined to the parcels immediately surrounding the designated intersections.~~

~~2. Priorities for the Next Few Years~~

~~As noted above, both Area Plans will likely be amended to include new strategies developed through the creation of the Economic Development Strategic Plan, and the Double Tollgate Area Plan will be amended to establish deferred growth policies for the Plan Area. Since both areas can be significantly impacted by new development and infrastructure projects both in and near~~

~~the Plan Areas, it is recommended that both Area Plans be reviewed on the same five-year schedule as the Comprehensive Plan.~~

~~3. Major Policies~~

~~Both the Waterloo and Double Tollgate Area Plans provide recommendations regarding the scope and type of development that is desired, recommended changes to land use ordinances to manage and facilitate development and use types, policies to ensure sufficient utility capacity and transportation improvements, and strategies to maximize tax revenue generation and to encourage sustainable development.~~

~~The County's Economic Development Strategic Plan provides the following recommendations on the Double Tollgate Area:~~

~~*Action B.6. Pursue Partnerships to Provide Public Water and Sewer to the Double Toll Gate Area. (Longer Term Priority)*~~

~~*Note: Step #7 below "Review and revise the Area Plan..." could be a nearer term priority in conjunction with ongoing County planning staff work program.*~~

~~*This area is situated on Route 340/522, an important highway connecting the Berryville, Front Royal and Winchester areas. There is landowner interest for commercial development in this area, but the County would have to partner with landowners—and possibly other government agencies—to provide public water and sewer to the area. An advantage to Clarke County for development in the Double Toll Gate area is its location at the western edge of the County where any increases in land use intensity and traffic generation from economic development will have a relatively small impact on most Clarke County residents. To increase the likelihood of economic development in this area, the County needs to take a leadership role.*~~

~~*Action Steps:*~~

~~*(1) Update and affirm the prospects and feasibility of the various options available for providing utilities to the area, including options for the source, design, ownership, financing, and timing for utilities.*~~

~~*(2) Continually monitor, on a regular, ongoing basis, the status of these options and be prepared to help facilitate public and/or private sector initiatives for providing utility service to this area, including the potential for public investment. Monitoring should include the market environment, including growth triggers from Warren and Frederick counties, and any expansions or changes in water and sewer plans or policies in those counties.*~~

~~*(3) Review and revise the Area Plan to ensure that it reflects the current goals and policies of the new Comprehensive Plan.*~~

~~*(4) Review the Zoning Ordinance and Zoning Map, and the Subdivision Ordinance to ensure that the regulations reflect and support the County's policies for this area.*~~

~~*Schedule: FY 2017+*~~

Responsibility: Board of Supervisors; Planning Director
Estimated Cost: TBD

PHOTOS TO BE ADDED:

[INSERT Photo 1: Convenience Store – Northwestern quadrant]

[INSERT Photo 2: Tourist attraction/retail shop - southwestern quadrant]

[INSERT Photo 3: View of Double Tollgate intersection from the north]

[INSERT Photo: Location of solar power plant north of Plan Area]

[INSERT Photo: Undeveloped property -- southeastern quadrant]

[INSERT Photo 6: Department of Corrections property located to south of Plan Area]

[INSERT Photo 7: Virginia Port Authority Property (from Featherbed Road)]

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 zoned Highway Commercial (CH) and Highway Access Corridor (HAC) Overlay District. The properties are 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.

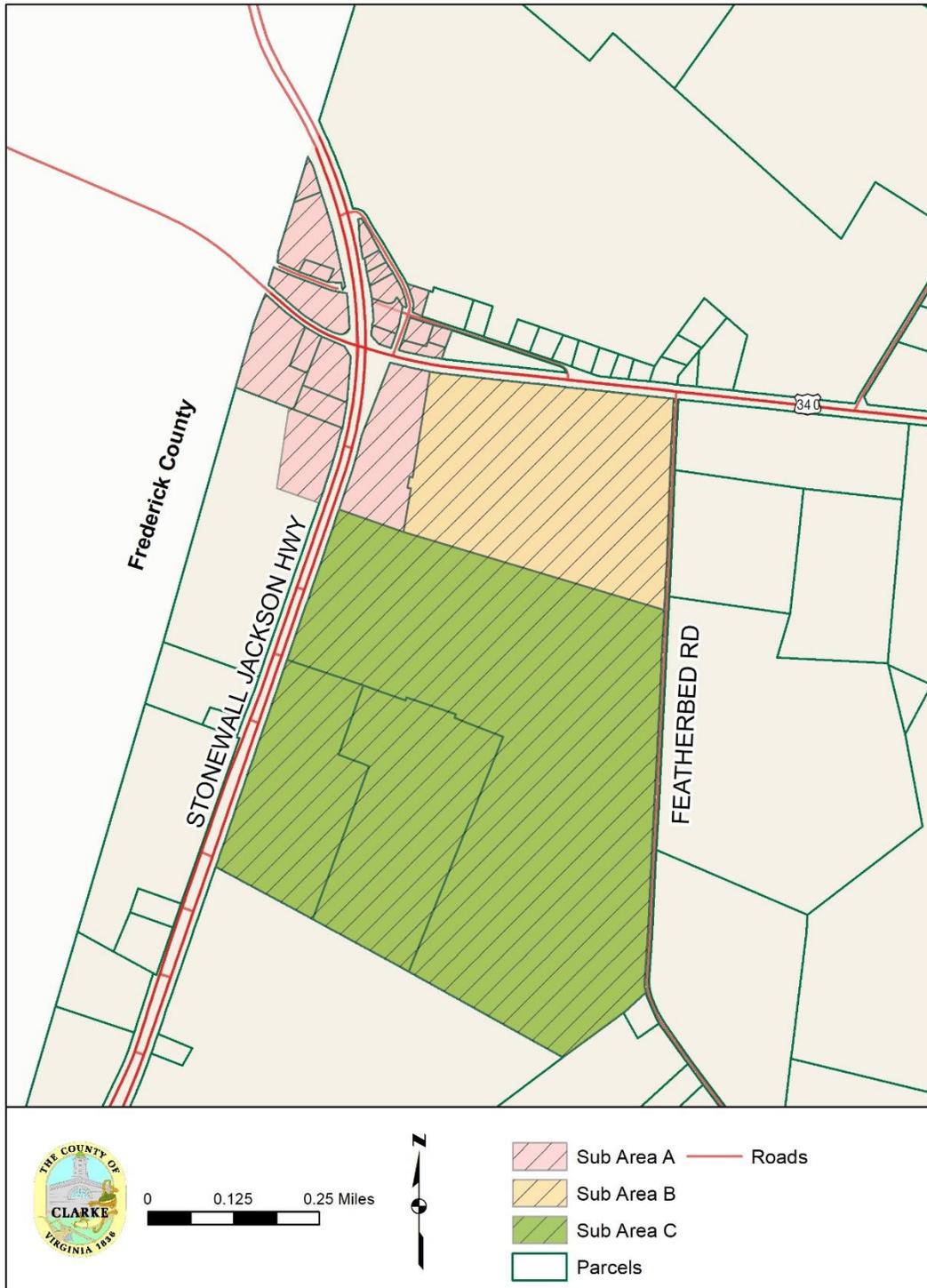
Sub-Area B consists of one 65-acre lot. This property is currently owned by the Virginia Port Authority and was transferred to the Authority by the General Assembly in 2019 with the directive to work with Clarke County “to promote the use of the land for economic development purposes.” This property 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 State uses to have access to public water and public sewer from Frederick County. These properties are all zoned AOC and are currently not intended to be rezoned for commercial use. However, a policy is included to recommend re-evaluating the status of Sub-Area C properties at each five-year review cycle to determine whether changed circumstances warrant moving the properties to Sub-Area B.

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:**

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

* ***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 that depicts 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 reserved exclusively for State agency uses which may be served by public water and public sewer.*
- *Should properties in this Sub-Area be transferred to private ownership, such properties shall be limited to the uses that are allowed in the AOC District. Rezoning of Sub-Area properties to commercial zoning shall be prohibited.*
- *The ownership status and State agency plans for properties in Sub-Area C should be evaluated once every five years to determine whether properties desired for commercial development within the Sub-Area should be re-designated to Sub-Area B.*

III H. PLAN GOALS, OBJECTIVES, AND STRATEGIES

This Chapter contains the ~~2016~~ **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.

~~As described in Chapter I, the three assumptions upon which the original Area Plan's recommendations were based have not been met as of 2016 and are not expected to be met in the near future. As a result, the revised Area Plan's Goals, Objectives, and Strategies reflect the Comprehensive Plan's recommendation that Double Tollgate be designated as a "deferred growth area."~~

A. Plan Goals Statement

The Goals of the ~~2016~~ **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***
- ~~1. Designate Double Tollgate as a deferred growth area and develop policies to identify when the County should take proactive steps to facilitate economic growth.~~
- 2. *The Plan Area shall be divided into three "Sub-Areas" to plan for the projected potential development patterns that may occur based on property ownership. Development within each Sub-Area shall be consistent with the recommendations enumerated in Chapter II, Plan Area and Sub-Area Policies.***
- ~~2. Maintain the current boundaries of the Plan Area, its current form and scale, and its current capacity for development while remaining open to expansion when build-out is substantially complete.~~
- 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.***

- ~~3. Facilitate the availability of broadband wired and wireless internet access and telecommunications for businesses and nearby residents.~~
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.

~~Identify development triggers to indicate when Double Tollgate should no longer be considered a deferred growth area and when the County should take proactive steps and investments to facilitate economic growth.~~

Strategy A.

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

~~Strategy (a). Continue to evaluate the quantity and long-term stability of growth in areas surrounding Double Tollgate. Activities to evaluate include, but are not limited to:~~

- ~~(1) Expansion of public water and sewer service areas by Frederick or Warren Counties.~~
- ~~(2) Changes in land use plan designations and zoning map amendments by Frederick or Warren Counties.~~
- ~~(3) Impact of future development/re-development of the Department of Corrections facility to the south of the Plan Area.~~

Strategy B.

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

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.

~~Establish policies in conjunction with the Economic Development Strategic Plan to determine when the County should invest in economic development projects or tools for new and existing businesses within the Plan Area.~~

Objective 2

Pursue partnerships and *funding opportunities* with Federal and State agencies *and the private sector* ~~or through private sector partnerships~~ *to provide public water and public sewer service, business-class broadband internet access to expand wired and wireless broadband and telecommunications infrastructure, 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 ~~highway commercial~~ *regionally serving* 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). Consider allowing agricultural support businesses and uses that are compatible or complementary to the Agricultural Open Space Conservation (AOC) District on parcels in close proximity to the Double Tollgate Plan Area with direct access to a primary highway.~~

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.*

~~IV~~ III. 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**

Road Segment	2001	2005	2010	2014	2019*
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

