

**CLARKE COUNTY PLANNING COMMISSION
TABLE OF CONTENTS
June 28, 2022 Work Session Packet**

| <u>Item #</u> | <u>Description</u> | <u>Pages</u> |
|----------------------|---|-------------------------|
| 1 | Meeting Agenda | 1 |
| 4A | Initial Review, 2022 Double Tollgate Area Plan Draft | 2-6 |
| | -- Staff Memo | |
| 4B | Review of Project Priority List | 7-14 |
| | -- Staff Memo | 7-8 |
| | -- Revised Project Priority List | 9-12 |
| | -- Comprehensive Plan/Component Plan Review Schedule | 13 |
| | -- Comprehensive Plan/Component Plan Review Timeline | 14 |
| | 2022 Double Tollgate Area Plan Draft – Redlined | Not numbered |
| | 2022 Double Tollgate Area Plan Draft – Clean | Not numbered |
| | | |



Clarke County Planning Commission

AGENDA – Work Session

Tuesday, June 28, 2022 – 3:00PM

Berryville/Clarke County Government Center– Main Meeting Room

1. **Approval of Agenda**
2. **Review of Upcoming Meeting Agenda Items**
 - A. June 29, 2022 Special Meeting – Public Hearing
 - B. July 1, 2022 Business Meeting
3. **Old Business Items**
4. **New Business Items**
 - A. Initial Review, 2022 Double Tollgate Area Plan Draft
 - B. Review of Project Priority List
5. **Other Business**
6. **Adjourn**



Clarke County Planning Department

101 Chalmers Court, Suite B

Berryville, Virginia 22611

(540) 955-5132

www.clarkecounty.gov

TO: Planning Commissioners

FROM: Brandon Stidham, Planning Director

RE: 2022 Double Tollgate Area Plan – Initial Draft

DATE: June 23, 2022

Enclosed at the end of this packet are clean and redlined copies of the 2022 Double Tollgate Area Plan Initial Draft developed by the Comprehensive Plan Committee and Staff. The Commission adopted a resolution in November 2021 to initiate review of this component plan and, in addition to using recommendations from the revised 2022 Comprehensive Plan draft to inform the Area Plan update, the resolution directed the following two issues to be evaluated:

1. The impact of serving the Plan Area with public water and public sewer.
2. Whether to change the Plan Area’s current “deferred growth” status.

These study issues were included in response to two major changes that have occurred since the current Area Plan was adopted in December 2016. The former State-owned “Camp 7” adjoining the Plan Area to the southeast and located outside of the Plan Area is now being considered for other State uses. Among these uses is a 65-acre lot fronting Lord Fairfax Highway (U.S. 340) that was transferred to the Virginia Port Authority with direction from the Virginia General Assembly to collaborate with Clarke County “to promote the use of the land for economic development purposes.” A 154.66 acre lot fronting on Stonewall Jackson Highway (U.S. 522) was transferred to the Virginia Department of Military Affairs. This agency has expressed interest in public water and public sewer access in order to develop a future regional training facility.

The second major change is Frederick County’s willingness to serve the Plan Area with public water and public sewer. Previously, Frederick County had no interest in extending utilities into Clarke County and this fact played a part in designating the Plan Area as a “deferred growth area.” In 2021, the Frederick County Board of Supervisors voted to approve Clarke County’s request for a limited capacity of water and sewer to serve projected uses in the current Plan Area and the former Camp 7 properties. This approval authorizes the service authority, Frederick Water, to negotiate with Clarke County on a development agreement including designation of a new water and sewer service area.

These two major changes are the primary influencing factors in the development of the revised 2022 Area Plan. The current “deferred growth area” status is proposed to be removed and replaced with new recommendations to facilitate extension of public water and public sewer

from Frederick County to the Plan Area as well as to plan for future development to be served with these public utilities. The Plan Area is also proposed for expansion to include all of the State-owned properties to the southeast. Borrowing a concept from the Berryville Area Plan, the Double Tollgate Plan Area is now proposed to be divided into three “Sub-Areas” with each containing unique recommendations to match anticipated development patterns. This new Plan Area would match the properties that are projected to be included in a water and sewer service area to be designated in the future.

The proposed Sub-Area descriptions as depicted at the beginning of Chapter II are included below:

- **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 proposed to be included in the Double Tollgate Plan Area. Per the Area Plan’s new 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 a future expanded Plan Area. A new map of the revised Plan Area is included at the beginning of Chapter II.

Chapter III contains the Area Plan’s goals, objectives, and strategies which have been significantly modified to reflect the changes occurring in and around the current Plan Area. In addition to removing the “deferred growth area” status in favor of planning for development served by public utilities, new recommendations are included to highlight the need for transportation improvements at the primary highway intersection. Emphasis is placed on ensuring that County investment in infrastructure expansion is done in a fiscally-responsible manner and that the development community pays for any new impacts caused by their developments.

Structurally, the Area Plan contains new and updated sections for better organization of information. A summary of these changes is included below (page numbers reference the 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. 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)

Chapter II includes the 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)

As noted earlier in this memo, this section has been significantly rewritten to reflect the changes impacting the Plan Area.

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.

Staff is not requesting action from the Commission at this time and instead is looking for initial comments and questions. Since the Area Plan is based on the recommendations of the 2022 Comprehensive Plan, Staff does not recommend scheduling public hearing on the Area Plan until the Comprehensive Plan draft has been advanced to the Board of Supervisors for final consideration. Any applicable changes that may occur to the draft Comprehensive Plan would then have to be factored into the Area Plan draft. Staff's expectation is that the Commission will resume discussion of the Area Plan at the August 30 Work Session and consider scheduling Public Hearing at the September 2 Business Meeting for October.

Please let me know if you have questions in advance of the meeting.



Clarke County Planning Department

101 Chalmers Court, Suite B

Berryville, Virginia 22611

(540) 955-5132

www.clarkecounty.gov

TO: Planning Commissioners

FROM: Brandon Stidham, Planning Director

RE: Review of Project Priorities List

DATE: June 23, 2022

Item #4B is the Commission's mid-year review of the project priorities list. The Commission establishes its priority projects at the January organizational meeting each year and then revisits the list in July to assess any new or adjusted priorities as needed. Staff has included a revised list for the Commission's review and comment with projects divided into two sections – Comprehensive Plan and Component Plan projects and potential Zoning and Subdivision Ordinance text amendments. A brief summary of the proposed changes is included below.

Comprehensive Plan and Component Plans

This section has been updated to reflect current progress on the Comprehensive Plan and Double Tollgate Area Plan revisions. The Agricultural Land Plan five-year review resolution is now listed as complete with the Commission's adoption in February. You will note that the timeline for the Transportation Plan review was pushed forward as the Double Tollgate Area Plan revision was prioritized along with the related review of the Waterloo Area Plan (to begin in the fall). The Commission's work on the Transportation Plan is now projected to begin in 2023 with Staff working at the end of the year to develop an initial draft and recommendations.

Staff has also included revised versions of the Comprehensive Plan/Component Plan Review Schedule and the Review Timeline to provide a visual depiction of each Plan's age and review status. The Review Schedule lists each Plan's adoption date, the deadline for the next five-year review resolution to be adopted, and an estimated start and completion for each Plan review. The Review Timeline provides detail on when work is expected to be conducted on each review project's general tasks (initial work, draft development, and public hearings/adoption).

Zoning and Subdivision Ordinance – Potential Text Amendments

This section has also been updated to show current progress including the completion of the dwelling unit right (DUR) accounting issues in merger transactions. One new issue was added at the Commission's request to discuss campground regulations which will be brought to the Policy & Technical Committee in the fall. Staff has also added a minor technical issue for the Ordinances Committee to discuss regarding current rules on structures or portions of structures that are allowed in the setback area.

Staff is looking for consensus from the Commission that this revised priority list is acceptable to use for the remainder of the calendar year. Please let me know if you have questions or concerns in advance of the Work Session.

2022 PROJECT PRIORITIES – PLANNING COMMISSION
(Adopted by Commission on January 4, 2022 – *Changes/updates in red font*)

The list is intended to aid the Commission and Staff to ensure that work on critical projects is prioritized and completed in a timely fashion. Project start dates and priorities may be affected by the Commission’s zoning case load (e.g., special use permit applications, rezoning, site plans, subdivisions), text amendments, or other special projects requested by the Board of Supervisors.

Comprehensive Plan and Component Plans

Review of the Comprehensive Plan and implementing component plans typically are assigned to the Comprehensive Plan Committee for initial development before presentation to the full Planning Commission.

1. Five-Year Review and Update of Comprehensive Plan

STATUS – Project is underway *and nearing completion*. Work completed or in progress:

- Resolution was adopted by the Commission on January 4, 2019 to initiate review of the Plan.
- *Public hearing on draft revision is scheduled for June 29, 2022 with possible final action at the July 1, 2022 Business Meeting.*

GOALS FOR 2022:

- ~~Review final revised draft in May.~~
- ~~Set Public Hearing in June.~~
- Hold Public Hearing *in July* and forward recommendation to Board of Supervisors for their review in September.

2. Five-Year Review Resolution – Agricultural Land Plan

STATUS – ~~Draft resolution under review by Comprehensive Plan Committee. To be COMPLETE~~ -- Adopted by Commission by February 21, 2022.

3. Five-Year Review and Update of the Double Tollgate Area Plan

STATUS – *Project is underway* ~~Review project has not commenced~~. Work completed or in progress:

- Five-year review resolution was adopted by the Commission on November 5, 2021.
- *Initial draft revision developed by the Comprehensive Plan Committee and staff. Committee agreed by consensus on June 16, 2022 to forward the draft to the full Commission for review at the June 28, 2022 Work Session.*

GOALS FOR 2022:

- ~~• Committee to begin work in late winter/early spring 2022.~~
- ~~• Primary goal is to consider language to address current efforts to extend public water and public sewer to Double Tollgate area from Frederick County.~~
- ~~• Review to be coordinated with and informed by applicable language in the revised Comprehensive Plan.~~
- *Initial draft to be completed by summer 2022.*
- *Hold Public Hearing in the fall following adoption of the Comprehensive Plan by the Board of Supervisors.*

4. Five-Year Review of the Waterloo Area Plan

STATUS – Review project has not commenced. Work completed or in progress:

- Five-year review resolution was adopted by the Commission on November 5, 2021.

GOALS FOR 2022:

- *Comprehensive Plan* Committee to begin work ~~in fall by spring 2022—~~ ~~coordinate with review of Double Tollgate Area Plan if possible.~~
- Initial drafts to be completed by end of 2022.

5. Five-Year Review and Update of Transportation Plan

STATUS – Review project has not commenced. Work completed or in progress:

- Resolution was adopted by the Commission on January 4, 2019 to initiate review of the Plan.

GOALS FOR 2022 (Workload dependent):

- *Staff to begin work on initial draft in the fall with goal of having Comprehensive Plan Committee begin review in early 2023.*
- ~~• Committee to review issues list and initial Staff draft in April.~~
- ~~• Committee to recommend revised final draft to Commission by July.~~
- ~~• Commission to hold Public Hearing in September and forward recommendation to Board for their review in October.~~

Zoning and Subdivision Ordinance – Potential Text Amendments

Issues that may be developed into Zoning and Subdivision Ordinance text amendments are assigned either to the Policy & Transportation Committee (for substantive policy issues) or to the Ordinances Committee (for technical issues). These Committees are charged with discussing the issues and developing them into draft text amendments for the full Commission's review.

1. Current boundary line adjustment regulations – modification of lots to exceed maximum lot size requirements (Subdivision Ordinance Section 4.4.1)

STATUS – *Project underway. Draft text amendment developed by the Policy & Transportation Committee and Staff, forwarded for initial review by the full*

Commission at the May 31 Work Session. Issue identified by Staff but review project not started.

GOALS FOR 2022:

- *Refine draft text amendment and schedule Public Hearing in the fall. Assign to Policy & Transportation Committee for discussion in early 2022.*

2. Accounting of dwelling unit rights (DURs) following mergers of lots (Zoning Ordinance Section 3.8)

STATUS – *COMPLETE (TA-22-02). Text amendment adopted by the Board of Supervisors on June 21, 2022. Issue identified by Staff but review project not started.*

GOALS FOR 2022:

- *Assign to Policy & Transportation Committee for discussion in early 2022.*

3. Modifications to current regulations for waterworks and sewerage system and treatment works (Zoning Ordinance Section 7.4.5)

STATUS – *Project underway, was initially reviewed by the Ordinances Committee on May 6, 2022. Issue identified by Staff but review project not started.*

GOALS FOR 2022:

- ~~Assign to Ordinances Committee for discussion in early 2022.~~
- *Committee to forward draft text amendment to the full Commission for consideration in late fall/early winter*

4. Demolition review criteria – recommendations from the Historic Preservation Commission

STATUS – *Project underway (TA-22-03) – Public Hearing on draft text amendment is scheduled for July 1, 2022. Issue identified by Staff but review project not started.*

GOALS FOR 2022:

- *Forward draft text amendment to the Board of Supervisors for adoption. Assign to Ordinances Committee for discussion in early 2022.*

5. Campground zoning regulations

STATUS – *Issue identified by the Planning Commission but review project not started.*

GOALS FOR 2022 – *Assign to the Policy & Transportation Committee for discussion in the fall, workload permitting.*

6. *Structures in setback areas – Zoning Ordinance Section 7.1.2C*

STATUS – *Issue identified by Staff but review project not started.*

GOALS FOR 2022 – *Assign to the Ordinances Committee for discussion in the fall.*

Other Projects

-- None identified

Updated June 22, 2022

COMPREHENSIVE PLAN/COMPONENT PLAN REVIEW SCHEDULE

| Plan | Last Adoption Date | Next 5-Year Review Deadline | Estimated Revision Start and Completion |
|----------------------------------|--------------------|---|--|
| Comprehensive Plan | March 18, 2014 | 5-year review initiated January 4, 2019 | <u>Start – IN PROCESS Complete – Fall 2022</u> |
| Transportation Plan | March 18, 2014 | 5-year review initiated January 4, 2019 | <u>Start – Winter 2022 Complete – Late Spring 2023</u> |
| Berryville Area Plan | May 10/17, 2016 | 5-year review initiated May 26, 2021 | <u>Start – Early 2023 Complete – Early 2024</u> |
| Double Tollgate Area Plan | December 20, 2016 | 5-year review initiated November 5, 2021 | <u>Start – IN PROCESS Complete – Fall 2022</u> |
| Waterloo Area Plan | December 20, 2016 | 5-year review initiated November 5, 2021 | <u>Start – Fall 2022 Complete – Spring 2023</u> |
| Agricultural Land Plan | February 21, 2017 | 5-year review initiated February 21, 2022 | <u>Start – Spring 2023 Complete – Spring 2024</u> |
| Mountain Land Plan | June 21, 2005 | Overdue | <u>Start – Spring 2023 Complete – Spring 2024</u> |
| Village Plan | Not started | Not applicable | <u>Start – Spring 2023 Complete – Spring 2024</u> |
| Historic Resources Plan | June 19, 2018 | June 19, 2023 | <u>Start – Winter 2024 Complete – Winter 2025</u> |
| Water Resources Plan | September 25, 2018 | September 25, 2023 | <u>Start – Winter 2024 Complete – Winter 2025</u> |
| Recreation Component Plan | December 15, 2020 | December 15, 2025 | <u>Start – Spring 2026 Complete – Winter 2026</u> |

Yellow – Scheduled for review (initiated by 5-year review resolution); Gray – 5-year review is overdue;

Green – 5-year review is due in future/Plan is currently in good standing; Orange – New Plan to be developed

**COMPREHENSIVE PLAN AND COMPONENT PLAN REVIEW TIMELINE
(JUNE 2022 UPDATE)**

| | 2022 | 2Q | 3Q | 4Q | 2023 | 2Q | 3Q | 4Q | 2024 | 2Q | 3Q | 4Q | 2025 |
|------------------------------------|------|----|----|----|------|----|----|----|------|----|----|----|------|
| Comprehensive Plan | | | | | | | | | | | | | |
| Transportation Plan | | | | | | | | | | | | | |
| Berryville Area Plan* | | | | | | | | | | | | | |
| Double Tollgate Area Plan | | | | | | | | | | | | | |
| Waterloo Area Plan | | | | | | | | | | | | | |
| Agricultural Land Plan | | | | | | | | | | | | | |
| Mountain Land Plan | | | | | | | | | | | | | |
| Village Plan | | | | | | | | | | | | | |
| Historic Resources Plan | | | | | | | | | | | | | |
| Water Resources Plan | | | | | | | | | | | | | |
| Recreation Component Plan** | | | | | | | | | | | | | |



Initial Research, Committee Meetings, and Outreach



Development of Working and Final Drafts



Public Hearings and Adoption

* -- Work to be done by Berryville Area Development Authority (BADA)

** -- Recreation Component Plan review would begin beyond the scope of this timeline (December 2025)



2022

Double Tollgate Area Plan

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

**INITIAL DRAFT (REDLINED)
For Planning Commission Review
June 28, 2022**

ACKNOWLEDGEMENTS

CLARKE COUNTY PLANNING COMMISSION

George L. Ohrstrom, II, Chair (Russell Election District)
Randy Buckley, Vice Chair (White Post Election District)
Frank Lee (Berrville 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)
Buster Dunning (White Post Election District)
Matthew Bass (Board of Supervisors representative)

PLANNING COMMISSION COMPREHENSIVE PLAN COMMITTEE

Anne Caldwell (Millwood Election District)
Bob Glover (Millwood Election District)
Matthew Bass (Board of Supervisors representative)
Randy Buckley (White Post Election District)
George L. Ohrstrom, II, Ex-Officio (Russell Election District)

CLARKE COUNTY BOARD OF SUPERVISORS

David Weiss, Chair (Buckmarsh Election District)
Terri Catlett, Vice-Chair (Millwood Election District)
Matthew Bass (Berryville Election District)
Doug Lawrence (Russell Election District)
Beverly B. McKay (White Post Election District)

CLARKE COUNTY PLANNING DEPARTMENT

Brandon Stidham, Planning Director
Jeremy Camp, Senior Planner/Zoning Administrator
Jeffrey Feaga, Preservation Planner/GIS Coordinator
Alison Teetor, Natural Resource Planner; CCEA Coordinator
Kristina Maddox, Office Manager/Zoning Officer

Clarke County Planning Department
101 Chalmers Court, Suite B
Berryville, VA 22611
540-955-5132

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:

INITIAL DRAFT FOR COMMISSION REVIEW-REDLINED 6/28/2022

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.~~

INITIAL DRAFT FOR COMMISSION REVIEW-REDLINED 6/28/2022

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.~~

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*

INITIAL DRAFT FOR COMMISSION REVIEW-REDLINED 6/28/2022

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)

INITIAL DRAFT FOR COMMISSION REVIEW-REDLINED 6/28/2022

- ~~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:

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.

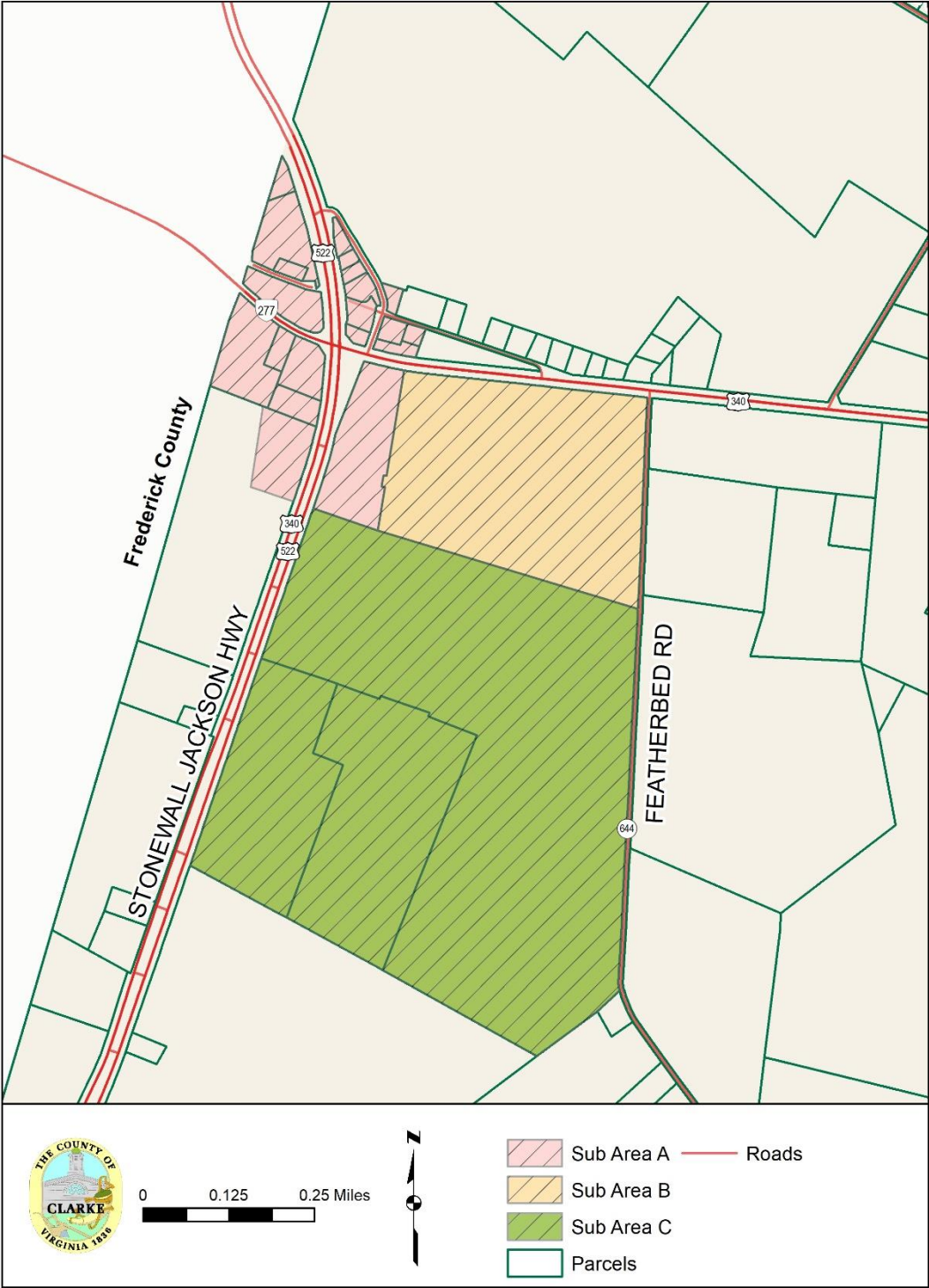
Sub-Area B consists of one 65-acre lot. This property is currently owned by the Virginia Port Authority and was transferred to the Authority by the General Assembly in 2019 with the directive to work with Clarke County “to promote the use of the land for economic development purposes.” This property 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 containing the following elements:*
 - *Site layout, landscaping and screening, and the architectural design of structures shall be of a high quality by virtue of location at the County's southwestern gateway.*
 - *Road improvements shall be provided that prevent degradation of the safety, capacity, and functionality of the existing road network that could be caused by the development's proposed traffic generation.*
 - *Interparcel access shall be provided to adjacent Plan Area properties in order to limit new highway access points.*
 - *Use of best management practices for stormwater management to protect ground and surface water quality.*
- *Any rezoning of land in Sub-Area B to Highway Commercial (CH) shall also include the Highway Access Corridor (HAC) Overlay District in order to ensure high-quality, compatible architectural design for structures at the County's southwestern gateway.*

C. SUB-AREA C – Other State Properties

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

Sub-Area C Policies

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

~~Strategy (b). 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



2022

Double Tollgate Area Plan

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

**INITIAL DRAFT (CLEAN)
For Planning Commission Review
June 28, 2022**

ACKNOWLEDGEMENTS

CLARKE COUNTY PLANNING COMMISSION

George L. Ohrstrom, II, Chair (Russell Election District)
Randy Buckley, Vice Chair (White Post Election District)
Frank Lee (Berrville 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)
Buster Dunning (White Post Election District)
Matthew Bass (Board of Supervisors representative)

PLANNING COMMISSION COMPREHENSIVE PLAN COMMITTEE

Anne Caldwell (Millwood Election District)
Bob Glover (Millwood Election District)
Matthew Bass (Board of Supervisors representative)
Randy Buckley (White Post Election District)
George L. Ohrstrom, II, Ex-Officio (Russell Election District)

CLARKE COUNTY BOARD OF SUPERVISORS

David Weiss, Chair (Buckmarsh Election District)
Terri Catlett, Vice-Chair (Millwood Election District)
Matthew Bass (Berryville Election District)
Doug Lawrence (Russell Election District)
Beverly B. McKay (White Post Election District)

CLARKE COUNTY PLANNING DEPARTMENT

Brandon Stidham, Planning Director
Jeremy Camp, Senior Planner/Zoning Administrator
Jeffrey Feaga, Preservation Planner/GIS Coordinator
Alison Teetor, Natural Resource Planner; CCEA Coordinator
Kristina Maddox, Office Manager/Zoning Officer

Clarke County Planning Department
101 Chalmers Court, Suite B
Berryville, VA 22611
540-955-5132

DATE OF PLANNING COMMISSION PUBLIC HEARING AND ADOPTION:

TO BE DETERMINED

DATE OF BOARD OF SUPERVISORS PUBLIC HEARING AND ADOPTION:

TO BE DETERMINED

TABLE OF CONTENTS

| SECTION | PAGE # |
|---|---------------|
| Executive Summary | 2-3 |
| I. Introduction | 3-15 |
| A. Plan History | 3-8 |
| B. Physical Description of Plan Area | 8-12 |
| C. Scope of the Current Plan Revision | 12-13 |
| D. Guidance from the 2022 Comprehensive Plan and 2013 Transportation Plan | 12-15 |
| II. Plan Area and Sub-Area Policies | 16-20 |
| A. Sub-Area A – Primary Commercial Development Area | 18 |
| B. Sub-Area B – State Property Designated for Economic Development | 18-19 |
| C. Sub-Area C – Other State Properties | 19-20 |
| III. Plan Goals, Objectives, and Strategies | 21-23 |
| A. Plan Goals | 21 |
| B. Plan Objectives and Strategies | 21-23 |
| IV. Conclusion | 24 |
| APPENDIX | |
| VDOT Traffic Counts for Double Tollgate Plan Area (2001-2019) | |
| MAPS | |
| Double Tollgate Plan Area | 17 |

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 COMMISSION REVIEW – CLEAN 6/28/2022

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 COMMISSION REVIEW – CLEAN 6/28/2022

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

INITIAL DRAFT FOR COMMISSION REVIEW – CLEAN 6/28/2022

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.

INITIAL DRAFT FOR COMMISSION REVIEW – CLEAN 6/28/2022

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.*

INITIAL DRAFT FOR COMMISSION REVIEW – CLEAN 6/28/2022

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.*

INITIAL DRAFT FOR COMMISSION REVIEW – CLEAN 6/28/2022

- *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.

INITIAL DRAFT FOR COMMISSION REVIEW – CLEAN 6/28/2022

- 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.

INITIAL DRAFT FOR COMMISSION REVIEW – CLEAN 6/28/2022

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 |

INITIAL DRAFT FOR COMMISSION REVIEW – CLEAN 6/28/2022

| | |
|---|--------------------------|
| 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*

INITIAL DRAFT FOR COMMISSION REVIEW – CLEAN 6/28/2022

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.*

INITIAL DRAFT FOR COMMISSION REVIEW – CLEAN 6/28/2022

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

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

Planning Cost Estimate: \$2,100,000

Assessed Need/Description:

This dangerous intersection has experienced an increase in traffic of over 30% since 2001 and has insufficient turn lanes and through lane capacity. The Double Tollgate intersection is one of the County’s two designated business growth areas and currently contains a gas station/ convenience store, church, flea market, and tourist attraction (Dinosaur Land). Traffic is expected to increase in the coming years as large-scale residential development occurs in nearby Lake Frederick (2,000+ units in Frederick County) in addition to further development in Frederick and Warren Counties along the corridor.

Recommendation:

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

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

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.

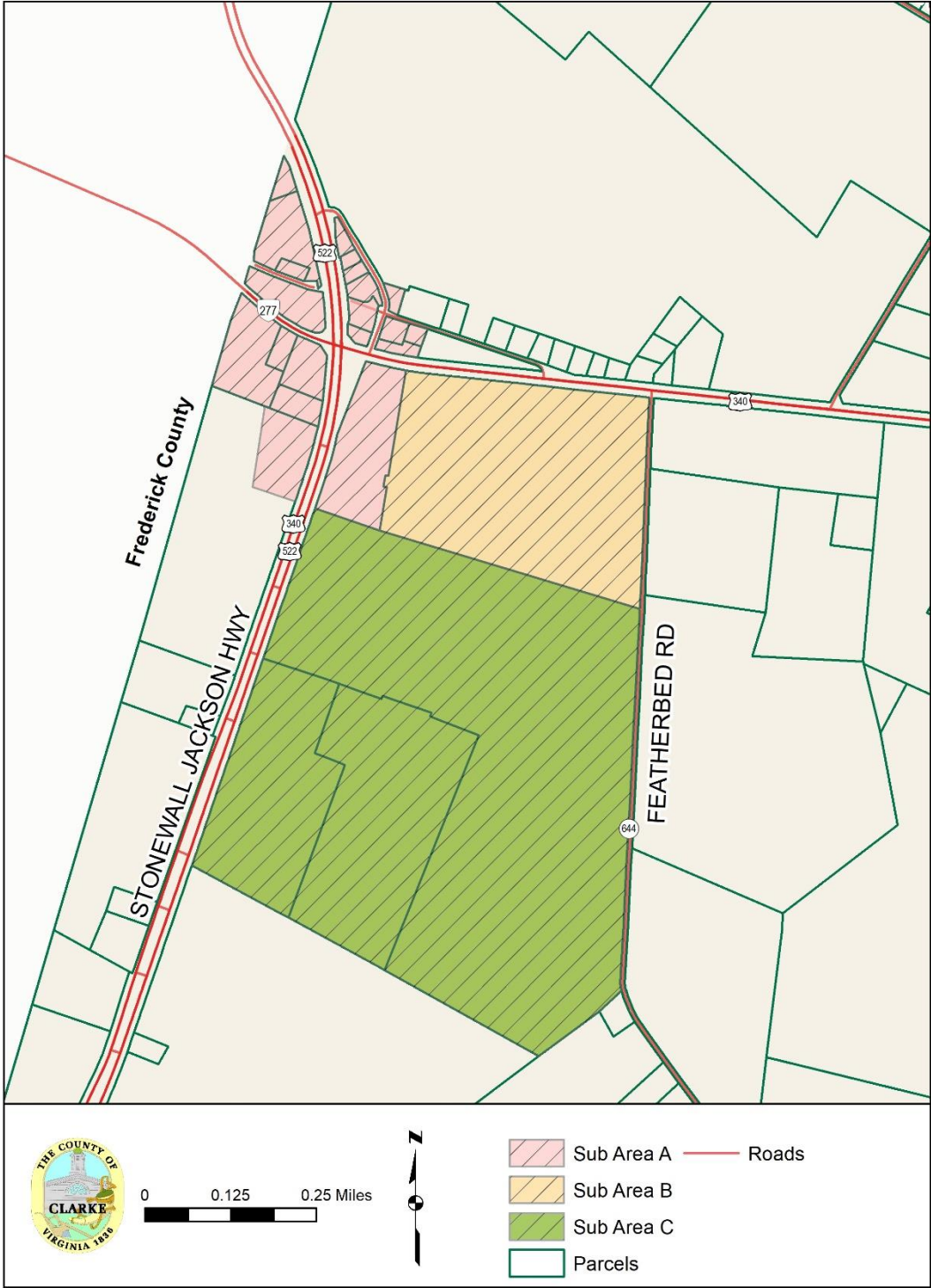
Sub-Area B consists of one 65-acre lot. This property is currently owned by the Virginia Port Authority and was transferred to the Authority by the General Assembly in 2019 with the directive to work with Clarke County “to promote the use of the land for economic development purposes.” This property 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



INITIAL DRAFT FOR COMMISSION REVIEW – CLEAN 6/28/2022

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 containing the following elements:
 - Site layout, landscaping and screening, and the architectural design of structures shall be of a high quality by virtue of location at the County’s southwestern gateway.
 - Road improvements shall be provided that prevent degradation of the safety, capacity, and functionality of the existing road network that could be caused by the development’s proposed traffic generation.
 - Interparcel access shall be provided to adjacent Plan Area properties in order to limit new highway access points.
 - Use of best management practices for stormwater management to protect ground and surface water quality.
- Any rezoning of land in Sub-Area B to Highway Commercial (CH) shall also include the Highway Access Corridor (HAC) Overlay District in order to ensure high-quality, compatible architectural design for structures at the County’s southwestern gateway.

C. SUB-AREA C – Other State Properties

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

Sub-Area C Policies

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

Strategy B.

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

Strategy C.

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

Strategy D.

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

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

