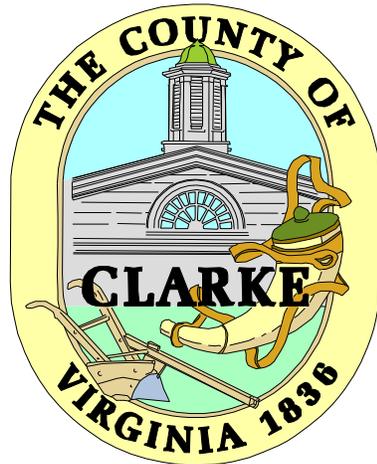


Double Tollgate Area Plan

Clarke County Comprehensive Plan

Implementing Component Plan



**Adopted by the
Clarke County Board of Supervisors on
December 20, 2016**

ACKNOWLEDGEMENTS

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December 20, 2016

2016 DOUBLE TOLLGATE AREA PLAN

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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.

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 component plans.

Development of the Area Plan

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 assumptions for the Commission to base the Area Plan Development:

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- Assumption 1 – The Shenandoah (formerly Wheatlands) development in Frederick County (Lake Frederick) is completed.
- Assumption 2 – The land zoned industrial in Warren County is fully developed.
- Assumption 3 – There is sewage capacity (50,000 gallons per day) available for commercial development at the Double Tollgate intersection.

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

- 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.
- Recommendation 2 – Transportation improvements for that portion of Lord Fairfax Highway (Routes 277 and 340) within one mile of the Double Tollgate intersection and all of Stonewall Jackson Highway (Routes 340 and 522) based on the planned development at this intersection and in adjoining counties.
- Recommendation 3 – Any other actions consistent with the County Comprehensive Plan that the Commission concludes would be fiscally beneficial to the County or are necessary to promote and encourage appropriate business activity at this intersection.

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

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2012 Planning Commission Double Tollgate Committee

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



Figure 1: Convenience store -- northwestern quadrant

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:

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

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The Board of Supervisors accepted the Double Tollgate Committee's report at their August 21, 2012 meeting. 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.

B. Physical Description and Statistics

The 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, 2013 by the Board of Supervisors (see Map 1). There is currently no public water or public sewer service to the properties in the Plan Area. 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 Plan Area include Double Tollgate Road/Rt. 670 and Highland Corners Road/Rt. 669.

Highway Commercial (CH) District

The intent of the Highway Commercial Zoning District is set forth in the 2016 Zoning Ordinance (§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:

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)
- Community services
- Farm machinery sales and service
- Farm supplies and sales

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- 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



Figure 2: Tourist attraction/retail shop - southwestern quadrant

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)

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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)



Figure 3: View of Double Tollgate intersection from the north

Historic Access Corridor Overlay District (HC)

The Plan Area is also included within the County's Historic Access Corridor Overlay District (HC) as set forth in §3-E-4 of the Zoning Ordinance. The purpose of the HC Overlay District is listed as follows:

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“...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 HC 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

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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.



Figure 4: Location of future solar power plant north of Plan Area

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

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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



Figure 5: Undeveloped property -- southeastern quadrant

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.

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Policy 1. *Forty-eight acres of highway commercial uses will be the appropriate level of commercial development at the Double Tollgate intersection based on projected economic trends for the vicinity over the next 15 to 20 years, highway access criteria, and ownership patterns (see map). This 48-acre area is comprised of 24 acres currently zoned Highway Commercial and another 24 acres currently in the Agricultural-Open Space-Conservation (AOC) Zoning District. The most significant single property for future commercial uses is the 13-acre area in the southeast corner of the primary highway intersection now owned by the Virginia Department of Corrections. This area could be a prime retail site in the future for a neighborhood commercial center and could contain a portion of a regional stormwater management pond. The eastern and southern limits of the additional commercial areas coincide with median openings in Routes 340 and 522 located in accord with preferred access management principles.*

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

Policy 2. *Currently, there is no economic need to expand the area zoned Highway Commercial. However, applying Highway Commercial Zoning to the 24-acre area now zoned AOC is consistent with the Comprehensive Plan policy: "Promote business activities at the intersections of ... primary highways ... through ... provision of additional areas zoned for business uses." Such a rezoning shows the seriousness of the County's commitment to provide for commercial development in this area. Demonstration of this commitment is critical to enabling the transfer of the approximate 13 acres owned by the Virginia Department of Corrections to a private development entity. Applying Highway Commercial Zoning to the designated commercial area also specifically identifies the area to be served by central water, sewer, and stormwater facilities, thus giving validity to such service request. Finally, establishing Highway Commercial Zoning for the designated expansion area reduces the hurdles of governmental review of proposed commercial development when market forces dictate its appropriateness.*

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

Policy 3. *The allowed uses in the Highway Commercial Zoning District are suitable to accommodate the types of uses that are likely to locate at this commercial area. Future commercial uses will primarily serve nearby residential neighborhoods and passing motorists.*

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

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Policy 4. *In order to benefit more fully from the anticipated highway commercial uses, the County should review its tax structure and consider establishment of a meals tax. A meals tax of up to 4% may be established with approval by voter referendum. This tax has been established in adjoining jurisdictions.*

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

Policy 5. *VDOT is requested to include improvements to the Double Tollgate intersection in its Primary Highway Plan. These improvements should include additional turn lanes at the intersection and expansion of Route 277 and Route 340 to four lanes, in a 150 right-of-way, from the Frederick County line to a point 1000 feet east of the Double Tollgate intersection. Special attention should be provided to the design of these turn lanes to improve traffic safety. Median openings on Routes 277 and 340 should be approximately 1000 feet away from the Double Tollgate intersection. Existing median openings on Routes 340 and 522 should be shifted to points approximately 1300 feet north and south of the Double Tollgate intersection (see map). In addition, the anticipated significant increase in traffic volume on Route 522 in Clarke County is a cause for concern from a safety point of view. These concerns warrant allocation of transportation resources and, therefore, this two-mile segment of Route 522 should be a priority for primary highway planning.*

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

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

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

Assessed Need/Description:

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

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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.

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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.



Figure 6: Department of Corrections property located to south of Plan Area

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.

D. Guidance from the 2013 Comprehensive Plan and Related Component Plans

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.*

The Comprehensive Plan specifically addresses designated growth areas and the Double Tollgate Area in Objective 9 – Designated Growth Areas for Development:

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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.

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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.

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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

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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.

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II. PLAN GOALS, OBJECTIVES, AND STRATEGIES

This Chapter contains the 2016 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. Goals Statement

The Goals of the 2016 Double Tollgate Area Plan are as follows:

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

B. Plan Objectives and Strategies

Objective 1. 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 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.

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- (3) Impact of future development/re-development of the Department of Corrections facility to the south of the Plan Area.

Strategy (b). Develop metrics such as level of service criteria or adequate public facilities measures to quantify the need for future public infrastructure investments, such as transportation or public water and sewer.

Strategy (c). 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 funding opportunities with Federal and State agencies, or through private sector partnerships, to expand wired and wireless broadband and telecommunications infrastructure in the Double Tollgate Plan Area.

Objective 3. 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 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 (c). 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 (d). 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 (e). Maintain the high standards of existing site development regulations including but not limited to 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.

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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.

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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

Map 1 – Double Tollgate Area

VDOT Traffic Counts for Double Tollgate Plan Area 2001-2015

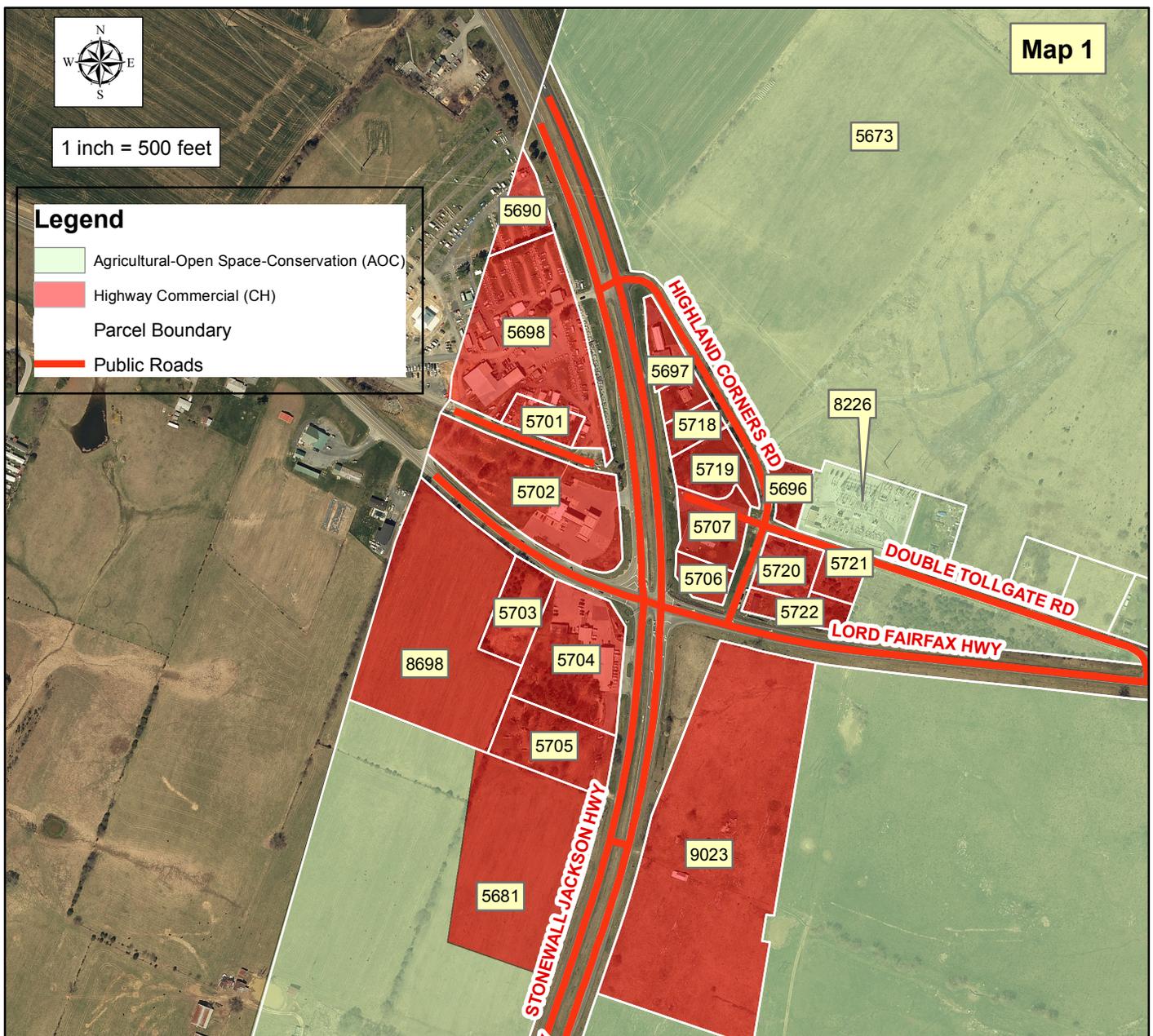
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1 inch = 500 feet

Legend

- Agricultural-Open Space-Conservation (AOC)
- Highway Commercial (CH)
- Parcel Boundary
- Public Roads



ACCT	Map_	Name	acre
5673	27 A 5	GIBSON MONTIE W JR & PEARLE	234.84
5681	27 A 12	BENTON SADIE M TRUSTEE	5.58
5690	27 A 5A	GIBSON MONTIE W JR & PEARLE	0.78
5696	27A A 7	FREEMAN MARTHA LUCILLE	0.38
5697	27A A 8	DOUBLE TOLLGATE EMPORIUM LLC	0.63
5698	27A A 9	ROYSTON ESELMAN PROPERTIES	5.13
5701	27A A 11	LESAGE LESLIE JOHN	0.57
5702	27A A 12	SEJ ASSET MANAGEMENT & INVESTMENT	3.26
5703	27A A 13	TNS&L PROPERTY PARTNERSHIP	1.06
5704	27A A 14	TNS&L PROPERTY PARTNERSHIP	2.80
5705	27A A 15	TNS&L PROPERTY PARTNERSHIP	1.74
5706	27A A 16	JOMAX LC	0.47
5707	27A A 17	ESCALADE LLC	1.08
5718	27A 2 B	MARSHALL JOSEPHINE ET	0.45
5719	27A 2 C	MARSHALL TYRONE K ET AL	0.96
5720	27A 3 A	SADEGHZADEH MOHSEN	0.77
5721	27A 3 B	SADEGHZADEH MOHSEN	0.47
5722	27A 3 C	SADEGHZADEH MOHSEN	0.67
7911	27 A 10A	VIRGINIA PUBLIC BUILDING AUTHORITY	6.31
8226	27 A 4D	POTOMAC EDISON COMPANY	1.79
8698	27 A 12A	JOMAX LC	6.62
9023	27 A 10B	HORTON INVESTMENTS LLC	11.92

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**VDOT TRAFFIC COUNTS FOR DOUBLE TOLLGATE PLAN AREA
2001-2015**

Road Segment	2001	2005	2010	2014	2015 (est)
Northbound US 340/522 - Warren County Line to Double Tollgate Intersection	13000	19000	18000	16000	17000
Northbound US 522 - Double Tollgate Intersection to Frederick County Line	12000	14000	14000	13000	14000
Northbound US 340 - Double Tollgate Intersection to Rt. 658 (White Post)	6100	7700	6300	7300	7700
Northbound US 340 - Rt. 658 (White Post) to US 50 (Waterloo)	6500	8100	6600	7600	7800
Northbound US 340 - US 50 (Waterloo) to Boyce Town Limits	6400	8700	6900	8100	8300

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

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