

November 18, 2003

TO: Nazir Baig, Countywide Planning Division  
FROM: Sue Edwards, Community Based Planning Division *Sue*  
SUBJECT: Toll Brothers (WSCCR 04A-LSN-01)

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**STAFF RECOMMENDATION:** Denial

This property has been proposed for water and sewer category change on several occasions. While proximate to recent residential development with water and sewer service on the west edges of the Germantown Master Plan area, the subject property resides within the *Preservation of Agriculture and Rural Open Space Master Plan* (1980). In previous evaluations of this property, the County Council has denied the request for water and sewer category change as being inconsistent with the master plan recommendations.

The *Germantown Master Plan* (1989) assigned R-200/TDR 2 or PD-2 to the properties now marketed as Kings Crossing/Woodcliffe Park/Hoyles Mill Crossing with corresponding water and sewer categories. Since adoption of the Master Plan, the South Germantown Recreation Park received water and sewer service specifically limited to recreational uses within the park boundaries.

Revisions to the Germantown Master Plan began in October 2004; to date staff has not made a final determination of any boundary changes. Environmental staff, at this time, finds no basis for modifying the western boundary with the exception of considering water and sewer service beyond the existing planning area boundaries.

The subject property drains away from existing sewer lines and into areas that are largely zoned RDT. In order to be connected to existing sewer lines, a line (possibly a pressure sewer) would have to be extended through parkland to reach lines in Germantown. The intervening parkland (South Germantown Recreation Park) is currently used for active recreation (ballfields) and stream

valley protection. The line would either disrupt recreational use of the park or cause extensive environmental impacts to the stream, wetlands and floodplain. Staff would oppose extension of sewer in this area, which is not proposed for sewer in any master plan, especially through parkland.

Adjacent property zoned R-200 has been developed with lots between 1/2 to 1 acre+ on septic. This seems an appropriate use for the site.

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue . Silver Spring, Maryland 20910-3760

MEMORANDUM

April 8, 2005

TO: Katherine Nelson, Countywide Planning Division

FROM: Judy Daniel, Community Based Planning Division 

SUBJECT: Toll Brothers (WSCCR 04A-LSN-01)

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Staff Recommendation: Denial

This property owner has requested water and sewer category change several times in the past decade. The staff has never supported the requests, and continues to oppose the request. The property was also discussed in the context of the approvals for the Soccerplex, and it was noted that extension of sewer for that facility was not to be seen as a reason to extend sewer to this property. Extending sewer to the property is not consistent with the recommendations in the pertinent Master Plan for the Preservation of Agricultural and Rural Open Space. I also reiterate the information contributed to the staff report, and incorporated there as further evidence as to why no service should be extended at this time.

It may be that time has changed certain land use issues in this immediate area, but if there are changes they should be handled in the context of the pending amendments to the Germantown Master Plan. While there may be environmental concerns surrounding a possible expansion of the Germantown Master Plan boundary to include this property – if additional housing has become a more important issue, there may be compelling land use reasons to include it. Certainly, if housing is considered at this location it should be at densities deemed appropriate in a Master Plan, and following the water and sewer recommendations of the Master Plan. And if sewer is to be recommended at this location, it would perhaps be preferable for it to serve a somewhat higher density than is currently recommended. This would provide additional housing opportunities at a location near important public facilities, and would make more efficient use of the sewer extension.

## *Recommendations*

- **Unite all of the Ancient Oak North subdivision and properties within the Darnestown Civic Association boundaries in the Potomac Subregion by shifting the boundary line from the Pepco right-of-way to east of Riffle Ford Road. (See Map 23.)**
- **Rezone the Ancient Oak North subdivision from RC and R-200 to RE-1.**
- **Confirm the R-200 and RE-2C zoning east of Riffle Ford Road.**



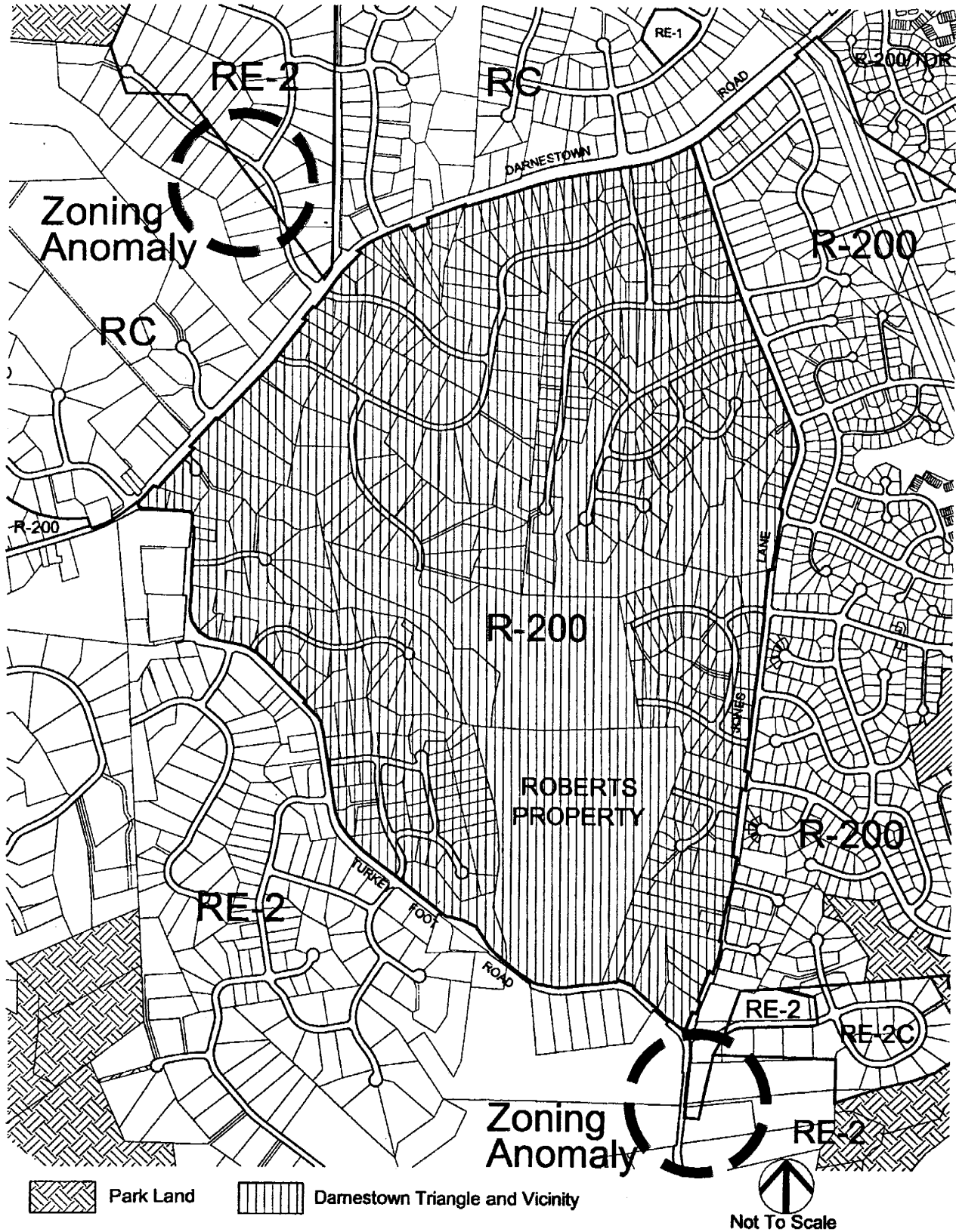
## **Darnestown Triangle and Vicinity**

The Darnestown Triangle is formed by MD 28, Turkey Foot Road, and Jones Lane. (See Map 24.) Although the entire Triangle is zoned R-200 (half-acre lot minimum), the *1980 Potomac Subregion Master Plan* recommended that it remain served by septic systems rather than sewer. This was done to provide varied lot sizes, resulting from actual septic system suitability, as a transition between moderate density development east of Jones Lane and low density rural areas in western Darnestown. This Master Plan reconfirms the recommendations in the 1980 Plan to continue the R-200 zoning without community sewer. Much of the triangle area has undergone development since 1980, and therefore rezoning the area to a lower development density more compatible with the use of septic systems at this late date would provide little benefit. This recommendation addresses unusual and in some ways unfortunate land use and sewer service recommendations from the 1980 Master Plan. In that regard it does not serve as a precedent for the application of the R-200 zone to other areas of the County dependent on private septic service.

Of the few parcels having substantial subdivision potential in the Darnestown Triangle, the most significant is the 79-acre Roberts property at its southern end. Septic requirements make it unlikely that the undeveloped portions of the site can be developed at R-200 densities, but this zoning will provide the property owner with the flexibility to create some lots less than one acre in size. While this plan does not support extensive development of half-acre lots using septic systems, some smaller lot sizes may allow for clustering development away from more sensitive environmental features on this site.

The recommended public sewer envelope excludes the Darnestown Triangle and the lower-density zoned areas west and north of the Muddy Branch Stream Valley Park. The County should authorize the extension of community sewer service mains to this area only to relieve a public health threat due to failing and irreparable septic systems. Although Water and Sewer Plan policies allow for single sewer hookups from these sewer mains, extensions provided for public health reasons shall not be used to promote the subdivision or resubdivision of properties abutting those mains.

Several zoning anomalies are evident in the vicinity of the Darnestown Triangle. (See Map 25.) For example, the zoning line between the RC and RE-2 Zones crosses Haddonfield Lane several times. To the south, the R-200 Zone extends beyond Jones Lane and High Meadow Road along the east side of Turkey Foot Road. Both these anomalies result in split-zoned lots and should be rectified by a correctional Sectional Map Amendment.



## *Recommendations*

- **Maintain the existing R-200 zoning.**
- **Do not extend community sewer to the Darnestown Triangle except as necessary for public health reasons due to failing septic systems.**
- **Acquire through dedication the western (and undevelopable) stream valley portion of the Roberts property. This recommendation also applies to the Turkey Foot property (90 acres) to the south which is recommended for protection through voluntary dedication, acquisition or conservation easements. The preserved area on these two properties would augment the Muddy Branch Stream Valley Park, extending water quality protection north as far as Rollinmead.**
- **Correct zoning anomalies (split-zoned lots) by Sectional Map Amendment.**

## **Darnestown Village Center**

Darnestown's commercial center covers about 10.18 acres and is located at the intersection of Darnestown and Seneca Roads. (See Map 25.) Surrounding development is primarily low-density housing, mostly zoned RE-2. The center is also bounded by a 189-acre site owned by the Archdiocese of Washington, west of Seneca Road, zoned RC. The Archdiocese site currently houses a church, regional parish school, and youth recreational facility. Additional institutional uses related to Archdiocesan activities may be developed on this large property consistent with applicable regulatory requirements. Rural Cluster residential development may also occur. Lacking sewer, development is subject to septic requirements. Current development in the Village Center is auto-dominated and includes a Food Lion grocery store, a gas station, and several one- and two-story retail and office structures.

The village's zoning is mixed, approximately 8.53 acres zoned C-1, and approximately 1.65 acres in the O-M Zone. There are several concerns with the existing zoning:

Development in the C-1 Zone does not require site plan review or a public hearing and has resulted in patterns that are objectionable to the surrounding community.

- The O-M Zone is inappropriate in this location. Its densities are too high for a rural village and for an area reliant on septic systems.
- The current combination of zoning and septic requirements prohibit some desirable uses, such as a restaurant.

Absent an existing commercial zone appropriate for a rural area, this Plan recommends a new Overlay Zone based on existing zones and designed to allow compatible uses in a rural village pattern. Its purpose is to retain and enhance the commercial crossroads character through compatible scale, massing, siting, and setbacks for new and expanded uses; to encourage a variety of uses that serve the needs of the local community; to provide opportunities for new and existing business expansion, while keeping the commercial area compact and low density; to create a pedestrian-