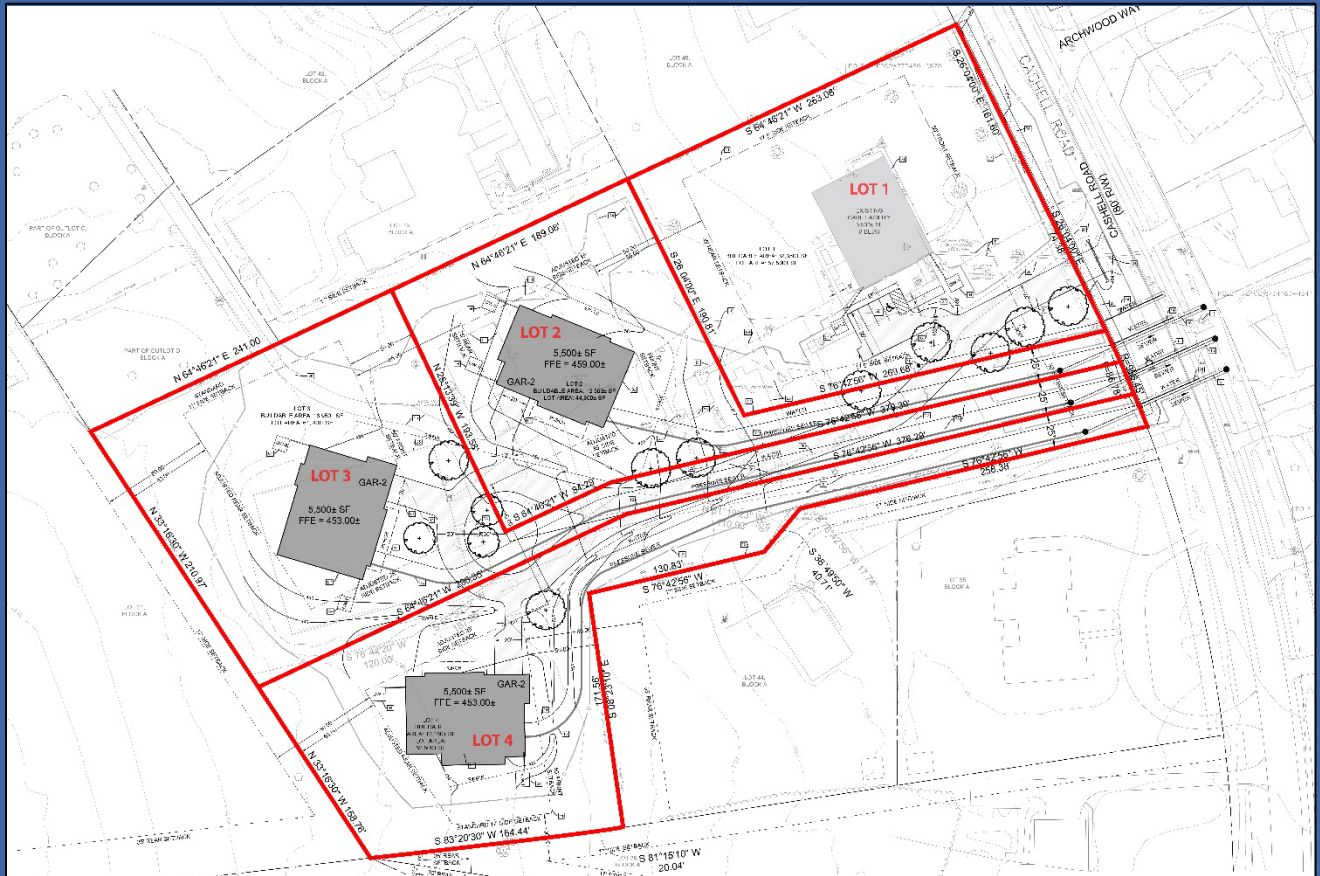


OLNEY ACRES: PRELIMINARY PLAN AMENDMENT NO. 12022007A

& ALFRED HOUSE/CASHELL ROAD:

FOREST CONSERVATION PLAN AMENDMENT NO. F2025012A



Description

Application to subdivide an existing 4.96-acre lot into four (4) lots for three (3) single-family detached dwelling units and one (1) existing residential care facility (Alfred House).

COMPLETED: 5/16/2025

PLANNING BOARD HEARING DATE: 5/29/2025

MCPB ITEM NO. 10

Planning Staff



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LOCATION/ADDRESS

18100 Cashell Road, approximately 75 feet southwest of Archwood Way

MASTER PLAN

2005 Olney Master Plan

ZONE

RE-1

PROPERTY SIZE

4.96 acres

APPLICANT

AlfredHouse Elder Care, Inc.

ACCEPTANCE DATE

February 5, 2025

REVIEW BASIS

Chapter 22A and 50

Summary:

- Staff recommends approval of Preliminary Plan Amendment No. 12022007A & Final Forest Conservation Plan Amendment No. F2025012A with conditions.
- On September 21, 2022, Preliminary Plan No. 120220070 was approved to create one 0.98-acre lot for an existing residential care facility (Alfred House) and one outlot of approximately 3.98 acres.
- Preliminary Plan Amendment to subdivide an existing lot into four (4) lots for three (3) single-family detached dwelling units and one (1) existing residential care facility (Alfred House).
- This Application is implementing a binding decision from the Planning Board via Pre-Preliminary Plan No. 720240010, approved March 20, 2024, allowing a flag lot configuration.
- As conditioned, the Applicant will provide a six-foot-wide concrete sidewalk with a fifteen-foot-wide street buffer along the Property frontage on Cashell Road.
- Staff has not received any community correspondence for this Application.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN AMENDMENT NO. 12022007A

Staff recommends approval with conditions of the Preliminary Plan Amendment to subdivide an existing 4.96-acre lot into four (4) lots for three (3) new single-family detached dwelling units and one (1) existing residential care facility. All site development elements shown on the latest electronic version of the Preliminary Plan Amendment No. 12022007A as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions¹. One condition is being deleted (Condition No. 10) and four are being modified (Conditions Nos. 1, 4, 6 & 7). The final list of conditions (Conditions Nos. 1- 18) will replace and supersede all prior conditions.

Deleted Conditions

- ~~10. The Applicant must comply with the following conditions of approval for the Final Forest Conservation Plan No. 120220070, approved as part of this Plan:~~
- ~~a) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.~~
 - ~~b) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.~~
 - ~~c) Prior to the start of any clearing, grading or construction for this development Application, whichever comes first, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Upper Rock Creek watershed to satisfy the afforestation requirement for a total of 1.00 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Upper Rock Creek watershed or by making a fee-in-lieu payment to M-NCPPC if mitigation credits are not available at any bank.~~
 - ~~d) The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.~~

¹ For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

Modified Conditions

1. This Preliminary Plan is limited to four (4) lots for three (3) single-family detached dwelling units and one (1) lot for one (1) existing residential care facility with up to 8 persons and one (1) outlet.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated ~~July 8, 2022~~, April 21, 2025 and incorporates them as conditions of the Preliminary Plan Amendment approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan Amendment approval.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated ~~June 7, 2022~~, May 7, 2025 and incorporates them as conditions of the Preliminary Plan Amendment approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan Amendment approval.
7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated ~~January 28, 2022~~ March 27, 2025 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan Amendment approval.

New Superseded Conditions

The following conditions are a restatement of all conditions and will supersede all previous conditions.

GENERAL APPROVAL

1. This Preliminary Plan is limited to four (4) lots for three (3) single-family detached dwelling units and one (1) lot for one (1) existing residential care facility with up to 8 persons.

ADEQUATE PUBLIC FACILITIES

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan Amendment will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

PLAN VALIDITY PERIOD

3. The Preliminary Plan Amendment will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan Amendment must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated April 21, 2025 and incorporates them as conditions of the Preliminary Plan Amendment approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan Amendment approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated May 7, 2025 and incorporates them as conditions of the Preliminary Plan Amendment approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan Amendment approval.
7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated March 27, 2025 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan Amendment approval.

OTHER APPROVALS

Clearing / Grading / Demo

8. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Preliminary Plan Amendment.
9. Except for clearing and grading associated with the demolition of the existing two-story office building, swimming pool, and two small outbuildings and paving, there shall be no clearing or grading of the site prior to recordation of plat(s).

TRANSPORTATION

Frontage Improvements

10. Before the release of any building permit, except for Permit No. 1088250 associated with the current addition project, the following frontage improvements must be permitted and bonded (to ensure construction) pursuant to MCDOT requirements:
 - a) Six-foot-wide concrete sidewalk with a fifteen-foot-wide street buffer along the Property frontage on Cashell Road with lead walks and handicap ramps opposite Archwood Way.

RECORD PLAT

Easements

11. The record plat must show necessary easements

Notes and Labels

12. The record plat must reflect all areas under common ownership
13. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 28045 Page 578 ("Covenant").
14. The record plat must reflect the common ingress/egress easements over all shared driveways.
16. The record plat must reflect the following building restriction lines (BRL) as shown on the Preliminary Plan Amendment:
 - a) Lot 2: A 35-foot rear BRL from proposed Lot 3, a 45-foot side BRL from proposed Lot 1, and remaining side BRLs satisfying standard side setback requirements in the RE-1 zone.
 - b) Lot 3: A 63-foot rear BRL from existing Lot 21, a 45-foot side BRL from proposed Lot 2, and remaining side BRLs satisfying standard side setback requirements in the RE-1 zone.
 - c) Lot 4: A 63-foot rear BRL from existing Lot 21, a 45-foot side BRL from existing Lot 44, and remaining side BRLs satisfying standard side setback requirements in the RE-1 zone.

CERTIFIED PRELIMINARY PLAN

17. The certified Preliminary Plan must contain the following notes:
 - a) *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
 - b) *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant and the general contractor must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Preliminary Plan is required to be on-site at all times.*

SCHOOLS

18. Before issuance of each building permit for a residential dwelling unit, the Applicant must obtain an assessment from the Montgomery County Department of Permitting Services for Utilization Premium Payments (UPPs) consistent with County Code and the Growth and Infrastructure Policy, as follows:
 - a. Tier 2 elementary school UPP required

FINAL FOREST CONSERVATION PLAN AMENDMENT F2025012A

Planning Staff recommends approval of Final Forest Conservation Plan Amendment No. F2025012A (“FFCP”) to create four (4) lots for three (3) single family detached dwelling units and one (1) existing residential care facility in the RE-1 zone. All site development elements shown on the latest electronic version of the Final Forest Conservation Plan Amendment No. F2025012A, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions². The following conditions supersede all previous Final Forest Conservation Plan conditions of approval for the Olney Acres/Alfred House:

1. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
3. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
4. Before the start of any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must:
 - a) Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for variance tree mitigation plantings credited toward meeting the requirements of the FFCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
 - b) Submit a cost estimate for the variance mitigation trees, five years of maintenance, mulching, staking, tree protection, and tree protection removal credited toward meeting the requirements as shown on the FFCP. This cost estimate must be reviewed and approved by the M-NCPPC Planning Department Inspection Staff prior to the submission of financial surety to determine the amount of the financial surety.
 - c) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department Inspection Supervisor for the variance mitigation trees and maintenance credited toward meeting the requirements of the FFCP.

² For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner, or any successor in interest to the terms of this approval.

- d) Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Rock Creek watershed or a Priority Area³ to satisfy the afforestation requirement of 0.76 acres of forest conservation mitigation credit. If no off-site forest banks exist within the Rock Creek watershed or a Priority Area, then the off-site requirement may be met by purchasing 0.76 acres of forest conservation mitigation credits from a mitigation bank within Montgomery County outside of the Rock Creek watershed or a Priority Area, subject to Staff approval. If forest mitigation bank credits are not available for purchase, a fee-in-lieu payment must be made to M-NCPPC for the appropriate mitigation credits outside of the same watershed or Priority Area.
5. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings on the Subject Property as shown on the approved FFCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches totaling 27.75 caliper inches, as shown on the approved FFCP. Adjustments to the planting locations of these trees are permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

SECTION 2: SITE DESCRIPTION

VICINITY

The Subject Property is located at 18100 Cashell Road, approximately 75 feet southwest of Archwood Way, and consists of approximately five acres in the Residential Estates (RE-1) Zone (“Property” or “Subject Property”). Surrounding properties are predominantly residential in character on a mix of large estate and smaller lots, all within the RE-1 and R-200 zones. Surrounding properties range in size and contain single-family detached residential houses. The Subject Property abuts residential properties to the north, south, and west, all of which are zoned RE-1. To the east, across Cashell Road, are residential properties which are zoned R-200. Further north on Cashell Road are residential properties zoned RE-1 and are located within the Upper Rock Creek Overlay zone, which includes a TDR-2.0 receiving area.

³ Priority Area means a priority 8-digit watershed, special protection area, or the Patuxent Primary Management Area (PMA) as defined in Section 22A-12(c)(1) of the Forest Conservation Law.

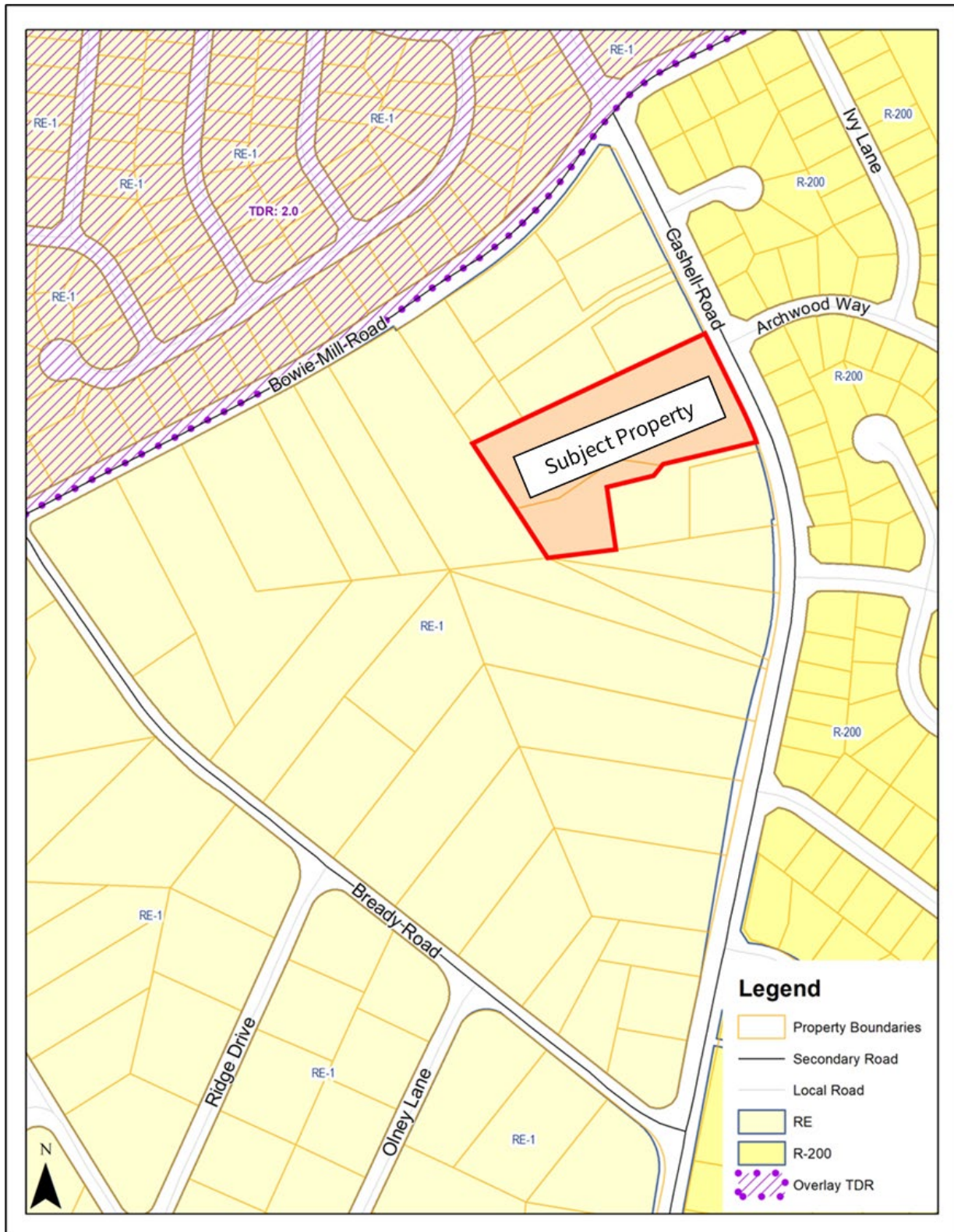


Figure 1 – Vicinity Map

PROPERTY DESCRIPTION

The Subject Property is a 4.96-acre polygonal lot (216,105 sq. ft.) with the existing Alfred House residential care facility located in the northeast corner of the lot. The Subject Property fronts on Cashell Road, with the closest intersection located at Archwood Way. The Property, as depicted in Figures 1 and 2, is developed with existing structures and a driveway. The existing structures include a two-story office building, a swimming pool, and two small outbuildings. The Property is located within the Upper Rock Creek watershed, a subwatershed of Rock Creek, which is classified by the State of Maryland as Use Class III waters. The Subject Property includes existing landscaping in the form of grass and perimeter trees along the northern, southern, and western property lines. There is no forest or sensitive environmental features located on the Property. No known rare, threatened, or endangered species or habitats exist on the Subject Property. There are no designated historic sites on or near the Property.

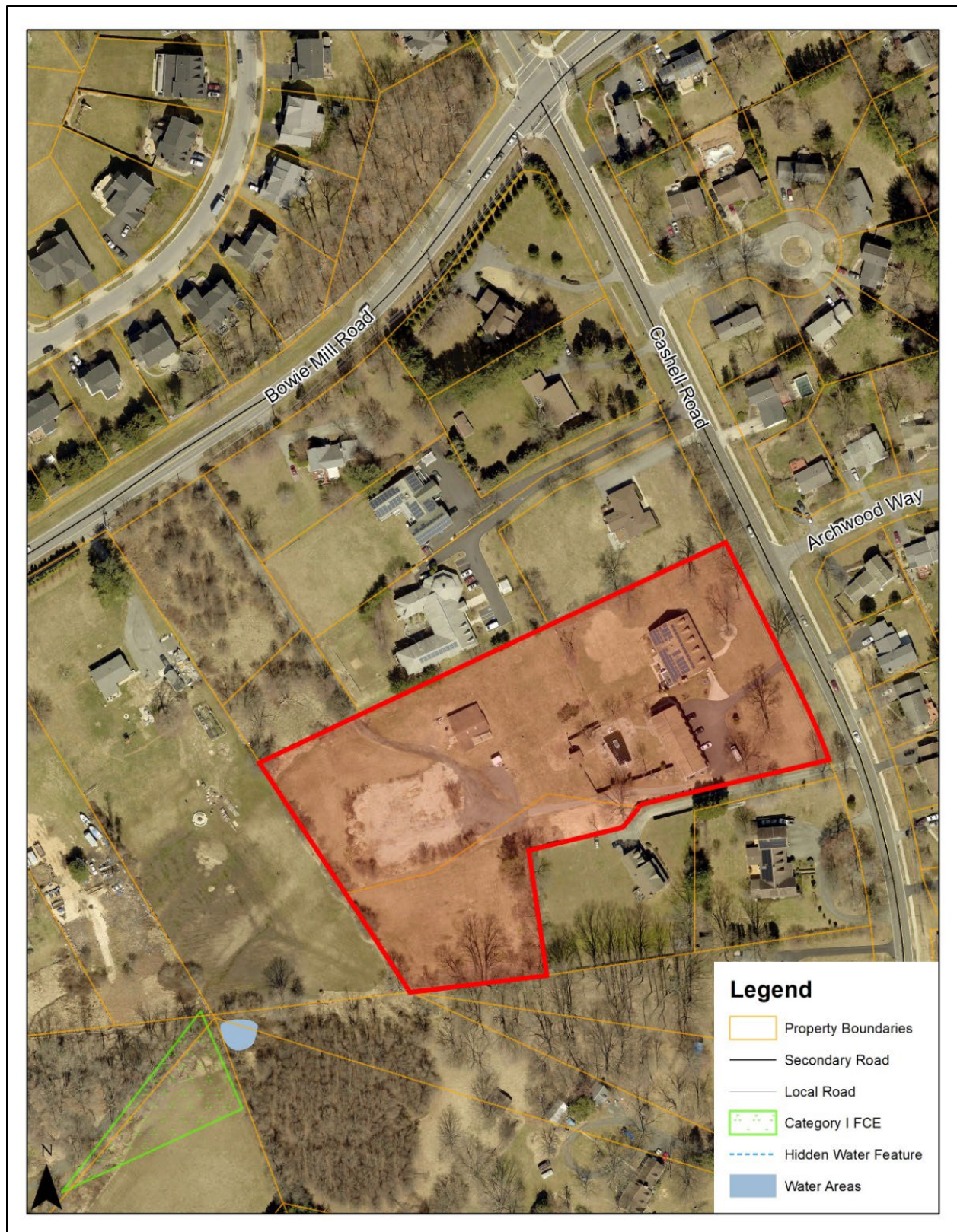


Figure 2 – Subject Property

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

PRELIMINARY PLAN 120220070

On September 21, 2022, the Planning Board approved Preliminary Plan No. 120220070, by Resolution MCPB No. 22-092, to create one 0.98-acre lot for an existing residential care facility (Alfred House) and one outlot of approximately 3.98 acres. The Preliminary Plan validity period will expire on September 21, 2025. As of the date of approval, the lots have not yet been platted. This Preliminary Plan superseded Preliminary Plan No. 119811510, approved on March 29, 1984 to create eight (8) lots.

PRE-PRELIMINARY PLAN 720240010

On March 20, 2024, the Planning Board approved Pre-Preliminary Plan No. 720240010, by Resolution MCPB No. 24-059, for a binding decision on the application of flag lot provisions to the Subject Property in anticipation of filing an amendment to the Preliminary Plan. The Board determined that the Plan provided the necessary building restriction lines to meet the minimum of 80 feet of separation between the building envelopes required for the approval of the flag lot configuration.

PROPOSAL

The Applicant is proposing to subdivide the Subject Property into four (4) new lots (Figure 3). Lot 1 is for the existing Alfred House senior care facility, and the remaining three (3) lots will be for new single-family detached dwelling units. This Amendment is consistent with the binding elements and direction from the Planning Board via Pre-Preliminary Plan No. 720240010. The proposed flag lots would be accessed from Cashell Road by a shared driveway, which will be terminated with a cul-de-sac. The building restriction lines will allow for 80 feet of separation between building envelopes. The new dwelling units will be served by public water and sewer. The proposed single-family dwelling units on lots 2, 3, and 4 will each have two (2) parking spaces.

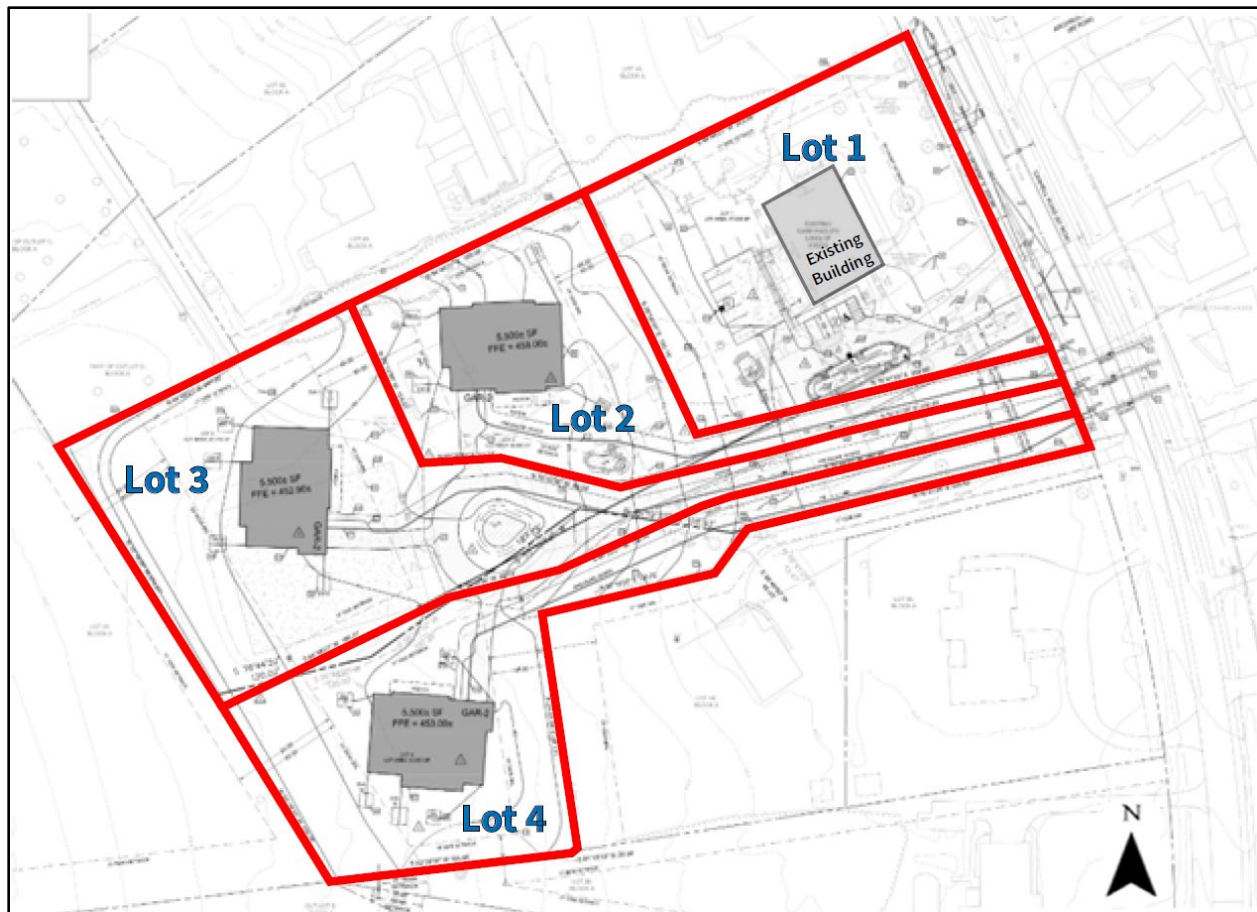


Figure 3 –Preliminary Plan Layout

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and a pre-submittal public meeting was held on October 17, 2024. As of the date of this Staff Report, no correspondence has been received.

SECTION 5: PRELIMINARY PLAN AMENDMENT 12022007A FINDINGS AND ANALYSIS

This Preliminary Plan Amendment No. 12022007A requests to subdivide the Subject Property into four (4) lots for three new (3) single-family detached dwelling units and an existing senior care facility. The proposed Preliminary Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

- 1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59. The Preliminary Plan meets all applicable sections of the Subdivision Ordinance including the requirements under Section 50.4.3.C. for flag lots.***

a) The block design is appropriate for the development or use contemplated

This Application does not propose to create a new block which is consistent with the existing developments patterns and appropriate for the development contemplated.

b) The lot design is appropriate for the development or use contemplated

Per Section 50.4.3.C.b, the Board must not approve flag lots, except where unusual topography, environmental conditions, or the position of the tract in relation to surrounding properties and rights-of-way permit no other feasible way to subdivide and that appropriate separation between building envelopes can be achieved. In approving a flag lot in a residential zone, the following provisions apply:

- i. in residential zones, the Board must require building restriction lines as needed to provide separation of at least 80 feet between the building envelope of the proposed flag lot and:*
 - (a) the building envelopes of all lots that are adjacent to the rear lot line of the proposed flag lot; and*
 - (b) the building envelopes of all lots that are between the proposed flag lot and the road on which it fronts;*
- ii. the Board may require additional building restriction lines to ensure appropriate separation between building envelopes and to provide appropriate location of the building envelope within the lot; and*
- iii. all building restriction lines must be shown on the plat.*

The flag lot configuration of this Application was previously approved by the Planning Board via Pre-Preliminary Plan No. 720240010. The proposed subdivision will convert an irregularly shaped lot and part of a lot into four (4) lots that are similar in size and shape to many lots in the surrounding neighborhood. Over 50% of the Subject Property's buildable area is located on the rear half of the Property. Of the 323 feet of frontage on Cashell Road, 236 feet is used for the existing Alfred House residential care facility and driveway. The existing facility is being retained which leaves only a maximum of 87 feet, measured at the curvature of the property line, along Cashell Road, making it infeasible to avoid the creation of flag lots (or lots

without frontage). The three proposed flag lots meet the 25-foot minimum frontage for the creation of a lot within the RE-1 zone. Taking into consideration the shape of the Property, the existing conditions, and the RE-1 zone development standards, the creation of flag lots is the only feasible manner in which to subdivide the Subject Property.

As conditioned and shown in Figure 4, the following BRLs will be provided:

- Lot 2 will have a 35-foot rear BRL from proposed Lot 3 and a 45-foot side BRL from proposed Lot 1.
- Lot 3 will have a 63-foot rear BRL from existing Lot 21 and a 45-foot side BRL from proposed Lot 2.
- Lot 4 will have a 63-foot rear BRL from existing Lot 21 and a 45-foot side BRL from existing Lot 44.

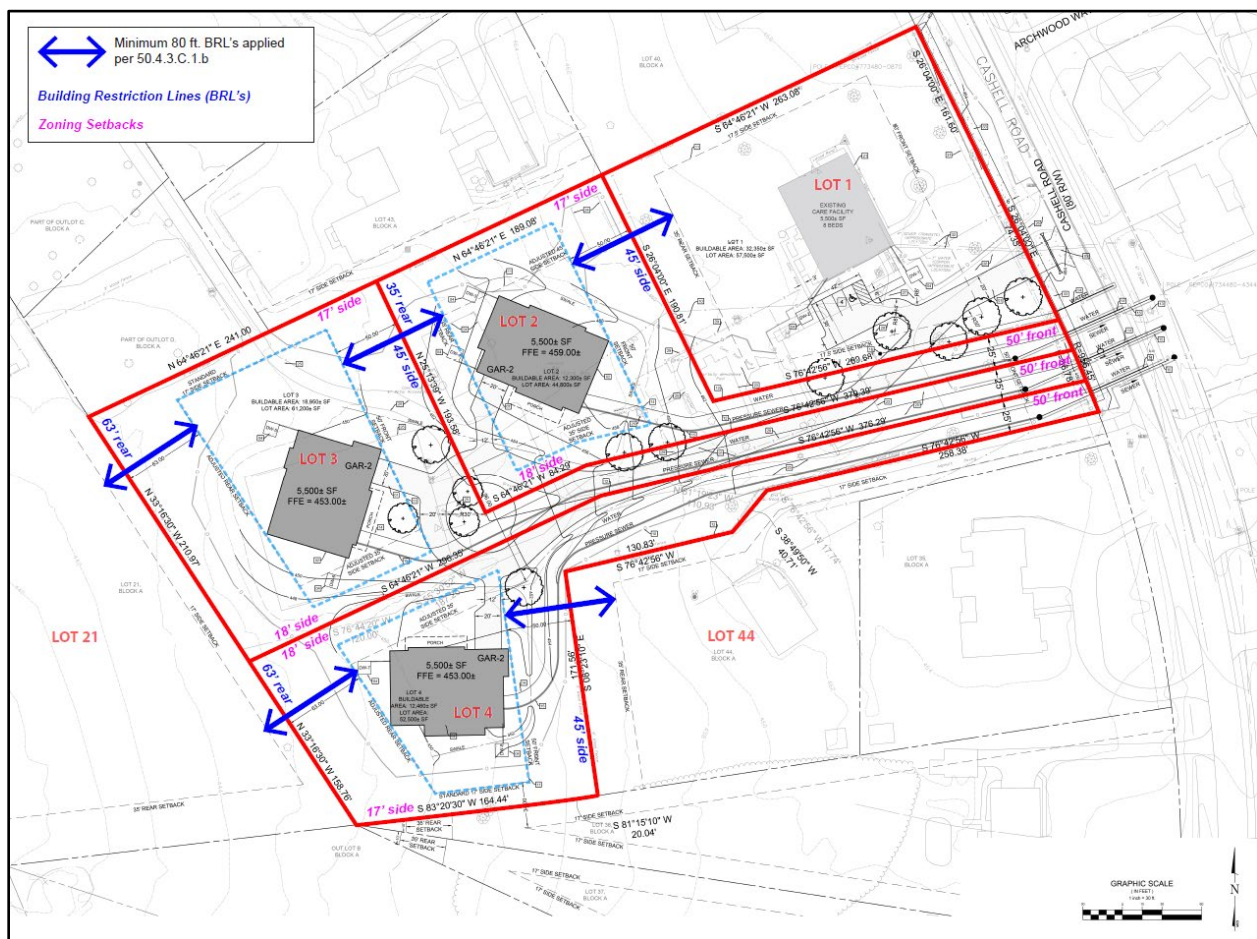


Figure 4 –Preliminary Plan Layout

Consistent with the flag lot requirements, the Applicant has demonstrated that the lots can accommodate the minimum of 80 feet of separation between the building envelope of the proposed flag lots and the building envelopes of the lots that are adjacent to the rear lot line of the proposed flag lot. In addition, the building envelopes of all lots that are between the proposed flag lot and the road on which it fronts will also accommodate the 80-foot separation.

The surrounding neighborhood contains a mix of rectangular lots; lots, parcels, and outlots of varying sizes and shapes; and flag lots. Thus, the proposed subdivision layout is appropriate for the location as well as the proposed uses. The proposed subdivision satisfies applicable requirements of Chapter 59. Section 4.3.C.1.b. of the Subdivision Regulations which states that the Planning Board must not approve flag lots, except where unusual topography, environmental conditions, or the position of the tract in relation to the surrounding properties and right-of-way permit no other feasible way to subdivide and the Board determines that the appropriate separation between building envelopes can be achieved.

c) *The Preliminary Plan provides for required public sites and adequate open areas*

There is no requirement for this Application to provide or improve any public sites or open areas.

2. *The Lot(s) and Use comply with the basic requirements of Chapter 59*

The proposed residential use complies with the RE-1 zoning as reflected in Table 1. The potential lots conform to the dimensional standards of the RE-1 zone, taking into consideration the 80 ft. minimum separation between building restriction lines (BRL's) required for flag lots.

Table 1: Olney Acres Preliminary Plan Data Table for RE-1 Zone, Standard Method, Section 59.4.

Development Standard	Permitted/ Required	Lot 1	Lot 2	Lot 3	Lot 4
Minimum lot size	40,000 sq. ft.	57,906 sq. ft.	44,992 sq. ft.	61,173 sq. ft.	52,561 sq. ft.
Min. lot width at front building line	125 ft.	125 ft. or greater	125 ft. or greater	125 ft. or greater	125 ft. or greater
Min. lot width at front lot line	25 ft.	25 ft. or greater	25 ft. or greater	25 ft. or greater	25 ft. or greater
Min. Front setbacks (Principal Blg.)	50 ft.	50 ft. or greater	50 ft. or greater	50 ft. or greater	50 ft. or greater

Development Standard	Permitted/ Required	Lot 1	Lot 2	Lot 3	Lot 4
Min. Side setbacks / Sum (Principal Blg.)	17 ft. / 35 ft. sum	17 ft. or greater/35 ft. sum	17 ft. or greater/35 ft. sum or greater	17 ft. or greater/35 ft. sum or greater	17 ft. or greater/35 ft. sum or greater
Min. Rear setbacks (Principal Blg.)	35 ft.	35 ft. or greater	35 ft. BRL or greater	63 ft. BRL or greater	63 ft. BRL or greater
Max Lot Coverage	15%	15% or less	15% or less	15% or less	15% or less
Max Building Height (Principal and Accessory)	50 ft.	50 ft. or less	50 ft. or less	50 ft. or less	50 ft. or less
Minimum Number of Parking Spaces	Lot 1: 3 Spaces Lots 2, 3, 4: 2 Spaces	10 Spaces	2 Spaces	2 Spaces	2 Spaces

3. The Preliminary Plan substantially conforms to the Master Plan.

The Property is within the “Southern Olney” plan neighborhood of the 2005 *Olney Master Plan* (“Master Plan”). The overall goal of the Master Plan as it relates to the Application is to “[r]etain the current land use pattern of Olney as a satellite community in the rural and residential wedge of the County’s overall Land Use Plan” (p. 17). The Master Plan provides little guidance for properties in Southern Olney that are outside the Town Center and Southeast Quadrant areas because the land in Southern Olney was essentially fully developed at the time the Master Plan was written. There are a few property-specific recommendations in the southwest quadrant of Southern Olney, but the subject property is not among them. The Master Plan’s housing plan “reinforces the concept of Olney as a housing resource in one of the residential wedge areas of the County” (p. 59). The existing use—a residential care facility—and the three proposed houses contribute to the residential character of the area.

The Subject Property is within the Upper Rock Creek watershed. The Master Plan only has general recommendations for properties in this area, encouraging reforestation and protecting wetlands. The plan recommends that new developments use “environmentally sensitive development techniques” such as minimizing impervious surfaces and bioretention areas (p. 75). The Property was not included in areas recommended to be added to the Upper Rock Creek Special Protection Area (SPA) because the area was already too densely developed, due in part to having received density transferred from the Patuxent River watershed to protect drinking water there; adding most of the areas in the southwest quadrant to the SPA would have made most of the properties non-conforming with the requirements of the SPA (p. 82).

There are no streams, wetlands, or forests on the property, but new development should include reforestation and the minimization of impervious surfaces whenever possible. The

proposed new driveway helps minimize imperviousness by serving all four lots on the property. The configuration of the lots does not create an area large enough for reforestation, so the Applicant will meet the forest planting requirement offsite or via fee-in-lieu.

The Master Plan recommends a new and improved network of sidewalks and bikeways to help reduce air pollution (p. 84). Redevelopments should be “designed to minimize the need for motor vehicle trips and to prevent conditions that may create local air pollution nuisances” (p. 84). The Application shows a six-foot-wide sidewalk along Cashell Road. The Master Plan’s transportation plan recommends retaining the classification of Cashell Road as an arterial roadway for this section of the road (p. 94). A “shared road” bikeway is recommended for Cashell Road (p. 112) in the Master Plan, but a newer recommendation in the Bicycle Master Plan is for a sidepath along the opposite side of Cashell Road from the Property.

Given that the Applicant is only proposing residential uses on the Property in an area primarily intended to serve as a housing resource, the Application is within substantial conformance with the recommendations of the Master Plan.

4. *Public facilities will be adequate to support and service the area of the subdivision.*

a) *Roads and other Transportation Facilities*

i. *Existing Facilities*

The Proposed Development contains frontage on Cashell Road, a County-owned and maintained public street. Cashell Road is classified as an Area Connector under the Master Plan of Highways and Transitways. The master planned right-of-way for Cashell Road is 70 feet.

There are no pedestrian facilities along the Site’s frontage, but there is an existing 5-foot-wide sidewalk opposite the Property’s frontage along Cashell Road. Similarly, there are no bicycle facilities along both ends of Cashell Road. *The Bicycle Master Plan* has no recommendation for Cashell Road.

ii. *Proposed public transportation infrastructure*

As conditioned, the Applicant will construct a six (6)-foot-wide sidewalk with a 15-foot-wide street buffer along Cashell Road. This will fulfill the requirements for Area Connectors under the *2024 Complete Street Design Guide*. The proposed six (6)-foot-wide sidewalk will provide residents, visitors, and future residents will safe, adequate, and efficient pedestrian access.

To satisfy the right-of-way requirement for Cashell Road, the Applicant will dedicate 35 feet of right-of-way from the centerline of the pavement to the Property’s line.

b) Local Area Transportation Review (LATR)

The Applicant is subdividing the Subject Property into four (4) lots to create three (3) new single-family detached units and retaining the existing assisted living care facility. The Subject Property is located in the Olney Policy Area, which is classified as a Yellow Policy Area under the 2020-2024 *Growth and Infrastructure Policy* (“GIP”). As demonstrated in the Applicant’s *Transportation Exemption Statement* (“TES”), dated October 18, 2024, the proposed Administrative Subdivision will generate less than 50 net new peak-hour person trips. Therefore, a *Transportation Impact Study* (“TIS”) is not required, as it falls under the 50 net new peak-hour person-trip threshold, and the *Local Area Transportation Review* (“LATR”) guidelines are satisfied.

The estimated number of net new peak-hour person trips for a total of three (3) single-family detached units will result in a reduction of five (5) net new person trips during the morning AM peak hour and four (4) during the PM peak hour (see Table 2 below).

Table 2. Proposed Trip Generation, provided by MNCPPC Staff

Land Use	ITE Rates		Adjusted Rates		Person Trips	
	AM	PM	AM	PM	AM	PM
Existing: Office Building	8	1	9	10	12	13
Proposed: Assisted Living Facility (8 beds)	1	0	1	4	2	6
Proposed: Single Family Detached Units (3)	1	2	3	4	5	6
Net New Person Trips					-5	-4

c) Schools

School Impact Area Classification

The proposed Project is located within the Olney Policy Area, which is categorized as a Turnover Impact Area by the 2024-2028 *Growth and Infrastructure Policy*.

Enrollment Impact Estimate

Based on the School Impact Area classification and net residential units proposed, this project is estimated to generate 0 elementary school students, 0 middle school students, and 0 high school students during an average year throughout its life, as shown in Table 3.

Table 3. Student Enrollment Impact Estimate (reflects Updated FY2025 Student Generation Rates)

Type of Unit	Net Number of Units	Turnover ES Student Generation Rate	ES Student Estimate	Turnover MS Student Generation Rate	MS Student Estimate	Turnover HS Student Generation Rate	HS Student Estimate
SF Detached	3	0.184	0.552	0.101	0.303	0.153	0.459
SF Attached	0	0.217	0.000	0.118	0.000	0.167	0.000
MF Low-rise	0	0.121	0.000	0.065	0.000	0.083	0.000
MF High-rise	0	0.049	0.000	0.025	0.000	0.032	0.000
TOTALS	3		0		0		0

Annual School Test Results

The Application is scheduled to be reviewed on June 5th, 2025. Therefore, the results of the Updated FY2025 Annual School Test, approved by the Planning Board on December 19, 2024, and effective since January 1, 2025, are applicable.

The Project is served by Cashell Elementary School, Redland Middle School, and Magruder High School. The student enrollment and capacity projections of these schools in the Updated FY2025 Annual School Test, which evaluates adequacy for the 2028-2029 school year, are noted in Table 4.

Table 4. Updated FY2025 Annual School Test Projections (2028-2029 School Year)

	Program Capacity	Enrollment	% Utilization	Seat Surplus or Deficit
Cashell ES	324	429	132.4%	-105
Redland MS	724	626	86.5%	+98
Col. Zadok Magruder HS	1,885	1,774	94.1%	+111

Under the Updated FY2025 Annual School Test results, as shown in Table 5, Cashell Elementary School is placed in a Tier 2 UPP. Redland Middle School and Col. Zadok Magruder High School are not placed in a Utilization Premium Payment (UPP) tier. The estimated number of students generated (see Table 5) for the middle and high schools do not exceed the adequacy ceilings identified in Table 3, so no higher payment tiers are triggered.

Table 5. Updated FY2025 Annual School Test Results

	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Cashell ES	Tier 2 UPP			9
Redland MS	No UPP	218	248	352
Col. Zadok Magruder HS	No UPP	271	488	771

Therefore, this application will require a Tier 2 elementary school Utilization Premium Payment as a condition of approval. As conditioned, before issuance of each building permit for a residential dwelling unit, the Applicant must obtain an assessment from the Montgomery County Department of Permitting Services for Utilization Premium Payments (UPPs) consistent with County Code and the Growth and Infrastructure Policy, as follows:

Tier 2 elementary school UPP required

Montgomery County may modify the per unit UPP rates prior to payment of any required UPPs. The Applicant must pay the above UPPs to the Montgomery County Department of Finance based on the rates in effect at the time of payment.

d) Other Public Facilities and Services

The Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the proposed subdivision.

Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the *Growth and Infrastructure Policy* currently in effect.

5. All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's *Guidelines for Environmental Management of Development in Montgomery County* ("Environmental Guidelines") as further discussed in the findings for Forest Conservation Plan F2025012A in Section 6 below.

6. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.

DPS approved a Stormwater Management Concept on May 7, 2025. The Project proposes to meet required stormwater management goals via the use of Dry Wells and Landscape Infiltration for the onsite improvements. A grassed swale is proposed for improvements in the public right-of-way.

7. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.

Not applicable to this Property.

8. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.

No other provisions apply to the Subdivision.

SECTION 6: FINAL FOREST CONSERVATION PLAN AMENDMENT F2025012A FINDINGS AND ANALYSIS

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The Final Forest Conservation Plan Amendment complies with the Environmental Guidelines and the Forest Conservation Law, as conditioned and described further below. Included with the Final Forest Conservation Plan Amendment is a request for a tree variance for impacts to subject trees greater than 30" DBH per Section 22A-12(b)(3)(C) of Chapter 22A of the Montgomery County Forest Conservation Law ("FCL").

Final Forest Conservation Plan

The Application meets the requirements of the FCL and the Montgomery County Planning Department's Environmental Guidelines. As required by Chapter 22A, an amendment to the approved FFCP was submitted for concurrent review with the Preliminary Plan Amendment No. 12022007A.

The Subject Property is zoned RE-1 and is classified as Medium Density Residential ("MDR") as defined in Section 22A-3 of the FCL and specified in the Trees Technical Manual. The Subject Property contains no forest or environmentally sensitive features and is located within the Rock Creek watershed. The original Final Forest Conservation Plan No. 120220070 and as amended under plan no. F20250120

showed a total net tract area for forest conservation purposes as 4.98 acres. This resulted in an afforestation requirement of 1.00 acre.

This current FFCP incorporates the original net tract area of 4.98 acres, but also adds an additional 0.21 acres in separate FFCP Worksheets for offsite work within the right-of-way of Cashell Road for right-of-way improvements and utility installations for the 3 proposed residential lots. This new area of 0.21 acres results in an afforestation requirement of 0.04 acres.

The overall afforestation requirement of this development is 1.04 acres. However, the Applicant has partially satisfied this requirement by recording 0.28 acres in an offsite forest bank as of February 28, 2025. This results in a remainder of 0.76 acres to be addressed. This balance of 0.76 acres is proposed to be met through the purchase of the appropriate credits in an offsite forest bank or, if no banks are available, through a fee-in-lieu payment to the Forest Conservation Fund.

TREE VARIANCE REQUEST

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree’s critical root zone (“CRZ”), requires a variance under Section 22A-21 (“Variance”). Otherwise, such resources as defined under Section 22A-12(b)(3) must be left in an undisturbed condition.

This Application will require the removal and impacts to Protected Trees and requires a request for a variance from Sec. 22A-12(b)(3) of the FCL. The Applicant has made a Variance request for the removal of three (3) and the impacts to three (3) Protected Trees for the construction of three single family residential structures, installation of a sidewalk in the right-of-way of Cashell Road and the utility connections for the three homes (Table 5). Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made for a Variance to be granted. Staff made the following determinations in the review of the Variance request and the proposed Forest Conservation Plan.

Table 6

Impacted or Removed Protected Trees

Tree ID	Common Name	Scientific Name	DBH	% Impact	Status
4	Red Oak	<i>Quercus rubra</i>	42 in.	37%	Remove tree. Tree in good condition, impacts to significant portion of the structural roots, stress reduction measures.
7	White Oak	<i>Quercus alba</i>	32 in.	76%	Remove tree. Tree in fair condition, excessive impacts to CRZ and structural root zone.
10	Tulip Poplar	<i>Liriodendron tulipifera</i>	45 in.	40%	Save tree. Tree in fair condition, impacts to CRZ; stress reduction measures.

11	Red Maple	<i>Acer rubrum</i>	34 in.	21%	Save tree. Tree in good condition, minor impacts to CRZ; stress reduction measures.
13	Red Maple	<i>Acer rubrum</i>	37 in.	60%	Remove tree. Tree in fair to poor condition, tree in LOD, excessive impacts to CRZ and structural root zone.
14	Tulip Poplar	<i>Liriodendron tulipifera</i>	40 in. & 36 in.	31%	Save tree. Tree in fair condition, impacts to CRZ, stress reduction measures.

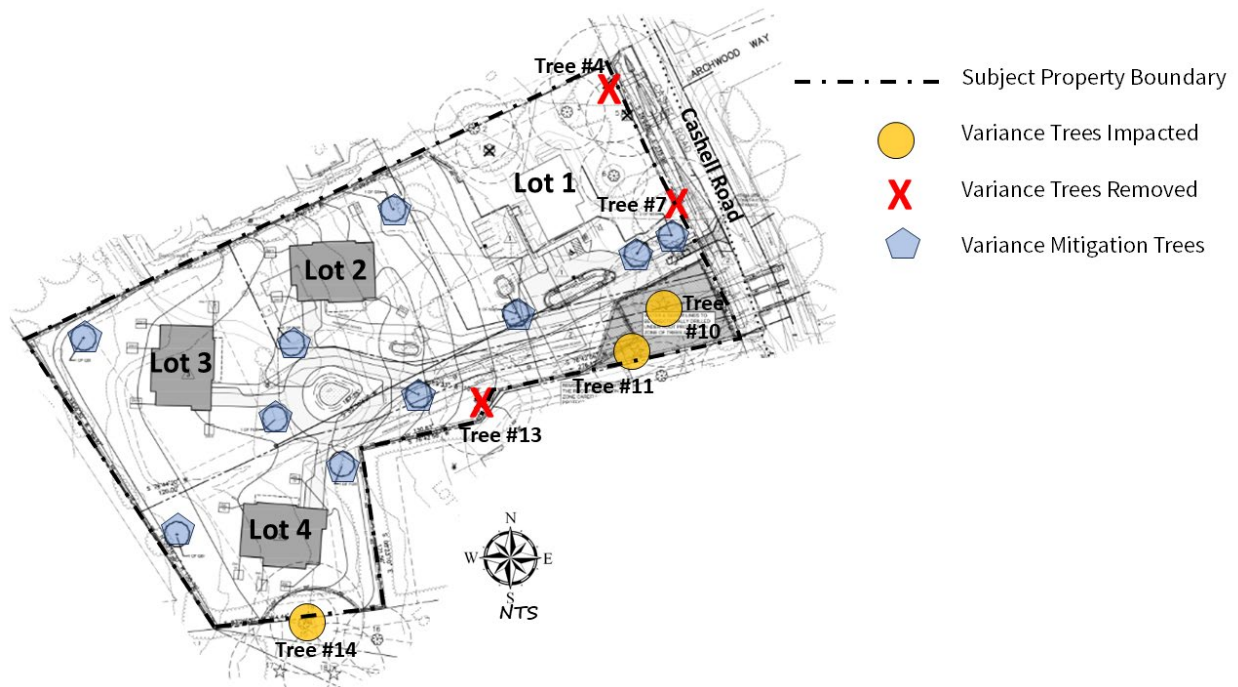


Figure 5 – Variance Trees and Mitigation Plantings

Unwarranted Hardship

In accordance with Section 22A-21(a), the Applicant has requested a Variance (Attachment H) from Sec. 22A-12(b)(3)(C) of the FCL to remove three (3) and impact three (3) Protected Trees (Figure 5). Without this variance from the FCL, the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property for the residential development of this site in the RE-1 zone. The removal of trees 4 and 7 are the result of satisfying Montgomery County right-of-way improvement requirements. The removal of tree 13 is due to site grading and the installation of necessary utilities to Lots 3 and 4. The impacts to trees 10, 11 and 14 are due to site grading and the installation of the access drive for the property. While redeveloping this site and addressing Montgomery County requirements, the Applicant has no option but to remove or impact these Protected Trees.

TREE VARIANCE FINDINGS

The following determinations are based on the required findings for granting of the requested variance:

1. *Will not confer on the Applicant a special privilege that would be denied to other applicants.*

Granting the Variance to remove trees 4, 7 and 13, and to impact trees 10, 11 and 14, will not confer a special privilege on the Applicant as the impacts or removals are due to necessary development requirements such as frontage improvements, site grading and utility installation. Therefore, the granting of this Variance is not a special privilege for this Applicant and one that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The requested Variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested Variance is based on the necessary development standards of providing adequate stormwater management and site access.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming on a neighboring property.*

The requested Variance is a result of the existing conditions and the required improvements, and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The Variance will not violate State water quality standards or cause measurable degradation in water quality. The Protected Trees being removed or impacted are not located within a stream buffer or wetland area. Additionally, the required mitigation plantings for the removal of tree 4, 7 and 13 are being installed throughout the site. These mitigation trees will provide some increased measure of water quality treatment and provide some shade for the entry drive, the residential care facility on Lot 1 and for the terminus of the entry drive for Lots 2, 3 and 4.

Mitigation for Trees Subject to the Variance Provision

There are three Protected Trees proposed for removal in this Variance request resulting in a total of 111 inches of DBH being removed. The FFCP includes mitigation at a rate that approximates the form and function of the trees removed. These trees will be replaced at a ratio of approximately 1-inch caliper for every 4 inches removed using trees that are a minimum of 3-inch caliper in size. This results in a total mitigation of 27.75 inches which will be met with the installation of ten 3-inch caliper trees.

These mitigation trees must be overstory trees native to the Piedmont Region of Maryland the installed on the Subject Property outside of any rights-of-way and/or utility easements.

Recommendation on the Variance

Planning staff recommends approval of the variance request, with individual tree mitigation plantings as conditioned to address the removal of subject trees.

SECTION 9: CONCLUSION

As conditioned, the Preliminary Plan Amendment application substantially conforms to the recommendations of the 2005 *Olney Master Plan* and satisfies the findings of the Subdivision Regulations. Therefore, Staff recommends approval of the Preliminary Plan Amendment with the conditions specified at the beginning of this report.

As conditioned, the Final Forest Conservation Plan Amendment satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Environmental Guidelines. Therefore, Planning Staff recommends approval of the Final Forest Conservation Plan Amendment No. F2025012A with the conditions in this report.

ATTACHMENTS

Attachment A: Resolution MCPB No. 22-092

Attachment B: Preliminary Plan

Attachment B: Forest Conservation Plan

Attachment C: Agency Letters

Attachment D: Affidavit Regarding Community Meeting and Meeting Minutes

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

ATTACHMENT A

MCPB No. 22-092

Preliminary Plan No. 120220070

Olney Acres

Date of Hearing: September 8, 2022

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on March 9, 2022, Alfred House Elder Care, Inc. ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create one 0.98 acre lot for an existing residential care facility (Alfred House) and one outlot of approximately 3.98 acres on 4.96 acres of land in the RE-1 zone, located at 18100 Cashell Road, approximately 75 feet southwest of Archwood Way ("Subject Property"), in the Olney Policy Area and 2005 *Approved and Adopted Olney Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120220070, Olney Acres ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated August 26, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 8, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Rubin, seconded by Commissioner Patterson, with a vote of 5-0; Chair Anderson, Commissioners Cichy, Patterson, Rubin and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120220070 to create one 0.98-acre lot for an existing residential care facility (Alfred House) and one outlot of approximately 3.98 acres on the Subject Property, subject to the following conditions:¹

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

General Approval

1. This Preliminary Plan is limited to one (1) lot for one (1) residential care facility with up to 8 persons and one (1) outlot.

Adequate Public Facilities and Outside Agencies

2. The Adequate Public Facilities ("APF") review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

Plan Validity Period

3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

Outside Agencies

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated July 8, 2022, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated June 7, 2022, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated January 28, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which

MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

Other Approvals

Clearing/ Grading/ Demo

8. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Preliminary Plan.
9. Except for clearing and grading associated with the demolition of the existing two-story office building, swimming pool, and two small outbuildings and paving, there shall be no clearing or grading of the site prior to recordation of plat(s).

Environment

Forest Conservation

10. The Applicant must comply with the following conditions of approval for the Final Forest Conservation Plan No. 120220070, approved as part of this Plan:
 - a) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
 - b) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
 - c) Prior to the start of any clearing, grading or construction for this development Application, whichever comes first, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Upper Rock Creek watershed to satisfy the afforestation requirement for a total of 1.00 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Upper Rock Creek watershed, or by making a fee-in-lieu payment to M-NCPPC if mitigation credits are not available at any bank.
 - d) The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

Transportation

Existing Frontage Improvements

11. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a) Any land necessary to accommodate eighty (80) feet from the opposite right-of-way line along the Subject Property frontage for Cashell Road.

Record Plats

Easements

12. The record plat must show necessary easements.

Notes and Labels

13. The record plat must reflect all areas under common ownership.

Certified Preliminary Plan

14. The certified Preliminary Plan must contain the following notes:
 - a) *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
 - b) *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant and the general contractor must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Preliminary Plan is required to be on-site at all times.*
15. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a) Show resolutions and approval letters on the certified set.
 - b) Modify the data table to reflect development standards approved by the Planning Board.
 - c) Update the Cashell Road street section on Sheet PP0.02 to be consistent with the Preliminary Plan drawing.

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The approved lot size, width, shape, and orientation are appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, and for the existing use (Residential Care Facility) to be maintained on the Subject Property. There are no new roads proposed with this Preliminary Plan and the existing roads are appropriate.

The approved lot was reviewed for compliance with the dimensional requirements for the RE-1 Zone as specified in the Zoning Ordinance. Approved Lot 1 of 0.98 acres, will meet all the dimensional requirements for area and frontage and can accommodate the existing Residential Care Facility use, which can reasonably meet the width and setback requirements in that zone. A summary of this review is included in Table 1. The remaining 3.98 acres will be a platted outlot, with no development. Any future development of the outlot will require subsequent regulatory approval. The Preliminary Plan has been reviewed by other applicable County agencies, all of whom have recommended approval.

Table 1 - Development Review Table

RE-1 Zone	Required	Approved Lot 1	Approved Outlot²
Min. Lot Area	40,000 sq. ft.	42,510 sq. ft. (+/-) (0.98 acres)	173,595 sq. ft. (+/-) (3.98 acres)
Min. Lot Frontage	25 ft.	25 ft. or greater	N/A
Min. Lot Width at B.R.L.	125 ft.	125 ft. or greater	N/A
Max. Lot Coverage	15%	15% or less	N/A
Min. Setbacks (for all lots)			
Front	50 ft.	50 ft. or greater	N/A
Side Street Setback	20 ft.	20 ft. or greater	N/A

² No improvements or development will occur on the approved outlot. The outlot will be available for future development, subject to review and approval under Chapter 50.

RE-1 Zone	Required	Approved Lot 1	Approved Outlot ²
Side	17 ft. (Sum of side setbacks is 35 ft.)	17 ft. or greater (Sum of side setbacks 35 ft. or greater)	N/A
Rear	35 ft.	35 ft. or greater	N/A
Max. Building Height	50 ft.	50 ft. or less	N/A
Site Plan Required	No	No	N/A
Min. Parking Req.	3 spaces ³	3 spaces ³	N/A
Min. Bicycle Spaces	0 spaces ⁴	0 spaces ⁴	N/A

2. *The Preliminary Plan substantially conforms to the Master Plan.*

The Property is located within the “Southern Olney” plan neighborhood of the 2005 *Olney Master Plan*. The Preliminary Plan does not include any new land uses. Only a new driveway has been included at this time, and other buildings and an old pool are being removed as part of the Application.

The Master Plan does not have any property-specific recommendations for the Property, and there are only general recommendations for this part of the Southern Olney plan neighborhood, mostly related to maintaining or enhancing environmental protections. There are no streams, wetlands, or forests on the Property in need of protection, but any future development should include reforestation and the minimization of impervious surfaces.

The *Olney Master Plan* places strong emphasis on the protection and enhancement of environmental resources such as sensitive areas, important watersheds, forests and green infrastructure and greenways. The Subject Property is located on a ridge between two sub watersheds and away from sensitive areas. It contains no forest and includes a minimum amount of impervious surface, in conformance with the Master Plan.

Other Master Plan recommendations broadly apply to the Application. The Master Plan “reinforces the concept of Olney as a housing resource in one of the residential wedge areas of the County” (p. 59). It also “support[s] elderly housing projects of appropriate densities at appropriate locations” (p. 75).

³ The parking count remains unchanged as the same number of spaces will be provided on the new driveway for Lot 1. Parking was calculated as: $(8 \text{ beds} \times 0.25) + (1 \text{ employee} \times 0.5) = 2.5$, rounded up to 3 parking spaces.

⁴ There are no bicycle spaces required because the existing residential care facility only includes 8 dwelling units, which is well below 20 dwelling units.

The existing use, an eight-bed residential care facility, is a residential use located in an area that the Master Plan reinforces for such uses. Given that the Applicant has not included any new uses on the Property, the Application is in substantial conformance with the recommendations of the Master Plan.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

Roads and other Transportation Facilities

The Application will maintain the existing 80 ft. ROW width of Cashell Road in line with the 2018 *Master Plan of Highways and Transitways*. Per the Planning Board's March 3, 2022 *De Minimis Criteria for Very Small Residential and Commercial Development Projects* policy, this Application is exempt from construction of frontage improvements as it falls below the minimum threshold for improvement; and, it will not result in a net increase in square footage, dwellings, or trips that would trigger improvements. Any future development of Outlot 1 may require frontage improvements, which will be reviewed as part of any future application. This Application includes an additional driveway on Cashell Road at Archwood Way to serve Lot 1. The existing driveway located just to the south will be maintained on Cashell Road for the outlot, as will the existing driveway to Bowie Mill Road.

Local Area Transportation Review (LATR)

The Application is exempt from LATR review as it will not result in a net increase in trips. The Application will have a negligible impact on the surrounding transportation facilities and decrease trip generation due to the demolition of an existing office building. The site's current and continuing use as a residential care facility generates less than 50 peak-hour trips, thereby rendering a transportation study not necessary based on 2020-2024 Growth and Infrastructure Policy guidelines.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the approved lot. The lot will be served by public water and sewer.

The Application has been reviewed by the MCDPS, Fire Department Access and Water Supply Section, who determined in their letter, dated January 28, 2022, that the Subject Property does not require a Fire Department Access Plan as there is no new construction for the Property and the existing configuration has adequate access for emergency vehicles.

Electric and telecommunications services are available and adequate to serve the Subject Property. Other public facilities and services, such as police stations, firehouses, and health services are currently operating within the standards set by the 2020-2024 Growth and Infrastructure Policy. The Application can be

adequately served by all applicable public facilities and services. Because this Application was approved to create a new lot for an existing residential care facility (Alfred House) and an outlot for the remaining acreage, it does not have an impact on schools.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. Included with the Forest Conservation Plan is a request for a tree variance for impacts to five trees. The Preliminary Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as described below.

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation ("NRI/FSD") 420220400 for this Property was approved on October 5, 2021. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The NRI/FSD identifies the Subject Property within the Upper Rock Creek watershed, but not within the Special Protection Area. The Subject Property contains no forest but does have nine onsite trees with a diameter breast height ("DBH") of 30 inches or more. The Subject Property does not contain any streams, wetlands or other sensitive environmental features.

Forest Conservation

The Board finds that, as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Applicant has submitted a Preliminary/Final Forest Conservation Plan ("FCP") with the current development plan application for Preliminary Plan 120220070. The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, and is in compliance with the Montgomery County Planning Department's approved Environmental Guidelines.

The Subject Property is zoned RE-1 and is assigned a Land Use Category of Medium Density Residential ("MDR") as defined in Section 22A-3 of the Montgomery County Forest Conservation Law ("FCL") and in the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 20% of the Net Tract Area.

The tract area for forest conservation purposes includes the 4.96-acre Subject Property plus 0.02 acres of offsite disturbance associated with this Application, for

a total net tract area of 4.98 acres. There is no existing forest on the Subject Property. There is an afforestation requirement of 1.0 acre equal to the afforestation threshold. The Applicant will meet the planting requirement off-site with an in-lieu fee payment or at a Forest Mitigation Bank if available.

Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone ("CRZ") requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise, such resources must be left in an undisturbed condition. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request

The Applicant submitted a variance request in a letter dated August 22, 2022. The Applicant proposes to impact five (5) Protected Trees that are 30 inches or greater DBH, that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Table 2).

Table 2 – Protected Trees to be Impacted

Tree Number	Species	DBH Inches	% CRZ Impacts	Status and Notes
4	Northern Red Oak (<i>Quercus rubrum</i>)	42"	30%	Fair condition
7	White Oak (<i>Quercus alba</i>)	32"	44%	Fair condition
10	Tulip Poplar (<i>Liriodendron tulipifera</i>)	45"	12%	Good condition
11	Red Maple (<i>Acer rubrum</i>)	34"	19%	Good condition
13	Red Maple (<i>Acer rubrum</i>)	37"	29%	Fair condition

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. The five Protected Trees are being impacted as a result of the need to provide safe access to the existing residential care facility (Alfred House) and the removal of existing structures to meet development standards. The creation

of this lot requires a new driveway location that aligns with existing Archwood Way and the requirement for direct Fire Department access to the structure. The approved driveway alignment results in the least amount of impact to the existing front yard variance trees. Trees 4 and 7 are being impacted because of a requirement to modify the existing driveway apron on Cashell Road. Trees 10, 11, and 13 are impacted due to the requirement to remove the existing structures on the Property in order to meet setback requirements in the Zoning Ordinance. Therefore, there is a sufficient unwarranted hardship to justify a variance request because the Applicant would otherwise be denied the ability to use the Property for the creation of a single residential lot in the RE-1 zone, which is a reasonable and significant use of the Property.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. The Planning Board makes the following findings in the review of the variance request and the approved Forest Conservation Plan:

Variance Findings

- i. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as disturbance to the specified trees is due to the need to provide safe access to the existing residential care facility (Alfred House) opposite to existing Archwood Way and the removal of existing structures to meet development standard requirements associated with the development of the Subject Property. Granting a variance to allow disturbance meets the objectives of the Master Plan, the development standards of the RE-1 zone, and is not unique to this Applicant. Granting of this variance is not a special privilege that would be denied to other applicants.

- ii. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions, development standards of the zone, and necessary design requirements of this Application.

- iii. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the existing conditions, the need for a new driveway and the need to meet development standards of the RE-1 zone, and not as a result of land or building use on a neighboring property.

- iv. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. No specimen trees will be removed, and impacted trees are not within a stream buffer, wetland or Special Protection Area. The Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provision

No mitigation is included since no specimen trees will be removed.

Variance Recommendation

Staff recommends approval of the variance request.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The Preliminary Plan Application is exempted from the requirement of providing stormwater management and a stormwater concept submittal. The exemption was granted on the basis that the Application does not propose any new construction, other than a new driveway for Lot 1 and the reduction of the apron width of the existing driveway on the outlot. The Applicant received approval for the exemption from MCDPS on June 20, 2022.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.*

There is no evidence, actual notice, or constructive notice of a burial site on the Subject Property. The Subject Property is not included in the Montgomery County Inventory.

7. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

No other provisions apply to the Subdivision.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 21 2022 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Rubin, seconded by Vice Chair Verma, with a vote of 5-0; Chair Anderson, Vice Chair Verma, and Commissioners Cichy, Patterson, and Rubin, voting in favor of the motion, at its regular meeting held on Thursday, September 15, 2022, in Wheaton, Maryland and via video conference.



Casey Anderson, Chair
Montgomery County Planning Board

Kyle Hughes
9220 Wightman Road
Suite 120
Montgomery Village, Maryland 20886

VEENA ALFRED
18100 CASHELL ROAD
ROCKVILLE, MD 20853

Francoise Carrier
7315 Wisconsin Avenue
Suite 800 West
Bethesda, Maryland 20814

Patrick La Vay
9220 Wightman Road, Suite 120
Montgomery Village, MD

Olney Acres, Preliminary Plan No.
120220070

September 8 2022

Attachment B



CIVIL ENGINEERING
LAND SURVEYING
LANDSCAPE ARCHITECTURE
LAND PLANNING

9220 Wightman Road, Suite 120
Montgomery Village, MD 20886
Phone: 301.870.0840
www.mhga.com

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Professional Certification

I hereby certify that these documents were prepared or approved by me, and that I am a duly Licensed Professional Engineer under the Laws of the State of Maryland. Lic. No. 19905 Exp. Date: 04-21-2029

OWNER/APPLICANT:
VEENA J. ALFRED TRUST
16100 CASHELL RD
ROCKVILLE, MD 20853
(301) 460-6997

CIVIL ENGINEER &
LANDSCAPE ARCHITECT:
MACRIS, HENDRICKS & GLASCOCK, P.A.
9220 WIGHTMAN ROAD, STE 120
MONTGOMERY VILLAGE, 20886
PHONE: (301) 870-0840
CONTACT: PATRICK LA VAY
EMAIL: PLAVAY@MHGPA.COM

LAND USE ATTORNEY:
BBS&G ATTORNEYS
7315 WISCONSIN AVE., STE 800 WEST
BETHESDA, MD 20814
CONTACT: FRANCOISE CARRIER
EMAIL: FCARRIER@BREGMANLAW.COM

KEY NOTES

- 01 ASPHALT PAVING (TYPICAL)
- 02 NEW SINGLE FAMILY HOUSE
- 03 NEW DRIVEWAY ENTRANCE FOLLOWING DFPS MODIFIED RESIDENTIAL DRIVEWAY GUIDELINES FOR TYP A WITH A 15' X 39' CMP CULVERT
- 04 STORM WATER MANAGEMENT DRY WELL
- 05 STORM WATER MANAGEMENT FACILITY
- 10 LIMIT OF DISTURBANCE
- 11 BUILDABLE AREA
- 12 NEW LOT LINE
- 13 EXISTING FIRE HYDRANT
- 14 NEW WATERLINE
- 15 NEW SEWER LINE
- 16 LIGHT POLE
- 20 EXISTING UNDERGROUND WATER METER VAULT AND EASEMENT
- 21 EXISTING RESIDENTIAL CARE FACILITY TO REMAIN
- 22 EXISTING 2 STORY MASONRY AND FRAME BUILDING TO BE REMOVED
- 23 EXISTING POOL AND POOL DECK TO BE REMOVED
- 24 EXISTING STRUCTURE TO BE REMOVED
- 25 ALL EXISTING IMPERVIOUS SURFACES AND STRUCTURES ON NEW LOTS 2, 3 AND 4 TO BE REMOVED (TYPICAL)
- 26 EXISTING DRIVEWAY ENTRANCE TO BE REMOVED
- 27 EXISTING WALK TO BE REMOVED
- 28 EXISTING DRIVEWAY TO BE REMOVED
- 29 EXISTING FENCE TO BE REMOVED
- 30 EXISTING FENCE TO REMAIN
- 31 10' PUE LINE
- 32 EXISTING WATER AND SEWER SERVICE TO REMAIN. APPROXIMATE LOCATION SHOWN BASED ON WSSC RECORD OF INSTALLATION OF WATER CONNECTION BY PLUMBING PERMIT NO 300292
- 33 NEW 6" PUBLIC SIDEWALK. SEE CASHELL ROAD - TYPICAL SECTION ALONG NEW LOTS 1,2,3 AND 4 (THIS SHEET)
- 34 NEW INGRESS-EGRESS EASEMENT

LEGEND

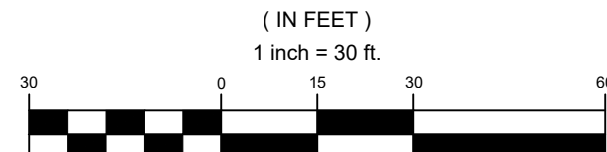
- NEW BUILDING
- NEW ASPHALT PAVING
- NEW SPOT ELEVATION
- NEW CONTOUR (2')
- EX. CONTOUR (2')
- EX. PROPERTY BOUNDARY
- NEW PROPERTY BOUNDARY
- SETBACKS / BRL'S
- NEW WATER LINE
- NEW SEWER LINE
- PROPOSED TREES
- EX. TREES
- EX. FENCE
- EX. GAS LINE
- EX. OVERHEAD WIRE
- EX. PUE
- EX. ASPHALT
- EX. CONCRETE
- EX. ASPHALT PAVING
- EX. BUILDING
- EX. SEWER
- EX. WATER LINE
- EX. GAS LINE
- EX. SEWER MANHOLE
- EX. UTILITY POLE
- EX. FIRE HYDRANT

DEVELOPMENT STANDARDS FOR RE-1 (STANDARD METHOD)					
ZONING REQUIREMENT/DESCRIPTION	PERMITTED / REQUIRED	PROVIDED LOT 1	PROVIDED LOT 2	PROVIDED LOT 3	PROVIDED LOT 4
MIN. LOT AREA PER 59-4.4.6.B.	40,000 SF	57,906 SF	44,992 SF	61,173 SF	52,561 SF
MIN. LOT WIDTH AT FRONT BLDG. LINE PER 59-4.4.6.B. :	125 FT	125 FT OR GREATER	125 FT OR GREATER	125 FT OR GREATER	125 FT OR GREATER
MIN. LOT WIDTH AT FRONT LOT LINE PER 59-4.4.6.B. :	25 FT	25 FT OR GREATER	25 FT OR GREATER	25 FT OR GREATER	25 FT OR GREATER
MAX. DENSITY PER 59-4.4.6.B. :	1.09 UNIT / ACRE		0.81 UNIT / ACRE		
MAXIMUM COVERAGE PER 59-4.4.6.B. :	15 %	15 % OR LESS	15 % OR LESS	15 % OR LESS	15 % OR LESS
PRINCIPAL BUILDING MIN. FRONT SETBACK PER 59-4.4.6.B.	50 FT	50 FT OR GREATER	50 FT OR GREATER	50 FT OR GREATER	50 FT OR GREATER
PRINCIPAL BUILDING MIN. SIDE SETBACK PER 59-4.4.6.B.	17 FT	17 FT OR GREATER	17 FT OR GREATER	17 FT OR GREATER	17 FT OR GREATER
PRINCIPAL BUILDING MIN. SIDE SETBACK PER 59-4.4.6.B.	35 FT	35 FT OR GREATER	35 FT OR GREATER	35 FT OR GREATER	35 FT OR GREATER
PRINCIPAL BUILDING MIN. SIDE SETBACK PER 59-4.4.6.B.	45 FT FOR LOTS 2,3 & 4	N/A	45 FT OR GREATER	45 FT OR GREATER	45 FT OR GREATER
PRINCIPAL BUILDING MIN. REAR SETBACK PER 59-4.4.6.B.	35 FT	35 FT OR GREATER	N/A	N/A	N/A
PRINCIPAL BUILDING MIN. REAR SETBACK PER 59-4.4.6.B.	35 FT FOR LOT 2, 63 FT FOR LOTS 3 & 4	N/A	35 FT OR GREATER	63 FT OR GREATER	63 FT OR GREATER
ACCESSORY STRUCTURES MIN. FRONT SETBACK PER 59-4.4.6.B.	80 FT	80 FT OR GREATER	N/A	N/A	N/A
ACCESSORY STRUCTURES MIN. SIDE SETBACK PER 59-4.4.6.B.	15 FT	15 FT OR GREATER	15 FT OR GREATER	15 FT OR GREATER	15 FT OR GREATER
ACCESSORY STRUCTURES MIN. SIDE SETBACK PER 59-4.4.6.B.	45 FT FOR LOTS 2,3 & 4	N/A	45 FT OR GREATER	45 FT OR GREATER	45 FT OR GREATER
ACCESSORY STRUCTURES MIN. REAR SETBACK PER 59-4.4.6.B.	10 FT	10 FT OR GREATER	N/A	N/A	N/A
ACCESSORY STRUCTURES MIN. REAR SETBACK PER 59-4.4.6.B.	35 FT FOR LOT 2, 63 FT FOR LOTS 3 & 4	N/A	35 FT OR GREATER	35 FT OR GREATER	35 FT OR GREATER
MAX. BUILDING HEIGHT PER 59-4.4.6.B. :	50 FT	50 FT OR LESS	50 FT OR LESS	50 FT OR LESS	50 FT OR LESS
SITE PLAN REQUIRED :	NO	NO	NO	NO	NO
MIN. PARKING SPACES PER 59-6.2.4. FOR LOT 1:	3 SPACES	10 SPACES	N/A	N/A	N/A
(8 BEDS X 0.25) + (1 EMPLOYEE X 0.5) = 2.5. ROUND UP TO 3 SPACES					
MIN. PARKING SPACES PER 59-6.2.4. FOR LOTS 2, 3 AND 4:	2 SPACES	N/A	2 SPACES	2 SPACES	2 SPACES
MINIMUM NUMBER OF BICYCLE SPACES:	FOR LOT 1: N/A	0 SPACES	0 SPACES	0 SPACES	0 SPACES
59-6.2.4.C.	FOR LOTS 2,3 & 4: N/A				

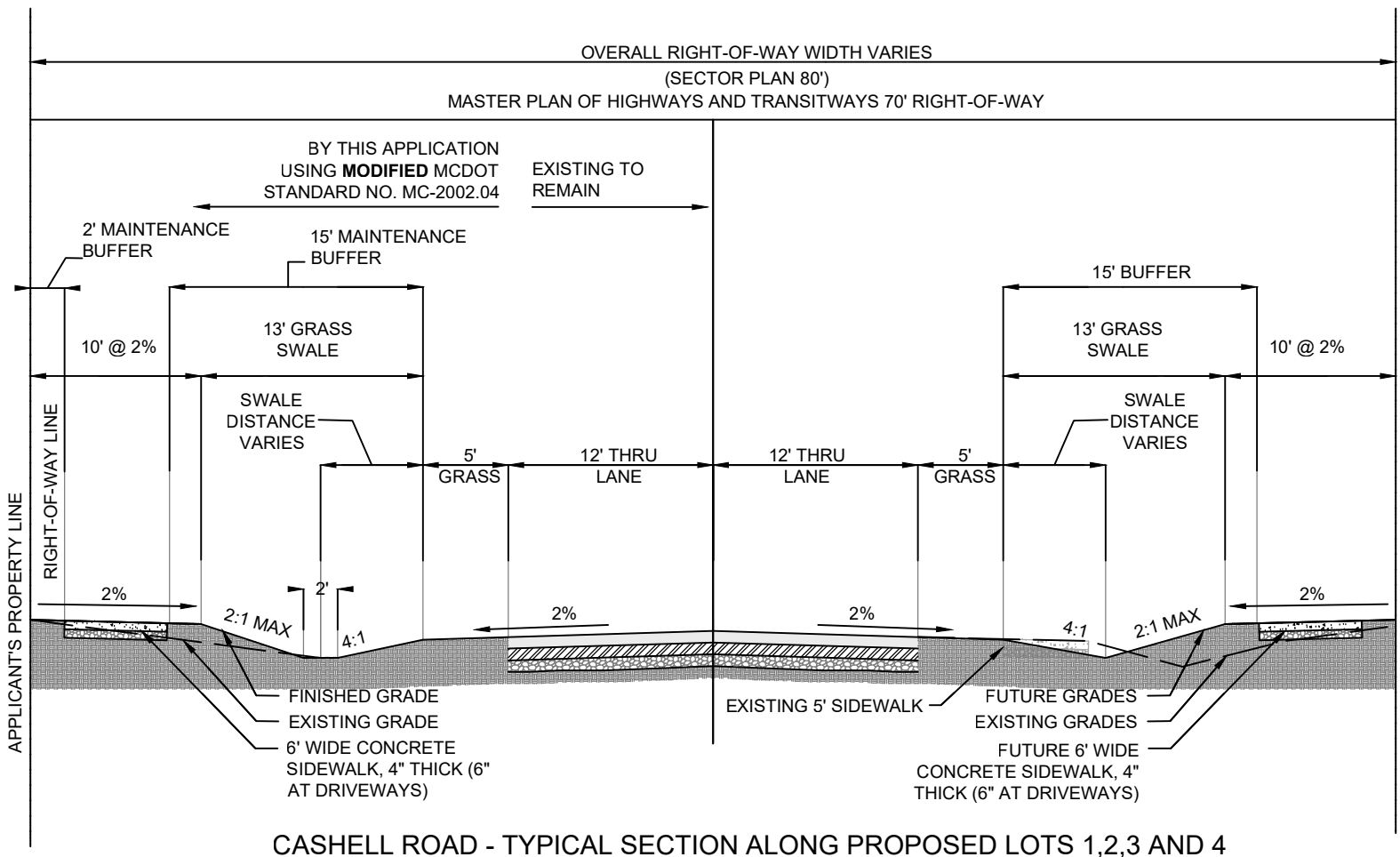
- FOOTNOTES:
- 1) NOT APPLICABLE FOR STANDARD LOTS (THAT ARE NOT FLAG LOTS)
 - 2) NOT APPLICABLE FOR FLAG LOTS
 - 3) SPACES ARE ACCOMMODATED IN NEW ASPHALT PARKING AREA / DRIVE WAY. THE PARKING COUNT REMAINS UNCHANGED AS THE SAME NUMBER OF SPACES WILL BE PROVIDED ON THE NEW PARKING AREA FOR LOT 1.
 - 4) THERE ARE NO BICYCLE SPACES REQUIRED BECAUSE THE EXISTING RESIDENTIAL CARE FACILITY ONLY INCLUDES 8 BEDS, WHICH IS WELL BELOW 20 BEDS.
 - 5) NOT APPLICABLE FOR SINGLE FAMILY RESIDENTIAL USES
 - 6) SEE PLAN FOR BRL ESTABLISHED TO PROVIDE A MINIMUM OF 80 FT OF SEPARATION, AS REQUIRED PER SECTION 50.4.3.C.b.

PRELIMINARY PLAN

GRAPHIC SCALE

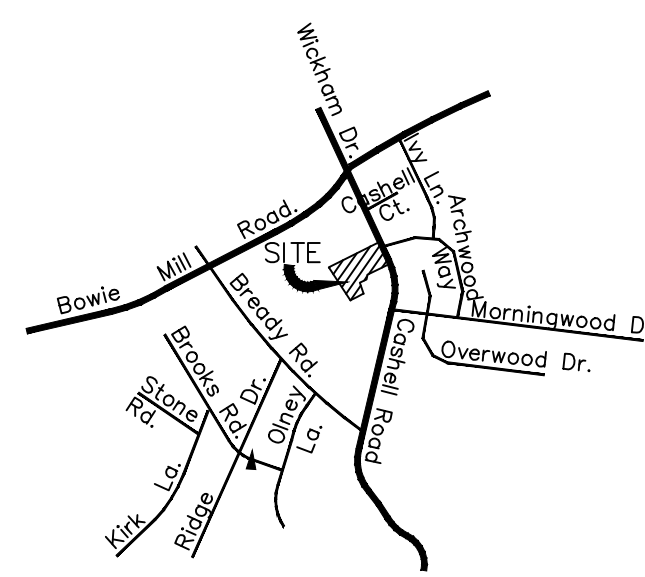


- LIST OF AMENDMENT ITEMS
- 1 RESUBDIVIDE THE PROPERTY FROM A LOT AND PART OF A LOT TO 4 LOTS
 - 2 ADD 3 RESIDENTIAL SINGLE-UNIT LIVING BUILDINGS TO 3 OF THE NEW LOTS
 - 3 ADD OR REVISE SITE DESIGN ELEMENTS INCLUDING, BUT NOT LIMITED TO DRIVE ISLES AND CUL-DE-SACS, PARKING, SIDEWALKS, FIRE DEPARTMENT ACCESS, ACCESS POINTS, LIGHT POLES, LANDSCAPING AND STORM WATER MANAGEMENT.
 - 4 REVISE FOREST CONSERVATION PLAN TO SHOW NEW DEVELOPMENT



CASHELL ROAD - TYPICAL SECTION ALONG PROPOSED LOTS 1,2,3 AND 4

Attachment B

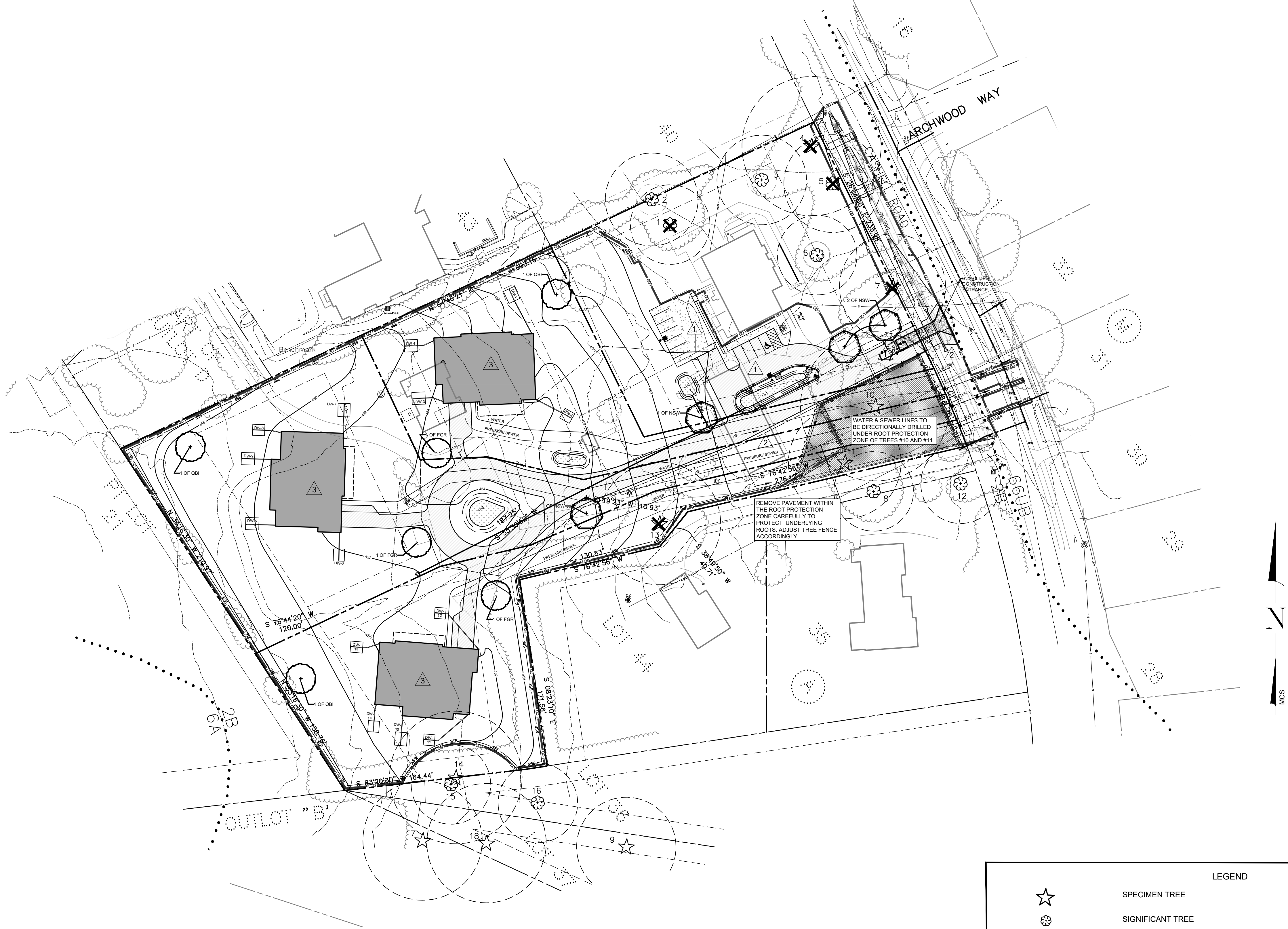


VICINITY MAP
SCALE 1" = 2,000'

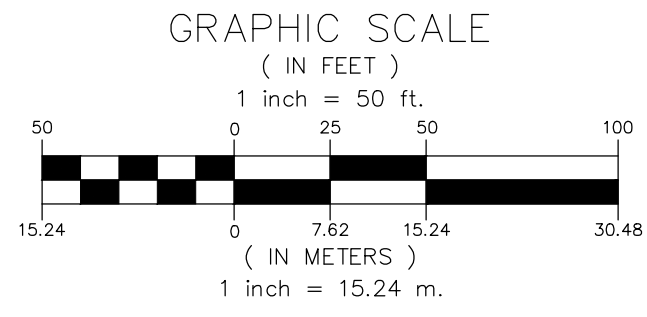
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Montgomery Village, MD 20886
Phone: 301.870.0840
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FRANK C. JOHNSON
04/11/2025
DATE
RECOGNIZED AS QUALIFIED PROFESSIONAL BY
MD DEPT. OF NATURAL RESOURCES
COMARK 08.19.06.01

Qualified Professional Certification
I hereby certify that the information herein is correct and that this plan has been prepared in accordance with the requirements of the existing state and county forest conservation legislation.



PROPOSED VARIANCE MITIGATION TREE LIST						
KEY	QTY	BOTANICAL NAME	COMMON NAME	CAL	ROOT	SPACING
NSW	4	Nyssa sylvatica	Black Gum	3-3 1/2"	B&B	AS SHOWN
FGR	3	Fagus grandifolia	American Beech	3-3 1/2"	B&B	AS SHOWN
QBI	3	Quercus bicolor	Swamp White Oak	3-3 1/2"	B&B	AS SHOWN



Attachment C



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 28-Jan-22
TO: Stephen Crum - scrum@mhgpa.com
Macris, Hendricks & Glascock
FROM: Marie LaBaw
RE: Olney Acres
120220070

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **28-Jan-22**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

*** See statement of performance based design ***

*** 3/27/2025 12022007A Add single family units ***



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

May 7, 2025

Mr. Cristobal Martinez
Macris, Hendricks & Glascock P.A.
9220 Wightman Rd, STE 120
Montgomery Village, MD 20886

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
Alfred House
Preliminary Plan #: 12022007A
SM File #: 295830
Tract Size/Zone: 4.96 Acres/RE-1
Total Concept Area: Onsite 4.97 Acres/ROW
0.23 Acres
Lots/Block: 33 and part of 34/A
Watershed and Class: Upper Rock Creek/III
Redevelopment (Yes/No): No

Dear Mr. Martinez:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via the use of Dry Wells and Landscape Infiltration for the onsite improvements. A grassed swale is proposed for improvements in the public right-of-way.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this project.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this



2425 Reedie Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311
www.montgomerycountymd.gov/permittingervices



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher Conklin
Director

April 21, 2025

Mr. Ugonna Njeze, Regulatory Planner II
Up-County Division
The Maryland-National Capital
Park & Planning Commission
2425 Reedie Drive
Wheaton, Maryland 20902

RE: Preliminary Plan No. 12022007A
Olney Acres

Dear Mr. Njeze:

We have completed our review of the administrative plan uploaded to Eplans on April 1, 2025. A previous version of this plan was reviewed by the Development Review Committee (DRC) at its meeting on March 11, 2025. This project has a tentative Planning Board public hearing scheduled for June 5, 2025. We recommend approval of the plan subject to the following comments:

Significant Plan Review Comments

1. Cashell Road is classified as an area connector with an existing 80' right-of-way. The applicant will be required to install a 6' concrete sidewalk along the property frontage with lead walks and handicap ramps opposite Archwood Way.

Standard Plan Review Comments

2. All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. This letter and all other correspondence from this department should be included in the package.
3. The storm drain study was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX
www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

4. The sight distance study has been accepted. A copy of the accepted Sight Distance Evaluation certification form is enclosed for your information and reference.
5. If the proposed development will alter any existing signage and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 prior to the right-of-way permit for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
6. Trees in the County rights-of-way: spacing and species are to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
7. Erosion and sediment control measures as required by Montgomery County Code 19 and on-site stormwater management, where applicable, shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
8. Posting of a right-of-way permit bond is a prerequisite to DPS approval of the record plat. The right-of-way permit will include, but not necessarily be limited to, the following improvements:
 - A. Sidewalk, handicap ramps and street trees along Cashell Road.
 - B. Permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.

Thank you for the opportunity to review this administrative plan. If you have any questions or comments regarding this letter, please contact me at william.whelan@montgomerycountymd.gov or (240) 777-2173.

Sincerely,

William Whelan

William Whelan
Development Review Team
Office of Transportation Policy

Mr. Cristobal Martinez
May 7, 2025
Page 2 of 2

office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Sherry Mitchell at 240-777-5206 or sherryl.mitchell@montgomerycountymd.gov.

Sincerely,

Mark Etheridge

Mark Etheridge, Manager
Water Resources Section
Division of Land Development Services

cc: Neil Braunstein
SM File # 295830

Lot 1
ESD: Required/Provided 1,519 cf / 2,038 cf
PE: Target/Achieved: 1.80"/2.38"
STRUCTURAL: 0 cf
WAIVED: 0 cf.

Lot 2
ESD: Required/Provided 1,404 cf / 1,421 cf
PE: Target/Achieved: 1.60"/1.62"
STRUCTURAL: 0 cf
WAIVED: 0 cf.

Lot 3
ESD: Required/Provided 2,190 cf / 2,226 cf
PE: Target/Achieved: 1.60"/1.63"
STRUCTURAL: 0 cf
WAIVED: 0 cf.

Lot 4
ESD: Required/Provided 745 cf / 791 cf
PE: Target/Achieved: 1.00"/1.06"
STRUCTURAL: 0 cf
WAIVED: 0 cf.

ROW
ESD: Required/Provided 514 cf / 515 cf
PE: Target/Achieved: 1.80"/1.80"
STRUCTURAL: 0 cf
WAIVED: 0 cf.

Attachment D

AFFIDAVIT OF COMMUNITY MEETING

Veena J. Alfred Trust

18100 Cashell Road, Rockville, Maryland 20853

1. I hereby certify that the Veena J. Alfred Trust conducted a virtual pre-submission community meeting on Thursday, October 17, 2024 at 7:30 p.m., via Zoom, in advance of submitting a preliminary plan amendment application for property located at 18100 Cashell Road, Rockville, Maryland to subdivide a 5-acre property into five lots.
2. I hereby affirm that the community meeting was noticed and conducted in accordance with the requirements of the Montgomery County Zoning Code and the Montgomery County Planning Board's Development Review Manual.

I, Françoise M. Carrier, swear and affirm under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief.

Date: October 23, 2024



Françoise M. Carrier

Attorney for the Applicant

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

STATE OF MARYLAND

*

*

to Wit:

*

COUNTY OF MONTGOMERY

On this 23rd day of October, 2024, before me, the undersigned officer, personally appeared, Françoise M. Carrier, known to me (or satisfactorily proven) to be the person whose name subscribed to the within instrument, and having been properly authorized, executed the same in the capacity therein stated and for the purposes therein contained.



IN WITNESS WHEREOF, I hereunder set my hand and official seal.



Notary Public

My Commission Expires: 8/14/2026

October 2, 2024

Via First Class Mail

Dear Neighbor,

Dr. Veena J. Alfred invites you to attend a Pre-Application Meeting to review plans for a preliminary plan of subdivision related to property located at 18100 Cashell Road, Rockville, Maryland. The subdivision site occupies approximately five acres of land on Cashell Road between Bowie Mill Road and Morningwood Drive, across Cashell Road from Archwood Way. The site consists of parts of two lots and is zoned RE-1. Currently, Dr. Alfred operates an Alfred House senior assisted living and memory care facility in a house located on the portion of the site closest to Cashell Road. There is also a two-story garage on the site that is used for storage and office space. The bulk of the property is vacant.

You may recall that about two years ago, Dr. Alfred obtained approval for a preliminary plan of subdivision that anticipated creating one lot for the existing Alfred House facility and placing the remainder of the property in an outlot. Dr. Alfred now plans to submit an application to amend the previous preliminary plan to create four lots, each between one acre and an acre and a half in size. One will be occupied by the existing Alfred House facility, which will continue to operate. The other three will be suitable for development of new residences. The four lots will share a single driveway, ending in a cul de sac providing access to the three new residential lots.

In compliance with the County's zoning ordinance, this meeting will be held to share the plans for this project with you. At this meeting, the applicant's team will describe the proposal and answer any questions you may have. The meeting will be held **virtually via Zoom** on **Thursday, October 17, 2024 from 7:30 to 8:30 p.m.** To participate in the meeting, please see instructions on the second page of this letter.

Meeting participants will be able to ask questions and provide comments during the question-and-answer portion of the meeting by turning on their microphones and, if desired, cameras. We also encourage you to send questions and comments before the meeting to projectinfo@bregmanlaw.com. The materials to be presented at the meeting will be available to the public in advance, starting October 11, 2024, at <https://www.bregmanlaw.com/blog/projectinfo/>. Meeting participants will be asked to sign in by use of the meeting chat function or by email, and to indicate whether they would like to receive additional information about the project during the application review process.

Instructions to join the meeting

Join on your computer or mobile app

A clickable link to join the meeting is available at <https://www.bregmanlaw.com/blog/projectinfo/> or by emailing projectinfo@bregmanlaw.com. Alternatively, you may enter the following in your browser window:

<https://us02web.zoom.us/j/3489196078>

Or call in (audio only)

+1 301 715 8592 US (Washington DC)
Meeting ID: 348 919 6078

If you have difficulty signing in to the meeting, please email projectinfo@bregmanlaw.com.

To find out more about the development review process, please contact the Montgomery County Planning Department at 301-495-4610 or visit its website at www.montgomeryplanning.org.

We look forward to meeting with you on October 17.

Sincerely,



Françoise M. Carrier, Applicant's attorney

Pre-Application Community Meeting Minutes
Alfred House - 18100 Cashell Road
October 17, 2024

The pre-application community meeting was held virtually utilizing the Zoom platform on Thursday October 17, 2024. The meeting commenced at 7:30 PM.

Purpose of the Meeting:

To present information regarding an application to amend the previously approved preliminary plan of subdivision for the site located on Cashell Road.

Notes:

The following representatives of Alfred House attended the meeting:

Françoise Carrier	Bregman, Berbert, Schwartz, & Gilday, LLC
Morgan Abramson	Bregman, Berbert, Schwartz, & Gilday, LLC
Kyle Hughes	Macris Hendricks & Glascock P.A.

No community members attended the meeting, therefore no presentation was given.

Conclusion:

Françoise Carrier concluded the meeting at 7:50 PM.

Minutes prepared by Morgan Abramson, Legal Assistant
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