

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

July 10, 2025

MCPB No. 25-064

Preliminary Plan Amendment No. 12022007A

Olney Acres

Date of Hearing: May 29, 2025

RESOLUTION

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

WHEREAS, on September 8, 2022, the Planning Board, by Resolution MCPB No. 22-092, approved Preliminary Plan No. 120220070, creating a .98-acre lot and a 3.98 acre outlot in the RE-1 zone, located approximately 75 feet southwest of Archwood Drive (“Subject Property”), in the Yellow Policy Area and *2005 Olney Masterplan* area; and

WHEREAS, on October 8, 2024, AlfredHouse Elder Care, Inc. (“Applicant”) filed an application for approval of an amendment to the previously approved preliminary plan(s) to subdivide the property into four (4) lots for three (3) single-family detached dwelling units and one (1) existing residential care facility on the Subject Property; and

WHEREAS, Applicant’s application to amend the preliminary plan was designated Preliminary Plan Amendment No. 12022007A, Olney Acres (“Preliminary Plan,” “Amendment,” or “Application”);

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F2025012A; 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 May 16, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on May 29, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 4-0; Chair Harris, Vice Chair Pedoeem and Commissioners Hedrick and Linden voting in favor, Commissioner Bartley being necessarily absent.

2425 Reedie Drive, Floor 14, Wheaton, MD 20902 | Phone: 301-495-4605
www.montgomeryplanningboard.org | mcp-chair@mncppc.org

Approved as to
Legal Sufficiency:

/s/ Matthew Mills
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan Amendment No. 12022007A to create four (4) lots for three (3) single-family detached dwelling units and one (1) existing residential care facility with the following conditions, which supersede all previous conditions of Preliminary Plan approval:¹

General Approval

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

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.

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 / Demolition

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.

15. 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 approved Lot 3, a 45-foot side BRL from approved 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 approved 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

16. 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

17. 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 the County Code and the Growth and Infrastructure Policy, as follows:

- a. Tier 2 elementary school UPP required

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:

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 approved 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 development 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 of the Subdivision Code, 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 approved subdivision will convert an irregularly shaped lot and part of a lot into four (4) lots that are similar in size and shape to five(5) 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 approved 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 Board finds that the creation of flag lots is the only feasible manner in which to subdivide the Subject Property.

As conditioned, the following BRLs will be provided:

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

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 approved flags lots and the building envelopes of the lots that are adjacent to the rear lot line of the approved flag lot. In addition, the building envelopes of all lots that are between the approved 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 approved subdivision layout is appropriate for the location as well as the approved uses.

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 approved 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 (BRLs) 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
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	<u>Lot 1:</u> 3 Spaces	10 Spaces	2 Spaces	2 Spaces	2 Spaces

Development Standard	Permitted/ Required	Lot 1	Lot 2	Lot 3	Lot 4
	<u>Lots 2, 3, 4:</u> 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 approved 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 approved 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.

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 approved 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.

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 approved 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 approved 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. Approved 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
Approved: Assisted Living Facility (8 beds)	1	0	1	4	2	6
Approved: Single Family Detached Units (3)	1	2	3	4	5	6
Net New Person Trips					-5	-4

c) Schools

School Impact Area Classification

The approved 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 approved, 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 was reviewed on June 5, 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 the County Code and the Growth and Infrastructure Policy.

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 approved 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 discussed in the findings for Forest Conservation Plan F2025012A.

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 approved 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.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

July 10, 2025

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions..

* * * * *

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 Hedrick, seconded by Commissioner Linden, with a vote of 3-0-1; Chair Harris, and Commissioners Hedrick, and Linden, voting in favor of the motion, Commissioner Bartley abstaining and Vice Chair Pedoeem being necessarily absent at its regular meeting held on Thursday, June 26, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board