
MEMORANDUM TO: Mayor and City Council
Planning Commission

FROM: Laura Mehfoud, Long Range Planner

DATE: October 3, 2025

SUBJECT: Consolidated Preliminary Background Report:
Z-10030-2025 Zoning Map Amendment with Schematic
Development Plan and AB-10054-2025 Abandonment
2 O'Neill Dr, 3 Nancy Place, and Parcel P940

APPLICANT

Rodgers Consulting, Inc.
19847 Century Blvd
Germantown, MD 20874

OWNER

The Eugene B Casey Foundation
16803 Crabbs Branch Way
Rockville, MD 20855

TAX MAP REFERENCE

Tax Map: FS 63, Parcels: N738, N881, P940

TAX ACCOUNT NUMBER

160900818176
160900818187
160900768787

REQUEST

The Applicant, Rodgers Consulting, Inc., has submitted Zoning Map Amendment application Z-10030-2025, to rezone two parcels totaling 9.4 acres from the R-18 (Medium Density Planned Residential) and R-20 (Medium Density Residential) zone to the CD (Corridor Development) zone, and to establish a schematic development plan (“SDP”), in accordance with City Code Section 24-4.4 (H) “Application for CD Zone and schematic development plan approval.” The SDP applies to the two parcels subject to the rezoning as well as a third parcel that is already zoned CD. The SDP proposes a new mixed-income multi-family residential development with up to 434 units. The owner, the Casey Foundation, proposes to restrict 75% of the units to occupancy by low- and moderate-income residents, with the remaining units available as market-rate. The provision of affordable housing aligns with the Casey Foundation’s philanthropic mission. In support of these requests, the Applicant has included a statement of justification and support (“Statement”), included as exhibit 17. An abandonment application, AB-10054-2025, has also been submitted requesting to abandon approximately 37,430 square feet of O’Neill Drive and Nancy Place right-of-way. This abandonment application is related to Zoning Map Amendment application Z-10030-2025 and is necessary to facilitate the SDP, therefore the two applications will be reviewed concurrently.

LOCATION

The subject properties (“Site”) include three parcels: 2 O’Neill Dr, 3 Nancy Place, and unaddressed parcel P940. The Site is bound by S Frederick Ave to the northeast, I-370 to the east and south, and Casey Community Center to the northwest.



Location Map

REQUIRED ACTIONS

Zoning Map Amendment Z-10030-2025

As stated, the Applicant is requesting a zoning map amendment to change the zoning of 2 O'Neill Drive and 3 Nancy Place from the R-18 (Medium Density Planned Residential) and R-20 (Medium Density Residential) zones, respectively, to the CD (Corridor Development) zone. Parcel P940 is already zoned CD as it was annexed into the City and assigned CD zoning in 2024.

Section 24-4.4 of the City Code requires an applicant to submit a schematic development plan as part of the zoning map amendment application when rezoning to CD:

(H) Application for CD Zone and schematic development plan approval.

(1) An applicant shall file, together with the prescribed application fee, an application for the establishment of the CD Zone, to be processed pursuant to the provisions of Section 24-12.3– Zoning Map Amendments, and as part of this

application for separate approval, a schematic development plan pursuant to the provisions of Section 24-4.2 – Floating Zones and Section 24-12.5 – Schematic Development Plans.

(2) An application to establish CD zoning must receive approval of both the rezoning and schematic development plan. The city council cannot approve such application without approving both the rezoning and schematic development plan.

The schematic development plan applies to all three parcels: 2 O'Neill Drive, 3 Nancy Place, and parcel P940.

Section 24-12.3 states that zoning map amendment applications are subject to a joint public hearing, followed by Planning Commission recommendation, then final action by City Council.

Section 24-4.2(B) lays out the findings required for approval of the CD zone by map amendment:

(4) Decision criteria for establishment of a floating zone by map amendment. The city council may approve the mapping of a CBD, CD, MCD, or MXD zone by map amendment only upon finding that:

(a) The rezoning application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone; and

(b) The rezoning application is in accord with recommendations in the applicable land use master plan for the property and is consistent with any special conditions or requirements contained in said land use master plan; and

(c) The rezoning application will be internally and externally compatible and harmonious with existing and planned land uses in the areas within the proposed rezoning and adjacent areas; and

(d) That the rezoning, if approved, would reflect the goals and intent of the city's strategic plan.

Section 24-12.5(F) lays out the findings required for approval of a schematic development plan in conjunction with a CD zone map amendment:

(2) Decision criteria for CD schematic development plan. The city council may approve a schematic development plan either as part of a zoning map amendment or standalone only upon the finding that:

(a) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone; and

(b) The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration; and

(c) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the CD zoned area and adjacent areas; and (d)

*The existing or planned public facilities are adequate to service the proposed development contained in the plan; and
(e) That the plan, if approved reflect the goals and intent of the city's strategic plan.*

The Applicant's Statement includes a discussion of how each of the above findings are met.¹ As noted in City Code Section 24-4.4, the zoning map amendment and schematic development plan are part of one application and both must be approved - the City Council cannot approve the application without approving both the rezoning and the SDP.

Abandonment Application AB-10054-2025

The Applicant has submitted an abandonment application to abandon portions of O'Neill Drive and Nancy Place. Chapter 19, Article III of the City Code sets forth procedures for the abandonment of public rights-of-way. The City Council may abandon the right-of-way if it finds from the evidence of record that the right-of-way is no longer necessary for present or anticipated future public use. No right-of-way that provides the sole means of ingress and egress to any property may be abandoned by action of the City Council without the written consent of the owner of such property.

Tree Removal Variance ENV-10050-2025

The implementation of the SDP requires the removal or disturbance of eleven (11) trees with a diameter over thirty (30) inches. Due to the size of these trees to be removed, the Applicant is requesting a variance² pursuant to the provisions of City Code Section 22-12, Variance Provisions for removal of tree. Pursuant to Section 22-12(c), the requirements for granting a variance are:

- (1) Describe the special conditions peculiar to the property which would cause the hardship;*
- (2) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;*
- (3) Verify that state water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance;
and*
- (4) Provide any other information appropriate to support the request.*

Environmental Waiver ENV-10078-2025

The Applicant has submitted an environmental waiver request for impacts to the stream valley buffer.³ The *Environmental Standards for Development Regulation* provide the Mayor and City Council the authority to grant environmental waivers (Section 38). Reasons for granting a waiver include:

- *The waiver will be the minimum necessary to accord relief.*

¹ Exhibit 17

² Exhibit 55

³ Exhibit 59

- *Completion of required approvals, rulings, permits, or waivers from all appropriate State and Federal findings agencies.*
- *A showing of good and sufficient cause and meeting the criteria outlined in Article III of this regulation.*
- *A determination that failure to grant a waiver would result in unnecessary or undue hardship to the applicant.*
- *A determination that the granting of the waiver will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, or the creation of nuisances.*
- *A determination that there are no conflicts with existing local and State laws or ordinances.*

Affordable Housing Waiver

The Applicant is requesting a waiver from the City's affordable housing requirements as they are alternatively meeting and exceeding the City's requirements by voluntarily maintaining 75% of the units as affordable to those making 50%-80% AMI.⁴ Section 24-13.5 of the City Code allows the City Council to grant a waiver upon showing:

- *Undue economic hardship on the part of the applicant in fulfilling the requirements of the law; or*
- *The absence of a reasonable relationship or nexus between a proposed project and the provisions of this Article.*

EXISTING LAND USE/PHYSICAL CHARACTERISTICS

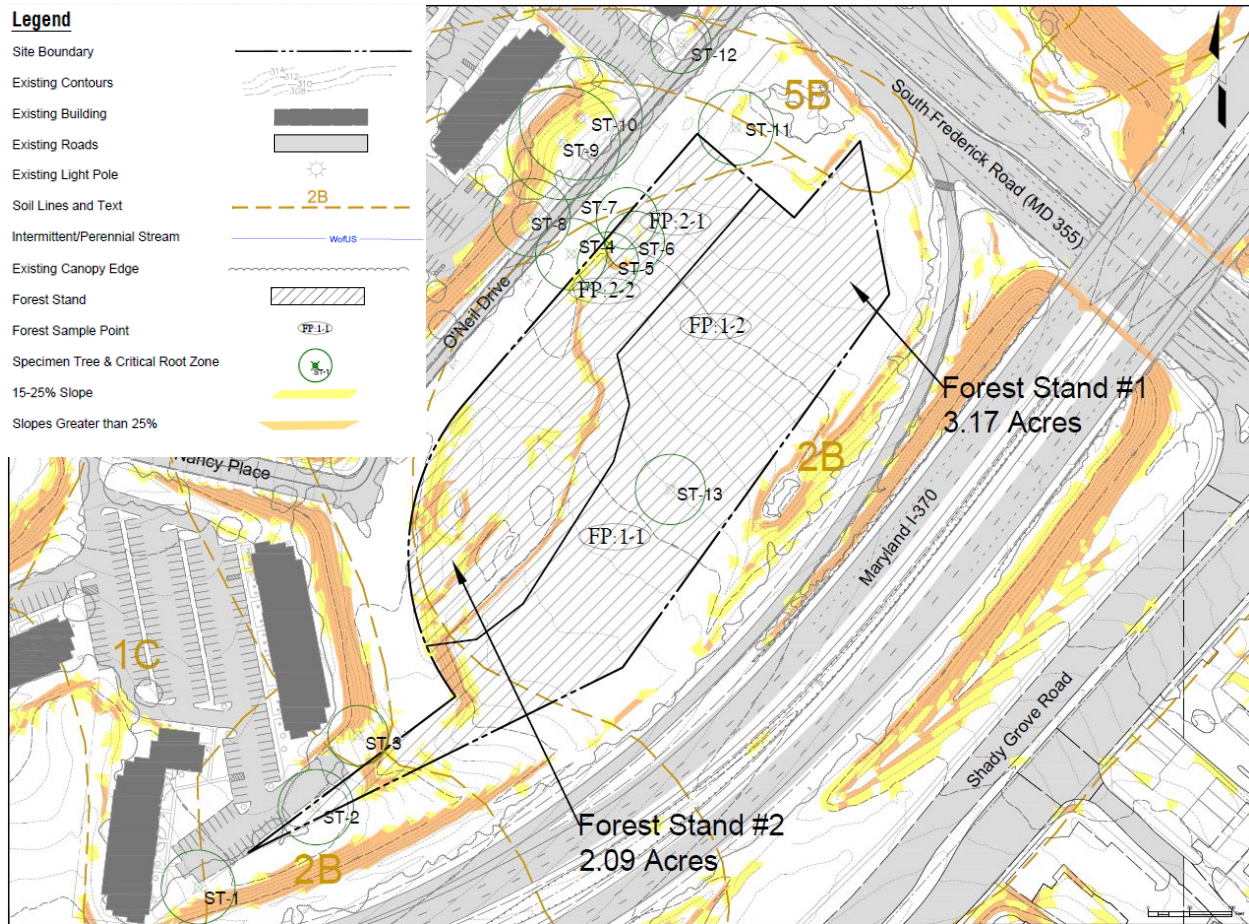
The Site totals 14.6 acres. A portion of the Site is developed with six garden-style apartment buildings containing 192 units (Rosedale Apartments) built in the 1970s. These units currently serve as naturally occurring, market-rate affordable units. The remainder (parcel P940) is an undeveloped wooded area. Two roads, O'Neill Drive and Nancy Place, facilitate conveyance through the Site from the signalized intersection at MD 355 to the rear of the Casey Community Center parking lot.

There are four forest stands onsite: two on the developed portion and two on parcel P940. The stands on the developed portion total .83 acres and are dominated by white oak, tulip poplar, black cherry, red maple, and black locust, but also contain non-native and invasive species. The stands on parcel P940 total 5.26 acres and include one with poor vegetative structure and dominated by bradford pear, pin oak, and flowering dogwood; and one with fair vegetative structure and dominated by red maple, red oak, black oak, and tulip poplar. Both stands are in moderate health but include non-native and invasive plant species. There are 21 specimen trees located within the Site limits, mostly in fair condition with one in poor condition.

There is a stream within 100 feet of the Site. The associated stream valley buffer encroaches slightly onto the Site. There are no wetlands or highly erodible soils and no

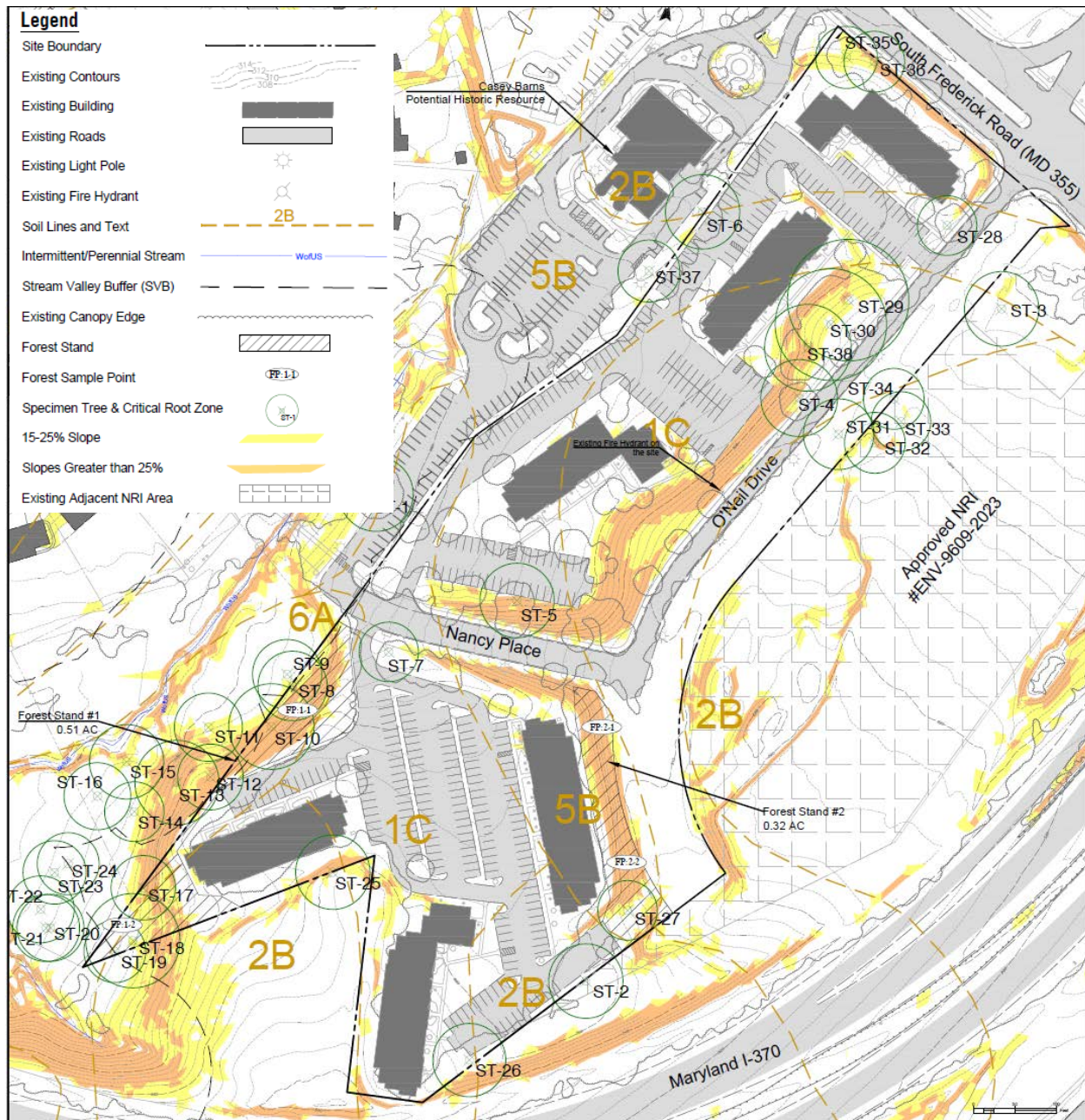
⁴ Exhibit 13

rare, threatened, or endangered species. There are steep slopes (greater than 25%) present on the Site, mostly adjacent to O'Neill Drive and Nancy Place. Two Natural Resources Inventories/Forest Stand Delineations (NRI/FSD) reflecting current conditions were approved July 26, 2023 (ENV-9609-2023) and November 21, 2023 (ENV-9654-2023).⁵



ENV-9609-2023

⁵ Exhibit 10



ENV-9654-2023

NEIGHBORHOOD LAND USE AND ZONING

The Site is currently zoned R-18, R-20, and CD. The Casey Community Center is immediately adjacent to the Site to the northwest and zoned R-A. On the other side of the Casey Community Center is the Rosemont neighborhood, zoned R-90, and an office building, zoned E-1. Across MD 355 and to the northwest is Hillside Senior Living, zoned CD. To the east and south of the Site is the City boundary and I-370 right-of-way.



Zoning Map

ZONING AND SITE PLAN HISTORY

Annexation and Zoning

Two of the parcels that comprise the Site, 2 O'Neill Drive and 3 Nancy Place, were annexed as part of X-099 in 1969, approved by resolution R-8-69, and were zoned RP-20. The parcel addressed as 3 Nancy Place was rezoned to R-20 in 1970 with resolution R-48-70 (Z-148). The RP-20 zone was renamed R-18 with ordinance O-2-72 in 1972, and 2 O'Neill Drive has remained R-18 since then. The unaddressed parcel P940 was assigned CD zoning when it annexed into the City in 2024 by resolution R-27-24 (X-9683-2023).

Annexation Agreement

An annexation agreement was approved along with Annexation X-9683-2023 (R-28-24).⁶ The terms of the Agreement only apply to the annexed parcel P940 and include:

- Clarification that the annexed parcel and Rosedale Apartments may be developed as a combined project under a single SDP;
- Exempts the property from the City's rental affordable housing requirements, provided at least 15% of the rental units are maintained as affordable;

⁶ Exhibit 63

- Allows up to five stories in height, or more in accordance with the CD Zone as amended;
- Allows the Applicant the option to apply forest conservation requirements under the Chapter 22 in effect as of the effective date of the Agreement at the time of final forest conservation plan application.

Master Plan and Zoning

The Site is included as Map Designation 22 in the 2009 Master Plan Land Use Element.⁷ The Master Plan acknowledges that the location of the Site affords future redevelopment opportunities and states that a “balanced mix of commercial/office and residential would be appropriate.” The narrative also states that any redevelopment should “consider the location’s role as an important gateway into the City of Gaithersburg.” The Master Plan recommends a commercial-office-residential land use designation and CD zoning.

The 2018 Master Plan Housing Element, adopted in 2023, addresses the need for low-income and affordable housing in the City while also laying out general housing policies and goals for the future. The Element includes goals to preserve existing affordable homes and create opportunities for new housing for residents of all income levels. Recommendations applicable to this Property include creating new housing opportunities on underutilized sites near transportation corridors and addressing housing needs in Equity Emphasis Areas.⁸

Site Plan History

The existing Rosedale Apartments, as well as the adjacent Casey Community Center, were approved with site plan S-200 in 1970 and site plan S-515 in 1976.

ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO)

Water and Sewer Services and Public Utilities

The Site is currently developed with or adjacent to both public water and public sewer service and has Washington Suburban Sanitary Commission (WSSC) categories of S-1 and W-1. These category designations indicate that the Site is currently served by both public water and public sewer service, and any development could utilize and expand those services. Thus, the Site satisfies the requirements of the water and sewer standards of the APFO, City Code Section 24-14.5. Staff notes that for the proposed development, WSSC is requiring the installation of a new water line that connects through the Casey Community Center parking lot to Edgewood Drive to satisfy their second feed and looping requirements.

⁷ Exhibit 64

⁸ Equity Emphasis Areas (EEAs) is a regional planning concept adopted by the Metropolitan Washington Council of Governments Board of Directors (MWCOG) to elevate equity and inform future growth and investment decisions. EEAs are 364 of the region’s more than 1,300 census tracts with high concentrations of low-income individuals and/or traditionally disadvantaged racial and ethnic population groups. The Site is located in an EEA.

Fire and Emergency Services

The Site is within the ten (10) minute response area of Montgomery County Department of Fire and Rescue Services Stations 3 (Rockville), 8 (Gaithersburg-Washington Grove), 28 (Gaithersburg-Washington Grove/Redland), and 32 (Travilah). Thus, the Site satisfies the requirements of the fire and emergency services standards of the APFO, City Code Section 24-14.6.

Schools

The Site is located in the Gaithersburg Cluster and is currently served by Rosemont Elementary School, Forest Oak Middle School, and Gaithersburg High School. No residential development moratoriums are currently in place according to the City's 2026 Schools Capacity Memo. Thus, the school capacity standards of City Code Section 24-14.4 are satisfied. Additionally, none of the schools serving the Site are currently subject to the utilization premium payment fee.

Traffic Impacts

The Applicant submitted a Traffic Impact Study (TIS), designated as application number TRF-10047-2025, performed by Wells and Associates, Inc.⁹ According to the TIS, the proposed development will have a minor impact on the adjacent transportation network. The following conclusions were made:

- Each of the four studied intersections would “continue to operate within the CLV standard of 1,450 during both the AM and PM peak hours under buildout conditions without further improvements.”
- All study intersections currently operate at acceptable levels of service according to the delay-based methodology, except for the MD 355/Shady Grove Road intersection that currently operates beyond capacity during the PM peak hour.
- The queuing analysis indicates that “the majority of queues can be adequately accommodated under existing, background, and total future conditions”, with the exception of:
 - the northbound left at MD 355/S. Westland Drive, and
 - the eastbound and southbound left at the MD 355/Shady Grove Road intersection,where queues exceed the storage area under existing, background, and total future conditions.
- The MD 355/Shady Grove Road intersection currently operates at a LOS “F” during the PM peak hour and is anticipated to continue to do so. Minor traffic signal timing adjustments as recommended would “improve operations and reduce queuing at this intersection.” The development of the Site would have “only a minor impact on overall delay and operations at the study area intersections with overall increases of delay of less than five (5.0) seconds.”

⁹ Exhibit 47

The Department of Public Works has reviewed and approved the traffic impact study. Therefore, the application complies with the requirements of the City's APFO for traffic impacts (City Code Section 24-14.3).

Z-10030-2025 PROPOSAL

Schematic Development Plan

As required by City Code Section 24-434(H)(1), the Applicant has submitted a schematic development plan (SDP) as part of the zoning map amendment application.¹⁰ The SDP proposes the redevelopment of the existing Rosedale Apartments with a new multi-family rental residential community containing up to 434 units spread across 9 buildings, built in two phases. The buildings will be 3 to 5 stories tall and include both open breezeway walk-up buildings and interior corridor elevator buildings. Surface parking will be provided for residents and guests, and ample green and open amenity space will be provided throughout the development. The maximum building height proposed is 75 feet, and setbacks are provided in compliance with the CD Zone, including a 25-foot setback from the northern adjacent property (Casey Community Center). O'Neill Drive and Nancy Place will be realigned and constructed as one new road ("O'Neill Drive") connecting MD 355 to the rear of the Casey Community Center parking lot.

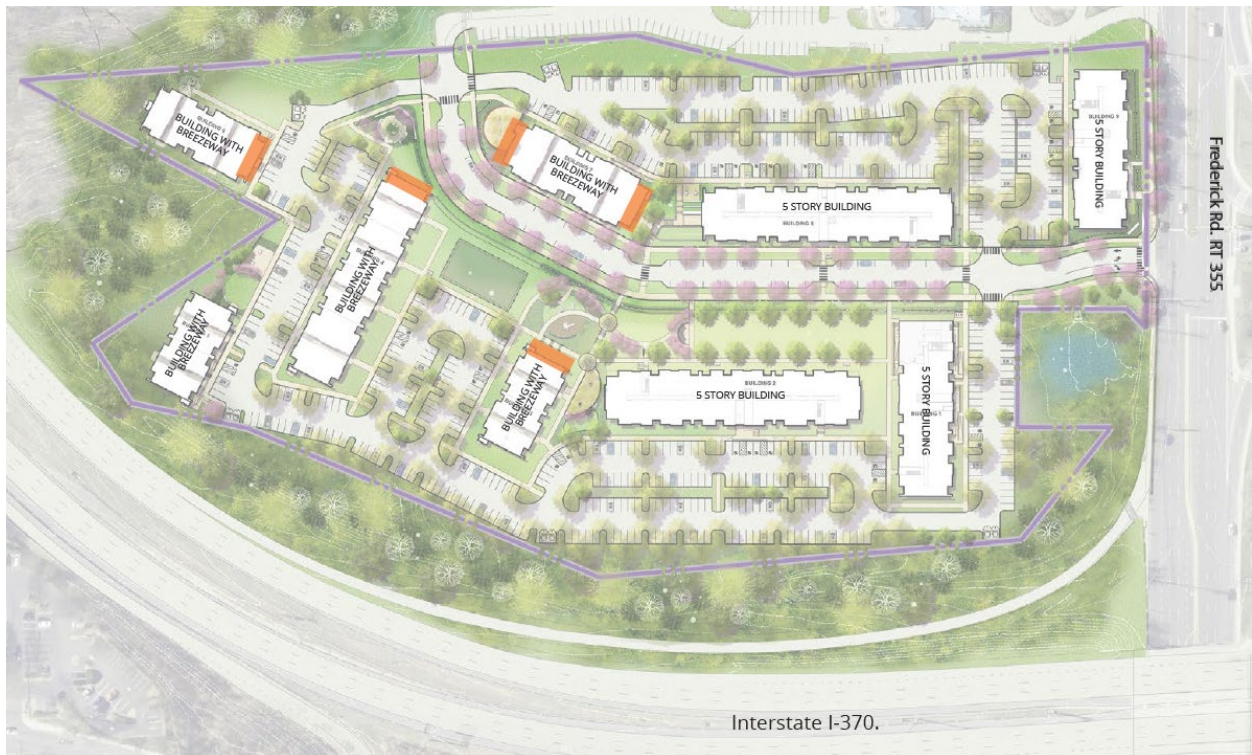


Exhibit 57 Excerpt

Of the 434 units proposed, 218 (50%) will be one-bedroom, 166 (38%) will be two-bedroom, and 50 (12%) will be three-bedroom.

¹⁰ Exhibit 48

Table 6: Building Data by Phase

Bldg	Bldg Maximum Height	Bldg Stories	Bldg Gross Floor Area	One	Two-	Three-	Total Bldg. Units ⁽¹⁾	Percentage		
				Bedroom Unit	Bedroom Unit	Bedroom Unit		One-Bedroom	Two-Bedroom	Three-Bedroom
PHASE 1										
1*	up to 75 ft	5	79,302 sf	49	18	0	67	73.1%	26.9%	0.0%
2*	up to 75 ft	5	114,545 sf	42	28	20	90	46.7%	31.1%	22.2%
3	up to 65 ft	4 (3/4 Split)	38,260 sf	28	0	0	28	100.0%	0.0%	0.0%
Subtotal			232,107 sf	119	46	20	185	64.3%	24.9%	10.8%
PHASE 2										
4	up to 65 ft	4 (3/4 Split)	66,045 sf	42	14	0	56	75.0%	25.0%	0.0%
5	up to 65 ft	4	29,794 sf	32	0	0	32	100.0%	0.0%	0.0%
6	up to 55 ft	3	31,358 sf	12	12	0	24	50.0%	50.0%	0.0%
7	up to 65 ft	4 (3/4 Split)	44,447 sf	0	14	14	28	0.0%	50.0%	50.0%
8*	up to 75 ft	4+Bsmnt (3/5 split)	93,381 sf	11	37	16	64	17.2%	57.8%	25.0%
9*	up to 75 ft	5 (4/5 Split)	65,820 sf	2	43	0	45	4.4%	95.6%	0.0%
Subtotal			330,845 sf	99	120	30	249	39.8%	48.2%	12.0%
TOTAL			562,952 sf	218	166	50	434	50.2%	38.2%	11.5%

Exhibit 57f Excerpt

The existing Rosedale Apartments function as naturally occurring affordable housing through discretion exercised by the Casey Foundation. The Foundation has voluntarily maintained rental rates that are affordable to tenants with incomes ranging from \$38,000 to \$52,000 without any regulatory agreement requiring such an affordability covenant. Given the Foundation's mission to upgrade the multi-family dwelling units with a continued emphasis on affordability for City residents, and the opportunity to provide upward mobility through some additional market-rate units at the property, the project will be operated by the Foundation through a Section 501-C-3 charitable mixed-income housing entity that will restrict 75% of the units to occupancy by qualified low- and moderate-income residents (50-80% AMI as defined by IRS Rev. Proc. 96-32). The remaining 25% of units may be provided as market-rate units for residents with incomes in excess of the above-referenced income limits to ensure there are opportunities for upward mobility within the project.

Table 5: Affordable Housing Units

Total Units	Income Restricted Units Required	Income Restricted Units Required	Income Restricted Units	Income Restricted Units Proposed
Annexed Parcel Proposed Bldg 1,2 & 3				
185	N/A (1)	N/A (1)	75%	139
Proposed Bldg 4,5, 6, 7, 8 & 9				
249	N/A (1)	N/A (1)	75%	187
434				326

Exhibit 57f Excerpt

The SDP proposes 603 surface parking spaces for residents and guests, equating to an overall ratio of 1.39 spaces per unit. This is 21 spaces less than would be required per the City's Parking Ordinance; however, the CD Zone allows the City Council to establish parking ratios at the schematic development plan stage. Once completed, O'Neill Drive

will include 41 on-street spaces in addition to the 603 surface lot spaces. As discussed in the Applicant's Statement,¹¹ site constraints and the need to provide modern stormwater management facilities along with open amenity space limit the areas available for parking. The additional 41 on-street spaces will supplement the surface lot parking provided, and the proximity of the Site to bus service on MD 355 may reduce dependence on on-site parking.

Amenity Space

The SDP proposes approximately 65,000 square feet of outdoor amenity space, currently lacking in the existing development, spread throughout the new community and serving multiple ages.¹² The two largest amenity areas include an active play area with a sport court and playground (area 3 labeled below), and a 25,000 square foot common green (area 4 labeled below). Other smaller amenity areas will include seating and landscaping for passive enjoyment.



Exhibit 57 Excerpt

Illustrative renderings in the design guidelines¹³ help characterize the individual amenity spaces.

¹¹ Exhibit 17 pages 17-18

¹² Exhibit 52j

¹³ Exhibit 57

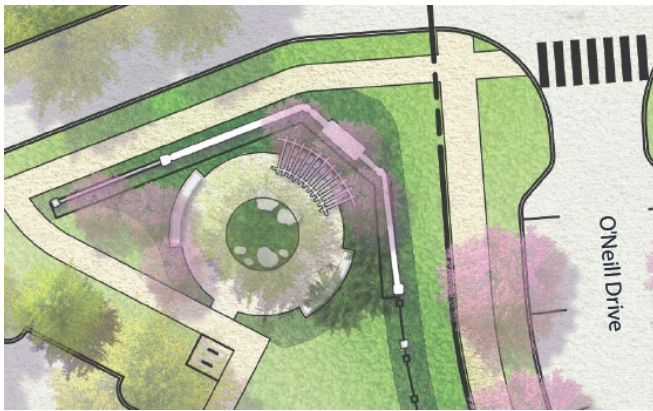
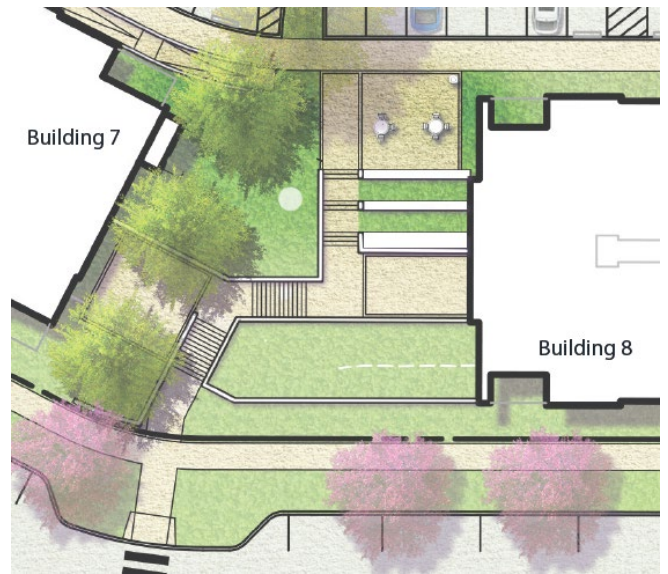


Exhibit 57 Excerpts



Phasing

As stated, the project will be completed in two phases to avoid the displacement of current residents. Three new buildings on the vacant portion will be constructed in phase 1. Existing tenants will move into the new buildings before the existing apartments are demolished. The remaining six buildings and the new realigned road will be constructed in phase 2. The phasing required to prevent displacement of current residents does not allow completion of all parking for the phase 1 buildings. To make up for this shortage, 46 parking spaces in the existing parking lot (highlighted in blue below) will be maintained as overflow parking for phase 1 residents during construction of the new road in phase 2. Once the road is constructed, the 41 on-street spaces will serve as overflow for phase 1 residents throughout the completion of phase 2.

Phase 1:

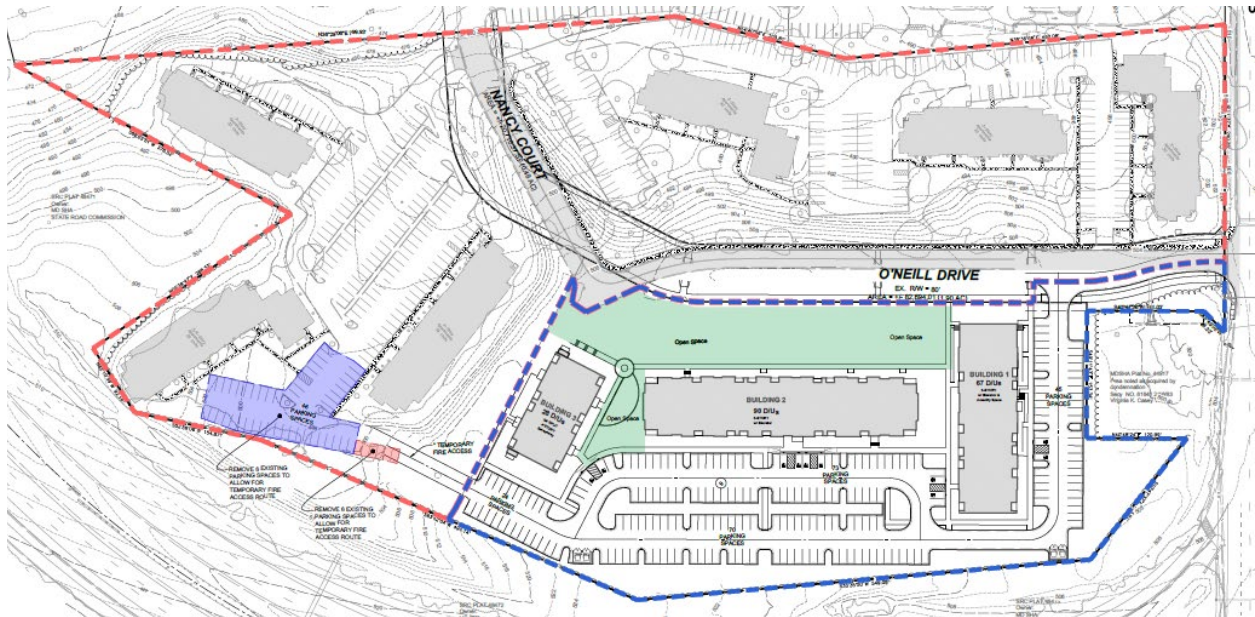


Exhibit 52h Excerpt

Phase 2:

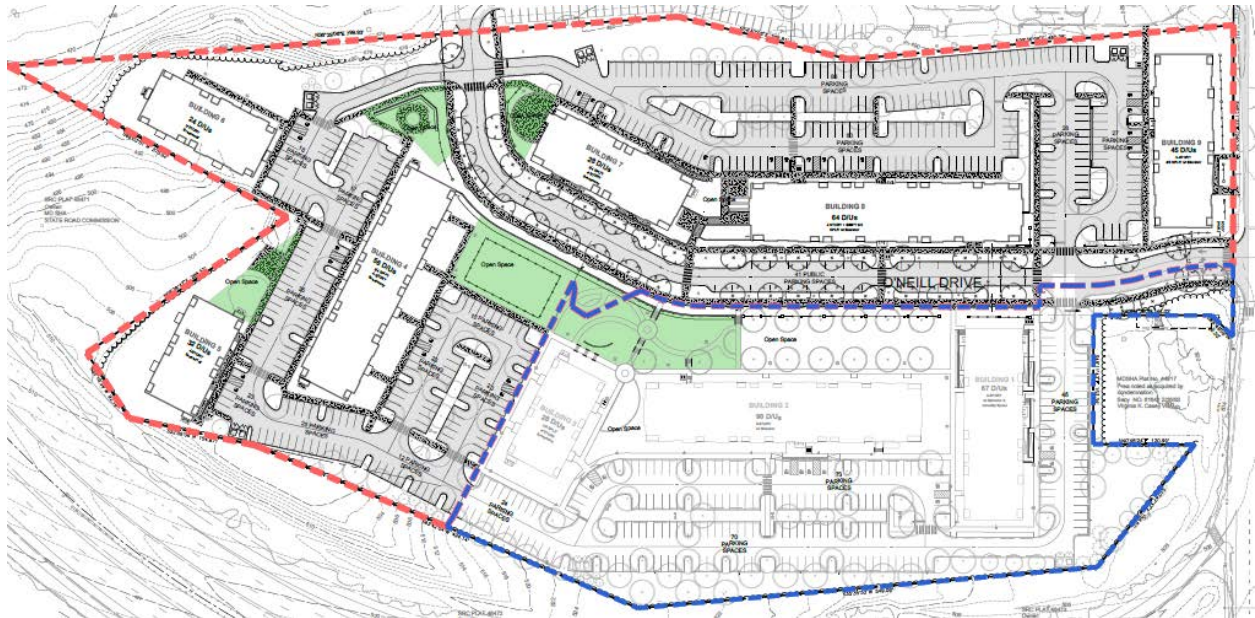


Exhibit 52i Excerpt

Architecture and Design Guidelines

The Applicant has submitted design guidelines¹⁴ that include conceptual architecture. The project includes two building types: open breezeway walk-up buildings and interior corridor elevator buildings. The proposed materials for the residential buildings include

¹⁴ Exhibit 57

brick, vinyl siding, and cementitious siding and panel. Porches and stoops with canopies will highlight building entrances. Balconies will add further articulation, breaking up the facades.

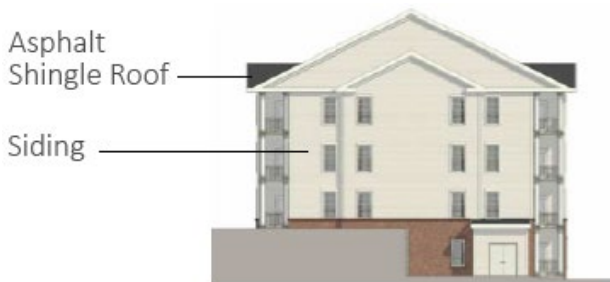


Exhibit 57 Excerpt

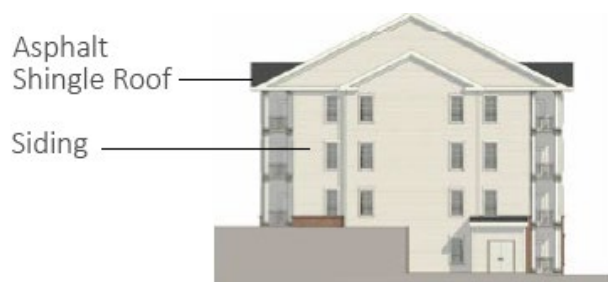
The design guidelines identify high visibility facades with enhanced treatment for the breezeway buildings. The interior corridor buildings have the same treatment on all facades.



Typ Breezeway 4-ST Elevation



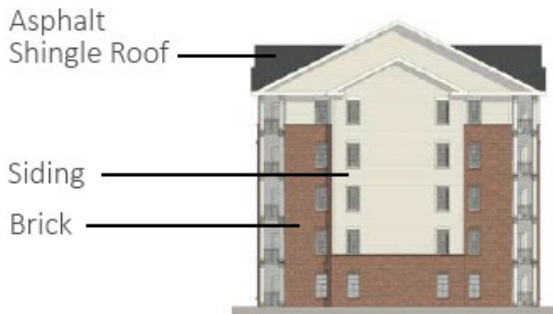
Typ High-Visibility Breezeway Side 1 Elevation



Typ Low-Visibility Breezeway Side 1 Elevation



Typ 5-ST Building Front Elevation (Interior corridor building)



Typ 5-ST Building Side 1 Elevation (Interior corridor building)



Exhibit 57 Excerpts

In addition to architecture, the design guidelines also establish standards for the following:

- Signage
- Screening, fencing, and retaining walls
- Landscape plantings
- Open space and amenity areas.

Landscape Plan

The Applicant submitted a preliminary landscape plan as part of the SDP.¹⁵ The landscape plan proposes a variety of shade trees, ornamental trees, and evergreen trees throughout the Site. Major street trees are proposed along both sides of O'Neill Drive. Plantings will be distributed throughout the parking areas, in parking lot islands and along the perimeter in accordance with the Parking Ordinance's 30% coverage requirement, and in the open amenity areas. Tree plantings along the boundary facing I-370 will provide screening and a buffer.

Preliminary Forest Conservation Plan

The Applicant submitted a preliminary forest conservation plan as part of the SDP.¹⁶ The project requires 7.29 acres of reforestation, and the Applicant intends to satisfy this primarily through tree canopy credit and fee-in-lieu, as well as some reforestation within forest conservation easements.

Tree Removal Variance

The application includes a variance request to remove eight (8) trees and impact three (3) trees' critical root zones in accordance with Section 22-12 of the City Code.¹⁷ Staff has reviewed the Applicant's request and justification and notes the following:

- The Rosedale Apartments were constructed in 1972 and require substantial upgrades to support the needs of the residents.
- Without the tree variance, and the removal of the 8 variance trees and impact to 3 others, the Applicant would not be able to develop the Site with a functional development that would meet all legal requirements and replace the aging complex.
- The variance is requested due to the equipment and space needed to construct the proposed buildings and other infrastructure:
 - Demolition Related Impacts
 - Grading Related Impacts
 - Utility Related Impacts.
- Designing around all the variance trees would impose an undue financial burden on the Applicant and would jeopardize the viability of the redevelopment.

¹⁵ Exhibit 50

¹⁶ Exhibit 51

¹⁷ Exhibit 55

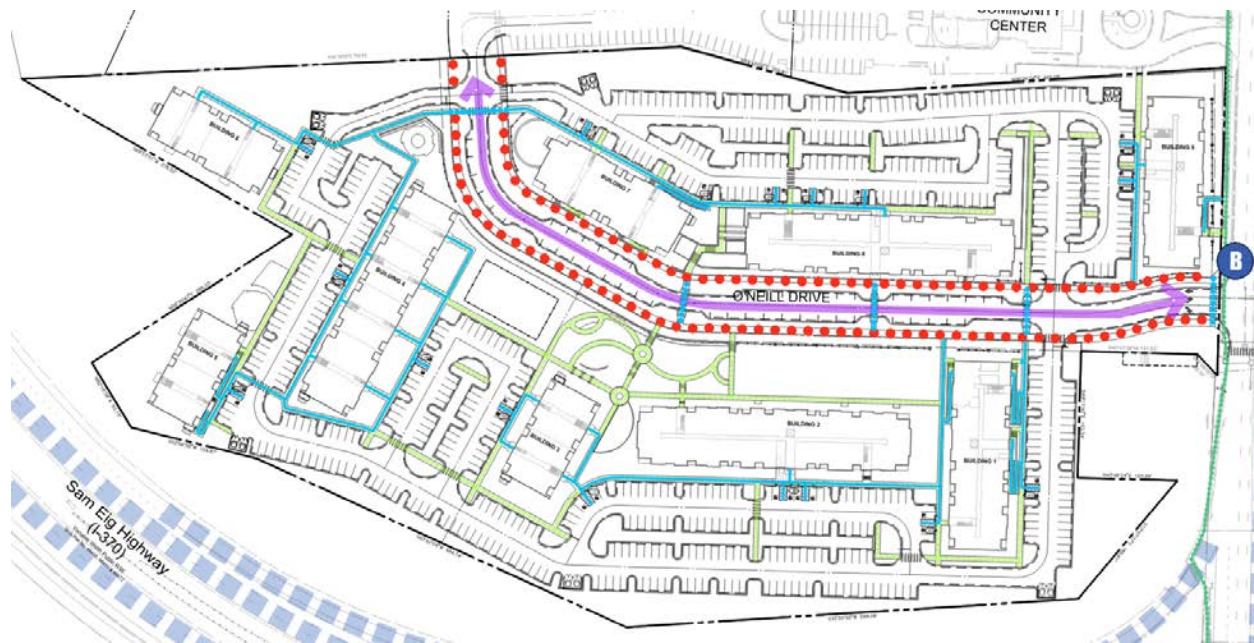
Staff concurs that the variance request is based upon necessary construction and demolition and the impacts shown are unavoidable if the City supports the proposed redevelopment plan.



Exhibit 55 Excerpt

Pedestrian Circulation

The new realigned O'Neill Drive will incorporate all required elements of a neighborhood residential street, including on-street parking, a planted buffer zone, and sidewalks. A 6-foot-wide sidewalk will be provided on the north side and an 8-foot-wide sidewalk will be provided on the south side of the street. Additional 6-foot-wide sidewalks will be provided throughout the development, ensuring pedestrian connectivity between each building, the parking lots, and the amenity areas.



- ● ● PEDESTRIAN SIDEWALK WITHIN PUBLIC R.O.W. (SOUTH OF O'NEILL DR. = 8'; NORTH OF O'NEILL DR. = 6')
- PEDESTRIAN CIRCULATION PATH (PRIVATELY MAINTAINED - MIN. WIDTH = 6')
- - - ADA ACCESSIBLE PATH (PRIVATELY MAINTAINED - MIN. WIDTH = 6')
- ● ● PROWAG ACCESSIBLE PATH

Exhibit 52c Excerpt

Noise analysis

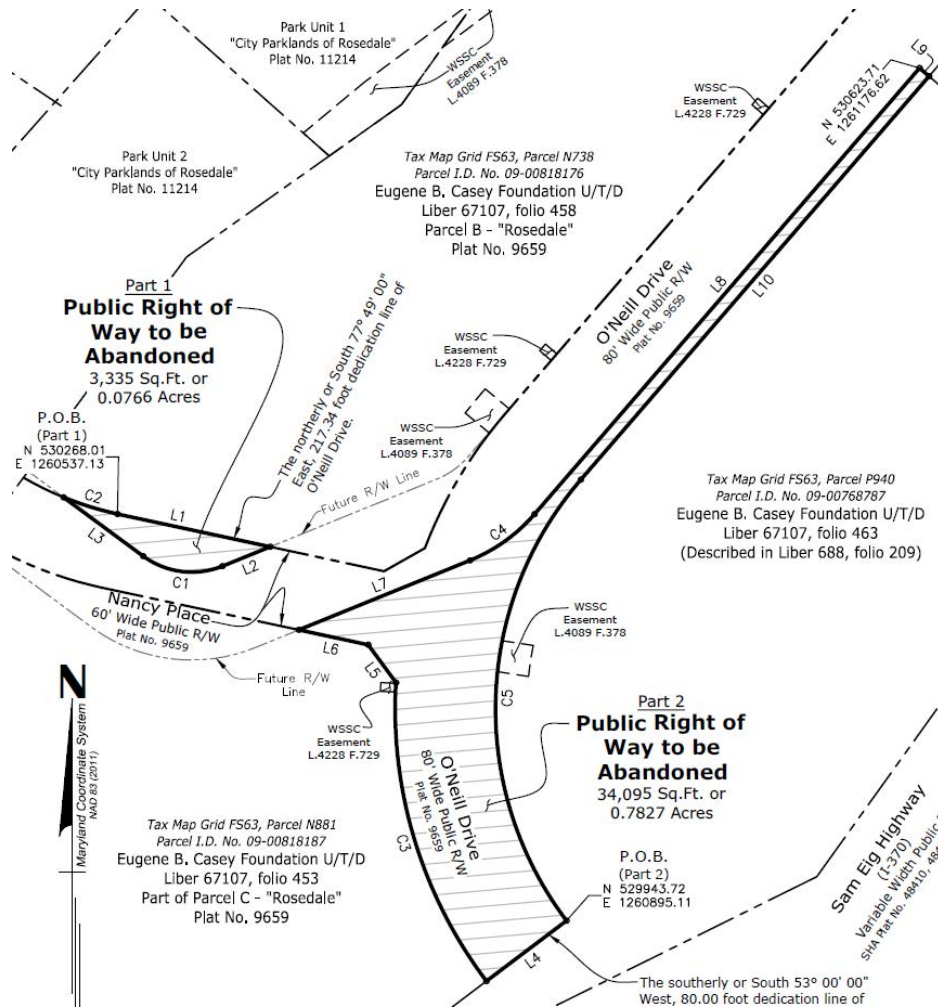
A noise analysis was conducted by Phoenix Noise & Vibration and submitted as part of the SDP.¹⁸ The analysis studied noise impact from MD 355, I-370, and Shady Grove Road and provided an evaluation according to Montgomery County's noise requirements. The analysis concluded that all nine residential buildings will have some areas exposed to future transportation noise above 65 dBA Ldn¹⁹, with the maximum being 77 dBA Ldn. Based on Montgomery County's standards, units with noise levels above 65 dBA Ldn require additional treatment for noise reduction. According to the analysis, "depending upon the noise level specific to each impacted unit, modifications may include increased window/door STC ratings. Where noise impact is significantly above 65 dBA Ldn, exterior wall modifications may also be necessary." Units with noise impacts greater than 65 dBA Ldn will require further analysis at the time of final site plan and building permit to determine the building construction upgrades that will be necessary to comply with Montgomery County's noise requirements.

¹⁸ Exhibit 15

¹⁹ See exhibit 15 page 2 for description of dBA Ldn.

Abandonment

The Applicant has submitted an abandonment application (AB-10054-2025) in conjunction with the rezoning and SDP. The application requests the abandonment of approximately 37,430 square of O'Neill Drive and Nancy Place right-of-way. The abandonment would reduce the existing O'Neill Drive right-of-way from eighty (80) feet to seventy (70) feet, abandon the extension of O'Neill Drive that was never built, and realign Nancy Place.



Abandonment Area Description

The SDP proposes dedicating new right-of-way to facilitate the realignment of the existing roadway. If granted, the abandonment and subsequent dedication will accommodate the minimum right-of-way as a Neighborhood Residential Street typology in compliance with the *City's Street Design Standards and Traffic Calming Best Practices* regulations. The abandonment and subsequent realignment afford the Applicant the ability to provide ample open and amenity space rather than impervious road paving for future residents. The newly aligned O'Neill Drive will still provide connectivity from the signalized

intersection at MD 355, through the new development and to the rear of the Casey Community Center parking lot.

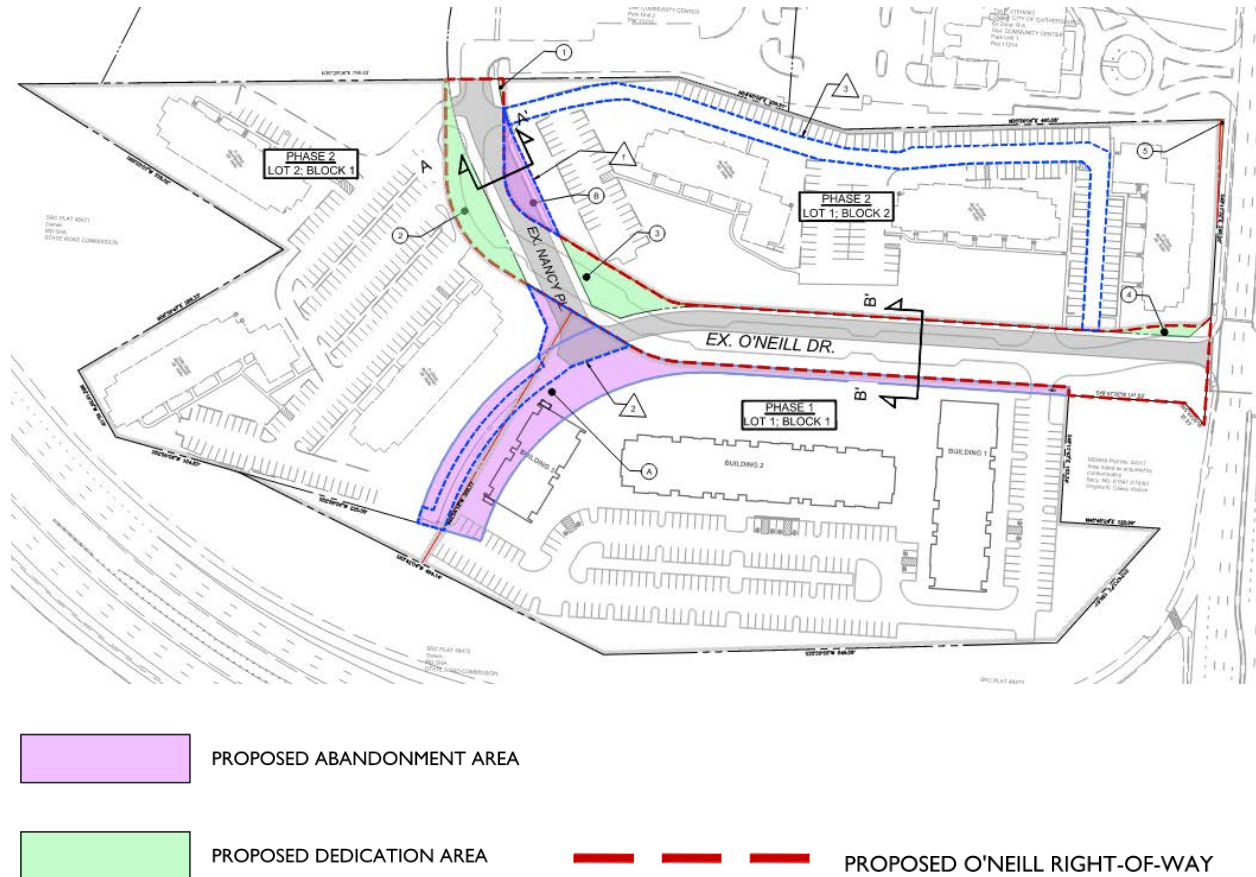


Exhibit 52e Excerpt

The abandonment application was introduced to the Mayor & City Council during their July 7, 2025 meeting. During their August 6, 2025 meeting, the Planning Commission voted to support the abandonment application and recommend the City Council proceed with a public hearing in conjunction with Z-10030-2025.

Affordable Housing Waiver

The Applicant has submitted a request for an affordable housing waiver²⁰ in association with the rezoning and SDP, in accordance with Section 24-13.5 of the City Code. The waiver is being requested due to the lack of a reasonable relationship or nexus between the application and the City’s Affordable Housing Ordinance. As discussed in the Applicant’s request, the “Project will be operated by the Foundation through a Section 501(c)(3) charitable mixed-income housing entity that will restrict 75% of the units to occupancy by qualified low- and moderate-income residents per the IRS Code [(50-80% AMI as defined by IRS Rev. Proc. 96-32)].” As such, the Casey Foundation is “alternatively meeting and exceeding the City’s affordable housing intentions, policies,

²⁰ Exhibit 13

and requirements established in the Affordable Housing Ordinance....” Additionally, the waiver would allow affordable housing to be administered uniformly across the Site. As stated previously, the annexation agreement that applies to parcel P940 exempts that parcel from the City’s rental affordable housing requirements, provided at least 15% of the rental units are maintained as affordable. However, that agreement only applies to the units constructed on that one annexed parcel. Given the Site is being developed as one holistic community, the Applicant requests the waiver to bring the entire Site under one regulatory framework (the IRS guidelines as opposed to the City’s MPDU regulations).

Staff notes that the annexation agreement included a provision that removes the affordable housing exemption should the property no longer restrict at least 15% of the units as affordable according to the IRS regulations. To ensure similar safeguards are provided across the entire Site, a restrictive covenant will be required with the following:

- A provision that if the number of affordable units falls below 15%, then the City’s affordable housing requirements apply,
- A provision allowing the City to audit the number of affordable units upon request in order to ensure compliance.²¹

Environmental Waiver

The Applicant has submitted a request for an environmental waiver²² in association with the rezoning and SDP, in accordance with Section 38 of the *Environmental Standards for Development Regulation*. The waiver is being requested for impacts to the stream valley buffer (SVB) as a result of removal of existing infrastructure, installation of necessary storm drain outfalls and sewer line connections, installation of a new water line as required by WSSC, the improvement of an existing roadway connection, and area to conduct and satisfy any mitigation required for impacts to the stream buffer. The impacts include:

- Proposed improvements within the stream valley buffer (~0.5 acres):
 - Impacts due to a storm drain needed to maintain existing drainage divides as well as two (2) necessary outfalls:
 - Permanent: 1,699 square feet (SF) of SVB; 55 linear feet (LF) of stream
 - Temporary: 4,880 SF of SVB
 - Impacts due to the improvement of a roadway connection to the adjacent community center parcel, a storm drain outfall, and WSSC water line to connect to existing infrastructure:
 - Permanent: 5,333 SF of SVB
 - Temporary: 8,446 SF of SVB; 21 LF of stream
 - Impacts due to the removal of the existing parking lot pavement and installation of a sewer line that connects to existing infrastructure.
 - Temporary: 4 SF of SVB for the connection to the sewer main.
- Mitigation Impact Area:
 - Area of mitigation subject to the impacts determined at final engineering.

²¹ Exhibit 61

²² Exhibit 59

The overall impact area totals 2.26 acres. This is the maximum extent possible of impacts and includes all proposed improvements and mitigation efforts to offset any impacts to the stream valley buffer. The Applicant is proposing mitigation for any impacts to the stream valley buffer at a 1:1 ratio through a combination of enhancement of existing environmental features and reforestation all to be done within the stream buffer being impacted. The details and final acreage of mitigation will be determined with consultation with City staff through the final engineering and agency permitting process, completed at the final site plan stage. The necessary area of mitigation may be reduced at final site plan; however, the Applicant is requesting a waiver for the maximum limits of disturbance possible. Many of the impacts being presented in this waiver are due to the need for updated utility infrastructure in the form of a water line required by WSSC, sewer line, and improved stormwater management systems. The proposed designed has been developed specifically to minimize the impacts to natural resources.

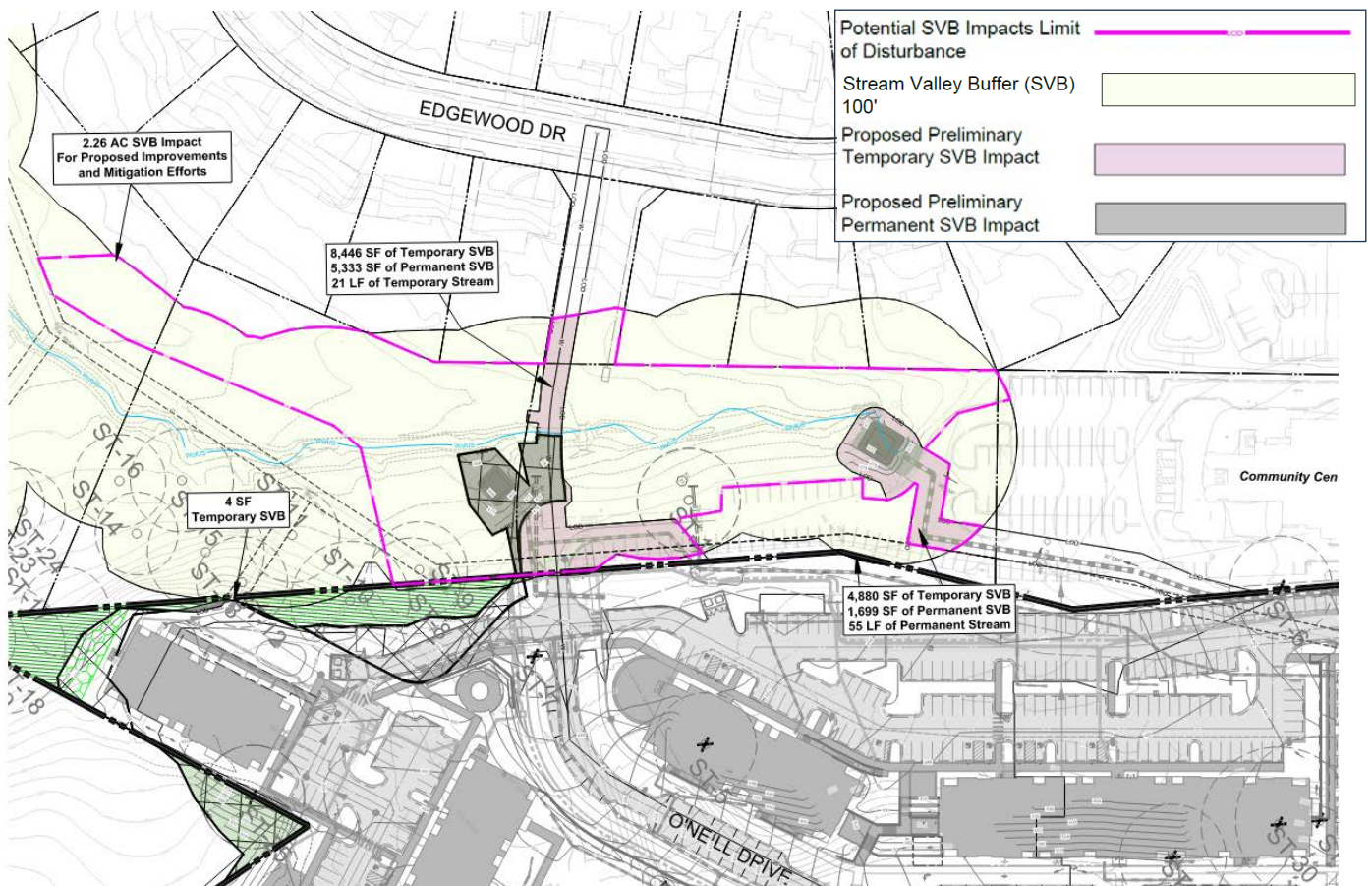


Exhibit 59 Excerpt

STORMWATER MANAGEMENT AND SEDIMENT & EROSION CONTROL

In accordance with the requirement for the submission of a schematic development plan, City Code Section 24-12.5 (C), the Applicant has submitted preliminary stormwater management and sediment and erosion control plan applications, SWM-10003-2025 and

ESC-10029-2025 respectively. Both plans have been approved by the Department of Public Works.²³

SUMMARY

The Applicant has submitted Zoning Map Amendment application Z-10030-2025 with an associated schematic development plan for consideration in accordance with Section 24-4.4 (H) of the City Code along with a tree removal variance, affordable housing waiver, and environmental waiver. An abandonment application, AB-10054-2025, has also been submitted requesting to abandon approximately 37,430 square feet of O'Neill Drive and Nancy Place right-of-way. A joint public hearing before the Mayor and City Council and the Planning Commission has been scheduled for October 20, 2025.

Because this is the initial public hearing no formal recommendation is provided at this time. Staff will continue to work with the Applicant on refining the plan following the public hearing and in response to comments received into the record. Staff has noted the following items need further refinement:

- Graphical and clerical clean-up
- Refining the easement plan
- Fencing details as part of the retaining wall design
- Draft terms of the restrictive covenant for the affordable housing waiver.

For the purpose of concluding the public hearing, Staff recommends:

1. The Planning Commission make a motion to hold their record open until 5:00 PM on November 19, 2025 (30 days), with a recommendation to the Mayor and City Council tentatively scheduled for December 3, 2025.
2. The Mayor and City Council make a motion to hold their record open until 5:00 PM on December 12, 2025 (53 days), with policy discussion tentatively scheduled for January 5, 2026.

²³ Exhibits 65-66