

Statement of Justification
Worldshine Home
12450 West Old Baltimore Road and 21908 Ruby Drive, Boyds, MD
Preliminary Plan

Worldshine Homes, LLC (“Worldshine”) (the “Applicant”) is submitting this application for Preliminary Plan approval (the “Application”) for consideration by the Montgomery County Planning Board for the property located in the northwest quadrant of the intersection of West Old Baltimore Road and Ruby Drive (the “Property”). The Applicant is proposing to consolidate the Property into one lot to facilitate the development of a Residential Care Facility (over 16 persons) containing up to 120 beds, as approved by Conditional Use No. 23-11 (the “Project”). Specifically, the Applicant is proposing to redevelop the Property with eight cottage-style buildings, which collectively contain up to 27,440 square feet of overall gross floor area and up to 120 assisted living beds, with associated services and amenities. As discussed in detail below, the Project has gone through many iterations, based on feedback from the community and Planning Staff, and has been specifically designed to be compatible with the surrounding residential community, both in terms of design of the cottages which are similar in size and character to single-family detached homes and the layout of the site. Importantly, the Project will provide much-needed assisted living facilities in the Clarksburg/Boyds area of Montgomery County, where no such facilities exist today.

There is a need for more senior housing in the County, as a whole. But there is a significant need for assisted living in the Clarksburg/Boyds area, as there currently are, to our knowledge, no assisted living facilities (with the exception of one group home with five beds) to service those in the community who wish to age in place. As such, the Project presents an important opportunity to provide assisted living services, which will serve County residents and allow Clarksburg/Boyds residents to stay in their communities, close to family and friends, as they age. The proposed facility will provide a quality lifestyle and the necessary services to allow senior residents to remain vital members of their community. As discussed herein and found the by Planning Board and Hearing Examiner in connection with Conditional Use No. 23-11, the Project satisfies the applicable development standards of the R-200 Zone and use standards for a Residential Care Facility (over 16 persons), and substantially conforms with the *1994 Approved and Adopted Clarksburg Master Plan & Hyattstown Special Study Area* (the “Master Plan”).

I. BACKGROUND

A. Applicant

Worldshine is a senior care management company that aims to enhance the lives of the County’s valued seniors. Worldshine owns and operates three senior daycare facilities – one in Germantown, one in Prince George’s County (Beltsville), and one in Frederick – collectively

having served over 600 seniors. They provide high-quality, individualized services that support and enrich the lives of seniors. In addition to qualified and specialized care services, Worldshine provides a safe and secure environment for seniors aimed at promoting meaningful social interactions and participation in daily activities to enhance independence and quality of life. Given that Worldshine is a long-term owner and operator in the region, they will ensure that the project fulfills the needs of the residents and also is compatible with the surrounding community. Worldshine has received numerous recognitions for its current facilities from members of the Congressional Delegation including Senator Chris Van Hollen and Congressman Jamie Raskin, Maryland Gov. Hogan, the County Executives of Montgomery, Prince George's and Frederick Counties; the Mayor of the City of Frederick; Maryland Secretary of State Susan Lee; at the time, Maryland Comptroller Peter Franchot, and Senators and Delegates from the Maryland Delegation. Worldshine is committed to providing the same high-quality of care to the Boyds community through this facility.

B. Design Iteration

The Project layout shown on the Preliminary Plan (as reflected on the Approved Conditional Use) is the result of significant modifications made to address comments received by the community, Park and Planning Staff, and various reviewing agencies during pre-submission meetings and the Conditional Use review process.

The Applicant originally submitted a Concept Plan (No. 520190120) to the Maryland-National Capital Park & Planning Commission ("M-NCPPC") on May 14, 2019 (the "Original Concept Plan"). In connection with the Original Concept Plan, the Applicant proposed to construct a Residential Care Facility (over 16 persons) with seven building masses located above a continuous, below-grade structure. The Original Concept Plan proposed a total of up to 112 beds on 4.09 acres (*i.e.* prior to the expansion of the site area).

In response to comments received from the community, Park and Planning Staff, and various County agencies, in connection with the Original Concept Plan, the Applicant made significant changes to the Project design, which were reflected in an amended Concept Plan (No. 520220060) submitted on September 9, 2021 (the "Amended Concept Plan"). Notably, the Amended Concept Plan reduced the footprint and mass of the buildings to be more compatible in scale and height with the surrounding residential communities; and relocated the main entrance and vehicular drop-off to the southern portion of the Property, within the surface parking lot, to promote compatibility with the confronting homes along Ruby Drive. The underground structure (previously proposed to connect all buildings on the Property) also was eliminated. Under this proposal, vehicular access was accommodated off of Ruby Drive. However, based on additional comments received on the Amended Concept Plan, the Applicant eliminated the cul-de-sac previously proposed at the end of Ruby Drive and the parking accessed off of it, in order to minimize vehicular traffic traveling down Ruby Drive.

Most significantly, the Applicant was able to acquire the parcel located directly along West Old Baltimore Road (the other "part of Lot 1"), which allows the Applicant to keep all vehicular

activity for the Project off Ruby Drive. Additionally, with this expanded site area and revised layout, the Applicant was able to move the parking and trash enclosure to the rear of the Property, so as to be substantially screened from the surrounding residential homes, while maintaining the existing character of West Old Baltimore Road and Ruby Drive. As found in connection with the approval of the Conditional Use, these changes result in a compatible Project that provides needed, additional senior housing to support the surrounding community.

II. CONDITIONAL USE APPROVAL

The Applicant obtained Conditional Use approval (No. CU 23-11) from the Montgomery County Hearing Examiner for the redevelopment of the Property with a Residential Care Facility (Over 16 persons), containing up to up to 120 assisted living beds on April 16, 2024.

III. PROPERTY BACKGROUND

A. Property Description

The Property is located in the northwest quadrant of the intersection of West Old Baltimore Road and Ruby Drive. The Property is an assemblage of four separate parcels more particularly known as Lot 3, Lot 2 and Lot 1 (currently comprised as two separate parcels that collectively comprise Lot 1) in the “Neelsville” subdivision as recorded among the Land Records of Montgomery County, Maryland at Plat No. 7681. Collectively, the Property has a net lot area of approximately 202,898 square feet or 4.66 acres.

The Property currently is underutilized and improved with two single-family homes and associated accessory structures. To our knowledge, there are currently no assisted living facilities provided in the Clarksburg/Boyd region of Montgomery County. There are limited options in the area for those seniors who want to “age in their community” but need help with the activities of daily living. The Project, which will be the first Assisted Living residence in the Clarksburg/Boyds area, will address this growing need by providing assisted living services to support the community.

B. Existing Zoning

The Property is zoned R-200. Section 59.3.1.6 of the Zoning Ordinance provides that a Residential Care Facility (Over 16 Persons) is permitted as a Conditional Use in the R-200 Zone. Residential Care Facility is defined to include assisted living facilities, like the proposed Project.

C. Surrounding Zoning and Uses

The Property is surrounded by residential communities in the R-200 Zone. Directly to the west of the Property is a medium-density single-family development known as Clarksburg Heights, containing approximately 130 homes – this development was approved under the MPDU Optional Method of Development (*e.g.* at higher than standard density, with smaller than typical lots). To the north is a child daycare facility operated by the Goddard School. Confronting the Property, across Ruby Drive are several single-family homes. Farther beyond to the east, and

across West Old Baltimore Road to the south, is a new residential subdivision containing 57 detached homes and 10 semi-detached units known as Tapestry, also approved with higher than standards R-200 density pursuant to the MPDU Optional Method of Development. The proposed Residential Care Facility has been specifically designed to promote compatibility with its surroundings. As discussed in detail during the Conditional Use proceeding, the Project proposes individual cottage style homes that are comparable in size with the surrounding single-family detached homes.

IV. PROJECT DESCRIPTION

The Applicant proposes to redevelop the Property under the standard method of development for the R-200 Zone with a Residential Care Facility (Over 16 Persons) (*see* Section 59-3.3.2.E.c). Specifically, the Project includes eight cottages containing up to 120 assisted living beds. Seven of the cottages will be devoted solely to residential use. These residential cottages will each contain 15 beds and will include a central kitchen for staff to prepare meals and a communal dining and living room. The cottage in the southeast corner of the site, at the intersection of Ruby Drive and West Old Baltimore Road, will also function as the “community center” and will house the common amenities for all of the residents, such as a library and computer room, arts and crafts space, music therapy, physical therapy and fitness center, beauty salon/barber shop, centralized commercial grade kitchen, and a private dining room to celebrate special occasions with family and friends. There also will be residential units above the community center rooms.

The cottages are symmetrically oriented around the internal north-south private drive and central, linear courtyard in the approximate center of the Property. The amenity courtyard will promote opportunities for residents to relax and socialize, and will feature an accessible walking path, garden, various seating opportunities and activity area(s). The activities within the courtyard will be screened and visually buffered from neighboring homes by landscaping around the perimeter. Additionally, no parking is provided between the cottages and the street, in an effort to reflect a traditional residential development pattern along both West Old Baltimore Road and Ruby Drive.

As reflected in the approved Conditional Use, the exterior architecture of the cottages is designed to be residential in nature and evoke an inviting residential quality of “home”. The cottages incorporate traditional residential architectural elements and details such as peaked roofs, covered porches, bay windows, and many other design features, to complement the residential character of the Surrounding Neighborhood. The cottages have been appropriately sized to blend seamlessly in with the Surrounding Neighborhood. The proposed cottage footprints are comparable to the footprints of the newly constructed residential homes to the west of the Property. The cottages will be two stories, with a maximum height of approximately 40 feet, which is less than the 50 feet allowed in the R-200 Zone (for lots over 40,000 square feet). As a result, the

Project will be compatible in terms of height and massing with the nearby residential homes (which are also two stories).

Only minimal exterior building lighting is proposed and the lighting for the parking and amenity areas will be limited to the amount necessary to ensure safety. Exterior lighting has been designed to eliminate light exposure on adjacent properties – all outdoor lighting for the Project will be directed, shielded, or screened. Full cut-off fixtures will be used in the parking lot to focus the light on the parking areas only. The Photometric Plan, submitted in connection with this Application, illustrates that lighting has been carefully designed so that it will not spill into adjacent properties.

A. Parking and Loading

With respect to parking, the Project will satisfy applicable Zoning Ordinance requirements on-site. Section 6.2.4 of the Zoning Ordinance requires a minimum of 0.25 parking spaces per bed, plus 0.50 vehicular parking spaces per employee. The Project will have a total of up to 120 beds and a maximum of 44 people working in any given shift (with staggered shift changes). As such, the Project satisfies the parking requirements by providing a minimum of 52 parking spaces on-site.

Parking will be accommodated on the northern end of the Property, closest to the abutting institutional child development center use, in order to maintain the residential character along both West Old Baltimore Road and Ruby Drive. The surface parking will be further buffered and screened from the surrounding residential homes by existing and proposed landscaping. Additional plantings are proposed along the property line shared with the residential neighbors to the west to block car lights and provide general screening.

Additionally, to accommodate non-automobile users of the Property, a minimum of five (5) bicycle parking spaces will be provided to meet the needs of the community, including bicycle parking for residents, employees, and visitors.

Loading and servicing will be accommodated along the internal drive aisle, so as to be located in close proximity to each of the cottages. Adequate space will be provided to accommodate a 10' x 30' single-unit truck, which will double as a drop-off zone for residents when not in use. As such, the Project will comply with the loading requirements contained in the Zoning Ordinance.

B. Pedestrian and Vehicular Access and Circulation

The Project will provide safe and efficient vehicular access and will significantly improve pedestrian circulation. As mentioned above, the Project has evolved over time. The Applicant originally proposed to locate the main entrance and vehicular drop-off at the northern end of the site, along Ruby Drive, within the previously proposed cul-de-sac at the terminus of Ruby Drive. However, to further promote compatibility with the residential homes across Ruby Drive, and to address community concerns, the cul-de-sac has been eliminated and the Applicant has acquired

the parcel with frontage along West Old Baltimore Road, to keep all vehicular activity associated with the Property off Ruby Drive. Specifically, vehicles will access the Property from West Old Baltimore Road through an internal private drive that is buffered from the surrounding residential homes to the east and west by the proposed residential cottages. As determined at the time of Conditional Use approval, adequate site distance is provided at this location.

West Old Baltimore Road is currently designed as a curbless street with no sidewalk along the Property frontage. The Project will significantly improve pedestrian circulation and safety through the construction of a 6-foot wide sidewalk along the northern side of West Old Baltimore Road. Although not required, the Applicant is proposing to extend the sidewalk along West Old Baltimore Road approximately 260 feet east of Ruby Drive and also off-site to the west, in order to complete the missing sidewalk connections on either side of the Property.

V. PROPOSED OPERATIONS

The Project will provide assisted living facilities to support seniors, 62 years of age or older, in the County and Clarksburg/Boyd's area as they age. The community will provide programs and coordination of various services for residents, including transportation services, a variety of social activities, as well as wellness programs and services. All of these are designed to promote lifestyle and wellness, engagement, and socialization among the residents.

Worldshine will provide deploy vans or minivans to take residents on shopping trips/errands, to medical and dental appointments, social outings, and bring the resident home from the hospital, if needed. All meals are prepared on site in the community center building. The daily meals served include breakfast, snack, lunch, afternoon tea, and dinner, based on nutrition needs. These meals will be prepared in-house by an executive chef in a fully-equipped commercial style kitchen. Worldshine also provides dietary monitoring/ counseling and nutrition education.

To facilitate all of these supportive services, amenities and programs, the community will employ a total of approximately 75 team members, with no more than 44 employees on-site at any given time. Employee schedules fall into four categories. Healthcare Staff generally work on three, approximately eight hour shifts (with the exception of the overnight shift, which is seven hours and 15 minutes, given the three staff member shifts that will overlap for 15 minutes at shift change to provide continuity of service). Shift changes generally occur at 2:00 PM, 10:15 PM and 5:45 AM. There is a maximum of 13 healthcare Staff working on-site at any given time. Meal service Staff work on two shifts from 6:00 AM - 2:00 PM and 2:15 PM – 10:15 PM, with one staff member working from 6:30 AM – 2:30 PM to provide continuity between shifts. There is a maximum of 10 meal service staff members working on-site at any given time. Housekeeping and maintenance Staff work in two, eight hour shifts from 6:00 AM - 2:00 PM and 2:00 PM - 10:00 PM, with a maximum of 4 team members on-site at any given time. All other employees, such as those employees on the social worker, management, activity, and transportation teams, work a 8:00 AM – 5:00 PM shift with a maximum of 17 employees.

Generally, deliveries are arranged during regular business hours, outside of the peak hours, in consideration of both the on-site residents and the surrounding community. Food deliveries will be limited to twice per week and are expected to come via a 20' to 30' box truck. All other deliveries are made by USPS, FedEx, and UPS on their standard routes. All laundry, linens etc. is performed in house and require no outside vendors or deliveries.

An enclosed dumpster will be located in the northeast corner of the Property, adjacent to the main parking facility. The dumpster has been located as far away from the adjacent single-family homes as possible. The dumpster will be emptied approximate twice per week by a standard garbage truck. The collection of solid waste refuse and recyclable materials will occur on weekdays only, between 8:00 a.m. and 9:00 p.m., consistent with Solid Waste Regulations. No collection shall occur on Saturdays or Sundays.

VI. MASTER PLAN RECOMMENDATIONS

The Property falls within the boundaries of the *1994 Approved and Adopted Clarksburg Master Plan & Hyattstown Special Study Area*. The Master Plan is 28 years old. Generally, master plans are intended to look ahead 20 years from the date of adoption. Nonetheless, many of the overarching objectives of the Master Plan remain relevant today. As the Planning Staff, Planning Board and Hearing Examiner all found in connection with the Conditional Use application, the proposed Project substantially conforms to these recommendations.

The Project furthers several of the key policies guiding development in the Master Plan area (*see* pages 15-35). Specifically, the Project addresses the following planning initiatives:

- The proposed Project is in keeping with the small town feel of Clarksburg, and simultaneously provides housing necessary to promote a diverse and equitable range of options. As discussed in detail herein, the Project proposes to provide needed assisted living facilities through cottage-style residential buildings.
- The Project preserves and protects the natural environment through implementation of stormwater facilities on-site, where none currently exists.
- The proposed site layout preserves the rural character along West Old Baltimore Road and the residential character of Ruby Drive. As discussed herein, the parking has been strategically located at the rear of the site, so as to be substantially screened from view of West Old Baltimore Road. Additional landscaping provides a visual and physical buffer to the parking from the surrounding residential homes. Additionally, the scale and patterning of the cottages within the site, preserves the residential character along Ruby Drive.
- The Project improves pedestrian safety and connectivity through the construction of a new sidewalk along West Old Baltimore, which connects to a series of internal sidewalks within the Property. As noted above, although not required, the Applicant is proposing to extend the new sidewalk along West Old Baltimore Road to the east of the intersection with Ruby Drive, approximately 260 feet, and approximately 50 feet to the west of the Property to complete the missing sidewalk connection.

- By integrating senior living within an existing neighborhood zoned for residential uses, the Project relieves pressure from undeveloped areas, farmland, and environmentally sensitive areas.

The Property is located within the Master Plan’s “Brink Road Transition Area.” The Master Plan contains no site-specific recommendations for the Property. However, the Master Plan recommends compatible, low-density residential uses in the Brink Road Transition Area. (*See Page 77*). The Project, which is residential in use and character, with ample green area proposed, furthers this goal by providing compatible, low-density infill development that has little impact on the Surrounding Neighborhood. Furthermore, the “Brink Road Transition Area” recommends the continuation of the residential character of MD 355. (*See Page 75*). As discussed above, the Project has been designed to complement the surrounding residential neighborhoods and importantly, provides diverse housing opportunities to allow existing seniors in the Clarksburg/Boyd’s area to age in community.

Also, to further the Master Plan’s compatibility recommendations, the Project will maintain and enhance the existing landscaping around the periphery of the site, to provide ample screening and buffering from the surrounding residential uses. The Conditional Use Plan eliminated all vehicular traffic for the Project on Ruby Drive. Rather, vehicular access is accommodated off West Old Baltimore Road, with parking located at the rear of the Property so as to preserve the residential character along both Ruby Drive and West Old Baltimore Road. In accordance with the Master Plan’s environmental goals (*See pages 138-139*), the Project will provide stormwater management on-site. As discussed herein, the Project incorporates environmental site design and micro-bioretenement facilities on-site, to further mitigate the effects of new development.

VII. ZONING ORDINANCE REQUIREMENTS

As described below, the Project will satisfy the applicable standards of the Zoning Ordinance for the proposed Residential Care Facility (over 16 persons) use in the R-200 Zone, including the development standards set forth in Article 59-4, and the general development requirements set forth in Article 59-6.

a. Compliance with Standards in Article 59-3

As demonstrated by the Conditional Use approval, the Project complies with the standards for a Residential Care Facility (over 16 persons) contained in Section 59-3.3.2.E.2.c of the Zoning Ordinance:

- 1. The facility may provide ancillary services such as transportation, common dining room and kitchen, meeting or activity rooms, convenience commercial*

area or other services or facilities for the enjoyment, service or care of the residents. Any such service may be restricted by the Hearing Examiner.

The Project will provide both indoor and outdoor amenities for the residents. As discussed above, the cottage located in the southeast corner of the Property will function as the community center and house the primary residential amenities on the ground floor, although each residential building also will provide some common facilities (such as a communal dining and living room). The Project also will provide transportation services for its residents to facilitate off-site excursions including access to shopping, medical appointments and social events in nearby Clarksburg and Germantown. Services and facilities for the residents are limited; however, and will not result in incompatible activity or traffic to, from, or within the Property. As such, no convenience commercial or similar ancillary services are proposed.

2. *A group home for children must provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children who will use the facility.*

This provision is not applicable.

3. *Where residential dwelling units are provided, the maximum density per lot area is 15 units per acre and the maximum green area is 50%.*

This provision is not applicable. The assisted living suites do not have cooking facilities and are not classified as apartments or dwelling units. Regardless, the Project provides a substantial amount of green area on-site (well above 50%).

4. *Where facility size is based on the number of beds, not dwelling units, in the R-200 Zone, the minimum lot area is 1,200 square feet per bed.*

As demonstrated by the development data table, the Project will provide a minimum of 1,200 square feet per bed. The Project will provide up to 120 assisted living beds. Based on the net lot area of 202,898 square feet, the Project will provide approximately 1,690 square feet per bed.

5. *Principal building setbacks for all building types must meet the minimum setbacks required under the standard method of development for the subject building type in the R-30 zone (see Section 4.4.14.B.3, Placement).*

As demonstrated by the Conditional Use Plan and the data table below, the Project satisfies the setback requirements of Section 4.4.14.B.3.

6. *The minimum side setback is 20 feet.*

The Project will provide a minimum side setback of 40 feet.

7. *Independent dwelling units must satisfy the MPDU provisions of Chapter 25 (Section 25.A-5).*

As discussed in this Report, there are no MPDUs required because the Project does not provide dwelling units.

8. *In a continuing care retirement community, occupancy of any independent dwelling unit is restricted to persons 62 years of age or older, subject to certain exceptions.*

The Project is an assisted living facility (and not a continuing care retirement community) and does not provide any independent living units.

9. *Height, density, coverage, and parking standards must be compatible with surrounding uses; the Hearing Examiner may modify any standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood.*

As Planning Staff, the Planning Board and the Hearing Examiner all found in reviewing and approving the Conditional Use, the Project promotes compatibility with the surrounding residential neighborhoods. The two-story cottages are comparable in size and scale with the surrounding residential homes. Furthermore, the Applicant has modified the overall site layout to minimize impacts on the surrounding residential homes. As discussed above, during the Conditional Use process, the Applicant was able to acquire the intervening property located along West Old Baltimore Road, which allowed the Applicant to address many of the comments received from Park and Planning Staff and the community. The resulting layout allows vehicular access to the Project to be accommodated off West Old Baltimore Road, thereby keeping all vehicular traffic off Ruby Drive. Adequate parking is provided on-site to eliminate any impacts to the surrounding communities. The Parking was relocated to the rear of the Property, so as to be predominately screened from view from the streets and surrounding neighborhoods. In connection with the relocation of the parking, the Applicant also relocated the trash enclosure to the northeast corner of the Property – as far away from the abutting single-family homes as possible.

10. *In the AR zone, this use may be prohibited under Section 3.1.5, Transferable Development Rights.*

This provision is not applicable - The Property is zoned R-200.

b. Compliance with Standards in Article 59-4

As demonstrated by the approved Conditional Use Plan and shown below, the Project conforms to the development standards contained in Section 4.4.7.B for the R-200 Zone. The Project also complies with the additional standards for Residential Care Facility (Over 16 Persons) contained in Section 3.3.2.E of the Zoning Ordinance.

TABLE 1 – ZONING ORDINANCE COMPLIANCE			
Article 59-4. Development Standards for Euclidean Zones		Permitted/ Required	Proposed
Division 4.4. Residential Zones	Section 4.4.7. Residential – 200 Zone (R-200)		
	B. R-200 Zone, Standard Method Development Standards		
	1. Lot and Density		
	• Lot (min.)		
	Lot area	20,000 SF	4.66 Acres
	Frontage on Street or Open Space	Required, except as exempt under Chapter 50	Provided
	• Density (max)		
	Density (units/acre)	1,200 square feet per bed	Minimum of 1,600 square feet per bed
	• Coverage (max)		
	Lot	25% (Max)	14%
	2. Placement		
	Principal Building Setbacks (min) (as modified by the principal building setbacks under the standard method of development in the R-30 zone, as required by Section 3.3.2.E.2.c.ii.(e)).		
	• Front setback (public street)	20'	120'

	<ul style="list-style-type: none"> • Side setback (abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones) 	20'	40'
	<ul style="list-style-type: none"> • Rear setback (abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones) 	20'	25'
	3. Height		
	Height (max)		
	<ul style="list-style-type: none"> • Principal building (if lot is greater than 40,000 sf) 	50' (max)	40'

As illustrated above, the Project will satisfy all applicable Zoning Ordinance requirements for development of a Residential Care Facility (over 16 persons) in the R-200 Zone.

VIII. REQUIRED FINDINGS FOR PRELIMINARY PLAN APPROVAL

This portion of the Statement provides justification that the Preliminary Plan satisfies the applicable provisions of Section 50, et seq., of the Montgomery County Code (the "Subdivision Regulations").

A. Subdivision Regulation Compliance

The Preliminary Plan reflects that the size, width, shape and orientation of the proposed lot will be appropriate for the location of the proposed subdivision standards of the R-200 Zone. The Preliminary Plan proposes to create one lot to allow for the re-development of the Property in accordance with the approved Conditional Use.

B. Substantial Conformance to the Sector Plan

In connection with the review and approval of the Conditional Use, Planning Staff, the Planning Board and the Hearing Examiner all found that the Project substantially conforms to the Sector Plan. The Project’s conformance with the goals and recommendations of the Sector Plan is discussed in detail in the Conditional Use approval and summarized in Section VI above.

Notably, the proposed development will provide needed, additional senior housing in the Clarksburg/ Boyds area. The senior living facility has been designed to promote compatibility with the uses in the surrounding neighborhood, through the residential architecture and substantial landscape buffering and screening.

C. Adequate Public Facilities

The public facilities are expected to be more than adequate to accommodate the proposed development. As demonstrated by the Traffic Statement prepared by the Applicant's transportation consultant, Wells + Associates, the Project is exempt from Local Area Transportation Review because it does not generate more than 50 net new peak hour person trips in the AM or PM peak hours. The traffic memorandum dated July 12, 2024 is submitted concurrently with this Statement. The Project will generate up to 34 AM and 45 PM peak hour person trips based on the M-NCPPC 2022 LATR standards.

Notably, although the Project provides new residential density, the proposed senior living facility use will not generate any new students. Thus, the Project will have no impact on public school capacity.

The Property is located partially within water and sewer categories W-1 and S-1 (Lot 3) and partially within water and sewer categories W-5 and S-5 (Lots 2 and Part of 1) and is not currently served by public water or sewer. Under a previous category change request, Lot 2 and Part of Lot 1 (on which the buildings are located) are recommended for a change in category through the subdivision approval process. The Project will extend public water and sewer to the Property, via an existing easement connection to the abutting property to the north. This infrastructure investment by the Project provides a substantial benefit to the confronting residential homes along Ruby Drive, who will now have the ability to tap into the public water/sewer systems. Following completion of these extensions, water and sewer needs are expected to be met by the Washington Suburban Sanitary Commission ("WSSC") through connections to the existing water and sewer lines.

Electric, gas and telecommunications services also will be available. Other public facilities and services – including police stations, firehouses, and health care facilities – are currently operating in accordance with the Growth and Infrastructure Policy and will continue to be sufficient following construction of the Project.

D. Forest Conservation

The Property is subject to the requirements of Chapter 22A of the Montgomery County Code (the "Forest Conservation Law"). A Natural Resources Inventory/ Forest Stand Delineation ("NRI/FSD") (No. 420230720) was prepared for the Property and approved by Park and Planning on November 14, 2022. The NRI/FSD demonstrates that there are one (1) forested area of 1.36 acres in size on-site.

The Preliminary Forest Conservation Plan was approved in connection with the Conditional Use. A Final Forest Conservation Plan is being submitted concurrently with this Statement. The Project is required to meet the forest conservation requirements by providing the 2.24 acres of reforestation through an off-site forest mitigation bank within the same watershed or in a priority watershed, an SPA or PMA. If the reforestation requirement must be met outside the preferred locations, the Applicant will plant 2.92 acres of reforestation. If an off-site forest bank is not available the forest conservation requirement will be met through a fee-in-lieu payment. The Property contains no floodplain, protected soils, endangered species, or other natural features that would impact development. The project will seek a variance for removal of twelve (12) trees and impacts to three (3) trees greater than 30" diameter breast height (DBH). Mitigation for these removals/impacts will be provided through the planting of twenty-nine (29) new trees on-site.

E. Sediment Control/ Water Quality

The Project will comply with the requirements of Chapter 19 of the Montgomery County Code. The Currently, there is no stormwater management on the Property. As such, the site does not treat either water quality or water quantity on-site. Rather, any water that falls on the Property, continues to flow into the stormdrain system unmanaged. As such, the Project provides an opportunity to greatly improve the treatment of stormwater runoff on-site.

Applicable requirements under Chapter 19 are addressed in a Concept Stormwater Management Plan being submitted to the Montgomery County Department of Permitting Services ("DPS") for review concurrently with these Applications. As illustrated on the Approved Concept Stormwater Management Plan, the Project will provide Environmental Site Design ("ESD") to the maximum extent practicable through the use of micro-bioretenion facilities and dry wells. The proposed dry wells will receive runoff from the buildings via roof drains. The micro-bioretenion facilities will receive runoff from the drive aisle and the parking lot via curb openings.

There are no streams or stream valley buffers located on the Property. In fact, the Property is physically separated from the surrounding streams/stream valley buffers by higher density residential developments and roadways. However, because the Property is in the Clarksburg Special Protection Area, a separate water quality monitoring plan is required. DPS approved a Preliminary Water Quality Plan on December 27, 2023. The Applicant has submitted a Final Water Quality Plan for review and approval concurrently with this Preliminary Plan.

A Sediment and Erosion Control Plan will be submitted to DPS for approval prior to commencement of construction.

IX. COMMUNITY OUTREACH

The Applicant also hosted a formal pre-submission outreach meeting for this Application virtually through the ZOOM meeting platform on June 27, 2024. Notice was properly given for the pre-submission community meeting in accordance with the standards set forth in the

Development Review Procedures Manual. The sign-in sheet and meeting minutes are being submitted concurrently as part of these Applications.

X. CONCLUSION

As described above, the Project meets or exceeds all of the criteria and standards for a Residential Care Facility (over 16 persons) in the R-200 Zone, as set forth in Divisions 59-3, 59-4, and 59-6 of the Zoning Ordinance, and satisfies the requirements contained in the Subdivision Regulations. The Applicant has worked to ensure that the Project is compatible with the adjacent uses and community, and importantly, provides needed assisted living services that will allow residents to age in place. For these reasons and for other reasons discussed herein, this Statement supports approval of the Preliminary Plan as proposed.