

# **UPDATED LAND USE REPORT**

**Worldshine Homes, LLC  
12450 West Old Baltimore Road and 21908 Ruby Drive, Boyds, MD  
Conditional Use**

This updated Land Use Report is submitted on behalf of Worldshine Homes, LLC (“Worldshine”) (the “Petitioner”), in connection with its request pursuant to Section 7.3.1 of the Montgomery County Zoning Ordinance (“Zoning Ordinance”) to develop a Residential Care Facility (over 16 persons) containing up to 120 beds (the “Project”) on the property located in the northwest quadrant of the intersection of West Old Baltimore Road and Ruby Drive in Boyds, Maryland (the “Property”). Specifically, the Applicant is proposing to redevelop the Property with eight cottage-style buildings which collectively contain up to 120 assisted living beds, with associated services and amenities. As discussed in detail below, the Project 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, 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. Design Iteration**

The submitted Application reflects significant modifications made to address comments received by the community, Park and Planning Staff, and various reviewing agencies during pre-submission meetings. The Petitioner 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 Petitioner 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 Petitioner 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 significantly reduced the footprint and mass of the buildings to be compatible in scale and height with the surrounding residential communities (*e.g.* the footprint of the buildings were reduced by approximately 30%, to be comparable with the single-family homes in the adjacent residential community); 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 Petitioner 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.

While the Petitioner strongly believes the previous project layout was compatible with the surrounding community, the Petitioner was able to recently acquire the parcel located directly along West Old Baltimore Road (the other “part of Lot 1”), which allows the Petitioner to keep all vehicular activity for the Project off Ruby Drive. Additionally, the proposed layout, which is discussed in greater detail below, allows the Applicant 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 maintain the existing character of West Old Baltimore Road and Ruby Drive.

Collectively, these changes result in a compatible Project that provides needed, additional senior housing to support the surrounding community.

#### B. Petitioner

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 every project fulfills the needs of the residents and also is compatible with the surrounding community. Additional background on Worldshine is provided in the Statement of Operations, submitted concurrently with this Report.

## **II. PROPERTY & SURROUNDINGS**

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. Following approval of the Conditional Use application, the Applicant will pursue Preliminary Plan of Subdivision to consolidate the Property into one lot.

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/Boys area, will address this growing need by providing assisted living services to support the community.

As shown on the Certified Zoning Map, submitted concurrently with this Land Use Report, 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.

The Property is surrounded by residential communities in the R-200 Zone (collectively, the "Surrounding Neighborhood"). 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, also approved with higher than standards R-200 density pursuant to the MPDU Optional Method of Development. The Project has been specifically designed to promote compatibility with its surroundings. As described herein, the Project proposes individual cottage style homes that are comparable in size with the surrounding single-family detached homes.

The Property is located within a larger neighborhood bounded by Frederick Road to the north/east, the R-200 zoned single-family detached homes south of West Old Baltimore (and north of the stream valley) and the Clarksburg Heights residential subdivision to the west (south of Little Seneca Creek) (the “Surrounding Neighborhood”). The Surrounding Neighborhood is depicted in Attachment A. The properties in the Surrounding Neighborhood are classified in the R-200 and R-200/TDR 4.0 Zones. The surrounding zoning classifications are illustrated in Attachment B.

### III. CONDITIONAL USE

The Petitioner 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 eight cottages have been oriented toward the internal private drive leading from West Old Baltimore Road to the parking at the rear of the Property. Additionally, the cottages have been organized around central amenity courtyard that will promote opportunities for residents to relax and socialize. The central courtyard 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.

The proposed assisted living residence will serve seniors who are 62 years of age or older and will provide programs and coordination of various services for residents, including transportation services, organized community service events, holiday celebrations and other planned social events. As discussed above, there is a centralized commercial style kitchen where meals will be prepared and then delivered to the individual cottages, where residents will eat their meals in the communal dining rooms.

#### A. Site Layout and Architectural Design

The site layout and building architecture have been designed to be compatible with and complementary to the surrounding residential neighborhoods.

The cottages are symmetrically oriented around the internal north-south private drive and central, linear courtyard in the approximate center of the Property. 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. The cottages have been appropriately sized to blend seamlessly in with the Surrounding Neighborhood. As mentioned above, the footprint of the buildings have been substantially reduced – up to 30%, as compared to a previous proposal (*i.e.* the Original Concept Plan). As illustrated on Attachment C, the resulting 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).

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 exterior building materials feature a neutral color pallet, with horizontal siding and natural stone and wood accents. The overall effect is a residential community that complements the character of the Surrounding Neighborhood.

Only minimal 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.

#### B. 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 and fencing is proposed along the property line shared with the residential neighbors to the west to block car lights and provide general screening.

Additionally, although not required<sup>1</sup>, to accommodate non-automobile users of the Property, a minimum of four (4) 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

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<sup>1</sup> Bicycle parking is not required for the Project because the Residential Care Facility use does not constitute dwelling units and only contains Assisted Living uses.

when not in use. As such, the Project will comply with the loading requirements contained in the Zoning Ordinance.

#### C. 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 Petitioner 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 Petitioner 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 off of West Old Baltimore through an internal private drive that is buffered from the surrounding residential homes to the east and west by the proposed residential cottages.

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 Petitioner is proposing to extend the sidewalk along West Old Baltimore Road approximately 260 feet east of Ruby Drive, as shown on the site plan.

#### IV. PROPOSED OPERATIONS

The Project will provide assisted living facilities to support seniors in the County and Clarksburg/Boysds area as they age. Detailed operational information is provided in the Statement of Operations, submitted concurrently with this Land Use Report.

#### V. 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 and the proposed Project substantially conforms to these recommendations.

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 described in this Land Use Report, the Project has been designed to complement the surrounding residential neighborhoods

and importantly, provides diverse housing opportunities to allow existing seniors in the Clarksburg/Boys 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. This revised Conditional Use Plan eliminates all vehicular traffic for the Project on Ruby Drive and locates the parking 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-bioretenion facilities on-site, to further mitigate the effects of new development. As discussed in Section III.A., several architectural design interventions also will advance Master Plan compatibility recommendations to ensure an appropriate transition between the Project and the surrounding single-family residential communities.

## **VI. 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 Conditional Use standards set forth in Article 59-3, 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 below, the Project complies with the Conditional Use 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. As currently proposed, 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 in 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 discussed above, the Project promotes compatibility with the surrounding residential neighborhoods. The two-story cottages are comparable in size and scale with the surrounding residential homes (as noted above, the building footprints were reduced in size, compared to the previous design). Furthermore, the Petitioner has modified the overall site layout to minimize impacts on the surrounding residential homes. The Petitioner was able to acquire the intervening property located along West Old Baltimore Road, which allows the Petitioner to address many of the comments received from Park and Planning Staff and the community. As discussed in this Statement, the revised 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 has been 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 Petitioner has also been able to relocate 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 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.

<b>TABLE 1 – ZONING ORDINANCE COMPLIANCE</b>			
<b>Article 59-4. Development Standards for Euclidean Zones</b>		<b>Permitted/ Required</b>	<b>Proposed</b>
	<b>Section 4.4.7. Residential – 200 Zone (R-200)</b>		

**Division 4.4.  
Residential  
Zones**

<b>B. R-200 Zone, Standard Method Development Standards</b>		
<b>1. Lot and Density</b>		
• 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%
<b>2. Placement</b>		
<b>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)).</b>		
• Front setback (public street)	20'	120'
• Side setback (abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones)	20'	40'
• Rear setback (abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones)	20'	25'
<b>3. Height</b>		
<b>Height (max)</b>		

	<ul style="list-style-type: none"> <li>Principal building (if lot is greater than 40,000 sf)</li> </ul>	50' (max)	40'
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c. Compliance with Standards in Article 59-6

As demonstrated below, and on the attached Conditional Use Plan, the Project complies with the general development standards contained in Section 59-6 of the Zoning Ordinance:

Article 59-6 General Development Requirements		Permitted/ Required	Proposed
<b>Division 6.1 Site Access</b>	Not applicable to Residential Detached zone.		
<b>Division 6.2 Parking, Queuing and Loading</b>	<b>Section 6.2.4 Parking Requirements</b>		
	Residential Care Facility – Vehicle Parking Spaces	40 spaces: Base parking requirement of 0.25 spaces/bed, plus 0.50 spaces per employee.	52 spaces
	Residential Care Facility – Bicycle Parking Spaces	None required for Residential Care Facility uses, because no dwelling units are provided.	While not required, the Petitioner will provide a minimum of four (4) bicycle

			parking spaces.
<b>Section 6.2.5 Vehicle Parking Design Standards</b>			
E. Size of Spaces			
See Section 6.2.5.E for detailed requirements.			8.5 x 18
G. Drive Aisles			
See Section 6.2.5.G for detailed requirements.			20'
K. Facilities for Conditional Uses in Residential Detached Zones.			
1. Location			
Each parking facility must be located to maintain a residential character and a pedestrian-friendly street.			Complies. The parking is located at the rear of the Property and largely screened from view of the street by the buildings, as well as existing and proposed landscaping.
2. Setbacks			
a. The minimum rear parking setback equals the minimum rear setback required for the detached house.		35'	Complies
b. The minimum side parking setback equals 2 times the minimum side setback required for the detached house.		34'	Complies
<b>Section 6.2.8 Loading Design Standards</b>			

	<p>2. Office and Professional, Group Living, Hospital, Educational Institution (Private), and Hotel and Motel Uses</p>	<p>1 space for 25,001 – 250,000 sf of GFA</p>	<p>1</p>
<p><b>Section 6.2.9.L Parking Lot Requirements for 10 or More Spaces</b></p>			
<p>1. Landscaped Area</p>			
	<p>a. A surface parking lot must have landscaped islands that are a minimum of 100 contiguous square feet each comprising a minimum of 5% of the total area of the surface parking lot. Where possible, any existing tree must be protected and incorporated into the design of the parking lot.</p> <p>b. A maximum of 20 parking spaces may be located between islands.</p> <p>c. A landscaped area may be used from stormwater management ESD facility.</p>	<p>Complies</p>	
	<p>2. Tree Canopy</p> <p>Each parking lot must maintain a minimum tree canopy of 25% coverage at 20 years of growth, as defined by the Planning Board's Trees Technical Manual, as amended.</p>	<p>Complies. <i>See</i> Landscape Plans.</p>	
	<p>3. Perimeter Planting</p> <p>a. East and West boundaries, which abuts Residential Detached zoned property that is vacant or improved with an agricultural or residential use:</p> <p>Must be a minimum of 6 feet wide, contain a hedge or low wall a minimum of 3 feet high; and have a canopy tree planted for 30 feet on center (unless the property abuts another parking lot, in which case a perimeter planting area is not required)</p> <p>b. North boundary, which abuts a Residential Detached zoned property that is improved with a civic or institutional use:</p> <p>Must be a minimum of 6 feet wide; contain a hedge or low wall a minimum of 3 feet high; and have a</p>	<p>Complies. <i>See</i> Landscape Plans</p>	

	canopy tree planted every 30 feet on center, unless the property abuts another parking lot, in which case perimeter planting is not required.	
	4. Lighting	
	Parking lot lighting must satisfy Section 6.4.4, General Outdoor Lighting Requirements.	<i>See below</i>
<b>Division 6.3 Open Space and Recreation</b>	No applicable requirements for development in Residential Detached Zone that does not provide MPDU or Cluster development methodology.	
<b>Division 6.4 General Landscaping and Outdoor Lighting</b>	<b>Section 6.4.4. General Outdoor Lighting Requirements</b>	
	E. Conditional Uses.	
	Outdoor lighting for a conditional use must be directed, shielded, or screened to ensure that the illumination is 0.1 footcandles or less at any lot line that abuts a lot with a detached house building type, not located in a Commercial/Residential or Employment zone.	Complies  ( <i>See Photometric Plan</i> )
<b>Division 6.5 Screening Requirements</b>	<b>Section 6.5.3. Screening Requirements</b>	
	A. Location – Applicable along lot line shared with an abutting property that is vacant or improved with agricultural or residential use.	Complies along western and southern lot lines.

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.

The Petitioner is proposing to provide an appropriately scaled monument sign at the Property entrance on West Old Baltimore Road, as well as one building mounted sign on the community center building, and necessary internal wayfinding and directional signage. The Petitioner understands that any new signage to be provided on the Property will be reviewed by the Montgomery County Department of Permitting Services ("MCDPS") and must be provided in accordance with the applicable Zoning Ordinance requirements and procedures for Division 6.7.

## VII. REQUIRED FINDINGS (SECTION 7.3.1.)

This Land Use Report confirms that the proposed Conditional Use will satisfy the required findings for Conditional Use approval specified in Section 59.7.3.1.E of the Zoning Ordinance.

- a. *Section 7.3.1.E.1.a. [The conditional use] satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;*

This is not applicable to the Property. There are no previous approvals for the Property.

- b. *Section 7.3.1.E.1.b. [The conditional use] satisfies the requirements of the zone, use standards under Article 59-3, and applicable general requirements under Article 59-6;*

As discussed fully in Section VI of this Report, the proposed use complies with the applicable requirements of the R-200 Zone, including the Conditional Use standards for a Residential Care Facility (over 16 persons) set forth in Section 59.3.3.2.E of the Zoning Ordinance and the general requirements of Article 59-6.

- c. *Section 7.3.1.E.1.c. [The conditional use] substantially conforms with the recommendations of the applicable master plan;*

The Project substantially complies with the Master Plan, as discussed in Section V of this Report. The Master Plan specifically recognizes the need to encourage and maintain a wide choice of housing types and neighborhoods for people of all incomes, ages, lifestyles, and physical capabilities at appropriate densities and locations.”<sup>2</sup> The proposed, low-intensity senior living facility has been designed to promote compatibility with the uses in the Surrounding Neighborhood. The facility is a residential use that has been designed to have a residential appearance and maintain significant greenspace on-site. As such, the facility will have no material effect on the area's residential character.

Of the 10 key policies guiding development in the Master Plan area (see pages 15-35), the Project addresses several applicable planning initiatives:

- Development is in keeping with the small town feel of Clarksburg, while providing housing necessary to promote a diverse and equitable range of options.
- The natural environment is protected through implementation of stormwater facilities on-site, where there currently is none.
- RideOn Bus 73 runs along West Old Baltimore Road between Shady Grove and Cabin Branch with stops 0.2 miles to the west of Ruby Drive and 0.3 miles to the east on Frederick Road (MD 355); RideOn Bus 75 runs along Frederick Road between Clarksburg and Germantown with stops 0.3 miles to the east on Frederick Road.

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<sup>2</sup> See Master Plan, p. 9. The Master Plan takes “great care to assure a wide choice of housing types.”

- The proposed site layout preserves the rural character along West Old Baltimore Road and the residential character of Ruby Drive.
- Pedestrian-orientation is addressed in several ways. First, safety and connectivity will be enhanced with a new sidewalk along West Old Baltimore, which connects to a series of internal sidewalks within the site to improve pedestrian connectivity. As noted above, although not required, the Petition is proposing to extend the new sidewalk along West Old Baltimore Road to the east of the intersection with Ruby Drive, approximately 260 feet. Second, a mix of uses and diversity of housing types are integrated into the neighborhood. Third, buildings are street-oriented to continue the existing character of the surrounding neighborhood.
- By integrating senior living within an existing neighborhood zoned for residential uses, the Project relieves pressure from undeveloped areas, farmland, and environmentally sensitive areas.

*d. Section 7.3.1.E.1.d. [The conditional use] is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;*

As described in Section III of this Land Use Report, the Conditional Use promotes compatibility with the Surrounding Neighborhood. The Project has been designed to resemble single-family detached homes that are comparable in size and scale with the surrounding neighborhood. The placement of the buildings also is similar to surrounding development with respect to setbacks between buildings and the rhythm of buildings along the street. The cottage design incorporates traditional residential detailing and design elements. Additionally, as described in the Petitioner's Statement of Operations, submitted concurrently with this Land Use Report, the proposed senior living facility will be operated in a manner that ensures compatibility and preservation of the residential character of the Surrounding Neighborhood. The Project will preserve and provide additional landscaping to serve as a buffer from the adjacent single-family residential uses and largely conceal the proposed parking from view.

*e. Section 7.3.1.E.1.e. [The conditional use] will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;*

The proposed Conditional Use will not increase the number of conditional uses in the Surrounding Neighborhood sufficiently to affect the area adversely or alter the predominately residential nature of the area. There are two Special Exceptions within the Surrounding



Neighborhood including a child daycare center and an accessory apartment. The proposed Conditional Use will not affect the area adversely nor alter its residential character. The Conditional Use is residential in nature and maximizes its compatibility with the surrounding properties, as discussed in Section III above. The Conditional Use substantially conforms to the recommendations of the Master Plan as described in Section V.

*f. Section 7.3.1.E.1.f. [The conditional use] will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and: (i) if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage, or (ii) if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage.*

The public facilities are expected to be more than adequate to accommodate the proposed development.

As discussed above, a Preliminary Plan of Subdivision will be filed subsequent to Conditional Use approval to create a record lot. As such, the Montgomery County Planning Board ("Planning Board") will be responsible for determining whether Adequate Public Facilities ("APF") exist to support the proposed development of the Property. As demonstrated by the Traffic Statement prepared by the Petitioner'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 October 3, 2023 is submitted concurrently with this Report. 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 1 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 Annual Growth Policy and will continue to be sufficient following construction of the Project.

- g. Section 7.3.1.E.1.g. [The conditional use] will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories: (i) the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood; (ii) traffic, noise, odors, dust, illumination, or a lack of parking; or (iii) the health, safety, or welfare of neighboring residents, visitors, or employees.*

The Zoning Ordinance defines inherent adverse effects, as adverse effects created by the physical or operational characteristics necessarily associated with the particular conditional use, irrespective of its physical size or the scale of its operations. The Zoning Ordinance is clear that inherent adverse effects alone do not constitute a sufficient basis for denial of a Conditional Use and must be evaluated in combination with non-inherent adverse effects. Non-inherent adverse effects are defined as adverse effects that arise from physical and operational characteristics that are not necessarily associated with the particular conditional use, or adverse effects that are created by unusual characteristics of the site.

In a recent Hearing Examiner Report for Spectrum Retirement Communities for the Residential Care Facility located at 9545 River Road in Potomac, Maryland, six inherent effects were identified as being associated with a Residential Care Facility (over 16 persons) (Case No. CU 20-05). These inherent effects include: (1) A building large enough to house the proposed number of residents; (2) On-site parking sufficient to meet the requirements of the use and of the Zoning Ordinance; (3) Outdoor lighting consistent with residential standards and adequate for safe vehicular and pedestrian access at night; (4) Vehicular trips to and from the site by employees, visitors, residents, delivery, and trash pick-up; (5) A modest level of outdoor activities associated with use of passive recreation areas; and (6) Noise from ambulances in emergency situations.

This Land Use Report finds each of these inherent effects of the Conditional Use, with the exception of “a building large enough to house the proposed number of residents,” given the Project’s design with eight cottage-style residential buildings, will be acceptable and appropriate for the proposed location.

- On-site parking facilities. Nearly all of the proposed off-street parking is provided at the rear of the Property. By virtue of its location, the surface parking will be largely screened from view from West Old Baltimore Road and Ruby Drive, as well as the surrounding residential neighborhoods, by the proposed buildings and existing/proposed landscaping. More than ample parking is provided on-site to ensure no vehicles will park in the surrounding residential neighborhoods while accessing the senior living facility. Additionally, the lighting for the parking areas will be limited to the amount necessary to ensure safety.
- Outdoor lighting of parking and amenity spaces. As shown on the Photometric Plan, in conformance with the requirements of Section 6.4.4 of the Zoning Ordinance, lighting for the Project will fall to zero (0.0) footcandles well before approaching Property lines abutting the surrounding residential uses.
- Vehicular trips. The Petitioner's Traffic Statement confirms that the Project is anticipated to result in a limited number of trips. The Traffic Statement demonstrates that the Project will generate 34 AM peak hour and 45 PM peak hour person trips, and thus is exempt from LATR requirements. The traffic memorandum dated October 3, 2023 and submitted concurrently with this Statement provides the required information on the person trip generation for the Project, in accordance with the current LATR standards, as well as additional information related to existing and future traffic conditions within the vicinity of the Property.
- Outdoor amenity space for use by residents and visitors. The updated site layout features a linear, central green amenity area, which contains a series of walking paths that are connected to a larger series of pathways around the property. Seating and shade areas are provided along the walking path to provide places for residents and visitors to enjoy the greenspace. The walking paths around the Property are buffered from the surrounding neighborhood by the landscaping proposed along the western property boundary and street trees along Ruby Drive. Finally, residents living in these facilities are quiet and peaceful by nature. Their intended use and enjoyment of their living facility is in harmony with the use and enjoyment of neighboring residential properties.
- Noise from ambulances in emergency situations. Based on the Petitioner's experience, it is anticipated that unexpected emergency visits will occur approximately one to four times a month. The Project will provide on-site 24 hour nursing and care services, along with regular doctor visits (at least once a week), which will help to minimize the occurrence of emergency visits.

This Land Use Report has not identified any additional inherent effects associated with Residential Care Facility (over 16 persons). The Petitioner does not anticipate inordinate noise impacts from emergency services. As illustrated above, the proposed Conditional Use will not result in adverse effects over and above the above-described inherent impacts.

In addition, this Land Use Report has identified no non-inherent adverse effects associated with the Conditional Use at the proposed location. This Land Use Report, therefore, finds that the Conditional Use will not cause undue harm to the Surrounding Neighborhood. There is no evidence that the Conditional Use will interfere with the use or enjoyment of the surrounding properties; result in undue traffic, noise, odors, dust, illumination, or a lack of parking; or interfere with the health, safety, or welfare of neighboring residents, visitors, or employees.

Rather, as discussed above, the proposed Conditional Use will be compatible with the Surrounding Neighborhood. The proposed Project, which is residential in nature and appearance, complements the surrounding uses.

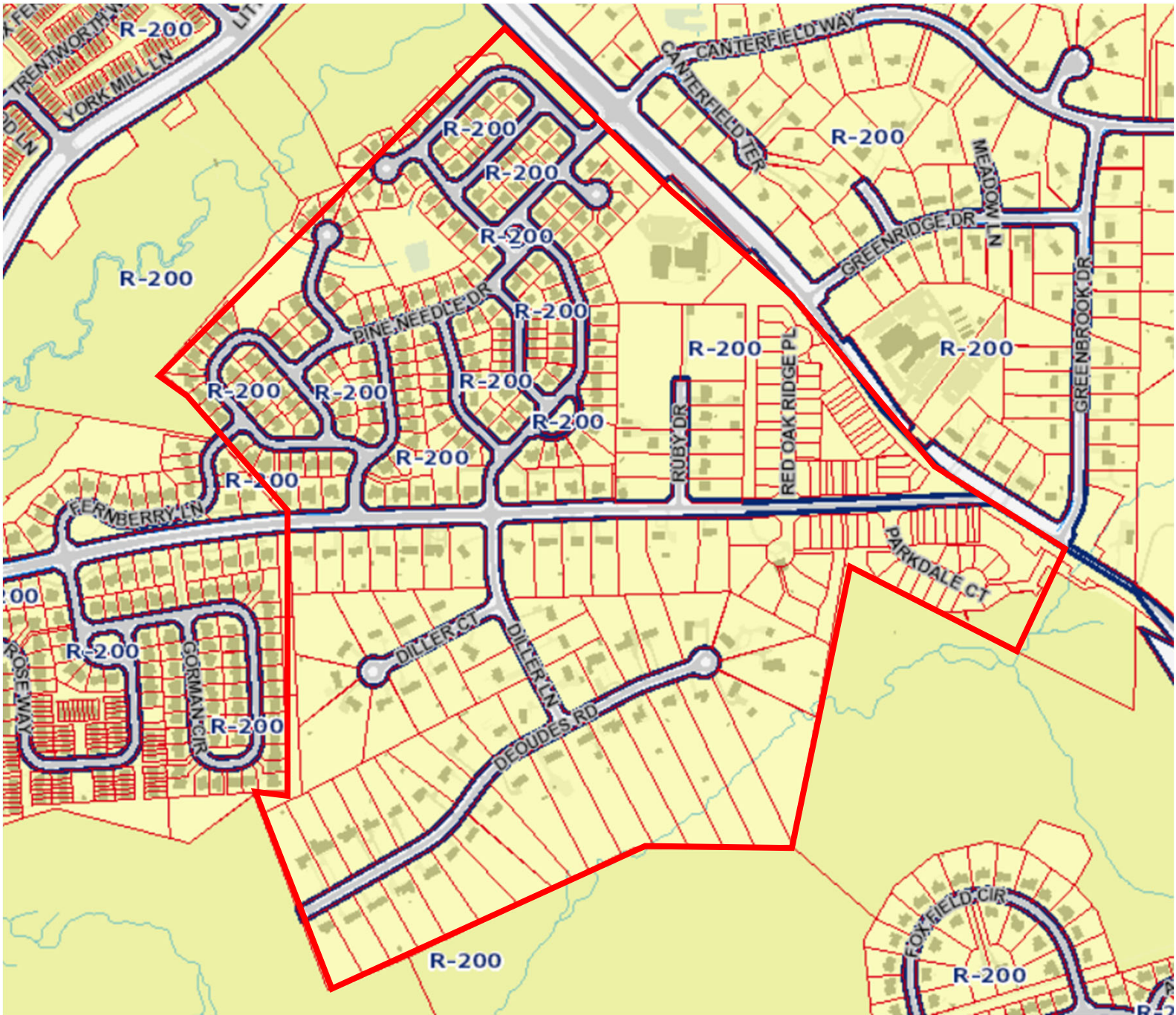
#### **VIII. CONCLUSION**

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, 59-6, and 59-7 of the Zoning Ordinance. The Petitioner has worked to ensure that the Project is compatible with the adjacent uses and community and provides needed assisted living services that will allow residents to age in place. For these reasons and for other reasons discussed herein, this Land Use Report supports approval of the Conditional Use as proposed.

# Attachment A



# Attachment B



Attachment C

# Comparison to Surrounding Single Family Homes



Existing Single house on Ivy Leaf Ct  
55' \* 48'



Existing Single house on Ivy Leaf Ct  
52' \* 49'



Ruby Dr Assisted Living  
55' \* 52'

