

**BEFORE THE HEARING EXAMINER FOR MONTGOMERY COUNTY, MARYLAND**  
 Office of Zoning and Administrative Hearings  
 100 Maryland Avenue, Room 200  
 Rockville, Maryland 20850

<b>IN THE MATTER OF:</b>	)	
<b>WORLDSHINE HOMES, LLC</b>	)	
Petitioner.	)	
	)	
Qili Li	)	
Kevin Huang	)	
Jennifer Xu	)	Conditional Use No. CU 23-11
Joshua Sloan	)	
Anne (Nancy) Randall	)	
	)	
	)	
For the Application.	)	
	)	
	)	
Steven A. Robins, Esquire	)	
Elizabeth C. Rogers, Esquire	)	
Attorneys for the Petitioner.	)	

**PETITIONER'S PRE-HEARING STATEMENT**

In accordance with the provisions of Rule 3.4 of the Rules of Procedure for Conditional Use Cases, Worldshine Homes, LLC (the “Petitioner”) submits this Pre-Hearing Statement (the “Statement”) in connection with its request for approval of a Residential Care Facility (Over 16 Persons) on the Property (defined below). The Petitioner incorporates by reference its Land Use Report, submitted in connection with Conditional Use Application No. CU 23-11 (the “Application”), which contains additional information in support of the application and justification for the request.

**I. STATEMENT OF GROUNDS UPON WHICH THE CASE IS BASED AND JUSTIFICATION FOR THE CONDITIONAL USE APPLICATION.**

The Property consists of approximately 202,898 square feet (or 4.66 acres) of land located in the northwest quadrant of the intersection of West Old Baltimore Road and Ruby Drive in Boyds, Maryland. More specifically, 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”).

The Property is currently zoned Residential - 200 (“R-200”) and is improved with two single-family homes and associated accessory structures. The Petitioner seeks to redevelop this currently underutilized property with a Residential Care Facility (over 16 persons) containing up to 120 beds (the “Project”). To the Petitioner’s knowledge, there are currently no assisted living facilities provided in the Clarksburg/Boyd region of Montgomery County. As such, 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 will address this growing need by providing assisted living services to support the community.

The revised Conditional Use Plan reflects significant modifications made by the Petitioner to address comments received from the community, Park and Planning Staff, and various reviewing agencies. These design iterations are discussed in detail in the Land Use Report. Of significance, the Petitioner substantially reduced the footprint and mass of the cottages, so as to be comparable with the single-family homes in the adjacent residential community. And most recently, the Petitioner expanded the Conditional Use area, to include the parcel located directly along West Old Baltimore Road (the other “part of Lot 1”). With the acquisition of this additional parcel, the Petitioner is able to keep all vehicular activity for the Project on West Old Baltimore Road. The resulting Project layout also 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.

As depicted on the Conditional Use Plan and discussed in detail in the Land Use Report, the Application satisfies the requirements of the Zoning Ordinance and all necessary findings contained in Zoning Ordinance Section 7.3.1.E, for approval of a Conditional Use. Pursuant to Section 3.1.6 of the Zoning Ordinance, 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. As outlined in the Petitioner’s updated Land Use Report and demonstrated on the Conditional Use Plan, the Applicant satisfies the requirements for a Residential Care Facility (Over 16 Persons) contained in Section 3.3.2.E of the Zoning Ordinance and also satisfies all purposes and requirements of the R-200 Zone (Zoning Ordinance, Section 4.4.7.B).

The Application also is in substantial conformance with the *1994 Approved and Adopted Clarksburg Master Plan & Hyattstown Special Study Area* (the “Master Plan”). Importantly the Project provides desired senior housing in 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, and designed to mirror the appearance of single-family homes, 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). 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. As described in the Land Use Report, the footprint of the buildings were substantially reduced from what was originally proposed. The resulting cottage footprints are comparable to the footprints of the newly constructed residential homes to the west of the Property. As a result, the Project complements the surrounding residential neighborhoods and importantly, provides diverse housing opportunities to allow existing seniors in the Clarksburg/Boyds area to age in community.

Also, to further the Project’s compatibility with the surrounding neighborhood, 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. As noted above, the revised Conditional Use Plan provides direct access off of West Old Baltimore Road.

A Traffic Statement was prepared by the Applicant’s traffic consultant, Wells + Associates, and submitted with the Application, which concluded that the proposed development will not exceed the applicable LATR standards. The Traffic Statement demonstrates that the Project will generate 34 AM peak hour and 45 PM peak hour person trips. Endesco, the Project engineer, also prepared a site distance analysis in order to confirm that visibility to and from the site is adequate pursuant to the requirements issued by Montgomery County.

Adequate public facilities and services will be available to serve the Residential Care Facility. 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 roadway network surrounding the Property and the proposed vehicular and pedestrian circulation are safe, adequate and efficient. Although not required by LATR, Wells + Associates has prepared a supplemental analysis on queuing and crash history, which further demonstrates the adequacy of the surrounding roadway network. (See Attachment “A”). The Property will be served by existing water and sewer mains, which will be extended to the Property via an existing easement, to allow for a connection to existing infrastructure to the north. Electric, gas and telecommunications services are also available to serve the Property.

Other public facilities and services – including police stations, firehouses, and health care facilities – are currently available in the vicinity of the Project.

The evidence to be presented will demonstrate: (1) that the Conditional Use Application satisfies the development standards of the R-200 Zone; (2) that the Conditional Use Application satisfies the use standards contained in Section 59-3.3.2.E.2.c for a Residential Care Facility (Over 16 Persons) (3) that the available public facilities and services will be adequate to serve the proposed development; (4) that the Conditional Use substantially conforms with the recommendations of the Master Plan; and (5) that approval of the Conditional Use complies with the required general and specific findings contained in Zoning Ordinance Section 59-7.3.1.E.

## **II. REPORTS INTENDED TO BE INTRODUCED AT THE HEARING**

1. Land Use Report;
2. Statement of Operations;
3. Traffic Statement prepared by Wells + Associates; and
4. Supplemental Analysis (regarding queues and crash history) prepared by Wells + Associates.

With the exception of the Supplemental Analysis prepared by Wells & Associates, submitted concurrently with this Pre-Hearing Statement, these reports already have been submitted into the record.

## **III. SUMMARY OF EXPERT TESTIMONY**

At the present time, the Petitioner intends to call the following expert witnesses to testify in support of the Conditional Use application:

1. Mr. Kevin Huang with Endesco will testify as to among other things, the physical characteristics and natural environmental features of the Property (including testimony related to the approved Natural Resources Inventory/Forest Stand Delineation and the Preliminary Forest Conservation Plan), and the proposed Water Quality Plan for the redevelopment of the Property. Mr. Huang also will testify regarding the site distance analysis for the Project and other civil engineering matters.
2. Mr. Joshua Sloan, ASLA and AICP, Landscape Architect and Certified Land Planner, will testify as to the proposed development's compliance with the intent, applicable development standards, and all requirements of the Zoning Ordinance for Residential Care Facilities for more than 16 individuals (*e.g.* building placement, parking, green area, landscaping, screening etc.). He also will provide testimony regarding the proposed development's substantial conformance with the Master Plan and compatibility with the surrounding neighborhood.

3. Ms. Jennifer Xu, AIA, with Prime Planning International, will testify as to the architectural and design elements of the proposed senior living cottages and the Project's compatibility with the surrounding neighborhood.
4. Ms. Anne Nancy Randall, transportation planner with Wells + Associates, will testify as to traffic and transportation planning issues, in accordance with the Traffic Statement and Supplemental Analysis prepared for the Conditional Use Application.

The resumes of the above-identified expert witnesses are attached hereto. (*See* Attachment "B"). The Petitioner reserves the right to call additional expert witnesses if it deems necessary.

#### **IV. OTHER WITNESSES WHO WILL TESTIFY**

In addition to the above expert witnesses, the Petitioner may also have the following witness testify:


1. Mr. Qili Li or Ms. Becky Jia, on behalf of Worldshine Homes, will testify as to the proposed use and operations, as well as some planning and design aspects of the Project.

#### **V. ESTIMATED TIME REQUIRED FOR PRESENTATION**

The Petitioner anticipates that, excluding questions, the presentation of its case-in-chief for the proposed Conditional Use will take approximately two to three hours.

This submission is intended to satisfy the requirement of the Rules of Procedure for Conditional Use Cases. If it is subsequently determined that new or supplemental information is necessary, the Petitioner will make a supplemental submission in a timely fashion.

Respectfully submitted,

By:   
Steven A. Robins

By:   
Elizabeth C. Rogers