

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

April 8, 2025

MCPB No. 25-026
Preliminary Plan No. 120250030
Ruby Senior Living
Date of Hearing: March 13, 2025

RESOLUTION

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

WHEREAS, on September 17, 2024, Worldshine Home, LLC (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create one lot for the development of a Residential Care Facility with up to 120 beds on 4.66 acres of land in the R-200 zone, located 21908 Ruby Drive & 12405 W. Old Baltimore Road, Boyds (“Subject Property”), in the Clarksburg Policy Area and 1994 *Clarksburg Master Plan & Hyattstown Special Study Area* (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120250030, Ruby Senior Living (“Preliminary Plan” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20250100; and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 28, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on March 13, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 4-0-1; Chair Harris, Vice Chair Pedoeem, Commissioners Hedrick and Linden voting in favor. Commissioner Bartley abstained.

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Approved as to
Legal Sufficiency: /s/ Allison Myers
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120250030 to create one lot for the development of a Residential Care Facility with up to 120 beds on the Subject Property, subject to the following conditions:¹

General Approval

1. This Preliminary Plan is limited to one (1) lot for the development of a Residential Care Facility with up to 120 beds.

Adequate Public Facilities

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

Plan Validity Period

3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

Outside Agencies

4. The Planning Board has reviewed and accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter March 12, 2025 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which MCDOT may amended if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepted the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section, in its Final Water Quality Plan letter dated October 10, 2024, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each recommendation in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

¹ For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

7. The Planning Board has reviewed and accepted the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section, in its letter dated August 12, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
8. Before approval to release any portion of the preliminary plan performance bond, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the fire access improvements have been constructed and installed per the recommendations from the Fire Department Access and Water Supply Section, and as shown in the approved MCDPS fire access plan.

Other Approvals

9. The Applicant must comply with the conditions of the Hearing Examiner’s Report and Decision dated April 16, 2024, approving Conditional Use 2023-11.
10. Before approval of a record plat or any clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Preliminary Plan.

Transportation

Frontage Improvements on Existing Roads

11. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a. All land necessary to accommodate forty (40) feet from the existing pavement centerline along the Subject Property frontage for West Old Baltimore Road.
 - b. All land necessary to accommodate thirty (30) feet from the existing pavement centerline along the Subject Property frontage for Ruby Drive.
12. Before approval of a record plat, the Applicant must satisfy all necessary requirements to ensure the construction of a buffered six (6)-foot-wide sidewalk along the West Old Baltimore Road frontage of the Subject Property, connecting to the existing sidewalk along West Old Baltimore Road.

Surety

13. Before issuance of any building permit or sediment control permit, whichever comes first, the Applicant must enter into a Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond or other form of surety, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. Completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
- c. The bond or surety for each item shall be clearly described within the Surety & Maintenance Agreement, including all relevant conditions.

Record Plats

14. There shall be no clearing or grading of the site before recordation of the plat.
15. The record plat must show necessary easements.
16. The record plat must show no vehicular access to Ruby Drive.

Certified Preliminary Plan

17. The certified Preliminary Plan must contain the following notes:
 - a. *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
 - b. *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Preliminary Plan is required to be on-site at all times.*
18. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a. Show resolutions and approval letters on the certified set.
 - b. Include the approved Fire Department Access Plan.
 - c. Include all landscape and lighting plans associated with approved Conditional Use No. CU 2023-11.
 - d. Replace the bicycle storage lockers with a secure storage room on the ground floor of House H and update the bicycle parking requirements.

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board finds, with the conditions of approval, that:

1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The existing block design is not changing and is appropriate for the development and use. The length, width, and shape of the block are compatible with the development in the neighborhood in which the Site is located.

The lot has been reviewed for compliance with Chapter 50, the Subdivision Regulations. The layout of the single-lot subdivision, including its size, shape, and orientation is appropriate for residential development in the R-200 Zone. The proposed Residential Care facility and the proposed lot mimic a typical R-200 layout using detached residential sized buildings and a similar development pattern to the surrounding neighborhood. As proposed, the lot can accommodate the proposed buildings, stormwater management, parking, and other required infrastructure while meeting the standards established by the approved Conditional Use.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

The Property is subject to the 1994 *Clarksburg Master Plan & Hyattstown Special Study Area* ("Master Plan") and located within the "Brink Road Transition Area" of the Master Plan. The Master Plan contains no site-specific recommendations for the Property, yet the Master Plan recommends compatible, low-density residential uses in the Brink Road Transition Area (p. 77). The Application is residential in use and character and furthers the Master Plan's goals by providing compatible, low-density residential infill development, green open space, and landscape screening, resulting in minimal impact on the surrounding neighborhood. Furthermore, the Application provides diverse housing opportunities to allow existing seniors in the Clarksburg/Boys area to age in the community, consistent with the Master Plan.

The Project maintains a footprint compatible with low density, single-family properties by providing eight smaller residential scale buildings. Although proposing approximately 120 beds in eight buildings, the Residential Care Facility use has low impacts on traffic and no impact on schools. The Applicant will construct landscaped buffers around the periphery of the Site, to provide ample screening and buffering from the surrounding roads.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

a) Transportation

Existing Facilities

The Subject Property fronts on West Old Baltimore Road, identified as an Area/Neighborhood Connector in the 2023 Technical Update of the *Master Plan of Highways and Transitways*. Per the 2024 *Complete Streets Design Guide*, the pedestrian and bicycle facilities for the designated street type are a 10-foot sidepath (on the south side, opposite the Subject Property in this case) and a 6-foot sidewalk (on the north side, along site frontage). The predominant bikeway type for West Old Baltimore Road is a sidepath, as recommended in the 2018 *Bicycle Master Plan*. At present, a sidewalk terminates along the south side of West Old Baltimore, 300 feet west of Manor Crest Way, and approximately 1,400 feet west of the Subject Property's western property line.

Currently, no pedestrian facilities exist along the Property frontage on West Old Baltimore Road (north side). However, adjacent sidewalk connections terminate to the east and west of the Site. A sidewalk currently ends at the western property line. An additional sidewalk connection exists east of the Subject Property and terminates at Red Oak Ridge Place.

The Property also fronts Ruby Drive – currently a 20-foot-wide Neighborhood Street without sidewalks that provides access to six single-family homes. As shown on the preliminary plan, the required 30 feet of dedication from the centerline along Ruby Drive has been accommodated, and no additional dedication is required. An internal sidewalk system will serve the Property, and a privacy fence will be added along the Ruby Drive at the property line.

Proposed public transportation infrastructure

West Old Baltimore Road: The Application proposes a 6-foot-wide sidewalk with a 15-to-18-foot-wide buffer, along the Property's West Old Baltimore frontage – connecting to the existing western sidewalk section. Additionally, the Applicant will provide an off-site continuation of the proposed sidewalk to the east, connecting to the existing sidewalk at Red Oak Ridge Place. The completion of this gap in the sidewalk network will significantly improve pedestrian circulation and safety. The sidewalk will create a continuous pedestrian connection extending westward from Frederick Road to Little Seneca Creek, serving a multitude of residential communities.

Ruby Drive: Per the 2024 *Complete Streets Design Guide*, Neighborhood Streets should have sidewalks on both sides of the street. However, in retrofit applications, a sidewalk on one side of the street may be an interim condition in existing neighborhoods with limited right-of-way. No properties (the Subject Site or others) will have access on the west side of Ruby Road. Furthermore, the design of Ruby Drive and limited access to the

larger transportation network ensures that there will be relatively low vehicular traffic volumes, traveling at relatively low speeds. Therefore, the Applicant is not required to install a buffered sidewalk with the Subject Application. The Property will be served by an internal sidewalk system, and a privacy fence will be constructed along the Ruby Drive property line.

Proposed private transportation infrastructure

Private infrastructure includes internal sidewalks connecting each structure within the facility to the sidewalk along West Old Baltimore Road as well as five long term bike parking spaces provided in a secure room in Building H.

Local Area Transportation Review (LATR)

The Subject Property is located in the Clarksburg East Transportation Policy Area, which is classified as an Orange Policy Area under the 2020-2024 *Growth and Infrastructure Policy* (“GIP”)². The proposed use is a 120-bed residential care facility with a maximum of 44 employees on-site per shift. Demonstrated by the Transportation Exemption Statement (“TES”) submitted by the Applicant on October 3, 2023, the Proposed Development will generate 34 AM net-new person trips during the AM weekday peak hour and 45 net new person trips during the PM weekday peak hour. These calculations are based on the ITE Trip Generation Manual, 11th Edition, adjusted for the Clarksburg policy area, a yellow policy area. The 2020-2024 GIP requires a transportation impact study for any project that is estimated to generate a net increase of 50 or more person trips in either the morning or evening peak hours. Since the uses proposed in this Application do not exceed 50 net new person trips in either peak hour, the Local Area Transportation Review is satisfied with a transportation exemption statement.

b) Schools

The Subject Application is for a Residential Care Facility. Therefore, there is no impact on school capacity.

c) Other Public Facilities and Services

The Property is located within water and sewer categories W-1 and S-1 and is serviced by existing water and sewer. Water and sewer needs are expected to be met by the Washington Suburban Sanitary Commission (“WSSC”) through connection to the existing water and sewer lines. On September 30, 2024, WSSC approved a Hydraulic Planning Analysis for the extension of an 8-inch sewer main and 8-inch water line, within an existing water and sewer easement, located at the northwest corner of the Subject Property (WSSC Project No. DA7861Z25). On-site water and sewer house connections will be extended from the proposed main extensions to each structure. Other utilities, public facilities, and services, such as electric, telecommunications, police stations,

² This project was accepted prior to January 1, 2025 and is therefore subject to the prior 2020-2024 GIP.

firehouses, and health services are currently operating within the standards set by the 2020-2024 GIP in effect when the Application was submitted.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan No. F20250100, which are included in a separately approved resolution and are incorporated herein.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

MCDPS approved a Stormwater Management Concept on March 12, 2025, as part of the Water Quality Plan. The Application meets the required stormwater management goals via Environmentally Sensitive Design to the Maximum Extent Possible using drywells and micro bio-retention facilities. The approval is for elements of the Water Quality Plan of which MCDPS has lead agency responsibility and does not include limits on imperviousness or buffer encroachments.

As required under Section 19-65 of the Montgomery County Code, the Planning Board finds that the aspects of the Water Quality Plan under its purview have been satisfied as follows.

a) *Forest Conservation*

Final Forest Conservation Plan (FFCP) No. F20250100 submitted for concurrent review with the Preliminary Plan meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. FFCP No. F20250100 was approved by separate resolution and the findings are incorporated herein.

b) *Environmental Buffer Protection*

An NRI/FSD No. 420240140 was approved by Planning Staff in October 2023. The approved NRI/FSD did not identify any environmental buffers on the Property, so this requirement is not applicable to this Application.

c) *Impervious Surfaces*

The Property is located within the Clarksburg SPA. The Clarksburg SPA does not have a numerical limit on impervious surfaces; however, a main goal for development in all SPAs is to reduce or minimize impervious surfaces. MCDEP will require stream monitoring and BMP monitoring fees per Special Protection Area regulations.

The Preliminary Plan Application includes an Impervious Surface Exhibit. The Application proposes to construct 70,396 square feet of impervious surfaces within the 203,120 square feet property and offsite LOD resulting in 34.7% imperviousness over the Property within the Clarksburg SPA. The Applicant minimized impervious surfaces by using five-foot internal sidewalks and minimizing parking areas. Overall, the impervious surfaces are at levels below other institutional uses within the same zone.

The Application meets all applicable requirements of Chapter 19 and Chapter 59 for SPA Water Quality Plans, and the Planning Board approves the elements of the SPA Water Quality Plan under its purview.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 4.3.M.*

This finding is not applicable, as the Applicant has no actual or constructive notice of any burial site on the Property.

7. *Any other applicable provision specific to the property and necessary for approval of the Subdivision is satisfied.*

There are no additional applicable provisions relevant to the Property.

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

April 8, 2025

(which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 4-0-1; Chair Harris, Vice Chair Pedoeem, and Commissioners Hedrick, and Linden, voting in favor of the motion, Commissioner Bartley abstaining at its regular meeting held on Thursday, April 3, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board