

**WATERS VILLAGE**  
**PRELIMINARY PLAN NO. 120220200 & SITE PLAN NO. 820220260**  
**REGULATORY EXTENSION REQUEST NO. 1**

**Description**

Request to extend the regulatory review period for four months until April 20, 2023: Application to create one buildable lot for the construction of new retail buildings and a drive-thru restaurant.

NO. 820220260

COMPLETED: 12/1/2022

MCPB

Item No.

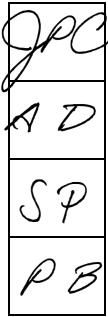
12/15/2022

2425 Reddie Drive

Floor 14

Wheaton, MD 20902

## Planning Staff



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## Summary

- Section 59.7.3.4.C of the Zoning Ordinance and Section 50.4.1.E of the Subdivision Regulations generally state that Preliminary Plans and Site Plans must be scheduled for a public hearing within 120 days after the date an application is accepted.
- The joint Preliminary Plan and Site Plan Application was accepted on August 24, 2022, establishing a Planning Board approval date no later than December 22, 2022.
- The Applicant is requesting their first extension for a period of four months from December 22, 2022, to April 20, 2023.
- This extension will allow the Applicant time to address significant comments from the Development Review Committee on site layout, frontage, and stormwater management. The Applicant is working to improve pedestrian, bike, and vehicular safety within the property and to improve building orientation towards Waters Road with associated amenity areas for sitting and dining.
- Staff recommends APPROVAL of the extension request.

Attachment A – Applicant’s Extension Request

### LOCATION

19621 Waters Road, Germantown, MD

### MASTER PLAN

2019 MARC Rail Communities Sector Plan  
2009 Germantown Employment Area Sector Plan

### ZONE

CRT 1.0 C-0.75 R-0.75 H-65

### PROPERTY SIZE

3.6 acres

### APPLICANT

KHR Waters Investments, LLC

### ACCEPTANCE DATE

August 24, 2022

### REVIEW BASIS

Ch. 59, 50 & 22A



Stuart R. Barr  
301-961-6095  
[srbarr@lerchearly.com](mailto:srbarr@lerchearly.com)

December 1, 2022

**BY ELECTRONIC DELIVERY**

Via Montgomery County Planning Department, Planning Staff, Area 3  
Jonathan Casey - [Jonathan.Casey@montgomeryplanning.org](mailto:Jonathan.Casey@montgomeryplanning.org)  
Alexandra Duprey - [Alexandra.Duprey@montgomeryplanning.org](mailto:Alexandra.Duprey@montgomeryplanning.org)

Montgomery County Planning Board  
Maryland National Capital Park and Planning Commission  
2425 Reedie Drive, 14<sup>th</sup> Floor  
Wheaton, MD 20902

Re: First Regulatory Review Extension Request for Waters Village Application  
Preliminary Plan No. 120220200 / Site Plan No. 820220260

Dear Planning Board Members:

Our firm represents KHR Waters Investments, LLC (“KHR”), the owner of the subject property located at 19621 Waters Road (intersection of Waters Road/Wisteria Drive) in Germantown, Maryland (the “Property”), and the Applicant for the proposed Waters Village development (Preliminary Plan Application No. 120220200 and Site Plan Application No. 820220260 (the “Application”). The Application proposes redevelopment of the Property with a one-story Goodwill retail store, other general retail in one-story buildings, an eating and drinking establishment with drive-thru, surface parking, related site improvements, stormwater management, and associated utilities. The Application was submitted in August, 2022, the DRC meeting was held on September 13, 2022, and the public hearing on the Application is scheduled for December 22, 2022.

Over the past several weeks, KHR and its team have been diligently addressing the DRC comments and updating the plans based on Planning Department and Transportation comments. These changes and updated plans include:

- Relocating the proposed restaurant and drive-thru from the northwest side of the Property (i.e., the corner of Waters Road/Wisteria Drive) to the southwest side, and relocating the general retail building from the southwest side to the northwest side.
- Creating an amenity space/pedestrian connection in between the general retail buildings.
- Improving vehicular circulation within the Property.
- Proposing 2.5 additional feet of right-of-way dedication on Waters Road to accommodate on-street parking, a 7 foot planting strip, and a 10 foot wide shared path along Waters Road.
- Clarifying the terminus of Waters House Avenue.

- Placing all structures as close as possible to the adjoining road frontages and enhancing the street presence of buildings along street frontages.
- Revising other application materials to address various other comments.

Updating plans of this nature based on the Planning Department and Transportation comments, including associated stormwater management plans, takes time. The Applicant has executed a Lease Agreement with Goodwill of Greater Washington to construct a Goodwill facility on the Property. KHR and its team have deadlines under the proposed Lease Agreement with Goodwill, so we have no desire to unnecessarily delay the review and approval process.

Given the extent of preparing the updated plans, the upcoming holidays, and the desire to avoid any further extension requests, we are requesting a four month (120 day) extension of the public hearing to April 20, 2023, pursuant to Montgomery County Code Sections 50.4.1.E and 59.7.3.4C. Ideally, we would be scheduled for a Planning Board public hearing date before that deadline.

Attached to this letter is a signed application for the requested extension, and this is the first extension request. Thank you for your consideration of this matter, and we look forward to presenting the Application to you as soon as possible for review and decision. The new retail shopping center and Goodwill facility will help to meet the County's growing need, and particularly the Upcounty/Germantown area's growing need for these types of services.

Respectfully submitted,

Lerch, Early & Brewer, Chtd.



By: \_\_\_\_\_

Stuart R. Barr  
Attorneys for Applicant  
7600 Wisconsin Avenue, Suite 700  
Bethesda, Maryland 20814

Attachment: Regulatory Review Extension Request

cc: Applicant Team



Montgomery County Planning Department  
Maryland-National Capital Park and Planning Commission

Effective: January 29, 2021

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**REGULATORY REVIEW EXTENSION REQUEST**

Request #1       Request #2

M-NCPPC Staff Use Only			
File Number	_____	MCPB Hearing Date	_____
Date Received	_____		

**Plan Name:** WATERS VILLAGE      **Plan No.** 120220200 and 820220260

This is a request for extension of:       Project Plan       Sketch Plan  
    Preliminary Plan       Site Plan

The Plan is tentatively scheduled for a Planning Board public hearing on: 12/22/2022

The Planning Director may postpone the public hearing for up to 30 days without Planning Board approval. Extensions beyond 30 days require approval from the Planning Board.

**Person requesting the extension:**

Owner,  Owner's Representative,  Staff (check applicable.)

Stuart R. Barr		Lerch, Early & Brewer, Chtd.	
<i>Name</i>		<i>Affiliation/Organization</i>	
7600 Wisconsin Avenue, Suite 700			
<i>Street Address</i>			
Bethesda		MD	20814
<i>City</i>		<i>State</i>	
(301) 961-6095		srbarr@lercheearly.com	
<i>Telephone Number</i>	<i>Fax Number</i>	<i>E-mail</i>	

We are requesting an extension for 4 months until 04/20/2023

Describe the nature of the extension request. Provide a separate sheet if necessary.

See attached letter from Lerch Early & Brewer dated December 1, 2022. Additional time is necessary to address the Development Review Committee comments including coordination issues with the Department of Transportation.

**Signature of Person Requesting the Extension**

  
*Signature*

12/01/2022  
*Date*

**Extension Review**

*Planning Director Review for Extensions 30 days or less*

I, the Planning Director, or Director's designee, have the ability to grant extensions of the Planning Board public hearing date of up to 30 days and approve an extension of the Planning Board public hearing date from \_\_\_\_\_ until \_\_\_\_\_.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

*Planning Board Review for Extensions greater than 30 days*

The Montgomery County Planning Board reviewed the extension request on \_\_\_\_\_ and approved an extension for more than 30 days of the Planning Board public hearing date from \_\_\_\_\_ until \_\_\_\_\_.