Montgomery Planning

WATERS VILLAGE: PRELIMINARY PLAN NO. 120220200 & SITE PLAN NO. 820220260

Description

Application to create one lot for the construction of 26,680 square feet of retail and 3,200 square feet of drive-thru restaurant with associated surface parking, stormwater management, and transportation improvements.

No. 120220200
No. 820220260
Completed: 4/10/2023

MCPB
Item No. 9
4-20-2023

Montgomery County
Planning Board
2425 Reedie Drive, Floor 14
Wheaton, MD 20902

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LOCATION/ADDRESS

19621 Waters Road, Germantown, MD

MASTER PLAN

2019 *MARC Rail Communities Sector Plan*

ZONE

CRT 1.0 C-0.75 R-0.75 H-65

PROPERTY SIZE

3.52 acres, or 153,304 square feet

APPLICANT

KHR Waters Investments, LLC

ACCEPTANCE DATE

August 24, 2022

REVIEW BASIS

Ch. 59, 50 & 22A

Summary:

- Staff recommends approval with conditions of the Preliminary Plan and Site Plan.
- The Applicant will dedicate and construct the master-planned Waters House Avenue along the property's frontage, including a 10-foot multi-use path.
- The Applicant will make a financial contribution towards the construction of a shared-use path on Walter Johnson Road between Bowman Mill Drive and Middlebrook Road as their off-site LATR mitigation improvement.
- The Application activates the intersection of Waters Road and Wisteria Drive with plantings, a seating area, and retail use.
- Staff supports the Applicant's request to modify Build-to-Area requirements for Building A along Waters House Ave and Buildings B1, and B2 along Waters Road.
- Staff does not support the Applicant's request to modify Building Orientation requirements for Building A, and recommends two building access points on Wisteria Drive.
- Staff has received community correspondence on this Application related to the overall development of the property and vehicular flow, which staff addresses in the report.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN NO. 120220200

Preliminary Plan No. 120220200: Staff recommends approval with conditions of the Preliminary Plan to create one lot. All site development elements shown on the Preliminary Plan as of the date of this Staff Report, submitted via ePlans, are required except as modified by the following conditions:

GENERAL APPROVAL

1. This Preliminary Plan is limited to one (1) lot for up to 29,880 square feet of commercial uses[1].

ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

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 accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated March 23, 2023 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT 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 accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated February 10, 2023 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the

[1] Commercial uses include a mix of retail and restaurant uses, which can be changed to other commercial uses provided that there is no net increase in the number of approved trips.

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.

7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated March 16, 2023 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.

OTHER APPROVALS

8. Before approval of a record plat or any demolition, clearing or grading for the Subject Property or issuance of any sediment control permit for improvements shown on the Site Plan, the Applicant must receive Staff certification of any subsequent Site Plan(s) associated with this Preliminary Plan. The number and location of site elements including but not limited to buildings, on-site parking, site circulation, sidewalks and bike facilities is determined through site plan review and approval.

FUTURE SITE PLAN APPROVAL REQUIRED

9. If an approved site plan or site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan or site plan amendment.

ENVIRONMENT

10. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan.

TRANSPORTATION

Existing Frontage Improvements

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 a minimum of thirty-seven (37) feet as measured from the existing pavement centerline along the Subject Property frontage for Waters Road, or as shown on the certified preliminary plan.
    b) All land necessary to accommodate full right-of-way dedication of the master-planned 70-feet along the Subject Property frontage for Waters House Avenue.

c) All land necessary to accommodate fifty-seven and one-half (57.5) feet from the centerline along the Subject Property frontage for Wisteria Drive for a total master-planned width of 115 feet.

12. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of an 11-foot wide shared-use path along the property frontage on Wisteria Drive; an eight-foot sidewalk along the Property frontage on Waters House Avenue; and a 10-foot sidewalk along the Property frontage on Waters Road.
13. Before release of the first use and occupancy permit, the Applicant must construct all the above frontage improvements for Wisteria Drive, Waters Road, and Waters House Avenue.

Off-Site Improvements/LATR

14. Before the release of any above ground building permit associated with the second building (Phase 2), the Applicant must provide a contribution of $122,882 towards the construction of a shared-use path on Walter Johnson Road between Bowman Mill Drive and Middlebrook Road in lieu of mitigation of bike and pedestrian facilities identified in the Applicant's Transportation Study.

RECORD PLATS

15. Except for demolition of the existing structures, there shall be no clearing or grading of the site before recordation of plat(s).

Easements

16. The record plat must show necessary easements.
17. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

CERTIFIED PRELIMINARY PLAN

18. 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 site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
19. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
    a) Show resolutions and agency approval letters on the certified set

b) Provide approved Fire Department Access plan on the approved certified set

SITE PLAN APPLICATION NO. 820220260

Staff recommends approval of Site Plan No. 820220260, for the construction of 26,680 square feet of retail and 3,200 square feet of drive-thru restaurant uses. The development must comply with the conditions of approval for Preliminary Plan No. 120220200, reviewed concurrently with this site plan application. All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.

DENSITY, HEIGHT & HOUSING

1. Density

   The Site Plan is limited to a maximum of 29,880 square feet of total development on the Subject Property, including 26,680 square feet of retail and 3,200 square feet of drive-thru restaurant uses[2].

2. Height

   The development is limited to a maximum height of 30 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

OPEN SPACE, FACILITIES AND AMENITIES

3. Public Open Space, Facilities, and Amenities

   a) The Applicant must provide a minimum of 12,289 square feet of public open space (10% of net lot area) on-site.

   b) The Applicant must deliver all 12,289 square feet of public open space before issuance of the use and occupancy certificates (excluding core and shell use and occupancy certificates) for retail Building B1 and Building B2, whichever comes first.

4. Maintenance of Public Amenities

   The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to benches, tables, pavers, and landscaping within the public open space throughout the Subject Property.

ENVIRONMENTAL

[2] The retail and restaurant use space can be changed to other commercial uses provided that there is no adverse impact on the Site Plan and APF findings, and it is approved by Planning Staff.

5. Forest Conservation & Tree Save

   a) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.

   b) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.

   c) The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

   d) Before recordation of the plat and the start of any demolition, clearing, grading, or construction or issuance of any sediment control permit for improvements shown on the Site Plan, whichever comes first, for this development Application, the Applicant must:

      a. Execute a five-year Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all mitigation tree plantings, including variance tree mitigation plantings credited towards meeting the requirements of the Final Forest Conservation Plan. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.

      b. Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the mitigation trees and maintenance, including invasive species management controls, credited towards meeting the requirements of the Final Forest Conservation Plan.

      c. Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Seneca Creek watershed to satisfy the afforestation requirement for a total of 0.63 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank located elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Seneca Creek watershed or by making a fee-in-lieu payment to M-NCPPC if mitigation credits are not available at any bank.

   e) Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings on the Subject Property as shown on the approved FCP. The variance mitigation plantings must be a minimum of 3 caliper inches totaling twenty (20) caliper inches, as shown on the approved Final Forest Conservation Plan. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

TRANSPORTATION & CIRCULATION

6. Transportation

   The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated February 17, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

7. Pedestrian & Bicycle Circulation

   a) The Applicant must provide one (1) long-term and fourteen (14) short-term bicycle parking spaces.

   b) The long-term space must be in a secured, well-lit bicycle room within the Goodwill building, and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's retail frontage in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.

   c) Before the issuance of any use and occupancy permit (excluding core and shell use and occupancy certificates), the Applicant must provide the following master planned pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations:

      i. Wisteria Drive:

         a. 11-foot-wide sidepath with 8-foot-wide buffer from vehicular traffic.

      ii. Waters Road:

         a. 10-foot-wide sidewalk with 7-foot-wide buffer from vehicular traffic.

      iii. Waters House Avenue:

         a. An 8-foot-wide sidewalk with 6-foot-wide buffer from vehicular traffic.

8. Site Design

   a) The exterior architectural character, proportion, materials, and articulation must be substantially like the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.

9. Lighting

   a) Before certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).

b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.

c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.

d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.

e) Site lighting and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan

10. Site Plan Surety and Maintenance Agreement

Before issuance of any above-grade building permit, sediment control permit (other than associated with demolition), the Applicant must enter into a Site Plan 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(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.

b) The cost estimate must include applicable Site Plan elements, including, but not limited to private screening walls, plant material, on-site lighting, site furniture, trash enclosures, retaining walls, railings, and associated improvements of development, including private storm drainage facilities, street trees and streetlights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.

c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each of the three phases of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

11. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved before the approval of the Certified Site Plan.

12. Certified Site Plan

a) Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

b) Add two entrances to the front of Goodwill Building, along the frontage of Wisteria Drive.

c) Show the layout and location of the long-term bicycle storage area in the Goodwill building.

d) Include the stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheets.

13. Add the following notes:
    i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
    ii. "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
    iii. "The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times."
14. Include approved Fire and Rescue Access plan in the Certified Site Plan.
15. Modify data table to reflect development standards approved by the Planning Board.
16. Ensure consistency of all details and layout between Site and Landscape plans.

SECTION 2: SITE DESCRIPTION

VICINITY

The 3.52-acre Subject Property is zoned CRT-1.0 C-0.75 R-0.75 H-65 and identified as Parcel P760 on Tax Map EU42 ("Subject Property" or "Property"). The Subject Property is located at 19621 Waters Road in Germantown, in the southeast quadrant of the intersection of Waters Road and Wisteria Drive and is bound by Waters House Avenue to the southeast of the Property (Figure 1). The Subject Property is within the Germantown section of the 2019 *MARC Rail Communities Sector Plan* ("Sector Plan").

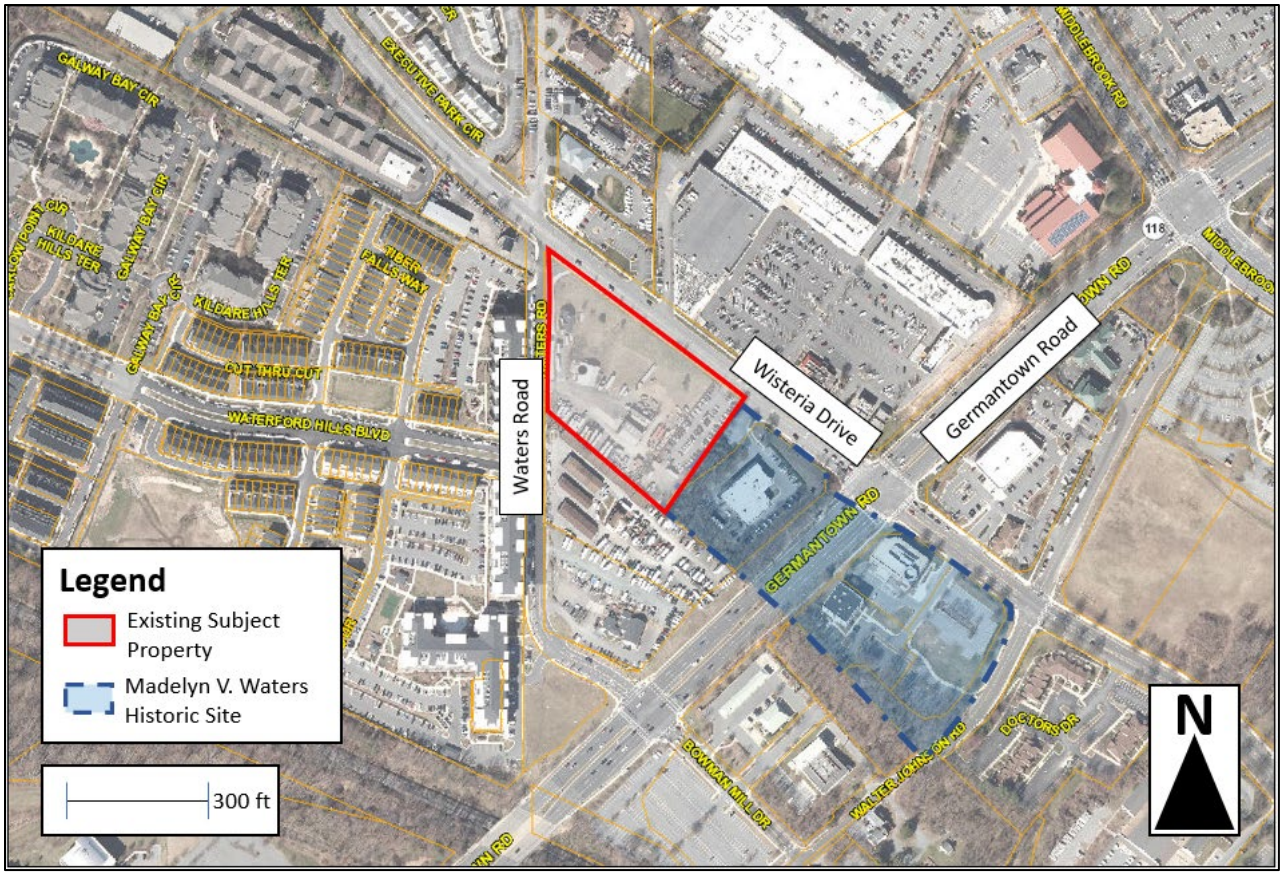


Figure 1 - Vicinity Map

Across Germanton Road (MD 118) to the south and southeast is the Germantown MARC Rail Station and Seneca Valley High School, respectively.

Across Wisteria Drive to the east and northeast, the Subject Property abuts the Germantown Town Center with several commercial properties, including sit-down restaurants, an India Bazaar, and a drive-thru restaurant. These surrounding properties are zoned CRT-0.75 and CRT-0.5 (Figure 2)

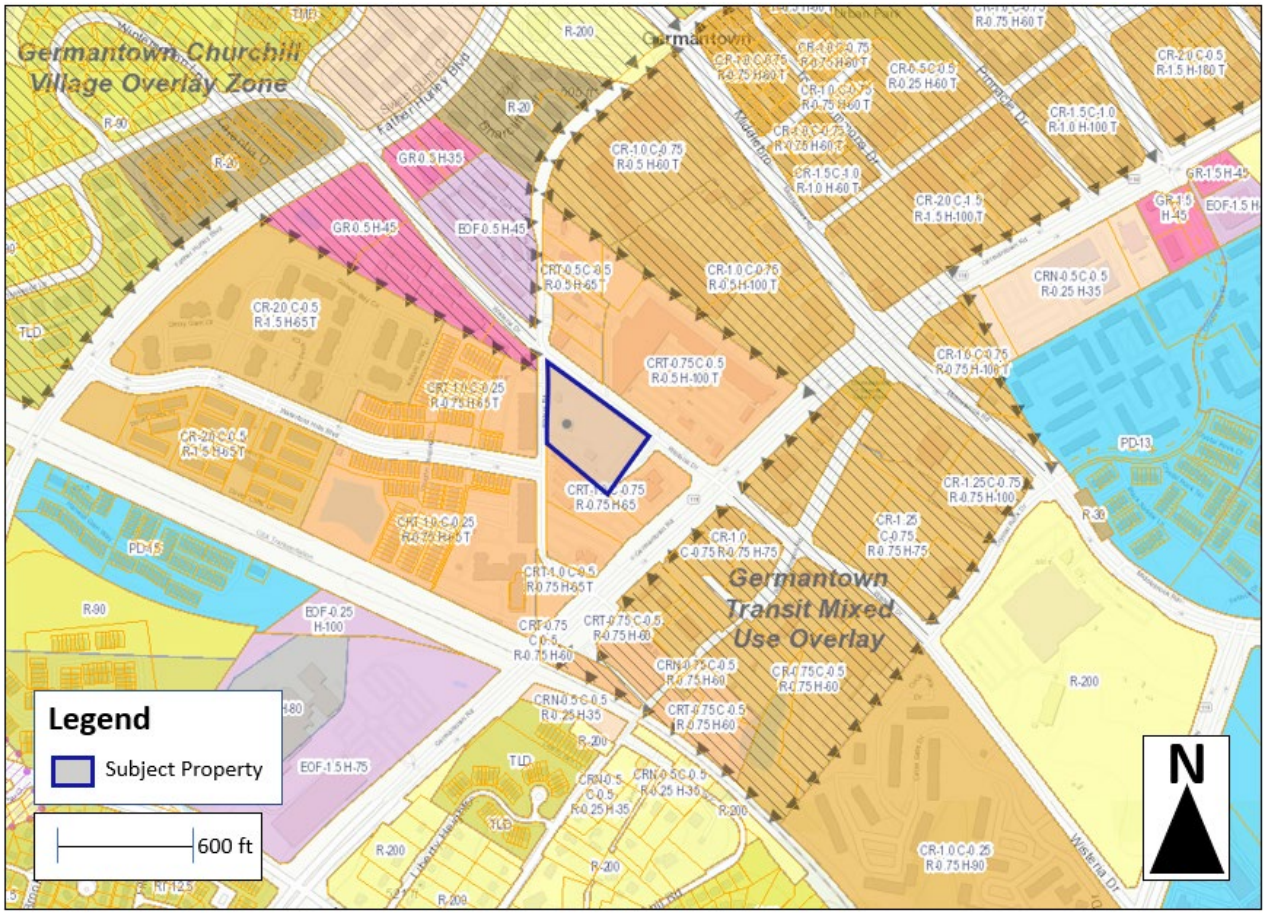


Figure 2 - Zoning Map

To the northwest of the Subject Property, west of Waters Road, the zoning changes to EOF-0.5 and GR-0.5 with the Germantown Churchill Village Overlay. The areas zoned EOF-0.5 feature a beauty salon, an orthodontist office, dentist office, and sports medicine offices. The properties zoned GR-0.5 include a towing service business.

Across Waters Road to the west, the properties are developed predominately with residential buildings along Waters Road and zoned CRT-1.0. The residential units include four-story multifamily residential buildings across Waters Road from the Subject Property.

Like the Subject Property, the properties to the south and southwest are also zoned CRT-1.0 and feature an existing U-Haul storage facility and a recreational vehicle storage facility. The property to the southeast, between Waters House Avenue and Germantown Road, is a tire shop zoned CRT-1.0 and located within the boundaries of the Madelyn V. Waters Historic Site (19/013-001A) (Figure 1).

PROPERTY DESCRIPTION

The Subject Property is currently improved with a residence, two commercial storage buildings, two gravel parking areas, a wall, and fencing. The Property is currently accessible from two driveways on

Waters Road and a third entrance on Wisteria Drive (Figure 2). The Property slopes from the higher elevations in the northeast of the Property along Wisteria Drive and Waters House Avenue, down to the lower southwestern portion of the Property.

The Property does not contain existing forest; does not contain any streams, wetlands, 100-year floodplain, stream buffers, steep slopes, or highly erodible soils; has no documented rare, threatened or endangered species on the Property; is served by public water and sewer; and there are no known cemeteries on the Subject Property. Most of the Property is located within the Little Seneca Creek watershed, and the eastern corner of the Property located at the intersection of Wisteria Drive and Waters Avenue drains to the Middle Great Seneca Creek. The Property is not located within a Special Protection Area or the Patuxent River Primary Management Area.

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

CONCEPT PLAN NO. 520210170

On March 15, 2022, Concept Plan No. 520210170 for retail and a drive-thru restaurant was discussed at the Development Review Committee meeting. Staff identified concerns related to the location and orientation of the building to the streets. There were also comments on eliminating access on Wisteria Drive and adding a temporary turnaround to Waters House Avenue. The current Application includes revisions consistent with the direction provided at Concept Plan.

PROPOSAL

On August 24, 2022, the Applicant, KHR Waters Investments, filed Preliminary Plan No. 120220200 ("Preliminary Plan") and Site Plan No. 820220260 ("Site Plan") to create one lot for four buildings, including a 18,500 square foot Goodwill retail building, two semi-detached 4,100 and 4,080 square foot retail buildings, and a 3,200 square foot drive-thru restaurant building, associated parking, stormwater management facilities, and public open space.

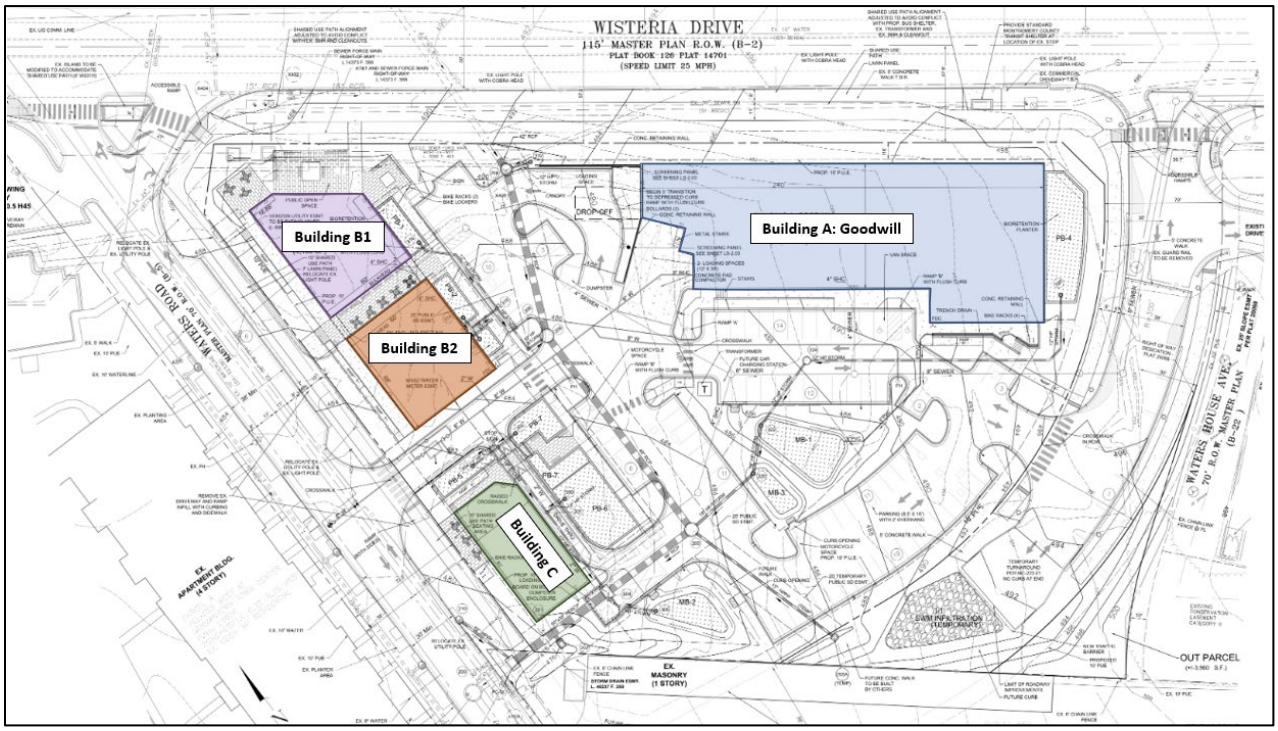


Figure 3 – Site Plan

Preliminary Plan review is required because the Property is an unrecorded parcel, not a recorded lot. The Preliminary Plan subdivides the existing 3.52-acre (153,304 SF) parcel into one 2.82-acre (122,899 SF) lot and one 0.09-acre (3,960 SF) residual outparcel. The Applicant is dedicating 0.60 acres (26,445 SF) of right-of-way for Waters Road and Waters House Avenue.

Site Plan review is required because the proposed restaurant includes a drive-thru which is a limited use in the CRT zone. Site Plan review is one of the limited accessory commercial use standards per Section 59.3.1.6. Site Plan is also required because the Applicant is seeking modifications to the Build-to-Area and Building Orientation and Transparency standards per Section 4.5.3.C.3.b and 4.3.3.C.5.a. which requires Site Plan approval in the CRT zone, per the limited use standards.

Access and frontage improvements are proposed on Waters Road and Waters House Avenue. The existing buildings will be demolished, the gravel parking areas will be removed, and the grade will be leveled. The Applicant is providing 12,289 square feet or ten percent (10%) of the net tract (Site) area as Public Open Space which includes landscaped seating areas, open walkways lined with vegetation, and vegetated structural stormwater management features.

Stormwater management goals will be met via micro-bioretention and planter box micro-bioretention facilities. The stormwater management facilities are proposed within parking islands and open space areas and the Applicant will include signs to teach visitors about the local plants used for stormwater retention and filtration. Enhanced filters will be added where possible. An infiltration trench will be used for improvements within the Waters House Avenue right-of-way.

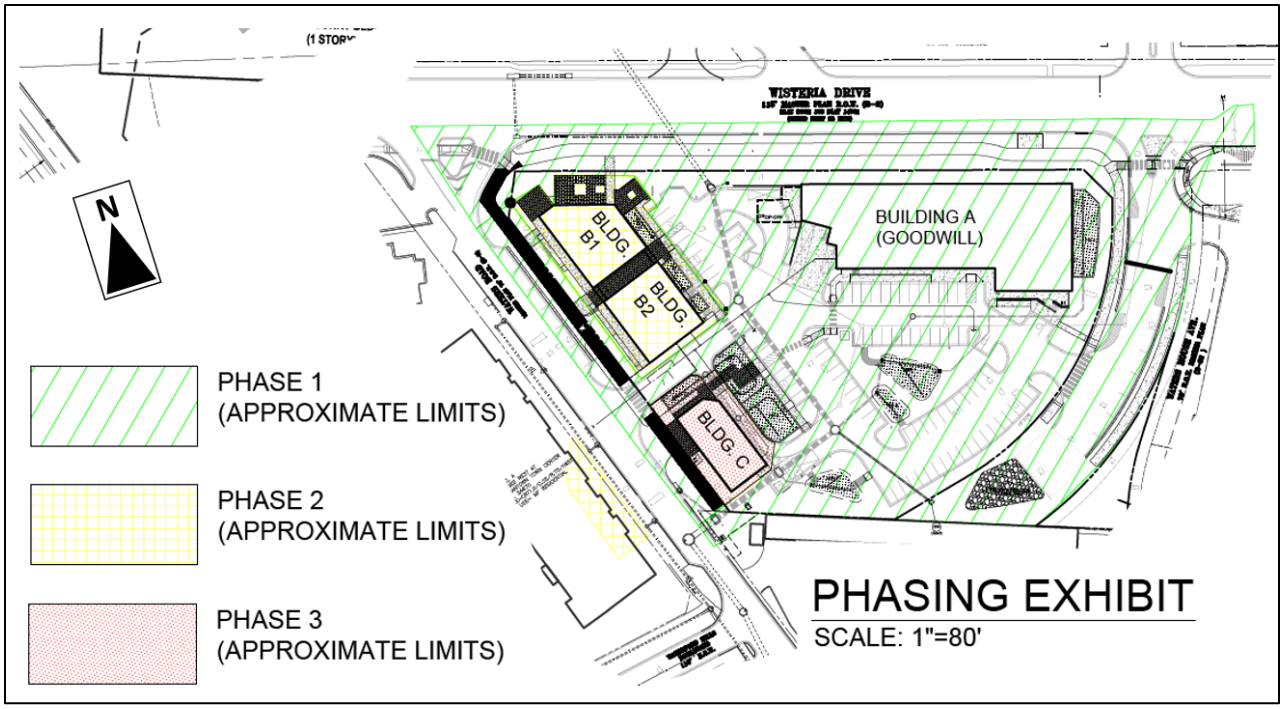


Figure 4 – Phasing Plan

The Site will be built out in up to three phases (Figure 4):

1. Phase 1: Includes the Goodwill retail building (Building A), surface parking lot, construction of the Waters House Avenue extension, the driveway on Waters Road, frontage improvements along Waters Road, Waters House Avenue, and Wisteria Drive, part of the centrally located open space, and stormwater management areas.
2. Phase 2: Includes the two northern retail buildings (Buildings B1 and B2), offsite improvements ("GIP"), and additional open space surrounding the retail buildings.
3. Phase 3: Includes the drive-thru restaurant (Building C) and surrounding walkways and stormwater management facilities.

The buildings in Phases 2 and 3 will be constructed based on market conditions and may be constructed out of sequence. As conditioned, off-site improvements will be constructed before release of the first Use and Occupancy permit for Phase 2.

SITE DESIGN AND ARCHITECTURE

The Applicant is adjusting and improving existing access on Waters Road, which is the primary vehicular access point for the site. The Applicant is also adding new access on Waters House Avenue. The drive aisles are connected across the Subject Property through the proposed shared surface parking lot. Frontage along Waters Road prioritizes pedestrian movement with a ten (10) foot sidepath and

crosswalk providing access into the site. There are two (2) pedestrian access points to the retail buildings along the northern portion of the Waters Road frontage, including stairs and accessible ramps.

Figure 4 – Rendered Site Plan with Site Design Elements

The southern portion of the Waters Road frontage abuts a seating area for the proposed drive-thru restaurant. The Applicant is also proposing a 10- foot sidepath along Wisteria Drive that connects with the Waters Road sidepath at the northwestern corner and connects with a sidewalk along Waters House Avenue in the northeastern corner.

There are eight-foot sidewalks with connecting crosswalks and public open space areas proposed throughout the site. Shrubs will be added between the sidepath and the walkways abutting the retail and drive-thru buildings along Waters Road. Shade trees are proposed for the open space areas in the site, including around the stormwater management facilities in the center of the surface parking lot. Shrubs and shade trees are proposed for the southern portion of Waters House Avenue, screening the parking lot from the road. Parking, including accessible parking, is provided internally near all buildings.

Building A: Goodwill

The Goodwill entrance will face south towards the surface parking and the central micro-bioretention facilities (Figure 5). As conditioned, two additional entrances will be provided to the building facing Wisteria Drive. The eastern side of the building features the largest micro-bioretention facility (Figure 6). There is a proposed sidewalk along the front façade. The western side of the building includes a loading area and a drop-off lane for vehicles with donations, separated by a wall (Figure 7).

Figure 5 – Goodwill south elevation

Figure 6 – East elevation

Figure 7 – West elevation

The north elevation, facing Wisteria Drive, and the south elevation facing into the Site feature a mix of ribbed cementitious panels, fiber cement panels, vertical metal siding, clear glass, spandrel glass, and Exterior insulation and finish system (EIFS). The north elevation features screening for the drop-off lane from Wisteria Drive (Figure 8). The western side of the north façade primarily features the EIFS and spandrel glass. The center and eastern sides feature the ribbed cementitious panels, horizontal fiber cement panels, clear glass, and vertical metal siding.

Figure 8 – North elevation

Buildings B1 & B2: Retail

The retail buildings front on Waters Road on the northern corner of the Site. The proposed retail buildings would have stairs and ramps connecting the sidepath along Waters Road with a sidewalk along the retail buildings. There are grasses and shrubs proposed between the sidepath and the sidewalk for the buildings. The west elevation façade is composed of a combination of horizontal fiber cement panels, vertical metal siding, EIFS, and clear glass (Figure 9). The design of each building is a mirror of the other, creating a sense of symmetry. There is a proposed seating area between the buildings with benches and four person tables. There is a metal canopy for the seating area, creating an inviting gateway between the buildings for pedestrians.

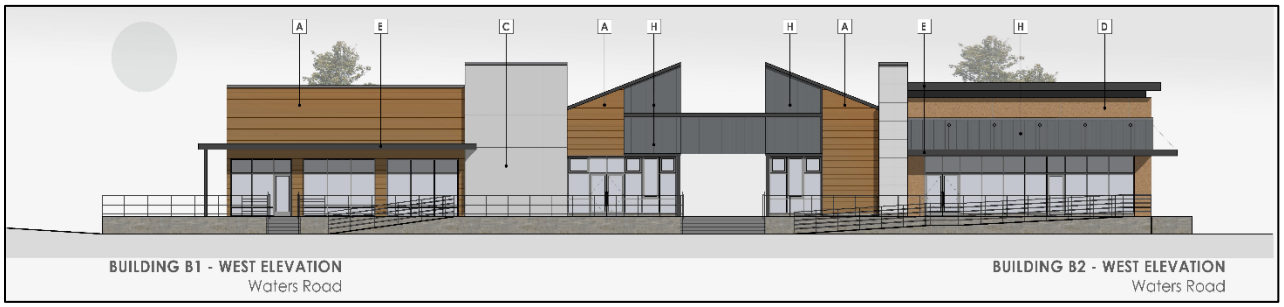


Figure 9 – West elevation facing Waters Road

The northernmost corner features a public open space area with landscaping, shade trees, benches, and four person tables. The north façade of the northernmost building features a combination of horizontal fiber cement panels, vertical wood slats, a metal canopy, EIFS, and clear glass (Figure 9).

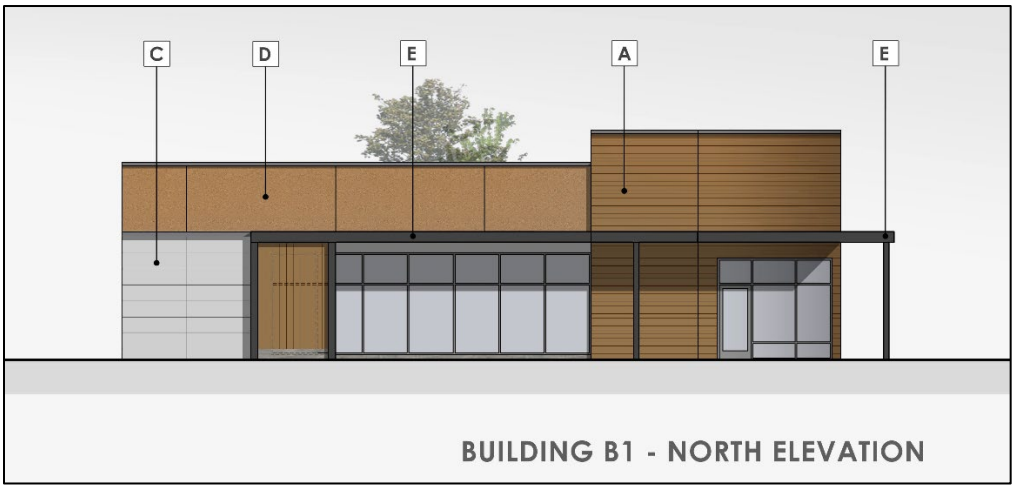


Figure 10 – North elevation facing the Waters Road/Wisteria Drive intersection

The eastern sides of the retail buildings, facing the Goodwill drop off loop, will have stormwater management facilities integrated into the walkway, a sidewalk, and bicycle lockers (Figure 11). There is a proposed combination of EIFS, vertical metal siding, horizontal fiber cement panels, vertical wood slats, spandrel glass, and clear glass along the facades. The metal canopy gateway between the two

buildings creates an inviting pathway for pedestrians, which may encourage people from the street to move through the Site.

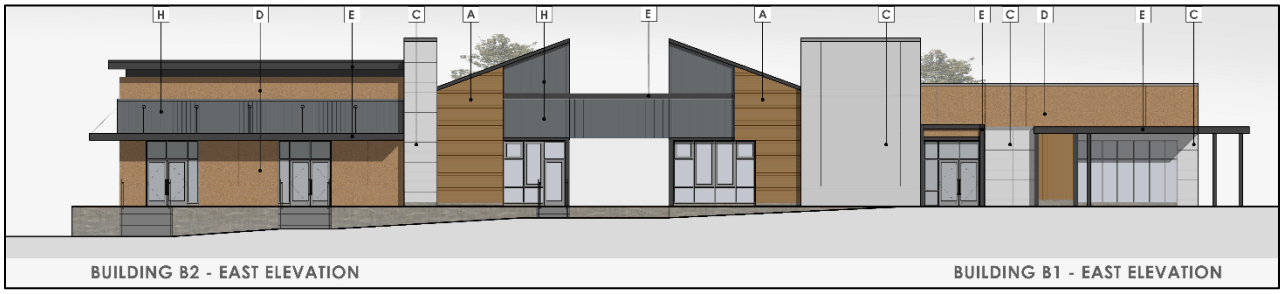


Figure 11 – East elevation facing the interior parking lot

The south side of the southernmost retail building directly abuts the drive aisle for traffic on Waters Road (Figure 12). The wall will be buffered from the drive aisle by shrub plantings. The proposed façade includes EIFS, vertical metal siding, and clear glass. The windows and vertical metal siding add interesting visuals for vehicles passing by on their way into the Site.

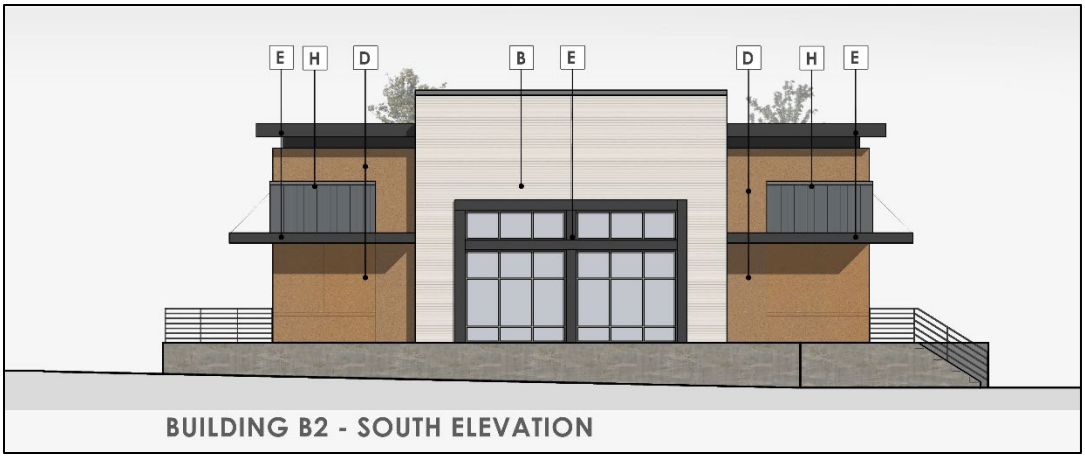


Figure 12 – South Elevation

Building C: Restaurant with Drive-Thru

The restaurant building occupies the southwest corner of the site, along Waters Road and includes a drive-thru between the building and interior parking lot. The restaurant includes a seating area along Waters Road (Figure 13) and features clear glass, vertical fiber cement panels, and EIFS along the facade. As traffic enters from Waters Road, the vehicles move into the site and then to the east, through the parking lot, before moving south into the designated drive-thru lane.

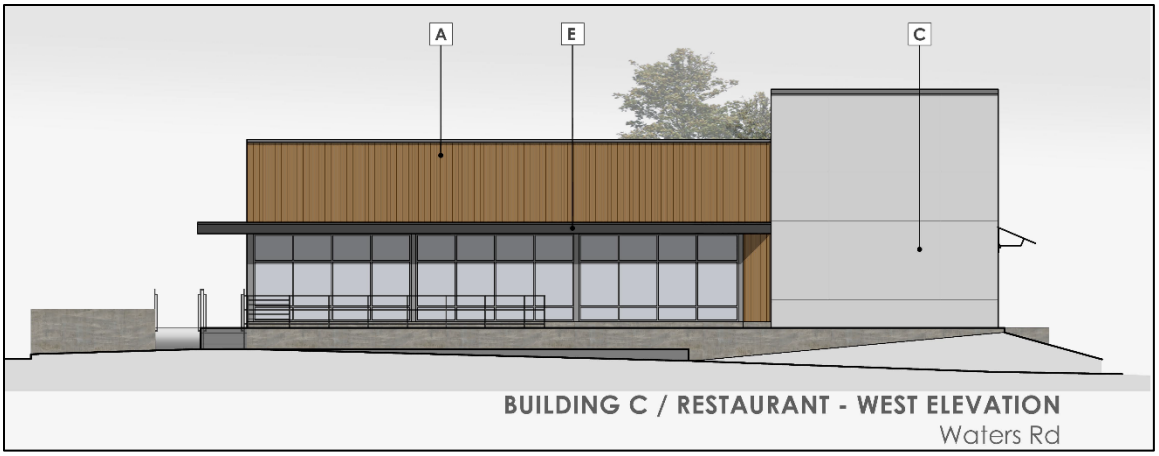


Figure 13 – West elevation facing Waters Road

The drive-thru lane wraps around the median containing benches and the stormwater facilities and then towards the northern end of the restaurant building. The façade facing into the site, towards the east, includes primarily EIFS siding with a vertical fiber cement panel indicating the drive-thru window (Figure 14).

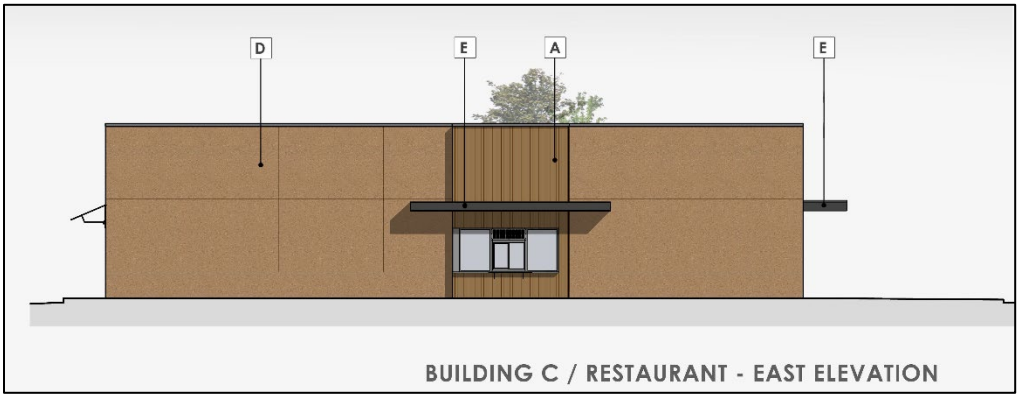


Figure 14 – East elevation facing into the site

The northern side of the building, facing the retail buildings, includes an accessible ramp and stormwater facilities (Figure 15). The façade of the northern side is EIFS, vertical fiber cement panels, and clear glass. The southern side of the building faces another stormwater facility and a dumpster area (Figure 16). The façade of the southern side is composed of EIFS.

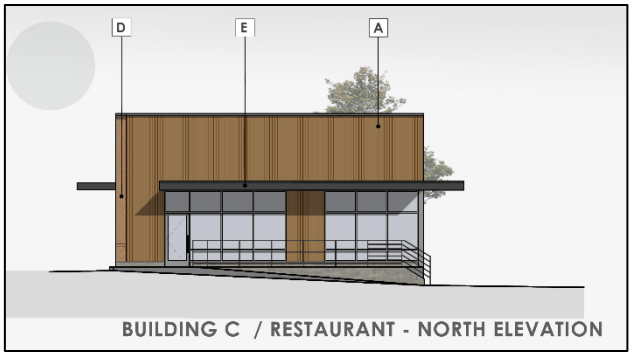


Figure 15 – North elevation

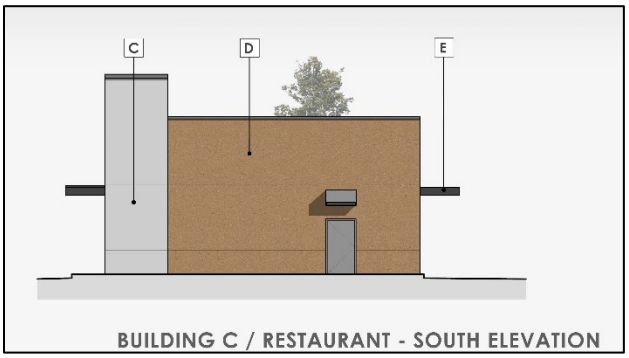


Figure 16 – South elevation

TRANSPORTATION

The Application was reviewed under the 2020-2024 *Growth and Infrastructure Policy* (GIP) and 2022 Local Area Transportation Review Guidelines (LATR), and a transportation impact study has been submitted as part of the Application. The Subject Property is located in a Germantown Town Center Bicycle and Pedestrian Priority Area (BiPPA). This Application includes significant on-site and off-site bike and pedestrian improvements to meet and advance these policies and guidelines. These improvements, including on-site and off-site sidepaths, a shared-use path, new sidewalk connections, and vehicular connections (Figure 5), will be discussed in greater detail in the findings section.

SECTION 4: COMMUNITY OUTREACH

The Applicant held a virtual pre-submittal public meeting on June 29, 2022 related to the Site Plan and Preliminary Plan. The meeting was conducted virtually per COVID-19 Guidelines and has complied with all submittal and noticing requirements. In addition to the required public meeting, the Applicant has conducted additional outreach.

Staff received one letter of correspondence during the review of the Application. The letter details concern regarding existing and potential traffic along Waters Road, as well as concerns regarding the proposed drive-thru and retail uses. Staff acknowledged these concerns and expressed that the CRT zone allows for the proposed retail and restaurant uses. The drive-thru, however, is a limited use and has been evaluated as part of this Site Plan application. As required by the Zoning Ordinance Section 3.5.14.E , the drive-thru is intentionally located behind the restaurant building, separating the drive-thru operation from vehicular movements on Waters Road and reducing pedestrian and vehicular conflict. Additionally, the drive-thru provides ample queuing space for at least five vehicles. Regarding the community member's traffic concerns, the Applicant is proposing traffic calming measures along Waters Road, including parallel parking spaces, street trees, and curb extensions. Although drive-thru restaurants are an auto-centric use, the Applicant is proposing a combination of bicycle and pedestrian improvements along Waters Road and Wisteria Drive that encourage access to the Property for cyclists and pedestrians and mitigate increased vehicular traffic. The LATR analysis indicates that there is sufficient capacity at the intersections to accommodate peak hour vehicle trips generated by both

background projects and the Subject Application. The Application was approved by MCDOT by letter dated March 23, 2023 (Attachment B).

SECTION 5: PRELIMINARY PLAN 120220200 FINDINGS AND ANALYSIS

The Preliminary Plan would create one lot on 3.52 acres of land, for a maximum density of up to 29,880 square feet of commercial development. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable agencies.

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 Lot(s) and Use comply with the basic requirements of Chapter 59

   This Preliminary Plan has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the CRT zoning, the land use recommendations in the 2019 *MARC Rail Communities Sector Plan* and the general building types contemplated for the Property, considering the Property's unique shape and frontage on three public roads. The lot as proposed will meet all the dimensional requirements for area, frontage, and width requirements for the CRT zone as specified in the Zoning Ordinance.

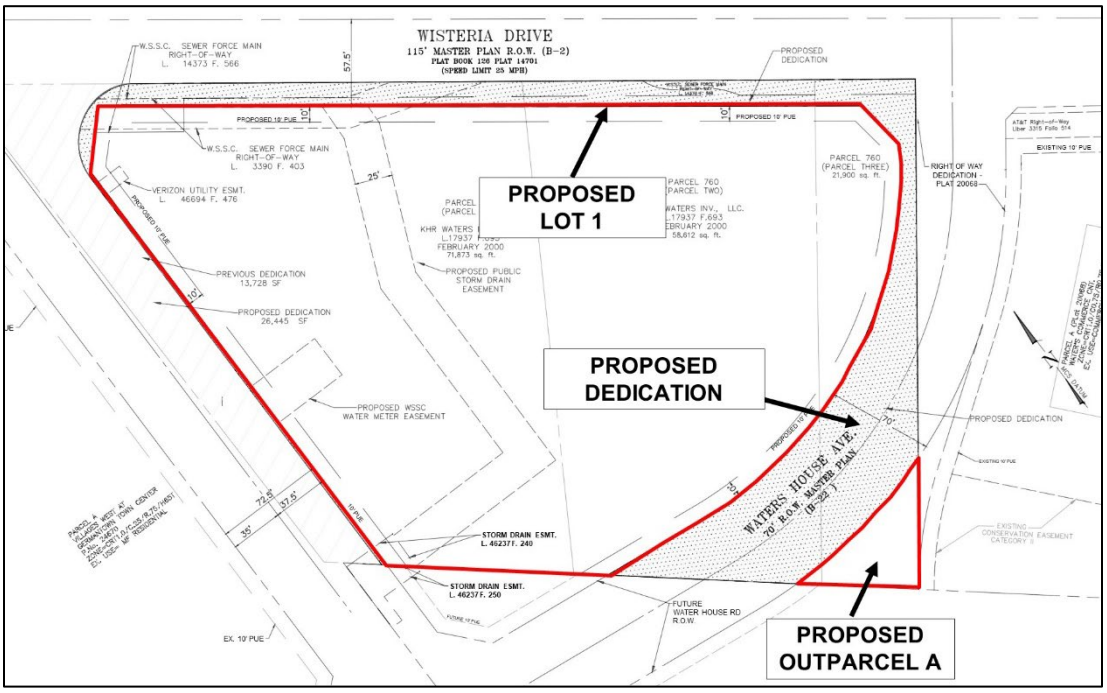


Figure 17 – Proposed Lot and Dedication

Three of the four proposed buildings will be occupied by retail/service establishment uses, permitted uses in the CRT zone, under Section 59.3.1.6. The fourth building (C) is identified as a restaurant with a drive-thru. A restaurant is also a permitted use in the CRT zone, however, the drive-thru portion of the restaurant is a limited use in the CRT zone which requires Site Plan per Section 59.3.5.14.E.

As shown on the Preliminary Plan and described in more detail in the Site Plan analysis section of this report, the proposed lot can adequately accommodate the retail uses, drive-thru restaurant, and reasonably meet the width and setbacks requirements in the zone. Sufficient space has been provided for stormwater management facilities, parking, circulation and utility easements on the lot, after dedication. A summary of this review is included in the Site Plan Data Table.

As discussed in the Sector Plan section below, the Applicant is providing all the necessary right-of-way dedication and easements necessary for public roads, streetscape improvements, pedestrian access, utilities and other public facilities along its three frontages.

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

The proposed development of Waters Village substantially conforms to the recommendations in the 2019 *MARC Rail Communities Plan,* the 2018 *Bicycle Master Plan*, and the 2021 *Complete Street Design Guide*. The development will be located north of Germantown Road (MD 118) in the GH designated area of the Germantown portion of the 2019 *MARC Rail Communities Sector Plan*

(see page 31 of the sector plan for the reference key). The GH designated area is a triangular site bounded by Waters Road on the west, Wisteria Drive on the east, and Germantown Road (MD 118) on the south. The proposed land use for the GH designated area is mixed-use. The Subject Property is within a five-minute walk of the Germantown MARC Station and across the street (Waters Road) from existing established residential development just outside of the 2019 *MARC Rail Communities Plan* boundary.

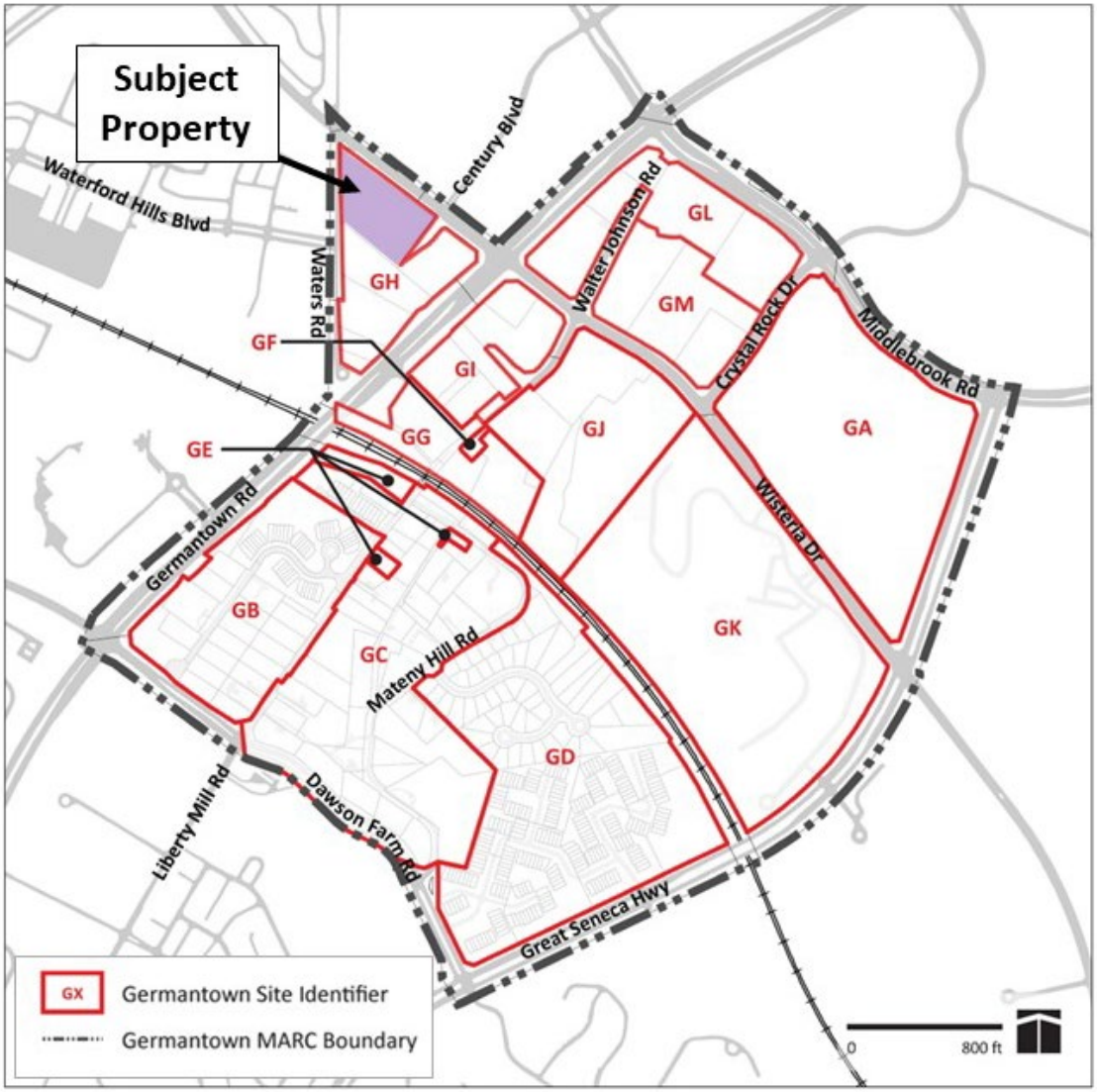


Figure 18 – Sector Plan Area Key (MP p.33)

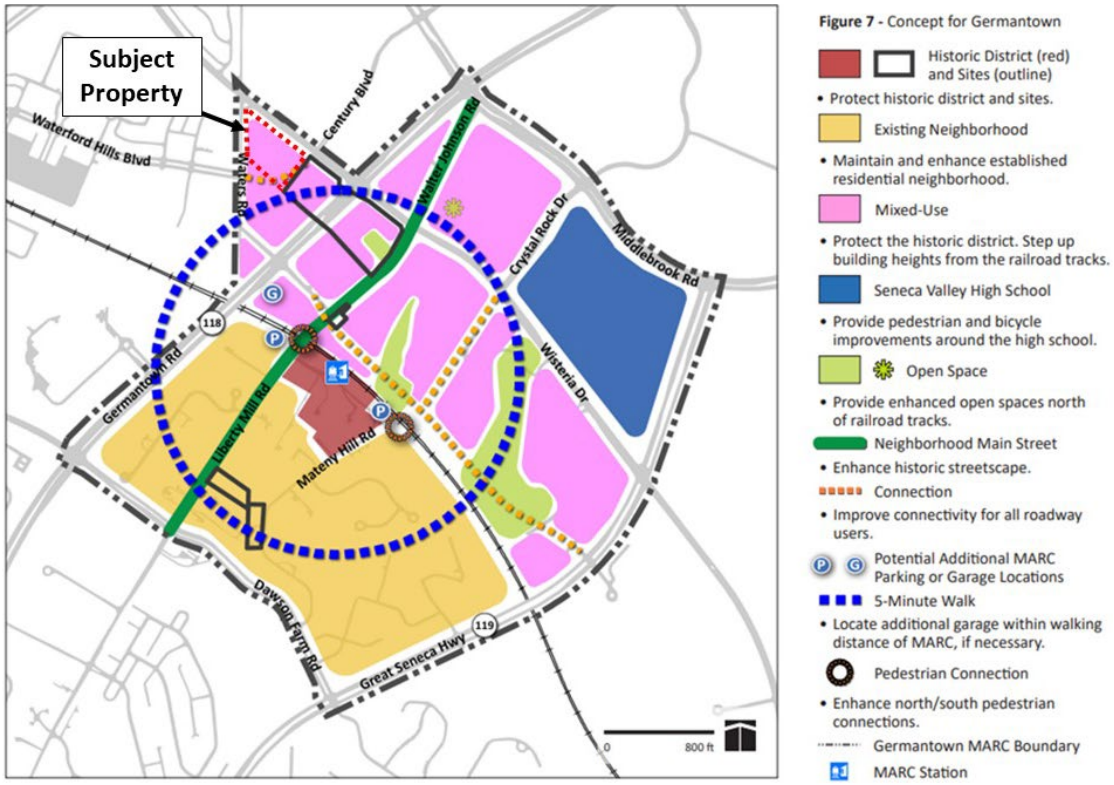


Figure 19 – Sector Plan Land Use Plan (p.19)

2019 *Approved and Adopted MARC Rail Communities Sector Plan*

The Vision for the Germantown portion of the 2019 *MARC Rail Communities Sector Plan* states "the Germantown plan area is envisioned as a compact, connected and walkable neighborhood with a mix of land uses. These uses include community- and commuter-serving retail, a range of housing options and parking structures for MARC commuters near the station. The historic integrity of the station area is maintained through the preservation and adaptive reuse of historic structures, while the design and placement of new buildings are sensitive to the historic scale and character. A variety of public spaces and dedicated open spaces accommodates community gatherings and enhance existing public events, such as the flea market that draws visitors to the area.

The recommendations in the Sector Plan for the Germantown area are geared toward supporting this vision and transforming the Germantown MARC Station area from an auto-dominated environment to an environment with an interconnected street network that is safe and comfortable for pedestrians, bicyclists, transit riders, and motorists. The six areawide recommendations that are most applicable to the Waters Village site are as follows:

Strengthen and enhance historic areas and residential neighborhoods by allowing infill development that echoes the existing patterns of nearby historic resources and residential neighborhoods:

- Emphasize quality design of new development.
- Encourage compatible land uses for infill development.
- Build new structures with compatible architectural styles, scales and heights.
- Reflect historical development patterns, such as reduced front building setbacks.
- Encourage the adaptive reuse of underutilized historic structures in a manner that is sensitive and appropriate to the historic context.

The Plan provides further guidance with the detailed recommendations:

Connect Germantown Recommendation A.2.a. (page 53)

Transform the MARC station area from an auto-dominated environment to an interconnected street network that is safe and comfortable for pedestrians, bicyclists, transit riders and motorists (Sites GA, GF, GG, GH, GI, GJ, GK, GL and GM).

- Provide a network of local roads and pedestrian/bicycle facilities that will result in improved circulation and safe access, and create a fine-grained network of small, walkable blocks on the north side of the railroad tracks. Implement context-sensitive improvements to streets that calm traffic, improve safety and respect historic resources.

Waters Road was extended southward, within the past five years, to intersect with Germantown Road at a signalized intersection to provide pedestrians with safer crossing access to the Germantown MARC Station. In accordance with the 2019 *MARC Rail Communities Sector Plan*, the Waters Village development is dedicating public right-of-way for a portion of the new street connection from Waterford Hills Boulevard to Wisteria Drive. The remaining portion of the new street will be provided when the property to the south of the Waters Village site is redeveloped.

Connect Germantown Recommendation A.2.c. (page 54)

Design complete streets that are safe and comfortable for all users.

- Plant tall-growing shade trees between pedestrian and bicycle facilities and the roadway to buffer pedestrians and bicyclists from vehicles and provide traffic calming.
- Design roadways with narrow lane widths within the Urban Road Code Areas.
- Design stormwater management facilities to safely accommodate on-street parking and pedestrians using the sidewalks.
- Ensure pedestrian safety and comfort on all area streets by limiting crossing distances to 60 feet or less (curb-to-curb or between the curb and a minimum six-foot wide refuge).

Waters House Avenue Connect Germantown Recommendation A.2.k. (page 64)

Connect Waterford Hills Boulevard to future Century Boulevard Extended via Waters House Avenue, classify Waters House Avenue as a two-lane business district street with parking on both sides to serve adjacent development.

The Application conforms with this recommendation. The three edges of the site, Wisteria Drive, Waters Road, and the portion of Waters House Avenue within the Subject Property, will have wide, shaded sidewalks. Street trees will be planted in a landscaped street buffer contiguous to the roadway so that the landscaped street buffer on each street of the site serves as a safe buffer between pedestrians and vehicles while also providing shade on the sidewalk. Along the Waters House Avenue frontage, additional trees and other landscaping will be provided to screen the surface parking lot area from the adjacent right-of-way.

Waters Road Connect Germantown Recommendation A.2.l. (page 65)

Instead of a five-foot sidewalk on Waters Road as noted in the 2019 *MARC Rail Communities Plan*, the Applicant will be providing a wider 10-foot-wide shared-use path with on-street parking and a 7-foot street buffer that will promote and better serve pedestrian connectivity and safety. To accommodate these frontage changes, the current 70-foot right-of-way for Waters Road will slightly increase to 72.5 feet, necessitating a change in overall right-of-way dedication.

Renew Germantown Recommendation B1.a. (page 69)

Promote compatible infill development around the Boyds and Germantown MARC Stations, while protecting existing residential uses, historically significant structures and natural areas.

Renew Germantown Recommendation B.1.e. (page 78)

Create an attractive public realm that enhances the character of the Germantown MARC area.

- Carefully design infill development to reflect the character of the historic areas and promote a fine-scaled, walkable environment.
- Frame streetscapes and public spaces with buildings.
- Locate new buildings to define the street edges and create active street fronts.
- Orient the primary building facades and entrances to face public streets and improve pedestrian accessibility.
- Incorporate the setbacks, scale and architectural elements of historic buildings into any new infill or redevelopment in the existing residential area.
- Provide height transitions from existing buildings to new development.

The Subject Property will be compatible with the existing adjacent residential neighborhood. The proposed development has its buildings facing the two public right-of -ways closest to the Liberty Mills residential development with the parking behind and to the sides of the buildings. The building heights of the development will be up to 25 feet in height which is less than the buildings across Waters Road.

The largest building, the Goodwill building, will be located along the Wisteria Drive frontage of the block. As a long linear building, the façade will be broken into bays using ribbed cementitious panels as pilaster strips. Between the pilaster strips, materials such as fiber cement panels, EIFS and clear and spandrel glass are used to create a rhythm to the facades and break down the massing of the building. Although the primary entrance to the building will be from the surface parking lot, the Wisteria Drive façade of the building will be active with large expanses of aluminum storefront windows that provide views into the retail space.

The three smaller retail pad sites, which are between 3,200 and 4,100 square feet, will be located along the Waters Road frontage of the building across from the multifamily buildings of the Liberty Mill complex. Pedestrian pass-throughs will be provided between building to allow for connectivity between the shared use path on Waters Road and the surface parking lot in the middle of the block. These pedestrian pass-throughs will also have areas for café seating for the retail spaces. The three retail buildings will have similar architecture to the Goodwill building. Although the main entrances to the three buildings will be from the surface parking lot internal to the block, there will be large expanses of storefront windows and secondary entrances along Waters Road.

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

a) Roads and other Transportation Facilities

i. ***Existing and proposed public transportation infrastructure***

<u>Waters Road</u>

The Subject Property has approximately 400 feet of frontage on Waters Road, classified as a Town Center Street in the 2021 *Complete Streets Design Guide* ("CSDG") and a Business District Street in the 2018 *Master Plan of Highways and Transitways*. Waters Road has a master-planned right-of-way of 70 feet. To accommodate additional pedestrian frontage improvements, the master-planned right-of-way will increase to 72.5 feet, for a dedication of roughly 36.25-feet from the property line to the roadway centerline.

The Applicant will construct a 10-foot sidewalk along the western side of Waters Road between Wisteria Drive and westernmost point of Subject Property frontage, meeting the Complete Streets Design Guide requirement of a minimum 10-ft wide pedestrian facility. The 2018 *Bicycle Master Plan* makes no recommendations for the portion of the Subject Property's frontage on Waters Road south of Wisteria Drive.

<u>Wisteria Drive</u>

The Subject Property has approximately 570 feet of frontage on Wisteria Drive, which is classified as a Town Center Boulevard per the 2021 *Complete Streets Design Guide,* with a

recommended total right-of-way (ROW) width of 115 feet as per the 2018 *Master Plan of Highways and Transitways*. The Applicant will dedicate 57.5 feet of right-of-way, half of the total dedication, on the Application side of the road as measured to the roadway centerline, to accommodate approximately 98 feet of total dedication. Additional dedication will be required from any application on the opposite side of Wisteria Drive as part of any future subdivision application.

The Applicant will construct a 11-foot sidepath along the southern side of Wisteria Drive between Waters Road and Waters House Avenue, within the existing right-of-way, which meets the Master Plan recommended width. The 2018 *Bicycle Master Plan* recommends a sidepath along the portion of the Subject Property's frontage along Wisteria Drive.

Additionally, the 2019 MARC Rail Communities Sector Plan also recommends a sidepath along Wisteria Drive on the southern portion abutting the Subject Property.

Waters House Avenue

The Applicant will dedicate and construct approximately 430 feet of future Waters House Avenue, classified as a Town Center Street in the 2021 *Complete Streets Design Guide,* with a 70-foot-wide right-of-way. The road will be constructed according to the cross section recommended by the *Marc Rail Communities Sector Plan*, with the exception that the sidewalks will be increased to an 8-foot-wide standard from the 5 feet. wide standard of the Plan to better accommodate foot traffic through this mixed-use neighborhood. The 2018 *Bicycle Master Plan* does not have any bike infrastructure recommendations for Waters House Avenue.

ii. *Proposed private transportation infrastructure*

Two main drive aisles provide internal east-west vehicular and pedestrian connections. Two vehicular access points are proposed: one along Waters Road midway along the Subject Property, and one along future Waters House Avenue on the southeastern side of the Property. Additionally, the Waters House Avenue approach at Wisteria Drive will be restricted to right in/right out turning movements.

Curb radii have been reduced where feasible to 15 feet as recommended by the Urban Road Code. Stamped pavement will additionally highlight the high pedestrian traffic areas of the Property to increase driver awareness. Additionally, a pedestrian walkway will connect from the middle of the site to Wisteria Drive, accommodating new north-south connectivity.

Truck loading for the Goodwill site will be located on the northwestern edge of the structure, accessed from the main drive aisle.

iii. *Local Area Transportation Review (LATR)*

The Application was reviewed under the 2020-2024 *Growth and Infrastructure Policy* and associated 2022 *Local Area Transportation Review* (LATR) *Guidelines*. The proposed site replaces an existing business. The Application will generate 278 net new person trips during the AM weekday peak period and 382 net-new person trips during the PM weekday peak period based on the ITE Trip Generation Manual, 11th Edition, adjusted for the Germantown Town Center policy area (Table 1). A multimodal transportation impact study is required to satisfy the LATR Guidelines as the Application generates 50 or more net new person trips during a weekday peak hour. The Applicant submitted a study dated November 30, 2022

ITE Trip Generation								Multimodal Trip Generation			
Development	Measure	AM Peak Hour			PM Peak Hour			AM Peak Hour		PM Peak Hour	
		In	Out	Total	In	Out	Total	Auto Driver	Total Person Trips	Auto Driver	Total Person Trips
Proposed											
Strip Retail Plaza	**26,680 SF**	**38**	**25**	**63**	**88**	**88**	**176**	57	89	157	244
Fast Food with D/T	**3,200 SF**	**73**	**70**	**143**	**55**	**51**	**106**	128	199	95	148
Total Trips		**111**	**95**	**206**	**143**	**139**	**282**	185	288	252	392
General Light Industrial	**5,054 SF**	**-4**	**-1**	**-5**	**-1**	**-4**	**-5**	-5	-8	-5	-8
Single Family Residential	**1**	**0**	**-1**	**-1**	**-1**	**0**	**-1**	-1	-2	-1	-2
Existing Trips	**--**	**-4**	**-2**	**-6**	**-2**	**-4**	**-6**	-6	-10	-6	-10
Net New Trips								179	**278**	246	**382**

(Attachment G).

*Table 1: Trip Generation – Person Trips**

*Trip generation rates are based on the ITE Trip Generation Manual, 10th Edition and adjusted as detailed in the 2022 LATR guidelines. Figures are rounded to nearest whole number. Source: Wells + Associates Traffic Impact Analysis submitted on July 21, 2022 and revised on November 30, 2022.

Eight intersections were studied, six within the Germantown Town Center Policy Area, an orange policy area. An additional two intersections are located within the Germantown West Policy Area, a yellow policy area. These intersections were studied using the HCM and CLV methodologies, respectively, in line with LATR requirements. All intersections will operate under the congestion standard:

1) Germantown Road & Waters Road/Bowman Mill Drive

2) Germantown Road & Wisteria Drive
3) Waters Road & Wisteria Drive
4) Waters Road & Waterford Hills Boulevard
5) Wisteria Drive/Driveway (Future Century Boulevard)
6) Waters Road & Site Driveway
7) Father Hurley Boulevard & Wisteria Drive
8) Father Hurley Boulevard & Sweetgum Circle/Middlebrook Road

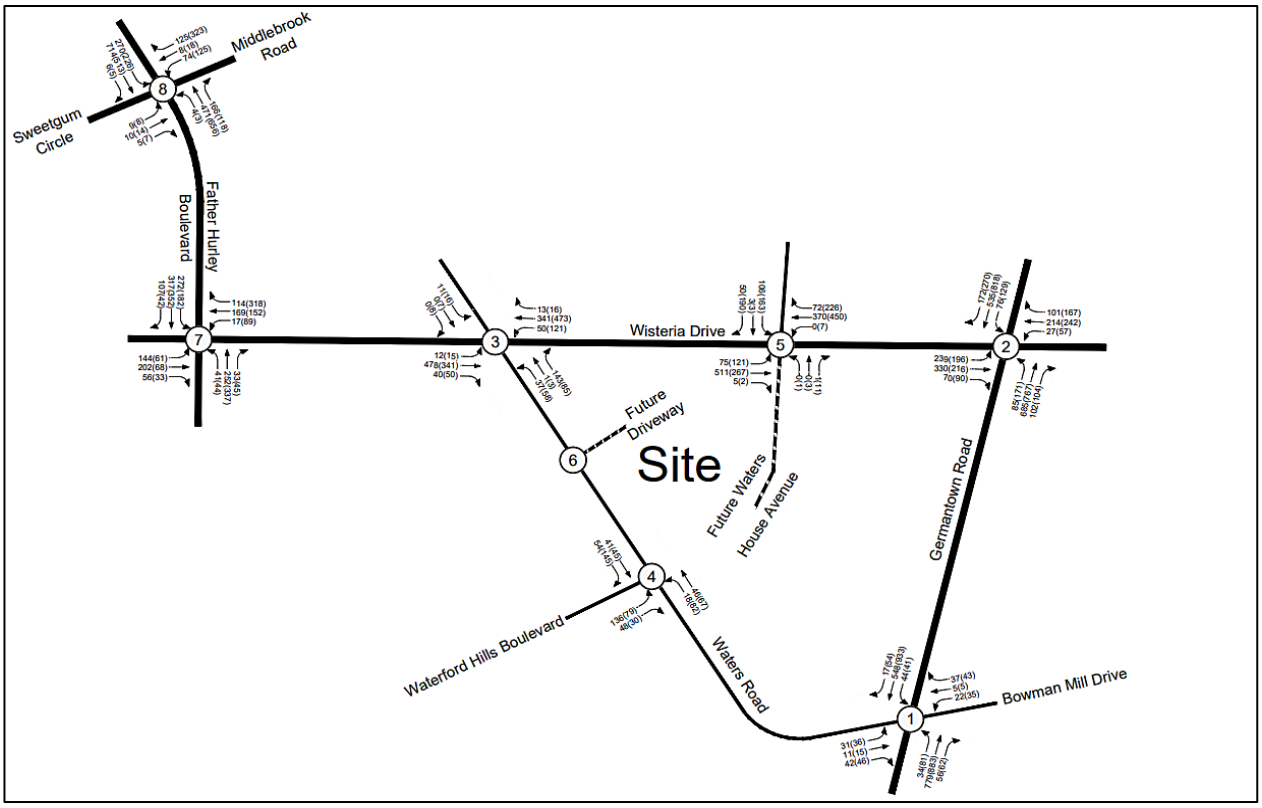


Figure 20 - Intersection locations with Background Traffic Forecasts

Table 2: Highway Capacity Manual Methodology - Seconds of Vehicle Delay

Intersection	Traffic Conditions					
	Existing		Background		Total Future	
	AM	PM	AM	PM	AM	PM
Germantown Town Center Policy Area (HCM 63 Seconds						
Germantown Rd & Waters Road/Bowman Mill Drive	10	10	9	9	10	10
Germantown Road & Wisteria Drive	39	39	40	41	41	43
Waters Road & Wisteria Drive	3	3	3	3	3	4

Waters Road & Waterford Hills Boulevard	6	4	6	4	5	4
Wisteria Drive/Driveway (Future Century Boulevard)	2	6	1	6	3	7
Waters Road & Site Driveway	N/A	N/A	N/A	N/A	2	2
Father Hurley Boulevard & Wisteria Drive	28	25	28	25	28	25
Father Hurley Boulevard & Sweetgum Circle/Middlebrook Road	23	29	23	29	23	29

Table 3: CLV Methodology

Intersection	Traffic Conditions					
	Existing		Background		Total Future	
	AM	PM	AM	PM	AM	PM
Germantown West Policy Area (1,425))						
Germantown Road & Waters Road	417	633	427	655	421	699
Wisteria Drive & Germantown Road	568	762	606	815	644	869
Waters Road & Wisteria Drive	469	417	479	429	511	453
Waters Road & Waterford Hills Boulevard	249	351	249	351	277	397
Commercial Driveway/Wisteria Driveway/Future Waters House Avenue	411	657	416	669	486	755
Future Intersection	182	190	182	190	250	296
Father Hurley Boulevard & Wisteria Drive	721	727	736	763	742	777
Father Hurley Boulevard & Middlebrook Road	746	976	750	985	752	989

All eight intersections in the Germantown Policy Area operate below the 63 second congestion standards. All four intersections in the Germantown West Policy Area operate below the 1,425 CLV standard. No congestion mitigation is necessary, and a finding can be made for vehicle adequacy based on the results of the transportation impact study.

(1) Signal Warrant

Signal warrant analysis was performed for the currently unsignalized intersection of Waters Road and Wisteria Drive. The analysis found that the intersection met the nine warrants studied. The study determined that a traffic signal is needed at the intersection. However, it should be noted that Warrant 2 for four-hour vehicular volume nears, but does not exceed, the warrant threshold for two hours of the study period (4 – 6 pm). As a result, MCDOT is installing a traffic signal at the intersection. The four-way traffic signal will also include new crosswalks at Wisteria Drive and Waters Road, in addition to a crosswalk at Waters Road north of Wisteria Drive.

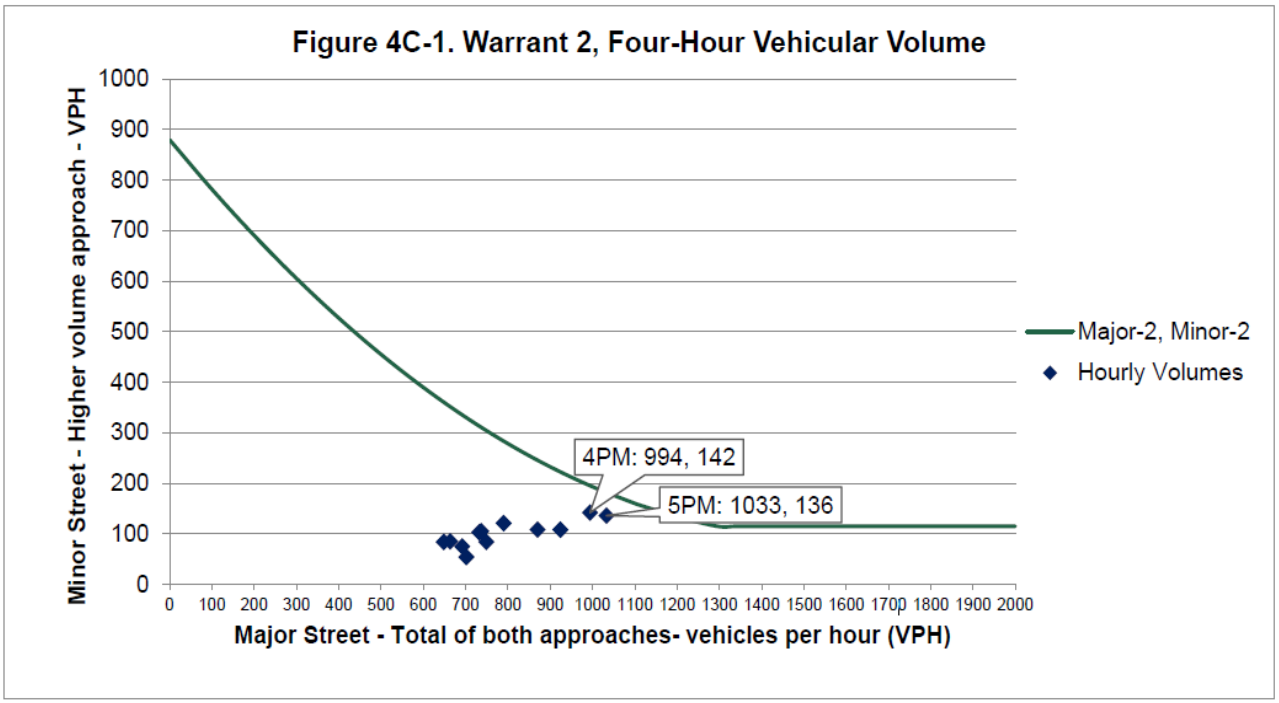


Figure 21 - Four-Hour Signal Warrant of Waters Road / Wisteria Drive intersection

(2) Multimodal Analysis

The transportation impact study analyzed multimodal transportation facilities for pedestrians, bicyclists, bus transit, and ADA compliance. Deficiencies in these networks were found in all adequacy tests. These deficiencies are being addressed in part through the Applicant's off-site mitigation improvements as discussed below, which will provide improvements up to the LATR proportionality guide. The local bicycle and pedestrian networks were studied within a 1,000-foot buffer of the Subject property. Facilities along major roads, particularly Germantown Road and Wisteria Drive, include deficiencies, exceeding the minimum Level of Traffic Stress standards for cycling and Pedestrian Level of Comfort for walking.

Additionally, the study area has a significant history of crashes within the 1,000-feet of the. Between 2017-2022, 114 non-fatal crashes were recorded, with three reported as 'suspected severe injury.' Of the 114 total crashes, 106 involved motor vehicles. Seven crashes involved pedestrians, while one involved a bicyclist.

The Applicant is currently working with Planning Staff as well as the Montgomery County Department of Transportation to identify improvements to mitigate deficiencies in the current bicycle, pedestrian, and bus transit transportation network.

Speed studies were conducted along Waters Road, Wisteria Drive, and Germantown Road within a 1,000-foot radius. The study commenced on February 8th, 2022, and ended on February 10th, 2022, both beginning and concluding at midnight. The 85th percentile for vehicular speed along each of the studied segments exceeded 120% of the posted speed limit. For context, the posted speed limits for each road are 25 MPH (Waters Road), 30 MPH (Wisteria Drive), and 35 MPH (Germantown Road). Additional speed enforcement along these segments would be necessary to address these deficiencies but are beyond the scope of this Application.

According to the proportionality guidelines of the 2022 LATR, the cost of mitigation improvements is not to exceed $122,882 in off-site LATR mitigation improvements. The Applicant proposes to fulfill this requirement by providing the following off-site improvements:

- Construction of a sidepath along Walter Johnson Road, from Bowman Mill Drive to Middlebrook Road.

As conditioned, public facilities are adequate for the proposed use.

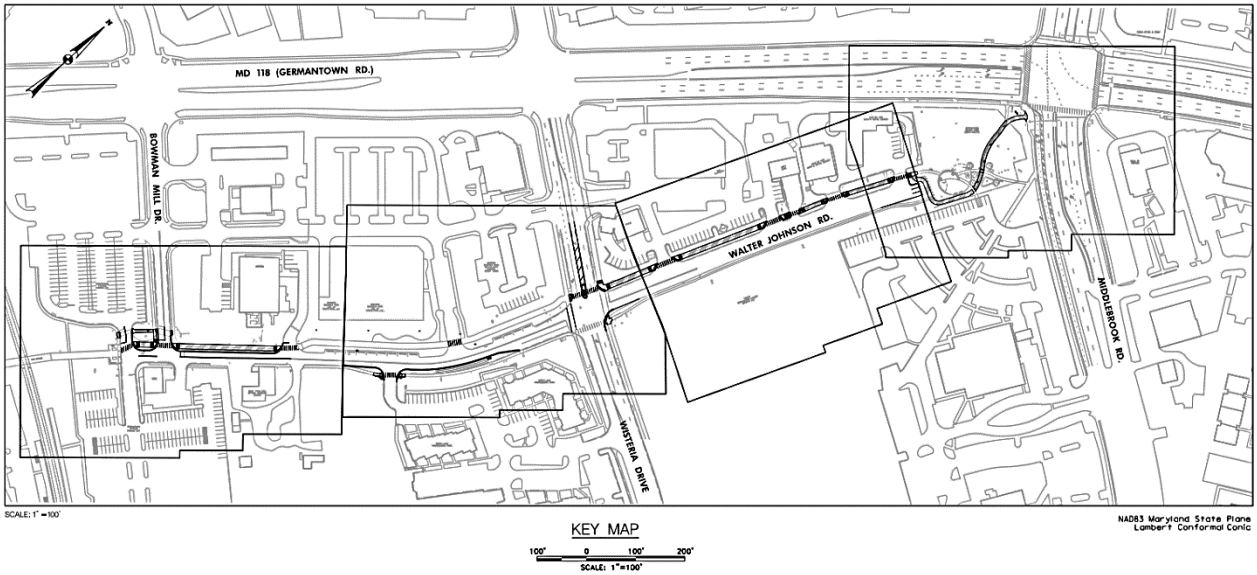


Figure 22 – Proposed off-site improvement along Walter Johnson Road

iv. *Other Public Facilities and Services*

Other public facilities and services are available and adequate to serve the proposed lot. The Lot will be served public water and sewer. There is a 10-inch waterline within the existing Waters Road right-of-way, which the Applicant will tie into and extend with an 8-inch water to serve the new buildings. From

extended to serve the individual buildings. The use of public water and public water is consistent with the existing W-1 and S-1 service categories designated for the Property.

The Application has been reviewed by the MCDPS Fire Department Access and Water Supply Section who determined that the Property has adequate access for fire and rescue vehicles as shown on the approved Fire Department Access Plan dated March 16, 2023 (Attachment B).

There are existing 10-foot-wide public utility easements along the west side of the Waters House Avenue frontage. New utility easements will be provided on the frontage of Waters Road, Wisteria Drive and the continuation of Waters House Avenue, which will be sufficient to accommodate future utility installation. Storm drain easements will be provided to connect the existing and proposed infrastructure on-site.

Electric and telecommunications services are available and adequate to serve the Subject Property. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the *2020-2024 Growth and Infrastructure Policy*. The Application can be adequately served by all applicable public facilities and services.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. Included with the Forest Conservation Plan is a request for a tree variance for impacts and removal of subject trees. The Preliminary Plan and Site Plan comply with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned in the Staff Report and described below.

a) Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation ("NRI/FSD") 420211290 for this Property was approved in March 2021. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The NRI/FSD included 3.52 acres, of which 98 percent of this land drains to the Little Seneca Creek watershed which is classified as Use Class III-P waters by the State of Maryland. Approximately 3,350 square feet (0.08 acres) in the eastern corner of the Property located near the intersection of Wisteria Drive and Water House Avenue is within the Middle Great Seneca Creek watershed, which is designated Use Class IV-P waters by the State of Maryland. The Subject Property does not contain any forest; however, there are four trees with a diameter at breast height ("DBH") of 24 inches or more located on or immediately adjacent to the Subject Property, two of these trees have a DBH greater than 30 inches. The Property does not contain any streams, wetlands, floodplain, stream buffers, steep slopes, or highly erodible soils. There are no documented rare, threatened, or endangered species on the Property.

Forest Conservation Plan

The Applicant has submitted a Preliminary and Final Forest Conservation Plan ("FCP") with the current development plan applications for Preliminary Plan No. 120220200 and Site Plan No. 820220260 (Attachment C). The Applications satisfy the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and comply with the Montgomery County Planning Department's approved Environmental Guidelines.

The Subject Property is zoned CRT-1.0 and is assigned a Land Use Category of Commercial and Industrial ("CIA") as defined in Section 22A-3 of the Montgomery County Forest Conservation Law ("FCL") and in the Land Use Table of the *Trees Technical Manual*. This results in an afforestation threshold of 15% and a conservation threshold of 15% of the Net Tract Area.

The tract area for forest conservation purposes includes the 3.49-acre Property plus 0.70 acres of offsite disturbance associated with this Application, for a total net tract area of 4.19 acres. There is no existing forest within the net tract area which results in an afforestation requirement of 0.63 acres. The Applicant proposes to meet the planting requirement offsite by purchasing credits from an M-NCPPC approved forest bank. If there are no credits available for purchase, the Applicant will meet the requirements via fee-in-lieu payment.

Of the four trees identified with a DBH of 24 inches or more, three of these will be removed as part of this Application; two of which have a DBH greater than 30 inches (Tree #1 and #4) and are discussed in the Forest Conservation Variance section of this report. Tree #2, a 26" DBH Norway maple in fair condition will be removed due to necessary grading and construction of a required stormwater management feature. The fourth tree (Tree #3) is located offsite and will not be impacted by the proposed disturbance.

b) Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone ("CRZ") requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise, such resources must be left in an undisturbed condition. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request - The Applicant submitted a variance request in a letter dated July 1, 2022 (Attachment D). For this Application, the variance provision applies to all impacted trees

that are 30 inches DBH and greater. The Applicant proposes to remove two trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Table 4, Figure 22).

Table 4 – Protected Trees to be removed

Tree ID	Common Name	Scientific Name	DBH	% Impact	Status
1	Norway maple	*Acer platanoides*	39 in.	100%	Remove tree for building demo, new retail
4	American elm	*Ulmus americana*	39 in.	60%	Remove tree for Waters House Avenue construction

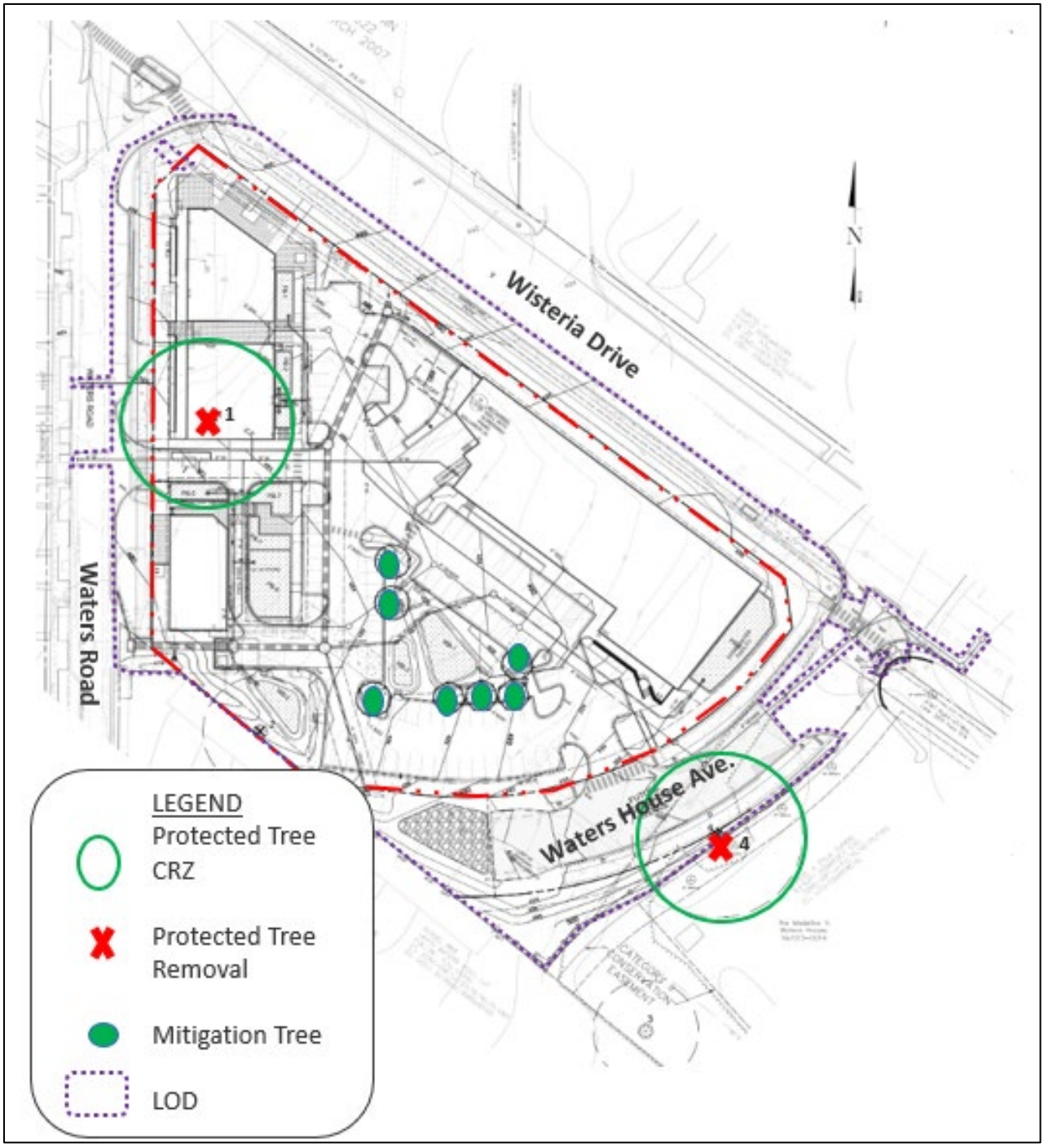


Figure 23 – Tree Variance Exhibit

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship,

denying the Applicant reasonable and significant use of its property. In this case, the unwarranted hardship is caused by the existing site conditions, necessary layout of the proposed development on the Property, and development standards of the zone.

Tree #1, a 39" DBH Norway maple is located midway along the Property frontage on Waters Road. This is within the developable area of the Property, including the existing access that will be adjusted and improved. It is near an existing building that is proposed to be demolished to allow for the redevelopment to occur. Tree #4, a 39" DBH American elm is located just offsite, within the right-of-way of future Waters House Avenue, which is required to be improved as part of this Application as a master-planned roadway and to provide a second point of access to the Property.

The existing conditions including the current access from Waters Road, the configuration of the Property, and necessary secondary access requirements have largely determined the layout of the development. In addition, the existing structures and gravel parking that need to be demolished to allow for the redevelopment have resulted in the need for a variance to remove Protected Trees. The inability to remove these trees would potentially render portions of the site undevelopable. Therefore, there is a sufficient unwarranted hardship to justify a variance request because the Applicant would otherwise be denied the ability to use the Property for the commercial use for which it is zoned, which is a reasonable and significant use of the Property.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted.

a) Variance Findings

The following determinations are based on the required findings for granting of the requested variance:

ii. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the removal of the specified trees is due to the development of the Property, location of the trees and necessary site design requirements. The two Protected Trees that will be removed are located within the developable area of the site and the right-of-way for Waters House Avenue. Granting a variance to allow disturbance within the developable portion of the site is not unique to this Applicant. The granting of this variance is not a special privilege that would be denied to other applicants.

iii. ***Is not based on conditions or circumstances which are the result of the actions by the applicant.***

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions, development standards of the zone, and necessary design requirements of this Application, including street frontage improvements.

iv. ***Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.***

The requested variance is a result of the existing conditions and the proposed site design and layout of the Subject Property, and not as a result of land or building use on a neighboring property.

v. ***Will not violate State water quality standards or cause measurable degradation in water quality.***

The variance will not violate State water quality standards or cause measurable degradation in water quality. The Protected Trees being removed are not located within a stream buffer, wetland or Special Protection Area. The Application proposes mitigation by planting larger caliper trees on-site. These trees will replace water quality functions that may be lost by the removed trees. Therefore, the Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

There are two Protected Trees proposed for removal in this variance request and the Applicant is proposing to mitigate for the loss. The Application proposes to remove 78 caliper inches of Protected Trees that will be mitigated for at a rate that approximates the form and function of the trees being removed. These trees will be replaced at a ratio of approximately 1-inch caliper for every four inches removed using trees that are a minimum of three caliper inches in size. This results in a total mitigation of 19.5 inches with the installation of seven 3-inch caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements. The mitigation trees will be planted on the Subject Property and provide some immediate benefit, ultimately replacing the canopy lost by the removal of these trees. As conditioned, the mitigation trees will be protected as part of a 5-year maintenance and management agreement.

Recommendation on the Variance

Staff recommends approval of the variance request with mitigation.

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

   The Preliminary Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a Stormwater Management Concept/Site Development Stormwater Plan approval from MCDPS Water Resources Section dated February 10, 2023 (Attachment B). The Application will meet stormwater management goals via micro-bioretention facilities and within planter boxes. Enhanced filters will be added where possible. An infiltration trench will be used for improvements within the Waters House Avenue right-of-way. The application of these approaches will provide for full environmental site design (ESD) to the maximum extent practicable (MEP).

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 50-4.3.M.***

   Not applicable to this Property.

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

   Not applicable to this Property.

SECTION 6: SITE PLAN NO. 820220260 FINDINGS AND ANALYSIS

1. ***When reviewing an application, the approval findings apply only to the site covered by the application.***

   The findings herein apply only to the Subject Property.

2. ***To approve a Site Plan, the Planning Board must find that the proposed development:***

   a) ***satisfies any previous approval that applies to the site;***

      All previous approvals will be superseded by approval of the present Preliminary and Site Plan applications.

   b) ***satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;***

      This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

c) ***satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;***

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

d) ***satisfies applicable use standards, development standards, and general requirements under this Chapter;***

The Site Plan Application satisfies the use standards, development standards and general requirements for the retail and drive-thru restaurant uses in the Commercial Residential Town (CRT) Zone, under the Standard Method Development in Section 4.5.3. Three of the four proposed buildings will be occupied by retail/service establishment uses, which are permitted uses in the CRT zone, under Section 59.3.1.6. The fourth building (C) is identified as a restaurant with a drive-thru. A restaurant is also a permitted use in the CRT zone, however, the drive-thru portion of the restaurant is a limited use in the CRT zone, which requires Site Plan per Section 59.3.5.14.E as discussed below. The following table, Table 5, shows the Application's conformance to the development standards of the zone.

Table 5 - Data Table for CRT-1.0,C-0.75,R-0.75, H-65 Zone, Standard Method, Section 59.4.5.3 (General Building Type)

Development Standard	Required	Proposed
1. Site		
Open Space (min)		
Public Open space, tract > 10,000 SF	10% (12,289 SF) of Site Area	10% (12,289 SF)
2. Lot and Density		
Lot (min)		
Lot area (Site)	n/a	122,899 SF (2.82 AC)
Out Parcel		3,960 SF (0.09 AC)
Previous Dedication		13,728 SF (0.32 AC)
Proposed Dedication		26,445 SF (0.60 AC)
Current Gross Tract Area		167,032 SF (3.83 AC)
Density (max)		
CRT Density, FAR	1.0 FAR	0.18 FAR (29,880 SF)
-Commercial	0.75 FAR	0.18 FAR (29,880 SF)
-Residential	0.75 FAR	NA
3. Placement		
Principal Building Setbacks (min)		

Front setback to Wisteria Drive	0 FT	Building A: 11 FT
Rear setback to Wisteria Drive	15 FT	Building B1: 30 FT
Front setback to Waters Road	0 FT	Building B1: 22 FT Building B2: 22 FT
Side setback to Water House Drive	0 FT	Building A: 25 FT
Rear setback to CRT zone	0 FT	Building A: 25 FT
Parking Setbacks for Surface Parking Lots (min)		
Front and side street setbacks	must be behind building line of building in the BTA	All parking is located behind front building line in BTA
Abutting ROW	must accommodate landscaping required under Section 6.2.9	Wisteria Drive: Screening panels and landscaping provided Waters House Avenue: Landscaping screening provided
Build-to-Area (BTA, max setback and min % of building façade)		
BTA on Waters Road		
Front setback	20 FT or as modified[3]	Building B1: 22 FT** Building B2: 22 FT** Building C: 12 FT
Building in front street BTA	70%[3]	Building B1: 0%** Building B2: 0%** Building C: 100%
BTA on Waters House Avenue		
Side street setback	20 FT	Building A: 25 FT
Building in side street BTA	35%[3]	Building A: 0%**
BTA on Wisteria Drive		
Front setback	20 FT	Building A: 11 FT
Building in front street BTA	70%	Building A: 100%
4. Height		
Height (max)		
Principal buildings	Mapped (65 FT) and Section 4.1.8.B	Building A: 30 FT Building B1: 19 FT Building B2: 19 FT Building C: 20 FT

[3] In accordance with 4.5.3.C.3.a. and 4.5.3.C.3.b., the Build-to Area (BTA) requirements may be modified by the Planning Board during site plan review under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

5. Form		
Building Orientation		
Entrance facing street or open space	required[4]	Building A: provided as conditioned** Building B1 & B2: Facing Waters Rd Building C: Facing open space
Entrance spacing (max)	100 ft	Building A: One entrance Building B1: 58 FT Building B2: 58 FT Building C: One entrance
Transparency, for Walls Facing a Street or Open Space		
Ground story, front (min)	40%	Building A: 40.2% Building B1: 40.1-40.4% Building B2: 41.2% Building C: 40%
Ground story, side/rear (min)	25%	Building A: 42.5% Building B1: 30% Building B2: 30% Building C: 43%
Blank wall, front (max)	35 ft.	Building A: 25 FT Building B1: 20 FT Building B2: 20 FT Building C: 28 FT
Blank wall, side (max)	35 ft.	Building A: 30 FT Building B1: 20 FT Building B2: 20 FT Building C: 35 FT

As depicted in Table 6, the Applicant is seeking relief from certain building placement and form standards (identified with ** in the Data Table) as part of the Application. The Applicant is requesting relief from two development standards which may be modified by the Planning Board during site plan review:

(1) **Build-to-Area:**

[4] Section 4.5.3.C.5.a. allows for Building Orientation and Transparency requirements to be modified by the Planning Board during site plan review if the Planning Board finds that the plan 1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use and 2) incorporates design elements that engage the surrounding publicly accessible spaces such as the streets, sidewalks, and parks.

Staff recommends that the Planning Board modify certain Build-to-Area requirements along Waters House Avenue for Building A and Waters Road for Buildings B1, and B2 pursuant to Section 59.4.5.3.C.3.a and Section 59.4.5.3.C.3.b which state:

a. *The Build-to Area maximum front or side street setback may be increased by the minimum setback necessary to avoid a platted public transportation or utility easement, or a platted public transportation or utility reservation.*
b. *The Build-to Area requirements may be modified by the Planning Board during site plan review under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Build-to-Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.*

The Applicant requests Planning Board approval for a modification of build-to-area requirements on both roads, which Staff supports based on the following justification. Development of the site is constrained because the lot is triangular, with public road frontage on all sides. Locating the buildings on the site in a configuration that places retail along the street, provides safe, adequate, and efficient circulation behind the buildings and the necessary utility easements, restricted the location of potential stormwater management facility. The site is further constrained by the grade of the site and soil conditions, forcing the Applicant to locate one of the ESD facilities between Building A and Waters House Road (Attachment E). For Building A, the maximum side setback street setback has been increased by 16 feet along Waters House Avenue for a 36-foot setback, bringing the building outside the 20 foot maximum BTA. The Applicant is seeking the minimum necessary modification of the side BTA requirements on Waters House Avenue to accommodate the increased setback necessary to provide stormwater facilities and a ten (10) foot PUE. The building setback will be mitigated by the plantings in the stormwater management bioretention facility which improves the aesthetics along the building edge and buffers pedestrians on the sidewalk from the face of the building side.

The maximum setback has been increased by two (2) feet for Buildings B1 and B2 along Waters Road, bringing the buildings outside of the BTA. The Applicant is seeking modification of the BTA requirements to accommodate physically constraining grading issues. The applicant has incorporated stairs and seating for Buildings B1 and B2 along Waters Road to activate the space for pedestrians. Additionally, the placement of the buildings create a continuous building edge consistent with the intent of BTAs.

(2) **Building Orientation**

Staff does **not** support the Applicant's request for relief from Building Orientation development standards for Building A. In accordance with Section 59.4.5.3.C.5.a., the Building Orientation requirements state that:

> *Building Orientation and Transparency requirements may be modified by the Planning Board in a site plan review under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.*

These requirements may be modified by the Planning Board during site plan review. The Applicant is requesting that the Planning Board modify certain Building Orientation requirements along Wisteria Drive for Building A, pursuant to Section 59.4.5.3.C.5.a.The Applicant justifies their position stating that the retailer, Goodwill, does not allow multiple entrances to their buildings. The Applicant expects the majority of patrons to drive and access the building from the parking lot. Additionally, the Applicant states that the building elevations will engage the surrounding street and sidewalk along Wisteria Drive (Attachment E).

The request to deviate from the Building Orientation requirements, which require two access points on Building A facing Wisteria Drive, is not warranted. There are no site constraints, such as environmental features or topography, that prevent the two additional access points on Building A facing Wisteria Drive. In addition, the proposed commercial land use supports additional building access points, which will promote and encourage pedestrian access to the building from Wisteria Drive. While the proposed building elevations include some level of architectural articulation, this is not sufficient to modify the Zoning Ordinance requirement for Building A to provide two access points facing Wisteria Drive. Therefore, as conditioned, the Applicant must provide two entrances along Wisteria Drive, in addition to the internal-facing main entrance, to meet Building Orientation standards, which requires an entrance along the building facade every 100 feet.

vi. *Division 3.5 Drive-Thru, Uses and Use Standards*

A restaurant is a permitted use in the CRT zone. This Application's proposed restaurant includes a proposed accessory drive-thru, which is a limited use in the CRT zone. In addition to the development standards noted above, there are use standards for a drive-thru use. The drive-thru use meets the following limited use standards:

1. Use Standards - Section 59-3.5.14.E Drive-Thru, Accessory Commercial Uses

i. ***Where a Drive-Thru is allowed as a limited use, it must satisfy the following standards:***

1. **A Drive-Thru, including the queuing area, must be located a minimum of 100 feet from any Property that is vacant or improved with a residential use in the Agricultural, Rural Residential, or Residential Detached zones.**

   The Subject Property does not abut any property that is in an Agricultural, Rural Residential, or Residential Detached zone.

2. ***For a Restaurant with a Drive-Thru, access to the site from a street with a residential classification is prohibited.***

   The Drive-Thru Restaurant is not accessing a street with a residential classification.

3. ***A drive-thru service window, drive aisle, or queuing area located between the street and the front main wall of the main building is prohibited.***

   In this case, the main wall (front) of the building is facing Waters Road, as envisioned by the Master Plan. The restaurant's drive-thru service window, drive aisle and queuing area are located internally and behind the front main wall of the building.

4. ***A drive-thru service window, drive aisle, or stacking area may be located between the street and the side wall of the main building on a corner lot if permanently screened from any street by a minimum three-foot-high wall or fence.***

   The drive aisle, service window and stack area are located behind the building and internal to the Property.

5. ***Site plan approval is required under Section 7.3.4***

   Approval of this Site Plan application by the Planning Board will satisfy this requirement.

vii. ***Division 6 - General Development Standards***

1. ***Division 6.1 Site Access***

   As identified in Figure 23, the Site is accessible from Waters Road and Waters House Avenue.

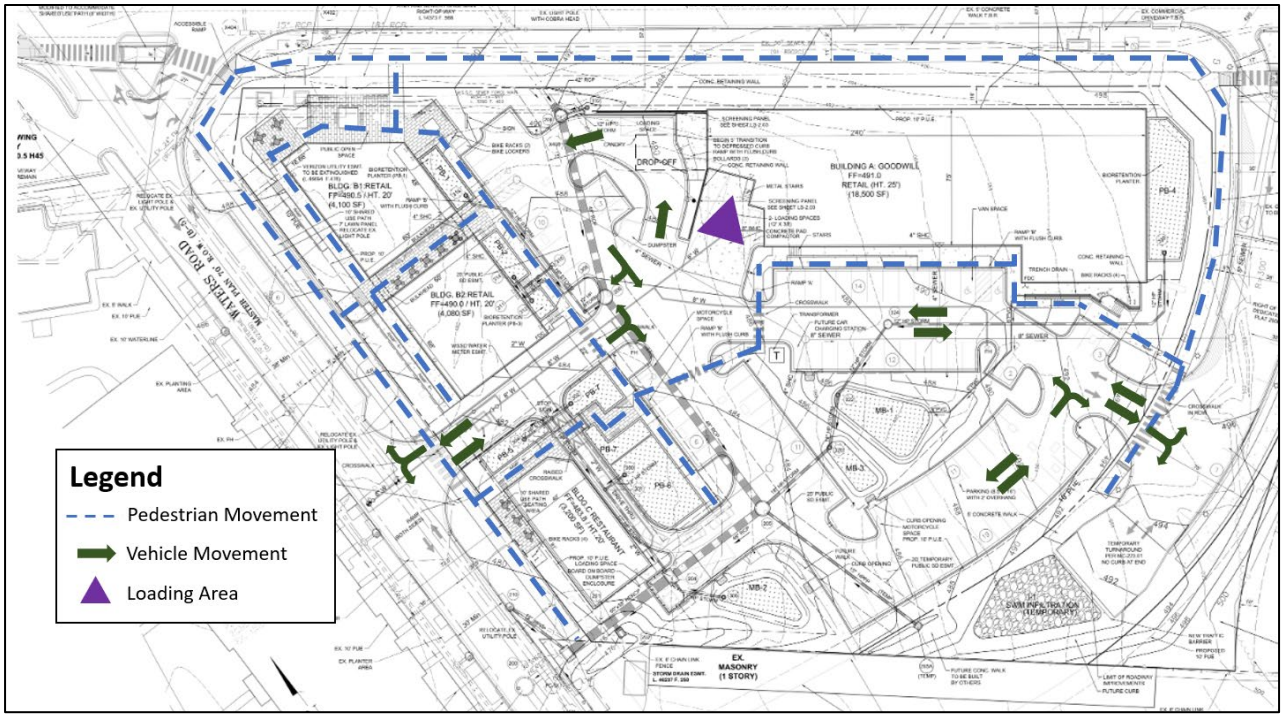


Figure 24 – Access Plan

The interior drive-aisles connect the proposed access points, allowing for adequate circulation throughout the Property. The sidepaths and pedestrian access points provide improved pedestrian and cyclist circulation to the Property along Waters Road and Wisteria Drive. Internally, the sidewalks on both sides of all the proposed buildings allow for a safe pedestrian network from the sidepaths to the sidewalks around the proposed buildings and across the surface parking lot.

2. *Division 6.2 Parking, Queuing and Loading*

As summarized in Table 6, the Application satisfies the parking and loading requirements necessary to support the three retail buildings and the drive-thru restaurant.

Table 6: Parking Analysis

Parking Standards	**Required/Allowed**	**Proposed**
Vehicle Parking Spaces <u>Retail Sales and Service Use:</u> <u>Eating and Drinking Use:</u>	93 min – 160 max (3.5 – 6.0 spaces per 1,000 SF) 8 min – 23 max (4-12 spaces per 1,000 SF)	94 spaces 8 spaces
Parking Breakdown (spaces)		

Standard (8.5 ft x 18 ft)	-	87
Parallel (8 ft x 21 ft) Public ROW	-	19
Accessible (8 ft x 18 ft)	4	4
Motorcycle/scooter (4 ft x 18 ft)	2	2
Car-Share (8.5 ft x 18 ft)	1	1
Electric charging (9 ft x 18 ft)	1	1
Bicycle Parking		
Bicycle Parking Spaces	Short term: 4 Long term: 1	Short term: 14 Long term: 1
Loading Spaces (12 ft x 55 ft)	1	1
Drive-Thru Queuing Spaces (8.5 ft x 18 ft)	5	5
Landscaping		
Parking Lot Internal Landscaped Area	1,948 SF or 5% of 38,967 SF	3,454 SF
Parking Lot Landscape Island Required	100 SF min.	141 SF min.
Parking Lot Tree Canopy at 20 years	9,742 SF or 25%	9,915 SF
Parking Lot Perimeter Planting width, abutting ROW (Waters House Avenue)		
Minimum width	10 ft	11 ft
Minimum hedge height	6 ft	6 ft
Canopy tree spacing	30 ft o.c. (6 trees)	30 ft o.c. (6 trees)

Drive-Thru Restaurant (Building C)

Per Section 6.2.7. at least five queuing spaces are required in the restaurant drive-thru lane. The Application provides space for at least five vehicles to queue within the drive-thru lane, without impeding vehicle movement in the adjacent internal drive-aisles. Additionally, there are marked crosswalks to the north and east of the drive-thru restaurant, both buffered from the drive-thru lane with stormwater facilities and open space with seating. There is a pedestrian crossing through the drive-thru lane from the restaurant to the parking lot. This proposed crosswalk is raised and includes pavers indicating the walkway as well as markings alerting drivers of the crosswalk.

Goodwill (Building A)

The proposed Goodwill retail building features a loading area to the north that can accommodate two trucks. Beside the truck loading area, to the north, is a drop off lane for donations to the Goodwill, including a loading space for a parked vehicle. The loading area and drop-off lane are screened with retaining walls and screening panels. Parking for Goodwill is shared with the other proposed retail buildings and the restaurant.

Retail Buildings (Building B1 & B2)

Parking for the retail buildings is shared with the other proposed Goodwill and restaurant buildings.

Section 6.2.9.C.1 Landscaped Area

The proposed surface parking lot has landscaped islands that surpass the minimum requirement of 100 contiguous square feet. The landscaped area of the parking lot surpasses the minimum of five percent (5%) of the total area of the surface parking lot with 3,454 square feet proposed.

Section 6.2.9.C.2 Tree Canopy

Parking lot tree canopy exceeds 25 percent coverage at 20 years of growth. The Applicant is proposing 26 percent parking lot tree canopy coverage at 20 years of growth.

Section 6.2.9.C.3 Perimeter Planting

Waters House Avenue

A perimeter planting area of at least six feet between Waters House Avenue and the edge of the proposed parking lot is provided in accordance with Section 6.2.9.C. The perimeter planting area includes a row of seven Red Oaks canopy trees planted every 30 feet on center and two Red Maple at the driveway entrance. There are also Skip-Laurel and Son's Dwarf Wax Myrtle plantings proposed along the perimeter.

Wisteria Drive

A perimeter planting area of at least six feet between Wisteria Drive and the edge of the proposed parking lot is provided in accordance with Section 6.2.9.C. The perimeter planting area includes a row of six Snowcloud Allegheny Serviceberry and Moonglow Sweetbay Magnolias ornamental trees and one Red Maple planted less than every 30 feet on center. There are also Skip-Laurel, Dwarf Yaupon Holly, and Southern Gentleman Inkberry plantings proposed along the perimeter.

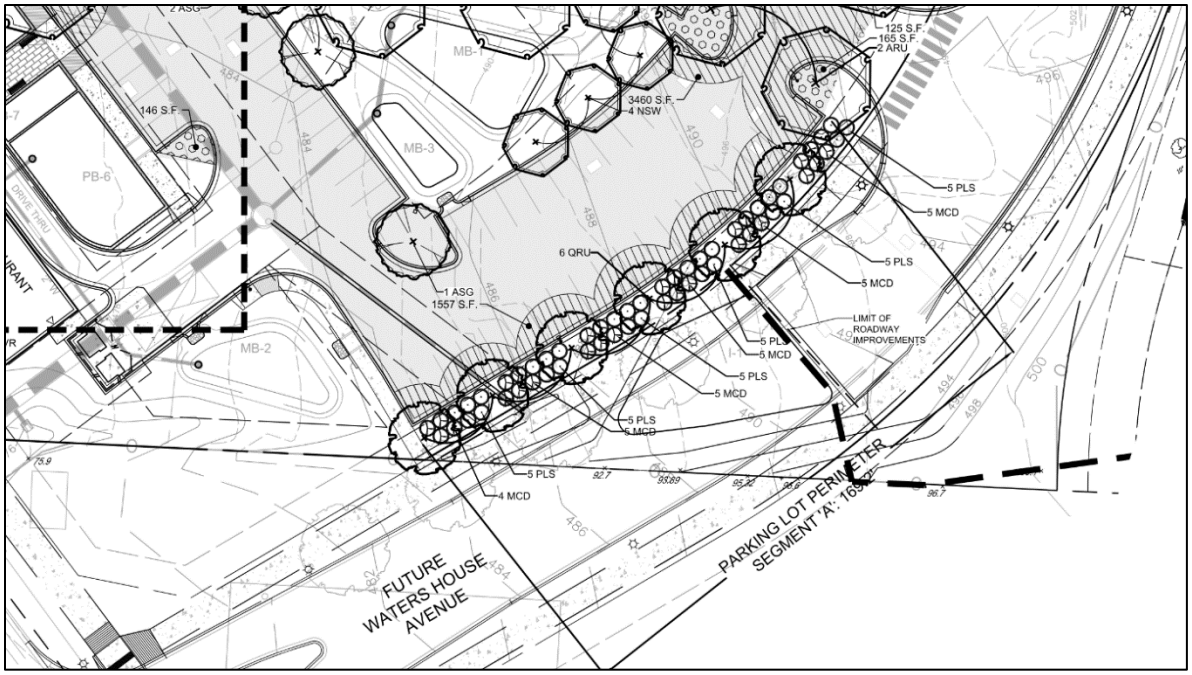


Figure 25 – Parking Lot Perimeter Planting along Waters House Avenue

<u>Section 6.2.9.C.4 Lighting</u>

The proposed parking lighting meets the requirements of Section 59.6.4.4.

3. ***Division 6.3 Open Space and Recreation***

<u>Section 6.3.6.A General Requirements</u>

The Zoning Ordinance requires ten percent (10%) Public Open Space for general building types in the CRT zone with a tract greater than 10,000 square feet. This Site Plan satisfies the Public Open Space requirement by providing 10 percent or 12,289 square feet of space devoted to public use and enjoyment, which meets the minimum square feet required. As depicted in Figure 25, 12,289 square feet of open space is provided north and south of the driveway access on Waters Road, as well as in the northern section of Wisteria Drive.

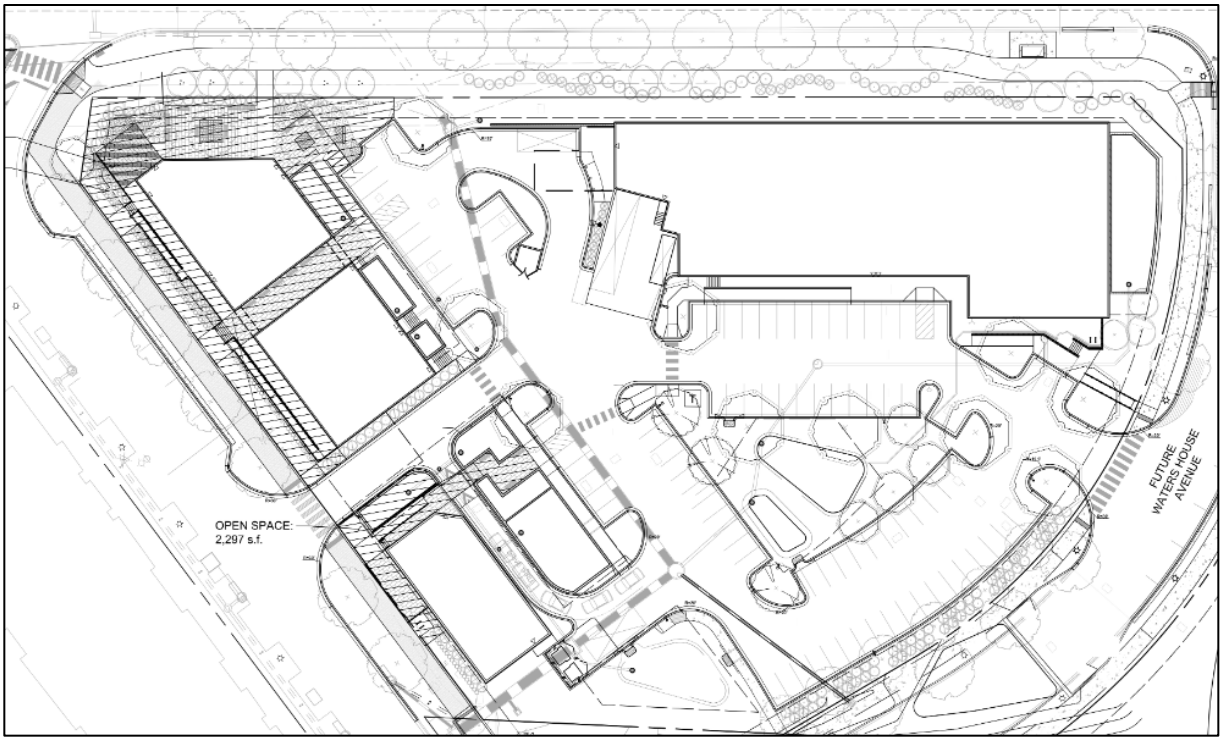


Figure 26 – Public Open Space (Hatched Area)

<u>Section 6.3.6.B Design Requirements</u>

The primary, most activated Public Open Space is at the corner of Waters Road and Wisteria Drive, to the north of Building B1. The space over 15 feet wide and is inviting with tables, benches, pedestrian pavers, and landscaping for shade and screening from the roads. The open space connects to 8-foot-wide walkways that wrap around Building B1, including an additional sitting area between the retail Buildings B1 and B2. There is also open space to the west and east of Building C with tables and benches. Stormwater management bioretention facilities and landscaping are interspersed throughout the open space areas. The open spaces along Wisteria Drive and Waters Road are accessible for pedestrians and cyclists who may be traveling along the proposed sidepaths on those roads. They may also be used by employees during their breaks or people who choose to park and walk around.

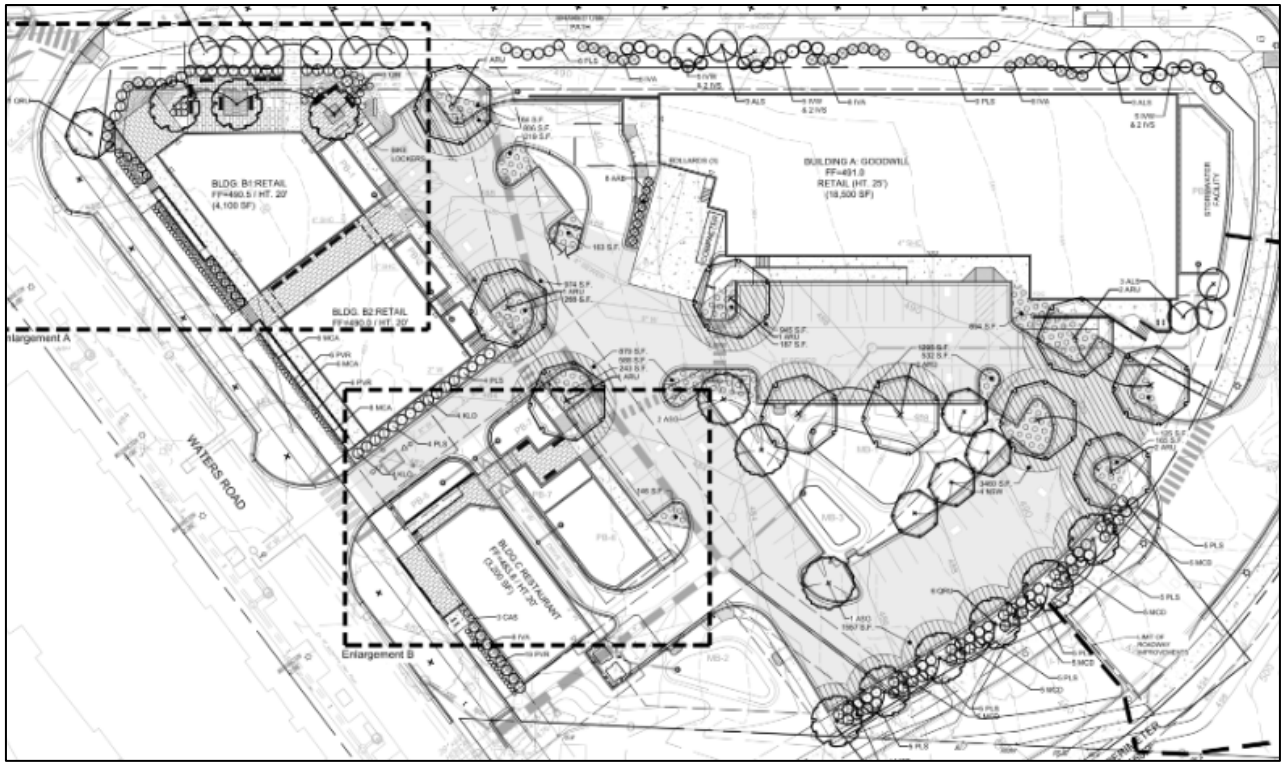


Figure 27 – Public Open Space Diagram/Landscaping Plan

As described above, contiguous Public Open Space area is being provided on the Subject Property, which includes passive and active spaces. As proposed, the Public Open Spaces are safe, adequate, and efficient to meet the proposed development.

<u>Section 6.3.8 Open Space Landscaping and Lighting</u>

The Public Open space is adequately lit, has a minimum of ten percent (10%) permeable area, and features at least ten percent (10%) tree canopy cover after 20 years.

4. ***Division 6.4 General Landscaping and Outdoor lighting***

Distributed throughout the Site, along the building facades, and in the parking lot, the proposed landscaping will enhance the visual appeal of the Subject Property and provide an aesthetically pleasing development. The location and quantity of the proposed landscaping is safe, adequate, and efficient on the Subject Property. The Site Plan is proposing landscaping to serve multiple purposes, including canopy cover in-and-around the parking facilities, landscaping around the Public Open Space, and landscaping adjacent to the proposed buildings. Planting includes canopy trees, understory trees, shrubs, perennials, ornamental grasses, and groundcover. Internal landscaping meets or exceeds zoning code requirements.

The lighting provided with this Application is safe, adequate, and efficient for ensuring good nighttime visibility within the parking lot and open space. The photometric plan submitted by the Applicant shows that the proposed lighting will adequately illuminate the site creating a safe environment, without creating light spillage or excessive glare on adjacent properties or the rights-of-way. As conditioned, all site lighting provides adequate, safe and efficient illumination.

The perimeter and parking lot of the site will be illuminated by thirty (30) foot pole lights. The interior of the site and the perimeter of the buildings will be illuminated by ten (10) foot wall-mounted lights along the building facades.

5. Division 6.5 Screening

The loading area and drop-off lane next to the Goodwill building are screened with retaining walls and screening panels. The parking facilities are screened by the retail (Buildings B1 and B2) and restaurant (Building C) buildings along Waters Road. The parking facilities are screened from Waters House Avenue by landscaping. The parking facilities are screened from Wisteria Drive by the screening panels next to Goodwill and the proposed landscaping. The drive-thru lane is screened from Waters Road by the restaurant building.

e) Satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

The Site Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a Stormwater Management Concept/Site Development Stormwater Plan approval from MCDPS Water Resources Section dated February 10, 2023 (Attachment B). The Application will meet stormwater management goals via micro-bioretention facilities and within planter boxes. Enhanced filters will be added where possible. An infiltration trench will be used for improvements within the Waters House Avenue right-of-way. The application of these approaches will provide for full environmental site design (ESD) to the maximum extent practicable (MEP).

ii. Chapter 22A, Forest Conservation.

The proposed Site Plan meets all requirements of the Forest Conservation Law. Please refer to the environmental section above in the Preliminary Plan findings for details.

f) Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

The Site provides a safe, and efficient layout with parking, pedestrian connections, and open space that is well-integrated and logically located in relation to the proposed buildings. The parking is central to the site and screened from the surrounding roads. The side paths on Waters Road and Wisteria Drive provide access to the site (Figure 23). There are crosswalks for the entrances from Waters Road and Waters House Avenue. There are also three (3) crosswalks internal to the site. The drive-thru lane features a raised crosswalk with pavers and markings to clearly differentiate the pedestrian crossing.

g) Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

As analyzed in the accompanying Preliminary Plan No. 120220200 findings, the Site Plan substantially conforms with the recommendations of the relevant master plans.

h) 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 development 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 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;

As discussed in the accompanying Preliminary Plan No. 120220200 findings, the proposed development will be served by adequate public facilities, including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

3. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and

The Subject Property is not located in a Rural Residential or Residential zone.

4. on a property in all other zones, is compatible with existing, approved or pending adjacent development.

The proposed commercial use is compatible with the existing abutting and confronting commercial uses. The retail buildings and drive-thru restaurant are similar in massing, height, and scale to the nearby retail establishments. Additionally, there are multifamily buildings across Waters Road. Residents will have the opportunity to walk to the proposed site and enjoy the services and open space areas.

5. To approve a Site Plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location

proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.

The Applicant submitted a Statement of Need dated November 18, 2022 (Attachment E). There are five exiting drive-thru restaurants within half a mile (0.5-mile) of the Subject Property. The Applicant states that the growing local population and rising number of multifamily dwelling units, including the nearby Fairchild Apartments, will increase the demand for restaurant options, including drive-thru restaurants.

6. ***For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.***

   Not applicable, the Subject Property is not zoned C-1 or C-2.

SECTION 7: CONCLUSION

The Application satisfies all of the applicable requirements of the Montgomery County Zoning Ordinance, and Subdivision Regulations, taking into consideration the requested modification and Sector Plan recommendations. The Application also satisfies the requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines. Therefore, Staff recommends approval of the Preliminary and Site Plans including a Final Forest Conservation Plan with the conditions as cited in this Staff Report.

ATTACHMENTS

Attachment A: Preliminary Plan and Site Plan

Attachment B: Agency Approval Letters

Attachment C: Forest Conservation Plan

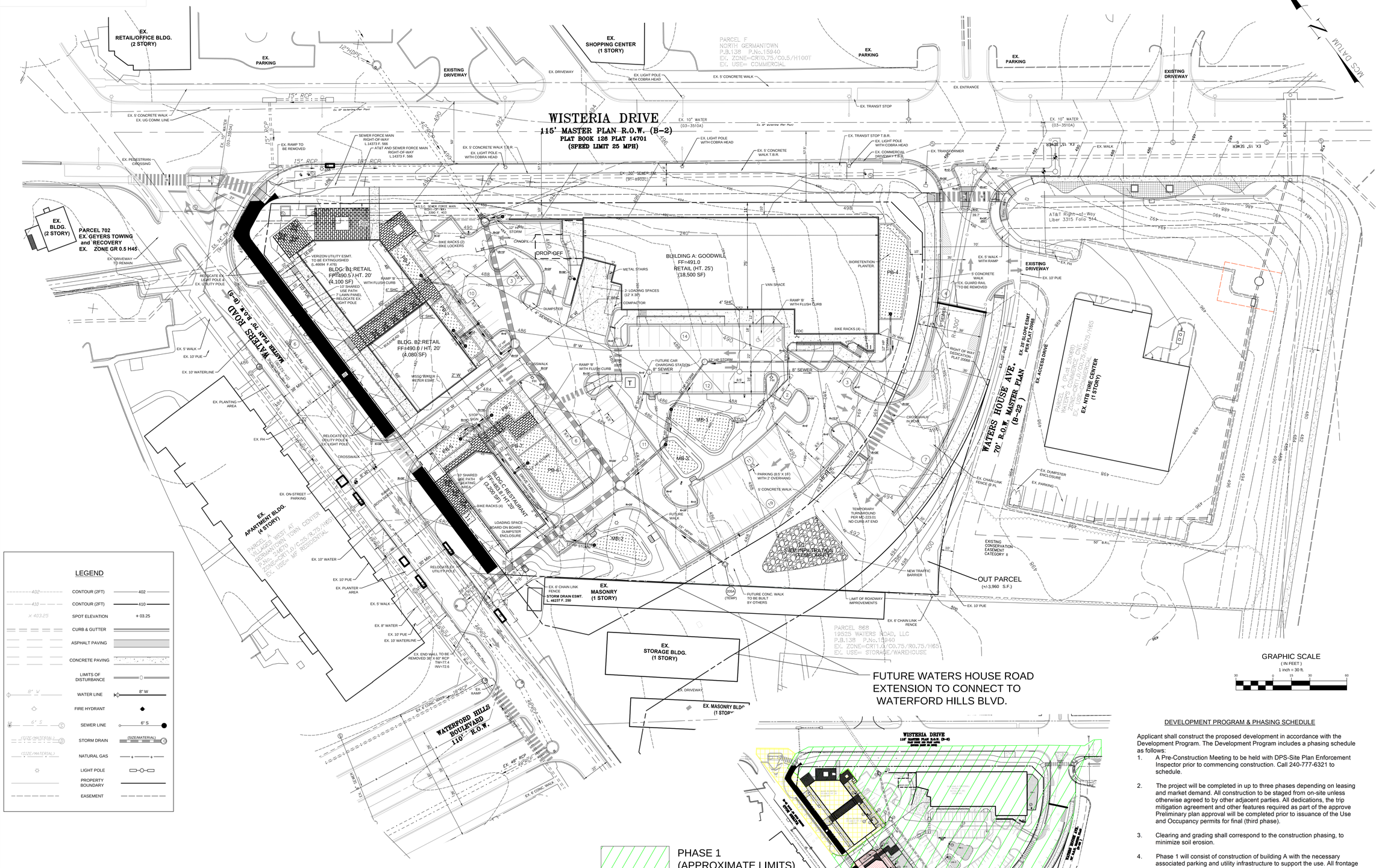
Attachment D: Tree Variance Request

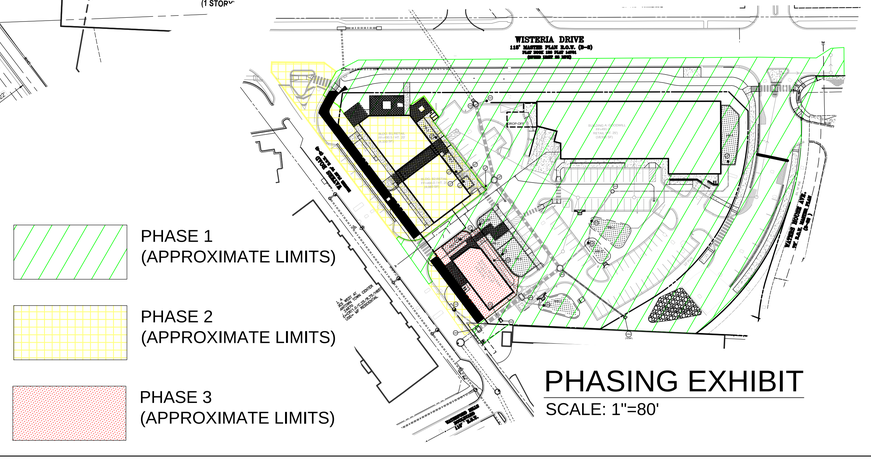
Attachment E: Letter of Justification

Attachment F: Community Correspondence

Attachment G: LATR study

ATTACHMENT A





PHASE 1
(APPROXIMATE LIMITS)

PHASE 2
(APPROXIMATE LIMITS)

PHASE 3
(APPROXIMATE LIMITS)

PHASING EXHIBIT

SCALE: 1"=80'

DEVELOPMENT PROGRAM & PHASING SCHEDULE

Applicant shall construct the proposed development in accordance with the Development Program. The Development Program includes a phasing schedule as follows:

1. A Pre-Construction Meeting to be held with DPS-Site Plan Enforcement Inspector prior to commencing construction. Call 240-777-6321 to schedule.
2. The project will be completed in up to three phases depending on leasing and market demand. All construction to be staged from on-site unless otherwise agreed to by other adjacent parties. All dedications, the trip mitigation agreement and other features required as part of the approve Preliminary plan approval will be completed prior to issuance of the Use and Occupancy permits for final (third phase).
3. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
4. Phase 1 will consist of construction of building A with the necessary associated parking and utility infrastructure to support the use. All frontage improvements to be constructed as part of Phase 1.
   Phase 2 or 3 will consist of the Eating and Drinking Establishment (Bldg. C) with the necessary associated parking and utility infrastructure to support the use and Amenity space.
   Phase 2 or 3 will include construction of Building B1 and B2 Retail building with the necessary associated parking and utility infrastructure to support the use, bike rack, and outdoor seating. Phases 2 and 3 will be constructed in any order based on leasing and market demand. Work associated with each phase must be completed prior to issuance of the final Use and Occupancy permits.

FOR UTILITY LOCATIONS
CONTACT "ONE CALL" AT 811
AT LEAST 48 HOURS
PRIOR TO CONSTRUCTION

Know what's below. Call before you dig.

Preliminary Plan 120220220

MHG
Civil Engineers
Land Planners
Landscape Architects
Land Surveyors

9220 Wightman Road, Suite 120
Montgomery Village, MD 20886
Phone: 301.670.0840
www.mhgpa.com

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ROUNDS VANDUZIER
ARCHITECTS
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FALLS CHURCH, VA, 22046
STEPHEN F. KINNEY, AIA
703-533-3577
skenney@rvarchitects.com

REVISIONS

NO.	DESCRIPTION	DATE

TAX MAP EU — WSSC 227 NW 13

PLAT 760

2ND ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

WATERS VILLAGE

PROJ. MGR	BJD
DRAWN BY	RM
SCALE	1"= 30'
DATE	10/2022

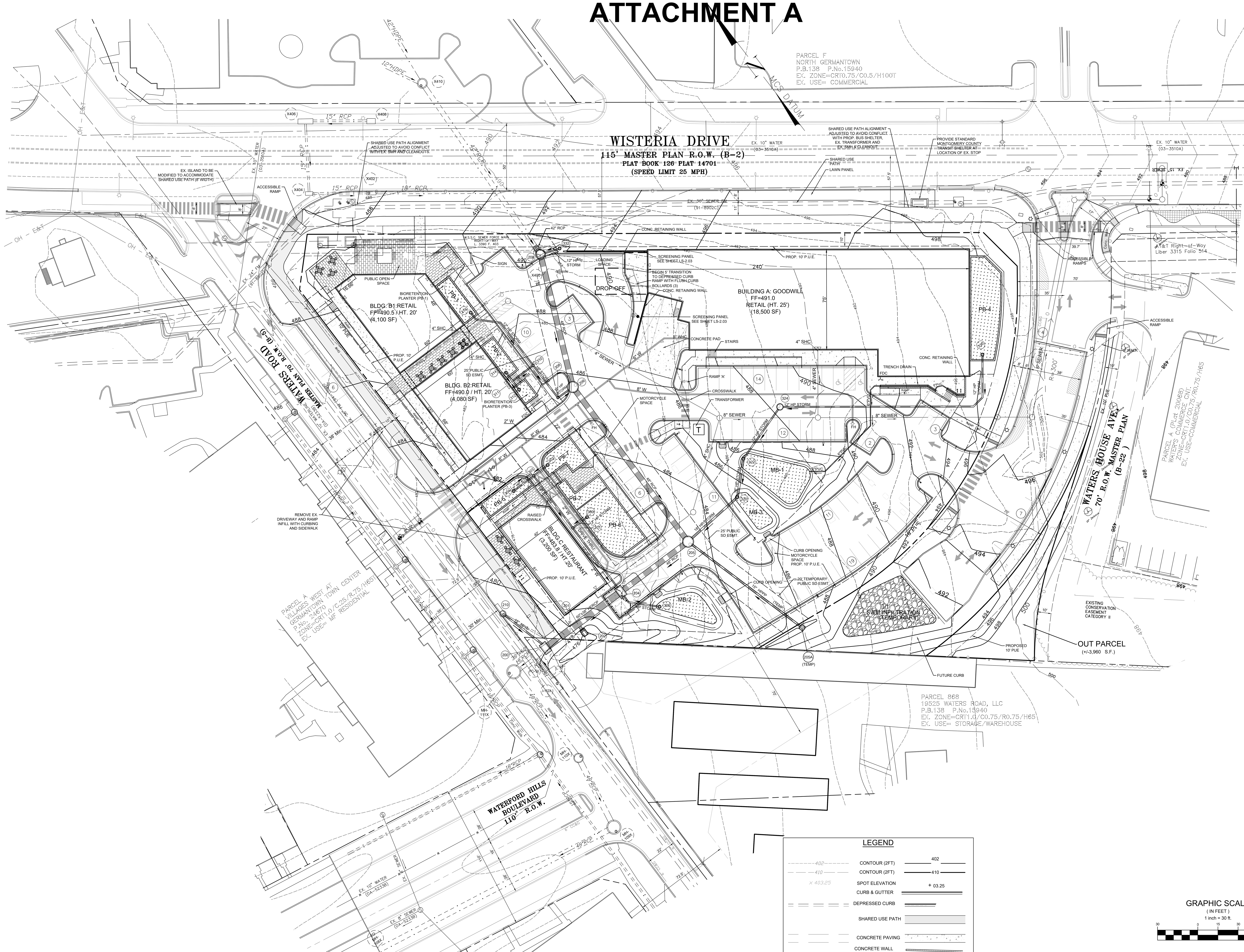
PRELIMINARY PLAN

PP 004

PROJECT NO.	2017.117.22
SHEET NO.	1 OF 1

I:\2017\Dwg\PP_22_01.dwg, PP 004 PRELIMINARY PLAN, 3/3/2023 12:09:27 PM, Gonnoki, Copyright © 2022 Macris, Hendricks & Glascock, P.A.

ATTACHMENT A



SITE PLAN 820220260

Developer's Certificate
The Undersigned agrees to execute all the features of the Site Plan Approval No. 820220260 including Approval Conditions, Development Program, and Certified Site Plan.

Developer: KHR WATERS INV LLC (Company) HARRY NAZARIAN (Contact Person)

Address: 6 Cessna Court, Gaithersburg, Maryland

Phone: 301-252-5782

Signature: Harry Nazarian

LEGEND

CONTOUR (2FT)	402
CONTOUR (2FT)	410
SPOT ELEVATION	+ 03.25
CURB & GUTTER	
DEPRESSED CURB	
SHARED USE PATH	
CONCRETE PAVING	
CONCRETE WALL	
BENCH/TABLE	
SWM BIORETENTION FACILITY	
SWM INFILTRATION FACILITY	
WATER LINE	8" W
FIRE HYDRANT	
SEWER LINE	6" S
STORM DRAIN	(SIZE/MATERIAL)
NATURAL GAS	
LIGHT POLE	
PROPERTY BOUNDARY	
EASEMENT	
LIMITS OF DISTURBANCE	

811 Know what's below. Call before you dig.

FOR UTILITY LOCATIONS
CONTACT "ONE CALL" AT 811
AT LEAST 48 HOURS
PRIOR TO CONSTRUCTION

MHG
Civil Engineers
Land Planners
Landscape Architects
Land Surveyors

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Phone: 301.670.0840
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Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland. Lic. No. 16905 Exp. Date. 04.21.2024

OWNER
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6 CESSNA COURT
GAITHERSBURG, MD 20879
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hnazarian@nazcoinc.com

ATTORNEY
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skenney@rvarchitects.com

REVISIONS

NO.	DESCRIPTION	DATE

TAX MAP EU WSSC 227 NW 13

PARCEL 760
L.17937 F.693
CHESTNUT RIDGE
2ND ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

WATERS VILLAGE

PROJ. MGR	BJD
DRAWN BY	RM
SCALE	1"= 30'
DATE	02/2023

OVERALL SITE PLAN

SP 004

PROJECT NO.	2017.117.22
SHEET NO.	1 OF 1

ATTACHMENT B

DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher Conklin
Director

March 23, 2023

Mr. Jonathan Casey, Senior Planner
Upcounty Planning Division
The Maryland-National Capital
Park & Planning Commission
2425 Reedie Drive
Wheaton, MD 20902

RE: Preliminary Plan No. 120220200
Waters Village - Goodwill
Traffic Impact Study

Dear Mr. Casey:

We have completed our review of the revised preliminary plan uploaded to eplans on February 17, 2023. A previous version of this plan was reviewed by the Development Review Committee (DRC) at its meeting on September 13, 2022. We recommend approval of the plans subject to the following comments:

Significant Plan Review Comments

1. The applicant will be required to construct right-in/right-out channelization at the Wisteria Drive/Waters House Avenue intersection. Details of the pork-chop island and pedestrian crossing will be finalized with MCDOT-DTEO at the permit stage.

2. To comply with the 2018 Bicycle Master Plan, the applicant will be required to construct an eleven (11) foot-wide, asphalt sidepath along the site's Wisteria Drive street frontage. Proper signing will also need to be required and must be included with the right-of-way plans.

3. Provide dedication 57.5 feet from the existing centerline along the Wisteria Drive frontage per Page 66 of the April 2019, MARC Rail Communities Sector Plan.

4. Provide seventy (70) feet dedication for Waters House Avenue per Page 55 of the April 2019, MARC Rail Communities Sector Plan.

5. The applicant will be required to construct the full-width, cross-section of Waters House Avenue, as shown on Sheet 1 of the plan, with a temporary turnaround per Montgomery County Standard MC-223.01.

6. The applicant submitted a revised Traffic Impact Study (TIS) dated November 30, 2022, which is discussed below in this letter. Per the LATR proportionality guide, the off-site improvement cost limit for this project is $122,882. The applicant will contribute this money toward the Walter Johnson Road Shared-Use Path project, Contract No. 21-088-TLC. Coordinate with Ms. Angel Cheng of MCDOT-DTE at angel.cheng@montgomerycountymd.gov or 240-777-7274.

7. The County or a surrounding project (Martens Property) will be installing a traffic signal at the Wisteria Drive/Waters Road intersection. The applicant shall coordinate with Mr. Kamal Hamud of our Transportation Systems Engineering Team for the latest plans and scheduling. Mr. Hamud can be contacted at 240-777-8761 or kamal.hamud@montgomerycountymd.gov.

8. The applicant will be required to underground all utilities along their Waters Road frontage.

9. All new road construction requires undergrounding of utilities.

Standard Plan Review Comments

10. All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. This letter and all other correspondence from this department should be included in the package.

11. No steps, stoops, retaining walls or other structures for the development are allowed in County right-of-way. In addition, doors are not allowed to swing into the County right-of-way.

12. The sight distance study has been accepted. A copy of the Sight Distance Evaluation certifications form is included with this letter.

13. The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream County storm drain system for this plan.

14. Size storm drain easements prior to record plat. No fences will be allowed within the storm drain easements without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.

15. This project is located in a Bicycle and Pedestrian Priority Area (BiPPA). Design all vehicular access points (if being reconstructed/rebuilt) to be at-grade with sidewalk, dropping down to street level between the sidewalk and roadway.

16. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.

17. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

18. In all underground utility installations, install identification tape or other "toning" device approximately two feet above the utility.

19. If the proposed development will alter any existing streetlights, replacement of signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

20. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.

21. Posting of a ROW permit bond is a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:

    a. Paving, curb, gutter, asphalt path, handicap ramps, storm drain, street trees and streetlights along Waters Road.

    b. Curb, gutter, asphalt path, handicap ramps, street trees and street lights along Wisteria Drive.

    c. Paving, island, curb, gutter, sidewalk, handicap ramps, storm drain, street trees and street lights along Waters House Avenue.

    d. Permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.

    e. Erosion and sediment control measures as required by Montgomery County Code 19-10(02) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by MCDPS.

Traffic Impact Study Review Comments

We have completed our review of the revised Traffic Impact Study (TIS) dated November 30, 2022.

Based upon our review, we have the following comments:

General Comment

1. The study is based upon the 2020-2024 Growth and Infrastructure Policy adopted on November 16, 2020 (Council Resolution #19-655).

Adequacy Determination

1. The study indicates that the subject development will generate between 278 AM and 382 PM total peak-hour person trips; therefore, all Adequacy tests are required. The project is located in the Germantown Town Center "Orange" Policy Area. The pedestrian and bicycle adequacies are to be evaluated within a 1000-foot walkshed, and a minimum of 4 bus shelters with Realtime Information (TRI) display within 1500 feet of the site.

Motor Vehicle System Adequacy

1. The subject development is required to meet the Local Area Transportation Review (LATR) test for motor vehicle system adequacy. The LATR test for the Germantown Town Center policy area uses the Highway Capacity Manual (HCM) congestion standard with an average vehicle delay standard of 63 seconds per vehicle.

2. The consultant studied eight (8) intersections, including the site entrance on Waters House Road. The consultant concluded that the total future conditions for these intersections will not exceed the congestion or delay standards for the Germantown Town Center policy areas. We concur with the consultant's findings.

Pedestrian System Adequacy

1. The Pedestrian System Adequacy Test is required since the project will generate 50 or more peak hour person trips. This test consists of pedestrian level of comfort, street lighting and ADA compliance. The site is located in the Orange Policy area and will generate more than 350 peak

hour person trips. Therefore, pedestrian adequacy was evaluated within a 1000-foot walkshed.

2. Pedestrian Level of Comfort (PLOC): Sidewalks and pathways were evaluated within a 1000-foot walkshed. For a site to achieve adequacy, roads classified as primary residential or higher must score either PLOC-2 (somewhat comfortable) or PLOC-1 (very comfortable). The consultant identified deficient PLOC items. The applicant will be required to contribute $122,882 toward the Walter Johnson Road Shared-Use Path project, Contract No. 21-088-TLC, as discussed above in Comment #6 in the Preliminary Plan review portion of this letter.

3. Streetlight Evaluation: The consultant evaluated streetlights within the 1,000-foot study area and verified that all are operational. Therefore, no mitigation is required.

4. ADA Compliance: The consultant identified non-compliant ramps within the study area. The applicant will be required contribute $122,882 toward the Walter Johnson Road Shared-Use Path project, Contract No. 21-088-TLC, as discussed above in Comment #6 in the Preliminary Plan review portion of this letter.

Bicycle System Adequacy

1. A low Level of Stress (LTS-2) is required to achieve bicycle system adequacy. The consultant identified all existing and planned bike facilities as well as the deficiencies. The applicant will construct an 11-foot wide sidepath along the project's Wisteria Drive frontage. In addition, the applicant will be required to contribute $122,882 toward the Walter Johnson Road Shared-Use Path project, Contract No. 21-088-TLC, as discussed above in Comment #6 in the Preliminary Plan review portion of this letter.

Transit System Adequacy

1. Based on the size of development, four bus shelters with Realtime Information (RTI) displays are required to be installed within 1500 feet of the project. The consultant identified all existing bus stops within the study area, including four stops with shelters and one stop with Realtime Information (RTI) display. Consistent with the LATR Proportionality Guide, these deficiencies were not prioritized for inclusion in the project mitigation.

Vision Zero Statement

1. The consultant evaluated roadways, crash data and conducted speed studies within the study area and concluded that none of the road segments are within 1000' of any designated High Injury Network (HIN) segments.

Thank you for the opportunity to review this preliminary plan and TIS. If you have any questions or comments regarding this letter, please contact me at william.whelan@montgomerycountymd.gov or (240) 777-2173.

Sincerely,

William Whelan

William Whelan
Development Review Team
Office of Transportation Policy

SharePoint/transportation/directors office/development review/WhelanW/120220200 Waters Village Goodwill-MCDOT review letter 032323.docx

Enclosures (1)

Sight Distance Certifications

cc: Correspondence folder FY 2023

cc-e:	Brian Donnelly	MHGPA
	Chris Kabatt	Wells & Associates
	Chris Van Alstyne	MNCP&PC
	Sandra Pereira	MNCP&PC
	Mark Terry	MCDOT DTEO
	Kutty Menon	MCDOT DTEO
	Kamal Hamud	MCDOT DTEO
	Sam Farhadi	MCDPS RWPR

ATTACHMENT B

DPS-ROW CONDITIONS OF APPROVAL **February 17, 2023**

820220260 WATERS VILLAGE

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan files:

"**07-SITE-820220260-005.pdf V4**" uploaded on/ dated "**2/14/2023**" and
"**08-LL-820220260-001.pdf V4**" uploaded on/ dated "**2/14/2023**" and

The followings need to be addressed prior to the certification of site plan:

1. Access points on public roads:
    a. Label the curb radii for access points and ensure of the minimum curb radii that will accommodate the site traffic.
    b. Provide safe truck turning movement for all (especially right turn) movements and access points.
2. Provide public sidewalk:
    a. to ADA standards (minimum five feet wide) and label it accordingly.
    b. ensure/ show all sidewalks/ handicap ramps have matching receiving counterparts, are aligned and ADA connection is provided. Show/ label the existing sidewalks where connection is made.
    c. Ensure handicap ramps are located as close as possible to the intersection.
    d. Provide adequate green panel.
3. Please note, permanent private occupation of County ROW (or easements) is prohibited (except as provided by the law). As such, the proposed onsite storm drain system may need to be privately maintained under a drainage covenant.
4. The location of the proposed infiltration trench in ROW is subject to MCDOT review and approval.
5. Chokers to meet DPS criteria.
6. Ensure existing features to be removed have been clearly labeled accordingly.
7. All existing easements within the ROW are subject to subordination agreement.
8. Remove all proposed pavement markings and signage on public streets from the site plan or provide a note indicating they are for reference only and will be finalized at ROW permit under signing and marking plan.
9. On landscaping plan, provide street trees per approved tree species list at the required spacing and clearances.
10. All non-woody landscaping in ROW needs to be per MC-704.01.

ATTACHMENT B

DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Eshan Motazedi
Acting Director

~~December 23, 2022~~
February 10, 2023

Mr. Mark Hollida
Macris, Hendricks and Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886

Administrative Revision February 10, 2023

Mark Etheridge
Mark C. Etheridge
Manager, DPS Water Resources Section

Re: Combined **STORMWATER MANAGEMENT CONCEPT/SITE DEVELOPMENT STORMWATER PLAN** for Waters Village
Address: ~~19525 Waters Road~~ 19621 Waters Road
PP#: 120220200
SP#: 820220260
SM File #: 288411
Tract Size/Zone: ~~123,720~~ 158,027 sq ft/CRT-1.0, C-0.75, R-0.75, H-65
Total Concept Area: 175,330 sq ft
Legal Description: Parcel ~~868, L.52823/F.00273~~ P760 to be subdivided into one lot and ROW dedication
Watershed: Great Seneca/Type III
Type of Development: Redevelopment

Dear Mr. Hollida,

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required on-site stormwater management goals via Micro-bioretention with non-credited enhanced filters where possible and though the use of an Infiltration Trench for improvements within the Waters House Avenue. ROW dedication.

The following items will need to be addressed during the detailed sediment control plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.

2. An engineered sediment control plan must be submitted for this development.

3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

4. Landscaping in areas located within the stormwater management easement which are shown on the approved Landscape Plan as part of the approved Site Plan are illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Montgomery County Department of Permitting Services, Water Resources Section.

5. Stormwater Management within the Montgomery County ROW must be coordinated with DPS ROW Section.

6. Improvements within the existing adjacent ROW's of Wisteria Drive and Waters Road are considered to be maintenance and have no SWM requirement.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control plan at its initial submittal. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mary Fertig at 240-777-6202 or at mary.fertig@montgomerycountymd.gov.

Sincerely,

Mark Etheridge

Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE/MMF

cc: N. Braunstein
SM File # 288411

ROW Water House Avenue
ESD: Required/Provided 2772 cf / 0 cf
PE: Target/Achieved: 2.2”/0”
STRUCTURAL: Required /Provided: 3540 cf/3591 cf
WAIVED: n/a

Lot
ESD: Required/Provided 15,586 cf / 16,890 cf
PE: Target/Achieved: 2.2”/2.2”
STRUCTURAL: n/a
WAIVED: n/a

ATTACHMENT B

Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 16-Mar-23

TO: Stephen Crum - scrum@mhgpa.com
Macris, Hendricks & Glascock

FROM: Marie LaBaw

RE: Waters Village
120220200 820220260

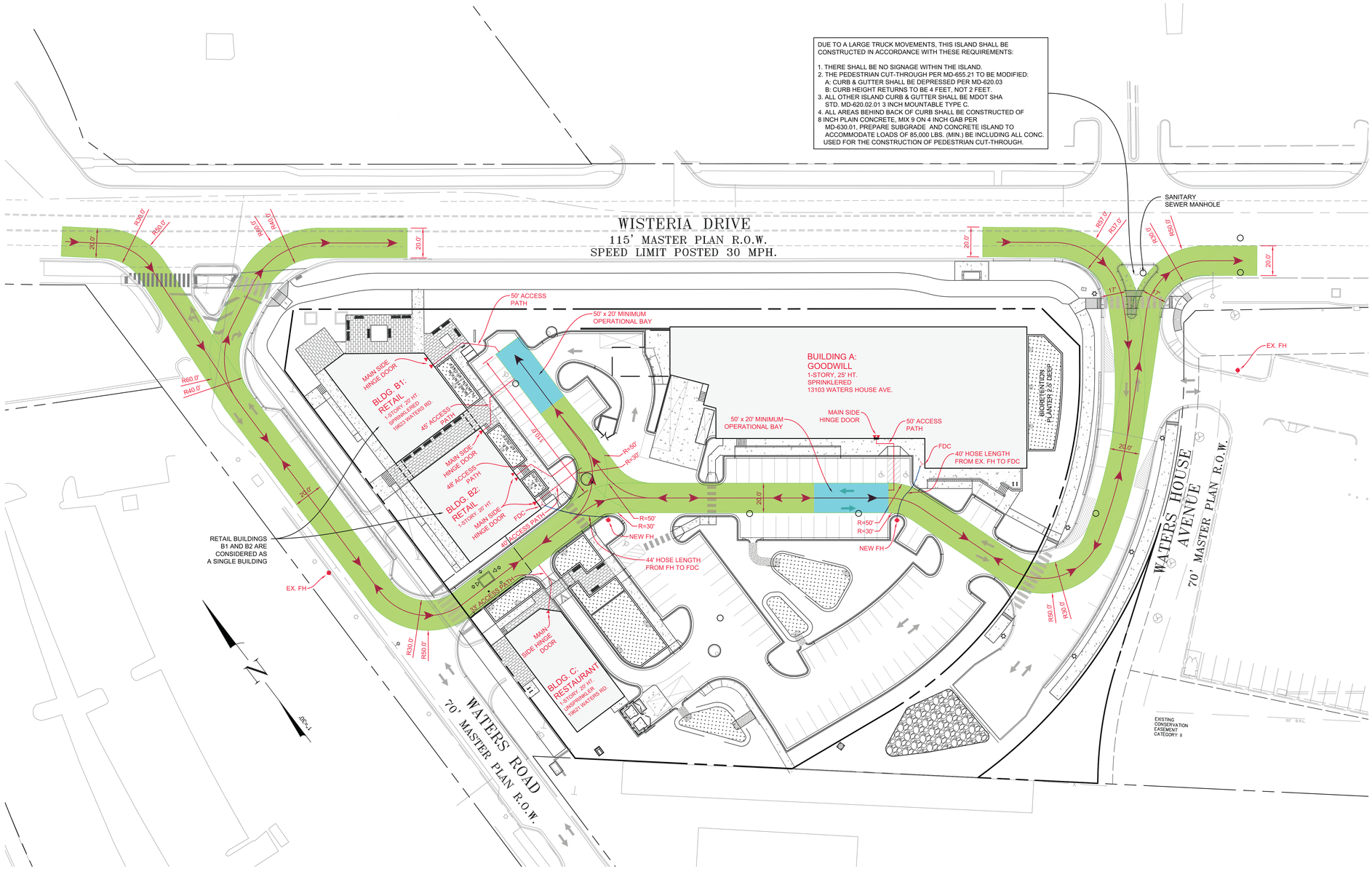
PLAN APPROVED

1. Review based only upon information contained on the plan submitted **16-Mar-23** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.

2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

DUE TO A LARGE TRUCK MOVEMENTS, THIS ISLAND SHALL BE CONSTRUCTED IN ACCORDANCE WITH THESE REQUIREMENTS:

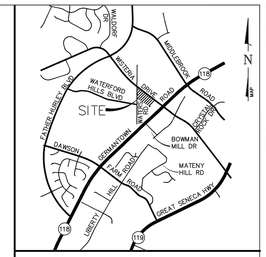
1. THERE SHALL BE NO SIGNAGE WITHIN THE ISLAND.
2. THE PEDESTRIAN CUT-THROUGH PER MD-655.21 TO BE MODIFIED:
   A: CURB & GUTTER SHALL BE DEPRESSED PER MD-620.03
   B: CURB HEIGHT RETURNS TO BE 4 FEET, NOT 2 FEET.
3. ALL OTHER ISLAND CURB & GUTTER SHALL BE MDOT SHA STD. MD-620.02.01 3 INCH MOUNTABLE TYPE C.
4. ALL AREAS BEHIND BACK OF CURB SHALL BE CONSTRUCTED OF 8 INCH PLAIN CONCRETE, MIX 9 ON 4 INCH GAB PER MD-630.01, PREPARE SUBGRADE AND CONCRETE ISLAND TO ACCOMMODATE LOADS OF 85,000 LBS. (MIN.) BE INCLUDING ALL CONC. USED FOR THE CONSTRUCTION OF PEDESTRIAN CUT-THROUGH.



GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.



VICINITY MAP
SCALE 1" = 2,000'

LEGEND

- APPARATUS ACCESS MOVEMENT
- OPERATIONAL BAY 50 X 20' MIN
- MAIN EXTERIOR DOORS
- ACCESS PATH LENGTH
- HOSE LENGTH BETWEEN FIRE HYDRANT AND FDC

MHG
Civil Engineers
Land Planners
Landscape Architects
Land Surveyors

9220 Wightman Road, Suite 120
Montgomery Village, MD 20886
Phone: 301.670.0840
www.mhgpa.com

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STATE OF MARYLAND
STEPHEN EDWARD CRUM
No. 16905
PROFESSIONAL ENGINEER

Digitally signed by Stephen Crum
Date: 2023.05.16 15:41:19-04'00'

Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland. Lic. No. 16905 Exp. Date. 04.21.2024

OWNER
KHR WATERS INV LLC
6 CESSNA COURT
GAITHERSBURG, MD 20879
Mr. HARRY NAZARIAN
301-252-5782
hnazarian@nazcoinc.com

ATTORNEY
LERCH, EARLY & BREWER, CHTD.
7600 WISCONSIN AVE., SUITE 700
BETHESDA, MD, 20814
STUART R. BARR, ATTORNEY
301-961-6095
srbarr@lerchearly.com

ARCHITECT
ROUNDS VANDUZIER ARCHITECTS
467A N. WASHINGTON STREET
FALLS CHURCH, VA, 22046
STEPHEN F. KINNEY, AIA
703-533-3577
skenney@rvarchitects.com

REVISIONS

NO.	DESCRIPTION	DATE

TAX MAP EU — WSSC 227 NW 13

PARCEL 760
L.17937 F.693
CHESTNUT RIDGE
2ND ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

WATERS VILLAGE

19621 WATERS ROAD

PROJ. MGR	BJD
DRAWN BY	JDP
SCALE	1" = 30'
DATE	03/16/2023

CONCEPT FIRE APPARATUS EXHIBIT

FM 1.00

PROJECT NO.	2017.117.22
SHEET NO.	1 OF 1

FIRE CODE ENFORCEMENT

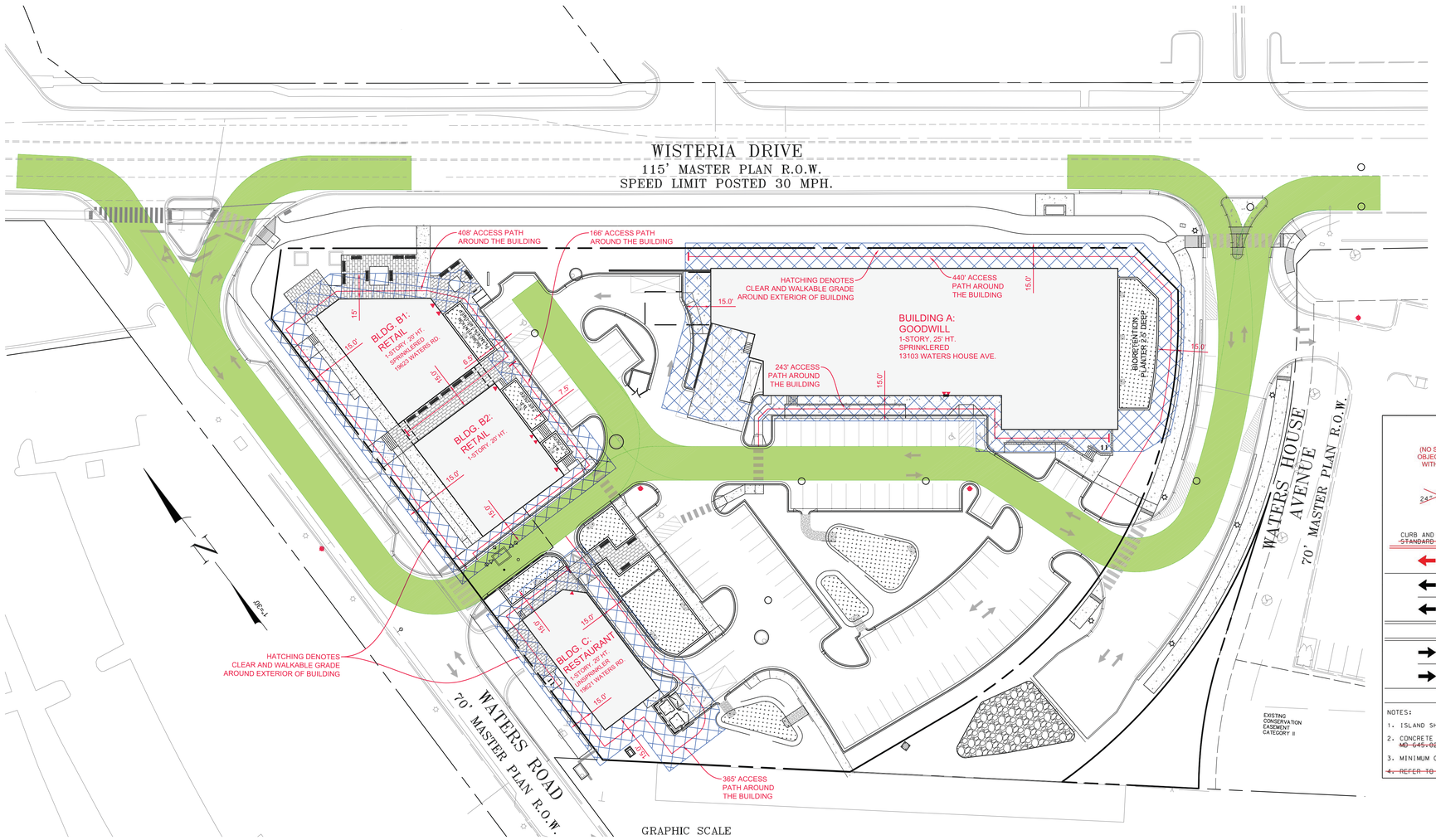
Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from ommisions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SAC FM: 43 DATE: 3/16/2023

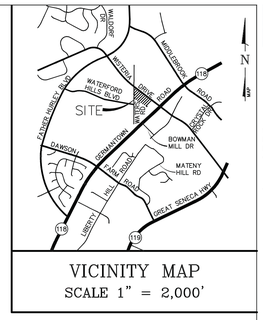
811 Know what's below. Call before you dig.

FOR UTILITY LOCATIONS CONTACT "ONE CALL" AT 811 AT LEAST 48 HOURS PRIOR TO CONSTRUCTION



LEGEND

- APPARATUS ACCESS MOVEMENT
- 15' CLEAR AND WALKABLE GRADE AROUND BUILDING
- MAIN EXTERIOR DOORS
- ACCESS PATH LENGTH



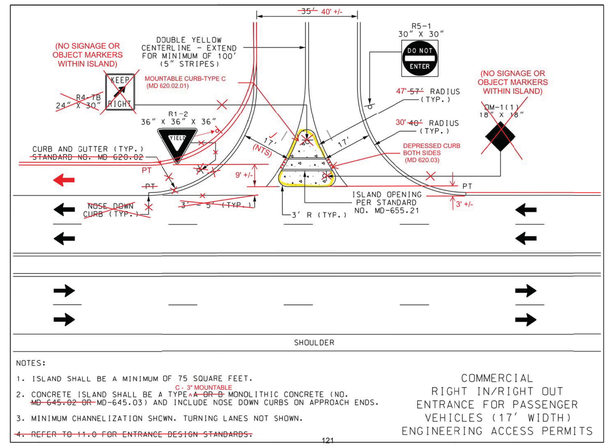
VICINITY MAP
SCALE 1" = 2,000'

FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from ommissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SMC FM: 43 DATE: 3/16/2023



NOTES:

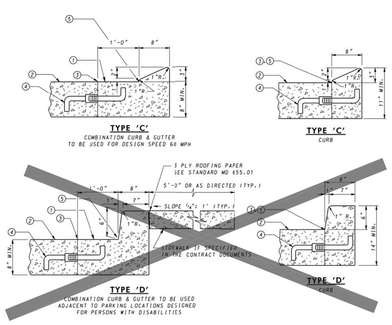
1. ISLAND SHALL BE A MINIMUM OF 75 SQUARE FEET.
2. CONCRETE ISLAND SHALL BE A TYPE ~~A OR B~~ C-3" MOUNTABLE MONOLITHIC CONCRETE (NO. ~~MD 645.02 OR~~ MD-645.03) AND INCLUDE NOSE DOWN CURBS ON APPROACH ENDS.
3. MINIMUM CHANNELIZATION SHOWN. TURNING LANES NOT SHOWN.
4. ~~REFER TO 11.0 FOR ENTRANCE DESIGN STANDARDS.~~

121

COMMERCIAL
RIGHT IN/RIGHT OUT
ENTRANCE FOR PASSENGER
VEHICLES (17' WIDTH)
ENGINEERING ACCESS PERMITS

WATER HOUSE AVENUE
RIGHT IN /RIGHT OUT ISLAND

FINAL DESIGN TO BE SUBJECT TO MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES AND DEPARTMENT OF TRANSPORTATION REVIEW AS PART OF THE ROADWAY IMPROVEMENT PLANS. ANY CHANGES RESULTING FROM AGENCY REVIEWS MAY REQUIRE REVIEW AND REAPPROVAL OF THIS FIRE ACCESS PLAN.

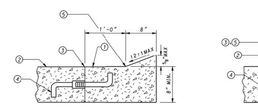


① SLOPE GUTTER PAN ½" PER FOOT TOWARD FLOW LINE ON ALL ROADWAYS INCLUDING SUPERELEVATED SECTIONS. EXCEPT INTERCHANGE RAMPS.
② ROADWAY PAVEMENT SLOPE.
③ ROADWAY PAVEMENT CONSTRUCTION JOINT.
④ PROVIDE LONGITUDINAL TIE DEVICE "J" BAR MODIFIED. REFER TO STANDARD NO MD 572.61.
⑤ FLOW LINE.

NOTES

A. RIGID PAVEMENT ROADWAY ADJACENT TO COMBINATION CURB AND GUTTER AND CLOSED SECTION ROADWAY USING RIGID PAVEMENT WITH COMBINATION CURB AND GUTTER SHALL BE TIED AT THE ROADWAY PAVEMENT CONSTRUCTION JOINT. REFER TO STANDARD MD 572.61 FOR METHOD OF LONGITUDINAL TIE DEVICES. SPACING OF THE TIE BARS SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS. RIGID PAVEMENT AND CURB SHALL BE CONSTRUCTED AS INDICATED. TIE DEVICES ARE NOT REQUIRED WHEN USING FLEXIBLE PAVEMENT FOR ROADWAY.
B. MAXIMUM JOINT SPACING FOR CONCRETE CURB AND COMBINATION CURB & GUTTER IS 10'. SEE SPECIFICATION FOR LOCATIONS AND DESCRIPTION OF TREATMENT FOR THE TYPES OF JOINTS USED.
C. TYPE C OR D COMBINATION CURB AND GUTTER SHALL BE USED FOR ALL APPLICABLE NEW CONSTRUCTION AND IN THOSE AREAS WHERE THE COMBINATION CURB AND GUTTER IS TO BE REPLACED IN KIND.
D. TYPE C OR D CURB SHALL BE USED FOR THE REPLACEMENT OF LIKE KIND OF CURB ONLY. NOT TO BE USED FOR NEW CONSTRUCTION EXCEPT WHERE INDICATED ON APPROPRIATE INLET STANDARDS.

SPECIFICATION 602	CATEGORY CODE ITEMS	Maryland Department of Transportation STATE HIGHWAY ADMINISTRATION STANDARDS FOR HIGHWAYS AND INCIDENTAL STRUCTURES STANDARD TYPES C AND D CONCRETE CURB AND COMBINATION CONCRETE CURB & GUTTER
APPROVED	DIRECTOR – OFFICE OF HIGHWAY DEVELOPMENT	
	APPROVAL • SHA: 2-10-04 REVISED: 2-25-16	APPROVAL • FEDERAL HIGHWAY ADMINISTRATION: 3-31-04 REVISED: 2-23-16
	REVISED: REVISED:	REVISED: REVISED:
		STANDARD NO. MD 620.02-01

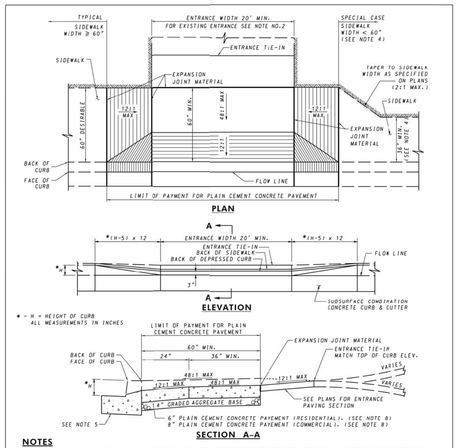


① SLOPE GUTTER PAN ½" PER FOOT TOWARD FLOW LINE ON ALL ROADWAYS INCLUDING SUPERELEVATED SECTIONS. EXCEPT INTERCHANGE RAMPS.
② ROADWAY PAVEMENT SLOPE.
③ ROADWAY PAVEMENT CONSTRUCTION JOINT.
④ PROVIDE LONGITUDINAL TIE DEVICE "J" BAR MODIFIED. REFER TO STANDARD NO MD 572.61.
⑤ FLOW LINE.

NOTES

A. RIGID PAVEMENT ROADWAY ADJACENT TO COMBINATION CURB AND GUTTER AND CLOSED SECTION ROADWAY USING RIGID PAVEMENT WITH COMBINATION CURB AND GUTTER SHALL BE KEYED AND TIED AT THE ROADWAY PAVEMENT CONSTRUCTION JOINT. REFER TO STANDARD MD 572.61 FOR METHOD OF KEYWAY AND LONGITUDINAL TIE DEVICES. SPACING OF THE TIE BARS SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS. RIGID PAVEMENT AND CURB SHALL BE CONSTRUCTED AS INDICATED. TIE DEVICES AND KEYS ARE NOT REQUIRED WHEN USING FLEXIBLE PAVEMENT FOR ROADWAY.
B. MAXIMUM JOINT SPACING FOR CONCRETE CURB AND COMBINATION CURB & GUTTER IS 10'. SEE SPECIFICATION FOR LOCATIONS AND DESCRIPTION OF TREATMENT FOR THE TYPES OF JOINTS USED.
C. PAYMENT FOR DEPRESSING THE CURB WILL BE INCIDENTAL TO THE CONTRACT UNIT PRICE BID PER LINEAR FOOT FOR THE ITEM CONCRETE CURB OR COMBINATION CONCRETE CURB AND GUTTER, AS SPECIFIED IN THE CONTRACT DOCUMENTS.

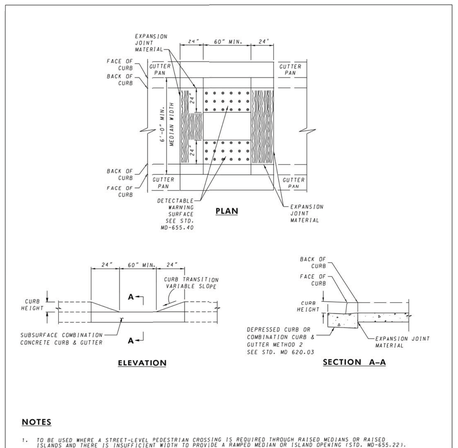
SPECIFICATION 602	CATEGORY CODE ITEMS	Maryland Department of Transportation STATE HIGHWAY ADMINISTRATION STANDARDS FOR HIGHWAYS AND INCIDENTAL STRUCTURES DEPRESSED CURB FOR COMBINATION CURB AND GUTTER AND DEPRESSED CURB FOR SIDEWALK RAMPS
APPROVED	DIRECTOR – OFFICE OF HIGHWAY DEVELOPMENT	
	APPROVAL • SHA: 2-10-04 REVISED: 2-23-16	APPROVAL • FEDERAL HIGHWAY ADMINISTRATION: 3-31-04 REVISED: 2-23-16
	REVISED: REVISED:	REVISED: REVISED:
		STANDARD NO. MD 620.03



NOTES

1. FOR USE IN AREAS WHERE THERE IS SIDEWALK ADJACENT TO THE BACK OF CURB OR WHERE IT IS EXPECTED THAT SIDEWALK WILL BE ADDED IN THE FUTURE.
2. WHEN AN EXISTING ENTRANCE IS LESS THAN 20' IN WIDTH A UNIFORM TAPER SHALL BE CONSTRUCTED TO TIE INTO THE EXISTING ENTRANCE AS DIRECTED BY THE ENGINEER.
3. EXPANSION JOINT MATERIAL TO BE INSTALLED IN ACCORDANCE WITH STD. MD-655.01.
4. WHERE 60" SIDEWALK CAN NOT BE PROVIDED, 36" MIN. MAY BE USED AS LONG AS PASSING ZONES ARE PROVIDED IN ACCORDANCE WITH STD. MD-655.02.
5. TYPE A AND B CURB AND THE CURB FOR TYPE A, B, AND D COMBINATION CURB AND GUTTER SHALL BE DEPRESSED AS SHOWN ON STD. 620.02-01 TYPE C. PAYMENT FOR DEPRESSING THE CURB SHALL BE AS SPECIFIED ON STD. 620.03 NOTE C.
6. TRANSITION PANELS TO TIE INTO EXISTING SIDEWALK MUST BE A MINIMUM OF 5' IN LENGTH.
7. RAMP SLOPES MUST BE CALCULATED USING THE HORIZONTAL PLANE. USING ONLY THE RISE-OVER-RUN METHOD IS INSUFFICIENT FOR DETERMINING SLOPE (ANY VARIANCE FROM THE HORIZONTAL PLANE OF THE SURROUNDING ROADWAY FACILITY MUST ALSO BE DETERMINED AND ACCOUNTED FOR).
8. USE MIX 9 UNLESS OTHERWISE DIRECTED BY THE ENGINEER.

SPECIFICATION	CATEGORY CODE ITEMS	Maryland Department of Transportation STATE HIGHWAY ADMINISTRATION STANDARDS FOR HIGHWAYS AND INCIDENTAL STRUCTURES STANDARD ENTRANCE CONSTRUCTION RESIDENTIAL & COMMERCIAL METHOD NO.1
APPROVED	DIRECTOR – OFFICE OF HIGHWAY DEVELOPMENT	
	APPROVAL • SHA: 2-10-04 REVISED: 4-17-07	APPROVAL • FEDERAL HIGHWAY ADMINISTRATION: 3-31-04 REVISED:
	REVISED: 4-3-14 REVISED: 5-14-16	REVISED: 1-30-14 REVISED: 6-8-16
		STANDARD NO. MD 630.01



NOTES

1. TO BE USED WHERE A STREET-LEVEL PEDESTRIAN CROSSING IS REQUIRED THROUGH RAISED MEDIANS OR RAISED ISLANDS AND THERE IS INSUFFICIENT WIDTH TO PROVIDE A RAMPED MEDIAN OR ISLAND OPENING (STD. MD-655.22).
2. EXPANSION JOINT MATERIAL SHALL BE INSTALLED IN ACCORDANCE WITH STANDARD MD-655.01.
3. CUT-THROUGH MEDIAN AND ISLAND OPENINGS TO BE SHOWN ON PLANS SYMBOLICALLY AND REFERENCED WITH THE CENTER OF THE OPENING ALIGNED TO A STATION ON THE CONSTRUCTION CENTERLINE. SEPARATE DETAILS SHALL BE SHOWN WHERE PROPOSED OPENING VARIES FROM STANDARD METHODS.
4. WHERE 60" CUT THROUGHS CAN NOT BE PROVIDED A DESIGN WAIVER MUST BE REQUESTED.

SPECIFICATION 603 & 611	CATEGORY CODE ITEMS	Maryland Department of Transportation STATE HIGHWAY ADMINISTRATION STANDARDS FOR HIGHWAYS AND INCIDENTAL STRUCTURES CUT-THROUGH MEDIAN AND ISLAND OPENINGS
APPROVED	DIRECTOR – OFFICE OF HIGHWAY DEVELOPMENT	
	APPROVAL • SHA: 2-10-04 REVISED: 6-3-14	APPROVAL • FEDERAL HIGHWAY ADMINISTRATION: 3-31-04 REVISED: 1-30-14
	REVISED: REVISED:	REVISED: REVISED:
		STANDARD NO. MD 655.21

811 Know what's below. Call before you dig.

FOR UTILITY LOCATIONS CONTACT "ONE CALL" AT 811 AT LEAST 48 HOURS PRIOR TO CONSTRUCTION

MHG
Civil Engineers
Land Planners
Landscape Architects
Land Surveyors

9220 Wightman Road, Suite 120
Montgomery Village, MD 20886
Phone: 301.670.0840
www.mhgpa.com

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STATE OF MARYLAND STEPHEN EDWARD CRUM No. 16905 PROFESSIONAL ENGINEER
Digitally signed by Stephen Crum
Date: 2023.03.16 15:42:09-04'00'

Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland. Lic. No. 16905 Exp. Date. 04.21.2024

OWNER
KHR WATERS INV LLC
6 CESSNA COURT
GAITHERSBURG, MD 20879
Mr. HARRY NAZARIAN
301-252-5782
hnazarian@nazcoinc.com

ATTORNEY
LERCH, EARLY & BREWER, CHTD.
7600 WISCONSIN AVE., SUITE 700
BETHESDA, MD, 20814
STUART R. BARR, ATTORNEY
301-961-6095
srbarr@lerchearly.com

ARCHITECT
ROUNDS VANDUZIER ARCHITECTS
467A N. WASHINGTON STREET
FALLS CHURCH, VA, 22046
STEPHEN F. KINNEY, AIA
703-533-3577
skenney@rvarchitects.com

REVISIONS

NO.	DESCRIPTION	DATE

TAX MAP EU WSSC 227 NW 13

PARCEL 760
L.17937 F.693
CHESTNUT RIDGE
2ND ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

WATERS VILLAGE

19621 WATERS ROAD

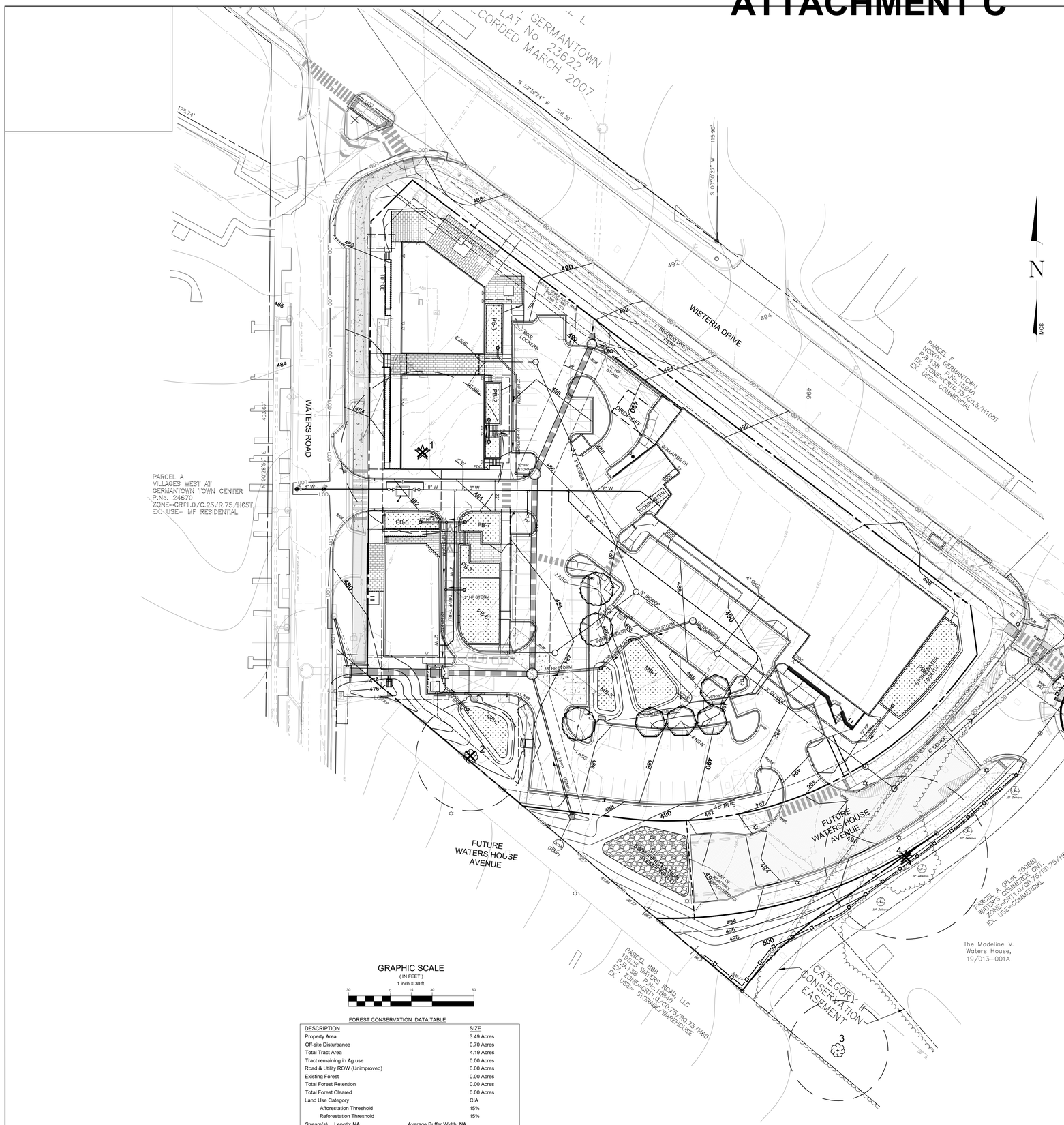
PROJ. MGR	BJD
DRAWN BY	JDP
SCALE	1" = 30'
DATE	03/16/2023

CONCEPT FIRE APPARATUS EXHIBIT

FM 1.01

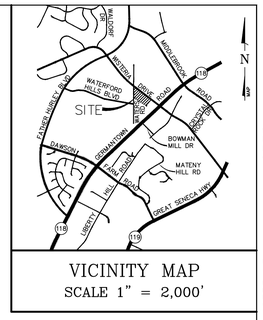
PROJECT NO.	2017.117.22
SHEET NO.	1 OF 1

ATTACHMENT C



LEGEND

- SPECIMEN TREE
- SIGNIFICANT TREE
- TREE CANOPY
- LIGHT
- SEWER
- STORM DRAIN
- WATER
- GAS
- EXISTING CONTOUR
- PROPERTY BOUNDARY
- CURB & GUTTER
- CONCRETE
- SIGN
- FIRE HYDRANT
- OVERHEAD WIRES
- FENCE
- GAURDRAIL
- COMMUNICATION LINE
- CRITICAL ROOT ZONE
- PROPOSED TREE FOR VARIANCE MITIGATION
- LIMITS OF DISTURBANCE
- TREE PROTECTION FENCE, ROOT PRUNING, & TEMPORARY TREE PROTECTION SIGNAGE (AS SHOWN IN TREE FENCE DETAIL)



VICINITY MAP
SCALE 1" = 2,000'

FOREST CONSERVATION NOTES:

PROPERTY DESCRIPTION: P760, CHESTNUT RIDGE
ADDRESS: 19621 WATERS ROAD GERMANTOWN
TAX ACCOUNT #02-00027704
CURRENT ZONING CLASSIFICATION: CRT-1.0
WATERSHED: LITTLE SENECA CREEK & MIDDLE GREAT SENECA CREEK
SPECIAL PROTECTION AREA: NA
PRIMARY MANAGEMENT AREA: NA

FOREST CONSERVATION WORKSHEET
Chestnut Ridge

NET TRACT AREA:

A. Total tract area ...	3.49
B. Additions to tract area (Off-Site Work, etc.; construction required by this plan)...	0.70
C. Land dedication acres (parks, county facility, etc.) ...	0.00
D. Land dedication for roads or utilities (construction not required by this plan) ...	0.00
E. Area to remain in commercial agricultural production/use ...	0.00
F. Other deductions (specify)	0.00
G. Net Tract Area .....=	4.19

LAND USE CATEGORY: (from Chapter 22A-3. Definitions)
Input the number "1" under the appropriate land use, limit to only one entry.

ARA	MDR	IDA	HDR	MPD	CIA
0	0	0	0	0	1

G. Afforestation Threshold ...	15%	x G =	0.63
H. Conservation Threshold ...	15%	x G =	0.63

EXISTING FOREST COVER:

I. Existing forest cover .....=	0.00
J. Area of forest above afforestation threshold .....=	0.00
K. Area of forest above conservation threshold .....=	0.00

BREAK EVEN POINT:

L. Forest retention above threshold with no mitigation ....=	0.00
M. Clearing permitted without mitigation .....=	0.00

PROPOSED FOREST CLEARING:

N. Total area of forest to be cleared .....=	0.00	
O. Total area of forest to be retained .....=	0.00	

PLANTING REQUIREMENTS:

P. Reforestation for clearing above conservation threshold ....=	0.00	
Q. Reforestation for clearing below conservation threshold ....=	0.00	1
R. Credit for retention above conservation threshold .....=	0.00	
S. Total reforestation required .....=	0.00	1
T. Total afforestation required .....=	0.63	
U. Credit for landscaping (may not exceed 20% of "S") .....=	0.00	
V. Total reforestation and afforestation required .....=	**0.63**	
worksheet date	5/13/2019	

FOREST CONSERVATION REQUIREMENT OF 0.63 ACRES TO BE MET VIA FOREST BANK IF AVAILABLE OTHERWISE TO BE MET VIA FEE-IN-LIEU.

TREE TABLE

TREE ID#	COMMON NAME	BOTANICAL NAME	SIZE (DIAMETER)	CONDITION	STATUS
1	NORWAY MAPLE	ACER PLATANOIDES	39"	POOR - ROT, CAVITIES, DEADWOOD, WOUND CLOSURE	REMOVE
2	NORWAY MAPLE	ACER PLATANOIDES	26"	FAIR - DEADWOOD, CLOSE TO ADJACENT BUILDING, WOUND CLOSURE/SCAR ON TRUNK	REMOVE
3	NORWAY MAPLE	ACER PLATANOIDES	24"	GOOD - OFFSITE	SAVE
4	AMERICAN ELM	ULMUS AMERICANA	39"	FAIR/POOR - OFFSITE, TWO LARGE WOUNDS, VINES, DEADWOOD, SEVERAL SMALL CAVITIES	REMOVE

VARIANCE TREE TABLE

Tree ID#	DBH	Species	Impact/Remove	% Impacted	Condition	Mitigation
1	39	Norway Maple	Remove	100	Poor	39"
4	39	American Elm	Remove	100	Fair/Poor	39"

78" removed/4 = 19.5" to be met via 7 trees at 3"dbh

PROPOSED TREE LIST

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE (CAL.)	ROOT	SPACING
NSW	4	Nyssa sylvatica	Black Gum	3"	B&B	AS SHOWN
ASG	3	Acer saccharum	Sugar Maple	3"	B&B	AS SHOWN

GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.
30 0 15 30 60

FOREST CONSERVATION DATA TABLE

DESCRIPTION	SIZE
Property Area	3.49 Acres
Off-site Disturbance	0.70 Acres
Total Tract Area	4.19 Acres
Tract remaining in Ag use	0.00 Acres
Road & Utility ROW (Unimproved)	0.00 Acres
Existing Forest	0.00 Acres
Total Forest Retention	0.00 Acres
Total Forest Cleared	0.00 Acres
Land Use Category	CIA
Afforestation Threshold	15%
Reforestation Threshold	15%

Stream(s) Length: NA Average Buffer Width: NA

Acres of Forest in:	Retained	Cleared	Planted
Wetlands	0.00	0.00	0.00
100yr Floodplain	0.00	0.00	0.00
Stream Buffers	0.00	0.00	0.00
Other Priority Areas	0.00	0.00	0.00

811 Know what's below. Call before you dig.
FOR UTILITY LOCATIONS CONTACT "ONE CALL" AT 811 AT LEAST 48 HOURS PRIOR TO CONSTRUCTION

MHG
Civil Engineers
Land Planners
Landscape Architects
Land Surveyors

9220 Wightman Road, Suite 120
Montgomery Village, MD 20886
Phone: 301.670.0840
www.mhgpa.com

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FRANK C. JOHNSON
03/03/2023
DATE
RECOGNIZED AS QUALIFIED PROFESSIONAL BY MD DEPT. OF NATURAL RESOURCES
COMAR 08.19.06.01

Qualified Professional Certification
I hereby certify that the information shown hereon is correct and that this plan has been prepared in accordance with the requirements of the existing state and county forest conservation legislation.

OWNER
KHR WATERS INV LLC
6 CESSNA COURT
GAITHERSBURG, MD 20879
Mr. HARRY NAZARIAN
301-252-5782
hnazarian@nazcoinc.com

ATTORNEY
LERCH, EARLY & BREWER, CHTD.
7600 WISCONSIN AVE., SUITE 700
BETHESDA, MD, 20814
STUART R. BARR, ATTORNEY
301-961-6095
srbarr@lerchearly.com

ARCHITECT
ROUNDS VANDUZIER ARCHITECTS
467A N. WASHINGTON STREET
FALLS CHURCH, VA, 22046
STEPHEN F. KINNEY, AIA
703-533-3577
skenney@rvarchitects.com

REVISIONS

NO.	DESCRIPTION	DATE

TAX MAP EU WSSC 227 NW 13

PARCEL 760
L.17937 F.693
CHESTNUT RIDGE
2ND ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

WATERS VILLAGE

PROJ. MGR	BJD
DRAWN BY	FCJ
SCALE	1"= 30'
DATE	11/02/2022

PRELIMINARY FOREST CONSERVATION PLAN #120220200

L9.01

PROJECT NO.	2017.117.22
SHEET NO.	1 OF 2

I:\2017\17Dwg\FC_23_01.dwg, Plot: 3/3/2023 11:40:54 AM, johnsfc, Copyright © 2022 Macris, Hendricks & Glascock, P.A.

ATTACHMENT D

Macris, Hendricks & Glascock, P.A.
Engineers ▪ Planners ▪ Surveyors ▪ Landscape Architects

9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279

MHG

Phone 301.670.0840
Fax 301.948.0693

July 1, 2022

Maryland National Capital Park & Planning Commission
2425 Reedie Drive
Wheaton, MD 20902

Re: Chestnut Ridge
MHG Project No. 17.117.22

To Whom It May Concern:

On behalf of the applicant of the above referenced Forest Conservation Plan, we hereby request a variance from Section 22A-12.b(3)(C) of the Montgomery County Code, Chapter 22A for the removal of two specimen trees, as required by the Maryland Natural Resources Article, Title 5, Subtitle 16, Forest Conservation, Section 5-1611, and in accordance with Chapter 22A-21(b) of the Montgomery County Code. The proposed removal of two trees over thirty inches satisfies the variance application requirements of section 22A-21(b).

1. *Describe the special conditions peculiar to the property which would cause the unwarranted hardship;*

   The total property area subject to the associated forest conservation plan includes 3.49 acres and is a developed site. One tree, #1, is in the middle of the front of the property near an existing building to be demolished. Parking, stormwater management and other utilities is proposed in this area. This is a central location where the access to the site is and is between the proposed buildings which per design requirements are fronting along right of way and sidewalk; it would not be possible to serve the proposed buildings utility and parking needs without impacts to this area. Tree #4 is also to be removed and is off-site and being impacted by the proposed right of way which is a requirement for the development of the property. In addition, the above reasons both trees are in decline and would be hazards to any new construction if left to remain. For all of the above reasons, not allowing the proposed removals and impacts would be a hardship that is not warranted.

2. *Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;*

   The landowner's rights to develop their property as is done by others in similar areas would be deprived by not allowing the removal of the subject trees. As detailed above, the removals are unavoidable in order to develop the property to meet the needs of the applicant. The inability to remove the subject trees would limit the development of the property and not allow the right of way to be completed. This creates a significant disadvantage for the applicant and deprives the applicant of the rights enjoyed by the neighboring and/or similar properties not subject to this approval process.

3. *Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance;*

   A Stormwater Management Concept will be submitted for the proposed improvements. Approval of this plan will confirm that the goals and objectives of the current state water quality standards are being met.

4. *Provide any other information appropriate to support the request.*

   Mitigation will be provided for all specimen trees to be removed. A copy of the Forest Conservation Plan with the variance tree spreadsheet has been provided as part of this variance request. Please let us know if any other information is necessary to support this request.

Please contact me via email, at fjohnson@mhgpa.com, or by phone, at (301) 670-0840 should you have any additional comments or concerns.

Thank you,

Frank Johnson

Frank Johnson

ATTACHMENT E

LerchEarlyBrewer 7600 Wisconsin Avenue, Suite 700 • Bethesda, MD 20814 • lerchearly.com

BY ELECTRONIC DELIVERY

To: Montgomery County Planning Department, Planning Staff, Area 3:
Jonathan Casey
Alexandra Duprey
Montgomery County Department of Transportation Development Review Team:
William Whelan

From: Stuart R. Barr, Lerch Early & Brewer, Chtd. SRB

Re: Proposed Waters Village Shopping Center Development

19621 Waters Road (intersection of Waters Road/Wisteria Drive), Germantown, MD
Preliminary Plan Application No. 120220200/Site Plan Application No. 820220260
Related Application: Concept Plan No. 520210170

SECOND Supplemental Statement in Support of Preliminary Plan and Site Plan Applications

Date: March 31, 2023

I. Introduction

On behalf of our client, KHR Waters Investments, LLC ("KHR" or the "Applicant"), the owner of the subject property and applicant, we are submitting updated Preliminary Plan and Site Plan application materials (submitted by Macris, Hendricks & Glascock) and this Second Supplement Statement in Support of Preliminary Plan Application Number 120220200 and Site Plan Application Number 820220260 (the "Application"), for the property located at 19621 Waters Road in Germantown, Maryland (the "Property"). The purpose of this Second Supplemental Statement is to provide additional information in support of the updated Preliminary Plan and Site Plan materials and to respond to final comments and items raised recently during the development review process.

Again, we thank the Planning Department and Department of Transportation for its review and comments and the time spent in meetings with us to discuss the proposed Site Plan and various items in connection with the Project. Based on the comments, KHR and its team have worked

extensively to redesign the Project and address various items and to present the best possible plan that it can under the circumstances.

The purpose of this Supplemental Statement is to provide additional information and respond to certain comments raised recently in the review process. The narrative description of the Project is set forth fully in the Statement of Justification dated July 22, 2022 and the First Supplemental Statement dated November 18, 2022. This Second Supplemental Statement is intended to supplement (not replace) the original Statement of Justification and First Supplemental Statement and is not intended to address every item raised during the review process, just various final items in preparation for the upcoming Planning Board hearing. As explained below and as reflected in the updated plans, we believe that we have addressed every major item remaining, and we respectfully request a favorable recommendation of approval for the Preliminary Plan and Site Plan, without any additional conditions that materially change the current plans.

II. Number of Drive-thru Restaurants in Surrounding Area

The Applicant submitted information on the number of drive-thru restaurants in the surrounding area in August, 2022 in connection with the original Application (*see* attachment to Statement dated July 22, 2022). In a February, 2023 communication to the Planning Department, a nearby homeowners association questioned the accuracy of the information on the number of drive-thru restaurants in the surrounding area.

As we noted in the response to the homeowners association, according to Costar information, there are 5 drive-thru restaurants within a ½ mile of the Property. They are:

- McDonald's – 12982 Middlebrook Road.
- Wendy's – 12988 Middlebrook Road.
- Dunkin Donuts/Baskin-Robbins – 12915 Wisteria Drive.
- Roy Rogers – 12907 Wisteria Drive.
- Burger King – 19700 Germantown Road.

Additionally, beyond a ½ mile, there are a couple of other drive-thru restaurants to the east of the Property before Interstate I-270. They are:

- Chick-Fil-A – 19945 Century Blvd.
- Taco Bell – 19923 Century Blvd.

Costar information did not include restaurants with parking spaces designated for pick up/takeout, but not a traditional drive-thru window, or establishments with a walk-up window, but not a drive-thru window. Thus, based on Costar information, there are 7 total drive-thru restaurants within the general area of Germantown surrounding the Property, including 5 within a ½ mile, as we noted in our original information.

Germantown is the third largest population center in the State of Maryland. Its population is over 90,000 as of the 2020 U.S. Decennial Census. Given the existing population concentration in Germantown, and the number of existing drive-thru restaurants, adding a drive-thru restaurant to this Property will not result in an unreasonable saturation of similar uses.

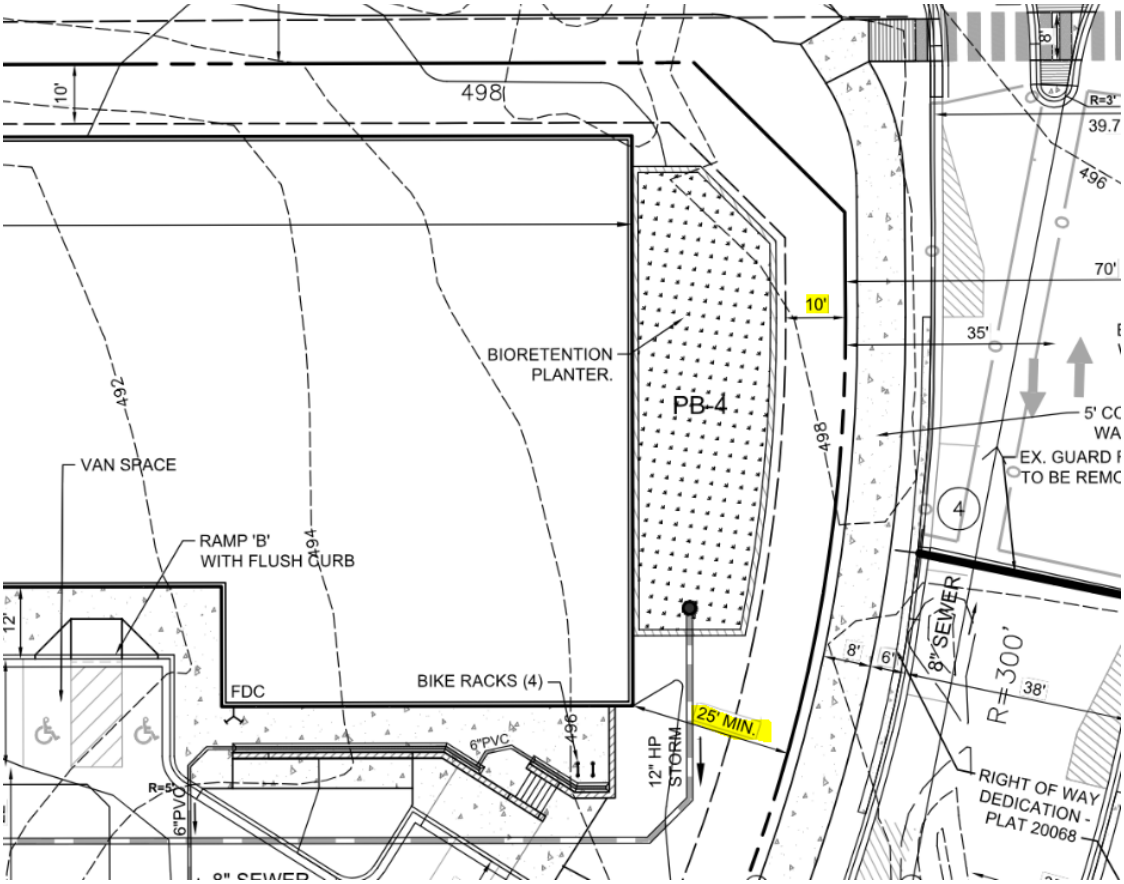
Moreover, the proposed drive-thru restaurant:

- was relocated from the northwest portion of the Property to the southwest portion (at the request of the Planning Department);
- faces the interior of the site and is screened by the building as much as possible;
- will operate in a safe and efficient manner (*see* First Supplemental Statement dated November 18, 2022 for further information);
- complies with the County's limited use standards (Zoning Ordinance Section 59.3.5.14.E); and
- complies with the County's queuing design standards (Zoning Ordinance Section 59.6.2.7).

For these reasons, the proposed drive-thru restaurant should be approved.

III. <u>Goodwill Building Maximum Side Setback from Waters House Avenue</u>

In accordance with Zoning Ordinance Section 4.5.3.C.3., 35% of the Goodwill Building must be located within the maximum side street setback from Waters House Avenue, which is 20 feet (Build-to Area). A 10 foot Public Utility Easement and the need for a stormwater management facility in this location create the need for an additional setback beyond 20 feet. The Goodwill Building is set back 25 feet from the property line at its closest point, as reflected on the plan below.



The proposed setback is justified under the circumstances under Section 4.5.3.C.3.a., which provides "*The Build-to Area maximum front or side street setback may be increased by the minimum setback necessary to avoid a platted public transportation or utility easement, or a platted public transportation or utility reservation.*"

A 10 foot Public Utility Easement will be provided on the proposed plat, as reflected on the plan above. If the Public Utility Easement line was used as the lot line to measure the Build-to Area setback distance (i.e., the setback was increased by 10 feet), then the building would comply with the applicable Build-to Area standard. The Goodwill Building length along the east building façade (parallel to Waters House Avenue) is 95 linear feet. The portion of the building façade within the 20 foot setback from the Public Utility Easement is 34 linear feet. The 34 linear feet within the setback, out of 95 linear feet total, equals 35%.

We interpret Section 4.5.3.C.3.a. and Section 4.5.3.C.3.b. as disjunctive ("either/or" not "and"), meaning an Applicant can apply for relief from the Build-to Area requirements under either provision. As explained above, relief should be provided under Section 4.5.3.C.3.a. However, in

the event that it is necessary to invoke Section 4.5.3.C.3.b., then relief should be provided under that provision also. Section 4.5.3.C.3.b. allows for the Build-to Area requirements to be modified by the Planning Board during site plan review under Section 7.3.4.: *"In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks."*

The site is constrained physically given the unusual shape of the site, given the fact that it has three street frontages, and given the road curvature. Additionally, there is a significant grade change (approximately 15 feet) across the Goodwill Building length. Finally, there is limited area available across the Property for stormwater management. In order to meet County stormwater management requirements under County Code Chapter 19 (Environmental Site Design ("ESD") to the Maximum Extent Practicable ("MEP")), a stormwater management facility of that size is necessary along the east side of the Goodwill Building. We note that under the definition of Build-to Area (Section 4.1.7.B.2.b.), other than a drive aisle, "[a]ll other structures and uses customarily allowed on the lot are allowed in the build-to area." Stormwater management facilities using ESD to the MEP to reduce storm events are uses customarily allowed on lots and should be allowed in the build-to area.

Under these circumstances with this particular Property, site limitations restrict the use of ESD facilities to manage the entire stormwater management requirement. The site limitations include underlying soils with insufficient infiltration rates for stormwater management infiltration practices. The proposed ESD practices include micro-bioretention facilities and planter box micro-bioretention facilities. Micro-bioretention facilities are located within parking islands and the open space. A planter box micro-bioretention facility will be located adjacent to the proposed retail buildings to collect roof run off. Given the stormwater management plan design, a facility of that size is necessary in between the Goodwill Building and Waters House Avenue.

As reflected on the attached Pedestrian Connectivity Exhibit, the Project design engages the surrounding publicly accessible spaces such as streets, sidewalks, and parks. Throughout the Project's review process, Waters Road and Wisteria Drive were determined to have greater street emphasis than Waters House Avenue. The publicly accessible spaces are not located in this particular area along the east side of the Goodwill Building containing the proposed stormwater management facility.

A pedestrian gathering space area is located on the northwestern side of the Property at the intersection of Wisteria Drive and Waters Road. It sits at the top portion of the site and serves as

the Project's public open space/promenade that connects the retail center to the public right-of-way and multifamily residential property to the west.

An accessible and useable green open space area with seating and pathways along with hardscaped plazas will provide visual connectivity between the site and the existing multifamily residential project across Waters Road. The plaza will have space for tables and chairs where employees and visitors can gather and socialize. The plaza also serves as a connection point for circulation between the proposed shared use path on Wisteria Drive. Pedestrian and bicycle infrastructure also will create a sense of place, serving as an inviting destination area for nearby residents, employees and visitors to the site. There also are visual connections that link both the existing and new buildings as well as the public open spaces along the pedestrian system along Wisteria Dive and Waters Road. A portion of the plaza will contain special paving identifying the space as a neighborhood gathering space.

For these reasons, the proposed side street setback from Waters House Avenue meets the criteria under Section 4.5.3.C.3.a. and/or Section 4.5.3.C.3.b. and should be approved.

IV. <u>Goodwill Building Entrance/Pedestrian Connectivity</u>

<u>Goodwill Building Entrance</u>. Prior to filing Concept Plan Application Number 520210170, the Applicant conducted two significant meetings in particular with the Planning Department. Those meetings occurred on May 18, 2021 and September 1, 2021. During those meetings, the Applicant made it clear that Goodwill was proposing one building entrance facing the proposed customer parking. Subsequently, in support of the Preliminary Plan and Site Plan Applications, the Applicant's Statement dated July 22, 2022 indicated:

> "*Based on the proposed Site Plan, the proposed store entrance to the Goodwill building currently faces south towards the proposed customer parking. During an initial meeting to discuss the Project, the Planning Department suggested a second Goodwill store building entrance facing Wisteria Drive. Goodwill is not aware of any Goodwill stores nationwide that have more than one building entrance, and Goodwill has several concerns about the feasibility of a potential second store entrance, from a store control and layout standpoint*."

The Planning Department recently requested the addition of two Goodwill Building entrances facing Wisteria Drive. Goodwill's position on this point has not changed. Goodwill's recent response to that request is as follows:

> *"All of Goodwill of Greater Washington's (GGW's) twenty-one retail stores have a single customer entrance, which allows the stores to maximize the amount of retail floor space available for merchandise and provides a single control point for customer entry and exit. Cash registers are placed near the entrance so that cashiers can welcome customers to the store. Also, since theft is unfortunately a large and growing problem for all retailers, this register placement ensures that store employees are near the store exit to deter any potential shoplifting. If a store was required to have a second entrance on the opposite site of the building, it would reduce the amount of floor space available for merchandising, which would reduce revenue. A second entrance also would require a second set of cash registers and additional staff, which would increase expenses. GGW knows of only a few instances of other Goodwill stores across the country that have more than one store entrance, and in each case, those stores have indicated that they have increased theft on average when compared with stores with one store entrance, despite their mitigation efforts. As a non-profit organization, Goodwill strives to maximize the value of each donation in order to provide workforce development services to the community. Having a second store entrance would materially change the financial projections for the proposed Germantown store and GGW would need to re-assess whether it makes sense to move forward with a store at this location."*

Section 4.5.3.C.5.a. allows for Building Orientation and Transparency requirements to be modified by the Planning Board during site plan review if the Planning Board finds that the plan *"1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use and 2) incorporates design elements that engage the surrounding publicly accessible spaces such as the streets, sidewalks, and parks."*

The vast majority of Goodwill's customers are expected to drive. Thus, the Goodwill Building entrance faces the parking lot, which is the most convenient and logical location for the building entrance. For the same reasons as explained in Section III above, and as reflected on the attached Pedestrian Connectivity Exhibit, the Project design engages the surrounding publicly accessible spaces such as streets, sidewalks, and parks. Furthermore, as reflected on the building elevations, the architecture along Wisteria Drive is engaging on its own without the need for a second building entrance. The façade along Wisteria Drive has been articulated with a series of varying materials as well as the required storefront opening fenestration required by the County

regulations. The façade includes the required window openings to adequately activate this façade with views into the Goodwill retail store.

Pedestrian Connectivity. The Project significantly enhances pedestrian connectivity along Wisteria Drive by proposing to convert the existing sidewalk along Wisteria Drive into an 11 foot wide shared use path. At the same time, the Applicant and Goodwill oppose any requirement for a mid-block pedestrian connection from Wisteria Drive around the west side of the Goodwill Building (near the donation drop-off area) to the Goodwill Building entrance. The Applicant and Goodwill oppose any such requirement for the following additional reasons:

1. There is no need for a mid-block pedestrian connection in this location. As reflected on the attached Pedestrian Connectivity Exhibit, there are no pedestrian connections across Wisteria Drive in between the Waters Road/Wisteria Drive and Waters House Avenue/Wisteria Drive intersections. Thus, there should be an extremely limited number of pedestrians that could possibly need or use mid-block access to the Property from Wisteria Drive.
2. Safety concerns. Crossing Wisteria Drive in between the Waters Road/Wisteria Drive and Waters House Avenue/Wisteria Drive intersections is not safe, and the Project design should not encourage any mid-block pedestrian crossings across Wisteria Drive.
3. ADA accessible pedestrian routes are provided between the public rights-of-way and the Goodwill Building entrance, as shown on the attached Pedestrian Connectivity Exhibit. These proposed routes provide sufficient and safe pedestrian connectivity.
4. The topography of the Property creates a more challenging potential pedestrian connection in this location.
5. The potential location for a pedestrian connection is the Goodwill "back of house" operations area along the side of the building where the Goodwill donation drop off area and truck deliveries/truck loading dock are located.
6. Goodwill wants to separate as effectively as possible the donation drop off area, the truck deliveries/truck loading dock, and the store customers, in order to avoid potential conflicts. A potential pedestrian connection through the "back of house" operations area along the side of the building where the donation drop off area and truck deliveries/truck loading dock area are located creates those conflicts and creates potentially unsafe pedestrian circulation, particularly with respect to the truck loading dock.

For these reasons, no further building entrances or pedestrian connections should be required, and the plan should be approved as proposed.

V. Underground Utilities on Waters Road

The Department of Transportation proposes a condition to require the Applicant to underground all utilities along the Waters Road frontage. The Applicant opposes this proposed condition. To our knowledge, the Master Plan does not require underground utilities in this location. More importantly, preliminary estimates project that undergrounding the utilities may add up to $400,000 to the Project cost. We are in the process of obtaining a more detailed cost of the work and we will review the impact to the pro forma.

The utility request coupled with the required frontage improvements on Wisteria Drive, Waters Road, and Water House Avenue, and the payment for off-site improvements places an onerous financial burden on the development that may not be able to be absorbed. The size and density of this proposed development does not warrant this disproportionate condition, so we ask for this condition to be removed.

VI. Conclusion and Request for Recommendation of Approval

As a result of the hard work by the County Planning Department and Department of Transportation and the Applicant team, the Project has come a long way from its original iteration. Among other changes, the Project has:

- Relocated 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 relocated the general retail building from the southwest side to the northwest side.
- Created an amenity space/pedestrian connection in between the general retail buildings.
- Improved vehicular circulation within the Property. There will be safe, adequate, and efficient access and internal vehicular circulation on-site to accommodate all types of vehicles.
- Provided additional 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.
- Clarified the terminus of Waters House Avenue.
- Placed all structures as close as possible to the adjoining road frontages and enhanced the street presence of buildings along street frontages. Proposed pedestrian circulation systems will be adequate, safe, and efficient.

Additionally, the Project will provide substantial frontage improvements on Wisteria Drive, Waters Road, and Water House Avenue, and will make a significant contribution towards off-site transportation improvements. County development impact taxes will be paid, as required. We are now at the point where any further material changes or conditions potentially complicate the viability of the Project.

As demonstrated by the contents of the original application and the updated application materials, the proposed development will be compatible with surrounding land uses and proposed development within the immediate area. The Project satisfies the requirements of the Subdivision Regulations and Site Plan Regulations and complies with the applicable Zoning Ordinance requirements. The proposed uses and structures are in substantial conformance with the Master Plan and are compatible with other existing uses, Site Plans, existing development, and proposed development on adjacent properties and within the surrounding community. The proposed development achieves a maximum of compatibility, safety, efficiency and attractiveness.

We appreciate all of the time and attention on this proposed development. Once you have had an opportunity to review this information and the updated Preliminary Plan/Site Plan application materials, we look forward to working with you to obtain approvals for the Project. Please do not hesitate to contact us if you have any questions or need any further information. Thank you very much for your assistance.

Respectfully submitted,

Lerch, Early & Brewer, Chtd.

By: _____

Stuart R. Barr
Attorneys for Applicant KHR Waters Investments, LLC
7600 Wisconsin Avenue, Suite 700
Bethesda, Maryland 20814
Phone: (301) 961-6095

Attachment: Pedestrian Connectivity Exhibit

cc: Applicant Team

ATTACHMENT F

From: Will Clark
To: Casey, Jonathan; Duprey, Alexandra; Pereira, Sandra; Butler, Patrick
Subject: Waters Village Shopping Center
Date: Saturday, February 25, 2023 3:55:34 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hello Mr Casey and other committee members,

I am the HOA president for Waterford Hills HOA. I am deeply concerned about this new development proposed. I have read the last response by the owners after community input. They seem to grossly underestimate the number of drive thru restaurants in the area. They listed five but did not count Panera, Sonic, Chick-fil-A. We don't seem to be an area with an unmet need for fast food drive-thrus. Even the Tire and Battery has a drive thru service bay, Rita's Italian ice has a drive thru next to a Check Cashing drive thru. The developers even admit we have 12 drive thrus within 1/2 a mile. Do we really need more?

I am also concerned that now the development has dropped access from Wisteria which means even more traffic onto Waters Road and increased traffic onto Waterford Hills Blvd for the new connection Waters House Ave. Also the commensurate amount of noise from cars and loud mufflers found in Montgomery county now. I believe there is a state ordinance about loud mufflers, another non-enforced law here.

Waters Road was a dead end cul-de-sac when our houses were built and told (I realize now was a lie) that it would not be opened. The width of Waters Road can barely handle the increase in traffic now being used for a cut thru from the 118 and Wisteria Road intersection. Waters Road handles a lot of traffic just dedicated to the Apartments plus Waterford Hills Blvd residents. So the developer ensions even more traffic on this road.

We also have a lack of enforcement of "no parking" at the intersection of Waters Road and Waterford Hills Blvd. Of course I am sure you are aware that the 118 and Wisteria Road intersection is rated by AAA as being one of the most dangerous in the area. Let's increase traffic now. We have had an increase in multiple accidents on Waterford Hills Blvd at what are now dangerous intersections from our egress onto Waterford Hills due to the speeding traffic and poor site lines when pulling out. Waters Road intersection at Waterford Hills and the new street Waters House Ave will only make this worse.

We already have criminal activity that is becoming entrenched in our relatively new

community. Most arising from rentals in our HOA and the apartment complex adjacent to us. The Liberty Mill Apartment complex has been sold twice, never a good thing. They have had burned out lights in their parking lot for over two years. Build now and never enforce ordinances.

So what type of element will now be attracted to our area by a Goodwill Thrift store? Is this the best Germantown can now attract? We already received a high volume car part store, even with others in close proximity. Our community was promised something more than that like a medical office or coffee store. Already we have empty storefronts in the Apartments here. Your track record of development if one looks at Crystal Rock is shameful. We have had near us multiple shootings, assaults, store vandalisms, and car vandalisms. More high density development does not seem to be the answer.

Look at the empty stores now in Germantown Center. Germantown does not need another vape store, nail salon, pot dispensary, beer and wine store, or barber shop. Put the Goodwill thrift next to the Salvation Army near Germantown Center. The apartment complex has yet to fully fill their storefronts. Additional ones have now closed. I suggest seize by eminent domain the property and create open space, something duly needed here. It is no more than a toxic waste dump site of gasoline, motor oil and antifreeze dripping from the parked buses and trucks there, for how many years did this take place with no oversight by the county?

More gathering spaces seem to attract what I deem as feral children that congregate and bring vandalism to homes and common spaces. The developer is claiming a picnic table in a parking lot as a community gathering space. It will become another hangout for teenagers. Some of the bad elements emanate from the apartments when the middle school and high school lets out. Just wait till the Goodwill store is flash mobbed.

Claiming we as a community should resign ourselves to high density because another apartment complex nearby will bring in another 212 residents, bringing with it the commensurate section 8 housing. I guess crime will go up. The developers never seem to address SECURITY! Just because the absentee owners of this tiny piece of land want to cash out even though the apartment developer wished to buy it earlier but they declined. They cash out and we are stuck with the cost of more traffic and crime. Why do the Germantown residents have to pay the burden of poorly planned developments? I am in favor of smart development and desirable retail. This isn't it. You would be hard pressed to find any resident here at Waterford Hills, Buckingham Place, Ashmore, and Liberty Mill apartments that want this new shopping center.

I invite the planning people to come and visit this area. Spend some time here.

Experience the ambiance when the school releases its students who loiter and hangout in our "community" open spaces. Or a Thursday evening when there is a sudden, unexplained influx of traffic through the adjacent apartment complex. Come experience the traffic, the loud mufflers, the ATVs, the loud motorcycles that race up and down Waterford Hills Blvd. Experience the increase in trash and litter dumped on the Waterford Hills Blvd and into the "ESD"s in our community. (Our HOA carries the cost of this cleanup.)

Thank you for your time and consideration of shared community concerns,

Bill Clark
Waterford Hills HOA President