

**WATERS VILLAGE: PRELIMINARY PLAN AMENDMENT NO.
12022020A,
SITE PLAN AMENDMENT NO. 82022026A AND FOREST
CONSERVATION PLAN NO. F20250730**



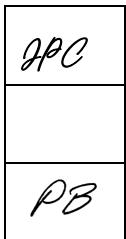
Request to replace a drive-thru restaurant use with retail, increase the total commercial development by 2,980 square feet, and modify internal circulation and site elements.

COMPLETED: 12/8/2025

PLANNING BOARD HEARING DATE: 12/18/2025

MCPB ITEM NO. 13

Planning Staff



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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

APPLICANT

KHR Waters Inv., LLC

ACCEPTANCE DATE

July 23, 2025

REVIEW BASIS

Chapter 50 and Chapter 59

Summary:

- Staff recommends approval of Preliminary Plan Amendment No. 12022020A, Site Plan Amendment No. 82022026A, and Forest Conservation Plan No. F20250730, with conditions.
- To date, no community correspondence has been received for this Application.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS.....	3
PRELIMINARY PLAN 12022020A	3
SITE PLAN 82022026A.....	4
FOREST CONSERVATION PLAN F20250730.....	6
SECTION 2: SITE DESCRIPTION.....	8
VICINITY	8
PROPERTY DESCRIPTION.....	10
SECTION 3: PROJECT DESCRIPTION.....	11
PREVIOUS APPROVALS.....	11
PROPOSAL	12
SECTION 4: COMMUNITY OUTREACH	14
SECTION 6: PRELIMINARY PLAN 12022020A FINDINGS AND ANALYSIS.....	14
SECTION 7: SITE PLAN 82022026A FINDINGS AND ANALYSIS.....	16
SECTION 8: FOREST CONSERVATION PLAN F20250730 FINDINGS AND ANALYSIS.....	21
SECTION 9: CONCLUSION	22
ATTACHMENTS.....	22

SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN AMENDMENT 12022020A

Staff recommends approval with conditions of Preliminary Plan Amendment No.12022020A. All site development elements shown on the latest electronic version of the Preliminary Plan No. 12022020A as of the date of this Staff Report submitted via ePlans to the M-NCPCC, are required except as modified by the following conditions.¹ Conditions 1, 4 and 7 modify the previously approved conditions. All other conditions remain in full force and effect.

GENERAL APPROVAL

1. This Preliminary Plan is limited to one (1) lot for up to ~~33,000 29,880~~ square feet of commercial uses².

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated ~~October 31, 2025 March 23, 2023~~ and incorporates them as conditions of the Preliminary Plan approval, ~~except for Condition 8 of the letter requiring undergrounding of utilities along Waters Road frontage. The Applicant must comply with each of the recommendations in the letter, except for Condition 8,~~ which may be amended by MCDOT, 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 ~~August 15, 2025 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.

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

²Commercial 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.

SITE PLAN AMENDMENT 82022026A

Staff recommends approval of Site Plan Amendment No. 82022026A. 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. Conditions 1, 3, and 6 modify the previously approved conditions and Condition 5 is deleted in its entirety. All other conditions remain in full force and effect.

DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of ~~32,860~~ ~~29,880~~ square feet of ~~retail uses, total development~~ on the Subject Property, ~~including 26,680 square feet of retail and 3,200 square feet of drive thru restaurant uses~~³.

OPEN SPACE, FACILITIES AND AMENITIES

3. Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of ~~13,722~~ ~~12,289~~ square feet of public open space (11% 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.~~
- b) ~~The Applicant must deliver 10,098 square feet of public open space before the issuance of the use and occupancy certificates (excluding core and shell use and occupancy certificates) for Building B1 and Building B2.~~
- c) ~~The Applicant must deliver 3,624 square feet of public open space before the issuance of the use and occupancy certificates (excluding core and shell use and occupancy certificates) for Building C.~~

ENVIRONMENTAL

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.~~

³ 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.

- 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 August 5, 2025 ~~February 17, 2023~~ and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the memo, which DPS-ROW may amend, if the amendments do not conflict with other conditions of Site Plan approval.

FOREST CONSERVATION PLAN F20250730

Staff recommends approval of the Final Forest Conservation Plan Amendment (“FCP”) No. F20250730 – Waters Village, associated with Preliminary Plan Amendment No. 12022020A and Site Plan Amendment No. 82022026A (“Accompanying Plans”). FCP No. F20250730 is consistent with and replaces FCP No. 820220260. The following conditions were approved with FCP No. 820220260, as Condition 5 and are restated and renumbered here for clarity and completeness.

1. 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.
2. 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.
3. 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.
4. 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 the Accompanying Plans, 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.

5. 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 are permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
6. Prior to Certification of the Final Forest Conservation Plan, the Applicant must revise the mitigation planting note under the Tree Variance Table to reflect the correct mitigation specifications.

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 1 on Plat No. 26131 (“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 Germantown Road (MD 118) to the south and southeast are 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, C-0.5, R-0.5, H-100T and CRT-0.5, C-0.5, R-0.5, H-65T (Figure 2).

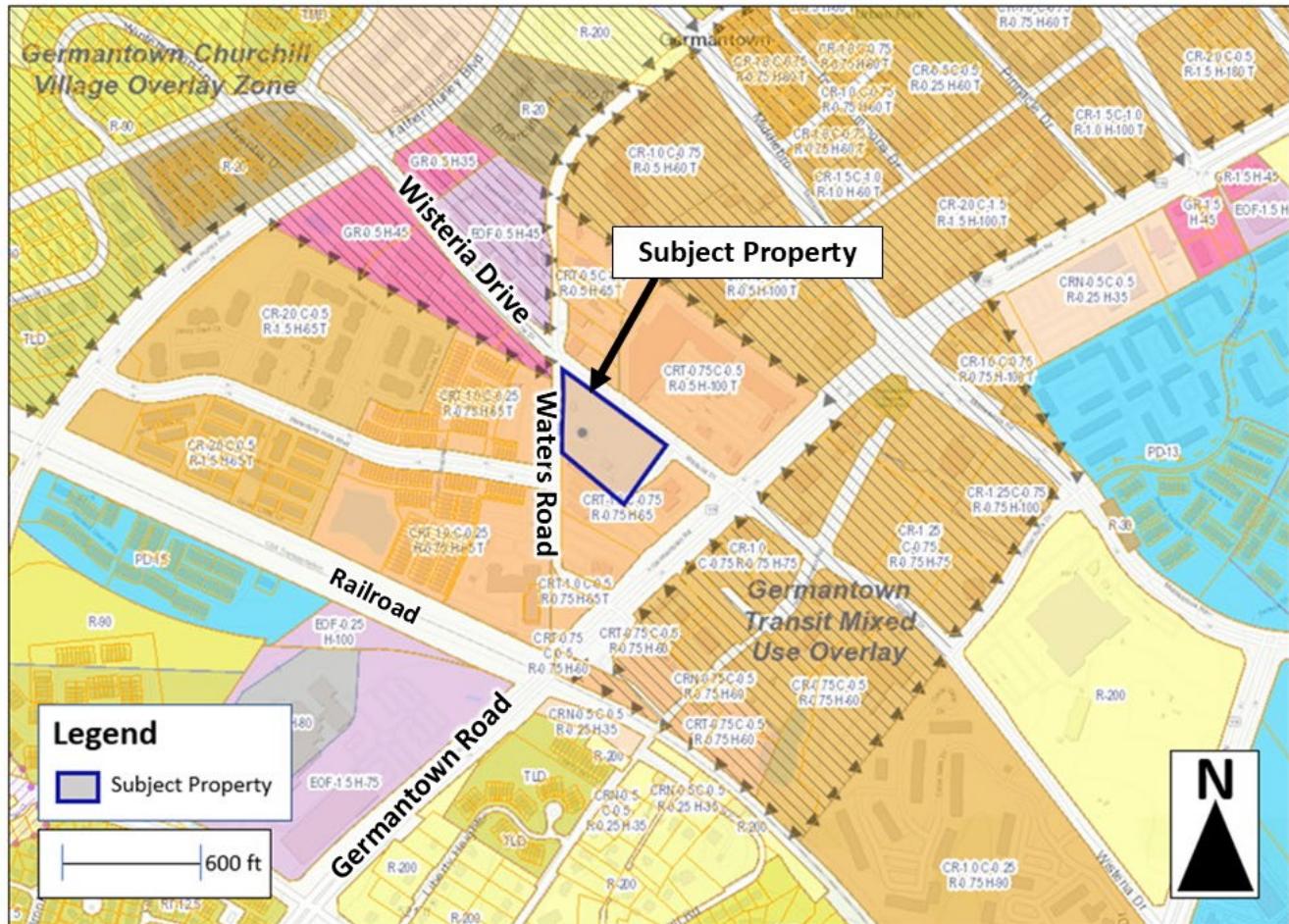


Figure 2- Zoning Map

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's office, a dentist's 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 predominantly residential, with buildings along Waters Road and zoned CRT-1.0, C-0.25, R-0.75, H-65T. 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, C-0.75, R-0.75, H-65T and located within the boundaries of the Madelyn V. Waters Historic Site (19/013-001A) (Figure 1).

PROPERTY DESCRIPTION

Following approval of the original Preliminary and Site Plan, the Subject Property was platted (Record Plat 26131) in accordance with the original Preliminary Plan. Clearing and rough grading have been completed, and construction of Building A is currently underway. The Property is currently accessible from temporary construction entrances on Waters Road, Wisteria Drive and Waters House Avenue (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 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.



Figure 3 – Subject Property

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

On May 26, 2023, the Planning Board approved Waters Village, Preliminary Plan No. 120220200 and Site Plan No. 820220260:

Preliminary Plan No. 120220200 (“Original Preliminary Plan”) was approved by MCPB Resolution No. 23-039 to create one lot of 3.52 acres for up to 29,880 square feet of commercial uses (Attachment A).

Site Plan No. 820220260 (“Original Site Plan”) was approved by MCPB Resolution No. 23-040 for the construction of up to 29,880 square feet of total development, including 26,680 square feet of retail and 3,200 square feet of restaurant with a drive-thru (Attachment A).

The Site Plan included an 18,500-square-foot Goodwill retail building (Building A), two semi-detached 4,100 and 4,080-square-foot retail buildings (Building B1 and B2), and a 3,200-square-foot drive-thru restaurant building (Building C), associated parking, stormwater management facilities, and public open space (Figure 4). Both resolutions noted that the approved commercial uses include a mix of retail and restaurant uses, which can be changed to other commercial uses provided that there is no adverse impact on the respective plan and Adequate Public Facilities finding. The accompanying Final Forest Conservation Plan (“FFCP”) No. 820220260 was also approved by the same resolution and included a tree variance and mitigation planting.

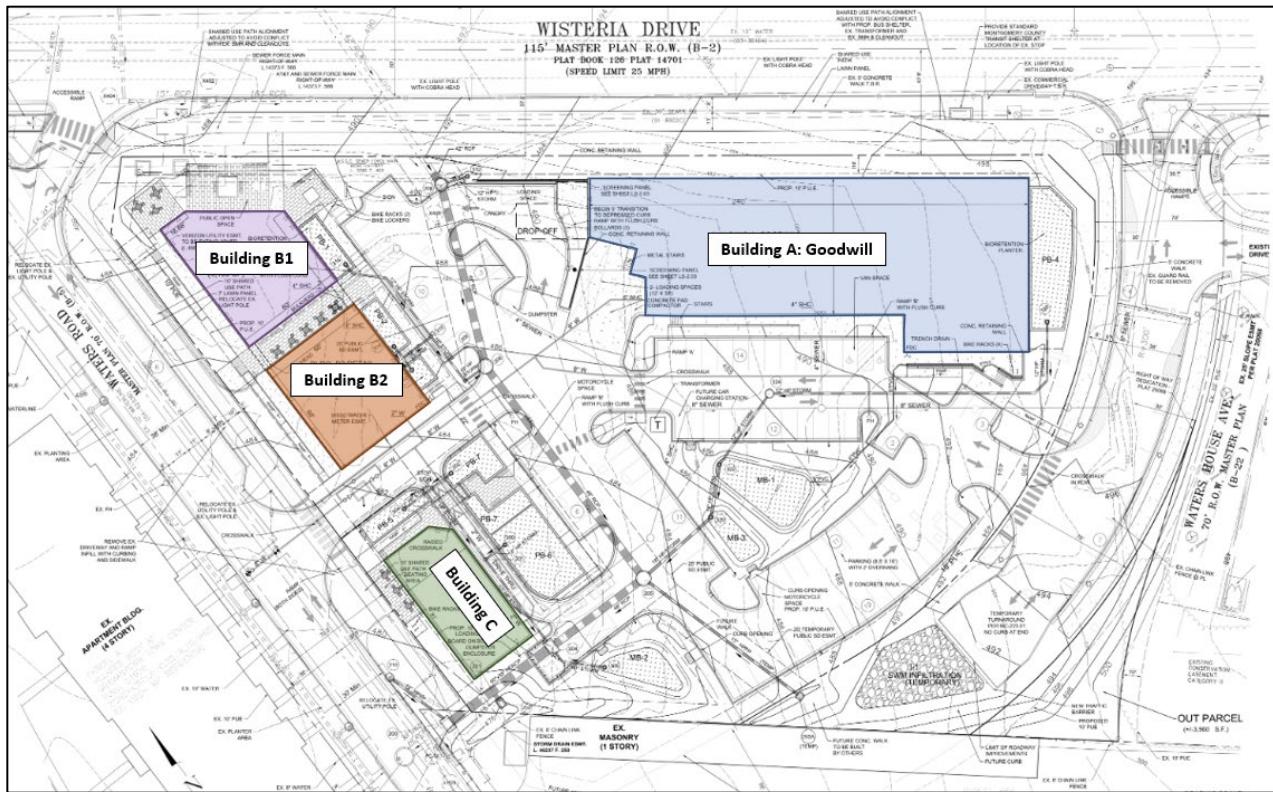


Figure 4 – Approved Site Plan

PROPOSAL

PRELIMINARY PLAN NO. 12022020A AND SITE PLAN NO. 82022026A

On July 23, 2025, KHR Waters Investments (“Applicant”), filed Preliminary Plan Amendment No. 12022020A (“Preliminary Plan”) and Site Plan Amendment No. 82022026A (“Site Plan”) to make the following changes:

- 1) Increase the total commercial square footage from 29,880 square feet to 32,860 square feet.
 - a. Increase the square footage of Building B2 from 4,080 square feet to 4,251 square feet.
 - b. Increase the square footage of Building C from 3,200 square feet to approximately 6,009 square feet.
- 2) Change the use of Building C from a restaurant with a drive-thru to a grocery store (retail use)
- 3) Modify the site infrastructure surrounding Buildings B2 and C, drive aisles, parking, sidewalks, stormwater management and landscaping.

4) Update development standards and substitute the following materials with equal or better alternatives: Paver edge, stair railings, stormwater planter box fencing, a bench and a carousel table, and refuse/recycling enclosure.

At the time of the Record Plat, additional surveying and plan refinement took place, resulting in a slight decrease in the recorded parcel size from 122,899 square feet to 122,684 square feet.

Adjustments to acreage information are commonly refined during the record plat process and have minimal effect on plan approvals. However, since this Amendment was being filed, the Applicant is incorporating those changes at this time. The parcel reduction resulted in a de minimis decrease in the required public open space based on the percentages required by the Zoning Code. Those adjustments are reflected in this Amendment and in the revised Data Table below.

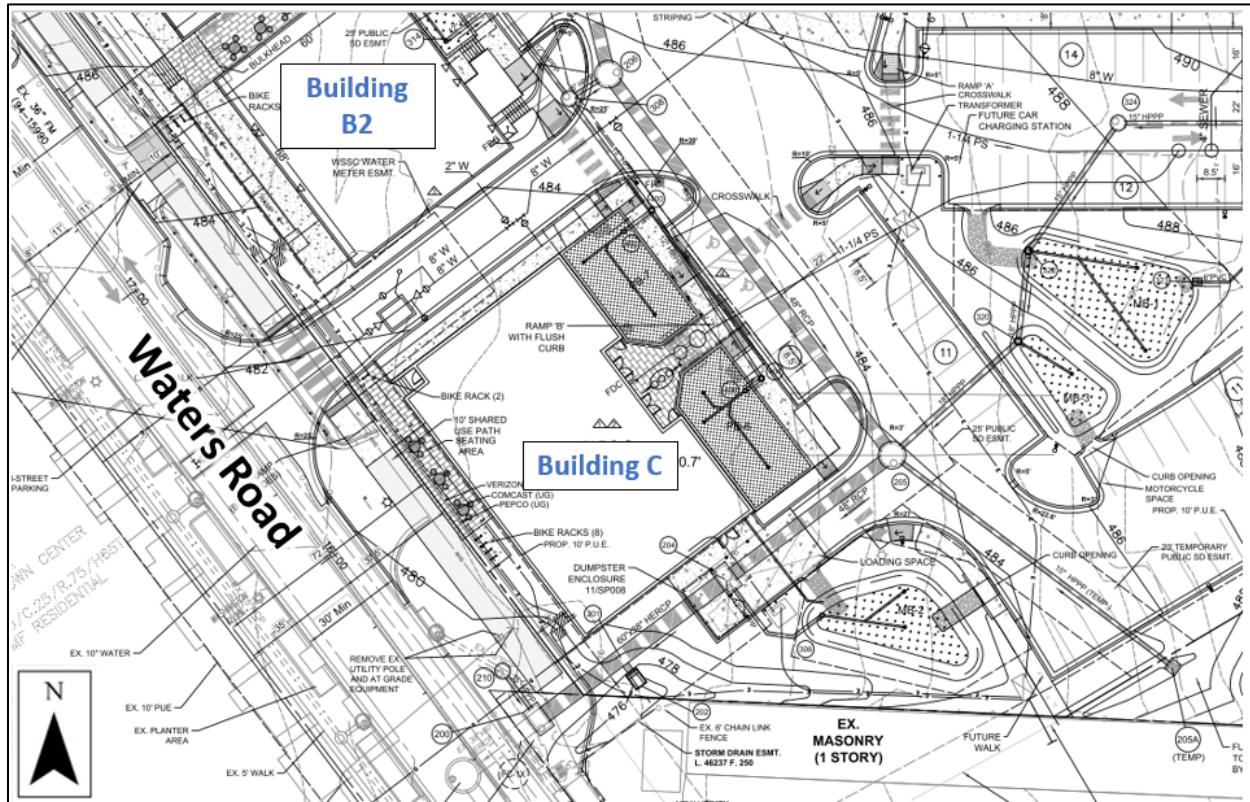


Figure 5 - Site Plan Amendment

TRANSPORTATION

No changes are proposed to the approved access points on Waters Road and Waters House Drive and all required frontage improvements remain the same. Only internal vehicular and pedestrian circulation patterns are being amended. The parking requirements are also being revised to reflect

the change in use from drive-thru restaurant to retail, which includes adding one additional parking space.

ENVIRONMENT

The proposed development is located within an existing developed area and uses existing infrastructure. The proposed amendment complies with the approved Forest Conservation Plan.

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements.

As of date of this Staff Report, no correspondence has been received.

SECTION 6: PRELIMINARY PLAN 12022020A FINDINGS AND ANALYSIS

The Planning Board approved Preliminary Plan No. 120220200, MCPB No. 23-039, to create one lot for up to 29,880 square feet of commercial uses on the Subject Property with conditions.

Preliminary Plan Amendment 12022020A requests to replace the approved restaurant drive-thru with retail and increase the total retail by approximately 3,000 square feet. Except as modified below, the proposed Preliminary Plan Amendment does not alter the intent of the previous findings, which remain applicable.

The proposed change of use and additional density do not alter the Original Preliminary Plan Findings. As noted in the Planning Board Resolution, the approved commercial uses may be changed to other commercial uses provided that there is no adverse impact on the respective plan and Adequate Public Facilities finding. As discussed below, the LATR has determined that the change in use and increase in total retail square footage will result in decreased trip generation. The lot, as approved, is adequate to accommodate the proposed development. The addition to Building B is being accommodated by making interior changes to the green panel and drive-aisle and the addition to Building C is replacing the approved drive-aisle, with the same footprint. Building C has also been shifted slightly closer to Waters Road, which is consistent with the intent of the Build To Area requirement in the CRT zone. All changes to the building sizes and location meet the applicable development standards of the CRT zone, as reflected in Table 2.

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

a) *Local Area Transportation Review (LATR)*

Transportation Exemption Statements:

The Application is to amend the previously approved Preliminary Plan and Site Plan to replace the drive-thru restaurant use (Building C) with a retail use and increase the

footage of Buildings B2 and C. The Amendment increases the total commercial development from 29,880 square feet by 3,120 square feet, resulting in a total of up to 33,000 square feet of retail space. The proposed 33,000 square feet of commercial space is estimated to generate a net decrease of 114 vehicle trips in the morning peak hour and a net decrease of 58 vehicle trips in the evening peak hour. The 2024-2028 *Growth and Infrastructure Policy* (GIP) requires a transportation impact study for any project estimated to generate a net increase of 30 or more vehicle trips during either the morning or evening peak hours. Since the Application does not generate a net increase of 30 or more vehicle trips, the LATR review is satisfied with a transportation exemption statement. A summary of the trip generation analysis is provided in Table 1 below.

Table 1: Trip Generation Analysis

		ITE Trip Generation Vehicle Rates		Adjusted Vehicle Rates Germantown Town Center Policy Area	
		AM	PM	AM	PM
Approved Trips (Credit)	Strip Retail (26,680 SF)	206	282	183	251
	Fast Food with Drive Thru (3,200 SF)				
	Total: 29,880 SF				
Proposed	Strip Retail (33,000 SF)	78	217	69	193
Subtotal		- 128	-65	-114	-58
Net Change				-114	-58

Source: *Transportation Exemption Statement from Galloway, May 1, 2025, modified by staff*

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

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, and complies with the Montgomery County Planning Department's Environmental Guidelines, as further discussed in the findings below for Forest Conservation Plan F20250730.

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

The MCDPS Water Resources Section has reviewed the proposed changes and confirmed that the existing stormwater management concept plan does not need to be amended (Attachment C). The minor changes proposed to the facilities on the east side of Building C will be shown on a revised sediment control plan/stormwater plan.

SECTION 7: SITE PLAN 82022026A FINDINGS AND ANALYSIS

The Planning Board approved Site Plan No. 820220260, MCPB No. 23-040 for the construction of up to 29,880 square feet of total development, including 26,680 square feet of retail and 3,200 square feet of restaurant, including a drive-thru on the Subject Property, with conditions.

Site Plan Amendment 82022026A requests to replace the drive-thru restaurant with retail and increase the overall square footage to 32,860 square feet. The proposed Site Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

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;*

Site Plan Amendment No. 82022026A complies with the condition of Site Plan No. 820220260 and the conditions of Preliminary Plan No. 120220200, as amended by accompanying Preliminary Plan No. 12022020A.

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

The Site Plan satisfies the applicable use standards, development standards, and general requirements of the Zoning Ordinance as established below. Retail/Service Establishment is a permitted use in the CRT zone. The density proposed on the Subject Property is within the allowed density mapped for the CRT zone.

The Subject Property is zoned CRT 1.0, C-0.75, R-0.75, H-65. Table 2 shows that the Site Plan Amendment conforms to the development standards of the CRT zone. The Table is limited to only those standards being modified with this Application.

i. *Division 4.5 - CRT Zone*

Table 2 : Site Plan No. 82022026A Data Table for CRT-1.0, C-0.75, R-0.75, H-65 Zone, Standard Method

Development Standard	Required	Approved Site Plan 820220260	Proposed Site Plan 82022026A
1. Site			
Open Space (min)			
Public Open space, tract > 10,000 SF	10% (12,289 SF 12,268⁴) of Site Area	10% (12,289 SF)	11% or 13,722 SF
2. Lot and Density			
Lot area (Site)	n/a	122,899 SF (2.82 AC)	122,684 SF ⁵
Density (max)			
CRT Density, FAR	1.0 FAR	0.18 FAR (29,880 SF)	0.27 or 32,860 SF
-Commercial	0.75 FAR	0.18 FAR (29,880 SF)	0.27 or 32,860 SF
-Residential	0.75 FAR	NA	
3. Placement			
Principal Building Setbacks (min)			
Front setback to Waters Road	0 FT	Building C: 12 FT ⁶	10.5 FT
Build-to-Area (BTA, max setback and min % of building façade)			
BTA on Waters Road			
Front setback	20 FT or as modified	Building C: 12 FT	10.5 FT
5. Form			
Transparency, for Walls Facing a Street or Open Space			
Ground story, front (min)	40%	Building B1: 40.1 & 40.4% Building B2: 41.2%	60% & 40.8% 47%
Ground story, side/rear (min)	25%	Building C: 43%	35% (Rear) ⁷
Blank wall, front (max)	35 ft.	Building C: 28 FT	11.3 FT
Blank wall, side/rear (max)	35 ft.	Building C: 35 FT	33.6 FT (Rear)

⁴ The Public Open Space calculations are being update based on the revised Site Area

⁵ Site Area is being updated to reflect the approved record plat

⁶ The Site Plan Data Table is being updated to reflect the front setback for Building C shown on the Certified Set, but inadvertently omitted from the approved data table.

⁷ Transparency requirements do not apply to the sides of Building C because they do not face a street or open space.

ii. ***Division 59-6 General Development Standards***

(1) *Division 6.1 Site Access*

Vehicular access to the site is provided from Waters Road and Water House Avenue. The Applicant is reducing the width of the Waters Road drive aisle from 22 feet to 20 feet to accommodate the proposed three-foot (3 ft) expansion along the south side of Building B2. The Amendment has been reviewed by MCDOT and the MCDPS Fire Access and Water Supply Section, who determined that the proposed modifications will continue to adequately serve the Property (Attachment C).

(2) *Division 6.2 Parking, Queuing and Loading*

The proposed site modifications are fully compliant with Section 6.2.3 of the Zoning Ordinance. Parking will remain largely the same as previously approved after replacing the drive-thru restaurant with retail and incorporating Non-Auto Driver Mode Share reduction. The Application's parking calculations, reflected in Table 3 comply with Sections 6.2.3.D and E of the Zoning Ordinance, and below the 198 Maximum. Loading spaces are not required because the retail buildings are each under 15,000 square feet.

Table 3: Parking Calculations

Parking Standards	Required/Allowed	Approved 820220260	Proposed 82022026A
Total Parking Spaces	101 min - 183 max 93 min – 198 max with 20% NADMS Reduction	111 spaces	112 spaces
Vehicle Parking Spaces Retail (3.5-6.0 per 1,000 SF)	93 min - 198 max 93 min – 198 max with 20% NASD Reduction	94 spaces	93 spaces with 20% NASD Reduction
Eating and Drinking Use (4-12 spaces per 1,000 SF)	8 min - 23 max	8 spaces	Requirement Removed
Parking Breakdown (spaces)			
Standard (8.5 ft x 18 ft)	-	87 86 Correction	87 spaces
Parallel (8 ft x 21 ft) Public ROW	-	19 16 Correction	16
Accessible (8 ft x 18 ft)	4	4	4

Motorcycle/scooter (4 ft x 18 ft)	2	2	2
Car-Share (8.5 ft x 18 ft)	1	1 (equals 3 space)	1 (equal to 3 space)
Bicycle Parking			
Bicycle Parking Spaces	Short term: 4 Long term: 1	Short term: 14 Long term: 1	Short term: 28 Long term:1
Loading Spaces (12 ft x 55 ft)	1	1	1
Drive Thru Queuing Spaces (8.5 ft x 18 ft)	5	5	NA

(3) Division 6.3 Open Space and Recreation

The Public Open Space areas around Building C have been reconfigured based on the revised building footprint, resulting in an overall increase in Public Open Space. In front of Building C, along Waters Road, the existing patio, seating area, and bicycle parking are being retained. At the rear entrance to Building C is a patio/walkway, flanked by bioretention planter boxes, which will be finished with pavers. The Applicant is incorporating benches in this area that feature built-in canopies to provide users with shade.

(4) Division 6.4 General Landscaping and Outdoor lighting

Landscape modifications are limited as part of this amendment; the plantings on either side of the Waters Avenue drive aisle have been modified to accommodate the extension of Buildings B2 and C. The plant selection has been appropriately amended to incorporate ornamental grasses and flowering perennials that fit the new space and provide visual interest (Figure 6).

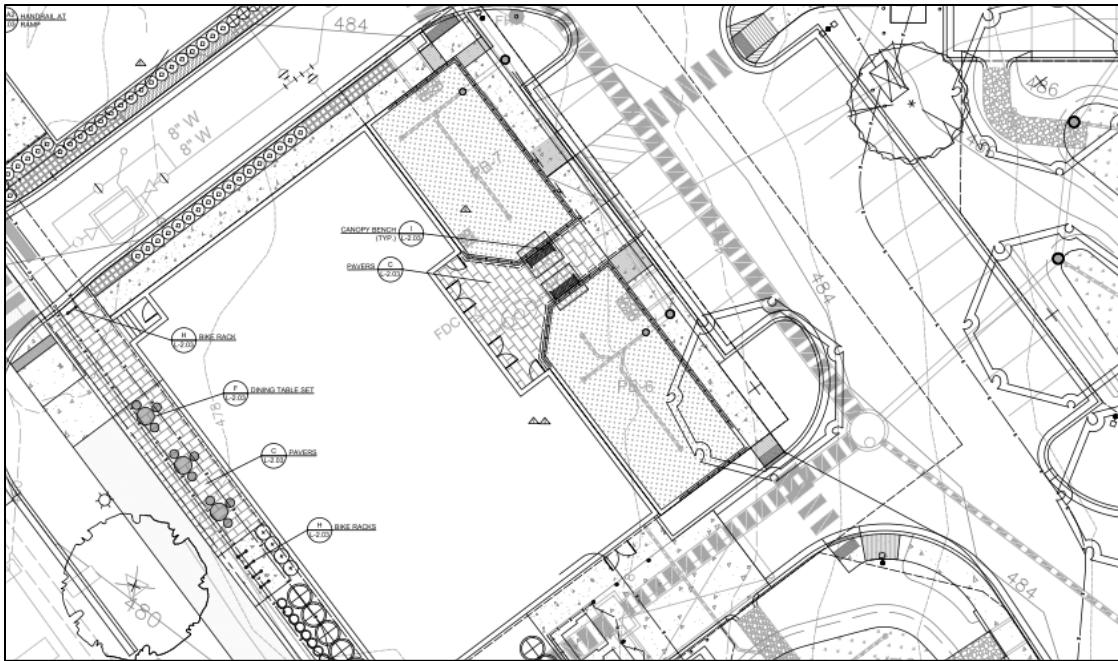


Figure 6: Proposed Landscape Around Building C and Along the Water Avenue drive-aisle

c) Satisfies the applicable requirements of:

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

As mentioned in the Preliminary Plan, a revised concept is not required.

ii. **Chapter 22A, Forest Conservation**

The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, and complies with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan F20250730.

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

Onsite pedestrian circulation remains generally the same as approved. The pedestrian connection (ramp) along the north side of Building C, between the Waters Road sidepath and parking lot, has been shifted slightly north, but remains adequate for pedestrian movement. The stormwater facility adjacent to the driveway is being replaced with a vegetated landscape strip to add visual interest and serve as a buffer between the drive aisle and ramp. The exterior staircase adjacent to the ramp is also being replaced with a

new entrance into Building C. Building C is still accessible from the central parking lot. By expanding the rear of the building and replacing the drive-thru aisle, both pedestrian and vehicular conflicts will be reduced. The Applicant worked with Planning Staff to modify the site's internal circulation, curb radii, and curb-ramps to meet current accessibility standards.

- e) ***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;***

Public Facilities remain adequate to serve the Property, as discussed in Preliminary Plan Amendment No. 12022020A.

- 3. ***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.***

This finding is no longer applicable because this Amendment removes the drive-thru use.

SECTION 8: FOREST CONSERVATION PLAN F20250730 FINDINGS AND ANALYSIS

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

The Applicant has submitted Final Forest Conservation Amendment No. F20250730, which amends and replaces FFCP No. 820220260 (Attachment B). The Applications satisfy the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and complies with the Montgomery County Planning Department's approved Environmental Guidelines.

As approved with FCP No. 820220260, the Applicant met the planting requirement offsite by purchasing 0.63 acres of credits from an M-NCPPC approved forest bank. A variance was approved with FCP No. 820220260 for the removal of two (2) Protected Trees and the planting of 20 caliper

inches of mitigation trees. Forest Conservation Plan Amendment No. F20250730 is consistent with FCP No. 820220260.

SECTION 9: CONCLUSION

As conditioned, the Preliminary Plan No. 12022020A, Site Plan No. 82022026A and Forest Conservation Plan No. F20250730 each satisfies the applicable standards of the Zoning Ordinance, Subdivision Regulations, and Forest Conservation Law. Therefore, Staff recommends approval of the aforementioned Plans, subject to the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Resolutions/Prior Approvals

Attachment B: Amended Plans

Attachment C: Agency Letters