

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

February 2, 2026

MCPB No. 25-151
Preliminary Plan Amendment No. 12022020A
Waters Village
Date of Hearing: December 18, 2025

RESOLUTION

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

WHEREAS, on April 20, 2023, the Planning Board, by Resolution MCPB No.23-039, approved Preliminary Plan No. 120220200, creating one (1) lot on 3.52 acres of land in the CRT 1.0 C-0.75 R-0.75 H-65 zone, located at 19621 Waters Road, Germantown, Maryland (“Subject Property”), in the Germantown Policy Area and 2019 *MARC Rail Communities Sector Plan* (“Master Plan”) area; and

WHEREAS, on July 23, 2025, KHR Waters Investments, LLC (“Applicant”) filed an application for approval of an amendment to the previously approved preliminary plan to increase the total commercial square footage from 29,880 square feet to 32,860 square feet, by increasing the square footage of Building B2 from 4,080 square feet to 4,251 square feet, increasing the square footage of Building C from 3,200 square feet to approximately 6,009 square feet, and changing the use of Building C from a restaurant with a drive-thru to a retail use on the Subject Property; and

WHEREAS, Applicant’s application to amend the preliminary plan was designated Preliminary Plan Amendment No. 12022020A, Waters Village (“Preliminary Plan,” “Amendment,” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Site Plan Amendment No. 82022026A and Forest Conservation Plan Amendment No. F20250730; and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 8, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

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Approved as to
Legal Sufficiency: /s/ Matthew Mills
M-NCPPC Legal Department

WHEREAS, on December 18, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Pedoeem, seconded by Commissioner Hedrick, with a vote of 4-0; Chair Harris, Vice Chair Linden, Commissioners Hedrick and Pedoeem voting in favor, and Commissioner Bartley necessarily absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan Amendment No. 12022020A 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 by modifying the following conditions:¹

GENERAL APPROVAL

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

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 and incorporates them as conditions of the Preliminary Plan approval, 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 12, 2025 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.
13. Before release of the second use and occupancy permit, the Applicant must construct all the above frontage improvements for Wisteria Drive, Waters Road, and Waters House Avenue including the following:
 - a. The Applicant must underground all utilities along the Property frontage on Waters Road equivalent to no more than \$400,000 (Four Hundred Thousand Dollars) in construction costs.
 - b. Before the release of the first building permit, the Applicant must provide plans illustrating utility placement along Waters Road, including undergrounding of utilities, with engineering cost estimates to be reviewed and approved by staff at Montgomery Planning and MCDOT.

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

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged, and in full force and effect.

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

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.

The change of use and additional density do not alter the original Preliminary Plan findings. As noted in Planning Board Resolution MCPB No. 23-039, 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.

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 of 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) Fast Food with Drive Thru (3,200 SF) Total: 29,880 SF	206	282	183	251
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 for Forest Conservation Plan F20250730 which are contained in a separately approved resolution and are incorporated herein.

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, and the Planning Board concurs. 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.

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

February 2, 2026

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

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Hedrick, seconded by Commissioner Pedoeem, with a vote of 4-0-1; Chair Harris, Vice Chair Linden, and Commissioners Hedrick and Pedoeem voting in favor of the motion, Commissioner Bartley abstaining, at its regular meeting held on Thursday, January 29, 2026, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board