

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

February 2, 2026

MCPB No. 25-152
Site Plan Amendment No. 82022026A
Waters Village
Date of Hearing: December 18, 2025

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on April 20, 2023, the Planning Board, by Resolution MCPB No. 23-040, approved Site Plan No. 820220260 for the construction of up to 29,880 square feet of total development, including 26,680 square feet of retail in three buildings and a 3,200 square feet of restaurant building with a drive-thru 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 site 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 and increasing the square footage of Building C from 3,200 square feet to approximately 6,009 square feet, change the use of Building C from a restaurant with a drive-thru to a retail use, said drive-thru to be removed, and modify site infrastructure and materials on the Subject Property; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 82022026A, Waters Village (“Site Plan,” “Amendment,” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Preliminary Plan Amendment No. 12022020A 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 Site Plan No. 82022026A for 32,860 square feet of retail uses in four (4) commercial buildings by deleting Condition 5 entirely and modifying the following conditions:¹

Density, Height & Housing

1. Density

The Site Plan is limited to a maximum of 32,860 square feet of retail uses on the Subject Property².

Open Space, Facilities and Amenities

3. Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 13,722 square feet of public open space (11% of net lot area) on-site.
- 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 certificate (excluding core and shell use and occupancy certificates) for Building C.

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 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the memo, which DPS-

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.

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

ROW may amend, if the amendments do not conflict with other conditions of Site Plan approval.

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Waters Village, Site Plan Amendment No. 82022026A, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or provided 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 site plan, and all findings not specifically addressed remain in effect.

1. *The development satisfies any previous approval that applies to the site.*

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

2. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

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 1 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 1: 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	Approved Site Plan 82022026A
1. Site			
Open Space (min)			
Public Open space, tract > 10,000 SF	10% (12,268 ³ SF) 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 ⁴
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	NA
3. Placement			
Principal Building Setbacks (min)			
Front setback to Waters Road	0 FT	Building C: 12 FT ⁵	10.5 FT
Build-to-Area (BTA, max setback and min % of building façade)			
Development Standard			
	Required	Approved Site Plan 820220260	Approved Site Plan 82022026A
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%	Building B1: 60% & 40.8% Building B2: 47%
Ground story, side/rear (min)	25%	Building C: 43%	Building C: 35% (Rear) ⁶
Blank wall, front (max)	35 FT	Building C: 28 FT	Building C: 11.3 FT
Blank wall, side/rear (max)	35 FT	Building C: 35 FT	Building C: 33.6 FT (Rear)

³ The Public Open Space calculations are being update based on the revised Site Area.

⁴ Site Area is being updated to reflect the approved record plat.

⁵ 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.

⁶ Transparency requirements do not apply to the sides of Building C because they do not face a street or open space.

a. General Requirements

i. *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, which determined that the proposed modifications will continue to adequately serve the Property.

ii. *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 2 comply with Sections 6.2.3.D and E of the Zoning Ordinance, are below the 198 maximum. Loading spaces are not required because the retail buildings are each under 15,000 square feet.

Table 2: Parking Calculations

Parking Standards	Required/Allowed	Approved 820220260	Approved 82022026A
Total Parking Spaces	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 with 20% NASD Reduction	94 spaces	93 spaces with 20% NASD Reduction
Parking Breakdown (spaces)			
Standard (8.5 ft x 18 ft)	-	86 (Correction)	87 spaces
Parallel (8 ft x 21 ft) Public ROW	-	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

iii. *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.

iv. *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.

3. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

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 upon review. 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.

b. Chapter 22A, Forest Conservation

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines, as further discussed in the findings for Forest Conservation Plan Amendment No. F20250730, which are contained in a separately approved resolution and are incorporated herein.

4. *The development 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.

5. *The development 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.*

Public Facilities remain adequate to serve the Property, as the Planning Board determined as part of Preliminary Plan Amendment No. 12022020A.

6. *There is a need for the approved use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the approved location 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.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

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