

**MONTGOMERY COUNTY HUMANE SOCIETY CAMPUS
PRELIMINARY PLAN AMENDMENT NO. 12019010A
FOREST CONSERVATION PLAN AMENDMENT NO. F20260090**



Description

Request to reinstate and extend the Preliminary Plan validity period, establish a new Adequate Public Facilities validity period, and reconcile the approved density with the desired building program.

COMPLETED: 3/2/2026

PLANNING BOARD HEARING DATE: 3/12/2026

MCPB ITEM NO. 11

Planning Staff

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LOCATION/ADDRESS

Southwest corner of the intersection of Georgia Avenue and Aspen Hill Road; 13730 Georgia Avenue

MASTER PLAN

1994 Aspen Hill Master Plan

ZONE

R-60

PROPERTY SIZE

7.79 acres

APPLICANT

Montgomery County Humane Society, Inc.

ACCEPTANCE DATE

October 21, 2025

REVIEW BASIS

Chapters 22A & 50

Summary:

- Staff recommends approval of the Preliminary Plan Amendment and Forest Conservation Plan with conditions.
- The Property is a pet cemetery designated as historic in the *Master Plan for Historic Preservation* and is listed in the Burial Sites Inventory.
- Approval of the Subject Applications will allow the Montgomery County Humane Society to move forward with plans to construct a corporate headquarters on a portion of the Property.
- The Project includes restoration of two historic structures and construction of new buildings. No human remains will be disturbed, and disturbance to animal graves will be minimal.
- The Historic Preservation Commission supports the updated project proposal.
- No correspondence has been received as of the date of this Staff report.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS	3
PRELIMINARY PLAN AMENDMENT NO. 12019010A.....	3
FOREST CONSERVATION PLAN F20260090	4
SECTION 2: SITE DESCRIPTION.....	6
VICINITY.....	6
PROPERTY DESCRIPTION.....	6
SECTION 3: PROJECT DESCRIPTION.....	9
PREVIOUS APPROVALS.....	9
PROPOSAL	10
SECTION 4: COMMUNITY OUTREACH	13
SECTION 5: PRELIMINARY PLAN 12019010A FINDINGS AND ANALYSIS.....	13
SECTION 6: FOREST CONSERVATION PLAN F20260090 FINDINGS AND ANALYSIS.....	20
SECTION 7: CONCLUSION	24
ATTACHMENTS	24

SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN AMENDMENT NO. 12019010A

Staff recommends approval of the Preliminary Plan Amendment to reinstate and extend the preliminary plan validity period, establish a new Adequate Public Facilities (APF) validity period, and reconcile approved density with the desired building program. All site development elements shown on the latest electronic version of the Preliminary Plan Amendment No. 12019010A, as of the date of this Staff Report, submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.¹ Condition Nos. 3 and 23 modify previously approved conditions, Condition Nos. 8-12 are removed from the preliminary plan and included in the accompanying Forest Conservation Plan No. F20260090, and Condition No. 26 is a new condition. All other conditions of approval remain in full force and effect.

Modified Conditions

3. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for ~~sixty (60) months from the date of mailing of this Planning Board resolution~~ five (5) years from the initiation date of this Preliminary Plan Amendment, No. 12019010A (as defined in Montgomery County Code Section 50.4.3.J.5).
23. The Applicant must show the following prior to certified preliminary plan.
 - a) Reduction of curb radii at the entrance to 15 feet.
 - b) Include the interim cross-sections for Aspen Hill Road and Georgia Avenue.
 - c) Remove the note, on all applicable plan sheets, referencing the pedestrian path system and columbaria in the cemetery.
 - d) Add approved Fire Access Plan.

Removed Conditions

8. ~~The Limits of Disturbance (LOD) on the Final Forest Conservation Plan must be consistent with the LOD on the Sediment and Erosion Control Plan.~~
9. ~~No clearing, grading, or any demolition may occur prior to receiving approval of the Sediment and Erosion Control Plan.~~
10. ~~Prior to the start of any clearing, grading, or demolition occurring on the Property, the Applicant must receive approval from the M-NCPPC Office of the General Counsel of a Certificate of Compliance to use an off-site forest mitigation bank for mitigation credit as shown on the Final Forest Conservation Plan submitted with the Certified Site Plan.~~

¹ For 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.

11. The Certificate of Compliance must be recorded in the Montgomery County Land Records prior to any clearing, grading, or demolition occurring on the Property.
12. Mitigation for the removal of 150 trees subject to the variance provision must be provided in the form of planting native canopy trees totaling 330.5 caliper inches, with a minimum planting stock size of three (3) caliper inches. The trees must be planted on the Subject Property, outside of any rights of way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees are permitted with the approval of the MNCPPC forest conservation inspector. The trees must be planted within six months of forest conservation inspector approval of tree protection fencing.

New Condition

26. The Preliminary Plan will remain valid for one (1) year from the initiation date of this Amendment, No. 12019010A (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.

FOREST CONSERVATION PLAN F20260090

Staff recommends approval with conditions of the Final Forest Conservation Plan No. F20260090 (“FFCP”), which amends and replaces FFCP No. 120190100, to allow the development of a corporate headquarters. All site development elements shown on the latest electronic version of FFCP No. F20260080, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions. The following conditions incorporate, update, and renumber the previously approved conditions that were originally part of the resolution for Preliminary Plan No. 120190100. Conditions No. 1–4 modify previously approved conditions by replacing them with updated language, and Conditions 5 through 7 are new conditions.

Modified Conditions

1. Prior to the start of any demolition, clearing, grading, or construction occurring on the Property, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within either the Rock Creek watershed or Priority area to satisfy the afforestation requirement for a total of 1.25 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Rock Creek watershed or Priority Area. Credits may only be debited from forest mitigation banks that protect all or part of an existing forest to meet up to 50 percent of the afforestation requirement. If mitigation credits are not available at any bank, the Applicant may meet the afforestation requirement by making a fee-in-lieu payment to M-NCPPC.

2. 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 Protected Tree mitigation plantings on the Subject Property as shown on the approved FCP. The Protected Tree mitigation plantings must be a minimum size of 3 caliper inches totaling 388.5 caliper inches. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
3. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Code of Montgomery County Regulations (“COMCOR”), Forest Conservation Regulations.
4. 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.

Additional Conditions

5. Prior to the start of any demolition, clearing, grading, or construction occurring on the Property, the Applicant must submit a cost estimate for the Protected Tree mitigation plantings, five years of maintenance, including invasive species management controls, mulching, staking, and tree protection, credited toward meeting the requirements as shown on the FCP. This cost estimate must be reviewed and approved by the M-NCPPC Planning Department Inspection Staff prior to the submission of financial surety to determine the amount of the financial surety.
6. Prior to the start of any demolition, clearing, grading, or construction occurring on the Property, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department Inspection Supervisor for the mitigation trees and maintenance credited toward meeting the requirements of the FCP.
7. 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.

SECTION 2: SITE DESCRIPTION

VICINITY

The Subject Property (“Property”) is located at the intersection of Georgia Avenue and Aspen Hill Road at 13730 Georgia Avenue. It is located within the 1994 *Aspen Hill Master Plan* area and serves as a transition between the commercial area to the north and residential development to the south. To the north is Northgate Plaza Shopping Center, and to the west is St. Mary Magdalene Episcopal Church and Aspen Hill Shopping Center. Across Georgia Avenue to the east, is Aspen Manor Shopping Center and the Gate of Heaven Cemetery. To the south is a single-family housing development.



Figure – Vicinity Map (Property outlined in red)

PROPERTY DESCRIPTION

The Property fronts on Aspen Hill Road to the north and Georgia Avenue to the east. Loyola Street dead ends on the south property line. There are two access points on Aspen Hill Road, but there is no pedestrian or vehicular access from Georgia Avenue or Loyola Street to the Property.

The Subject Property is a historic pet cemetery called “Aspin Hill Pet Cemetery,” currently owned by the Montgomery County Humane Society. In *Places from the Past: The Tradition of Gardez Bien in Montgomery County, Maryland (2001)*, the history of the Aspin Hill Pet Cemetery is described as follows:

The Aspin Hill Pet Cemetery is one of the largest and earliest pet cemeteries in the country. Richard and Bertha Birney, breeders of Boston terriers, Scotties, and schnauzers, established a boarding kennel here in 1921. The business included care facilities, described in the 1930s as “the only authorized animal hospital south of New York”; and a four-acre pet cemetery. Cemetery records, dating back to 1922, document more than 50,000 animal burials. Notable pets buried in the cemetery include seven dogs that belonged to J. Edgar Hoover; Jiggs, from the Our Gang movie series; and Rags, mascot of the First Division in World War I “who risked life and limb in the Meuse-Argonne when he crossed enemy lines to deliver a note to Allied Forces.” President Lyndon Johnson’s dogs were cremated at Aspin Hill and the remains sent to Texas. The site includes a wide variety of gravestones, animal sculptures, and mature landscaping. Also on site are a frame chapel, a gable-roof kennel with decorative brickwork, and a 1930s brick [Tudor Revival dwelling]. The Birneys named their residence and business after a similar kennel in England named Aspin Hill (in contrast to the local neighborhood of Aspen Hill). Renaming the site Aspin Hill Memorial Park, the organization known as People for the Ethical Treatment of Animals (PETA) maintains and operates the cemetery. The site is used for education and animal care.



Figure 2 – Subject Property

In 1994, the Property was designated in the *Master Plan for Historic Preservation*, with the entire Property designated as the historic setting (M: 27/17). The Maryland Historical Trust found the Property eligible for the National Register of Historic Places in 1999. The Property is also listed in the Montgomery County Burial Sites Inventory (#HP-162). Work on the Property is subject to review by the Montgomery County Historic Preservation Commission pursuant to Chapter 24A of the Montgomery County Code.

The Property is a combination of open fields and poorly maintained tree cover with overgrown bushes. The eastern section of the Site consists of a dilapidated 1930's Tudor Revival dwelling, garage, kennel, and non-historic sheds. The burial grounds, with elaborate gravestones and statuaries, are primarily on the western half of the Site. In addition to animal burials, there are 57 humans buried with or in proximity to their pets. The Applicant has used extensive research and archaeological methods to determine the name and location of the human remains.

The Property is predominately flat, but at a higher elevation than Georgia Avenue and Loyola Street and neighboring residential properties. There are no forest, streams, or environmental features on-site. The Property is located in the Middle Rock Creek Watershed, designated as a Use I watershed by the State.

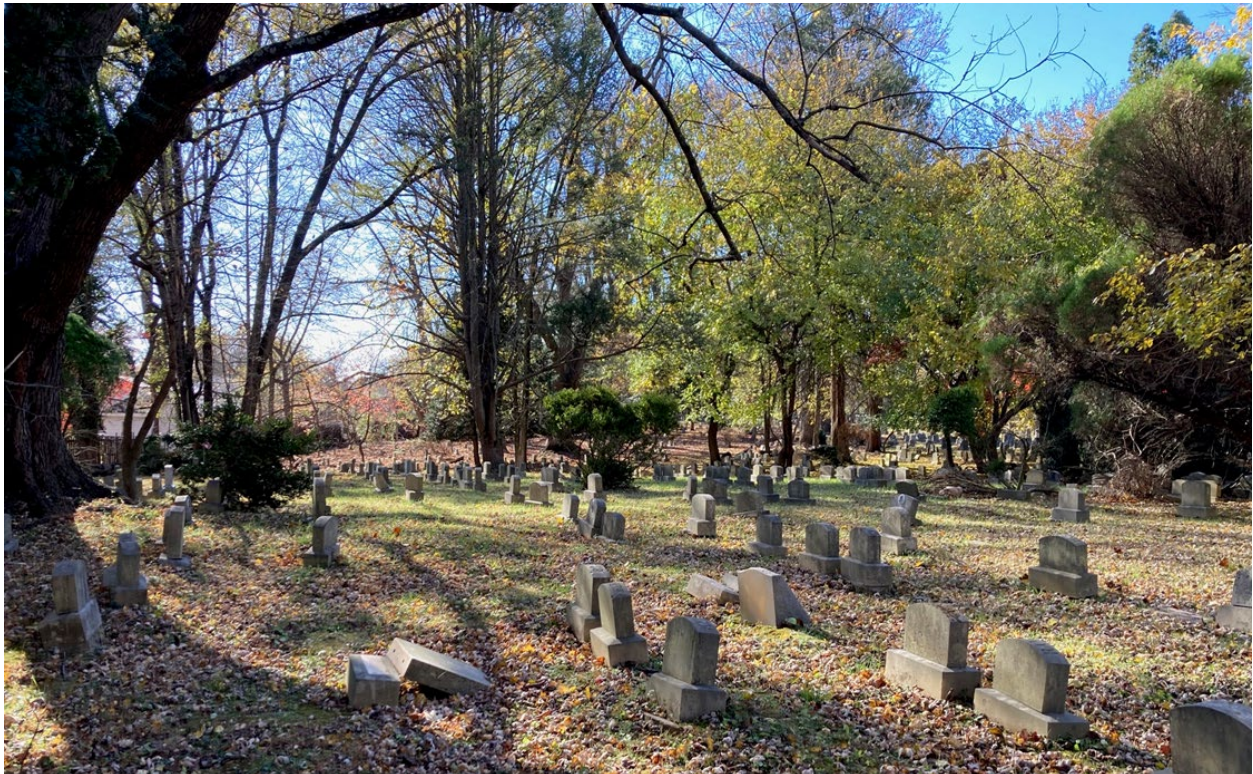


Figure 3 – Photograph of Aspin Hill Pet Cemetery

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

On November 4, 2020, the Planning Board approved Preliminary Plan No. 120190100 (MCPB No. 20-113) to plat the Subject Property on one lot, allowing for 16,000 square feet of development associated with the corporate headquarters and activity center of Montgomery County Humane Society (MCHS). Although it was approved by the Planning Board, Preliminary Plan No. 120190100 was never certified, and the lot was not recorded on a plat. The Preliminary Plan and Adequate Public Facility (APF) validity approvals have since expired.

The MCHS's mission is to end animal homelessness through education, outreach, and adoption, while saving lives and supporting the bond between pets and their families. In support of their mission, Preliminary Plan 120190100 envisioned rehabilitation of two historic structures into offices and an animal shelter that would become anchors for the new MCHS headquarters campus (Figure 4). New buildings were also approved to support the outreach, education, and adoption functions of MCHS.

The Project was designed such that no human burials would be disturbed, and disturbance to animal remains would be minimized. The burial ground area was to be enclosed by a metal fence to direct access to specific locations on the Property. The Applicant developed a maintenance plan to protect remains during construction activities and to maintain and preserve the burial sites moving forward in coordination with the Historic Preservation Division's Archaeologist, pursuant to Chapter 50.4 of the Montgomery County Code.

A new curb cut on Aspen Hill Road was approved to provide access to the Property. The Preliminary Plan also approved a sidepath along Georgia Avenue, from Aspen Hill Road to Wendy Lane, as well as a new sidewalk and green panel along Aspen Hill Road.

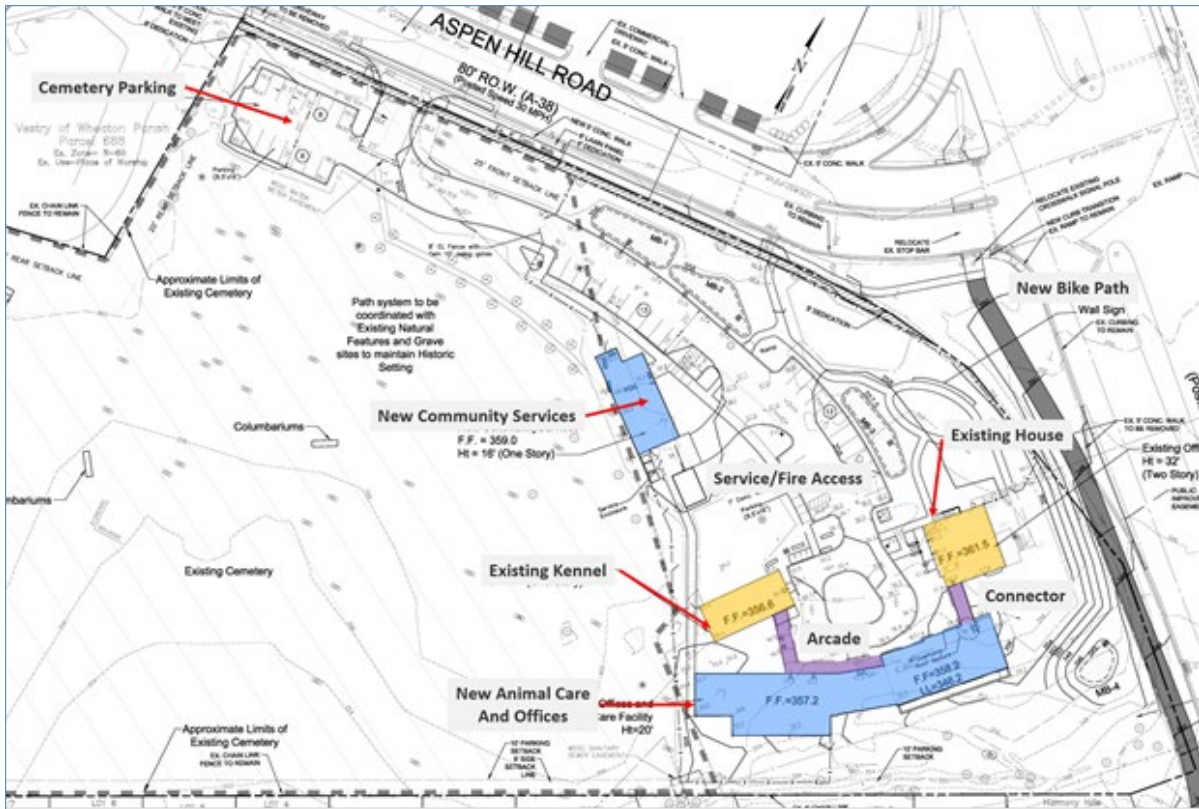


Figure 4: Approved Preliminary Plan

PROPOSAL

Preliminary Plan No. 120190100 was approved in the middle of the COVID-19 pandemic, at a time when MCHS had a limited income stream and diminished fundraising capacity. MCHS was unable to expend the resources necessary to record a plat or pursue building permit approvals, and the associated Preliminary Plan and Adequate Public Facilities (APF) validity deadlines have since expired. However, a donor has recently offered a matching grant to MCHS, allowing them to move forward with the corporate headquarters project (“Project”).

As such, the Amendment Application (“Application”) proposes to make the following modifications to the approved Preliminary Plan, as further described below:

- Reinstated and extend the Preliminary Plan validity period;
- Establish a new APF validity period; and
- Reconcile the approved density with the desired building program.

The Applicant has worked with Historic Preservation Division staff and went before the Historic Preservation Commission (HPC) for a preliminary consultation review on the updated proposal on

February 25, 2026. At that meeting, the HPC expressed support for the project goals and overall plan as presented, including the proposed site plan modifications, new construction, tree removal and animal burial relocations, and directed the Applicant to return for a Historic Area Work Permit (HAWP) for the proposal following the Preliminary Plan approval from the Planning Board. The HAWP submission or submissions must include additional information including refined scaled and annotated architectural elevation drawings, design detail drawings, building and paving materials specifications, and updated tree removal and replanting plans, as applicable.

Reinstate and Extend the Preliminary Plan Validity Period

The Applicant requests that the Planning Board reinstate and extend the Preliminary Plan validity period, or the time by which a plat must be recorded to validate the subdivision. The Preliminary Plan validity period expired on November 4, 2023, and the Applicant requests an extension of the validity period until one year after the approval of this Application.

APF Validity Period

The Applicant requests that the Planning Board establish a new APF validity period. The previous APF validity period expired on November 4, 2025, and the Applicant requests a new five-year validity period.

Reconcile Approved Density with the Desired Building Program

The Application includes minor adjustments to the proposed building footprints and to the area allocated to specific uses (animal care, offices, etc.) within the previously approved maximum density of 16,000 square feet (Figure 5). The Project's development standards are also updated in the Application to reflect the flexibility in development standards (building setbacks, coverage, etc.) that are typically allowed for Preliminary Plans. Development standards will be finalized at the time of building permit. No changes are proposed to the size or configuration of the lot, access, or frontage improvements.

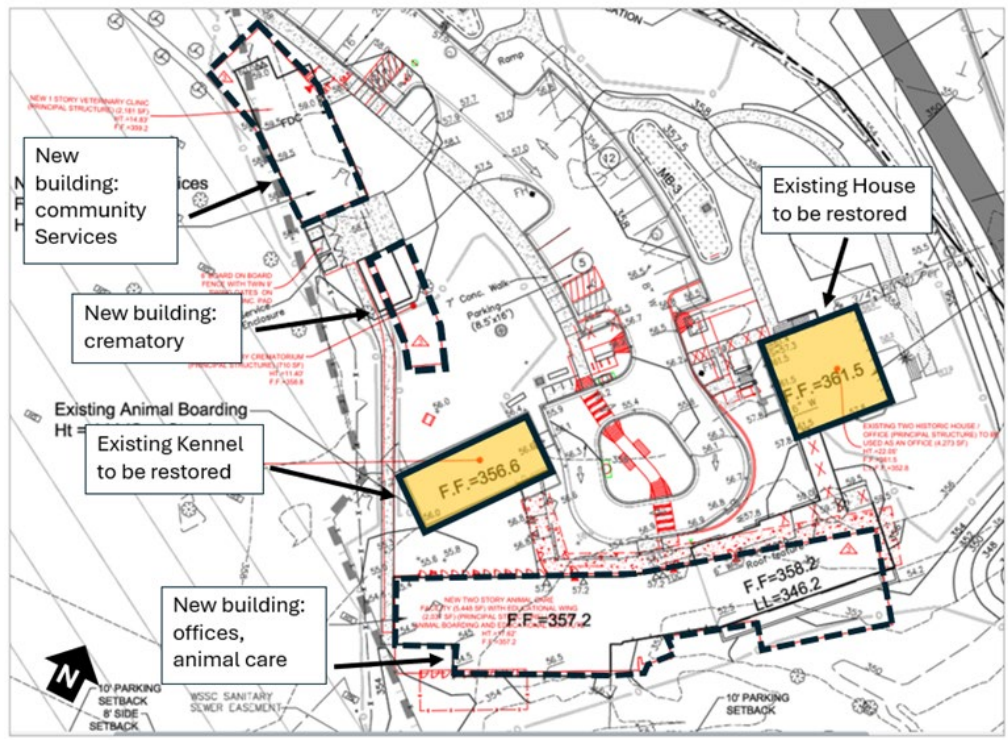
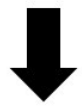
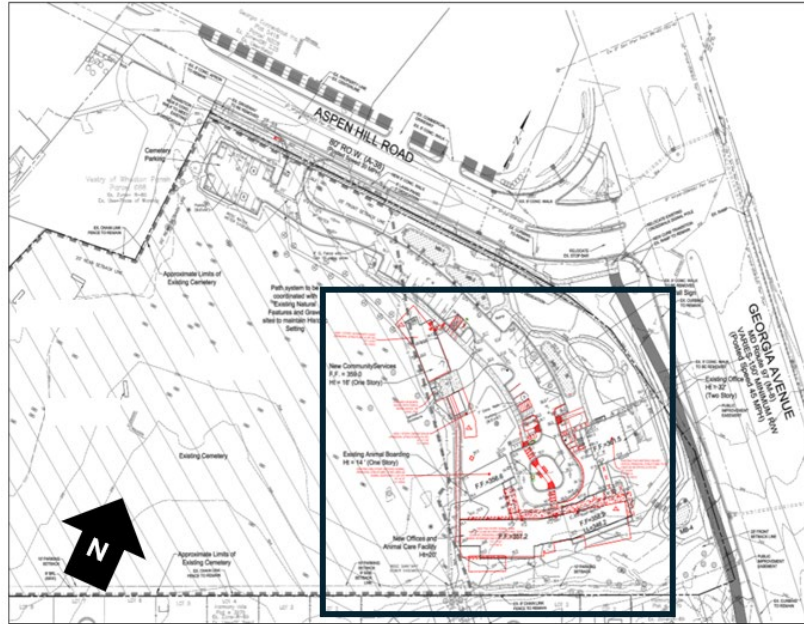


Figure 5 – Redline of Approved Preliminary Plan

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and a pre-submittal public meeting is not required for this type of Application. As of the date of this Staff Report, no correspondence has been received.

SECTION 5: PRELIMINARY PLAN 12019010A FINDINGS AND ANALYSIS

The Planning Board approved Preliminary Plan No. 120190100, MCPB No. 20-113, to create one lot on the Subject Property with conditions.

Preliminary Plan Amendment 12019010A requests to reinstate and extend the Preliminary Plan validity period, establish a new Adequate Public Facility Validity Period, and reconcile the approved density with the desired building program. The proposed Preliminary Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

- 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 proposed lot complies with the basic requirements of Chapter 59 as demonstrated by Table 1.

Table 1: Data Table for R-60 Zone, Standard Method, Section 59.4.4.9.B.

Development Standard	Permitted/ Required	Previously Approved	Proposed
Tract Area	n/a	7.79 ac/339,332 sf	No change
Proposed Dedication	n/a	0.05 acres/2,380 sf	No change
Minimum Lot Area	6,000 sf	7.78 acres	7.74 acres/336,952 sf ¹
Minimum Lot Width at Front Building Line	60 ft	≥ 60 ft	No change
Minimum Lot Width at Front Lot Line	25 ft	≥ 25 ft	No change
Maximum Lot Coverage	35% (117,933 sf)	Approx. 5.4%	Less than 35%
Minimum Principle Building setbacks			
Front (Georgia Ave)	25 ft	Existing building- 46 ft Animal Care- ±90 ft	≥ 25 ft *

Development Standard	Permitted/ Required	Previously Approved	Proposed
Side Street	25 ft	Aspen Hill Rd- community services - ±95 ft	≥ 25 ft*
Side (West Property Line)	8 ft	≥ 8 ft	No change*
Rear (South Property Line)	20 ft	±35 ft	≥ 20 ft *
Maximum Height	35 ft	Existing Building- 32ft Community Services- 16 ft Animal Care-20 ft	≤ 35 ft *

¹Correction of an error from Preliminary Plan No. 120190100

* Applies to all buildings on the Property

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

a) Existing Transportation Infrastructure

Along the Property frontage, Aspen Hill Road is 80 feet wide with an approximately four-foot-wide sidewalk and variable width street buffer. Georgia Avenue has a variable width along the Property frontage of at least 150 feet and an approximately five-foot-wide sidewalk with no buffer.

There are no transit stops along the Property frontage; however, the site is within a ten-minute walk of bus stops on the Washington Metropolitan Area Transit Authority’s (WMATA) Metrobus M20 and M22 lines, as well as the Ride On 26 line.

b) Proposed Transportation Infrastructure

Consistent with the original Preliminary Plan, No. 120190100, the Applicant will provide a five-foot-wide sidewalk and six-foot-wide landscape buffer along Aspen Hill Road and a 12-foot-wide side path with a landscaped buffer along Georgia Avenue that will terminate at Wendy Lane. In addition, the Applicant proposes to widen the curb ramps along the sidepath and widen the existing median break on the western leg of Georgia Avenue and Aspen Hill Road to the width of the sidepath.

Additional frontage improvements previously conditioned include upgraded crosswalks and curb ramps, and the relocation and minimization of the site access point.

c) Local Area Transportation Review (LATR)

The 2024-2028 *Growth and Infrastructure Policy* (GIP) requires a transportation impact study for any project that is estimated to generate a net increase of 30 or more motor

vehicle trips during either the morning or evening peak hours. The Applicant provided a transportation adequacy form and exemption statement to reflect the updated mix of uses within the previously approved 16,000 square feet of total density. The previous application assessed the traffic generation of office space and veterinary clinic using ITE data and used internal data to assess the trip generation of staff for the adoption services. It was previously determined that the education wing operated outside of peak hours. The prior application proposed the following uses: Office (3,990 sq. ft.), Veterinary Clinic (2,218 sq. ft.), Education Wing (4,270 sq. ft.), Animal Adoption Services (5,565 sq. ft.), which were anticipated to generate 22 AM peak hour and 21 PM peak hour trips.

This Application proposes the following uses: Office (4,273 sq. ft.), Veterinary Clinic (2,891 sq. ft.), Education Wing (2,037 sq. ft.), Animal Adoption Services (6,799 sq. ft.). The adjusted layout is estimated to generate 20 AM peak hour vehicle trips and 20 PM peak hour vehicle trips when adjusted by policy area. The Project will not exceed the 30 net new vehicle trips threshold; therefore, a transportation impact study is not required, and the LATR is satisfied with an exemption statement.

A summary of the trip generation analysis is provided in Table 2 below.

Table 2: Trip Generation Analysis

		Trip Generation Vehicle Rates		Adjusted Vehicle Rates Aspen Hill CBD Policy Area	
		AM	PM	AM	PM
Proposed	Office/Administrative	7	9	6	8
	Veterinary Clinic	9	7	8	6
	Animal Services - Staff	7	7	6	6
Subtotal		23	23	20	20
		Adjusted Trip Generation		20	20

Source: Transportation Exemption Statement from Street Traffic Studies LTD, dated September 2, 2025, modified by staff.

d) Schools

As a non-residential development, the Project will have no impact on public schools.

e) Other Public Facilities and Services

The Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the proposed subdivision.

Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as telecommunications, police stations, firehouses and health services are currently operating within the standards set by the *Growth and Infrastructure Policy* currently in effect.

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

The Application satisfies all 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 F20260090.

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

The Applicant satisfies the requirements below to reinstate and extend the Preliminary Plan Validity Period under Section 50-4.2.H as detailed below.

a) Extension Request

- i) Only the Board is authorized to extend the validity period. The applicant must submit a request to extend the validity period of an approved preliminary plan in writing before the previously established validity period expires.**

The Applicant submitted a request in writing to reinstate and extend the Preliminary Plan validity period.

- ii) The Director may approve a request to amend the validity period phasing schedule of an approved preliminary plan if the length of the total validity period of the preliminary plan is not extended. The applicant must submit the request in writing before the previously established validity period of the phase expires.**

This finding is not applicable because the Applicant is requesting an extension of the length of the total validity period.

- iii) The written request must detail all reasons to support the extension request and include the anticipated date by which the plan will be validated. The applicant**

must certify that the requested extension is the minimum additional time required to record all plats for the preliminary plan.

The Applicant submitted a Statement of Justification that included the reasons to support the reinstatement and extension request, primarily due to hardships for MCHS during the COVID-19 pandemic as further detailed below. MCHS wishes to proceed with the creation of a corporate headquarters and campus for its animal care operations that will benefit the health, safety, and welfare of the animal population of Montgomery County as well as their owners.

The Applicant estimates that it will take up to four months for the record plat to be recorded after the Preliminary Plan Amendment is certified. However, to avoid additional cost and time for MCHS associated with another extension request in case of a delay with the processing of the certified preliminary plan or the record plat, the Applicant requests that the validity date be extended until one year after the approval of this Amendment Application.

b) Effect of failure to submit a timely extension request.

- i) The failure to submit a written extension request in a timely fashion voids all non-validated portions of the preliminary plan and, where applicable, an approved site plan.***

The Applicant requests reinstatement of the preliminary plan and an extension of the validity period as detailed below.

- ii) Where a preliminary plan has been allowed to expire due to the applicant's failure to file a timely request for extension, the Board may reinstate the preliminary plan and establish a new validity period if practical difficulty or undue hardship is demonstrated by the applicant. The Board may require the applicant to get a new APF review and approval by the Board as a prerequisite or condition of its action to extend an expired plan.***

The Preliminary Plan expired on November 4, 2023, and Staff recommends reinstatement of the Preliminary Plan and a one-year extension of the validity period. Preliminary Plan No. 120190100 was approved in the middle of the COVID-19 pandemic, creating practical difficulty and undue hardship for MCHS. The pandemic reduced MCHS's income stream and diminished its fundraising capacity. Outreach meetings to potential donors were cancelled and philanthropic interest languished. MCHS was forced to devote all of its attention to basic services and was unable to expend the resources necessary to record a plat before

the Preliminary Plan expired. However, a donor has recently offered a matching grant to MCHS, allowing them to move forward with the corporate headquarters project. The Applicant is also obtaining a new APF review as part of this Application.

c) Grounds for extension

i) The Board may only grant a request to extend the validity period of a preliminary plan if the Board finds that:

- (1) delays by the government or some other party after the plan approval have prevented the applicant from meeting terms or conditions of the plan approval and validating the plan, provided such delays are not caused by the applicant;**
- (2) or the occurrence of significant, unusual and unanticipated events, beyond the applicant's control and not caused by the applicant, have substantially impaired the applicant's ability to validate the plan, and exceptional or undue hardship (as evidenced, in part, by the efforts undertaken by the applicant to implement the terms and conditions of the plan approval in order to validate the plan) would result to the applicant if the plan were not extended.**

Preliminary Plan No. 120190100 was approved in the middle of the COVID-19 pandemic, which was an unprecedented event beyond the Applicant's control. The pandemic reduced MCHS's income stream and diminished its fundraising capacity. Outreach meetings to potential donors were cancelled and philanthropic interest languished. MCHS was forced to devote all of its attention to basic services and was unable to expend the resources necessary to record a plat before the Preliminary Plan expired. However, a donor has recently offered a matching grant to MCHS, allowing them to move forward with the corporate headquarters project.

If the Preliminary Plan is not extended, the Applicant would need to devote additional time and resources towards submittal of a new Preliminary Plan application. Such a requirement would further deplete the limited resources that MCHS has available to accomplish its mission and delay the restoration of this unique historic property.

ii) The applicant bears the burden of establishing the grounds in support of the requested extension.

The Applicant provided sufficient justification to support the requested extension.

d) Planning Board considerations for extension.

- i) The Board may condition the grant of an extension on a requirement that the applicant revise the plan to conform with changes to the requirements of this Chapter since the plan was approved.**

No revisions of the plan are necessary as it continues to satisfy the requirements of Chapter 50.

- ii) The Board may deny the extension request if it finds that the project, as approved and conditioned, is no longer viable. The Board must consider whether the project is capable of being financed, constructed, and marketed within a reasonable time frame. The Applicant must demonstrate the project's viability upon request by the Board or the Director.**

An MCHS donor has offered a matching grant to help finance the Project and spur ongoing fundraising efforts. The Applicant plans to record a plat for the Property within one year, and Staff recommends approval of the extension request.

e) Planning Board Action.

- i) After a duly noticed public hearing, the Board must determine whether it should grant a request for an extension. The requirements for noticing and conducting a public hearing must follow the requirements for a preliminary plan.**

Consistent with the preliminary plan requirements, the Applicant sent out a notice letter to required parties after acceptance of the Application, and Staff sent out a notice of the public hearing. The Application is scheduled for a public hearing on March 12, 2026.

- ii) If voting to approve an extension, the Board must only grant the minimum time it deems necessary for the applicant to validate the plan.**

An MCHS donor has offered a matching grant to help finance the Project and spur ongoing fundraising efforts. The Applicant plans to record a plat for the Property within one year, and Staff recommends approval of the extension request.

- iii) The Board may only grant an extension to a preliminary plan within the plan's APF validity period, unless a further extension is allowed by law.**

A one-year extension of the Preliminary Plan will be within the five-year APF validity period requested with this Application.

- iv) An applicant may request, and the Board may approve, more than one extension.**

This is the Applicant's first request for an extension of the Preliminary Plan.

- v) Once a phasing schedule is approved by the Board as part of a preliminary plan approval, the Board must treat any revision or alteration to the schedule other than an amendment approved under Section 4.3.J.7 as a minor amendment to the preliminary plan. Board approval of a revised phasing schedule is required to extend the total length of the validity period.**

Only one lot is proposed with the Application, and a phasing schedule for plat recordation is not necessary.

SECTION 6: FOREST CONSERVATION PLAN F20260090 FINDINGS AND ANALYSIS

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

The Application meets the requirements of Chapter 22A, the Montgomery County Forest Conservation Law ("FCL") and the Montgomery County Planning Department's Guidelines for Environmental Management of Development in Montgomery County ("Environmental Guidelines"). As required by Chapter 22A, a Final Forest Conservation Plan Amendment was submitted with Preliminary Plan No. 12019010A ("Accompanying Plan").

On November 4, 2020, the Planning Board approved Final Forest Conservation Plan No. 120190100 (MCPB No. 20-113) to allow for the construction of 16,000 square feet of development associated with the corporate headquarters and activity center of Montgomery County Humane Society (MCHS). The Subject Property has no forest on-site and FFCP No. 120190100 showed the forest conservation requirements being met off-site in a forest conservation bank. The Property has a net tract area of 8.32 acres and is zoned R-60, which is classified as High Density Residential as defined in Section 22A-3 of the FCL and specified in the Trees Technical Manual. This results in an afforestation requirement of 1.25 acres, which the Applicant proposes to meet in an M-NCPPC approved off-site forest bank. FFCP No. F20260090 includes an updated Limits of Disturbance ("LOD") in response to the modified building footprints and placement and does not change this requirement.

Variance Request

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including

removal or any disturbance within a Protected Tree’s critical root zone (“CRZ”), requires a variance under Section 22A-21 (“Variance”). Otherwise, such resources as defined under Section 22A-12(b)(3) must be left in an undisturbed condition. As the entire Property has been designated as the historic setting for this site, all impact and removals of any tree require an approved variance.

A variance request was approved with FFCP No. 120190100 for the removal of 150 trees. FFCP No. F20260090 includes a variance request for the removal of an additional twelve (12) Protected Trees and impacts to seven (7) trees with the updated LOD as identified in Tables 3 and 4. Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made for a Variance to be granted.

Table 3: Removed Protected Trees

Tree #	Species (Scientific Name)	Species (Common Name)	D.B.H (inches)	Tree Condition
11	<i>Prunus serotina</i>	Black Cherry	44”	Good
13	<i>Morus spp.</i>	Mulberry	34”	Fair/Good
21	<i>Acer saccharinum</i>	Silver Maple	48”	Fair
22	<i>Acer saccharinum</i>	Silver Maple	61”	Fair
138	<i>Juniperus virginiana</i>	Red Cedar	6”	Good
215	<i>Prunus serotina</i>	Black Cherry	22”	Good
276	<i>Robinia pseudoacacia</i>	Black Loust	1”	Good
287	<i>Acer negundo</i>	Boxelder	6”-5”	Fair
291	<i>Prunus spp.</i>	Cherry	4”	Fair
292	<i>Prunus spp.</i>	Cherry	3”	Good
297	<i>Acer negundo</i>	Boxelder	2”	Poor
299	<i>Acer negundo</i>	Boxelder	1”	Poor

Table 4: Impacted Protected Trees

Tree #	Species (Scientific Name)	Species (Common Name)	D.B.H (inches)	Impact (%)	Tree Condition
137	<i>Juniperus virginiana</i>	Red Cedar	18" – 17"	13%	Good
162	<i>Lagerstroemia spp.</i>	Crape Myrtle	6"	20%	Good
163	<i>Tsuga canadensis</i>	Eastern Hemlock	15"-15"-14"	11%	Fair
262	<i>Juglans nigra</i>	Black Walnut	19"	7%	Good
265	<i>Robinia pseudoacacia</i>	Black Locust	22"	1.5%	Fair
270	<i>Acer saccharinum</i>	Silver Maple	23"	0.3%	Fair
273	<i>Robinia pseudoacacia</i>	Black Locust	14"	3%	Poor

Unwarranted Hardship

In accordance with Section 22A-21(a), the Applicant requested a Variance. The requested variance is necessary due to modifications to the LOD and proposed building footprints to accommodate the programmatic needs of the MCHS campus, as well as further refinements to the grading plan. Staff agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Property as the MCHS headquarters, while retaining the existing cemetery, in accordance with the recommendations of the Sector Plan and Zoning Ordinance without the Variance for the proposed Project. Given the needs of MCHS, the unique history of the Property, and the lack of reasonable alternatives, not allowing the removals and impacts would create unwarranted hardship.

Most of the Property is an existing cemetery, and development is limited to the area with the existing buildings and parking area. Since the approval of FFCP No. 120190100, MCHS has updated their building program and adjusted proposed building footprints to meet the programmatic needs of MCHS while preserving the historic buildings and the cemetery. Preservation of the existing historic buildings and the cemetery leave few, if any, options for alternative design of the MCHS campus. Impacts to additional variance trees are necessary to accommodate the revised building footprints, utilities, and a proposed dog run; allow areas around the buildings to be maintained as lawn; and to accommodate grading for construction of the required frontage improvements.

Variance Findings

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

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

The impacted trees are located within the developable area of the Property, outside of the existing cemetery and away from the locations of the human remains. The inability to impact/remove the subject trees would further limit the development of the Property.

Granting the variance does not confer on the applicant a special privilege that would be denied to other applicants under similar circumstances.

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

The requested variance is based on the locations of the trees, rather than on conditions or circumstances which are the result of actions by the Applicant. The Applicant will be removing damaged trees so that the Property can be properly restored and maintained. The Applicant has minimized disturbance to the Property in order to construct a headquarters for the MCHS and continue the existing pet cemetery use.

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

The need to impact variance trees is a result of existing conditions on the Subject Property and not related to any conditions on a neighboring property.

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

The Protected Trees requested for removal are not located in an environmental buffer or special protection area. This approval is conditioned on mitigation that approximates the form and function of the trees removed. Therefore, their removal will not violate State water quality standards or cause measurable degradation in water quality. The Protected Trees being impacted will remain to provide the same level of water quality protection as they currently provide.

Mitigation for Trees Subject to the Variance Provisions

Mitigation for the Variance is at a rate that approximates the form and function of the Protected Trees removed. The Applicant proposes to replace the Protected Trees at a ratio of approximately one caliper inch per four inches diameter at breast height (DBH) removed, totaling 58 caliper inches. This is in addition to the 330.5 caliper inches of mitigation plantings required with FFCP No. 120190100, for a total Protected Tree mitigation planting requirement of 388.5 caliper inches, using a minimum tree size of 3 caliper inches. No mitigation is required for Protected Trees impacted but retained.

Recommendation on the Variance

Staff recommends approval of the variance.

SECTION 7: CONCLUSION

As conditioned, the Preliminary Plan Amendment and Forest Conservation Plan applications each satisfy the applicable standards of the Zoning Ordinance, Subdivision Regulations, and Forest Conservation Law, and substantially conform to the recommendations of the *Aspen Hill Master Plan*. Therefore, Staff recommends approval of the Preliminary Plan Amendment and Forest Conservation Plan with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Preliminary Plan Amendment/Forest Conservation Plan

Attachment B: Prior Approval

Attachment C: Agency Letters



ATTACHMENT B

MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 20-113
Preliminary Plan No. 120190100
Montgomery County Humane Society
Date of Hearing: October 15, 2020

NOV 04 2020

RESOLUTION

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

WHEREAS, on February 4, 2019, Montgomery County Humane Society (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create 1 lot on 7.79 acres of land in the R-60 Zone, located at the southwest corner of Georgia Avenue and Aspen Hill Road (“Subject Property”), in the 1994 *Aspen Hill Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120190100, Montgomery County Humane Society (“Preliminary Plan” or “Application”); 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 October 5, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on October 15, 2020, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120190010 to create 1 lot on the Subject Property, subject to the following conditions:¹

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.

1. This Preliminary Plan is limited to one lot and 16,000 square feet of uses associated with the Montgomery County Humane Society for a campus, which will include a U-shaped complex incorporating and connecting the existing house and kennel with a community services building for a veterinary clinic and other animal services.
 2. Any additional non-historic uses or programming that generates additional peak-hour trips should be within the scope of this approval or the uses or programming may require an amendment.
 3. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.
 4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated September 16, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth 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 July 9, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the 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 Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated September 17, 2020 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
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Forest Conservation/Environment

8. The Limits of Disturbance (LOD) on the Final Forest Conservation Plan must be consistent with the LOD on the Sediment and Erosion Control Plan.
9. No clearing, grading, or any demolition may occur prior to receiving approval of the Sediment and Erosion Control Plan.
10. Prior to the start of any clearing, grading, or demolition occurring on the Property, the Applicant must receive approval from the M-NCPPC Office of the General Counsel of a Certificate of Compliance to use an off-site forest mitigation bank for mitigation credit as shown on the Final Forest Conservation Plan submitted with the Certified Site Plan.
11. The Certificate of Compliance must be recorded in the Montgomery County Land Records prior to any clearing, grading, or demolition occurring on the Property.
12. Mitigation for the removal of 150 trees subject to the variance provision must be provided in the form of planting native canopy trees totaling 330.5 caliper inches, with a minimum planting stock size of three (3) caliper inches. The trees must be planted on the Subject Property, outside of any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees are permitted with the approval of the M-NCPPC forest conservation inspector. The trees must be planted within six months of forest conservation inspector approval of tree protection fencing.

Transportation

13. The Applicant must dedicate and show on the record plat:
 - a. Five (5) feet of Right-of-Way (ROW) on Aspen Hill Road.
 - b. Public Improvement Easement along Georgia Avenue for the shared-use path.
14. Construct a 12-foot wide sidepath along Georgia Avenue from Aspen Hill Road to Wendy Lane.
15. Prior to approval of additional uses such as a camp or substantial educational programming, update the traffic impact statement (TIS) in order to reflect the additional trips. Provide the relevant Local Area Transportation Review, if applicable per the findings of the TIS.

16. Provide a median extension on the southern leg of the Georgia Avenue and Aspen Hill Road intersection to protect pedestrians crossing Georgia Avenue, or provide an alternate form of refuge, subject to the review and approval of the State Highway Administration.
17. Remove the detectable warning strips in the median on the western leg of the Georgia Avenue and Aspen Hill Road intersection if the median is less than six feet wide, to be compliant with ADA best practices, subject to the review and approval of the State Highway Administration.
18. Provide hardscaping at the southwest corner of Georgia Avenue and Aspen Hill Road to ensure that the new proposed sidewalk and sidepath facilities can tie into the existing curb ramp with ample room for bicycle and pedestrian transitions, including the ability to turn around and dismount, subject to the review and approval of the State Highway Administration.
19. If the turnaround area, internal to the Property, is not intended to be flush, provide ramps as necessary for pedestrian accessibility purposes.

Record Plats

20. There shall be no clearing or grading of the site prior to the approval of the concurrently reviewed Certified Preliminary Plan and Final Forest Conservation Plan.
21. The record plat must show necessary easements.
22. The record plat must reflect all areas under common ownership.

Certified Preliminary Plan

23. The Applicant must show the following prior to certified preliminary plan.
 - a. Reduction of curb radii at the entrance to 15'.
 - b. Include the interim cross-sections for Aspen Hill Road and Georgia Avenue.
24. The Applicant must include the stormwater management concept approval letter, other applicable agency letters, and Preliminary Plan Resolution on the approval or cover sheet(s) of the certified Preliminary Plan.
25. The certified Preliminary Plan must contain the following note:
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 building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and 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:

- 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 proposed lot was reviewed for compliance with the dimensional requirements for the R-60 Zone as specified in the Zoning Ordinance. The proposed lot dimensions, size, width, shape and orientation are appropriate for the location of the subdivision and this type of development and will meet all dimensional requirements for area, frontage, width, and setbacks in the zone. While the intent of the R-60 Zone is to provide for moderate density residential uses, the proposed uses have been historically associated with this Property. The Montgomery County Department of Permitting Services (MCDPS) has confirmed that the uses can be reestablished because the use is established with a historic site and the nonconforming use is consistent with the historic use of the Property, as documented in the Locational Atlas of Historic Sites and the Master Plan for Historic Preservation.

Pursuant to Section 59.4.4.8 of the current Zoning Ordinance, applicable development standards for a Standard Method development in the R-60 Zone are as follows:

R-60		Provided
Lot Area	6,000sf	Lot 1
		7.78 ac
Principal Building Placement		
Lot Width at Front Lot Line / Front Building Line	25' / 60'	≥ 60' / ≥ 60'
Front Setback (Minimum)		

Georgia Avenue – Existing building	25'	46'
Georgia Avenue – Animal care	25'	± 90'
Aspen Hill Road – Community services	25'	± 95'
Side Setback (West property line)	Side: 8' min.	≥ 8'
Rear Setback (South property line)	20'	± 35'
Building Height		
Existing building	35'	32'
Community services	35'	16'
Animal care	35'	20'
Lot Coverage	35% (max)	~ 5.4%

The lot meets the requirements for the R-60 Zone with the continuation of a historic non-conforming use, as confirmed by MCDPS.

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

The 1994 Aspen Hill Master Plan (1994 Plan) chronicles the evolution of the Site from a veterinary office to a pet cemetery to a cemetery, educational and animal care facility. The 1994 Plan did not offer any specific recommendations for this site beyond recognizing the historical Aspen Hill Cemetery and a “covenant on the property specifies it be maintained and operated as a pet cemetery and be used as an educational and animal care facility.” (1994 Plan, pg. 158)

The Applicant, whose mission is to end animal homelessness through education, outreach and adoption, proposes to build a compound which will provide adoption, pet education and a community services clinic at the site. Their development conforms with the Master Plan vision for the site. The Master Plan, the Aspen Hill Vision Zero Study (Study), and the Bicycle Master Plan (Bicycle Plan) stress the importance of improving the area for people walking and biking. The 1994 Plan lists among its transportation strategies improving sidewalks, access to transit routes, and bikeways (pg. 87) and recognizes the ability of redevelopment to improve pedestrian aspects of the State highway corridors and Aspen Hill’s crossroads (pg. 81). The proposed widening of the sidewalk and landscape buffer along Aspen Hill and the new sidepath along Georgia Avenue

contribute to the goals of improving pedestrian and bicycle connections. The new sidepath facility will improve connections from Aspen Hill Road and nearby shopping centers to an existing transit stop on Georgia Avenue and Wendy Lane.

The Study recommends restriping the crosswalks at Georgia Avenue and Aspen Hill Road as high visibility crosswalks (Study, pg. 27) as well as adding a median or other refuge facility (Study, pg. 32). The Applicant proposes to restripe the crosswalks connecting to the site in support of the Study recommendations. Condition number 16 requires the Applicant to provide a median extension or alternate refuge facility along the crosswalk at the southern leg of the Georgia Avenue and Aspen Hill Road intersection, to support the Study recommendation for median refuge.

Master Planned Roadways and Bikeways

Georgia Avenue: The site is adjacent to Georgia Avenue (MD-97), which is classified as a major highway by the Master Plan of Highways and Transitways. The existing section of Georgia Avenue varies in width and includes six (6) lanes divided by a central median. The section adjacent to the site is 150' and greater; therefore, no additional right of way is required. The 2018 Bicycle Master Plan recommends a sidepath breezeway facility adjacent to the site. Generally, breezeway facilities are anticipated to facilitate bicycle traffic at higher speeds as well as provide greater paving depths to reduce short-term maintenance needs. The typical breezeway sidepath section is 16', which includes five (5) feet of space for pedestrian mobility, and eleven feet dedicated to bidirectional bicycle mobility. The Applicant is not required to dedicate space based on the Master Plan of Highways and Transitways, but the planned bicycle facility cannot be accommodated in the existing right-of-way at sixteen feet assuming that at least six (6) feet of space are necessary to buffer the proposed bicycle facility from the right-of-way. Furthermore, the location of existing utility poles on Georgia Avenue require the Applicant to further push the sidepath into the site to avoid obstructions. This would require the Applicant to provide a retaining wall, which would impact the frontage and require the Applicant to take on maintenance responsibilities for the wall. As such, Staff coordinated with the Applicant and has agreed to accept a 12-foot breezeway. The separation between the facility and the roadway varies but is generally nine feet or greater due to the location of the existing utility poles.

Aspen Hill Road: Aspen Hill Road extends along the northern site frontage. The Master Plan of Highways and Transitways classifies this roadway as a 90-foot arterial (A-38). The Applicant has agreed to dedicate an additional five (5) feet of right of way consistent with the master-planned width. The Bicycle Master Plan recommends bidirectional separated bicycle lanes on the northern side of Aspen

Hill Road (opposite the site's frontage). Thus, this application substantially conforms with the vision set forth in the Master Plan.

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

Transportation

On-Site Vehicular Circulation

The Applicant proposes to relocate its existing driveway on Aspen Hill Road slightly to the east. Initially, the Applicant proposed to position the driveway opposite to one (1) of the two (2) gas station curb cuts across Aspen Hill Road; however, the proposed location had the potential to create conflicts in a substandard-width center turn lane, which has not tapered out to a full ten feet opposite to the gas station. As such, the Applicant and Staff collaborated to increase the distance between the respective curb cuts on either side of the roadway, as well as the adjacent lot's curb cut.

The proposed driveway curb cut is 25 feet wide at the drive aisle and 67 feet at the apron, suggesting the apron radii is excessive. Prior to certified Preliminary Plan, the Applicant will reduce the driveway width to be no greater than 22' wide and provide 15-foot curb radii at the driveway, subject to formal approval by the Department of Permitting Services' Fire Department and Access and Water Supply Division, which will need to review a revised plan prior to acceptance.

Pedestrian and Bicycle Facilities

The Applicant is improving the sidewalk along Aspen Hill Road to be five (5) feet wide with a six (6) foot landscape buffer. The 12-foot sidepath facility proposed along Georgia Avenue will facilitate pedestrian mobility with ample buffering along the Applicant's site frontage. The Applicant has agreed to extend the proposed sidepath past its frontage down to a logical termination point at Wendy Lane. The Applicant is widening the curb ramps along the breezeway sidepath and widening the existing median break on the western leg of Georgia Avenue and Aspen Hill Road to the width of the sidepath.

Because the median is less than six (6) feet wide, the existing detectable warning strips will be removed per Americans with Disabilities Act (ADA) best practices. This is because the strips indicate to an individual with visibility impairments that she or he has reached a safe location or refuge; however, the location does not provide adequate space to be considered a safe refuge.

The Applicant is also restriping crosswalks connecting to the site as high-visibility continental crosswalks. The Applicant will provide a median extension or alternate refuge facility along the crosswalk at the southern leg of the Georgia

Avenue and Aspen Hill Road intersection. The Applicant is also providing a hardscape at the southwestern corner of Aspen Hill Road and Georgia Avenue to allow for room for pedestrians and bicyclists to transition, turn, and dismount.

Internally, the site has a combination of sidewalks and informal paths connecting parking areas to facilities.

Trip Generation

The approved use is anticipated to generate 22 morning and 21 evening peak-hour person trips. As such, no Local Area Transportation Review (LATR) was required. The Applicant provided additional justification in its Traffic Impact Statement (TIS) clarifying the adoption component's projected generated trips. The Applicant has indicated that it may wish to pursue additional uses in the future, such as day camps or planned education programs during the summer. The TIS provided does not account for any of these additional uses. As such, condition 19 requires the Applicant to update its TIS and provide an LATR, if necessary, prior to the operation of these additional uses.

Bicycle Parking

County Code does not require the provision of bicycle parking at animal care facilities. The Applicant is providing six short-term bicycle racks, which can accommodate twelve bicycles, external to the site.

Transit Service

The site is within a ten-minute walk of bus stops on the Washington Metropolitan Area Transit Authority's (WMATA) Metrobus Y2, Y7, and Y8 lines, as well as the Ride On 26 Line. The Ride On 26 Line provides transit service between the WMATA Glenmont Metrorail Station and the Montgomery Mall Transit Center via points in Aspen Hill and Twinbrook with approximately 20-minute peak hour headways (per scheduling changes effective August 2, 2020). The Metrobus Y series provides service between the WMATA Silver Spring Metrorail Station and points north on Georgia Avenue, including the Intercounty Connector Park and Ride Route (Y7) and the Medstar Montgomery Medical Center (Y2, Y8). Each line provides approximately 20-minute peak hour headways. Because service is interspersed across the lines, Metrobus headways are effectively ten minutes.

Other Public Facilities

The proposed development will be served by public water and sewer systems. The Montgomery County Department of Permitting Services Fire Department Access and Water Supply Section has reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations, firehouses and health care are currently operating in accordance with the Subdivision Staging

Policy and will continue to be sufficient following construction of the project. Electric, gas and telecommunications services are available and adequate.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

A. Forest Conservation

The Board finds that as conditioned, the Final Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

Final Forest Conservation Plan

The Applicant has submitted a Final Forest Conservation Plan with the Preliminary Plan and will meet the forest conservation requirements of 1.25 acres in an off-site mitigation bank.

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. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. 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 a historic site or designated with a historic structure; are designated as a national, State, or County champion tree; 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. The Applicant submitted a variance request on May 24, 2020 to remove 150 trees that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law. As the entire Property has been designated as the historic setting for this site, all impacts and removals of any tree requires an approved variance.

Unwarranted Hardship

As the majority of the property is taken up with interments, the area for development is limited with no alternative location. Because of this, the proposed development is primarily in the area of the existing buildings and parking lot. In order to develop the property in a manner that will meet the needs of the Humane Society while preserving the historic

buildings and the cemetery, as well as avoiding burial sites, the tree removals and impacts are necessary.

The Property has been neglected with the buildings falling into disrepair and the vegetation has become overgrown. Many trees are not in good condition and have grown up in areas that were previously maintained as lawn and a large number have grown up between fences along the property line. Some of these trees have grown up next to the existing historic buildings and must be removed to protect the buildings and maintain the historic character of the buildings. Thus, the Applicant has a sufficient unwarranted hardship to consider a variance request.

The Planning Board makes the following findings necessary to grant the Variance:

1. *Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

The Applicant has minimized disturbance to the site and the tree removals are necessary to construct a safe entrance, restore the historic buildings and grounds, and construct the new buildings associated with the MCHS headquarters. The Property is constrained by the historic nature of the existing buildings, as well as the location of human and animal remains. Thus, granting the variance will not confer a special privilege on the Applicant.

2. *The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The variance is based on the locations of the trees, rather than on conditions or circumstances which are the result of actions by the Applicant. The Applicant will be removing damaged trees so that the Property can be properly restored and maintained. The Applicant has minimized disturbance to the Property in order to construct a headquarters for the MCHS and continue the existing pet cemetery use.

3. *The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the proposed site design and constraints on the Subject Property need to construct a headquarters

for the Applicant and restore the historic buildings and site and not as a result of land or building use on a neighboring property.

4. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

The Applicant will mitigate for the 150 trees proposed for removal as part of this development. Mitigation must be provided for removal of these trees by planting 83 native shade trees of at least four inches caliper, each, within the new development. This is based on Planning Department policy that requires replacement of variance trees at a rate of 1" replaced for every 4" removed, using replacement trees of no less than 3" caliper, to replace lost environmental functions performed by the trees removed. These mitigation plantings will provide sufficient tree canopy in a few years to replace the lost water quality benefits of the variance tree being removed. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

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

This finding is based upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

The Applicant received approval of their stormwater management concept from the Montgomery County Department of Permitting Services, Water Resources Section on July 9, 2020. The concept meets required stormwater management goals using ESD approaches including microbioretention areas. The Property is not subject to a water quality plan, and there are no floodplain requirements. The requirements of Chapter 19 for stormwater management are satisfied.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M*

While the Subject Property is primarily an animal cemetery, there are 57 human burial sites interspersed with the animal interments. The Applicant has worked extensively to locate and identify all human remains on the site and has developed a maintenance plan to ensure that burial sites are protected.

- a. *The Applicant must use the Montgomery County Planning Board Guidelines for Burial Sites to establish the location of the burial site. Unless Planning Department Staff believes that vandalism concerns dictate otherwise, the corners of the burial site must be staked in the field before preliminary plan submittal. If required, the stakes must be maintained by the applicant until Preliminary Plan approval.*

The Applicant completed archaeological and historical investigations as required by the Montgomery County Burial Sites Guidelines to locate human burials within the parcel in August 2019. The human burials have been marked and mapped as required by Ordinance 18-31, and the single lot proposed will promote the long-term maintenance of the burial site and protection of existing elements. The results of that investigation show that burials are confined to the fenced area of the site, and don't extend into the area where there are buildings. Proposed developments will not impact human burials.

- b. *An inventory, that may include photographs, of existing burial site elements (such as walls, fences, gates, landscape features, fieldstones, grave locations, and tombstones) and their condition must be submitted as part of the Preliminary Plan application.*

The Preliminary Plan drawings show the location of all human burial sites. These burial sites are interspersed with the interments of pets.

- c. *The placement of lot lines must promote long-term maintenance of the burial site and protection of existing elements.*

Based on the results of the field investigations summarized in the Management Summary, all existing elements associated with the burial site are contained within the existing cemetery fence. No subdivision of the land is proposed, and a Maintenance Plan has been submitted.

- d. *The burial site must be protected by arrangements sufficient to assure the Planning Board of its future maintenance and preservation, as specified in the Montgomery County Planning Board's guidelines for burial sites.*

The Applicant has submitted a Maintenance Plan to ensure that human grave sites will be protected and maintained during construction and future use. The Maintenance Plan includes plans for the care of the grounds, landscaping, trash removal, fencing, and gravestones, monuments, and statuary.

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

Not applicable.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and that prior to the expiration 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 must be filed; 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 NOV 04 2020 (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 within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson and Verma voting in favor of the motion at its regular meeting held on Thursday, October 15, 2020, in Wheaton, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board

ATTACHMENT C

Kyle Hughes

From: Etheridge, Mark <Mark.Etheridge@montgomerycountymd.gov>
Sent: Monday, August 11, 2025 7:44 AM
To: Kyle Hughes
Cc: Gabriel Romero; Cris Bombaugh; jskline@mmcanby.com
Subject: RE: MC Humane Society Campus Preliminary Subdivision Plan (120190100) - Extension
Attachments: Aspen Hill - Current PP Reinstatement Plan Overlay with PP Approval.pdf

Hi Kyle –

The original stormwater management concept approval, dated July 9, 2020, remains valid, and appears to be consistent with the attachment herein. I do not foresee a need to revise the stormwater management concept at this time.

Mark C. Etheridge
Manager
Water Resources Section | Montgomery Co. Department of Permitting Services
2425 Reddie Drive, 7th Floor
Wheaton, MD 20902
240-777-6338
Mark.etheridge@montgomerycountymd.gov



From: Kyle Hughes <khughes@mhgpa.com>
Sent: Friday, August 8, 2025 4:19 PM
To: Etheridge, Mark <Mark.Etheridge@montgomerycountymd.gov>
Cc: Gabriel Romero <gromero@gbrarch.com>; Cris Bombaugh <cbombaugh@mchumane.org>; jskline@mmcanby.com
Subject: RE: MC Humane Society Campus Preliminary Subdivision Plan (120190100) - Extension

[EXTERNAL EMAIL]

Hi Mark,

I wanted to follow up on the below email and provide the attached plan which outlines the changes in red that have happened since the last preliminary plan approval. Note that the plans that got approved never got certified which is why there is no stamp on them. There have also been adjustments to the waterline route since the last approval and the new plans are now showing the dry utility routes. All of which does not have impacts to SWM. We are hoping to be able to submit the preliminary plan amendment on Monday once we receive your feedback.

Let me know if you have any questions.

Thank you,

Kyle Hughes, PE, MBA
Project Manager



MHG

CIVIL ENGINEERING
LAND SURVEYING
LANDSCAPE ARCHITECTURE
LAND PLANNING

9220 Wightman Road, Suite 120
Montgomery Village, MD 20886
Mobile: 240.732.3046 (preferred)
Office: 301.670.0840
Email: Khughes@MHGPA.com
www.mhgpa.com

I will be out of the office from 8/4, returning July 8/8.

From: Kyle Hughes
Sent: Sunday, August 3, 2025 3:28 PM
To: Etheridge, Mark <mark.etheridge@montgomerycountymd.gov>
Subject: FW: MC Humane Society Campus Preliminary Subdivision Plan (120190100) - Extension

Hi Mark,

I am writing to you today regarding the Montgomery County Humane Society (MCHS) Campus project. We are currently in the process of filing a Preliminary Plan Amendment application to reinstate our previously approved plan (No. 120190100), which has expired. The goal is to extend the validity period while making only minor site adjustments around the existing buildings.

Please see below and attached for an email from Matthew Folden at M-NCPPC confirming this is the extent of the amendment.

The checklist indicates that a stormwater concept receipt is required for the submission. However, as this project is a reinstatement with no proposed changes to the approved stormwater management design, we believe it should be exempt from needing a new SWM concept. The previously approved SWM concept for this project is SM File # 284343.

We do not anticipate any impacts on the SWM facilities from this reinstatement. Could you please review this request and provide a note or letter stating that a new SWM concept is not required for this Preliminary Plan Amendment if you agree?

We believe any minor adjustments can be incorporated during the final SWM plan review.

Thank you for your time and consideration. I've attached the previous SWM concept approval. Let me know if you need anything else for this request.

Thank you,

Kyle Hughes, PE, MBA
Project Manager



MHG

CIVIL ENGINEERING
LAND SURVEYING
LANDSCAPE ARCHITECTURE
LAND PLANNING

9220 Wightman Road, Suite 120

Tettelbaum, Emily

From: Whelan, William <William.Whelan@montgomerycountymd.gov>
Sent: Monday, March 2, 2026 8:21 AM
To: Tettelbaum, Emily
Subject: RE: Montgomery County Humane Society Campus No. 12019010A

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

Hi Emily,

Yes, you are correct. DOT has no comments for this amendment.

Thank you,

Billy Whelan, PE
Engineer III
Department of Transportation
Development Review Team
101 Monroe Street, 10th Floor
Rockville, MD 20850
240-777-2173 office
240-507-8504 cell

*******Please see the link below for new application process*******

<https://www.montgomerycountymd.gov/dot-dir/Resources/Files/DevRevApplication.pdf>

From: Tettelbaum, Emily <Emily.Tettelbaum@montgomeryplanning.org>
Sent: Friday, February 27, 2026 3:54 PM
To: Whelan, William <William.Whelan@montgomerycountymd.gov>
Subject: Montgomery County Humane Society Campus No. 12019010A

[EXTERNAL EMAIL]

Hi Billy,

Could you please confirm that you have no comments on the new APF request for the Montgomery County Humane Society Campus, Preliminary Plan Amendment No. 12019010A. No changes are proposed to the access or frontage improvements.

Thank you,
Emily



Emily Tettelbaum

Planner IV, East County Planning Division
Montgomery County Planning Department
2425 Reddie Drive, Floor 14, Wheaton, MD 20902
emily.tettelbaum@montgomeryplanning.org
o: 301-495-4569

