

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

MARCH 27, 2026

MCPB No. 26-16
Preliminary Plan Amendment No. 12019010A
Montgomery County Humane Society Campus
Date of Hearing: March 12, 2026

RESOLUTION

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

WHEREAS, on November 4, 2020, the Planning Board, by Resolution MCPB No. 20-113, approved Preliminary Plan No. 120190100, creating one 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, on October 21, 2025, (“Applicant”) filed an application for approval of an amendment to the previously approved preliminary plan 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 on the Subject Property; and

WHEREAS, Applicant’s application to amend the preliminary plan was designated Preliminary Plan Amendment No. 12019010A, Montgomery County Humane Society Campus (“Preliminary Plan,” “Amendment,” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20260090; 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 March 2, 2026, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on March 12, 2026, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Linden, Commissioners Bartley, Hedrick and Pedoeem voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan Amendment No. 12019010A 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 by modifying previously approved Condition Nos. 3, 7, and 23, removing Condition Nos. 8-12 from the preliminary plan and including them in the accompanying Forest Conservation Plan No. F20260090, and adding Condition No. 26 as follows:¹

Modified Conditions

3. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for 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).
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 March 2, 2026, 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.
23. The Applicant must show the following prior to the 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.

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.

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

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

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

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

- 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 the data table below. The development standards have been updated to reflect the flexibility that is typically allowed for Preliminary Plans, and to correct a minor error in the lot area. Development standards will be finalized at the time of building permit.

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

Development Standard	Permitted/ Required	Previously Approved	Approved By Amendment No. 12019010A
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%

Development Standard	Permitted/ Required	Previously Approved	Approved By Amendment No. 12019010A
Minimum Principle Building setbacks			
Front (Georgia Ave)	25 ft	Existing building- 46 ft Animal Care- ±90 ft	≥ 25 ft *
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 *

¹ Correction 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 right-of-way 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 Property 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 will 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 the Institute of Traffic Engineers (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 below.

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 (SOJ) that included the reasons to support the reinstatement and extension request, primarily due to hardships for the Montgomery County Humane Society (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 those who care for that population.

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 the Planning Board hereby approves 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, as previously indicated, an unprecedented event beyond the Applicant's control.

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 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, as indicated in its SOJ.

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 the Planning Board approves 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 mailed a notice letter to required parties after acceptance of the Application, and Staff mailed a notice of the public hearing. The Application was presented to the Planning Board at 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 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 the Planning Board approves the extension request. This is the minimum amount of time needed to make forward progress on all necessary Planning Board approvals.

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 approved with this Application.

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

This approval is the first extension of the Preliminary Plan validity period.

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 approved, and a phasing schedule for plat recordation is not necessary.

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

MARCH 27, 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 Vice Chair Linden with a vote of 4-0; Chair Harris, Vice Chair Linden, and Commissioners Bartley and Hedrick, voting in favor of the motion, Commissioner Pedoeem being necessarily absent, at its regular meeting held on Thursday, March 26, 2026, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board

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