

**NATIONAL PARK SEMINARY,  
PRELIMINARY PLAN 120050540 REINSTATEMENT REQUEST,  
PRELIMINARY PLAN AMENDMENT 12005054A, & SITE PLAN NO.  
820200050 REGULATORY EXTENSION REQUEST NO.5**

**Description**

Request for reinstatement and validity period extension of expired Preliminary Plan No. 120050540 which was approved on August 10, 2005 and expired on September 10, 2019. Fifth request to extend the review period of Preliminary Plan Amendment No. 12005054A and Site Plan No. 820200050, from December 18, 2025 to March 31, 2027 to allow the Applicant additional time to resolve comments from reviewing agencies.

Staff recommends approval for the requested Preliminary Plan Reinstatement and approval of the extension request for the Preliminary Plan Amendment and Site Plan.

COMPLETED: 12/8/2025

PLANNING BOARD HEARING DATE: 12/18/2025

MCPB ITEM NO. 5

## Planning Staff



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### Summary

- Section 50-4.2.H.2.b of the Subdivision Regulations provides that 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.
- Section 50-4.1.E of the Subdivision Regulations provides a 120-day review period for Preliminary Plan hearings. Section 59-7.3.4.C of the Zoning Ordinance provides a 120-day review period for Site Plan hearings. The Planning Board may, however, extend the review periods.
- Following approval of the Preliminary Plan 120050540 in 2005, the Applications for Preliminary Plan Amendment No. 12005054A, Site Plan No. 820200050, and FCP No. 82005024H were submitted by the Applicant in 2019 but were not accepted as complete and ready for review until April 2023.
- Delays associated with the amendment submittal resulted in the expiration of the Preliminary Plan Validity Period on September 10, 2019 followed by expiration of the APF Validity on September 10, 2023 while the project was under review.
- Following a hearing with the Planning Board on October 2, 2025, the Applicant was instructed to demonstrate substantial progress on resolving agency comments and to request extension of the review period and reinstatement of the Preliminary Plan for review by the Board.
- Accordingly, the Applicant now requests reinstatement of the Preliminary Plan and extension of the Preliminary Plan Amendment and Site Plan. Staff Recommends approval of the request for reinstatement and regulatory extension requests.

#### LOCATION/ADDRESS

740 feet north of the intersection of Smith Drive and Linden Lane

#### MASTER PLAN

*2000 North and West Silver Spring Master Plan*

#### ZONE

PD-15

#### PROPERTY SIZE

32.18 acres

#### APPLICANT

Manova Corporation

#### ACCEPTANCE DATE

April 5, 2023

#### REVIEW BASIS

Chapter 50, 59, & Chapter 22A

## SECTION 1: EXECUTIVE SUMMARY

The Planning Board approved Preliminary Plan No. 120050540 for National Park Seminary in 2005. In 2019, the Applicant made the initial submission for Preliminary Plan Amendment 12005054A, Site Plan 820200050, and FCP No. 82005024H, but due to numerous missing or incomplete elements the applications were not accepted as complete until April 2023.

A Development Review Committee (DRC) meeting was held for the three Applications on April 25, 2023, with numerous significant issues identified for resolution. After several extensions of the review periods, the DRC issues have yet to be resolved. Further, during Staff's regulatory review of resubmitted application materials, it was discovered that the Preliminary Plan Validity Period and Adequate Public Facilities (APF) Validity Period both expired during the course of review.

At a Planning Board hearing on October 2, 2025 the Applicant requested an additional extension of the review period. Noting that the plan and its APF validity periods had expired, the Planning Board extended the review period to December 18, 2025, to allow the Applicant to demonstrate good-faith progress towards addressing the outstanding DRC issues – including Historic Preservation Commission (HPC) Preliminary Consultation Review – and apply to have the Preliminary Plan reinstated and the review period extended.

Staff provided the applicant with a list of elements to be resubmitted – including HPC Preliminary Consultation. The Applicant has provided the requested materials and presented to the HPC and now requests reinstatement of Preliminary Plan 120050540, and an extension of the Validity Period for Preliminary Plan 120050540. If granted, this approval will enable the Applicant to apply for an amendment to the previously approved Preliminary Plan in accordance with Chapter 50 Subdivision Regulations. Concurrently, the Applicant also requests an extension of the regulatory review periods for the Preliminary Plan Amendment and the Site Plan, from December 18, 2025 to March 31, 2027 in order to continue the plan review and resolve any new or remaining plan comments.

Staff recommends approval of the reinstatement and extension of validity period of Preliminary Plan 120050540 and approval of the regulatory extension request for the Preliminary Plan Amendment and the Site Plan. The Adequate Public Facilities finding will be made with the approval of those plans.

## SECTION 2: PRELIMINARY PLAN FINDINGS

Preliminary Plan No. 120050540 Validity Period

### Section 50.4.2.H.2.b, Reinstatement of Preliminary Plan

#### **2. Effect of failure to submit a timely extension request.**

- a. 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.*
- b. 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 Applicant's Preliminary Plan validity period has expired. Accordingly, the Applicant proposes to update the APF requirements with future resubmittals as part of the regulatory review for Preliminary Plan Amendment 12005054A and Site Plan 820200050. The Applicant currently requests the Planning Board reinstate the Preliminary Plan 120050540.

The Applicant submitted applications for Preliminary Plan Amendment, Site Plan, and Forest Conservation Plan Amendment in 2019. As noted above, the applications underwent a lengthy intake review process due to the complexities of the site and required components of the review including coordination with the Maryland Historic Trust due to the historic designation of the site. This review extended into the onset of the Covid-19 pandemic in 2020, which added to the Applicant's delay in advancing the project as the development industry grappled with challenges related to construction cost, construction material availability, and financing.

There were and continue to be significant and long-lasting economic difficulties in the aftermath of the pandemic including market uncertainty and rising interest rates which have slowed the realization of this development.

In addition to the financial realities of the project, the Applicant continues to work towards resolving challenges related to the unique, existing architectural character and environmental setting of the site which requires detailed planning and review in order to satisfy the various requirements including Forest Conservation Law and environmental guidelines, site access, and stormwater management within the historic property.

Following the October 2, 2025 Planning Board Hearing, the Applicant has coordinated with Planning Staff to make efforts to resolve plan comments and demonstrate progress towards eventual plan approval. In support of the request for reinstatement, the Applicant has updated their Forest Conservation Plan, completed traffic counts and Site Distance Analysis, and updated their Statement of Justification.

In addition, the Historic Preservation Commission (HPC) held a Preliminary Consultation for the proposed development at the National Park Seminary on Wednesday, November 12, 2025. The Commissioners were uniformly supportive of the project and expressed enthusiasm for its objectives, including the rehabilitation of the last two vacant buildings within the National Park Seminary Historic District.

Although Commissioner feedback was limited by the level of detail provided, as the applicant did not submit information on current building conditions or the specific scope of rehabilitation and new construction work, the Commission provided substantive comments for the Applicant to include in their overall goal of resubmitting plans for future regulatory approval. Historic Preservation staff also encouraged the applicant to meet with the Maryland Historical Trust prior to submitting materials for a subsequent Preliminary Consultation, in order to clarify the status of the overall proposal and identify any revisions needed to satisfy the requirements of the easement committee.

While further revisions remain necessary for approval, Staff recognizes the Applicant's progress and recommends approval of the request for plan reinstatement.

### **Section 50-4.2.H.3, Extension of Plan Validity Period**

#### **H. Extension of plan validity period.**

##### **3. Grounds for extension.**

##### **a. The Board may only grant a request to extend the validity period of a preliminary plan if the Board finds that:**

*ii. 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.*

The Applicant notes that significant events impaired the ability to validate the plan and hampered the progress of the project. The significant financial investment required for developing the required plans and documents needed to

validate the plans and for advancing the project require a stable economy and environment. The complex elements of this project require significant effort, plan preparation, and coordination with Planning Staff as well as staff from various other agencies, to resolve. These elements include significant environmental features, such as stream buffers, existing forest areas, and steep slopes. Additionally, the historic easement and structures that are situated on this site require significant amount of plan and document preparation, as well as review by state and county agencies.

The Applicant has submitted updated materials to address environmental, Forest Conservation, Historic Preservation, transportation adequate public facilities information and more to demonstrate good faith progress towards addressing outstanding issues.

Denying the extension would result in undue hardship to the Applicant, invalidating multi-year efforts to bring forth an otherwise approved complex redevelopment project on the Property.

#### ***4. Planning Board considerations for extension.***

- a. 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**

The Applicant continues to coordinate with Planning Staff and reviewing agencies to revise submitted plans to meet all applicable zoning and subdivision requirements.

#### ***5. Planning Board Action.***

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

In addition to construction phasing, described below, the Applicant proposes to adhere resolve all outstanding issues for the project, including forest conservation, architectural design, site layout/access, and conclude review by the Maryland Historic Trust (MHT) and Montgomery County Historic Commission by September 30, 2026. The Applicant then proposes to certify all plans with the Planning Department by October 30, 2026 and finalize the record plat by March 2027.

- c. **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.**
- d. **An applicant may request, and the Board may approve, more than one extension.**
- e. **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.**

#### **Section 50-4.1.C.9.b, Phasing Schedule**

*Where the subdivider proposes a phased project that will cumulatively exceed the minimum validity periods under Sections 4.2.G.2.a and 4.3.J.5.a, the applicant must submit a recording and construction phasing schedule as part of the preliminary plan for approval by the Board. The schedule must indicate the portions of the preliminary plan for which record plats and building permits will be obtained during each of the proposed phases, up to the expiration of the maximum adequate public facilities validity period under Section 4.3.J.5.a.*

If reinstatement and extension of the plan is approved, the Applicant proposes to complete the second phase of the project within 6 years, according to the following schedule:

- 1. Townhouse Section Construction - 3.5 Years (June 2029)**
- 2. Villa Building Addition (proposed condominium units)- 4 Years (December 2029)**
- 3. Castle rehabilitation (Proposed single family unit) - 5 Years (December 2030)**
- 4. Existing Villa Building rehabilitation (proposed condominium units) – 6 years (December 2031)**

### SECTION 3: REGULATORY EXTENSION REQUEST

Section 50.4.1.E of the Subdivision Regulations provides a 120-day review period for Preliminary Plan hearings. Section 59.7.3.4.C of the Zoning Ordinance provides a 120-day review period for Site Plan hearings. The Planning Board may, however, extend the review periods.

The Applications for Preliminary Plan No. 12005054A and Site Plan No. 820200050 were accepted on April 5, 2023. The application for FCP No. 82005024H was accepted on April 6, 2023. The original 120-day regulatory review period expiration was August 23, 2023. A Development Review Committee (DRC) meeting was held for this Application on April 25, 2023, with a subsequent resubmittal due on May 10, 2023. On July 13, 2023, the Planning Board approved a six-month extension of the review period to February 29, 2024, and a one-year extension to February 27, 2025. The Applicant was granted a third extension request, for an additional eight-month extension of the review period to October 23, 2025, on January 30, 2025.

At the regulatory hearing for the Subject Applications, scheduled for October 23, 2025, the Planning Board heard the Applicant's request for additional time and requested the Applicant coordinate with Planning Staff to demonstrate good-faith progress towards addressing the outstanding DRC issues and plan for reinstatement of the Preliminary Plan.

The Applicant now requests a 15-month extension of the regulatory review period, through March 31, 2027, to continue to work with Planning Staff to resolve all outstanding issues and meet the deadlines toward plan approval as outlined in the project schedule discussed herein.

The Planning Board hearing on the application may take place before the end of the review period and will be publicly noticed in accordance with the Zoning Ordinance.

Staff recommends APPROVAL of the extension request.

#### Attachment:

- A. Applicant's Regulatory Extension Request