



Meridian at Grosvenor Village, Limited Site Plan Amendment 82000006D

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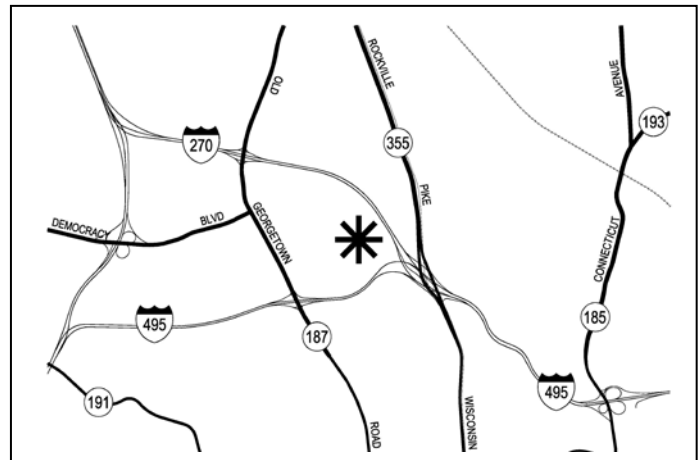
Khalid Afzal, Acting Chief, Area 2 Division, [Khalid.afzal@montgomeryplanning.org](mailto:Khalid.afzal@montgomeryplanning.org), 301.495.4650

Completed: 3-24-17

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Description

- Request to amend the Site Plan to reconfigure one of the courtyards and seating area to accommodate a multipurpose play surface;
- Location: 5230 Tuckerman Lane;
- Subject Property: Parcel F of the Meridian at Grosvenor Village, 30 acres, PD-25 Zone, in the North Bethesda / Garrett Park Master Plan area;
- Applicant: Grosvenor Station Development II, LLC. C/O Paradigm Management LP;
- Application Accepted: 12/13/16;
- Application Modified: 3/10/17.



Summary

- Staff recommends **approval** of the Site Plan Amendment with conditions.
- Pursuant to Section 7.8.A, the application is being reviewed under the standards and procedures of the Zoning Ordinance in effect on October 30, 2014.
- Community members have contacted Staff with concerns regarding noise and the potential installation of playground equipment.

## RECOMMENDATION

Staff recommends approval of the Site Plan Amendment No. 82000006D to modify the existing courtyard and seating area to accommodate a multipurpose play surface. All previous findings and conditions of approval remain in effect, except as modified herein:

1. Prior to any disturbance within the courtyard, the Applicant must obtain approval of a Certified Site Plan.
2. Prior to Certified Site Plan approval, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:
  - a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount;
  - b. The cost estimate must include applicable Site Plan elements, including, but not limited to site furniture, fences, gates, landscaping, planters and a multipurpose play surface;
  - c. The surety must be posted before approval of the Certified Site Plan;
  - d. The bond or surety must be tied to the Certified Site Plan, and completion of all improvements covered by the surety will be followed by a site plan completion inspection; and
  - e. The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.
3. The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, the poured in place rubber multipurpose play area surface, benches, gates and fences within the courtyard.
4. Certified Site Plan  
Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:
  - a. Include the Site Plan Amendment resolution, and other applicable resolutions in the Certified Site Plan set;
  - b. Modify data tables to reflect development standards approved by the Planning Board;
  - c. Modify the Site and Landscape plans to document the approved modifications; and
  - d. Ensure consistency of all details and layout between Site and Landscape plans.

## SITE DESCRIPTION

The site is located at 5230 Tuckerman Lane, Parcel F of the Meridian at Grosvenor Village, within the North Bethesda/Garrett Park Master Plan area. It is zoned PD-25 and is bordered by Grosvenor Station to the north, Tuckerman Lane to the east, the Avalon at Grosvenor Station to the south and Strathmore Hall Street to the west. The area of the proposed amendment is a courtyard space located south of the existing mixed-use building known as the Meridian at Grosvenor Station, with frontage on Strathmore Hall Street. The Grosvenor-Strathmore Metrorail Station and associated parking facilities are located immediately north of the site.

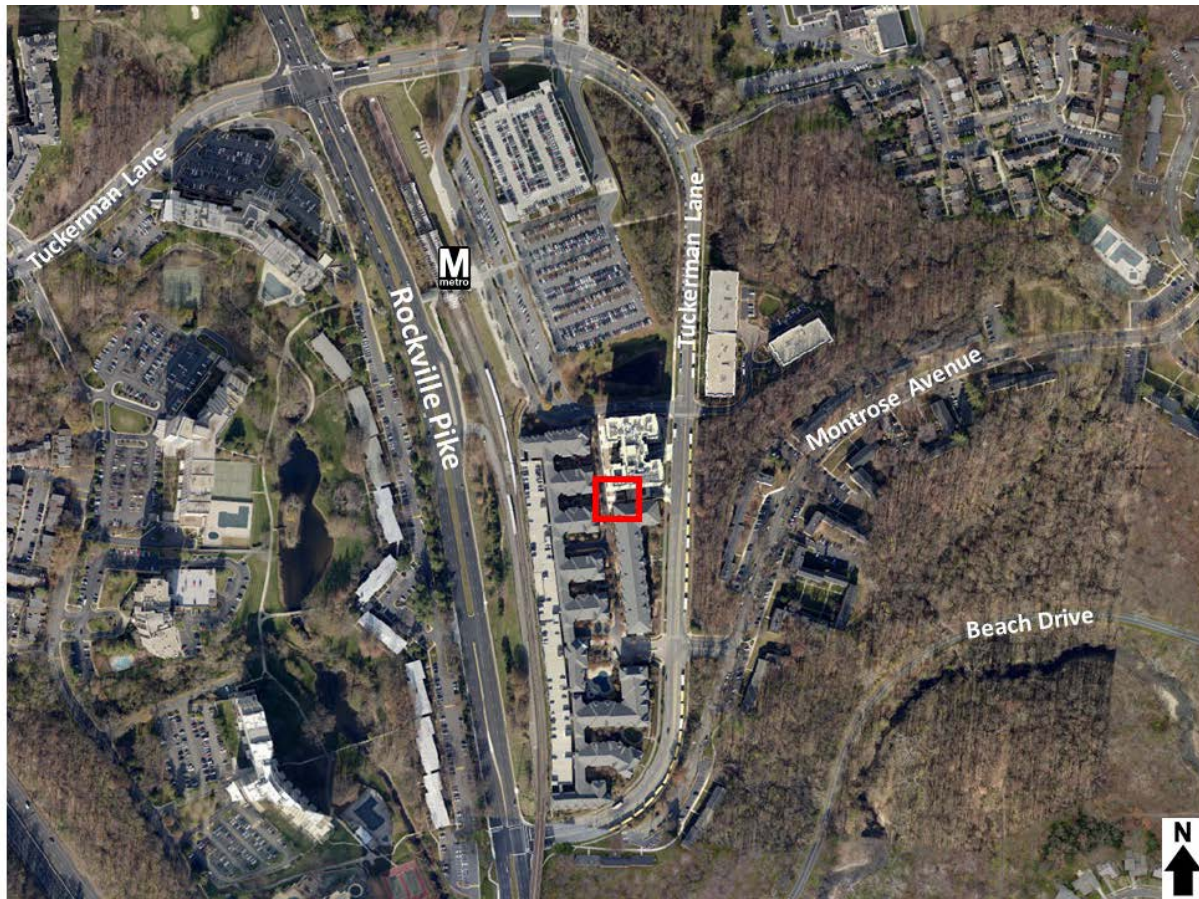


Figure 1: Vicinity Map

## PROJECT DESCRIPTION

### Background

#### Zoning Map Amendment

On October 27, 1998, the County Council approved the rezoning of the property from the R-60 Zone to the PD-25 Zone by Zoning Map Amendment G-768. As part of the rezoning, the Council approved the Development Plan which proposed 860 multifamily units, including 110 Moderately Priced Dwelling Units (MPDUs) and 8,600 square feet of ancillary use.

#### Preliminary Plan

On June 24, 1999, the Planning Board approved Preliminary Plan No. 119990760 for a total of 860 multifamily dwelling units and 8,600 square feet of ancillary retail uses.

#### Site Plan

On November 18, 1999, the Planning Board approved Site Plan No. 820000060 for 860 multifamily dwelling units and 8,600 square feet of retail space. Since the original approval, the site plan has been amended through administrative approval processes and limited site plan amendments. These amendments include:

- Administrative Site Plan Amendment approved in June 2002, to relocate the required retail from Building 3 to Building 5 within the Grosvenor Village site.
- Amendment No. 82000006A approved by the Planning Board on July 15, 2004, for site design alterations, which improved pedestrian amenities adjacent to Building 5 at the southwest corner of Tuckerman Lane and Grosvenor Station. The amendment also included an alternative compliance agreement for the MPDUs which reduced the number of on-site MPDUs for a fee-in-lieu payment to the Department of Housing and Community Affairs. (The relocation of the retail from Building 3 to Building 5, approved administratively in June 2002, was also referenced in the Site Plan 82000006A application materials.)
- Site Plan Amendment No. 82000006B approved by the Planning Board on September 6, 2007, for the following alterations to Building 5: a Parking Waiver and a reduction in the previously approved parking; revision of the quantity and type of MPDUs; reduction of the proposed building height; provision of a rooftop swimming pool and amenity deck area; clarification of setbacks; and revisions to the landscape plans.
- Administrative Site Plan Amendment No. 82000006C, on March 11, 2010, for the following modifications: addition of a monumental sign for the property; revision to the courtyard light fixtures, benches, and landscaping; reduction in paver area to accommodate electrical vaults; elimination of mid-block connections to better direct pedestrians to crosswalks; replacement of retail door with storefront; and reduction of the pool deck parapet wall and addition of ornamental railings.

### **Proposed Child Day Care Facility**

Currently, a portion of the ancillary retail is occupied by a convenience store, a dentist and an accountant, but the remaining square footage has been vacant since the building's initial occupancy in 2009. The applicant intends to occupy the vacant square footage with a child day care facility of approximately 50 children between the ages of six weeks and five years, with up to 15 employees.

The Applicant originally filed a preliminary plan and a site plan amendment application to seek approval of the proposed day care. However, since then, the Montgomery County Department of Permitting Services (DPS) issued a building permit for the child day care facility. Based on the DPS's determination that the child day care facility is a permitted use in the zone and the issuance of the building permit, the Applicant has revised the Site Plan Amendment application, and intends to withdraw the Preliminary Plan amendment application upon approval of the revised Site Plan amendment.

### **Proposal**

This application will modify the existing courtyard located between the Meridian at Grosvenor Station and the Avalon at Grosvenor Station. The existing courtyard includes a lawn area, plantings, pavers, a wood trellis and seating. The proposed amendment will reconfigure the courtyard to accommodate a multipurpose play surface and benches, while landscaped planters and an ornamental fence will frame the space. The modified courtyard will remain publicly accessible.



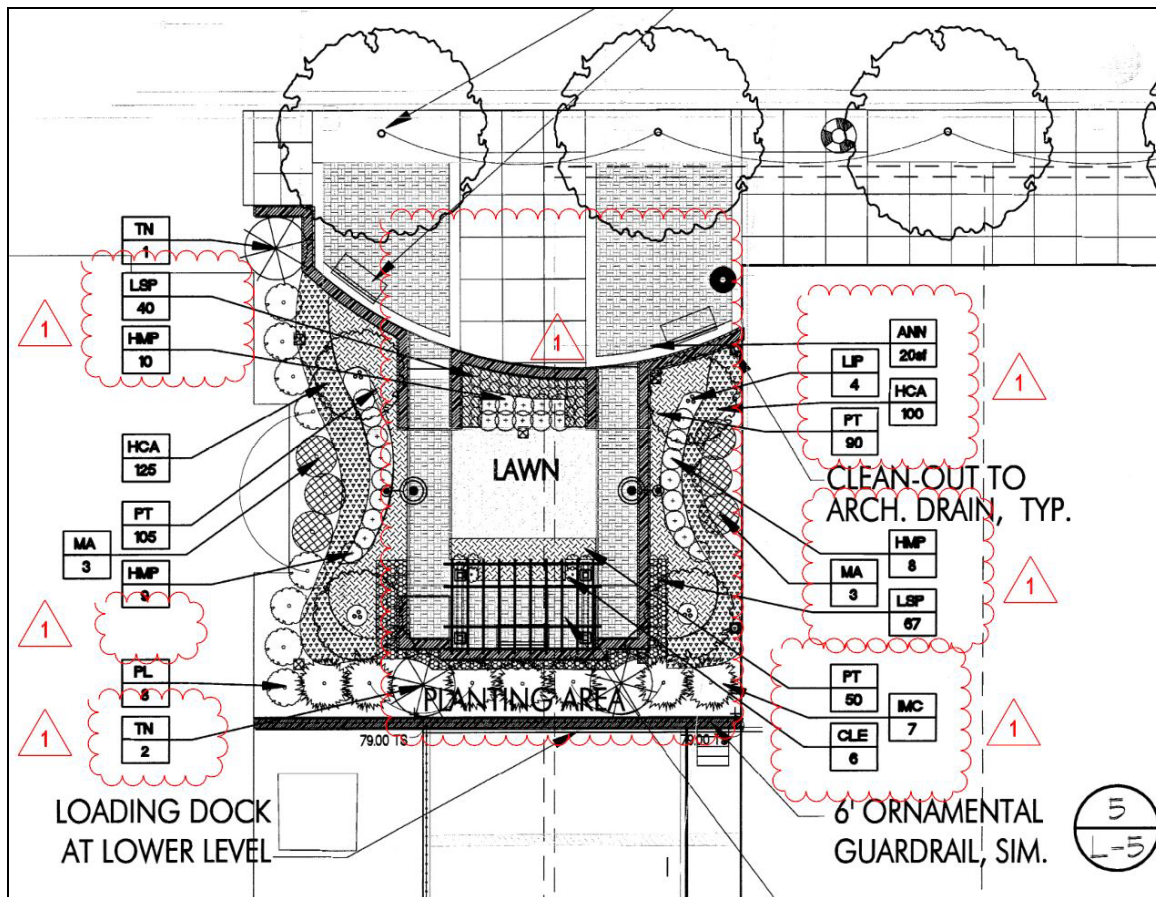


Figure 2: Existing Courtyard

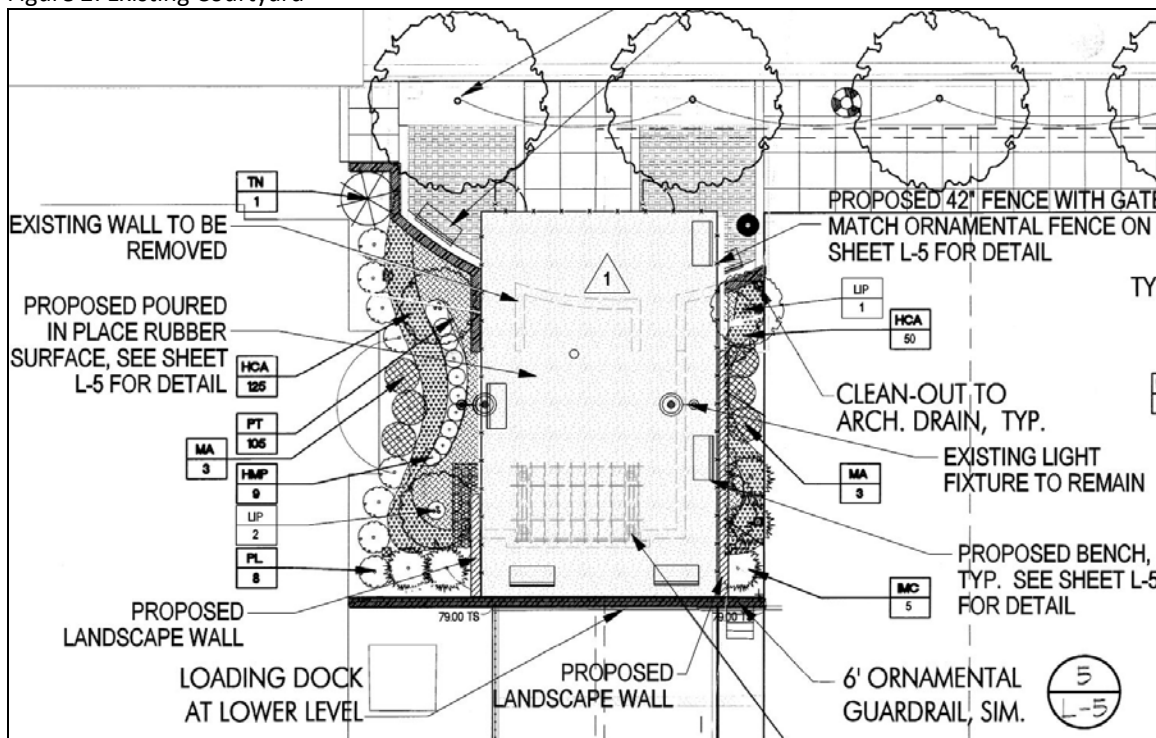


Figure 3: Proposed Courtyard

## COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and pre-submission meeting requirements.

On January 12, 2017, an adjacent resident contacted Staff to express concern with the potential for internal noise from the proposed day care use. Staff notified the applicant of the concern and requested additional information to evaluate the potential for noise between the shared wall of the proposed day care and any adjacent residential units.

The applicant submitted a revised Statement of Justification on January 17 that included information on the existing building features which were constructed to prevent noise distribution. The Statement of Justification clarified that demising walls between the proposed child day care facility and the adjacent residential units are “two-hour fire rated walls with two layers of gypsum wall board on each side of a 2 ½-inch metal stud filled with 2 ½ inches of batt insulation.” Likewise, the ceiling above and below the space are 7 ½-inch thick concrete slabs with post-tensioned cables. The Montgomery County Department of Environmental Protection, the agency responsible for enforcing the County Noise Law, cannot confirm that these construction features will prevent all noise distribution. As the County Noise Law measures decibel levels at property lines, the noise distribution between the proposed day care space and the adjacent residential unit is the responsibility of the property owner.

Based on the noise concerns of the adjoining resident, the Applicant scheduled a meeting with the Meridian at Grosvenor Station residents to address these concerns, discuss the reconfiguration of the existing courtyard, and answer any other questions of existing residents. The meeting was held on February 6 at 6:00 p.m. and was attended by approximately twenty residents.

The Applicant’s final revised Statement of Justification, submitted on March 10 (dated March 8) stated that the Applicant has agreed to add additional soundproofing and thicken the demising walls between the child day care facility and the adjacent residential units to address noise concerns.

Another resident contacted Staff on February 12 to express concern with the installation of playground equipment in the courtyard. The resident noted that the proposed playground equipment will create nuisance behavior, including noise, loitering and littering by non-residents. As clarified in the revised Statement of Justification, dated March 8, the play equipment originally proposed in the courtyard has been eliminated, and the applicant is now requesting approval for the installation of a multipurpose play surface, seating, landscaping, and an ornamental fence, rather than playground equipment.

The existing courtyard is publicly accessible and provides an opportunity for residents, visitors and passersby to enjoy the passive open space. As nuisance behavior including noise, loitering and littering do not appear to be problems in the existing courtyard space, it is unlikely that the conversion of the lawn and planters to a play surface will generate such behavior. The proposed multipurpose play surface provides an alternative to the landscaped plazas within the Grosvenor Village community, as it provides a play surface for all children and community members to enjoy, not just the children enrolled in the day care center.

## **FINDINGS AND RECOMMENDATION**

The proposed Site Plan Amendment does not alter the intent, objectives or requirements of the original site plan approval. Staff recommends approval of the Site Plan Amendment No. 82000006D with the conditions listed at the beginning of this report. All other findings and conditions of Site Plan No. 820000060, and subsequent amendments as amended, remain in effect.

## **ATTACHMENT**

1. Correspondence received

# ATTACHMENT 1

**From:** John Harry [<mailto:johnharry2998928827@gmail.com>]

**Sent:** Sunday, February 12, 2017 7:45 PM

**To:** MCP-CR <[mcp-cr@mncppc-mc.org](mailto:mcp-cr@mncppc-mc.org)>

**Subject:** Comments for Planning Board Re: Grosvenor Village - Parcel F, Site Plan Number: 82000006D

Dear Montgomery Planning Board:

I am writing in regard to proposal Grosvenor Village - Parcel F, Site Plan Number: 82000006D.

This proposal concerns the installation of playground equipment in a very small lot located within a quiet residential condo/apartment complex adjacent to a metro stop. I am a resident in the building adjacent to the proposed site (10301 Strathmore Hall Street), and would like to voice my opposition to this plan, for the following reasons.

1. Inadequate infrastructure. This area is simply not suited to a playground for children. It is located on a road with significant through traffic, and separated from the road only by a sidewalk. In addition to the risk posed to the children who would use the playground, it creates a risk as well for the residents (risk of kids running out into the street in front of our cars). This is the main road that is used to access the complex.
2. Legal liability for injury. From a legal point of view, I do not see how unsupervised playground equipment in this location will not constitute an attractive nuisance, and it is not clear to me where the legal liability (which could be significant) would lie, and whether it could be passed on as an assessment to owners and renters in the adjacent building, should there be an event.
3. Disturbance to the peace. The lot is located within a very quiet residential apartment complex. Many of the residents chose to live in this complex precisely because it is quiet. It is not clear to me how any potential nuisance that may result will be regulated, particularly for those who have windows that abut the lot, and how those affected will be compensated.
4. Access by non-residents, loitering and crime. Given there is no stated plan for 24/7 supervision of the playground, I am seriously concerned with loitering of non-residents (ie teenagers, etc), particularly given its location next to a metro stop. My specific concern would be that this could turn into an attractive hang-out spot for individuals other than the toddlers it is intended for and result in increased crime in the area. Who is going to patrol the area at night if there are kids drinking there, etc?
5. Garbage and littering. It is not clear to me who will be responsible for keeping the proposed playground clean.
6. Effect on traffic. There are effective traffic problems already with cars parking for pick up ("Kiss and Go" parking) on the relatively narrow Strathmore Hall Street. This may be exacerbated by associated pickup and drop off activity with the proposed playground.



Thank you very much.

Sincerely,  
A Concerned Resident