



PLANNING DIRECTOR DECISION

Limited Departures and Revisions to Approved Plans

Application No: ROSP SE-2576/01

Project Name: Cherry Glenn Condominiums

Reviewer's Name: Catherine H. Wallace, Planner Coordinator

A. Nature of the Applicant's Request:

The applicant is proposing to install a new five-foot high fence with landscaping and 2 six-foot-high brick entrance signs along Cherry Hill Road at the above-referenced condominium apartment complex. A new one-way exit lane is also proposed. The new improvements are required due to the widening of Cherry Hill Road by the State Highway Administration.

The property has an approved special exception (SE-2576, granted in 1971) to permit an increase in the percentage of two- and three-bedroom apartments. The addition of the proposed improvements require a revision to the approved special exception site plan.

B. Required Findings

Section 27-325 (c). Limited Minor Changes, Planning Director.

- (1) The Planning Director is authorized to approve minor changes administratively, without public hearing, in cases listed in (b), but only if the proposed minor changes are limited in scope and nature, including an increase in gross floor area or land covered by a structure other than a building up to ten percent (10%). The Director shall deny any administrative approval request proposing site plan changes which will have a significant impact on adjacent property.**
- (2) Before approving a minor change, the Director shall make all findings the Planning Board would be required to make, if it reviewed the application.**
- (3) The Director is not authorized to waive requirements in this Subtitle, grant variances, or modify conditions, considerations, or other requirements imposed by the Planning Board or District Council in any case.**
- (4) The applicant's property shall be posted within ten (10) days of the Director's acceptance of filing of the application. Posting shall be in accordance with Part 3, Division 1. On and after the first day of posting, the application may not be amended.**

- (5) **The Director may waive posting after determining, in writing, that the proposed minor change is so limited in scope and nature that it will have no appreciable impact on adjacent property.**
- (6) **If posting is waived or a written request for public hearing is not submitted within the posted time period, then the Director may act on the application. The Director's approval concludes all proceedings.**
- (7) **If the Director denies the application or a timely hearing request is submitted, then the application shall be treated as re-filed on the date of that event. The applicant, Director, and Technical Staff shall then follow the procedures for Planning Board review in (a) above.**

Sec. 27-317. Required Findings.

- (a) **A Special Exception may be approved if:**
 - (1) **The proposed use and site plan are in harmony with the purpose of this Subtitle;**
 - (2) **The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;**
 - (3) **The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;**
 - (4) **The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;**
 - (5) **The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and**
 - (6) **The proposed site plan is in conformance with an approved Tree Conservation Plan.**

C. Determinations:

- 1. The subject property is a rectangular-shaped parcel, about 15.5 acres in size, which is developed with 314 condominium apartments located in six buildings. It is in the R-18 Zone and is surrounded by the following uses:
 - North – The Maryland Farms Apartments in the R-18 Zone
 - East – Single-family detached residences in the R-R Zone and a gas station in the C-S-C Zone
 - South – An entrance driveway to the U.S. Naval Ordinance Laboratory in the R-O-S Zone and single-family detached dwellings in the R-80 Zone
 - West – The U.S. Naval Ordinance Laboratory in the R-O-S Zone

2. The Director has approved the waiver of the posting requirement due to the limited scope and nature of the proposed improvements, upon the recommendation of the Supervisor of the Zoning Section.
3. The proposed revision meets the criteria for a limited minor change approvable by the Planning Director. The proposed changes are minor in scope and nature. The increase in land area covered by structures other than a building is less than 10 percent. The approved site plans for SE-2576 show 155,901 square feet of land covered by structures other than buildings, and the proposed gateway signs and fences will cover approximately 125 square feet of land. The proposed changes will have no appreciable effect on adjacent properties. The proposed improvements will be compatible with the apartment complex and surrounding development. The proposed fence will be a black-coated steel, estate-type fence with brick pillars. The brick pillars and entrance signs will match the light tan brick on the apartment buildings.
4. The proposed revision conforms to the requirements of the Zoning Ordinance and the conditions of approval of the original special exception.
5. The proposed revision does not alter the previous findings of the District Council with regard to the approved bedroom percentages; nor does it affect the conditions of approval of SE-2576, which are related to the number of occupants in each dwelling unit. These original conditions of approval shall remain in full force and effect as indicated below.
6. The proposed revision includes a landscape plan that meets the requirements of the *Landscape Manual* and will provide appropriate landscaping, including trees and shrubs along the fence and surrounding the entrance signs.
7. A Tree Conservation Plan (TCP) is not required because the property has less than 10,000 square feet of woodland and no trees are affected by the proposed improvements.
8. The proposed revisions will not alter the previous findings of compatibility with the surrounding area, conformance with the regulations of the Zoning Ordinance, or impairment of the Subregion I Master Plan, which recommends multifamily residential uses for this site.

D. **Recommendation:** Based on the above findings, it is recommended that ROSP SE-2576/01 be APPROVED, subject to the following original conditions of approval:

1. One-bedroom apartments shall be occupied by no more than two people, and no children shall be permitted to reside in any one bedroom unit.
2. Two-bedroom apartments shall be occupied by a maximum of four persons, no more than two of whom may be children.

3. Three-bedroom apartments shall be occupied by a maximum of five persons, no more than three of whom may be children.

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APPROVED BY AUTHORITY OF:
Fern V. Piret, Planning Director

By: _____ **Date:** _____
Arie Stouten, AICP, Zoning Supervisor