

Case No. SP-02058/01-C

Applicant: Child Awareness Academy, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 4 - 2007

AN ORDINANCE to amend the use table for the Gateway Arts Development District and approve a detailed site plan, with conditions.

WHEREAS, Application No. SP-02058/01 was filed for two units, unit 2707 and unit 2709, in the Queens Manor Garden Apartments, for a day care and after-care facility, to be called the Child Awareness Academy, on property described as approximately 13.78 acres of land in the R-18/D-D-O Zone, located at the intersection of 27th Street and Queens Chapel Road, known as 4615 27th Street, Mt. Rainier; and

WHEREAS, the Technical Staff reviewed the application and filed recommendations with the Planning Board and District Council; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the Planning Board held a public hearing on the application and filed recommendations with the District Council; and

WHEREAS, having reviewed the record, the District Council has determined that the application should be approved, including a change of the use table for the Gateway Arts Development District and a detailed site plan showing a day care and after-care facility to serve the dwelling units in a multifamily structure on the subject property; and

WHEREAS, to protect adjacent properties and the neighborhood, this rezoning (change of use table) and site plan approval are granted subject to conditions; and

WHEREAS, as the basis for this action, the District Council adopts the Planning Board Resolution No. 07-44, as its findings of fact and conclusions of law.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended by changing the use table for the R-18/D-D-O Zone property that is the subject of Application No. SP-02058/01, to permit a day care center for children on a property greater than five acres, subject to the conditions stated below. The table of uses is amended to show the use as permitted, without a special permit, on the subject property.

SECTION 2. Approval of the change of uses and detailed site plan is subject to the conditions that, prior to certificate approval of DSP-02058/01, the applicant shall make the following revisions:

1. Provide boundary information for the subject property including bearings and distances in accordance with the approved record plat for the property (BB 9 @ 65).
2. Provide the right-of-way width of all the existing streets, including the centerline.
3. Provide the property's building square footage, building dimensions, height, and setbacks for all existing buildings.
4. Provide general notes regarding the site's zoning category, and indicate if any interior/exterior alterations are proposed with this application.
5. Provide correct required parking for the day care center, and total number of parking spaces required and provided for the project.
6. Revise sheets A-1 and sheet 1 of 2 of the landscape plan to show the proposed day care center, and the restriping of the lot as proposed.
7. Provide height and specification of the proposed and existing fencing for the play area, in compliance with Gateway Arts DDOZ fencing requirements.

8. Provide bike racks adjacent to the day care center, in front of the community room.
9. Provide the depth of the mulch and edge treatment specifications for the proposed outdoor playground.
10. A note shall be added to the plans that outdoor play equipment, if provided, shall conform to the requirements of the Americans with Disabilities Act, American Society for Testing and Materials, and Consumer Products Safety Commission standards and recommendations for safety and accessibility.
11. Provide building mounted signage details sheet and specifications, in accordance with the signage standards in the 2004 Prince George's County Gateway Arts District Sector Plan and Sectional Map Amendment.
12. Provide sufficient lighting for the outdoor play area if it is used before or after daylight hours to insure safe operation of the area.
13. Provide a note: "Outdoor play is not permitted outside the hours from 7:00 A.M. to 9:00 P.M."
14. Provide a note: "Occupancy shall be limited to 77 children."

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall become effective on the date of its enactment, and the rezoning approved herein shall become effective when the applicant accepts in writing the conditions in Section 2.

Ordered this 11th day of June, 2007, by the following vote:

In Favor: Council Members Bland, Campos, Dean, Dernoga, Harrington, Knotts, Olson and Turner

Opposed:

Abstained:

Absent: Council Member Exum

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By: _____
Camille A. Exum, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

Case No.: SP-02058/01-C

Applicant: Child Awareness Academy, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

FINAL CONDITIONAL ZONING APPROVAL

AN ORDER to incorporate the applicant's acceptance of conditional rezoning (change of use table) and to grant final conditional zoning approval, with conditions.

WHEREAS, the District Council approved Application No. SP-02058/01-C, to approve with conditions a change of the use table for the Gateway Arts Development District, and a detailed site plan showing a day care and after-care facility to be called the Child Awareness Academy, known as 4615 27th Street, Mt. Rainier; and

WHEREAS, the applicant has duly consented in writing to the conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve the detailed site plan.

IT IS, THEREFORE, ORDERED:

1. Final conditional zoning approval of Application No. SP-02058/01-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

2. Use of the subject property as conditionally approved shall be subject to all requirements in the applicable zones and to the requirements in the conditions referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient grounds for the District

Council to annul the rezoning approved herein; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; or to take any other action deemed necessary to obtain compliance.

3. This Ordinance is effective on July 2, 2007, the date of receipt of the applicant's acceptance of the conditions imposed.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Camille A. Exum
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council