The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Note: *Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.*

Request for Refund of Filing Fees A-10001

Application	**General Data**	
Project Name: Frifer Property	Planning Board Hearing Date:	03/18/10
	Memorandum Date:	03/02/10
Location: South side of Marlboro Pike, 370 feet southeast of the intersection of Walker Mill Road	Date Accepted:	11/28/07
	Planning Board Action Limit:	N/A
	Plan Acreage:	1.212
Applicant/Address: Emile Frifer 5431 Marlboro Pike District Heights, MD 20747	Zone:	R-T
	Gross Floor Area:	N/A
	Lots:	N/A
	Parcels:	N/A
Property Owner: Same	Planning Area:	75A
	Tier:	Developed
	Council District:	07
	Election District	06
	Municipality:	N/A
	200-Scale Base Map:	203SE05

Purpose of Application	**Notice Dates**	
Request for a refund of filing fees for an application seeking a rezoning from the R-T Zone to the C-M Zone.	Informational Mailing	09/18/07
	Acceptance Mailing:	12/17/07
	Sign Posting Deadline:	N/A

Staff Recommendation		**Staff Reviewer: Tom Lockard**	
APPROVAL	**APPROVAL WITH CONDITIONS**	**DISAPPROVAL**	**DISCUSSION**
		X	

March 2, 2010

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Jimi Jones, Zoning Supervisor

FROM: Tom Lockard, Planner Coordinator, Zoning Section

SUBJECT: Zoning Map Amendment A-10001—Request for refund of filing fees
Frifer Property

In a letter dated January 28, 2010, the applicant, Emile Frifer, requested a refund of the application and sign posting fees for the above-captioned zoning map amendment application. The applicant was seeking a rezoning from the Townhouse (R-T) Zone to the Miscellaneous Commercial (C-M) Zone.

Section 27-125.02 of the Zoning Ordinance sets forth the fee structure for specific applications. The applicant was required to file a fee in the amount of $5,230 to process the zoning map amendment application and to cover the cost of one sign. Soon after the acceptance of the application, on January 22, 2008, the District Council initiated the Marlboro Pike Sector Plan and Sectional Map Amendment (SMA). Upon review of the application, staff recognized that they would not be able to recommend favorably on the application, and advised the applicant to have their request considered as part of the master plan and SMA. The Planning Board transmitted the preliminary master plan and SMA on June 9, 2009. Ultimately, the applicant's property was rezoned from the R-T Zone to the C-S-C Zone through the SMA on November 17, 2009. The technical staff report was not initiated and no signs were posted on the property. The case remained active the entire time and was never withdrawn.

Section 27-125.02(m)(4)(A)(iii)(aa) of the Zoning Ordinance provides that the Planning Board may approve a refund if "[a] request to withdraw an application is received in proper form prior to the public release of the Technical Staff Report. In this case, fifty percent (50%) of the filing fee shall be refunded." Subsection (vi)(aa), which pertains to the refund of sign posting fees, states that a refund may be approved if "[t]he application is withdrawn prior to the posting of the sign. In this case, the entire sign posting fee may be refunded."

However, Section 27-125.02(m)(4)(B)(i) of the Zoning Ordinance clearly excludes the refund provisions for **"[a]ny application which is for property within the boundaries of a Sectional Map**

Amendment and the application was pending upon transmittal of the Sectional Map Amendment to the District Council (provided the Sectional Map Amendment is approved by the District Council)." This case was pending on June 9, 2009, the date the SMA was transmitted to the District Council. Therefore, the applicant is not entitled to a refund.

RECOMMENDATION

The Zoning Section staff recommends that the request for a refund of filing fees for Zoning Map Amendment A-10001 be DENIED.