

January 24, 2008

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Cynthia Fenton, Planner Coordinator

SUBJECT: A-9993
District Heights Church of Christ

In a letter dated January 11, 2008, the applicant, Charmayne Clark requested that the above Zoning Map Amendment be withdrawn and the application fee be refunded.

Section 27-125.02 of the Zoning Ordinance sets for the fee structure for the specific applications. The applicant was required to file a fee in the amount of \$5,060 to process a rezoning application and post two signs. Subsequent to the acceptance of the application the applicant received referrals and met with staff. Based on staff's initial comments the applicant decided to pursue another course of action for the church property. The applicant will apply for a Special Exception for the property so that the existing church can be brought into conformance with the appropriate requirements. The Technical Staff Report was not initiated and no signs were posted on the property.

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(vi) (aa) which pertains to the refund of sign posting fees states a refund may be approved if "[t]he application is withdrawn prior to the posting of the sign.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." The appropriate amount which may be refunded to the applicant is \$2,560.00. This represents one-half of the ZMA filing fee of \$5,000 and the entire \$60.00 sign posting fee.

RECOMMENDATION

The Zoning Section staff recommends that the request for the refund for A-9993 be APPROVED in the amount of \$2,560.00.