

October 3, 2007

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Cynthia Fenton, Planner Coordinator

SUBJECT: DSDS 627
Behnke Nurseries

In a letter dated September 21, 2007, the applicant, Michael Behnke requested that the above departure be withdrawn and the application fee of \$2,120.00 be refunded.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 \$2,120.00 to process a Departure from Sign Design Standards and post two signs. Subsequent to the acceptance of the application the applicant met with staff and was able to resolve the issues necessitating the departure. 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(vi) (aa) which pertains to the refund of sign posting fees states a refund may be approved if “[t]he application is withdrawn prior to the posting of the sign.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 \$1,120.00. This represents one-half of the DSDS filing fee of \$2,000 and the entire \$120.00 sign posting fee.

RECOMMENDATION

The Zoning Section staff recommends that the request for the refund for DSDS-627 be APPROVED in the amount of \$1,120.00.