



Note: Staff reports can be accessed at <http://mncppc.igmp2.com/Citizens/Default.aspx>.

Request for a Filing Fee Waiver **DSP-81010-02**

Application	General Data	
Project Name: Glen Ora, Parcel R (Windsor Green Community Center) Location: On the south side of MD 193 (Greenbelt Road), in the southwest quadrant of its intersection with Frankfort Drive. Applicant/Address: Windsor Green Homeowners Association 7474 Frankfort Drive Greenbelt, MD 20770	Planning Board Hearing Date:	07/18/19
	Memorandum Date:	06/26/19
	Date Accepted:	05/09/19
	Planning Board Action Limit:	N/A
	Plan Acreage:	3.32
	Zone:	R-30
	Dwelling Units:	N/A
	Gross Floor Area:	N/A
	Planning Area:	67
	Council District:	04
	Election District:	21
	Municipality:	Greenbelt
200-Scale Base Map:	210NE07	

Purpose of Application	Notice Dates	
Request for a filing fee waiver for an amendment to a detailed site plan.	Informational Mailing:	01/03/19
	Acceptance Mailing:	04/19/19
	Sign Posting Deadline:	06/18/19

Staff Recommendation		Staff Reviewer: N. Andrew Bishop Phone Number: 301-952-4897 Email: Andrew.Bishop@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
			X



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Upper Marlboro, Maryland 20772
www.pgplanning.org

June 26, 2019

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Jill Kosack, Supervisor, Urban Design Section, Development Review Division

FROM: Andrew Bishop, Senior Planner, Urban Design Section, Development Review Division

SUBJECT: Request for a Filing Fee Waiver
Detailed Site Plan DSP-81010-02
Glen Ora, Parcel R (Windsor Green Community Center)

In a letter dated March 11, 2019, the applicant, Windsor Green Homeowners Association, requested a waiver of the filing fee for Detailed Site Plan DSP-81010-02, which is an amendment to construct an 848-square-foot addition to an existing community center and associated site improvements. The amendments included in this DSP do not qualify under Section 27-289(c)(2) of the Prince George's County Zoning Ordinance, for Planning Director approval due to the size of the building addition. Therefore, this amendment was scheduled for a Prince George's County Planning Board hearing, with posting, and a technical staff report has been produced.

The Development Review Fee Schedule sets forth the fee structure for specific applications. In this case, the applicant was required to submit the application filing fee of \$2,180 for the DSP, which includes the \$180 sign posting fee.

Section 27-125.02(m)(4), Fee Regulations, of the Zoning Ordinance provides the requirements for a refund and waiver requests, which can only be approved by the Planning Board, as follows:

- (4) Refunds and waivers.**
 - (A) No part of a fee shall be refunded or waived unless the Planning Board determines that one (1) of the following applies:**
 - (i) The fee was paid by mistake, and the applicant has requested (in writing) a refund.**

- (ii) The application is filed by (or on behalf of) any department or agency of the County, or any municipal, State, or Federal government, except as otherwise provided.
- (iii) Filing fee (original application).
 - (aa) 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.
 - (bb) A request to withdraw an application is received in proper form after the public release of the Technical Staff Report. In this case, twenty-five percent (25%) of the filing fee shall be refunded.
- (iv) An error was made on an approved application through governmental action, and the filing of an additional application is necessary to correct the error. In this case, all fees may be refunded.
- (v) An application is filed and property rezoned because of a clear mistake by a governmental agency in the adoption of a Sectional Map Amendment. In this case, the Council may direct the refunding of all fees.
- (vi) Sign posting fee.
 - (aa) The application is withdrawn prior to the posting of the sign. In this case, the entire sign posting fee shall be refunded.
 - (bb) The application is withdrawn after the posting of the sign(s). In this case no portion of the sign posting fee will be refunded.

This application does not specifically qualify under any of these provisions, as there were no errors, mistakes, or governmental agencies involved. Additionally, the technical staff report has been published, the signs have been posted, and no withdrawal request has been received. However, under Section 27-282, Submittal requirements, of the Zoning Ordinance for a DSP, the fee can be reduced under certain circumstances, as follows:

- (c) Upon filing the Plan, the applicant shall pay to the Planning Board a fee to help defray the costs related to processing the Plan. *The scale of fees shall be determined by the Planning Board*, except that the filing fee for a day care center for children shall not exceed the Special Exception filing fee for a day care center for children as set forth in Section 27-297(b)(1.1). *A fee may be reduced by the Planning Board if it finds that payment of the full amount will cause an undue hardship upon the applicant.*

The applicant has indicated that they are not a large corporation, but a local homeowners association, and payment of the full amount of the fee would be a hardship. They argue that a waiver of the fee would enable them to provide additional landscaping on-site.

In accordance with the above sections of the Zoning Ordinance, the Planning Board has complete discretion in deciding a reduced fee for the application if it finds the full amount will cause undue hardship upon the applicant. Staff recommends that the \$180 sign posting fee not be refunded, as that was required for production of the signs.

RECOMMENDATION

The Urban Design Section recommends that the Planning Board consider the request for a reduced filing fee for Detailed Site Plan DSP-81010-02, Glen Ora, Parcel R (Windsor Green Community Center).