



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

Revision of Site Plan

ROSP-4327-01

Application	General Data	
Project Name: Amara M.L.K. Location: Southwest corner of Martin Luther King Jr. Highway (MD 704) and Goodland Drive. Applicant Address: Amara Properties, LLC. 7303 Hanover Parkway, Suite A Greenbelt, MD 20770 Property Owner: Same as above	Planning Board Hearing Date:	01/10/13
	Memorandum Date:	12/10/12
	Date Accepted:	11/07/12
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.868
	Zone:	C-M
	Gross Floor Area:	1,960 sq. ft.
	Lots:	N/A
	Parcels:	1
	Planning Area:	72
	Tier:	Developed
	Council District:	05
	Election District	13
	Municipality:	City of Glenarden
	200-Scale Base Map:	203NE07

Purpose of Application	Notice Dates	
Request for a refund.	Informational Mailing	11/28/12
	Acceptance Mailing:	11/05/12
	Sign Posting Deadline:	N/A

Staff Recommendation		Staff Reviewer: Taslima Alam Phone Number: 301-952-4976 E-mail: Taslima.Alam@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
X			

December 10, 2012

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Jimi Jones, Zoning Supervisor, Zoning Review Section, Development Review Division

FROM: Taslima Alam, Senior Planner, Zoning Review Section, Development Review Division

SUBJECT: **Request to refund the application filling fee for Revision of Site Plan
Application No. ROSP- 4327-01
Amara M.L.K.**

In a letter dated November 28, 2012, the applicant's attorney, Michele LaRocca, requested that the above revision of site plan application be withdrawn and the application filling fee of \$1,435.00 be refunded in full subject to Section 27-125.02(m)(4)(A)(i) of the Prince George's County Zoning Ordinance. Section 27-125.02(m)(4)(A)(i) states that the Planning Board may approve a refund if "the fee was paid by mistake, and the applicant has requested (in writing) a refund."

Section 27-125.02 sets forth the fee structure for the specific applications. The applicant was required to file a fee in the amount of \$1,435.00 to process a revision of site plan (ROSP) and post signs. The application was initially accepted in May 2012 to be reviewed administratively as **limited minor changes, planning director approval**, for converting three existing service bays into a convenience store. Subsequent to acceptance of the application and staff's initial referral comments, the applicant decided to keep its service bays and expand the existing food and beverage store by 280 square feet in gross floor area (GFA), validate the existing 55-square-foot shed, redesign its parking area, and relocate trash enclosure. Since the proposed GFA was more than ten percent, the plan could no longer be reviewed administratively. Following the new proposals, second referral comments were completed by staff. However, by that time, the legislative requirement for a gas station with a food or beverage store in the Miscellaneous Commercial (CM) Zone changed to require a detailed site plan (DSP) instead of a special exception. Hence, the applicant decided to withdraw the pending application and re-file the request as a DSP. The new requirements are provided through County Council Bill CB-99-2012, which was approved on November 20, 2012 by the County Council and will be effective 45 days from the approval date. The bill states that certain food or beverage stores in the C-M Zone are permitted in combination with a gas station, subject to detailed site plan review, in accordance with Part 3, Division 9, of the Prince George's County Code. Once a DSP application for the subject property is approved, a revision to the special exception will no longer be required. The DSP approval will bring everything 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) 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.” The appropriate amount which may be refunded to the applicant is \$747.50. This represents one-half of the revision of site plan filing fee of \$1,375.00 and the entire \$60.00 sign posting fee.

The applicant contends that, since the withdrawal request is due to the passage of CB-99-2012, payment of the filling fee was a mistake and a full refund of the filling fee must be granted. Staff does not believe the fee was paid by mistake. At the time the application was submitted, the appropriate fee was paid for a revision of site plan which was required at that time. The law, over the passage of time, simply changed. In addition, over a period of six months (May 2012–November 2012), staff dedicated an extensive amount of time reviewing two different site plan proposals in order to originate referral comments. Therefore, staff believes only 50 percent of the application filling fee should be reimbursed.

RECOMMENDATION

The Zoning Review staff recommends that the request for the refund for Revision of Site Plan Application No. ROSP-4327-01 be APPROVED in the amount of \$747.50.