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16899	Submitted to ODAI	Public Hearing	Zoning Commission Notice of Public Hearing: Case No. 09-12	10/16/2009 Vol 56/42	10/13/2009 08:36:19
16798	Submitted to ODAI	Public Hearing	Zoning Commission Notice of Public Hearing: Case No. 09-03	10/16/2009 Vol 56/42	10/13/2009 08:35:47
16604	Submitted to ODAI	Public Hearing	Zoning Commission Notice of Public Hearing: Z C Case No 06-01B	10/16/2009 Vol 56/42	10/13/2009 08:34:48

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**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, December 10, 2009, 6:30 P.M.**
 Office of Zoning Hearing Room
 441 4th Street, N.W., Suite 220-South
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 09-03 (Skyland Holdings, LLC – Consolidated PUD & Related Map Amendment @ Squares 5632, 5633, 5641, 5641N, & Various Parcels)

THIS CASE IS OF INTEREST TO ANC 7B

On February 17, 2009, the Office of Zoning received an application from Skyland Holdings, LLC. The Applicant is requesting approval of a consolidated Planned Unit Development and Zoning Map Amendment. The Office of Planning provided its report on May 1, 2009, and the case was set down for hearing on May 11, 2009. The Applicant provided its prehearing statement on September 21, 2009.

The property that is the subject of this application consists of approximately 18.7 acres of land area and is located at the intersection of Naylor Road, Good Hope Road, and Alabama Avenue, S.E. (Parcels 213/52, 213/60, 213/61, 214/62, 214/88, 214/104, 214/182, 214/187, 214/189, 214/190, and 214/196; Square 5632 Lots 1, 3-5 and 802; Square 5633 Lots 800 and 801; Square 5641 Lots 10-13, and 819; Square 5641-N Lots 12-31, and 33). The subject property is currently zoned C-3-A, R-5-A, R-5-B, and R-1-B. The proposed Zoning Map amendment application will rezone the R-5-A, R-5-B, and R-1-B portions of the Subject Property to the C-3-A Zone District so that all of the Subject Property will be zoned C-3-A.

The Applicant proposes to build a Town Center mixed-use retail and residential project. This project will create approximately 450-500 residential units, with approximately 30% of the units reserved for affordable housing. The residential units will be provided in three multi-family apartment buildings and approximately 20 townhouses. The project will include approximately 315,000 square feet of retail and service-related uses. The retail uses will include a large format retail store, multi-neighborhood retailers, and local retailers.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written

testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than fourteen (14) days prior to the date set for the hearing, a written statement containing the following information:**

- (a) The person's name, address, and daytime telephone number;
- (b) A request to appear and participate as a party;
- (c) Whether the person will appear as a proponent or opponent of the application;
- (d) Whether the person will appear through legal counsel, and if so, the name and address of legal counsel;
- (e) A list of witnesses who will testify on the person's behalf;
- (f) A summary of the testimony of each witness;
- (g) An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts;
- (h) The total amount of time being requested to present their case; and
- (i) A written statement setting forth why the person should be granted party status, including reference to the following:
 - (1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the action requested of the Commission;
 - (2) The legal interest the person has in said property, such as owner, tenant, trustee, or mortgagee;
 - (3) The distance between the person's property and the property that is the subject of the application before the Commission;

- (4) The economic, social, or other impacts likely to affect the person and/or the person's property if the action requested of the Commission is approved or denied; and
- (5) An explanation of how the person's interest as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.

The Applicant shall also provide the information indicated in (e) through (h) to the extent that the information is not contained in the Applicant's prehearing submission as required by 11 DCMR § 3013.1.

If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall also contain the information indicated in (e) through (h) above.

Time limits.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|----------------------------------|-------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 60 minutes collectively |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, WILLIAM W. KEATING, III, KONRAD W. SCHLATER, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JAMISON L. WEINBAUM, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.