

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Office of Zoning

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MEMORANDUM

To: Office of Documents and Administrative Issuance

From: Sharon S. Schellin⁸³
Secretary to the Zoning Commission

Date: April 3, 2007

Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on April 13, 2007:

1. Z.C. Notice of Public Hearing (Case No. 05-35); and
2. Z.C. Notice of Final Rulemaking & Order No. 821A (Case No. 95-04).

Attachment

ZONING COMMISSION
District of Columbia

CASE NO. 05-35
EXHIBIT NO. 19

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ZONING COMMISSION
District of Columbia
CASE NO.05-35
EXHIBIT NO.19

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

TIME AND PLACE: **Thursday, May 24, 2007, @ 6:30 PM**
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. 05-35 (Horning Brothers & Stanton Square, LLC – Consolidated Planned Unit Development)

THIS CASE IS OF INTEREST TO ANC 8A

On November 11, 2005, the Office of Zoning received an application from Horning Brothers¹ (the “Applicant”). The Applicant is requesting consolidated approval of a planned unit development (“PUD”) and related zoning map amendment. The Office of Planning provided its report on November 9, 2006, and the case was set down for hearing on February 12, 2007. The Applicant provided its pre-hearing statement on March 14, 2007.

The property that is the subject of this application is bounded by Stanton Road, Elvans Road, and Pomeroy Road, S.E. The property is made up of Lots 60, 61, 78, 832, 835, 853, 854, 855, 856, 857, 858, 873, 878, and 879 of Square 5877 (the “Subject Property”). The Subject Property is located in the Fort Stanton neighborhood of Ward 8 and consists of approximately 353,256 square feet of land area.

The Subject Property is currently located in the R-3 Zone District. The Zoning Map Amendment application requests a PUD-related rezoning of the Subject Property to the R-5-A District.

The proposed PUD seeks consolidated approval to develop 187 new townhomes on the presently-vacant Subject Property. Approximately one third of the total number of townhomes will be reserved as workforce affordable units for householders earning up to 60% and up to 80% of the Area Median Income. The project will also feature a green space and low-impact design features. The proposed development provides 267 to 287 parking spaces, with approximately 37 designated parallel parking spaces on the interior roadway system.

¹ Stanton Square LLC is the current owner of the site. Horning Brothers and Stanton Square LLC have entered into a contract whereby Horning Brothers will act as fee developer for the site upon approval of this project by the Zoning Commission.

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 is 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. The information shall be filed no later than fourteen (14) days before the date of the hearing.

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 time limits for oral testimony shall be adhered to unless changed by the Commission, and no time may be ceded:

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| 1. Applicant and parties in support | 60 minutes collectively |
| 2. Parties in opposition | 15 minutes each (60 minutes collectively) |
| 3. Organizations | 5 minutes each |
| 4. Individuals | 3 minutes each |

**Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 05-35
PAGE 4**

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.**

CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, MICHAEL G. TURNBULL, AND GREGORY N. JEFFRIES ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.