

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 96

CASE NO. 74-4

September 30, 1974

Pursuant to notice, a public hearing of the Zoning Commission was held on August 23, 1974, to consider a proposed amendment of the Commission's order granting final approval of a planned unit development, filed by Capital View Plaza Phase II Associates.

FINDINGS OF FACT

1. The site of the planned unit development is located at the eastern corner of East Capital Street and Southern Avenue, S.E., at 5929 East Capital Street: square 5274, lot 52.

2. The area of the subject site is approximately 124,000 square feet (Baist Atlas No. 4, Page 16).

3. The subject site is presently zoned R-5-C (Medium-high density apartment house, percentage of lot occupancy 75, floor area ratio 3.5, and 90 feet height limit).

4. The application proposes that the Commission amend its Order of September 16, 1968, in Case No. 68-33, such order granted final approval of said planned unit development, and specifically listed the commercial uses which could occur within the planned unit development.

5. The application for an amendment requests an extension of the permitted commercial uses within said planned unit development, to include those uses permitted in a C-1 zone district, as specified in Section 5105 of the Zoning Regulations.

6. The second phase of the planned unit development is currently under construction. The planned unit development provides for convenience shopping facilities comprising approximately 35,000 square feet. The proposed amendment would expand the operation of this shopping facility in order to meet the needs of the development and the adjacent neighborhood.

7. The Zoning Unit of the Office of Planning and Management concluded, and the Commission finds, that because the Capital View Development Corporation, a non-profit organization, whose Board of Directors is composed of representatives of all the civic associates in the Capital View Plaza area as well as residents of the project itself, will review and have specific approval over the types of commercial uses to be included within the development, that there is little likelihood of objectionable commercial uses being established within the development. The Office of Planning and Management recommended that said Order of the Zoning Commission be amended as requested by the applicant (TR. 5).

8. The Zoning Advisory Council concluded, and the Commission finds, that the list of commercial uses which was approved and specified in Commission's order in Case 68-33 is overly restrictive and places considerable difficulty on anyone trying to establish a commercial use within the development. The Council concluded, and the Commission finds, that the screening mechanism built into the planned unit development insures community review of any proposed commercial uses within the planned unit development. The Council recommended approval of the amendment of the previous Zoning Commission Order (TR. 6).

9. The Office of Housing and Community Development concluded, and the Commission finds that the proposed amendment would provide the type of shopping facilities within the development that are needed by the community

and the neighborhood, and that there is a good market base to support such expanded commercial facilities. The Office of Housing and Community Development recommended that the Order be amended as proposed (TR. 11) .

CONCLUSIONS OF LAW

1. The amendment of the final order of approval for the planned unit development is in accordance with the intent and purposes of the Commission's final order approving this planned unit development in Case No. 68-33, dated September 16, 1968.

2. The amendment of the final order is in harmony with the intent, purpose and integrity of the comprehensive zone plan of the District of Columbia as embodied in the Zoning Regulations and map.

3. The amendment of the Order granting final approval of the planned unit development is in accordance with the Zoning Regulations of the District of Columbia, as amended, and the Zoning Act (Act of June 30, 1938, 52 Stat. 797), as amended,

DECISION

Upon consideration of the findings of fact and conclusions of law herein, the Commission hereby ORDERS APPROVAL of the amendment of the Order of September 16, 1968, in Case No. 68-33, adding to the permitted commercial uses, those uses allowed in the C-1 zone district, as specified in Section 5101 of the Zoning Regulations.

BY UNANIMOUS VOTE OF THE ZONING COMMISSION


MARTIN KLAUBER
Executive Secretary