

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 214

Case No. 77-1

April 13, 1978

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on July 18, 1977. At this hearing the Zoning Commission considered an application by the Highpoint Townhouses, Inc. to amend the Zoning Map of the District of Columbia.

FINDINGS OF FACT

1. The property involved is described as Lot 1 in Square 5921, and is located at the northwest corner of the intersection of Wheeler Road and Barnaby Terrace, S. E. and was formerly known as 1000 Barnaby Terrace, S. E. The property has an area of approximately 31,035 square feet. The property is presently zoned R-5-A and is presently unimproved. Immediately adjacent to the subject property are Lots 50 through 56 and Lot 810 in Square 5921, containing a total of approximately 27,399 square feet which are presently zoned C-1.

2. The applicant proposes to rezone the subject property to create a parcel of C-1 Zoning consisting of the subject property and the aforesaid Lots 50 through 56 and 810, which assemblage will be approximately 58,434 square feet in area. The applicant proposes to construct a three-story neighborhood commercial shopping and office facility which would contain a total of approximately 45,000 square feet of floor space. The first floor of the facility would be used for commercial purposes to accommodate retail and personal service establishments. It is proposed to lease the second and third floors for professional, governmental or community offices, or as an alternative for residential purposes.

3. The site is part of the development approved by the Board of Zoning Adjustment in Case No. 11785, by Order dated

January, 1975. The development approved was for a total of 175 single family townhouses, of which eleven were to be located on the subject site. Construction has been finished on the center portion of the Highpoint tract, and the houses are occupied. Construction is presently underway on the opposite end of the horseshoe-shaped tract for additional townhouses.

4. Concurrent with this application, the applicant has filed an application with the Board of Zoning Adjustment (BZA Case Number 12473) for site plan review and approval of a proposed modification of the final section of the Highpoint townhouse sub-division which abuts the subject property to the northeast. The application before BZA eliminates the eleven townhouses and rearranges the site plan of the R-5-A land immediately adjacent to the land to be zoned C-1. In connection with the BZA application, the Board of Zoning Adjustment can impose upon the applicant sufficient requirements and conditions to assure that there will be adequate screening and buffering between the proposed commercial facility and the directly abutting residential property. This will assure that any change in zoning of the subject property to C-1 will have a minimum impact upon the adjoining residential development.

5. There are a very limited number of commercial retail and personal service establishments in this neighborhood, and these existing shopping facilities are establishments which are expressly permitted in C-1 neighborhood shopping districts under Paragraphs 5101.32 and 5101.33 of the Zoning Regulations. These existing facilities are inadequate to serve the needs of area residents, who must presently go out of the immediate neighborhood, including to Prince Georges County, to purchase day-to-day needs. The provision of additional commercial facilities on this site as a result of the application will help to service existing and projected local neighborhood needs, even though it will not result in a major commercial center at this location.

6. The existing C-1 property which abuts the subject site on the south is occupied by one small commercial structure, which is presently unused. This commercial ground is owned by the applicant, and will be part of the total development package. The existing C-1 District on the southwest side of Wheeler Road is occupied by a grocery store, liquor store, restaurant and church. Adjacent to this commercial area and directly across Wheeler Road from the subject site in the C-1 District are two story apartment buildings.

The north side of Wahler Place is occupied by three and four story apartments which are part of the Sky Towers property, which is low income subsidized housing in part vacant and boarded up.

7. Even though there is existing property zoned C-1 which is not fully utilized, the configuration of that property does not lend itself to practical development for retail uses. There is insufficient depth to provide both stores and the parking necessary to support those stores. The rezoning would create a parcel in single ownership having a depth of over two hundred feet from Wheeler Road and a frontage of almost 250 feet along Wheeler Road. This kind of commercial parcel could be attractively developed into a small neighborhood shopping facility.

8. The Municipal Planning Office, by report dated July 6, 1977 and by testimony at the hearing, recommended that the application be approved. The MPO stated that this area has suffered from a shortage of adequate shopping facilities, and that the approval of the application will facilitate the provision of improved facilities. The MPO also cited the increasing amount of new residential construction in the area as adding to the requirement that additional commercial facilities be provided. The Commission so finds.

9. The D. C. Department of Transportation, by memorandum dated July 18, 1977, reported that the total cumulative impact of this development and other nearby proposed development will not cause adjacent streets to be overtaxed or cause any severe deterioration in traffic service on Wheeler Road. The Department also reported that the amount of parking proposed by the developer is reasonable. It will provide ample service without resulting in congestion on the surrounding streets and the increment of parking supply above that required by the Zoning Regulations will help compensate for the lack of Metrorail service in close proximity to the site. The Commission so finds.

10. The D. C. Department of Housing and Community Development, by memorandum dated July 13, 1977, reported that it supported the proposal to construct commercial facilities to provide retail and personal services in this part of the Washington Highlands. The Department stated that such a development will be beneficial for not only the neighborhood but also the surrounding area. The Commission so finds.

11. Advisory Neighborhood Commission 8-C opposed the application raising two basic issues and concerns. The ANC

is desirous of obtaining a major commercial shopping area somewhere in this general part of Ward 8, with such a center capable of containing a chain style supermarket and other similar facilities. The ANC opposed additional small-scale commercial development, on the grounds that it would not meet the real neighborhood needs. The ANC also opposed the application on the grounds that it would provide unnecessary competition to existing retail facilities across the street, and would result in two small, high cost shopping facilities. Other persons in opposition raised similar concerns.

12. The Commission finds that the proposed rezoning would not result in a site large enough to serve as a major commercial center but would nevertheless serve the needs of the area. To rezone more land for commercial facilities would result in a larger reduction in the amount of desirable single family housing programmed in the Highpoint Barnaby development. The Commission further finds that there is no active interest on the part of grocery chain stores to locate in this general area of the District of Columbia at the moment. The Commission finds that there is a severe lack of commercial facilities in the Southeast area, and that while the proposed rezoning would not completely meet that need, this is the first proposal to build any new commercial development in the area in many years and it will help to serve the growing market for such services. The Commission finds that the location of additional commercial facilities in the area will not necessarily have an adverse effect on existing businesses and that in fact, increased competition might be beneficial to all by creating a thriving, active neighborhood center.

13. In order to better understand the economic impacts of the proposal, the Commission received into the record a draft report from an economic consultant retained by the Municipal Planning Office to examine the proposed commercial development. The draft report stated that the rezoning should not be approved because of the relatively small size of the proposed development and the availability of shopping in Prince Georges County. The MPO did not accept this view that any shopping expansion short of a major center would be undesirable nor did it accept the rationale that none should be attempted because of the presence of shopping in Maryland. Because of the reasons stated above, the Zoning Commission also does not find the reasoning of the consultant to be persuasive.

14. The application was referred to the National Capital Planning Commission under the terms of the District of Columbia Self Government and Governmental Reorganization Act and the National Capital Planning Commission reported that the application would not have a negative impact on the interests or

functions of the Federal Establishment within the National Capital and is not inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. This action is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat.797) by furthering the general public welfare and serving to stabilize and improve the area.

2. This rezoning will promote orderly development in conformity with the entirety of the District of Columbia Zoning Plan as embodied in the Zoning Regulations and Map of the District of Columbia.

3. The C-1 District will not have an adverse effect on surrounding property.

4. There are adequate public facilities to serve development under the proposed zoning.

DECISION

In consideration of the Findings and Conclusions herein, the Commission therefore hereby Orders the following action:

Change from R-5-A to C-1, Lot 1, in
Square 5921, located at the corner of
Wheeler Road and Barnaby Terrace, S. E.

Vote of the Commission taken at its public meeting of March 9, 1978: 4-1 (Walter B. Lewis, Theodore F. Mariani, Ruby B. McZier, and George M. White to approve, John G. Parsons opposed).



WALTER B. LEWIS
Chairman



STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on April 13, 1978 by a vote of 4-0 (George M. White, Theodore F. Mariani and Walter B. Lewis to adopt, Ruby B. McZier to adopt by proxy, John G. Parsons not present, not voting).

In accordance with Section 2.61 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is effective on 3 MAY 1978.