

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 559-B
Case No. 87-28C
(Peabody Corporation PUD & Amendment)
May 13, 1991

On January 11, 1988, by Z.C. Order No. 559, the Zoning Commission (Z.C.) for the District of Columbia granted approval to an application from Malcolm E. Peabody and John C. Theoharis for consolidated review and approval of a Planned Unit Development (PUD) and related map amendment.

The PUD approval was for an apartment development with some ground floor retail uses for lots 32, 37, 38, 39, 40, 41, 816, 817, 818, 819, 820, 883 and 884 in Square 516 and related change of zoning for the entire PUD site from HR/SP-2 to HR/C-2-C. The PUD site is located at the northeastern corner of the intersection of 5th and I Streets, N.W.

Z.C. Order No. 559 approved the PUD project with certain conditions, guidelines and standards.

One of the conditions in Z.C. Order No. 559 states that, "The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, application must be filed for building permit as specified in subsection 11 DCMR 2407.1. Construction shall start within three years of the effective date of this order."

Z.C. Order No. 559 became final and effective on February 26, 1988. The validity of that order is for two years; that is until February 26, 1990, with construction starting prior to February 26, 1991.

Pursuant to 11 DCMR 3029.5 and by letter dated July 7, 1988, Counsel for the applicants filed a motion requesting modification of the Commission's final Order No. 559 to eliminate the balconies on the project.

On August 8, 1988, at its regular monthly meeting, the Zoning Commission considered the matter and determined that the development of the PUD would be assisted materially by the economic factors associated with the elimination of the balconies.

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Z.C. Order No. 559-A was adopted by the Zoning Commission at a special meeting on September 8, 1988 and became final and effective on September 30, 1988. The validity of that order is for two years; that is, until September 8, 1990, with construction starting prior to September 8, 1991.

On March 15, 1991, the applicant filed a request to extend the validity of Z.C. Orders No. 559 and 559-A, pursuant to 11 DCMR 2406.10. The applicant requested an extension of two years; that is, that the date to acquire a building permit in Z.C. Order No. 559-A be extended to September 8, 1992 and that the date to commence construction be extended to September 8, 1993.

The applicant contends that the extension is needed because they are still engaged in completing the financing of the project through the Federal Housing Administration.

On April 8, 1991, at its regular monthly meeting the Zoning Commission considered the matter and agrees with the applicant that an extension of time is warranted.

The Zoning Commission received no comments from Advisory Neighborhood Commission 2C, nor the Office of Planning regarding this matter.

Pursuant to 11 DCMR 2406.10 of the Zoning Regulations, the Commission believes that the applicant has shown good cause for the extension without a further public hearing.

The Commission further believes that an extension of time, as requested by the applicant, is not unreasonable, that the rationale for granting approval for the PUD has not changed, and that no adverse consequences will result from approving the request.

It is therefore ordered that the validity of Zoning Commission Orders No. 559 and 559-A is **EXTENDED** for a period of **two years**; that is, until September 8, 1992. Prior to the expiration of that time, the applicant shall file an application for a building permit as specified in 11 DCMR 2406.8. Construction shall start not later than September 8, 1993.

Vote of the Zoning Commission taken at the monthly meeting on April 8, 1991: 4-0 (Lloyd D. Smith, Maybelle Taylor Bennett, John G. Parsons and William Ensign, to extend for two years - Tersh Boasberg, abstained).

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In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on

MAY 31 1991



MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission



EDWARD L. CURRY
Executive Director
Zoning Secretariat

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