



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Agenda Date: October 16, 2003  
Reconsideration Request

OFFICE OF  
THE GENERAL COUNSEL

(301) 495-4646  
FAX (301) 495-2173

**REQUEST FOR RECONSIDERATION**

**MEMORANDUM**

TO: Montgomery County Planning Board

VIA: Michele Rosenfeld, Associate General Counsel *MR*

FROM: Tariq El-Baba, Associate General Counsel *TAB*  
(301) 495-4646

RE: Reconsideration Request for Bannockburn Heights  
Preliminary Plan No. 1-03051

**I. BACKGROUND**

**A. Party Seeking Reconsideration:**

Allen Khalatbari, the applicant in the above-captioned case

**B. Action Sought To Be Reconsidered:**

Preliminary Plan No. 1-03051  
Date of Opinion: September 18, 2003  
Action Taken: Disapproval of Preliminary Plan.

**C. Planning Board Vote:**

- Motion to support Staff recommendation and disapprove preliminary plan: Motion made by Commissioner Robinson, seconded by Commissioner Wellington.
- Commissioners voting in favor of the motion: Commissioners Berlage, Perdue, Bryant, Robinson, and Wellington

**D. Summary of Proponent's Grounds For Reconsideration:**

By letter dated September 26, 2003 ("Request Letter") (Attachment One), Allen Khalatbari ("Applicant"), through his attorneys, requests reconsideration of the Planning Board's decision disapproving his preliminary plan application to resubdivide one lot—located on the southwest side of River Road, between Orkney and Braeburn Parkways—into two lots ("Preliminary Plan" or "Application").

The Applicant believes that additional information, which is included in the Request Letter, might change the outcome of the Planning Board's decision on the Preliminary Plan. Applicant states his belief that if the Board were to grant his request for reconsideration, such action would constitute a "suspension" [of] final action on the Proposed Resubdivision . . . ."1 Applicant further requests that the Board grant a deferral in the case in order to permit Applicant to submit "revised plans and . . . additional information not presented at the original hearing" to Staff; and, subsequently, have the revised application presented to the Planning Board for "final action."<sup>2</sup> Applicant does not indicate in the Request Letter why the "additional information" was not presented at the March 13, 2003 public hearing on this case ("Hearing").

Applicant proposes the creation of a cul-de-sac at the subject property's frontage on the service road. Attached to the Request Letter are copies of correspondence from the Montgomery County Department of Public Works and Transportation and the Maryland State Highway Administration, respectively dated September 4 and September 9, 2003, which suggest that both agencies support Applicant's proposal for the cul-de-sac. Applicant avers that the creation of the cul-de-sac will increase each of the proposed lots' frontage dimensions, which is one of the two resubdivision criteria upon which the Planning Board based its decision to disapprove the Application. Applicant suggests that, if the Board grants reconsideration, Staff could reevaluate its delineation of the neighborhood for purposes of comparing lot characteristics to include lots across River Road from the subject property, in particular, certain townhome lots.

Applicant states that it is in the interest of both the Commission and the Applicant to grant his reconsideration request, in part because the alternative, filing a new application, would constitute an inefficient use of Staff and

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<sup>1</sup> It is Legal Staff's view that the Planning Board's opinion in a subdivision case constitutes the Board's final action in such case. As such, the Board has already taken a final action, which cannot be prospectively "suspended."

<sup>2</sup> It is the practice of the Planning Board to accept requests for deferral from an applicant before the Board votes on an application.

Applicant resources; and, furthermore, that granting his reconsideration request would permit Applicant to have his revised proposal reviewed in a more timely manner.

## **II. RULES APPLICABLE TO RECONSIDERATION REQUESTS**

In accordance with the approved and adopted rules and procedures for the Montgomery County Planning Board, any party of record may, in writing, request the Planning Board to reconsider its determination on an action taken by the Board. The Planning Board must receive the request within ten days of the mailing date for the Opinion reflecting the action at issue.

The written request alone shall be the basis upon which the Board will consider whether reconsideration is warranted, although a Board member may seek clarifications from staff or other persons present to aid in her/his consideration. No party of record (including the party seeking reconsideration) may present testimony regarding the reconsideration request, unless called upon by a Board member to respond to a question. A party seeking reconsideration is encouraged to be thorough in drafting a written request, because the Board's consideration of the issues will be limited to the contents of the written request and any staff consideration of those issues.

The Planning Board agenda routinely reserves time to allow the Board to consider any reconsideration requests that may have been transmitted to the Board. The Rules do not provide for notice of a reconsideration hearing, nor is it advertised on the agenda. Staff does attempt to advise the party requesting reconsideration of the date for which it is scheduled for Board consideration.

Staff forwards to the Board a reconsideration request shortly after its receipt by the Commission. Ordinarily, staff does not make a recommendation to the Board relative to whether the Board should or should not support a reconsideration request, except in those cases where a legal flaw occurred (for instance, a party entitled to notice did not receive notice of the public hearing). When the Chairman calls the item, any Board member may pose questions about points raised in the letter. Thereafter, only a Board member that voted in favor of the motion (action) for which reconsideration is being requested may make a motion to reconsider. If a motion is made to reconsider, any Board member may second the motion. As always, to succeed, the motion carries if supported by a majority of Board members then present and voting.

If no motion is made or a motion fails, either for lack of a second or for insufficient votes, the prior action stands unaltered in all respects, including time for administrative appeals.

If a motion to reconsider carries, no further action or consideration will occur at that time. Rather, the prior action is extinguished and staff will schedule the matter for public hearing, upon due notice, at a later date. The Board, at that time, will conduct a *de novo* hearing on the issue(s) that were the subject of the reconsideration request. This may be an entire project application, or may be narrowed in scope to specific issues.

Grounds for reconsideration, as specified in the rules, are as follows:

1. the Board's action did not conform to relevant laws or its rules of procedure;
2. the Board was not timely provided pertinent and significant information relevant to the Board's ability to take the action at issue, and the request must include a statement explaining why the information was not provided at the time of the public hearing;
3. other compelling reasons, as determined by the Board.

The Planning Board, in its sole discretion, is responsible for determining if the grounds stated in support of the reconsideration request are sufficient to merit reconsideration.

Any and all materials submitted as part of the reconsideration request are excluded from the public hearing administrative record, unless submitted in the record prior to its closing.

### **III. STAFF DISCUSSION**

Applicant requests that the Planning Board consider "significant information" that is attached to the Request Letter. Planning Staff has advised Legal Staff that Applicant's proposal for a cul-de-sac, the apparent sole substantive basis for his reconsideration request, was not submitted to Staff before the Planning Board voted on the Application at the Hearing.<sup>3</sup> As such,

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<sup>3</sup> The record in a subdivision case closes when the Planning Board votes following its deliberations at a public hearing.

the Board could not have considered such information at the time it rendered its decision.

Procedurally, while applicants may request deferral prior to a Planning Board vote on a subdivision application, it is Legal Staff's opinion that the Planning Board cannot "suspend" or "defer" an action that the Board has already taken. With respect to the argument that staff review of a new application would be more time-consuming than a reconsideration of an amended layout, technical staff has advised Legal Staff that, because of the substantial nature of the proposed changes, it anticipates that the amount of time required to review the proposal as a reconsideration would be comparable to that of a new application.

As is set forth in Section II of this Memorandum, the Planning Board may grant a party's request for reconsideration, pursuant to § 11 of its Rules of Procedure, if the Board determines that any of three proper grounds exist. Absent a legal deficiency, Legal Staff does not make a recommendation to the Board relative to whether the Board should or should not support a reconsideration request. The Planning Board must determine whether Applicant's request for reconsideration implicates any of the grounds for reconsideration, which are set forth in Section II above.

## **ATTACHMENTS**

Attachment One: Applicant's Request for Reconsideration, including Exhibits A - G.

Attachment Two: Staff Report, dated February 14, 2003.

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

SEP 26 2003

September 26, 2003

**C. Robert Dalrymple**  
301.961.5208  
bdalrymple@linowes-law.com  
**Anne C. Martin**  
301.961.5127  
amartin@linowes-law.com

**Hand Delivered**

Derick P. Berlage, Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Bannockburn Heights (Resubdivision), Preliminary Plan Case No. 1-03051(the  
"Proposed Resubdivision"); Reconsideration Request

Dear Chairman Berlage and Members of the Planning Board:

On behalf of Allen Khalatbari (the "Applicant"), we respectfully request reconsideration of the above-referenced resubdivision application pursuant to Section 11 of the Planning Board Rules of Procedure. As noted in the copy of the Opinion dated September 18, 2003, attached hereto as Exhibit A, the Applicant proposed to create two lots on 1.5 acres of land located on the southwest side of River Road (MD 190), between Orkney Parkway and Braeburn Parkway in the R-200 zone (the "Property"). The Proposed Resubdivision was denied on the basis that the proposed lots were not of the same character as to frontage and width of the other lots in the existing neighborhood as delineated by the Technical Staff ("Staff"). We have recently been brought into the case to represent the Applicant and since we are now involved and have reviewed the Proposed Resubdivision, we believe that additional information made available to the Staff and the Planning Board could change the outcome of the Board's decision on the Proposed Resubdivision. We accordingly request that the Board reconsider its action, having the effect of suspending final action on the Proposed Resubdivision and to grant to the Applicant a deferral. With a deferral, we will review the revised plans and significant information with Staff and bring the application back to the Planning Board for final action. By reconsidering and granting a deferral, the additional information not presented at the original hearing can be fully considered by the Staff and the Planning Board in rendering final judgment on the matter, a result which will promote administrative efficiency for all parties (versus refiling).

As demonstrated on the vicinity map attached as Exhibit B, the subject property is located off a narrow service road adjacent to River Road that terminates at the Applicant and the neighbor's

**ATTACHMENT ONE**

Derick P. Berlage, Chairman  
September 26, 2003  
Page 2

driveway, with no terminus for a service (snow plow, Pepco, etc.) or emergency (ambulance, fire) vehicle to turn around. The Applicant has coordinated with the Department of Public Works and Transportation ("DPWT") and the State Highway Administration ("SHA") regarding improving access to this site and have agreed that creating a cul-de-sac in front of the property during subdivision through dedication of approximately 6,700 s.f. would provide a terminus for a turnaround for emergency and service vehicles that currently need to reverse down this narrow access service road to exit. We have attached a vicinity map and enlarged plan depicting the cul-de-sac as Exhibit C and Exhibit D, and attached the correspondence in support of the concept from DPWT and SHA as Exhibit E and Exhibit F. As noted on the plans, the proposed dedication will not require any dedication or impact to adjoining properties, and will improve the ability for resident, guest, service and emergency vehicles to access these properties. Further, the creation of the cul-de-sac is consistent with the other access roads on River Road which are provided so residences do not have direct access on River Road, and is consistent with the development of the neighborhood, as the house to the south of the southern adjacent neighbor of the Applicant has access on Braeburn Parkway.

The creation of the cul-de-sac consequently will provide frontage dimensions on the two proposed lots that are consistent with the dimensions of lots in the subdivision of the "neighborhood." As noted on the Resubdivision Lot Data Comparison Table prepared by Staff that is attached as Exhibit G, the previous lot frontages were 91 feet and 86 feet, whereas the new dimensions with the dedicated cul-de-sac are 110 feet and 115 feet, which are consistent with the rectangular lots in the "neighborhood", as neighborhood was defined by Staff.

We further note that the definition of neighborhood is not "precisely and rigidly defined, but varies from case to case" and "must reasonably constitute the immediate environs of the subject property." Burgess and Commissioners of Walkersville v. 103-29 Limited Partnership, 123 Md. App. 293, 300, 718 A.2d 613 (1998)(citations omitted). The neighborhood for the Property on River Road may be reevaluated by Staff during reconsideration and enlarged or reconfigured in consideration of the Bannockburn Ridge townhouse development across River Road that is just as proximate to the Property as the 2 large lots in the Bannockburn Heights subdivision in the current defined "neighborhood," one of which is only accessible by a narrow drive off Orkney Parkway since Braeburn Parkway is largely a paper street on a 30 foot forested slope.

In conclusion, we respectfully request that the Planning Board consider this significant information, including the support of DPWT and SHA, as a basis to reconsider the application and to grant a deferral, with further proceedings before the Board after the necessary Staff review. Again, the reconsideration would permit the Staff and the Applicant to proceed in a

Derick P. Berlage, Chairman  
September 26, 2003  
Page 3

timely and efficient manner and conserve Staff and Applicant resources. There was no opposition to the previous request for subdivision, and we anticipate the same cooperation from the adjacent neighbors on this proposal, particularly in light of the benefits it will provide for access.


Thank you for your consideration of this matter.

Sincerely,

**LINOWES AND BLOCHER LLP**



C. Robert Dalrymple



Anne C. Martin

ACM:sec  
Enclosures

cc: Mr. Dick Witmer  
Mr. Allen Khalatbari  
Mr. Malcom Shaneman  
Debra Yerg Daniel, Esquire



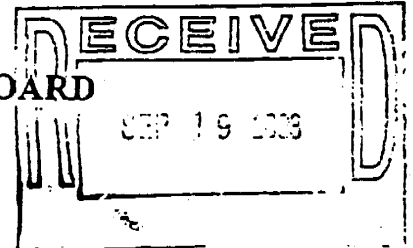


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed: September 18, 2003  
Action: Approved Staff Recommendation  
Motion of Comm. Robinson, seconded by  
Comm. Wellington with a vote of 5-0;  
Comms. Berlage, Bryant, Perdue,  
Robinson and Wellington voting  
in favor

## MONTGOMERY COUNTY PLANNING BOARD

### OPINION



Preliminary Plan 1-03051

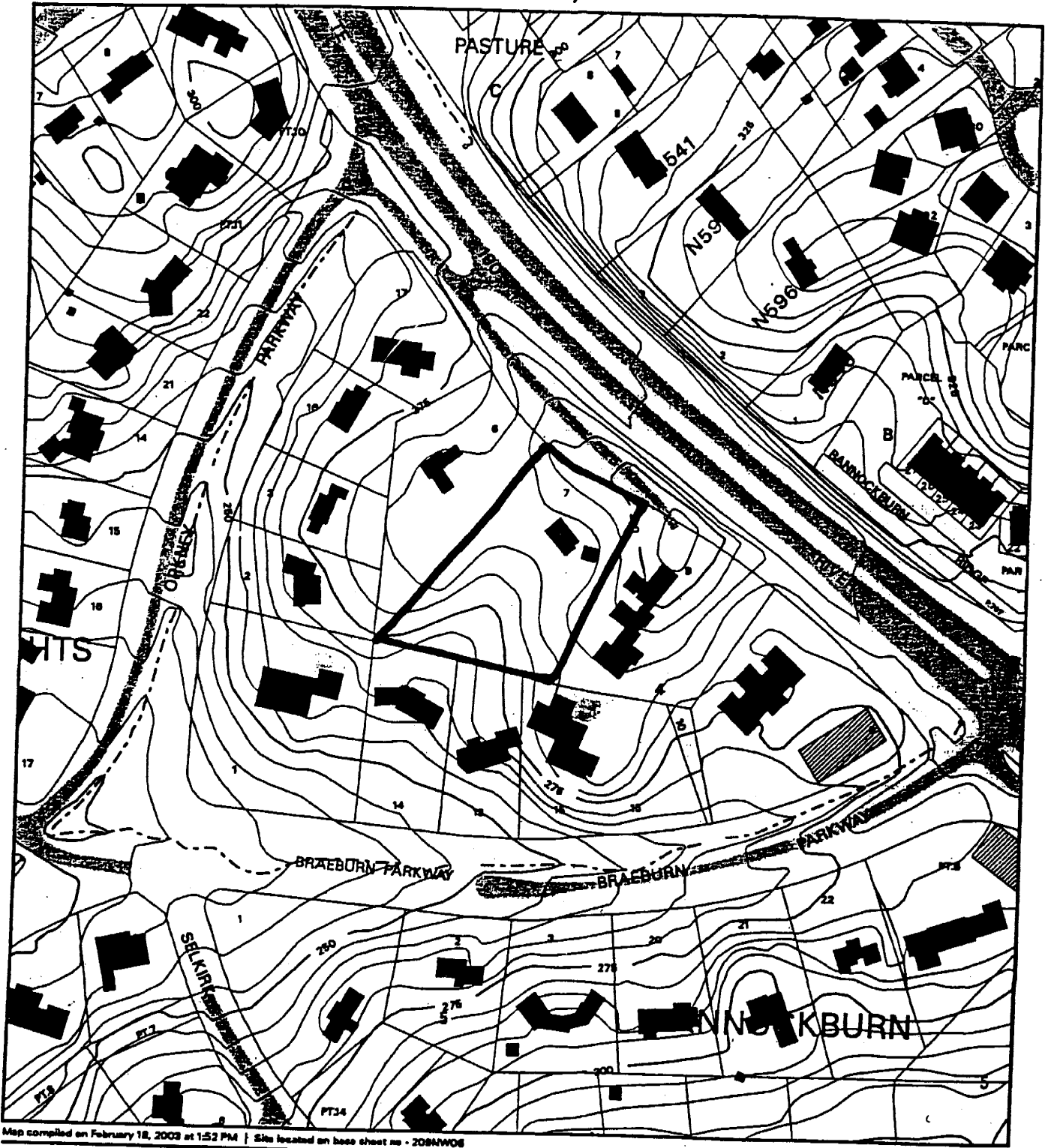
NAME OF PLAN: BANNOCKBURN HEIGHTS (RESUBDIVISION)

On 1/09/03, AL S. KHALATBARI submitted an application for the approval of a preliminary plan of subdivision of property in the R-200 zone. The application proposed to create 2 lots on 1.5 acres of land. The application was designated Preliminary Plan 1-03051. On 3/13/03, Preliminary Plan 1-03051 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received additional evidence into the record.

In order to approve an application for resubdivision, the Planning Board must find, among other things, that the proposed lot(s) comply with all seven characteristics of the "Resubdivision Criteria" as set forth in Section 50-29 (b)(2) of the Subdivision Regulations.

The Planning Board adopts Staff's delineation of the neighborhood, as set forth in the Staff Report dated February 14, 2003, for comparison purposes in analyzing the Resubdivision Criteria. With respect to the Resubdivision Criteria, the Planning Board finds that, based upon the testimony and evidence in the record, the proposed lots are not of the same character as to frontage and width as other lots within the existing neighborhood. Therefore, the Planning Board denies this application based on its failure to comply with the requirements of Section 50-29 (b)(2) of the Subdivision Regulations.

VICINITY MAP FOR  
**BANOCKBURN HEIGHTS (1-03051)**



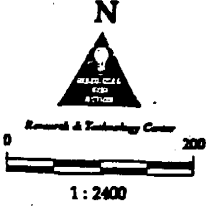
Map compiled on February 18, 2003 at 1:52 PM | Site located on base sheet no - 208N008

**NOTICE**

The planimetric, property and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:1400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate as up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 2707 Georgia Avenue - Silver Spring, Maryland 20910-6200

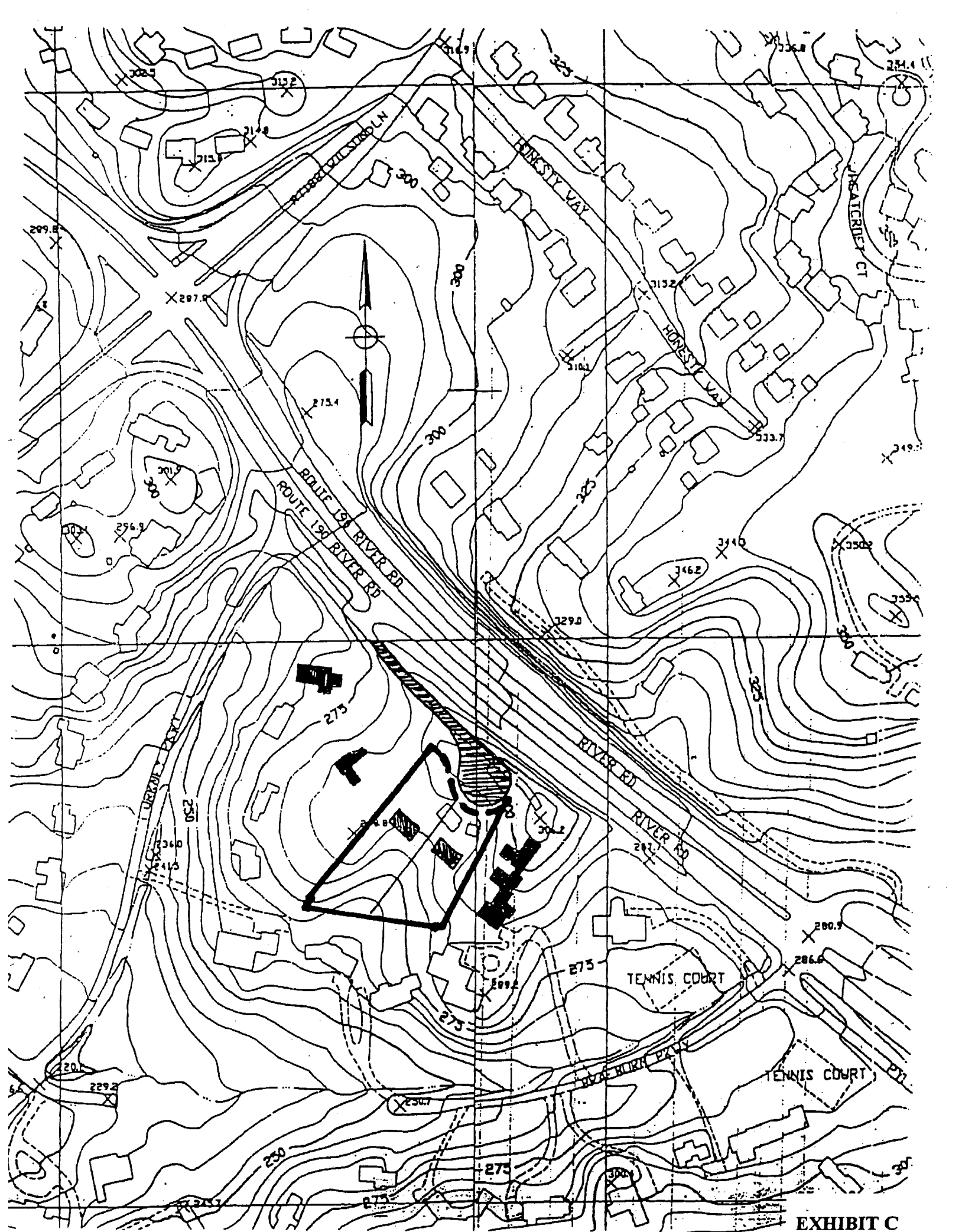
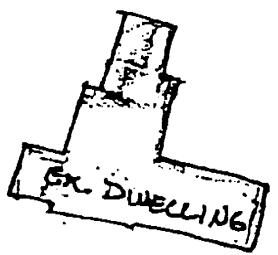
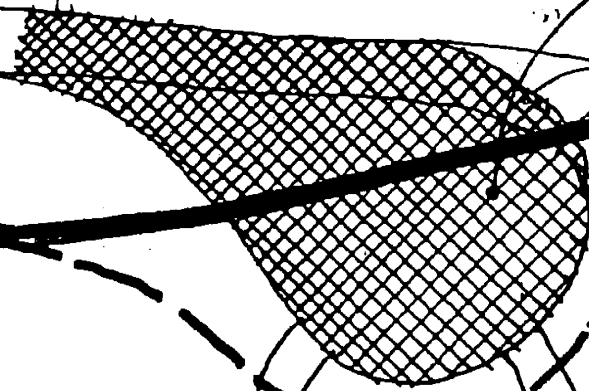


EXHIBIT C

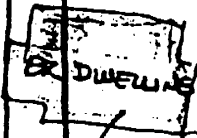
# RIVER ROAD

DEDICATE FOR  
AND CONSTRUCT  
CUL. DB. SAC  
67,000 s.f.

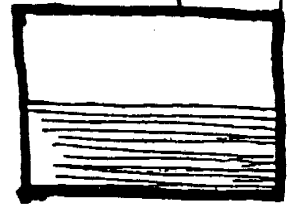
## SERVICE ROAD



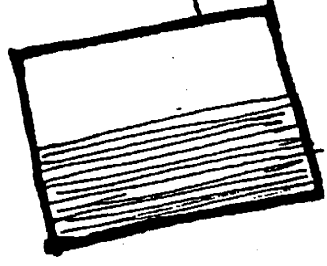
LOT 6



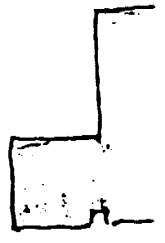
REMOVE



NEW LOT  
34,000 s.f.



NEW LOT  
27,000 s.f.



**Riese, Jeffrey**

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**From:** Riese, Jeffrey  
**Sent:** Thursday, September 04, 2003 4:21 PM  
**To:** 'Shaneman, Malcolm'; Sholl, Michael; Cheung, Joseph; Contreras, Christina; 'Dick Witmer'; Mosuela, Gerry  
**Subject:** Bannockburn Heights 1-03051

Tracking:	Recipient	Delivery
	'Shaneman, Malcolm'	
	Sholl, Michael	Delivered: 9/4/2003 4:21 PM
	Cheung, Joseph	Delivered: 9/4/2003 4:21 PM
	Contreras, Christina	Delivered: 9/4/2003 4:21 PM
	'Dick Witmer'	
	Mosuela, Gerry	Delivered: 9/4/2003 4:21 PM

Re: 1-03051

Dear Mr. Shaneman:

This agency and our Highway Services Section have re-reviewed the referenced subdivision plan relative to the service road situation and the lack of turn-around area at its terminus in front of the subject property. Currently this roadway is very narrow and our vehicles must back down this narrow traveled way.

Based on our findings, there is currently inadequate area available to provide a suitable turn-around. Therefore, we believe there could be a public benefit in supporting a modification to this application to include a cul-de-sac with the following conditions:

1. The applicant dedicates adequate right-of-way area for construction of a Montgomery County Standard cul-de-sac with a standard center island.
2. Prior to approval of the subdivision plat, (i) the applicant will cause the necessary roadway improvement plans to be prepared, submitted and approved through the Department of Permitting Services, (ii) that prior to DPS approval of the subdivision record plat, the applicant be required to bond and permit the cul-de-sac construction, and (iii) prior to release of the bond, the cul-de-sac must be constructed and accepted for County maintenance.

JEFFREY I. RIESE  
SENIOR PLANNING SPECIALIST  
SUBDIVISION REVIEW  
MONTG. COUNTY DPWT  
TRAFFIC OPERATIONS  
[jeff.riese@montgomerycountymd.gov](mailto:jeff.riese@montgomerycountymd.gov)

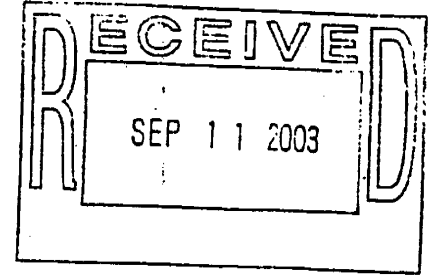
Robert L. Ehrlich, Jr., *Governor*  
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*  
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

September 9, 2003



Mr. Malcolm Shaneman  
Supervisor Development Review  
Subdivision Division  
Maryland National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Re: Montgomery County  
MD 190 Service Road  
Bannockburn Heights  
File No. 1-03051

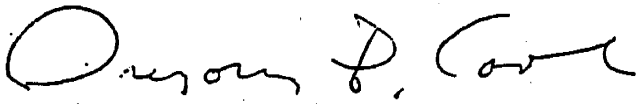
Dear Mr. Shaneman:

This office reviewed the submitted plan and offer the following:

- Access to this property is subject to the "Rules and Regulations" of Montgomery County with a permit issued by Montgomery County Department of Permitting Services.
- All access to this property is to be via the service road with no direct access onto MD 190.

If you have any questions, please contact Greg Cooke at 410-545-5595 or out toll free number in Maryland only 1-800-876-4742 (x5595). You may also email him at (gcooke@sha.state.md.us).

Very truly yours,

  
Kenneth A. McDonald Jr., Chief  
Engineering Access Permits  
Division

gc

cc: Mr. Darrell Mobley (Via E-mail)

~~Witmer Associates LLC~~

Mr. Jeffrey Riese-Montgomery County DPW&T

My telephone number/toll-free number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone 410.545.0300 · www.marylandroads.com

**EXHIBIT F**

**RESUBDIVISION LOT DATA COMPARISON TABLE  
BANNOCKBURN HEIGHTS SUBDIVISION**

Lots Ranked by Size						
Lot & Blk	Frontage	Alignment		Shape	Width	
1, 4	225 275	perpendicular	39375	corner rectangular	220 270	69208
9, 4	243 270	perpendicular	35000	corner rectangular	235 260	63980
15, 4	275	perpendicular	33600	rectangular	260	53040
8, 4	224	perpendicular	28900	rectangular	210	49110
18, 4	91	perpendicular	21200	rectangular	105	36230
14, 4	125	perpendicular	20000	rectangular	120	31767
19, 4	86	perpendicular	19550	rectangular	110	31465
6, 4	135	perpendicular	18750	trapezoid	150	45044
13, 4	116	perpendicular	17100	rectangular	110	25658
2, 4	120	perpendicular	13500	rectangular	115	25589
17, 4	133 212	perpendicular	13000	corner rectangular	130 205	33871
16, 4	155	perpendicular	12000	trapezoid	150	25599
3, 4	120	perpendicular	11700	rectangular	115	23727

**Proposed  
Lots**



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

ITEM # 7

DATE: 03-13-03



**MEMORANDUM**

**DATE:** February 14, 2003

**TO:** Montgomery County Planning Board

**VIA:** Joseph R. Davis, Chief Development Review Division

**FROM:** A. Malcolm Shaneman, Supervisor (301) 495-4587  
Richard A. Weaver, Senior Planner (301) 495-4544  
Development Review Division

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Two Single Family Lots

**PROJECT NAME:** Bannockburn Heights

**CASE #:** 1-03051

**REVIEW BASIS:** Chapter 50, Sec. 50-29 (b)(2), Montgomery County Subdivision Regulations

**ZONE:** R-200

**LOCATION:** Southwest Side of River Road (MD 190), Between Orkney Parkway and Braeburn Parkway

**MASTER PLAN:** Bethesda – Chevy Chase

**APPLICANT:** Al S. KhalatBari

**FILING DATE:** January 9, 2003

**HEARING DATE:** March 13, 2003

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**STAFF RECOMMENDATION:** Disapproval, Pursuant to Section 50-29 (b)(2), Montgomery County Subdivision Regulations

**ATTACHMENT TWO**



## **PROJECT DESCRIPTION: Proposal**

The subject application requests the resubdivision of a 1.5 acre site, identified as Lot 7, into two (2) single-family residential lots. The proposed lots numbered 18 and 19 are proposed to be 36,230 square feet and 31,465 square feet respectively. A single-family dwelling exists on the property and is proposed for removal. The lots will have direct access to River Road (MD190).

## **PROJECT DESCRIPTION: Vicinity**

The subject property is located on the southwest side of River Road between Orkney Parkway and Braeburn Parkway. The site identified as Lot 7 in Block 4 was recorded by record plat in 1939 as were the rest of the lots within the same block. The lots surrounding the subject property are developed with single-family dwelling units. The block in which the subject site is located has remained virtually unchanged since its original recordation except for one resubdivision which occurred between Lots 13 and 14 for the purpose of adjusting the property boundaries.

## **ISSUES TO DATE**

### **Conformance to Chapter 50-29(b)(2)**

In order to approve an application for Resubdivision, the Planning Board must find that the proposed lot(s) complies with all seven of the "Resubdivision Criteria" as set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

"Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision."

In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. In this case, staff has provided a description of the area analyzed under the resubdivision criteria and has also provided an illustration that delineates the neighborhood.

Under the resubdivision criteria the neighborhood used to evaluate the application can only include lots within the same zoning (R-200) classification as the subject property. The lots surrounding the subject property on the southwest side of River Road are all zoned all R-200. Staff has elected to limit the proposed neighborhood to those lots located in the same block as the subject property. Since the subject property fronts River Road staff does not feel that the lots on the other side of Orkney Parkway nor the other side of Braeburn Parkway should be included in the neighborhood.

### **Master Plan Compliance**

The property is located within the Approved and Adopted Bethesda Chevy Chase Master Plan area. The master plan does not make specific recommendations for this property but does give general

guidance and recommendations regarding zoning and land use. The master plan recommends that the area including this property be maintained as a medium density (R-200) residential area. The lot pattern, discussed previously, has evolved into lots that range from the minimum required under the R-200 zone (20,000 sq.ft.) to lots that are twice that size (1 acre plus). Since the proposed lots meet the requirements for the R-200 zone, it is staff's conclusion that they comply with the general guidelines adopted in the master plan. Staff's final conclusion with regard to the resubdivision criteria is discussed below.

### **Analysis and Conclusion**

In applying the resubdivision criteria to the neighborhood delineated by staff, staff finds that the proposed resubdivision does not comply with all seven of the criteria set forth in Section 50-29(b)(2) as illustrated by the characteristics set forth on the attached tabular summary. Staff finds that a high correlation does not exist between the frontage and widths of the proposed lots and existing lots within the delineated neighborhood.

As the tabular summary depicts the smallest lot frontages found in the defined neighborhood are those of the proposed lots. Indicative of smaller lot frontages are the smaller lot widths. As in this proposal, the proposed lots widths are amongst the smallest within the defined neighborhood.

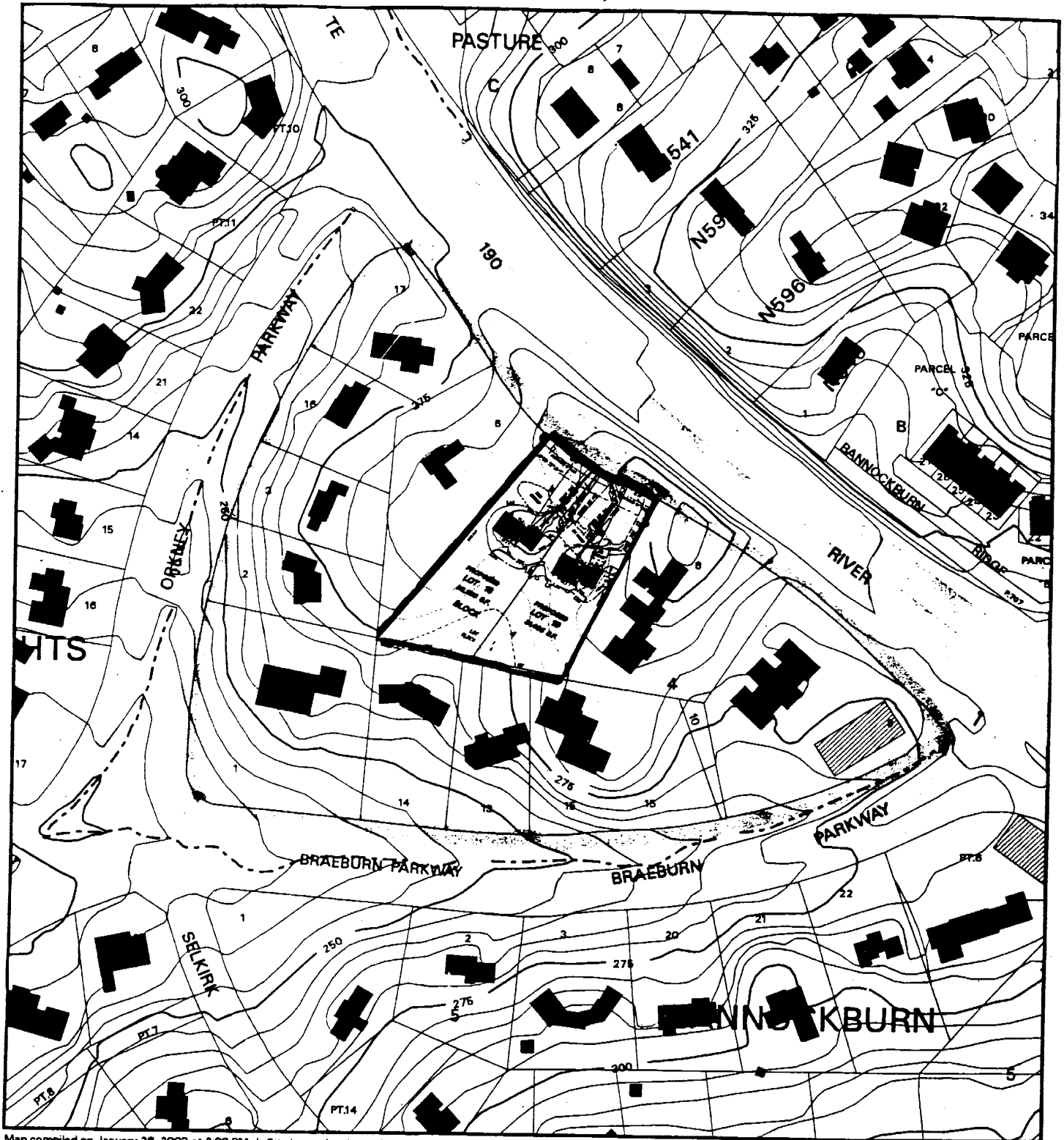
The application, as proposed, clearly fails when applying the resubdivision criteria. Staff finds that the frontage and width of the proposed lots do not have a high correlation to those criteria of existing lots in the delineated neighborhood and therefore recommend disapproval of this proposed resubdivision.

### **Attachments**

Vicinity Map	4
Development and Neighborhood Map	5 - 6
Proposed Resubdivision Plan	7
Tabular Summary	8

VICINITY MAP FOR

# BANNOCKBURN HEIGHTS (1-03051)



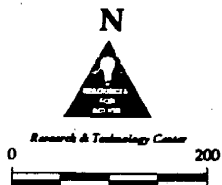
Map compiled on January 26, 2003 at 2:30 PM | Site located on base sheet no - 209NW00

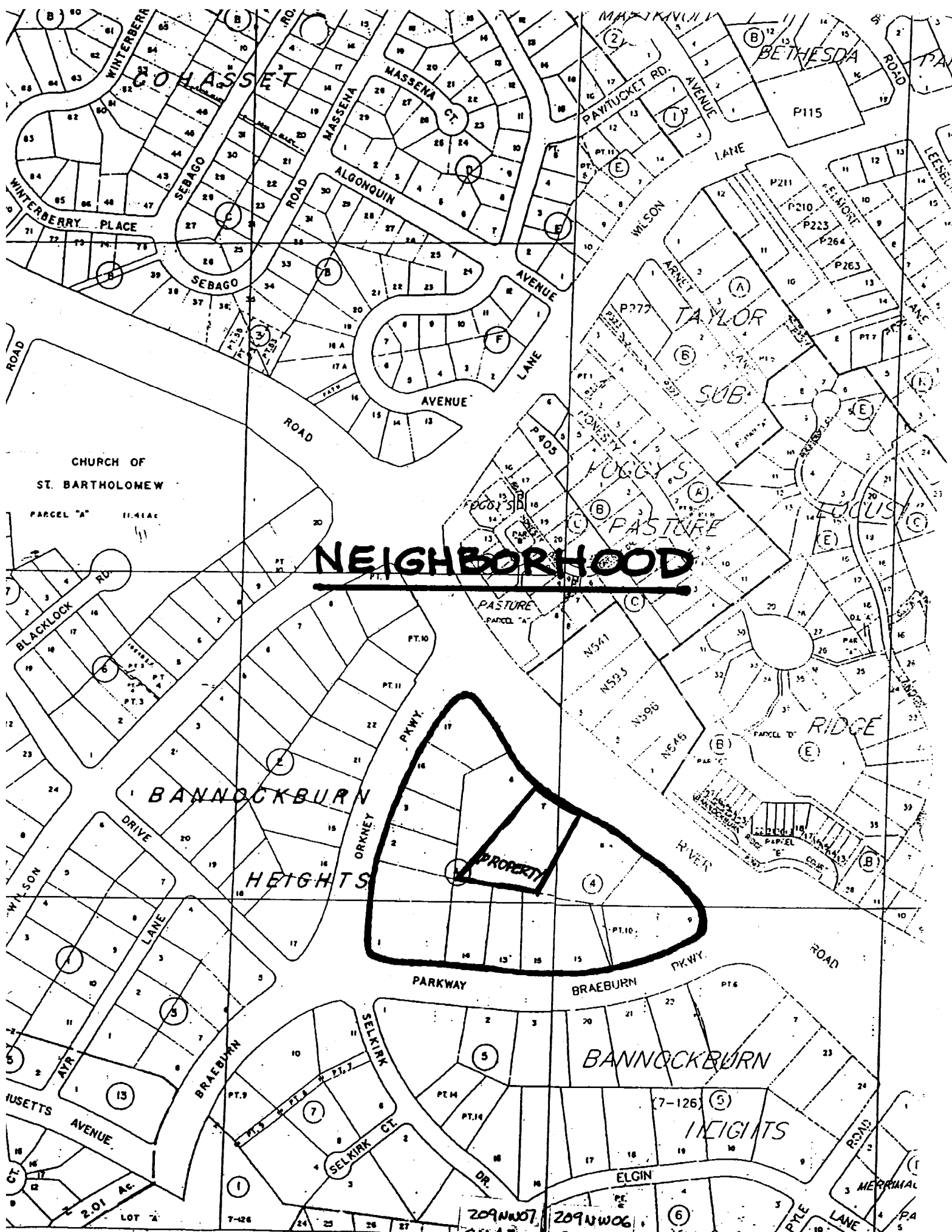
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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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**NEIGHBORHOOD**

**PROPERTY**

209NW07 GN42 GN342  
 209NW06 GN62 GN567

G 4