

ORDINANCE NO. 885

AN ORDINANCE DENYING AN APPLICATION FOR A COMPREHENSIVE PLAN AND ZONE MAP AMENDMENT FROM LOW DENSITY (LD) AND COMMERCIAL RETAIL (CR) TO HIGH DENSITY (HD), SITE PLAN APPROVAL AND VARIANCE FOR A FOUR-PLEX

WHEREAS, Application for zone change File No. 07-06/05 (for Don Druliner) relates to the the subject parcel which is located at 745 N. 5th Avenue, the property is described as tax lot 4100, Township 9 South, Range 1 West of the Willamette Meridian, Section 10DB; and

WHEREAS, the Stayton Planning Commission conducted public hearings on August 29 and September 26, 2005, and closed the hearing on September 26, 2005, and voted to recommend that the City Council deny the proposed amendment to Stayton's Comprehensive Plan and Zone maps, site plan and variance; and

WHEREAS, the Stayton City Council conducted a public hearing on November 7, 2005, and subsequently rendered a decision and closed the hearing on November 7, 2005, and denied said amendments to Stayton's Comprehensive Plan and Zone maps, site plan and variance; and

WHEREAS, the Stayton City Council approved an Order of Denial; and

WHEREAS, timely proper notice of the proposed Comprehensive Plan and Zone map amendments were sent to the Department of Land Conservation and Development (DLCD) as required by state law;

NOW THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1. The application for comprehensive plan and zone map amendment (File No. 07-06/05-Don Druliner, Applicant) is hereby denied. The denial is based on findings of fact and conclusions as set forth in the Order of Denial (Exhibit A which is attached hereto and incorporated herein).

SECTION 2. Upon adoption by Stayton's City Council and Mayor's signing, this Ordinance shall become effective thirty days after adoption.

ADOPTED BY THE CITY COUNCIL this 1st day of December 2005.

Signed: December 6, 2005

BY:


GERRY ABOUD, MAYOR

Signed: Dec. 6, 2005

BY:


CHRIS CHILDS, CITY ADMINISTRATOR

APPROVED AS TO FORM:


DAVID A. RHOTEN, CITY ATTORNEY

BEFORE THE STAYTON CITY COUNCIL

In the matter of
The application for
Don Druliner, Applicant

)Comprehensive Plan and
)Zone Map Ammendment
)Site Plan Review
) Variance File # 07-06/05

ORDER OF DENIAL

I. NATURE OF APPLICATION

The proposal is for a comprehensive plan and zone map amendment from Low Density (LD) and Commercial Retail (CR) to High Density (HD) residential for 0.23 acres of property located at 745 N 5th Ave for a new four-plex. Additionally, the proposal is for a site plan review of the proposed four-plex and a variance from one side-yard setback.

II. PUBLIC HEARING

A public hearing was duly held on the application before the Stayton Planning Commission on August 29 and September 26, 2005. At those hearings the Planning Commission reviewed Land Use File # 07-06/05 application for Comprehensive Plan and Zone Map amendments, site plan review and variance were made part of the record.

At the conclusion of the hearing, the Planning Commission **denied** the application with findings. The Planning Commission found the application to be inconsistent with specific criteria in Stayton Title 17, Municipal Code Stayton's Land Use and Development Code.

A second evidentiary hearing was held on the application before the Stayton City Council on November 7, 2005. At the conclusion of the hearing, the Council **denied** the application with findings specific to criteria found in Stayton Municipal Code Title 17, of Stayton's Land Use and Development Code, and instructed staff to prepare an Order of Denial.

III. FINDINGS OF FACT

A. FACTS

Owner/Applicant: Don Druliner.

Tax Lot: The tax lot can be described as: tax lot 4100, Township 9, Range 1 West of the Willamette Meridian, Section 10DB

Zoning: The property is zoned Low Density (LD) Residential and Commercial Retail (CR)

Location: The property is located at 745 N. 5th Street.

Surrounding Property: The properties to the north and west of the subject property are zoned Commercial Retail (CR). The properties to the east are zoned Low Density (LD) and CR. The properties to the south are zoned LD.

Proposal: The proposal has three parts. First for a comprehensive plan map and zone map amendment from Low Density (LD) Residential and Commercial Retail (CR) to High Density (HD) Residential to accommodate a new four-plex. The second part is a site plan review for the proposed four-plex. The third part is a variance for one side-yard setback along Virginia St. to allow the four-plex to be built.

B. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Willamette Broadband, Stayton Cooperative, Pacific Power & Light, NW Natural Gas, Stayton Fire District and Stayton Police Department.

City of Stayton Public Works stated that public services are available to serve the site.

C. PUBLIC COMMENTS

The Planning Commission received six letters of opposition from neighbors adjacent to or in proximity to the affected property.

I. Comprehensive Plan Amendment

D. ANALYSIS

Comprehensive Plan amendment applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.12.420 PLAN AMENDMENTS.

Method of Adoption

Pursuant to SMC 17.12.370 to 17.12.390 plan amendments shall be adopted by ordinance passed by the council.

E. APPROVAL CRITERIA

Pursuant to SMC 17.12.420.5 the applicant must demonstrate that the following criteria are satisfied by the application:

a. *The proposed amendment is compatible with the existing provisions of the plan, as measured by:*

1. *If a map amendment, the extent of existing and proposed land use allocations for the requested uses.*

Finding: According to the 2005 Buildable Lands Inventory out of the 41.8 acres of HD there are currently 4.2 vacant acres in the city. To meet the needs for the City through 2020 the City needs, at a minimum, an additional 10.8 acres of HD land. The rezoning of the applicant's property to HD would only add 0.23 acres of new HD land to the inventory.

2. *Impact of the proposed amendment on land use and development patterns within the City, as measured by:*

a) *Traffic generation and circulation patterns;*

Finding: Under normal conditions each unit would generate between eight and ten vehicle trips per day for approximately forty vehicle trips per day. This would have a minimum impact on the adjoining neighborhood.

b) *Population concentrations;*

Finding: According to the 2005 BLI the average density for LD land in the City is 3.5 units per acre and 14.2 for HD land. This would be a significant increase in density on that particular property. The adjoining properties are a mix of LD and CR zoning. The CR zone does make allowance for residences on the second floor and tends to have a higher density than the LD zone. The proposed amendment would change the density and the character of the area with a mix of commercial, high density and low density residential uses that could have a negative impact on the adjoining residential properties.

c) *Demand for public facilities and services;*

Finding: The proposed amendment will increase the demand for public facilities but those issues can be addressed in the site plan review and conditions of approval.

d) *Maintenance of public health and safety;*

Finding: The proposed amendment will not affect maintenance of public health and safety. If issues arise they can be addressed through site plan review and conditions of approval.

e) *Level of park and recreation facilities;*

Finding: There are no additional parks planned for this area of the City according to the Stayton Parks and Recreation Master Plan because the neighborhood is already more than adequately served by Pioneer Park and Stayton Riverfront Park.

f) *Economic activities;*

Finding: This criterion does not apply.

g) *Protection and use of natural resources;*

Finding: There are no natural resources on the subject property.

h) *Natural hazards and constraints;*

Finding: There are no known natural hazards or constraints on this property.

i) *Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvement programs.*

Finding: This proposal would not conflict with the adopted Transportation Master Plan or Stayton's Parks and Recreation Master Plan.

b. *A demonstrated need exists for the product of the proposed amendment (land use designation or plan text adjustment).*

Finding: There is currently only one 4.2 acre parcel of vacant HD land within the City and no additional HD identified outside the City limits but within the urban growth boundary. The 2005 BLI shows that the City will need an additional 10.8 acres to meet its needs through 2020. However, the designation of this property from CR and LD would not significantly improve the needs to accommodate additional HD property.

c. *The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements, including compliance with Goal 14 and the Urban Growth Policies of the City of Stayton (Section 17.08.230 of this title) if a change in the urban growth boundary is requested.*

Goal 1- Citizen Involvement Finding: The hearings process for this application satisfies the requirements of Goal 1.

Goal 2- Land Use Planning Finding: This proposal is an amendment to the Stayton Comprehensive Plan and may be supported by a factual basis for the change.

Goal 3- Agricultural Lands, Goal 4- Forest Lands, Goal 5- Open Spaces, Scenic and Historic Areas, and Natural Resources, Goal 6- Air, Water and Land Resources Quality, Goal 7- Areas Subject to Natural Disasters and Hazards, Goal 8- Recreational Needs, Goal 9-Economic Development Finding: These goals do not apply.

Goal 10- Housing Finding: The proposed amendment would only increase the amount of land available for high density residential development by 0.23 acres.

Goal 11- Public Facilities and Services, Goal 12- Transportation, Goal 13- Energy Conservation, Goal 14- Urbanization, Goal 15- Willamette River Greenway, Goal 16- Estuarine Resources, Goal 17- Coastal Shorelands, Goal 18- Beaches and Dunes, Goal 19- Ocean Resources Finding: These goals do not apply.

d. *The proposed amendment is possible within the existing framework of the plan (e.g., no new land use designation categories, policy categories, or plan elements are necessary to accommodate the amendment).*

Finding: The proposed amendment is possible within the framework of the plan and does not require any new land use designation categories, policy categories, or plan elements. The amendment meets the spirit and intent of accommodating a housing type that is in short supply in the City.

LU-2: Zoning shall follow property lines and include entire rights-of-way as much as practicable. This amendment corrects the split zoning on the property of LD and CR. This will bring the property into compliance with LU-2

e. *The proposed amendment is appropriate as measured by at least one of the following criteria:*

1. *It corrects identified error(s) in the provisions of the plan.*

Finding: This criterion does not apply.

2. *It represents a logical implementation of the plan.*

Finding: This proposal meets this criterion in two ways. First, providing a variety of housing types at different densities is necessary to meet the goals of the Plan and there is a need for more HD land in the City. Second, the Plan discourages split zoning and this would correct the split zone of LD and CR on this property.

3. *It is mandated by changes in federal, state, or local law.*

Finding: This criterion does not apply.

4. *It is otherwise deemed by the council to be desirable, appropriate, and proper.*

Finding: The City Council, after reviewing the evidence and taking public testimony found:

1. The designation of the property from CR and LD would disrupt the continuity of the low density character of the neighborhood.
2. The designation of the applicant's property to HD would not significantly improve the needs for accommodating additional multifamily development in the area.
3. The applicant's proposal does not fit with the character of the neighborhood.
4. Public opposition by surrounding property owners to the proposal to amend the zone designation from low density residential to a high density designation was substantial.
5. It was determined that amending the zone designation of the property from CR and LD to HD would represent "spot" zoning.

F. CONCLUSION

Although the applicant's request meets many of the requirements established in SMC 17.12.420.5 the proposed amendment would not "fit" in with the surrounding neighborhood.

G. CITY COUNCIL DECISION

The City Council **denies** the applicant's request to amend the Comprehensive Plan Map to a High Density (HD) residential designation.

II. Zone Map Amendment

H. ANALYSIS

Zone map amendment applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.12.430 ZONE CHANGES.

Method of Adoption

Pursuant to SMC 17.12.370 to 17.12.390 plan amendments shall be adopted by Ordinance passed by the Stayton City Council.

I. APPROVAL CRITERIA

Pursuant to SMC 17.12.430.5 the applicant must demonstrate that the following criteria are satisfied by the application:

- a. *The proposed zone change and intended use is compatible with the surrounding area, as measured by:*

1. *Land use patterns.*

Finding: The surrounding properties are zoned Low Density (LD) and Commercial Retail (CR). There are also properties zoned Medium Density (MD) in the immediate area. Commercial Retail allows for residential uses on the second story and commercial uses on the ground floor. The CR zone allows for higher levels of density. The LD zone on the west side of 10th Ave. requires a minimum lot size of 8,000 square feet. This is a use that is lower in density than the minimum 13 units per acre of HD but is offset by the adjoining CR properties. The rezoning of this 0.23 acre parcel to HD may be incompatible with these surrounding uses.

2. *Traffic generation and circulation.*

Finding: The proposed use for this property would generate approximately forty additional trips per day in this area.

3. *Population density and impacts of population concentrations.*

Finding: The applicant's request would increase the number of housing units on the property from one allowable dwelling (LD) to four dwelling units (HD).

4. *Potential adverse impacts such as noise, odors, appearance, hazards to the public, generation of waste products, excessive glare of lighting, and demand on public services and facilities.*

Finding: The proposed use for this property of a four-plex will generate approximately an additional 30 vehicle trips per day relative to a single family dwelling.

5. *Other similar factors deemed to be of importance to the decision by the Planning Commission or council.*

Finding: The City Council, after reviewing the evidence and taking public testimony found:

1. The designation of property from CR and LD would disrupt the continuity of the low density character of neighborhood.
 2. The designation of the applicant's property to HD would not significantly improve the needs for accommodating additional multifamily development in the area.
 3. The applicant's proposal does not fit with the character of the neighborhood.
 4. Public opposition by surrounding property owners to the proposal to amend the zone designation from low density residential to a high density designation was substantial.
 5. It was determined that amending the zone designation of the property from CR and LD to HD could represent "spot" zoning.
- b. *Other properly zoned land is not available in sufficient quantity within the City to satisfy current and projected needs.*

Finding: There is an insufficient amount of HD land in the City as identified by the 2005 Buildable Lands Inventory which shows a need for an additional 10.8 acres of HD land to meet the needs of the City to 2020.

- c. *There are adequate urban services to serve the possible use under the zone proposed.*

Finding: The property has developed urban services. Any insufficiencies in the existing services can be addressed in the conditions of approval for the site plan review.

- d. *The proposed zone change is compatible with applicable provisions of the City Comprehensive Plan.*

Finding:

LU-2: Zoning shall follow property lines and include entire rights-of-way as much as practicable. This amendment corrects the split zoning on the property of LD and CR. This will bring the property into compliance with the LU-2

- e. *The proposed zone change satisfies applicable provisions of Oregon Statewide Planning Goals and Administrative Rules.*

Finding:

Goal 1- Citizen Involvement Finding: The hearings process for this application satisfies the requirements of Goal 1.

Goal 2- Land Use Planning Finding: This proposal is a minor amendment to the Stayton Comprehensive Plan but is not found to be compatible with the adjacent neighborhood.

Goal 3- Agricultural Lands, Goal 4- Forest Lands, Goal 5- Open Spaces, Scenic and Historic Areas, and Natural Resources, Goal 6- Air, Water and Land Resources Quality, Goal 7- Areas Subject to Natural Disasters and Hazards, Goal 8- Recreational Needs, Goal 9-Economic Development Finding: These goals do not apply.

Goal 10- Housing Finding: The proposed amendment will help to provide a range of housing types for Stayton but would have a minimal impact in meeting the HD housing needs.

Goal 11- Public Facilities and Services, Goal 12- Transportation, Goal 13- Energy Conservation, Goal 14- Urbanization, Goal 15- Willamette River Greenway, Goal 16- Estuarine Resources, Goal 17- Coastal Shorelands, Goal 18- Beaches and Dunes, Goal 19- Ocean Resources Finding: These goals do not apply.

J. CONCLUSION

The applicant's request meets a number of the requirements established in SMC 17.12.430.5 but is not compatible with the adjoining neighborhood.

K. CITY COUNCIL DECISION

The City Council **denies** the applicant's request to amend the zoning designation from LD and CR to HD.

III. Site Plan Review

L. ANALYSIS

Site plan review applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.12.470 SITE PLAN REVIEW.

Method of Adoption

Site plan review shall be adopted pursuant to the requirements of SMC 17.12.370 to 17.12.390.

M. APPROVAL CRITERIA

Pursuant to SMC 17.12.470.6, the applicant must demonstrate that the following criteria are satisfied by the application:

- a. *The existence of or ability to obtain adequate utility systems (including water, sewer, surface water drainage, power, and communications), and connections, including easements, to properly serve development on the subject property in accordance with accepted City standards where applicable.*

Finding: Water Service— The property has water mains on both streets. Capacity is limited on the 5th Avenue line but high capacity is available with the 20” main on Virginia. A fire hydrant is located at the street intersection which is fed from the 20 inch main on Virginia. This hydrant has adequate capacity for the development.

Sewer Service – Sewer service is available on 5th Avenue. As this is a multi-family service, a 6 inch sewer service will be required (PW Standards 1.2.16.a).

Storm Drainage – The developer’s engineer shall present a storm drainage plan to the City Engineer for approval with the building permit. Storm water detention and water quality shall be considered in the design.

- b. *Provisions for safe and efficient internal traffic circulation, including both pedestrian and motor vehicle traffic, and provision for safe access to and from the property to those public streets and roads which serve the property.*

Finding: Street Classification – Both streets are local streets with no modification proposed in the transportation plan. Street access – The proposed single access is preferred over multiple accesses to the property. Driveway location – (SMC) (17.26.1020.3h) requires a minimum driveway spacing of 50 feet from the intersection to the driveway. This appears to be met with the proposed design. TIA – A Transportation Impact Analysis must be addressed for this development. The

developer's traffic engineer may submit a letter if they find that by following the Stayton Municipal Code, a full TIA is not required, otherwise a TIA shall be submitted to the City Engineer for approval prior to issuance of a building permit. The TIA will focus on site access and impacts on the surrounding streets.

- c. *Provision of all necessary improvements to local streets and roads, including the dedication of additional right-of-way to the City and/or the actual improvement of traffic facilities to accommodate the additional traffic load generated by the proposed development of the site.*

Finding: Street Improvement Status – Virginia and 5th are unimproved (and receive no city maintenance) along the frontage of this property. The 16-foot public alley located on the westerly side of the property is also un-improved. Pursuant to Stayton Municipal Code (12.04.020.1) no person shall receive a building permit unless the abutting streets are improved. Improvement of these streets will therefore be a condition of receiving a building permit for this property. Street improvement will include sidewalk, curb, base rock and paving for half of a 34-foot street plus a 10-foot travel lane on the opposite side of the street. Storm drainage is required with the improvement. The alley will be Portland cement concrete constructed to city standards - City of Stayton Standard Specifications, Design Standards and Drawings (PW Standards). The owner has indicated he will improve the two streets with the development. Plans, prepared and stamped by a registered professional engineer, must be submitted to the City Engineer for approval. Permits and bonding are also required. The full width alley must also be improved along the property frontage or the developer must sign a letter of non-remonstrance for the alley.

- d. *Provision of parking areas and adequate loading/unloading areas and facilities as required by chapter 17.20 of this code; minimization of noise, odors, fumes, or other impacts affecting offsite areas.*

Finding: SMC Chapter 17.20 requires two spaces per unit of multi-family housing. The proposed four-plex has four garage spaces, one per unit, and an additional six spaces in the parking lot for a total of ten parking spaces which satisfies the parking needs.

- e. *The design and placement on the site of buildings and other structural improvements on a site shall provide compatibility in size, scale, and intensity of use between the development proposed and similar development on neighboring properties.*

Finding: The neighboring properties are a mixture of older two stories houses and some small commercial development. While this structure will be bigger than many of the surrounding buildings, it does have two two-story units that will give it more massing than surrounding properties. The intensity of the use for this property is out of character to the surrounding area.

- f. *Location, design, and size of the proposed improvements to the site in a manner which will fulfill the intended purpose of the requested use of the site and which will properly serve anticipated customers or clients of the proposed improvements.*

Finding: The proposed improvements to the site are inconsistent with the adjoining single residential housing development.

- g. *Landscaping of the site in a manner consistent with the requirements of chapter 17.20 of this code, and which prevents unnecessary destruction of major vegetation such as trees, preserves unique or unusual natural or historical features, provides for vegetative ground cover and dust control, and presents an attractive interface with adjacent land use and development.*

Finding: The landscaping requirement for HD residential is 20% of the lot. The landscaped areas of the site do constitute 20% landscaping. However, a developed landscaping plan was not included in the application so types of landscaping proposed for this site are not detailed. There are a few large conifers on the site that may not be able to be preserved because of their location. A fully developed, detailed landscaping plan is needed for further evaluation.

- h. *Design of any visual or physical barriers around the property, such as fences, walls, vegetative screening or hedges, in a manner allowing them to perform their intended function and have no undue adverse impact on existing or contemplated land uses.*

Finding: There are six foot tall screening fences shown in the back yard and front yard to act as privacy screens between units but there are no other fences or hedges shown. A hedge along the northern property line might be useful for a visual and sound barrier to the adjacent property.

- i. *Lighting sufficient to satisfy the intended use of the property but designed in such a manner as to not present an adverse impact (as measured by excessive brightness or glare) upon adjacent land uses or traffic movements.*

Finding: The development appears to provide moderate amounts of lighting for porches with interior lighting for garages. A detailed lighting plan will be needed to ensure there is no excessive light impacts on neighboring properties.

- j. *Establishment of continuing provisions for maintenance and upkeep of all improvements.*

Finding: The applicant has not established continuing provisions for maintenance and upkeep for this proposal.

- k. *Proof of financial responsibility that the proposed development will be properly implemented as approved. To ensure that required public and/or private improvements are made in a timely and acceptable manner, the applicants may be required by the City to provide acceptable financial assurance to the City consistent with the requirements of chapter 17.20 of this code.*

Finding: This criterion is not applicable.

N. CONCLUSION

The applicant's request meets a number of the requirements established in SMC 17.12.470.6. However, this is a moot issue since the City Council **denies** the Comprehensive Plan and Zone Map amendments as requested by the applicant.

O. THE CITY COUNCIL DECISION

The City Council **denies** the site plan review application.

IV. Variance

P. ANALYSIS

Variance applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.12.450 VARIANCES.

Method of Adoption

Variances shall be adopted pursuant to the requirements of SMC 17.12.370 to 17.12.390.

M. APPROVAL CRITERIA

Pursuant to SMC 17.12.450.6 the following criteria must be demonstrated as being satisfied by the application:

- a. *General Criteria Applicable to All Requests.*
1. *The granting of the variance would not be materially detrimental to the public health, safety, or welfare, or the overall public interest of the citizens of the City as expressed within this title and the adopted City Comprehensive Plan.*

Finding: The requested variance is to the 20 foot required setback to 10 feet along Virginia St. Granting the variance may not be materially detrimental to the public

because the setbacks for sight distance would still need to be met for the intersection at 5th and Virginia.

2. *The granting of the application complies with the applicable specific approval criteria as defined herein.*

b. *Specific Variance Criteria*

1. *Variance to Zoning Regulations.*

a) *The property is subject to exceptional or extraordinary circumstances, such as lots size, shape, topography, or other similar circumstances over which the property owner has no control and which do not generally apply to other properties in the same zoning district and/or vicinity.*

Finding: The property is a corner lot. This means that an additional setback requirement of 20 feet from Virginia St. is required instead of the usual 5 foot side yard setback. This is a condition that applies only to corner lots. Because of the size of the lot, the applicant cannot meet the requirements for a High Density (HD) development and meet this setback standard. However, an alternative decision for the four-plex could result in meeting the setback standard.

b) *The variance is necessary for the reasonable preservation of a property right of the applicant which is the same as that enjoyed by other landowners in the zoning district.*

Finding: The minimum density requirements of the HD zone are 13 units per acre. The additional setback of 20 feet makes it difficult for the property owner to meet that minimum density requirement an alternate design could remedy the situation.

c) *The variance would conform to the purposes of the applicable zoning regulations and would not generate a significant adverse impact on other property in the same zoning district or vicinity.*

Finding: The granting of this variance could impact other property in the vicinity because the proposed development could set a negative precedent for side yard setbacks adjacent to a street.

d) *Approval of the variance would not create an identifiable conflict with the provisions of the City plan or achieve the same conditions as would result from a new plan designation or zone being placed on the property.*

Finding: The granting of this variance could potentially create a precedent that is self-imposed and not mandated by conditions of the land.

e) The variance being requested is the minimum relief available to alleviate the difficulty giving rise to the application.

Finding: The requested variance is the minimum relief because the proposal will still have to meet all other setback requirements for the property.

f) The variance would not have the effect of granting a special privilege not generally shared by other property in the same zoning district.

Finding: This would result in a special privilege for the property not shared by others in the HD zone.

g) The request is not the result of a self-imposed condition or hardship.

Finding: The requested variance is a self-imposed condition.

N. CONCLUSION

The applicant's request does not meet all the requirements established in SMC 17.12.450.6

O. CITY COUNCIL DECISION

The City Council **denies** the applicant's request of a street side yard setback from 20 feet to 10 feet.