

To:	Spring Lake Park Planning Commission	From:	Phil Carlson, AICP, Stantec
	City of Spring Lake Park		
File:	Northtown Auto Sales 8325 University Avenue NE Applicant: Muchtar Sajady Owner: Fatima Sajady Trustee	Date:	January 22, 2024

Re: Conditional Use Permit, Northtown Auto Sales, Auto Service, 8325 University Avenue NE

INTRODUCTION

Northtown Auto Sales operates a car sales lot at 8325 University Avenue NE in the C-2 zoning district. The property has an existing conditional use permit (CUP) that allows for auto sales and cleaning of vehicles. The original CUP (then called a “special use permit” – same as a CUP) was approved in March 1985 and allowed auto sales, but no repair, with a maximum of 50 cars parked on site. A CUP amendment in December 1985 increased the allowed number of cars on site to 58 and allowed parking to within 5 feet of the front lot line. Two CUP amendments in 1993 allowed a taller garage door and added storage and cleaning of vehicles to the permitted uses. See attached Summary of Special Use Permit Actions.

Auto sales (“*Auto and marine; sales, leasing and rental*” in the official code language) and repair (“*Auto and marine; service, parts, and repair, excluding wash*”) are both listed as conditional uses in the table of uses in the Zoning Code for the C-2 district. A *conditional use* is considered in planning practice and Minnesota zoning rulings to be a *permitted use* to which reasonable conditions may be attached. It is generally not advisable to deny the use outright unless there are unusual issues with a given site that would make that use inappropriate even with reasonable conditions.

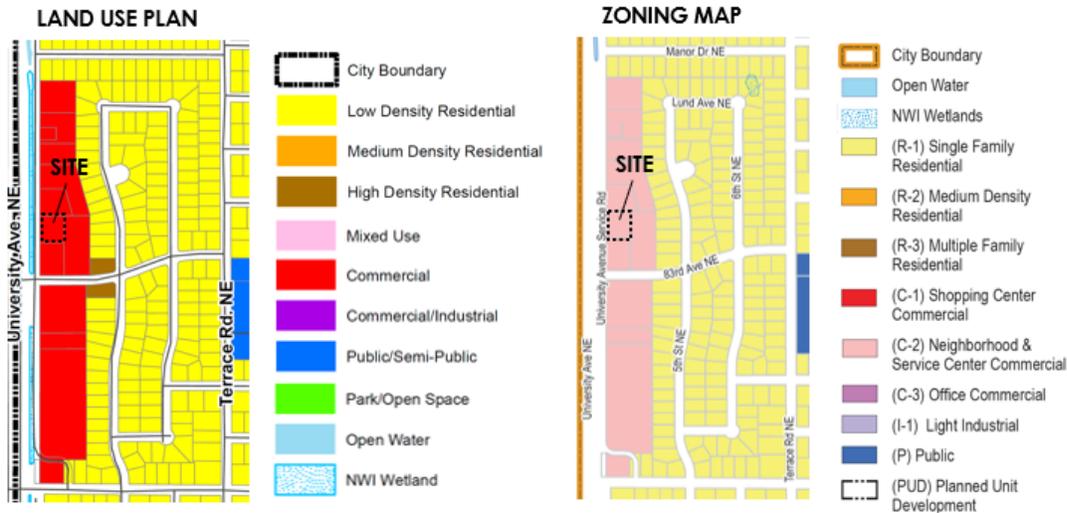


Using this approach, we assume that auto repair can be allowed but that the City can attach conditions to the permit to address issues on site. Since there is already a CUP on the property we will consider this request an amendment to that CUP – all conditions now in effect would remain unless specifically altered in an amended CUP.

PLANNING & ZONING CONTEXT

The property is guided Commercial on the City’s Land Use Plan and zoned C-2 Neighborhood and Service Center Commercial, as illustrated on the map excerpts on the next page. The properties on all sides of the site are also commercial, in Spring Lake Park and across University Avenue to the west in Fridley. All properties in this area are served by a frontage road adjacent to University Avenue. The land immediately east behind the Northtown Auto site is vacant commercial property, part of the parcel belonging to the business fronting 83rd Avenue to the southeast. That vacant piece could be developed some day but has sat vacant for many years. The next properties to the east are all single family homes on 5th Street NE. The homes are about 230 feet from the property line of Northtown Auto Sales.

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HISTORY

The original 1985 SUP was issued to a previous owner. Mr. Sajady has owned the property since before the 1993 SUP amendments. City files show a number of complaints and violations of the permit conditions several times over the years, both with the previous owner and with Mr. Sajady. The complaints have involved too many cars on site, lighting spilling into neighboring properties, and hours of operation. As recently as May of 2023 a Google Earth aerial photo shows over 60 cars on the site (see photo, right).

ZONING ISSUES

As noted above, the auto repair use being requested is listed as an allowed conditional use in the C-2 district. The questions are whether there are conditions that can be attached to the request to address site conditions that have an impact on surrounding properties or if there is anything about that use that would inherently disqualify it from this site. The site is approximately 25,700 sq ft in area.

The basic relevant zoning standards in the C-2 district for this property are the following, compared to the estimated existing conditions on site:

- Front parking setback: 25 ft required (5 ft existing)
- Rear parking setback: 10 ft required (0-5 ft existing)
- Side parking setback: 10 ft (0-5 ft existing)
- Impervious site coverage: 75% maximum (92% existing)



Google Earth aerial photo, 5/23/2023

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The existing site is out of compliance in terms of setbacks and site coverage, a condition that is not unusual for older properties. Changes in the property, however, can be a time for the City to consider ways to bring the site more into compliance with the spirit and letter of the Zoning Code. It has been a goal of the City for some time to improve the appearance of the University Avenue streetscape, and the Northtown Auto site has that opportunity now.

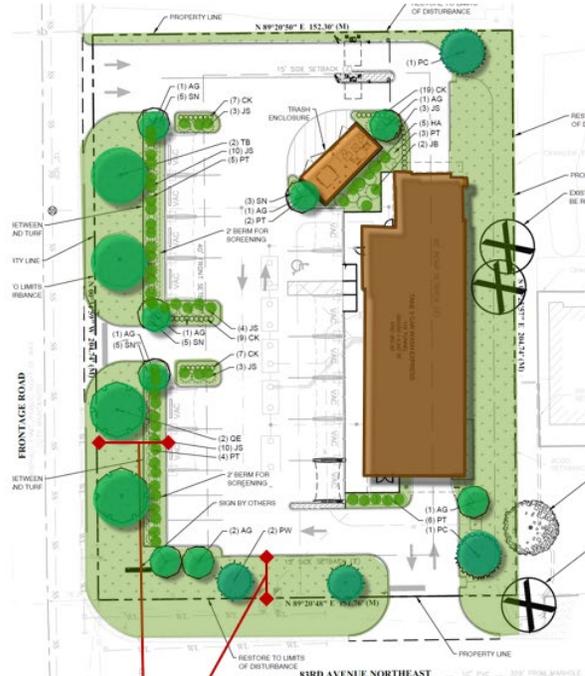
An example is the property immediately to the south of Northtown Auto Sales on the University Avenue frontage road, the Take 5 Express Car Wash, now under construction. The redevelopment of that property improves the previous condition of zero setbacks on the street frontages with new landscaped boulevards – 25 ft on the University Avenue frontage road and 15 ft on the side setback to 83rd Avenue NE.

**8301 University Ave NE
 Previous**



No Setback

**8301 University Ave NE
 New Take 5 Car Wash (Under Construction)**



15 ft Landscaped Setback
 25 ft Landscaped Setback

Requiring the site to come into compliance with the zoning code standards is covered in Section 16.08.010:

16.08.0101. Scope Of Regulations

1. No application for a building permit or other permit or license, or for a certificate of occupancy, shall be approved by the Zoning Administrator, and no permit or license shall be issued by any other department, which would authorize the use or change in use of any land or building contrary to the provisions of this title, or the erection, moving, alteration, enlargement, or occupancy of any building designed or intended to be used for a purpose or in a manner contrary to the provisions of this title. [underline added]

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Reviewing this CUP application and requiring it to come into complete compliance with the code would be permitted by this section, but we understand that complete compliance would be difficult and unreasonable. Some improvements however can be made and are reasonable to expect in this situation.

CONDITIONAL USE CRITERIA

The criteria in Section 16.56.030(E)(1) of the Zoning Code related to Conditional Uses are as follows:

- a. *The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;***

The use – auto repair – is assumed to be necessary and desirable.

- b. *The use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity;***

The use, if conducted properly, will not be detrimental to people in the vicinity.

- c. *The proposed use will comply with the regulations specified in this title for the district in which the proposed use is to be located;***

The site does not comply with the setback and lot coverage regulations, as noted above. This is an issue to be addressed in this CUP request.

- d. *The use is one of the conditional uses specifically listed for the district in which it is to be located;***

The use is listed as a Conditional Use in the C-1 district.

- e. *The proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity;***

The use and enjoyment of this part of the University Avenue is impacted by the appearance of the businesses along it. Improving that appearance is one of the issues to be addressed in this request, by adding more of a landscaped boulevard which will bring it more into compliance with the setback and lot coverage standards.

- f. *The use will not lower property values or impact scenic views in the surrounding area;***

The conduct of the use itself will not lower property values, but as noted, the appearance of the site with many cars and little green space and landscaping does impact the scenic value of the area.

- g. *Existing streets and highways and proposed access roads will be adequate to accommodate anticipated traffic;***

The streets are adequate to serve the use.

- h. *Sufficient off-street parking and loading space will be provided to serve the proposed use;***

Limiting the number of cars on site is one of the key issues with this property going back many years. The business must comply with the reasonable limit to the number of vehicles on site.

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i. The use includes adequate protection for the natural drainage system and natural topography;

The site can handle the drainage.

j. The proposed use includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance; and

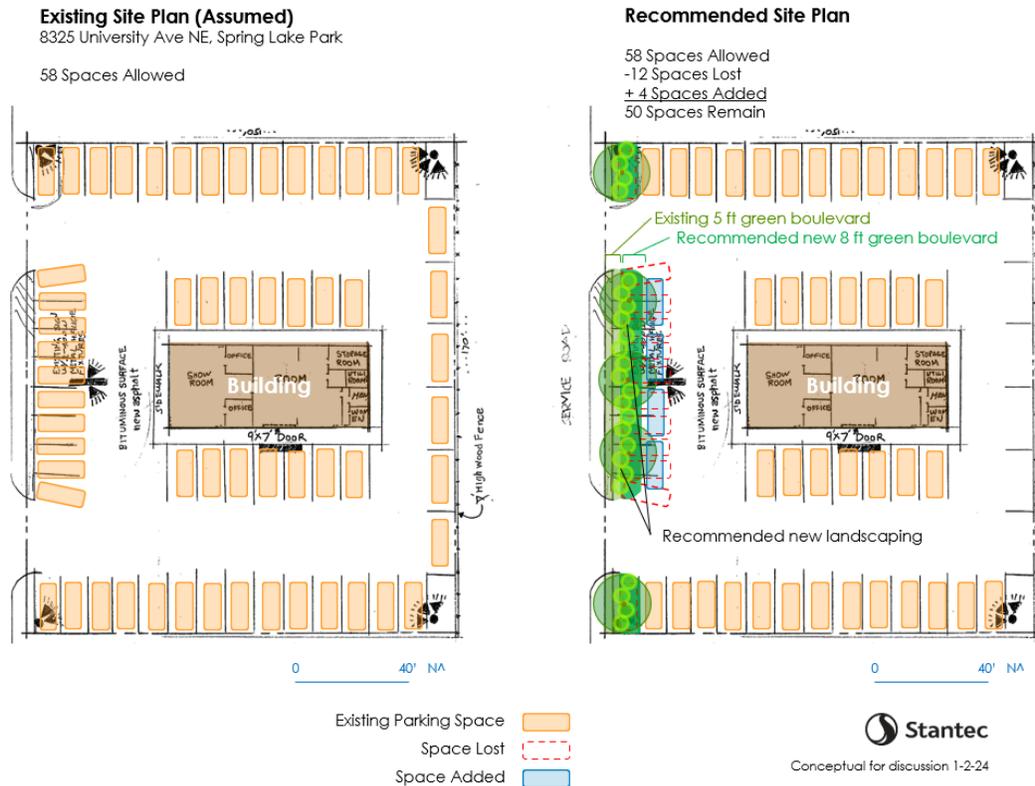
It is assumed that the use will continue to limit odor, fumes, dust, noise and vibration as required by the code.

k. The proposed use will not stimulate growth incompatible with prevailing density standards.

Not applicable.

NEW LANDSCAPED BOULEVARD

To accomplish the improved appearance of the University Avenue frontage an expanded landscape boulevard could be added to the west side of the site adjacent to the frontage road, as illustrated below. The new boulevard area would add 8 ft of width to the existing 5 ft of width. Landscaping would consist of low shrubbery that would not block visibility to cars on display on the site and overstory trees approximately 30 ft on center whose branches would also be above the cars on display so as not to block visibility. We estimate this plan would remove 12 parking spaces and add back 4, for a net of 8 spaces lost, and a total of 50 spaces on the site, compared to the 58 spaces allowed under the current permit. The plan would add about 1,000 sq ft of green space to the site, or about 4%, reducing the impervious coverage from about 92% to about 88%. The new plan would be prepared by the owner for review and approval by the City Planner and City Engineer.



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Recommended Site Concept
8325 University Ave NE, Spring Lake Park
Conceptual for discussion only 1-2-24

RECOMMENDATION

I recommend that the Planning Commission recommend voiding the current Special Use Permit at 8325 University Avenue NE and recommend approval of a new Conditional Use Permit including auto repair use for Northtown Auto Sales, with the following conditions which incorporate, restate, and modify the current permit conditions, with the following findings of fact:

Conditions of Approval

- 1) The current Special Use Permit at 8325 University Avenue NE, approved in March 1985 and amended in December 1985 and December 1993, is voided and replaced with a new Conditional Use Permit.
- 2) Auto repair may be conducted on site as long as all repair work is done completely within the building and all other conditions of this permit are adhered to.
- 3) A new landscaped boulevard along the University Avenue frontage road will be added as illustrated in the Planner's report of January 22, 2024, consisting of an additional 8-ft-wide landscaped area, in addition to the existing 5-ft-wide landscaped area, for a total of 13 ft wide. The new boulevard will be planted with overstory trees approximately 30 ft on center and low shrubs in a plan to be prepared by the owner and reviewed and approved by the City Planner and City Engineer. All landscaping will be installed as indicated on the approved landscape plan and guaranteed for at least one year. The plan is to be completed by October 1, 2024.
- 4) The number of cars on site at any one time, including vehicles for sale, involved in repair, or customer parking, is limited to 50, as illustrated on the Recommended site plan in the Planner's report of January 22, 2024.

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- 5) All vehicles on site must be legal and operational for public highways.
- 6) Hours of operation are 9 am to 9 pm, Monday to Friday and 9 am to 6 pm on Saturdays.
- 7) On-site lighting to be confined to the premises. Any changes in site lighting plan are to be reviewed and approved by the City Engineer.
- 8) Existing green space to be maintained.
- 9) Fencing will be kept in good repair and attractive appearance.
- 10) All other City standards related to drainage of the site and other site features are to be followed. Any changes must be reviewed and approved by the City Engineer.

Finding of Fact for Approval

- 1) Northtown Auto Sales has operated at 8325 University Avenue NE under a Special Use Permit approved in 1985 and amended in 1993.
- 2) The City has standards in the zoning code for setbacks and lot coverage which are reasonable to promote the health, safety, and welfare of the City, its residents, and businesses. One of the purposes of the setbacks is to encourage and allow the attractive landscaping of business sites.
- 3) The current site at 8325 University Avenue NE is zoned C-2 and does not comply with the required standards in the zoning code for setbacks and impervious site coverage, summarized as follows:
 - a. Front parking setback: 25 ft required (5 ft existing)
 - b. Rear parking setback: 10 ft required (0-5 ft existing)
 - c. Side parking setback: 10 ft (0-5 ft existing)
 - d. Impervious site coverage: 75% maximum (92% existing, estimated)
- 4) With a new landscaped boulevard as recommended with the new Conditional Use Permit the front parking setback would be increased to 13 ft and the impervious site coverage would be reduced to about 88%. The side and rear setbacks would not be affected.
- 5) The use as conditioned with this approval meets the criteria for approving a Conditional Use Permit in Section 16.56.030(E)(1) of the City Code.

OPTIONS

- 1) Recommend approval of the CUP as presented with the recommended conditions and findings, or as modified by the Planning Commission.
- 2) Recommend denial of the CUP, with findings for denial.
- 3) Continue the items to a future meeting to gather more information or more discussion.

60-DAY RULE

The Conditional Use Permit application was received on November 16, 2023. Due to scheduling over holidays the City has already extended the deadline for final action an additional 60 days to 120 days as allowed by State statute 15.99. The deadline for final action by the City Council is March 16, 2024.

8325 University Avenue NE

Summary of Special Use Permit Actions

(from City files)

- March 1985: Petition for SUP, Northtown Auto Sales
- December 1985: Amendment to SUP – to store more vehicles and reduce green space
- December 1993: Amendment to SUP – to clean and maintain vehicles and change door

March 1985: Petition for SUP for Northtown Auto Sales, 8325 University Ave

Decision: Approval of Special Use Permit for Northtown Auto Sales, 8325 University Ave NE with following conditions and amendment stipulating that the SUP be reviewed in one year.

- 1) Number of cars displayed for sale to be limited to 50.
- 2) Hours of operation: 9 am to 9 pm
- 3) On-site lighting to be confined to the premises
- 4) Lighting plan to be approved by the City Engineer
- 5) Existing green space to be maintained
- 6) Fencing be repaired
- 7) No repair work to be done in the existing building
- 8) Drainage of the site to be approved by the City Engineer
- 9) No junkers (all vehicles not legal operational for public highways) be allowed

December 1985: Amendment of Special Use Permit granted for Lenny's Auto Sales, 8325 University Avenue to reduce the green space to within 5 feet of the curb and increase the number of display cars to 58 from 50.

Decision: Approval to reduce the amount of green space to within 5 feet and increase the number of display cars to 58.

Discussion points:

- [Owner] explained that he currently has 58 spaces and if his request is approved, he will have 8 to 10 additional spaces, bringing the total to 66 or 68.
- [Owner] said that he cannot asphalt until Spring but would like to start parking cars in the designated area.
- Council Member observed that the issue of green space in commercial properties has been a recurring problem in Spring Lake Park and asked if the City could adopt a guideline for calculating the minimum amount of green space required for a building keeping in mind its size, amount of blacktop etc. City Engineer explained that adopting a guideline will be difficult as some uses require more green space than others. Site plan review process was recommended to give the Council the opportunity to review each individual case.
- Council Member recalled that the amount of green space varies considerably along University Service Drive and would be difficult to establish a standard as it is difficult to evaluate the effect of reducing green space without actually measuring and viewing the site. Council Member recalled that the original SUP was approved with the condition that the existing green space would remain as it and the number of parking spaces were adequate to operate the business and added that he cannot support the reduction in green space. Cohen explained that additional of spaces is essential to increase his visibility and exposure and not for the want of more space. His earlier request for an amended SUP to park cars right up to the street was denied but he observed that the cars parked next door at Northtown Imports parked closer to the street than his cars will be. Council Member expressed his opinion that the green space will add to the appearance of the business. There were varying opinions on the different businesses that existed along Service Drive and their aesthetic appearances. It was concluded that Owner is maintaining the property much better than its previous owners.

References to Complaints or Violations

Date	Type of complaint	Nature	Response
12/20/1993	Lighting	Continuing problem with lighting on the property, complaints received from a resident on 5 th Street. Council member Carson also observed the lighting problem when she visited the resident's home and observed the reflection in the kitchen window and identified the light located in the northwest corner of the site causing this problem.	Lights on the west side facing east, is tuned off at 9.30 pm but the signs stay on for security reasons and Mr. Sahady offered to tip the fixture downward as far as it will go before turning it off at 9.30 pm.
12/20/1993	Asphalt	Previous owners were required to expand the asphalt by Spring but did not follow through	Mr. Sajady stated that even with additional asphalt, the property will have more green space than other businesses along University Avenue
12/7/1999	73 vehicles in display, permitted vehicles is 58	No response from Mr. Sajadi to the letter advising him that the property's special use permit allows a maximum of 58 cars on display and not 73 vehicles (6 vehicles appear to be inoperable), which are currently on the lot as stated in the Memorandum dated December 6 th , 1999	License denied and Minnesota license division notified for further action
12/20/1999	Memorandum - 73 vehicles in display, permitted vehicles is 58	Currently 73 vehicles parked on the lot. All vehicles parked on the paved surface and no vehicles parked on the lawn	
12/28/1999	2000 Used car Dealership License	Inspections carried on December 7 th and 20 th not corrected immediately, the City Council will consider moving against the SUP under which the business is permitted to exist	