

**PLEASE NOTE DATE & TIME**

**Day/Date: Tuesday, April 9, 2024**

**Time: 5:00 P.M.**

**Location: Council Chambers City Hall**

**PLANNING COMMISSION**

**AGENDA**

**Commission Members**

Averill	Lee	Lindberg	Lorenson	Narverud
Nelson	Reierson	Shaffer	Sjoberg	

1. APPROVE AGENDA:

Motion by \_\_\_\_\_ Sec. by \_\_\_\_\_ To \_\_\_\_\_

2. MINUTES OF MARCH 12, 2024, MEETING – SEE ENCLOSED:

Motion by \_\_\_\_\_ Sec. by \_\_\_\_\_ To \_\_\_\_\_

3. COUNCIL ACTIONS:

- RESOLUTION TO AMEND PERFORMANCE STANDARDS IN C-2 (GENERAL BUSINESS DISTRICT) YARD REQUIREMENTS
- RESOLUTION TO AMEND EXCLUDED SIGNS OF A GOVERNMENTAL BODY

4. PUBLIC HEARING – REZONING REQUEST FROM EDGE HOUSING LLC FROM C-2 (GENERAL BUSINESS DISTRICT) TO R-4 (MULTI-FAMILY RESIDENTIAL):

- CHAIRMAN OPENS THE HEARING
- RCA
- HEARING NOTICE
- APPLICATION
- CHECKLIST
- ZONING & PARCEL MAPS
- APARTMENT EXAMPLE PHOTO
- CALL FOR PUBLIC COMMENT
- CHAIRMAN CLOSSES THE HEARING
- PLANNING COMMISSION DISCUSSION

Motion by \_\_\_\_\_ Sec. by \_\_\_\_\_ To \_\_\_\_\_

5. OTHER:

9. ADJOURNMENT:

Motion by \_\_\_\_\_ Sec. by \_\_\_\_\_ To \_\_\_\_\_

**PLANNING COMMISSION**  
**March 12, 2024 Meeting Minutes**

Pursuant to due call and notice, the Thief River Falls Planning Commission met in the Thief River Falls City Council Chambers on Tuesday, March 12, 2024, at 5:00 P.M. Board Members present: Averill, Lee, Lindberg, Lorensen, Narverud, Reiersen.

Absent: Nelson, Shaffer, Sjoberg.

Others present: Sparby, Baker.

**APPROVE AGENDA:**

Narverud called the March 12, 2024, Planning Commission meeting to order. Reiersen approved the agenda; Lee seconded the motion.

**APPROVE MINUTES OF FEBRUARY 13, 2024, MEETING:**

Lee made a motion to approve the February 13, 2024, Planning Commission meeting minutes. Lindberg seconded the motion, which was carried unanimously.

**HEARING TO AMEND EXCLUDED SIGN ORDINANCE SECTION 152.087 (2):**

The Planning Commission opened the public hearing & reviewed the proposed language change for City Code 152.087 (2). The current city code states, "Signs of duly constituted governmental body, including traffic signs or similar regulatory devices, legal devices, or warnings at railroad crossings are excluded."

The proposed language change states: "Traffic signs or similar regulatory devices, legal devices, or warnings at railroad crossings of a duly constituted governmental body are excluded. All other signs of a duly constituted governmental body not excluded herein shall be subject to a conditional use permit. No public comments. The public hearing was closed.

Lindberg made a motion to approve the proposed language change. Lee seconded. This will be presented to the City Council during the March 19<sup>th</sup> meeting.

**HEARING TO AMEND GENERAL BUSINESS DISTRICT C-2 YARD REQUIREMENTS ORDINANCE SECTION 152.095 (D) (3):**

The Planning Commission opened the public hearing & reviewed the proposed language change for City Code 152.095 (D) (3).

The current city code states:

"All signs, except directional and temporary signs, shall be subject to the same setback and yard requirements as all other permitted accessory uses. In the case of a corner lot, all signs, except directional and temporary signs, shall abide by the front yard setback for both sides abutting a public street. All directional, temporary, and freestanding signs shall be set back a minimum of six feet from the lot line or, where adjacent to a frontage street, six feet from the interior edge of the frontage street."

The proposed language change states:

"All signs, except directional and temporary signs, shall be subject to the same setback and yard requirements as all other permitted accessory uses. In the case of a corner lot, all signs, except directional and temporary signs, shall abide by the front yard setback for both sides abutting a public street. All directional, temporary, and freestanding signs shall be set back a minimum of six feet from the lot line, road right of way, or where adjacent to a frontage street, six feet from the interior edge of the frontage street, whichever distance is further. No public comments. The public hearing was closed.

Averill made a motion to approve the proposed language change. Lee seconded. This will be presented to the City Council during the March 19<sup>th</sup> meeting.

**CITY CODE AMENDMENT TO CITY CODE SECTION 152.095 (F) (6) (G)  
FREESTANDING BUSINESS SIGN REQUIREMENTS IN DOWNTOWN FRINGE  
DISTRICT C-4:**

After reviewing the proposed changes to freestanding signs in the downtown fringe district (C-4), Sparby stated he had mistakenly made a recommendation last month to hold a hearing to propose a six-foot setback. Sparby & Baker discussed, and the public hearing was not published because the recommendation is now not making any changes. A six-foot setback would not make sense in the C-4 district as buildings are bordered by sidewalks and other buildings which are very close together. No amendments will be made.

**OTHER:**

Baker stated that there will be a rezoning request & public hearing at the April Planning Commission meeting to rezone The Angle property that is south of Valley Home. A few years ago, it was rezoned to a C-2 for a mixed-use apartment complex. Now it may need to be rezoned from C-2 to R-4 for future development.

**ADJOURNMENT:**

Lee made a motion to adjourn the meeting at 5:27 P.M. Lorensen seconded the motion, which carried.



# City of Thief River Falls

COMMUNITY DEVELOPMENT

405 Third Street East • PO Box 528  
Thief River Falls MN 56701-0528

#8.

PHONE: 218-681-8506  
FAX: 218-681-8507  
email: rbaker@trfmm.gov  
www.trfmm.gov

## Request for Council Action

**DATE:** April 16, 2024

**SUBJECT:** Rezoning – Edge Housing LLC (Former MAK Properties, LLC and Vacant Valley Home Property)

**RECOMMENDATION:** It is respectfully requested that the Council consider the following Planning Commission recommendation:

**Motion to:** Call for First Reading to rezone vacant property south of and adjacent to Valley Home and legally described in the attached document titled, “Attachment A” from General Business District (C-2) to Multi-Family Residential District (R-4). Final rezoning and recording to occur following the awarding and receipt of funding through the Minnesota Housing Workforce Development program.

**BACKGROUND:** Edge Housing is requesting to have the property rezoned from C-2 General Business District to an R-4 Multi-Family Residential District for the purpose of constructing a three-story apartment building with approximately 65 units. They intend to seek funding through the Minnesota Housing Workforce Housing Development Program and are requesting approval for rezoning with the final rezoning and recording to occur following the award of funding through the program.

The City Council rezoned this property in March of 2021 from R-4 to C-2 when MAK Construction proposed a multi-use development with commercial on the first floor and residential apartments on the top two floors. Edge Housing LLC has a purchase agreement with MAK Construction for the property and is requesting the rezoning back to R-4 Residential as their development will not include any C-2 General Commercial Business.

**KEY ISSUES:** The Minnesota Housing Workforce Housing Development Program is a competitive deferred loan program. Rezoning of this property strengthens this application and is one of several key pieces to making this project successful.

**FINANCIAL CONSIDERATIONS:** All costs associated with the rezoning will be the responsibility of the property owner.

**LEGAL CONSIDERATION:** A public hearing was held at the April 9, 2024, Planning Commission meeting. It is respectfully requested that the council forego with the second reading of the proposed zoning amendment and approve this zoning change for the following reasons: This Minnesota Housing Workforce Housing Development Program application is due at noon on April 30<sup>th</sup>, per Minnesota State Statute, only one reading is required, and this rezoning is converting the parcel back to its original classification and intent for use.

**DEPARTMENT/RESPONSIBLE PERSON:** Richard Baker, Economic/Community Development Director

Encl: (1)

**NOTICE OF HEARING  
PLANNING COMMISSION  
CITY OF THIEF RIVER FALLS**

Notice is hereby given, pursuant to Chapter 152 of the Thief River Falls City Code, that Edge Housing, LLC, 7539 Front Street NW, Walker, MN 58484, has applied for the rezoning of Parcel ID# 2500103730 owned by The Angle Properties, LLC, 4575 32<sup>nd</sup> Ave. S., Grand Forks, ND 58201. The rezoning requested is from General Business District (C2) to Multifamily Residential (R4).

The Property is legally described as follows:

Part of the Southeast Quarter of the Southwest Quarter of Sec0on 33, Township 154 North, Range 43 West of the Fifth Principal Meridian, Pennington County, Minnesota, described as follows: Commencing at the northeast corner of said Southeast Quarter of the Southwest Quarter; thence South 88 degrees 18 minute 41 seconds West, assumed bearing, along the north line of said Southeast Quarter of the Southwest Quarter, a distance of 672.00 feet; thence South 00 degrees 01 minute 03 seconds West 195.87 feet; thence North 89 degrees 40 minutes 57 seconds East 179.63 feet; thence South 45 degrees 19 minutes 03 seconds East 89.58 feet to the point of beginning; thence North 89 degrees 40 minutes 57 seconds East, a distance of 258.51 feet, more or less, to the westerly right of way of Minnesota Trunk Highway Number 32; thence South 52 degrees 57 minutes 37 seconds West, along said right of way, a distance of 69.18 feet to a tangent spiral point; thence southerly along a Euler spiral, concave to the southeast, central angle 03 degrees 41 minutes 24 seconds, a spiral length of 304.91 feet, the chord of said spiral bears South 51 degrees 42 minutes 01 second West and has a chord length of 304.85 feet to spiral curve point; thence southerly along the central curve, radius 2366.83 feet, concave to the southeast, central angle 25 degrees 51 minutes 12 seconds, an arc length of 1067.98 feet, the chord of said curve bears South 36 degrees 17 minutes 01 second West and has a chord length of 1058.94 feet to a point on the spiral curve, said point being on the south line of said Southeast Quarter of the Southwest Quarter; thence South 88 degrees 15 minutes 14 seconds West, along the south line of said Southeast Quarter of the Southwest Quarter, a distance of 14.44 feet, more or less, to the easterly right of way of the Burlington Northern Santa Fe Railroad; thence North 17 degrees 37 minutes 58 seconds East, along said easterly right of way, a distance of 838.75 feet to a point of curvature; thence northerly along a tangential curve concave to the northwest, along said easterly right of way, having a radius of 3869.83 feet, a central angle of 04 degrees 19 minutes 58 seconds, an arc length of 292.63 feet, the chord of said curve bears North 15 degrees 27 minutes 59 seconds East and has a chord length of 292.56 feet, more or less, to a line bearing South 89 degrees 40 minutes 57 seconds West from the point of beginning; thence North 89 degrees 40 minutes 57 seconds East 344.96 feet, more or less, to the point of beginning. Said described parcel contains 5.32 acres, more or less, subject to any and all easements, reservations, restrictions and conveyances of record.

Notice is further given that the Planning Commission will conduct a hearing on the rezoning request at 5:00 p.m. on Tuesday, April 9, 2024, in the City Council Chambers, 405 3<sup>rd</sup> Street East, Thief River Falls, MN. All persons wishing to comment on the amendments will have the



**Application To Planning Commission/BOZA**

City of Thief River Falls  
 Community Services  
 405 3rd Street East – P.O. Box 528  
 Thief River Falls, MN 56701  
 218-681-8506

<input checked="" type="checkbox"/> <b>REZONING (Fee \$150.00)</b>		<input type="checkbox"/> <b>APPEALS (Fee \$50.00)</b>	
<input type="checkbox"/> <b>VARIANCE (Fee \$150.00)</b>			
<input type="checkbox"/> <b>LAND SUBDIVISION (Fee \$300.00)</b>			
<input type="checkbox"/> <b>CONDITIONAL USE PERMIT (Fee</b>			
<b>Applicant</b>			
Name <b>Edge Housing LLC</b>		Phone # <b>218-547-3307</b>	
Address <b>7539 Front St NW</b>	City <b>Walker</b>	State <b>MN</b>	Zip <b>56484</b>
<b>Property Owner (if different from Applicant)</b>			
Name <b>The Angle Properties LLC</b>		Phone #	
Address <b>4575 32nd Ave S ...</b>	City <b>Grand Forks</b>	State <b>ND</b>	Zip <b>58201</b>
<b>Approximate Location of Property</b>			
Address <b>701 HWY 32 South</b>		Legal Description <b>See attached Exhibit A</b>	
Present Zoning Classification <b>C-2 General Business District</b>		Present Use <b>Vacant Land</b>	
Description of Request <b>Our request is to have this property rezoned from a C-2 General Business District to an R-4 Multi-Family Residential District for the purpose of constructing a three-story apartment building with approximately 65 units. We intend to seek funding through the Minnesota Housing Workforce Housing Development Program, and our request is to seek approval for rezoning, with the final rezoning and recording to occur following the award of funding through the program.</b>			

Property Owner Signature (required) \_\_\_\_\_ Date **3-14-24**

Applicant Signature *[Signature]* \_\_\_\_\_ Date **3-14-24**

Review (For office use only):  
 Date of Publication **3/27/2024** Date on Planning Commission Agenda **4/9/2024**

Action Taken By Commission: \_\_\_\_\_

Action Taken By City Council: \_\_\_\_\_

City Council Resolution / Ordinance Number \_\_\_\_\_

Fee Paid **Paid 3/18/2024 CK# 028009**

## Attachment A

Part of the Southeast Quarter of the Southwest Quarter of Section 33, Township 154 North, Range 43 West of the Fifth Principal Meridian, Pennington County, Minnesota, described as follows:

Commencing at the northeast corner of said Southeast Quarter of the Southwest Quarter; thence South 88 degrees 18 minute 41 seconds West, assumed bearing, along the north line of said Southeast Quarter of the Southwest Quarter, a distance of 672.00 feet; thence South 00 degrees 01 minute 03 seconds West 195.87 feet; thence North 89 degrees 40 minutes 57 seconds East 179.63 feet; thence South 45 degrees 19 minutes 03 seconds East 89.58 feet to the point of beginning; thence North 89 degrees 40 minutes 57 seconds East, a distance of 258.51 feet, more or less, to the westerly right of way of Minnesota Trunk Highway Number 32; thence South 52 degrees 57 minutes 37 seconds West, along said right of way, a distance of 69.18 feet to a tangent spiral point; thence southerly along a Euler spiral, concave to the southeast, central angle 03 degrees 41 minutes 24 seconds, a spiral length of 304.91 feet, the chord of said spiral bears South 51 degrees 42 minutes 01 second West and has a chord length of 304.85 feet to spiral curve point; thence southerly along the central curve, radius 2366.83 feet, concave to the southeast, central angle 25 degrees 51 minutes 12 seconds, an arc length of 1067.98 feet, the chord of said curve bears South 36 degrees 17 minutes 01 second West and has a chord length of 1058.94 feet to a point on the spiral curve, said point being on the south line of said Southeast Quarter of the Southwest Quarter; thence South 88 degrees 15 minutes 14 seconds West, along the south line of said Southeast Quarter of the Southwest Quarter, a distance of 14.44 feet, more or less, to the easterly right of way of the Burlington Northern Santa Fe Railroad; thence North 17 degrees 37 minutes 58 seconds East, along said easterly right of way, a distance of 838.75 feet to a point of curvature; thence northerly along a tangential curve concave to the northwest, along said easterly right of way, having a radius of 3869.83 feet, a central angle of 04 degrees 19 minutes 58 seconds, an arc length of 292.63 feet, the chord of said curve bears North 15 degrees 27 minutes 59 seconds East and has a chord length of 292.56 feet, more or less, to a line bearing South 89 degrees 40 minutes 57 seconds West from the point of beginning; thence North 89 degrees 40 minutes 57 seconds East 344.96 feet, more or less, to the point of beginning.

Said described parcel contains 5.32 acres, more or less, subject to any and all easements, reservations, restrictions and conveyances of record.





## CHECKLIST FOR REZONING REQUESTS

1. **Applicant (Name/Address/Tel:** Edge Housing, LLC, 7539 Front Street NW, Walker, MN 56484, 218-547-3307.
2. **General location of the request:** Vacant property south of Valley Home Assisted Living at the intersection of Highway 32 and Greenwood Street.
3. **Proposed use and/or zoning:** The owner is Requesting that the zoning be amended from General Business District (C-2) to Multi-Family Residential District (R-4) to allow for the construction of a 65-unit multi-family residential housing project. Zoning change is contingent on the sale of the property from The Angle Properties, LLC and the receipt of a deferred forgivable loan from the Minnesota Housing Finance Agency's Workforce Housing Development.
4. **Dimension of the request:**      **Frontage -** Approx. 1,193'                      **Depth -** Approx. 194'
5. **Area of property in request:**      **Sq. Feet -** 231,543                                      **Acres –** 5.32
6. **Existing characteristics:**              **Zoning -** Multi-Family Residential              **Use:** Greenspace  

**Conforming -** Yes                                      **Non-Conforming -** No
7. **Adjacent land use:** The existing property is being used primarily as greenspace. The location borders Valley Home to the north, Highway 32 to the east, Minnesota Northern railroad to the west and Greenwood Street to the south.
8. **Adjacent zoning districts:** The location borders General Residential District (R2) to the north, General Industrial District (I-2) to the west and south, and General Business District (C-2) and Park and Recreation District (PR) to the east.
9. **Are Wetlands or Shorelands impacted by this request?** No.
9. **Characteristics of soils:** According to the "Pennington County Soil Survey," soils are predominately Wyandotte Clay Loam. This soil consists of nearly level, poorly drained, in plane or slightly concave basins on glacial lake plains.
11. **Has an adequate site plan been provided?** Conceptual
12. **What provisions have/can be made for utilities, drainage, and adequate easements?** This site is served by Highway 32 and Minnesota Northern railroad ditches for drainage and water main crosses the site from east to west. Sanitary sewer is located at the northeast corner of the site.
13. **Is the proposed rezoning consistent with the Comprehensive Plan?** Yes. The comprehensive plan indicates this area as high-density residential which is the proposed primary use.
14. **Have other pertinent segments of the Comprehensive Plan been considered?** N/A
15. **Is the area platted?** No.  

**If so, will the existing lots conform to the requested district?** Yes.

**16. If the area is to be residential: Residential – Multi-family**

**A. What is the holding capacity?** The maximum holding capacity is 112 units, subject to unit area and impervious area requirements.

**B. Street access?** This site will be accessed from Highway 32 through an access relocation agreement with the Minnesota Department of Transportation.

**C. Has a subdivision plan been submitted?** No.

**17. If the request is for a commercial use: N/A**

**A. Is there an economic need?** N/A

**B. Is there a provision for adequate screening?** N/A

**C. What is the traffic situation?** N/A

**D. What is the distance to schools?** N/A

**18. If the request is for industrial: N/A**

**A. Is the area readily accessible to major thoroughfares?** NA

**B. Is it served by a railroad?** NA

**C. Is it suitably separated from a residential area?** NA

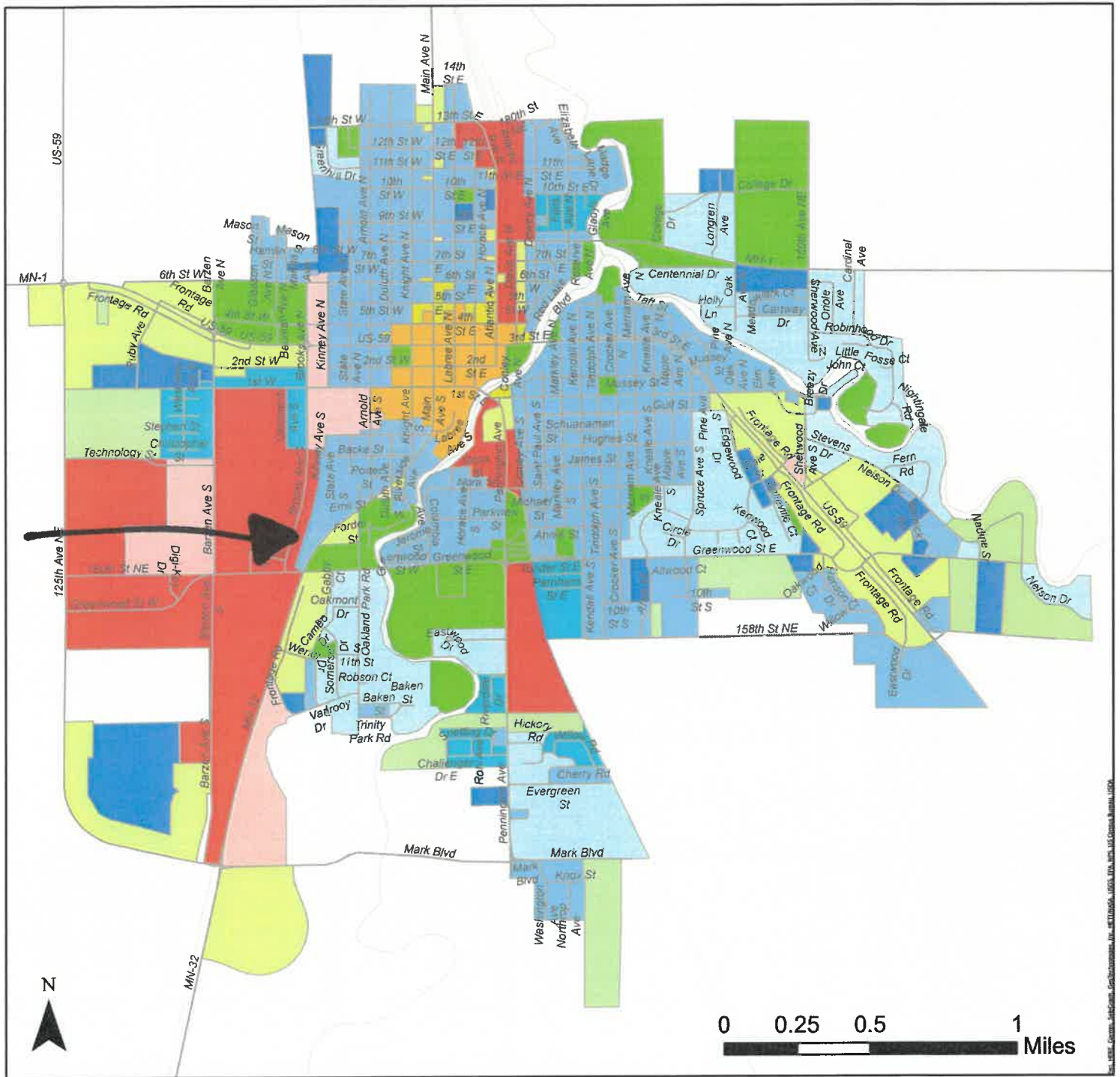
**19. Comments:** Edge Housing has a purchase agreement for this property contingent on rezoning, and the successful application for a deferred forgivable loan from the Minnesota Housing Finance Agency's Workforce Housing Development Program. This property was rezoned in February of 2021 from R-4 to C-2 for The Angle Development. TIF District 1-14 was established in April of 2022 for a development to create workforce housing and a day care but never certified.

See RCA, Notice of Hearing, Application, Checklist, Location Map, Zoning Map and Concept Sketch.

## CRITERIA FOR GRANTING ZONING AMENDMENTS

In granting a request for a rezoning, the City Council shall consider the effect of the proposed zoning amendment upon the health, safety, morals, and general welfare of occupants of surrounding lands. Among other things, the City Council shall make the following findings where applicable:

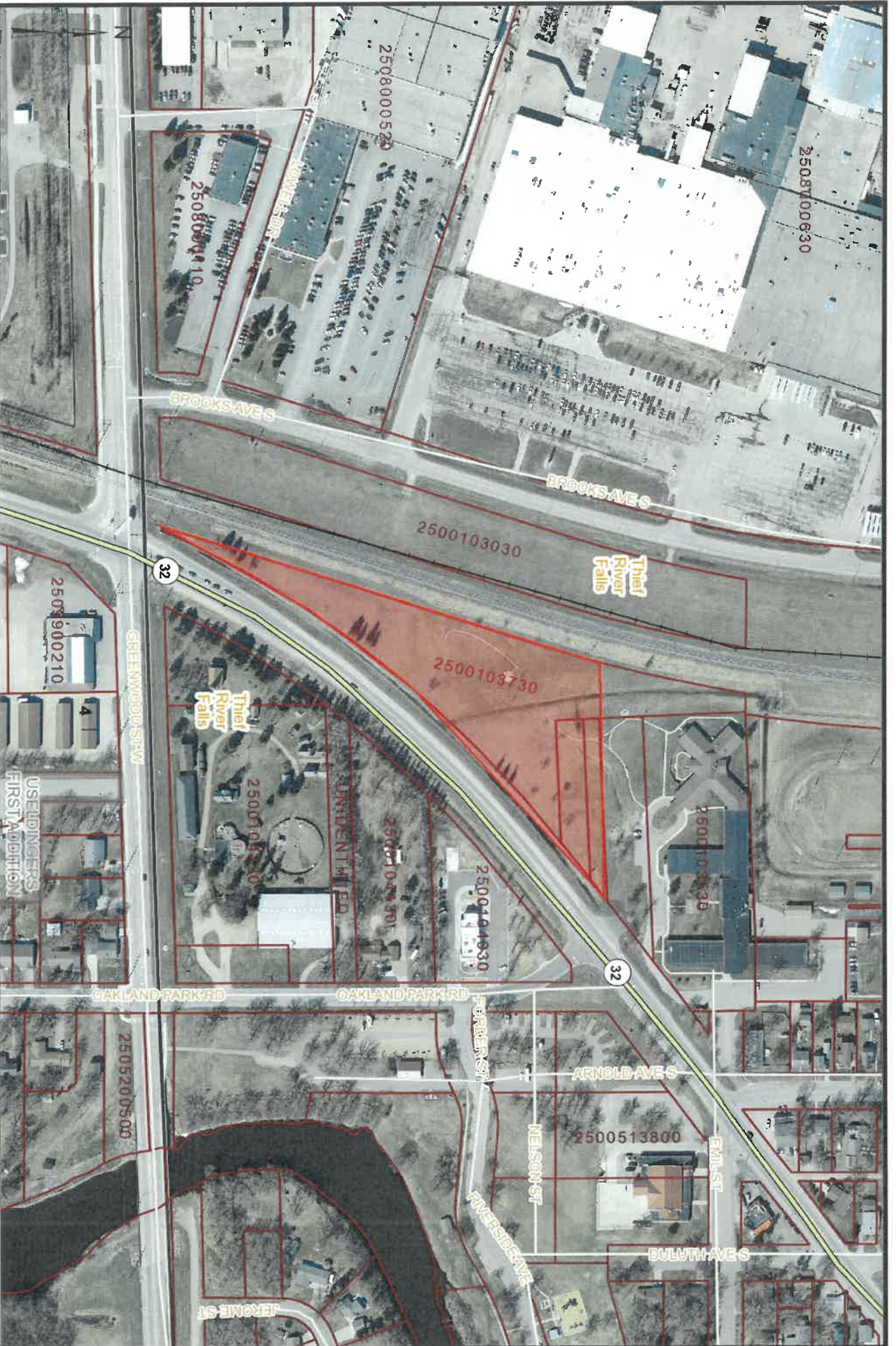
1. That the rezoning conforms to the Comprehensive Plan for the City, as well as present land uses.
2. That the rezoning will not impede the normal and orderly development and improvement of surrounding property for uses predominant in the area.
3. That the rezoning will not adversely affect the property values of adjacent landowners.
4. That the rezoning will not impose other undue hardship on adjacent landowners such as noise, electrical display signs, odors, or other nuisances.
5. That necessary utilities be available to serve the use intended.
6. That additional public services needed by the rezoning be considered.
7. That alternate areas previously zoned for the intended use be considered.
8. That there is a public need for the proposed land use.



## Thief River Falls Zoning Districts

- |   |  |
|---|--|
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #d9ead3; border: 1px solid black; margin-right: 5px;"></span> AG - Agricultural          | <span style="display: inline-block; width: 15px; height: 15px; background-color: #f4cccc; border: 1px solid black; margin-right: 5px;"></span> I1 - Light Industrial         |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #c8e6c9; border: 1px solid black; margin-right: 5px;"></span> PR - Park and Recreation   | <span style="display: inline-block; width: 15px; height: 15px; background-color: #f4cccc; border: 1px solid black; margin-right: 5px;"></span> I2 - General Industrial       |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #fff2cc; border: 1px solid black; margin-right: 5px;"></span> C1 - Neighborhood Business | <span style="display: inline-block; width: 15px; height: 15px; background-color: #d9ead3; border: 1px solid black; margin-right: 5px;"></span> R1 - Suburban Residential     |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #fff2cc; border: 1px solid black; margin-right: 5px;"></span> C2 - General Business      | <span style="display: inline-block; width: 15px; height: 15px; background-color: #d9ead3; border: 1px solid black; margin-right: 5px;"></span> R2 - General Residential      |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #fff2cc; border: 1px solid black; margin-right: 5px;"></span> C3 - Central Business      | <span style="display: inline-block; width: 15px; height: 15px; background-color: #d9ead3; border: 1px solid black; margin-right: 5px;"></span> R3 - High Density Residential |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #fff2cc; border: 1px solid black; margin-right: 5px;"></span> C4 - Downtown Fringe       | <span style="display: inline-block; width: 15px; height: 15px; background-color: #d9ead3; border: 1px solid black; margin-right: 5px;"></span> R4 - Multi-Family Residential |

View the interactive web version of this map.  
<https://arcg.is/15WCaL>



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:3,351

# Edge Housing LLC

Richard Baker

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

Date: 4/3/2024

Pennington County



Minnesota

