



733 Marquette Avenue, Suite 1000, Minneapolis, MN 55402

## MEMORANDUM

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DATE: October 15, 2024

TO: Oronoco City Council

FROM: Phil Carlson, AICP, Stantec

RE: Bartz Lot Split, Easement Width

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Kirk Bartz has requested a lot split of property owned by the estate of Randall Bartz at 1215 West Center Street. The Planning and Zoning Commission considered the request at their meeting on October 10, 2024 and recommended approval with the condition that a 10-foot-wide drainage and utility easement be provided along the east line of the property for a future water main loop connection to Center Street. This width was suggested at the meeting as typical of the easements provided between lots in a typical subdivision. Discussing this with the City Engineer, his recommendation is that the easement needs to be at least 20 feet wide in order to accommodate the need to bury a water main, which would be 7-10 feet below ground vs. only a few feet deep for utilities that might be placed between lots. The accompanying resolution notes a condition for a 20-foot-wide easement vs. the 10-foot-wide easement recommended by the Planning and Zoning Commission.

MOTION BY:  
SECOND BY:

RESOLUTION NO. 2024-37  
ADOPTED ON OCTOBER 15, 2024

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**CITY OF ORONOCO**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ORONOCO, MINNESOTA APPROVING THE REQUEST  
FOR A LOT SPLIT AND VARIANCE TO LOT FRONTAGE  
AT 1215 WEST CENTER STREET, ORONOCO, MINNESOTA**

WHEREAS, the estate of Randall Wels Bartz owns the property at 1215 West Center Street in Oronoco in the R-1 zoning district; and,

WHEREAS, Kirk Bartz, the applicant, is handling the estate of Randall Bartz and is requesting a lot split of the property to divide it into two parcels, a Parcel 1 about 10.5 acres in size and a Parcel 2 about 4.9 acres in size; and,

WHEREAS, the Oronoco Zoning Code in Section 151.002 sets forth the procedure for a lot split; and,

WHEREAS, the Oronoco Zoning Code has criteria in Section 151.401 for granting variances; and,

WHEREAS, the Oronoco Zoning Code Section in Section 151.119 sets forth a minimum required street frontage of 50 feet for a single family lot; and,

WHEREAS, Parcel 1 of the proposed lot split would have street frontage on 1<sup>st</sup> Street Northwest of 16.5 feet; and,

WHEREAS, the Planning & Zoning Commission reviewed the requests and heard testimony at a public hearing at its meeting on October 10, 2024; and,

WHEREAS, the Oronoco City Council reviewed the requests at its meeting on October 15, 2024.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Oronoco, Minnesota approves a lot split at 1215 West Center Street and variance to the lot frontage of Parcel 1 in the lot split of 16.5 feet, with the following conditions and findings of fact:

Conditions for Approval of Lot Split

1. The recorded survey for the lot split shall show a 20-foot-wide city drainage and utility easement on the east side of the property.
2. The lot split is only approved if the variance for lot frontage of Parcel 1 is also approved.

Findings of Fact for Approval

1. Kirk Bartz is handling the estate of Randall Wels Bartz, owner of the property at 1215 West Center Street, Oronoco, Minnesota.

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SECOND BY:

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2. The applicant has requested a lot split of the property to divide it into two parcels, a Parcel 1 about 10.5 acres in size and a Parcel 2 about 4.9 acres in size.
3. The Oronoco Zoning Code Section in Section 151.002 sets forth the procedure for a lot split.
4. The Oronoco Zoning Code Section in Section 151.119 sets forth a minimum required street frontage of 50 feet for a single family lot.
5. The Oronoco Zoning Code has criteria in Section 151.401 for granting variances.
6. Parcel 1 of the proposed lot split would have street frontage on 1<sup>st</sup> Street Northwest of 16.5 feet, requiring a variance to the Zoning Code provisions in Section 151.119.
7. The existing condition of the property which has a 33-foot-wide frontage at 1<sup>st</sup> Street NW is a unique circumstance not created by the applicant that poses a practical difficulty in meeting the code provision for lot frontage in the proposed lot split.
8. The proposed lot split creating a lot with 16.5 feet of frontage for Parcel 1 on 1<sup>st</sup> Street NW would not alter the essential character of the locality.
9. The proposed lot split meets the standards in Section 151.002 for approval of a lot split.
10. The proposed variance to the lot frontage requirement meets the standards for granting a variance in Section 151.401.

Passed by the City Council of the City of Oronoco, Minnesota this 15<sup>th</sup> day of October, 2024.

ATTEST:

COUNCIL MEMBER	AYE	NAY	ABSTAIN	ABSENT
Ryland Eichhorst, Mayor				
Jim Phillips				
Paul Pendergrass				
Jim Richards				
Erv DeValeminck				

\_\_\_\_\_  
Ryland Eichhorst, Mayor

ATTEST:

\_\_\_\_\_  
Jason Baker, City Administrator

RECEIVED  
SEP 06 2024



# City of Oronoco Lot Split / Lot Combine Application

Applicant Information: P.R. Date: Sept. 4, 2024  
Name: Kirk Bartz / Randall Wels Bartz Estate  
Address: 72439 W. MARION ST. LAKE CITY MN 55041  
Telephone: (612) 231-1111  
Email: kirk.bartz@pr.com

Property split/combine information:  
(Please see attached Lot Split Ordinance for procedures in a lot split.)

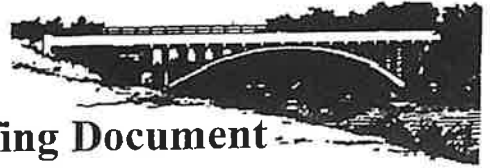
Address of Property to be split/combined:  
1215 W. CENTER ST. ORONOCO MN 55960

Summary of the reasons why the lot split/combine is warranted:  
Family Reasons

- The following Items need to be included with this application:
- Certificate of survey after split/combine - Pending Approval of Split/Per Flow Chart
  - Legal Descriptions of each parcel after split/combine ( See Above )
  - Plat drawing indicating physical location of lot lines
  - Application Fee
  - Application for new parcel Addresses
  - N/A Plan for Servicing Water & Sewer - CITY CONNECTIONS WHEN AVAILABLE

Signature of Applicant(s): Kirk Bartz Fee Paid \$ \$300.00

 City Clerk: \_\_\_\_\_ Date: \_\_\_\_\_



# Planning & Zoning Commission Briefing Document

## City of Oronoco

Please take a few minutes to file this information with your proposal. This will help us understand your proposal in more detail and be prepared to respond to your request. Every proposal needs to include this briefing document. Please keep your answers brief.

Name/Association: Kier Bartz P.R. / Randall Wels Bartz Estate

- Briefly describe your request?

Trying to settle the Estate of Randall Wels Bartz.  
Would like to split for Family Reasons / Future Conditions

- Is this the first time Planning and Zoning will have heard of this request? Yes

- What is the current zoning of the area related to this request? R-1 Low Density Residential

- What action or input would you like to receive from the Planning and Zoning Commission?

Approval of split.

- Do you have additional documents? (please attach) Have you spoken with other groups or received other approvals related to this project? (Please describe)

~~Current~~ Current Survey of property Completed Aug. 20, 2024  
will update with changes after approval. Justifying  
cost of additional survey.

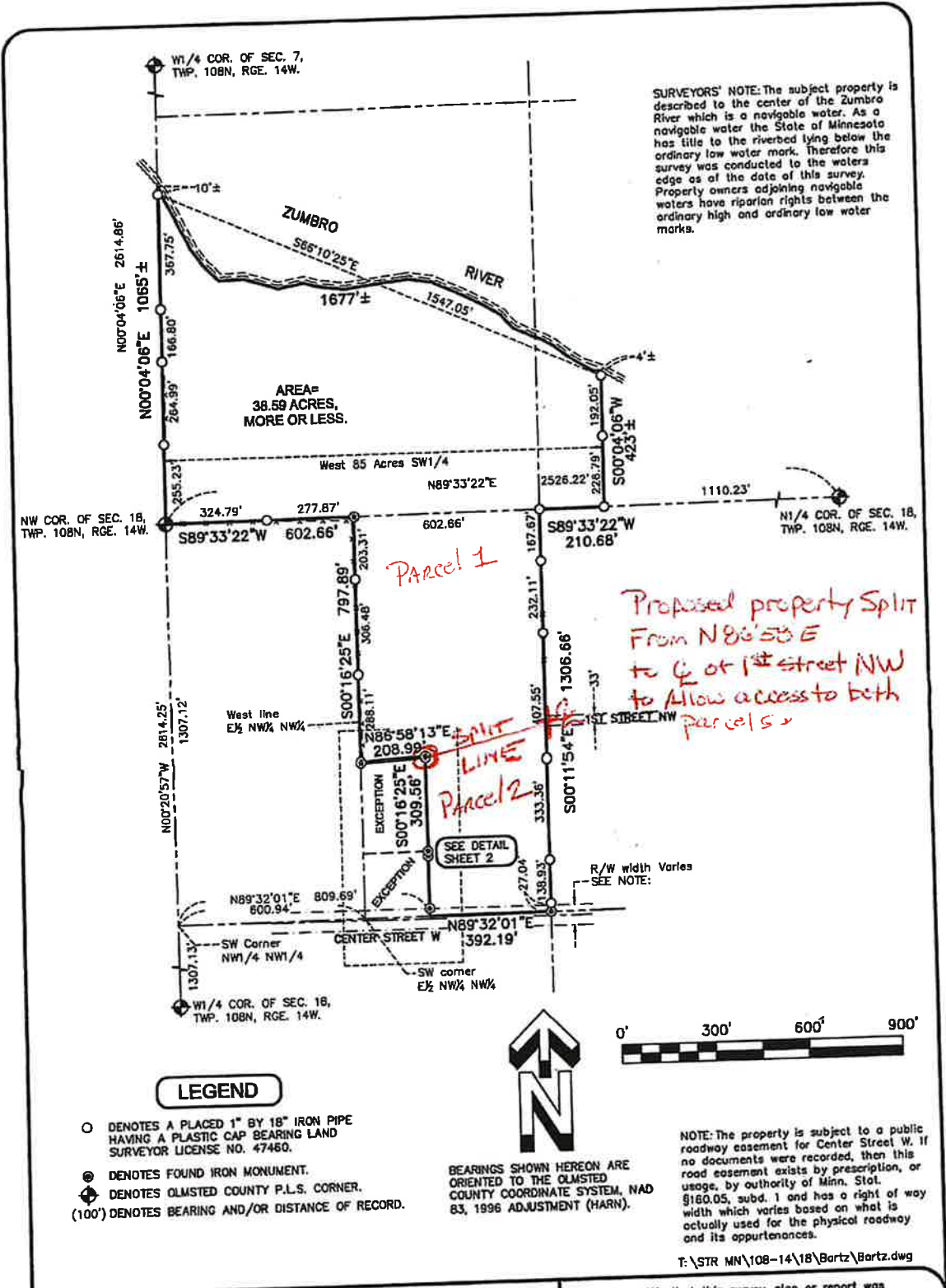
- Are there extenuating circumstances to be considered as part of this request?

~~Possibly~~ Possibly establishing Survey Marker denoting  $\frac{1}{2}$  of  
1<sup>st</sup> Street.



P & Z Representative: \_\_\_\_\_

**SURVEYORS' NOTE:** The subject property is described to the center of the Zumbro River which is a navigable water. As a navigable water the State of Minnesota has title to the riverbed lying below the ordinary low water mark. Therefore this survey was conducted to the waters edge as of the date of this survey. Property owners adjoining navigable waters have riparian rights between the ordinary high and ordinary low water marks.



AREA= 38.59 ACRES, MORE OR LESS.

Parcel 1

Proposed property Split From N86°53'E to E of 1st street NW to Allow access to both parcels

SPLIT LINE Parcel 2

SEE DETAIL SHEET 2

**LEGEND**

- DENOTES A PLACED 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 47460.
- DENOTES FOUND IRON MONUMENT.
- ⊕ DENOTES OLMDSTED COUNTY P.L.S. CORNER.
- (100') DENOTES BEARING AND/OR DISTANCE OF RECORD.

BEARINGS SHOWN HEREON ARE ORIENTED TO THE OLMDSTED COUNTY COORDINATE SYSTEM, NAD 83, 1996 ADJUSTMENT (HARN).

NOTE: The property is subject to a public roadway easement for Center Street W. If no documents were recorded, then this road easement exists by prescription, or usage, by authority of Minn. Stat. §160.05, subd. 1 and has a right of way width which varies based on what is actually used for the physical roadway and its appurtenances.

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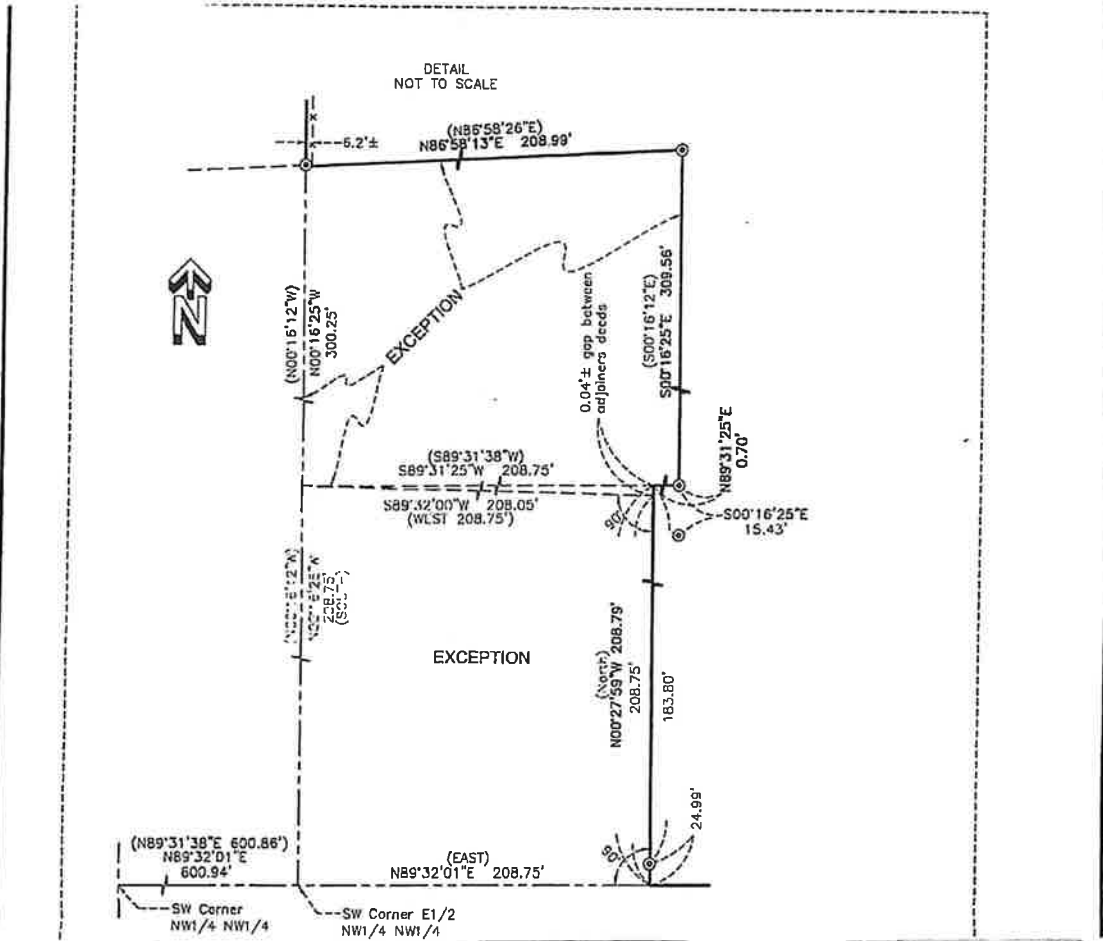
CERTIFICATE OF SURVEY FOR:  
**KIRK BARTZ**

**JOHNSON & SCOFIELD INC.**  
**SURVEYING AND ENGINEERING**  
628 JEFFERSON AVENUE, WABASHA, MN 55981  
(855) 585-3244

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*Marcus S. Johnson*  
Marcus S. Johnson  
Minnesota License No. 47460  
Date: August 20, 2024.

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
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**PROPERTY LOCATION**

The East Half of the Northwest Quarter of the Northwest Quarter of Section 18 and all that part of the West 85 acres of the Southwest Quarter of Section 7, lying South of the center of the Zumbra River, running across the same, subject to the right of flowage reason of the erection and maintenance of a dam across the said river at Oranice in said County, all of said lands lying in Township 108 North of Range 14 West, Olmsted County, Minnesota.

**EXCEPT:**

That part of the East One-Half to the Northwest Quarter of the Northwest Quarter of Section 18, Township 108 North, Range 14 West, Olmsted County Minnesota described as follows:

Commencing at the southwest corner of the Northwest Quarter of the Northwest Quarter of said Section 18; thence North 89 degrees 31 minutes 38 seconds East (Note: All bearings are in relationship with the Olmsted County Coordinate System NAD'83, Adjusted 1996), along the south line of the Northwest Quarter of the Northwest Quarter, a distance of 600.86 feet to the southwest corner of the East One-Half of said Northwest Quarter of the Northwest Quarter; thence North 00 degrees 16 minutes 12 seconds West, along the west line of said East One-Half, a distance of 208.75 feet to the point of beginning of the land to be described; thence North 00 degrees 16 minutes 12 seconds West, along said west line, a distance of 300.25 feet; thence North 86 degrees 58 minutes 26 seconds East, a distance of 208.99 feet; thence South 00 degrees 16 minutes 12 seconds East, parallel with said west line, a distance of 309.56 feet to a point that bears North 89 degrees 31 minutes 38 seconds East from the point of beginning; thence South 89 degrees 31 minutes 38 seconds West, a distance of 208.75 feet to the point of beginning.

**ALSO EXCEPT:**

Commencing at the southwest corner of the East Half of the Northwest Quarter of the Northwest Quarter of said Section 18, Township 108, Range 14, Olmsted County, Minnesota; thence East along the south line of said East Half of the Northwest Quarter of the Northwest Quarter of Section 18, a distance of 208.75 feet to a point; thence North and at right angles, a distance of 208.75 feet to a point, thence West at right angles 208.75 feet to the West line of the said East Half of the Northwest Quarter of the Northwest Quarter of Section 18; thence South along said west line to the point of beginning.

T:\STR MN\108-14\18\Bartz\Bartz.dwg

<p><b>CERTIFICATE OF SURVEY FOR:</b></p> <p style="text-align: center;"><b>KIRK BARTZ</b></p>	<p>I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.</p> <p style="text-align: right;"><i>Marcus S. Johnson</i></p> <p style="text-align: right;">             Marcus S. Johnson              Minnesota License No. 47400              Date: August 20, 2024.         </p>								
<p style="text-align: center;"><b>JOHNSON &amp; SCOFIELD INC.</b>  <b>SURVEYING AND ENGINEERING</b></p> <p style="text-align: center;">626 JEFFERSON AVENUE, WABASHA, MN 55981              (651) 585-3244</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">BK. NA</td> <td style="width: 25%;">PG. NA</td> <td style="width: 25%;">W.O.#</td> <td style="width: 25%;">DRAWING NUMBER</td> </tr> <tr> <td>SHEET 2 OF 2 SHEETS</td> <td>24-513</td> <td></td> <td>S-11504</td> </tr> </table>	BK. NA	PG. NA	W.O.#	DRAWING NUMBER	SHEET 2 OF 2 SHEETS	24-513		S-11504
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733 Marquette Avenue, Suite 1000, Minneapolis, MN 55402

## Planning Report

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DATE: October 10, 2024  
TO: Oronoco Planning & Zoning Commission  
FROM: Phil Carlson, AICP, Stantec  
APPLICANT: Kirk Bartz  
OWNERS: Kirk Bartz/Randall Wels Bartz Estate  
ADDRESS: 1215 West Center Street  
ZONING: R-1  
REQUEST: Lot Split  
PID: 84.18.22.085862

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### INTRODUCTION

Kirk Bartz is handling the estate of Randall Bartz, owner of the property at 1215 West Center Street. The property has frontage on Center Street but also abuts the stubbed west end of 1<sup>st</sup> Street NW. The request is to split the lot into two residential lots with access from 1<sup>st</sup> Street NW. The proposal is illustrated on the next page, with the two lots that are part of the lot split labeled as Parcels A and B. Parcel A would be about 4.9 acres in size; Parcel B about 10.5 acres. The Bartz estate also owns a third parcel, labeled as Parcel C, north of the subject property, which is about 23 acres.

### LOT SPLIT STANDARDS

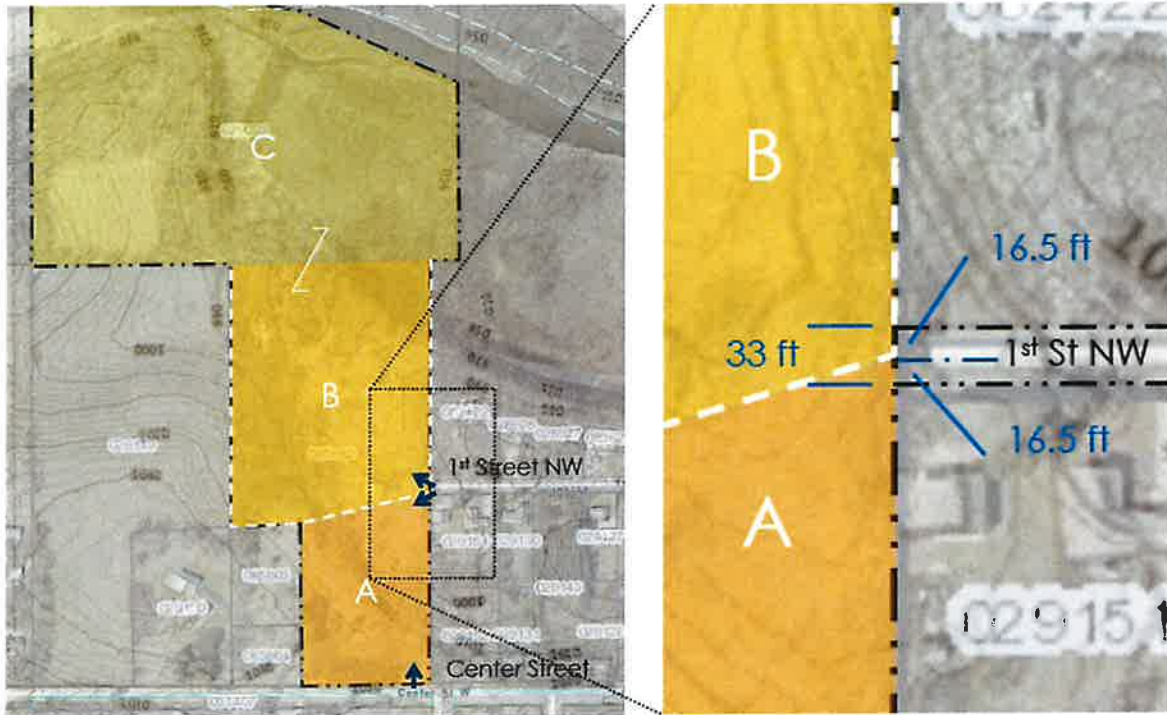
The City's lot split code is in Section 151.002, excerpted at the end of this report. It sets out a simpler process for a lot split vs. a full plat if the resulting lots meet zoning standards. Those standards stipulate that a resulting lot must meet the City zoning standards and must have access to a public street. In this case, the northern lot (Parcel B in the illustration) would have only 16.5 ft of frontage on 1<sup>st</sup> Street NW, half the 33-ft-wide right-of-way, compared to the 50 ft required by code. The request does not strictly meet the standard for approving a lot split. Parcel A has about 392 ft of frontage on Center Street, so it easily meets the frontage standard.







**RE: Randall Wels Batz Estate, 1215 West Center Street – Lot Split**



**PLANNING & ENGINEERING ANALYSIS**

There are several significant issues with this request: frontage requirement, cul-de-sac length, water main looping, bluff and slopes, future development, and engineering issues, illustrated on the next page.

*Frontage Requirement*

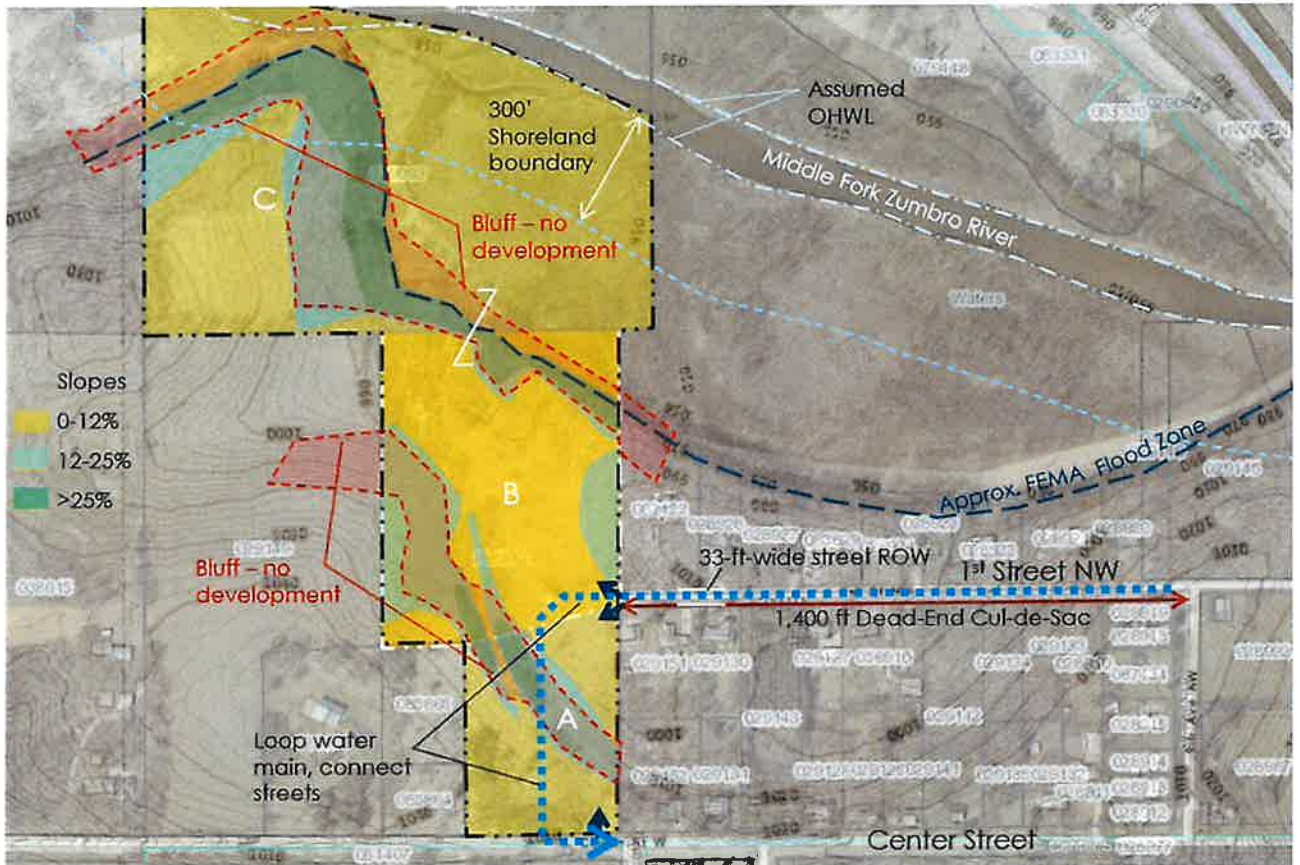
The frontage requirement noted above – 50 ft minimum at the street line – is an issue of emergency access. There needs to be adequate room for emergency vehicles and personnel to gain access to a property. The 16.5-ft frontage dimension that would result from the requested lot split is well below this standard.

*Cul-De-Sac Length*

The existing segment of 1<sup>st</sup> Street NW stubbing into the subject property is a cul-de-sac about 1,400 feet long. It has been in place for many years and is significantly longer than the maximum 600-foot length in the Subdivision Ordinance. This is also an emergency access issue. It is clear that the intent was to extend the street someday, and presumably loop the street network, eliminating the dead-end situation. That could be accomplished here if 1<sup>st</sup> Street and Center Street were connected through this property as shown with the blue dotted line on the graphic.



**RE: Randall Wels Batz Estate, 1215 West Center Street – Lot Split**



*Looping of Water Main*

Watermain was recently construction under 1<sup>st</sup> Street NW and currently terminates at the west end within the cul-de-sac with a fire hydrant. Watermain was also recently constructed under West Center Street where it terminates at 12<sup>th</sup> Lane SW with a fire hydrant. It is highly desirable to have the water main loop instead of terminating in a dead-end. Looping water mains avoids stagnant water in the main, significantly improves fire protection / flow rates, improves water system performance, and decreases the risk of water service outages. If the street were connected through the Bartz property as noted above, the water main would be extended as well, looping it from 1<sup>st</sup> Street to Center Street.

*Bluff and Slopes*

There are significant slopes on the Bartz property which would in some places make development difficult and which exceed the Shoreland Ordinance standards for development on identified bluffs. The slopes are identified generally on the graphic above with areas exceeding 18% slope (the definition of a "bluff") outlined in the red dashed line. A street could likely be built in these



**RE: Randall Wels Batz Estate, 1215 West Center Street – Lot Split**

steep areas, but houses could not. The current request for two lots and presumably two new homes would not be a problem – the steep areas could be avoided – but future development would be more challenging.

*Future Development*

Both Parcels A and B are large enough to support more than one new home each. But it would be unwise to permit several new homes or more without an adequate street network as suggested earlier by the loop street connecting 1<sup>st</sup> Street and Center Street. Parcel C would be more challenging to develop (if that is the owner's wish someday) since a large portion of it is inside the FEMA flood zone and off limits to development. The developable SW portion of Parcel C could only be reached with a street through the neighboring property, if that owner wished to allow it, since it is likely not feasible to build a street across the bluff and steep slopes between Parcels B and C.

*Engineering Issues*

It is highly desirable from an engineering standpoint to connect the dead-end cul-de-sac of 1<sup>st</sup> Street to Center Street as noted above – for emergency access, continuity of the street network, and looping of the water main. Constructing a street as shown across the slopes on Parcel A would be more challenging and more expensive than typical construction, but likely feasible. The current capacity of the sewer system in this part of Ononoco will only support seven lots on the Bartz property. Additional sewer capacity serving the West Center Street area and properties to the south is proposed in conjunction with a Phase 1B project that is tentatively planned by the City in 2030.

**CONCLUSION & RECOMMENDATION**

The proposed lot split on the Bartz property presents a number of challenges. The ideal solution would be expensive – to build a loop street on steep slopes, a looped water main, and sewer extensions, to allow development on this property. The alternative is also not desirable – to stub two new lots onto the end of the cul-de-sac and perpetuate a very long dead-end street, adding even more houses to it.

There may be other challenges like this one as Ononoco grows and we see more properties come up for development. Should the last property owner at the end of a cul-de-sac be required to pay for the loop street and utilities that make the desired connection, to the benefit of the other properties that have been there for years? Should the City deny a request like this as unwise? Should the City subsidize the connection since it affects a number of other properties?

Our recommendation depends on the answers to these City policy questions. We can prepare conditions and findings depending on the Planning Commission's wishes.



**RE: Randall Wels Batz Estate, 1215 West Center Street – Lot Split**

**DEADLINE FOR FINAL ACTION**

The application was received September 6, 2024. Subdivision applications have a 120-day deadline for final action by the City Council per State statute 462.358 Subd. 3b (vs. 60 days for zoning applications), which deadline is up on January 5, 2025.

**§ 151.002 LOT SPLIT CODE.**

The city deems it necessary to require requests for lot splits to be filed with the City Clerk/Treasurer's office and to follow the procedure set forth herein.

(A) In the event a property owner wishes to detach a portion of one platted lot and add it to an adjoining platted lot, or creating a new lot or parcel, this shall be known as a "lot split" and the process for accomplishing this shall be as set forth in this section.

(B) An owner desiring a lot split shall submit a completed application form to the city. This application form shall contain the applicant's name, address, home and work telephone numbers, fax number, and/or email address, address of the property in question if different from applicant's address, the legal description of the property, and a summary of the reasons why the property owner believes the lot split is warranted. It must be signed and dated by the applicant.

(C) An owner desiring a lot split shall also submit either a certificate of survey prepared by a registered land surveyor, a plat drawing prepared by a person who prepares plat drawings for attorneys handling real estate closings, or a plat drawing prepared by the owner indicating the specific physical location of lot markers or lot lines. The owner shall also submit an application fee from the established fee table recommended by the Planning and Zoning Commission to the City Council.

(D) Upon receipt, the completed application and survey/plat drawing shall be submitted to the Planning and Zoning Commission for review. A public hearing must be held to approve the request. The Planning and Zoning Commission shall consider, among other things, the reason for the request, whether the lot after the split would comply with all the requirements of the Land Management Code concerning minimum size, setbacks, and the like, and the effect which the lot split, if approved, might have on the rights of adjoining property owners. In order to be approved, the lot split must not result in a lot or portion of a lot which lacks access to a public street or roadway. The Planning and Zoning Commission, upon reviewing the request, shall make a recommendation to the City Council for its approval or disapproval.