
ORDINANCE NO. O-1920-42

ITEM NO. 6

STAFF REPORT

GENERAL INFORMATION

APPLICANT	DG Central 1, L.L.C.
REQUESTED ACTION	Special Use for a Public Utility
EXISTING ZONING	A-2, Rural Agricultural District
SURROUNDING ZONING	North: A-2, Rural Agricultural District East: A-2, Rural Agricultural District South: A-2, Rural Agricultural District West: A-2, Rural Agricultural District
LOCATION	Approximately ½ mile south of East Robinson Street approximately ½ mile east of 48 th Avenue N.E.
SIZE	15 acres, more or less
PURPOSE	Ground-mounted solar photovoltaic system
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Vacant and single-family residential East: Vacant South: Vacant West: Vacant

SYNOPSIS: DG Central 1, LLC, is requesting Special Use for a Public Utility to allow for a commercial solar photovoltaic system. The base zoning of A-2, Rural Agricultural District, will remain the same. The project will be developed on 15 acres south of E. Robinson Street east of 48th Avenue N.E. The Special Use will only apply to the southernmost 15 acres of the 40 acre tract.

ANALYSIS: In April of 2017, the Planning staff was directed to update/amend the existing Zoning Ordinance to establish a policy for all municipal projects and public utilities to properly zone the proposed development with a Special Use request. In order for the City to have the greatest flexibility to locate municipal projects and other public facilities in appropriate

locations throughout the City, staff prepared a Zoning Code amendment that allows “municipal uses, public buildings and public utilities” in all zoning districts as a Special Use. The Special Use designation provides Planning Commission and City Council the opportunity to ensure that municipal uses, public buildings and public utilities are in the proper location and enables the approval of special conditions that provide protection for surrounding property owners. At the same time, this review process allows approval of variances to specific regulations that best promote the health, safety and general welfare for the community and still meet the needs of the community to provide adequate services to the citizens. This policy to have all public utilities projects presented to Planning Commission and City Council gives staff the opportunity to present the project for approval as well as public notice of such future development.

This property is currently owned by Norman Public Schools (NPS) and is undeveloped, raw land. NPS leased the land to Oklahoma Electric Cooperative (OEC), who subleased the land to NextEra Energy Resources, dba DG Central 1, LLC. The power generated by NextEra will be sold to Western Farmers Electric Cooperative, who then sells the power to OEC. In the future, OEC would like to offer educational tours to school groups and other interested parties to show the process of creating and the benefits of renewable energy.

A Special Use request shall be reviewed and evaluated on the following criteria according to the Zoning Ordinance 22:434.1, Special Uses:

1. Conformance with applicable regulations and standards established by the Zoning Regulations.
2. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
3. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use. (NOTE: Throughout this Section, “Permitted Use” means any use authorized as a matter of right under the applicable zoning district.)
4. Modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.
5. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed “Special Use” and other uses authorized and anticipated in the area, considering existing zoning and land uses in the area.
6. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed “Special Use” with existing or permitted uses in the surrounding area.

Based on the above Special Use criteria, this request is compatible with surrounding uses; there are no expected negative impacts on the surrounding area associated with this request.

ALTERNATIVES/ISSUES:

- **SITE PLAN** The submitted site plan shows one access point on the north part of the property on E. Robinson Street. An access road will follow the eastern property line to the 15 acre site on the southernmost part of the 40 acre property. The access road will be built to private road standards and will meet regulations for Fire Department access. The approach off E. Robinson Street must meet City standards. The applicant will develop, construct, own, and operate two megawatt ground-mounted solar photovoltaic projects. No permanent buildings will be constructed. There will be no permanent staff on-site. The site will be remotely monitored and maintenance staff will visit a couple of times a year or as needed for repairs. No parking is proposed. A 7' security fence will surround the entire 15 acre site. If building code or fire code requires that owner and emergency signage at the front gate of the 15' perimeter fence be lit, the applicant will comply with the Commercial Outdoor Lighting Standards.
- **IMPACTS** There is no indication of negative impacts on the surrounding area. There is no permanent staff to create additional traffic or congestion. The tours OEC proposes to offer in the future will be infrequent and during normal business hours. Because of the topography of the site, the development will not be visible from E. Robinson St. and will barely be visible to surrounding property owners. The site will be planted year-round with shade tolerant, low-growth grasses which could help avoid any drainage issues. There will be noise during construction but otherwise, one would have to be within a couple hundred feet to hear the sound of the panels.

OTHER AGENCY COMMENTS:

- **PREDEVELOPMENT PD20-05** **FEBRUARY 27, 2020**
The neighbors who attended the meeting expressed concerns about fencing, lighting, and noise from the operation. The applicant explained the security fence and the minimal lighting. There will be noise during construction but otherwise, one would have to be within a couple hundred feet to hear the sound of the panels.
- **PUBLIC WORKS** The drive approach at E. Robinson Street will be constructed to City standards.

CONCLUSION: Staff forwards this request and Ordinance No. O-1920-42 for your consideration.