



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: O-1920-42**

**File ID:** O-1920-42

**Type:** Zoning Ordinance

**Status:** Non-Consent Items

**Version:** 1

**Reference:** Item 17

**In Control:** City Council

**Department:** Planning and  
Community  
Development  
Department

**Cost:**

**File Created:** 02/21/2020

**File Name:** DG Central 1 Special Use

**Final Action:**

**Title:** CONSIDERATION OF ORDINANCE O-1920-42 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A PUBLIC UTILITY IN THE A-2, RURAL AGRICULTURAL DISTRICT FOR A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP NINE NORTH (T-9-N), RANGE TWO WEST (R-2-W), OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (APPROXIMATELY ONE-HALF MILE SOUTH OF EAST ROBINSON STREET AND ONE-HALF MILE EAST OF 48TH AVENUE N.E.)

**Notes:** ACTION NEEDED: Motion to adopt or reject Ordinance O-1920-42 upon Second Reading section by section.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to adopt or reject Ordinance O-1920-42 upon Final Reading as a whole.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 04/28/2020

**Agenda Number:** 17

**Attachments:** O-1920-42, Location Map, Staff Report, Preliminary Layout, Pre-Development Summary, 3-12-20 PC Minutes - DG Central 1

**Project Manager:** Lora Hoggatt, Planner

**Entered by:** rone.tromble@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	03/12/2020	Recommended for Adoption at a subsequent City Council Meeting	City Council	04/14/2020		Pass
	<b>Action Text:</b>		A motion was made by Boeck, seconded by Bahan, that this Zoning Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council, due back on 4/14/2020. The motion carried by the following vote:				
1	City Council	04/14/2020	Introduced and adopted on First Reading by title only				Pass
	<b>Action Text:</b>	That this Zoning Ordinance be Introduced and adopted on First Reading by title only. by consent roll call					

### Text of Legislative File O-1920-42

Body

**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.
7. 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-foot 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.

The project engineer performed the storm water analysis and determined that, primarily from the road construction, this adds impervious cover that increases the average runoff coefficient on-site from 0.35 to 0.36. The existing pond in the southeast corner meets the capacity requirement for this project. The project engineer stated some modifications to the pond might be required to make sure the City of Norman Engineering Design Criteria requirements are met, so the post-development equals the pre-development rates.

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

At their meeting of March 12, 2020, Planning Commission unanimously recommended adoption of Ordinance O-1920-42 by a vote of 6-0.