



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 10/28/2025

REQUESTER: Fellers Snider Blankenship Bailey & Tippens, P.C.

PRESENTER: Jane Hudson, Planning & Community Development Director

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-15 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR PUBLIC UTILITY IN THE A-2, RURAL AGRICULTURAL DISTRICT FOR A STRIP, PIECE OR PARCEL OF LAND IN THE SOUTHEAST QUARTER (SE/4) OF SECTION NINETEEN (19), TOWNSHIP EIGHT (8) NORTH, RANGE ONE (1) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED NORTH OF ETOWAH ROAD ON 72ND AVENUE SOUTHEAST)

APPLICANT/REPRESENTATIVE	Fellers Snider Blankenship Bailey & Tippens, P.C.
LOCATION	North of Etowah Road on 72 nd Ave SE
WARD	5
CORE AREA	No
REQUESTED ACTION	Special Use for a Public Utility (Electric Substation)
LAND USE PLAN DESIGNATION	Country Residential
GROWTH AREA DESIGNATION	Country Residential Area

BACKGROUND:

Fellers Snider Blankenship Bailey & Tippens, P.C., on behalf of the Applicant, is requesting Special Use for a Public Utility to allow for the development of an electric substation for Western Farmers Electric Cooperative. The base zoning of A-2, Rural Agricultural District, will remain.

The property contains approximately 98.3 acres with the Special Use project area to be 2.75 acres in size; see attached Site Plan.

In April of 2017, 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 municipal uses, public buildings, and public utilities are properly located and approved with special conditions if deemed appropriate that provide protection for surrounding property owners. This provides staff the opportunity to present the project for approval and notify the public of such developments.

PROCEDURAL REQUIREMENTS:

GREENBELT MEETING:

This request does not involve a preliminary plat or land use plan amendment and is not required to go before the Greenbelt Commission.

PRE-DEVELOPMENT: PD24-15, October 24, 2024

A neighbor posed the question of the appropriateness for a substation on land zoned A-2, Rural Agriculture. The applicant responded citing the special use permit allowance for public utilities. Concerns were raised that the project area encroaches on a neighbor’s property. The applicant stated they would provide the survey documents to confirm the boundaries. Another attendee expressed concern the project area is approximately 75’ from their home. The applicant responded stating that the actual location of the substation within the 2.75 acres was not finalized. Another attendee inquired if the project was in accordance with FERC, Federal Energy Regulatory Commission. The applicant did not know this information. Additional questions on drainage, noise, and obstruction were posed. The applicant was unable to answer these questions. The applicant representative and attendees agreed to another meeting either through the City or privately. The City is not aware if or when this second meeting occurred.

BOARD OF PARKS COMMISSIONERS:

This application does not include residential uses or a preliminary plat and is therefore not required to go before the Board of Parks Commissioners.

ZONING ORDINANCE CITATION:

A Special Use request shall be reviewed and evaluated on the following criteria according to Sec. 36-560, 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.

STAFF ANALYSIS:

Except for raising livestock, the subject property is vacant. The area surrounding the subject property is generally used for single-family residential and agricultural purposes. There is a single-family home to the north of the proposed substation. The closest point of the substation is located around 62' from the north property line and 107' from the existing single family home on the property to the north.

SITE PLAN/ACCESS:

The proposed Site Development Plan shows two new access points off 72nd Ave SE. The proposed driveways measure 25' in width and 95' in width. The substation will be surrounded by a perimeter fence with five 30' removable guards for gates. An oil containment system is to be located outside of the fenced project area on the eastern boundary of the site.

LIGHTING:

All exterior lighting shall be installed in conformance with the City of Norman's Commercial Outdoor Lighting Standards (Section 36-549), as amended from time to time.

EXISTING ZONING:

The allowable uses for properties zoned A-2, Rural Agriculture typically include single-family dwellings, the raising of farm animals, and the growing of crops. Special Use may be granted by City Council for a Public Utility.

ALTERNATIVES/ISSUES:

IMPACTS: The proposed use is an electric substation. This use will generate little traffic in the area. It is anticipated the City's streets have available capacity to accommodate any slight increase in demand the project may generate.

OTHER AGENCY COMMENTS:

FIRE DEPARTMENT AND BUILDING PERMIT REVIEW: Items regarding fire/building codes will be considered at the building permit stage.

PUBLIC WORKS/ENGINEERING: No comments from the City Public Works Department.

TRAFFIC ENGINEER: Staff have reviewed the proposed access to the site and have no comments relative to traffic safety.

UTILITIES: No comments from the City Utilities Department.

CONCLUSION:

Staff forwards this request for Special Use for a Public Utility with Ordinance O-2425-15 to the for consideration by City Council.

PLANNING COMMISSION RESULTS: At their meeting of November 14, 2024, Planning Commission declined to recommended adoption of Ordinance No. O-2425-15 by a vote of 0-7.

COUNCIL POSTPONEMENT: On January 23, 2025, Mr. Joe Krodel, legal representative of the Applicant requested to postpone Ordinance O-2425-15 until February 25, 2025.

CITY COUNCIL MEETING, FEBRUARY 25, 2025: The property at issue is the subject of a eminent domain dispute that has been pending in Cleveland County District Court. As of February 25, 2025, the property owner defendants in that eminent domain case had filed a Exception to the Commissioner's Report challenging the Applicant's right to proceed with eminent domain against the property, a claim which could potentially result in a loss of possession by WFEC. At the February 25, 2025 City Council meeting, Council voted 6-2 to postpone the item "until District Court has made its decision on this case on possession." On June 23, 2025 the Cleveland County District Court held a hearing on the filed exception. Thereafter the parties filed additional briefs. On July 23, 2025, the court overruled the exception, allowing WFEC's eminent domain action to proceed. Please see the attached letter from Mr. Krodel outlining the Court's decision. Based on this record, Applicant's legal representative has requested that this item be placed on the October 28, 2025, City Council agenda for consideration.