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ORDINANCE NO. O-2223-46

ITEM NO. 11

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**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT	Williams, Box, Forshee & Bullard, P.C., on behalf of the Applicant/Land Owner
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 and R-1, Single Family Dwelling District South: A-2, Rural Agricultural District and PUD, O-2021-47 West: A-2, Rural Agricultural District
LOCATION	Southwest corner of 48 <sup>th</sup> Avenue N.W. and Franklin Road
SIZE	40 acres
PURPOSE	Electric Substation
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Vacant East: Single-family residential and electric substation South: Single-family residential and agricultural West: Single-family residential and agricultural
LAND USE PLAN DESIGNATION	Very Low Density Residential and Floodplain
GROWTH AREA DESIGNATION	Suburban Residential and Country Residential

**SYNOPSIS:** Williams, Box, Forshee & Bullard, P.C., on behalf of the Applicant/Land Owner, is requesting Special Use for a Public Utility to allow for the development of an electric substation. The base zoning of A-2, Rural Agricultural District, will remain. The property will contain approximately 40 acres.

**HISTORY:** 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 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.

**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.

**EXISTING ZONING:** The existing zoning for the subject property is A-2, Rural Agricultural District. This would remain the base zoning for the property. Typical allowed uses in this district include single-family homes, agricultural uses such as the farming of crops or raising of farm animals, medical marijuana grower, and accessory uses, such as barns/sheds.

**ANALYSIS:**

**SITE PLAN:** The proposed site plan for the property shows two access points off W. Franklin Rd. These access points lead to a drive that extends around the perimeter of the substation development. A detention area is proposed for the southwest corner of the 40-acre tract.

The property currently has approximately 60-acres. The applicant submitted a Norman Rural Certificate of Survey for the July 13 Planning Commission meeting. These two applications will go to Council as companion items.

**IMPACTS:** It is anticipated the City's streets have available capacity to accommodate what little traffic demand this site will generate.

**OTHER AGENCY COMMENTS:**

**PARK BOARD:** N/A for this item.

**GREENBELT COMMISSION:** The rezoning application does not require a Greenbelt Commission meeting. The forthcoming Norman Certificate of Survey will go to the June Greenbelt Commission meeting.

**ENGINEERING:** The applicant submitted an application for a Norman Rural Certificate of Survey for the property; this will create a 40-acre tract, which will contain this development, and leave the remaining 20-acres as a separate tract. The drive approaches will be constructed to City standards.

**TRAFFIC:** The intersection of 48<sup>th</sup> Ave. N.W. and Franklin Road is a future signalized intersection as more development occurs in the area. Depending on the distance from the easternmost driveway to the intersection of Franklin/48<sup>th</sup>, the applicant may need to request a variance for spacing from the intersection. Depending on the distance between the two driveways, the applicant may also need a variance to the driveway spacing requirements in the Engineering Design Criteria. If needed, this process will be done with the Norman Rural Certificate of Survey application.

**PREDEVELOPMENT: PD23-21, May 25, 2023**

After discussion with the applicant, the neighbors understood the project and the scope but still had concerns about traffic increasing, access, impact on property values, and aesthetics. They asked multiple times to consider relocating the substation or the possibility of placing a fence that would help mitigate the visual impact of the development. The applicant explained how the location was thoroughly determined by soil quality studies, so it cannot be relocated. However, they will consider an alternative fence that improves the aesthetics.

**CONCLUSION:** Staff forwards this request for Special Use for a Public Utility with Ordinance No. O-2223-46 to the Planning Commission for a recommendation to City Council.