

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

JANUARY 9, 2014

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 9th day of January 2014. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Curtis McCarty
Jim Gasaway
Roberta Pailes
Andy Sherrer
Dave Boeck
Sandy Bahan
Tom Knotts
Chris Lewis

MEMBERS ABSENT

Cindy Gordon

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Jane Hudson, Principal Planner
Janay Greenlee, Planner II
Ken Danner, Subdivision Development
Manager
Roné Tromble, Recording Secretary
Leah Messner, Asst. City Attorney
Larry Knapp, GIS Analyst II
Terry Floyd, Development Coordinator
David Riesland, Traffic Engineer

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Item No. 9, being:

ORDINANCE NO. O-1314-29 – THOMAS J. ROSE, DBA ROCK CREEK RESEARCH, REQUESTS SPECIAL USE FOR A PRIVATE SCHOOL/EARLY EDUCATION CENTER FOR PROPERTY ZONED I-1, LIGHT INDUSTRIAL DISTRICT, LOCATED AT 2795 BROCE DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Site Plan
4. Pre-Development Summary

PRESENTATION BY STAFF:

1. Jane Hudson – This is a Special Use for a Private School/Early Education Center at 2795 Broce Drive. The subject tract is located on Broce Drive and the surrounding zoning for this area is I-1. There is a Planned Unit Development up to the northwest and another one up to the northeast, with some RM-6, C-2 and A-2 to the south. The existing land use in the area is consistent with the industrial uses. There is an institutional use at the corner of Broce Drive and Interstate Drive, which is the Community Christian School. This is a photo of the site; this is the front building. There are actually two buildings on this site. The proposal will have use of all of the parking area that you're seeing; they're going to redesign it slightly, but it will be this entire area. They do share the parking with the building in the rear of the property. They are proposing to have their playground area at the rear of the site on the east side. This is the site plan that they have proposed; the front building is their facility and the back building is currently leased to a music business for, I believe, a term of five years. You can see the play area and the dumpster location. This application is before you tonight and it's from Bright Start Early Education Center. The facility that they're actually going to be opening there is actually called Kinderberry Academy. The applicant is requesting to locate their facility at this site under a Special Use for a Private School. However, in the I-1 zoning a private or public school can be established as long as they have an approved special use. In the I-1 zoning, a child care facility is not an allowed use. I-1 zoning district is a unique district because it specifically calls out the allowed uses that you can have. For that reason, a child care center is not a permitted use in I-1, because it is not a listed use. However, a school with an approved special use can locate there. The Zoning Code actually defines a child care center and it also defines a private school. This facility will take care of approximately 110 children, which will range in age from infant up to 11 or 12, and that may vary slightly – I'm not 100% sure on the age that they top out. As you can see, the child care center is defined as: any place, home or institution which receives more than seven children under the age of 18, who are not of common parentage, for care apart from their parents, legal guardians or custodians, and they receive that care on a regular basis. Now, also, it does state that the definition shall not include those public and private schools organized, operated, and approved under the laws of Oklahoma, and regulated by the State Department of Education. Then, also, the Zoning Ordinance defines the private school, which is just the school offering general education courses that are the same as ordinarily given in public schools. They also cannot have housing or sleeping rooms, and that mainly refers to dormitory type situations. The Kinderberry Academy will offer a kindergarten class taught by one of their employees. The kindergarten class is a full-time program which runs from 9:00 to 4:00. The families of the children that attend the kindergarten class typically utilize the before and after school care that the facility does offer them. The new facility will also have a Pre-K or Pre-Kindergarten class which is taught by a Norman Public Schools teacher; they actually go to the site two times a day for two and a half hours – morning and afternoon – to teach the pre-K class and, as I stated, this is a joint effort through Norman Public Schools, which is called Bright Beginnings. This is offered so that working families who can't arrange transportation for their children during those times, they can go to these facilities, have the pre-K class, and then stay there for the continued care. Per our Zoning Ordinance, the site does not technically meet the test of a school approved under and regulated by the laws of Oklahoma and the State Department of Education and it does meet the test of a child care center. However, as a

reminder, the Pre-K class is taught by a Norman Public Schools teacher. As shown on the slide, there are two buildings on the site. The rear building is leased by Norman Music Institute and they offer private music lessons. They have some evening events, recitals, concerts on the weekends, and stuff like that. As we stated in the staff report to the Commission, staff is not questioning the credibility of this facility. However, staff does have to follow the restrictions in the zoning ordinance. Staff prepared the information in the staff report with the information that we had at the time from the applicant. Since that date, we've had a meeting with them. We have received additional information from the applicant regarding their proposal. From our perspective from the staff's side, the recommendation that the Commission is being asked to make tonight whether this application should be approved as it qualifies as a school, is therefore a special use in the I-1 district, or whether it should be recognized as a child care center, which, as I stated, is not an allowed use in the I-1 district. After considering the new information received, the issue of the school versus the child care center in this application, staff does agree that it is a gray area. Therefore, staff is changing their recommendation from denial to no recommendation for this application. This is a difficult question that is before the Commission tonight. Staff is here to answer any questions that you might have. The applicant and their representative are here as well, and they do have a presentation and they're available to answer any questions. I do have to acknowledge that we had a protest which resulted in 0.47%.

2. Mr. Knotts – This would take both buildings into consideration, right?

Ms. Hudson – Yes, the lot itself will have the Special Use. Like I said, it's our understanding that the rear building has a five-year lease and I don't want to speak for them, but it's my understanding that that will be their building as well to do with as they see fit.

Mr. Knotts – And the music institute – if I remember the sign on the door – all instruments, all ages, all the time, or something like that. So it really is functioning, to some extent, as a school.

Ms. Hudson – Private lessons. Yes.

3. Mr. McCarty – Is the music school allowed right now?

Ms. Hudson – We have recognized places such as Bart Conner, some of those other areas over there, and the music school, which they teach lessons – those have historically been recognized as the vocational trade school use, which is an outlined use in I-1.

PRESENTATION BY THE APPLICANT:

1. Rikki Cospers, Operations Manager for Bright Start Early Education, soon to be Kinderberry Academy – I typically don't have to use a microphone, working with little children, so you'll have to bear with me this evening. Our school offers Norman children NECPA accreditation, an Oklahoma three star program, curriculum designed using Oklahoma learning guidelines and core competencies that include science, math, pre-writing, art, and creative thinking for infants, toddlers, twos, threes, fours, kindergarten also. I have provided you this evening with the early learning guidelines for both groups. And I want you, if you have a chance, to just turn to the first page. The task force that wrote this was a task force of Oklahoma Child Care Services, the Oklahoma Department of Human Services, and the Oklahoma State Department of Education. Educating young children is very important across the board for our state. We also offer the Federal Food Program through the Oklahoma State Department of Education, just like the public schools. We are part of the Healthy Choices Always Program grant through the Tobacco Settlement Endowment Trust. And we also offer contracted services, such as the public school does, as in counseling, occupational therapy, speech therapy, physical therapy, and tutoring to our children. Our school also serves as a community resource. We are counted as a lab school for many students from several colleges including Redlands Community College, Rose State College, UCAO-Chickasha, and many students from the University of Oklahoma. We have also been a part of the Success by 6 Baby Brains Tour, and if you can look – the former director of DHS, Howard Hendricks, himself, has also visited our facility for this Baby Brains Tour and it was about brain development for infants and toddlers. Working with infants and toddlers is very

important, so we want to make sure that we're meeting that in Norman and this is Success by 6 Norman. We also, as they said, have a Norman Public Schools Pre-K program collaboration. We've had this program since 2001 and we are the only private business, private school in the community that has it. Our school is also inclusive and we take care of children of all abilities. Additionally, we work with OK Family Network, Sooner Start, and our teaching staff participates in the Buddy Walk for Down Syndrome Association of Central Oklahoma, NAMI, and Autism Speaks. Early education is serious business. We are not daycare anymore. The human brain develops more rapidly between birth and age 5 than during any other subsequent period. The early childhood years are the time in which the brain begins to maximize efficiency by determining which connections to keep and which to eliminate. If you can imagine it, it's like a map and it's building and building and building – if you've ever played with K'Nex – you just build and build and build. Well, if you don't use it, you lose it and it goes away. All children in Norman deserve high quality early education in schools and centers where they can learn and grow. And all parents deserve a choice in the education that they select for their child. As you can see here, our children were enjoying beach day at Bright Start. Here I had a video, but they told me I didn't have a hyperlink. But the National Early Learning Initiative is through the Department of Education on a national level. They are really pushing early childhood – infants and toddlers all the way through the age of 4, and we are putting a lot of our money into early childhood across the nation. Most people don't know that Oklahoma is the national model for early childhood education. The White House has said that they want every other state to be like Oklahoma, and so here we are working so hard to take care of the children's needs.

Here is where we're going to address the protesting, the gray area between a child care center and a private preschool. If any of you decide that you want to open up a private preschool – you have a heart to working for children 3 to 4 years of age – you're going to take care of these children more than 15 hours a week, and you're going to charge a tuition. You have to be, by State law, licensed by Child Care Services, the OK Department of Human Services. There is not an option. So you can say you are a private school, but you don't have an option to do that. Also, the Oklahoma State Department of Education does not mandate accreditation of private schools in Oklahoma, and it's the option of each private school to determine which accreditation they choose to go with. The requirements of OK DHS is basically the minimum requirements for the health and safety of young children. When I spoke to the DHS representative she said if they just allowed private preschools that took care of children 3, 4, and 5 just to open up everywhere, then who is going to make sure that those children were kept safe? Currently, this four street development area already has seven businesses for young children: Bart Conner gymnastics, Massey's, Explosive Athletics, Shock Cheer, Norman Music Institute, and CCS. I call it kid land over there. It's a place for families to go and get services and educational needs for their children and we just want to be a part of that area. This is a current map of the child businesses in the area. This is where we're currently located and then right next to us Explosive Athletics and then within sight you can see the other sites, except for Bart Conner is around the corner. Through continued and loyal patronage in this area, a large amount of our taxpayers and constituents of Norman with young children and families have shown that they support schools and child oriented businesses in this very targeted area. Norman has a recent history of approving Special Use for Schools and Child Care Centers in industrial zoned areas. Pumpkin Shell School is currently in an I-1 area. It is a private school, but it is also DHS licensed. It is a one star and they are not accredited. Kidopolis Learning Center is a DHS licensed school as well. They are two star, not accredited, and they're in an I-2, so I know that is different. And then Community Christian School – they're accredited by the Association of Christian Teachers and Schools. They are not accredited by the Oklahoma State Department of Ed and they do not have to be. And I'm assuming that Community Christian High School, when they open, will be accredited through the same. The difference between us being a child care center or private school is our accreditation. This is our accreditation certificate. It lasts for three years. Every three years we have to renew our accreditation; we have to have a visit from our accreditation agency. We are with the National Early Childhood Program of accreditation. The accreditation will transfer when the location does move. Private school is defined by the

City of Norman – this is where we see as gray. It says a school offering general education courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping, where Jane said that is about dormitories. But also, if you go into the parking part of it on page 148, it says under private schools it lists nursery school, daycare center or elementary school. 1 per employee and adequate off-street area for pick-up and delivery of children. So we believe that is gray area. A private school with child care special use is allowed per Section 438.3 if a child care center of any size could be granted as a special use if operated as an accessory use in conjunction with an institutional use, such as a church or school. And the question is we have infants and toddlers and so that would be for young children. If that was the gray area that you wanted to meet and we were changing diapers – well, we're also doing science and math projects with these children. We don't just sit there and watch them and let them just lay on the floor all day. Investing in early education is really good for this community. And we're asking, as your investment to this community, is just to vote to allow us to have the special use. We also want you to know in the packet that we provided, the City of Norman contacted us, I believe last year, about giving us a school zone at our current location. This is not something we asked for and, actually, it wasn't anything that we pursued because we do not have a traffic issue, such as CCS, with cars sitting and waiting to pick up. Our parents have open enrollment where they have different times that they can pick up. Thank you.

2. Paul Maus, 4801 West Two Lakes Avenue – I want to take a chance to say thank you tonight for listening to us. This is pretty straight forward on this motion for approval for a special use permit as a school. I believe Ms. Cosper has shown you all and demonstrated how we consider ourselves a school facility within the Norman community. I also want to remind the Board – or point out to the Board that previously that the Planning Committee has already approved three I-1 uses for similar type uses in the community. And please note that all these facilities that they have approved the special use permits – that the role of that zoning area still has not changed and the special use permit is still in effect, but other businesses have still been able to continue their business as they have on a regular basis, and we expect our business to impact the area in the same way where we will not be changing the use of the area.

In addition, we've been working closely with the Planning staff about our parking. They are currently satisfied with the plan that we currently have in effect. We believe we have enough parking spots available for our employees and our customers and for Norman Music Institute and their employees and their customers. We have a tiered parking system where people come in and come out and we do not foresee us parking in the street or occupying any places in the street.

I also wanted to bring to your attention in regards to a protest. I wanted to point out that during the Pre-Planning meeting we did not have any protesters during the Pre-Planning meeting. Since then we have had one written protest in regards to our special use permit, but that constituted less than 1% of the area involved. Also wanted to point out that that particular group did not protest the special use permit when CCS had requested their special use in that same area. One of the concerns they had written in the protest is that are wanting to maintain their business and retail, and I'm not sure if retail is allowed in an I-1 area, but it's supposed to be more of other uses.

In closing, I want to point out that we believe with the approval for us of a special use permit for this property, we believe that we will improve the building, improve our property value, the surrounding property values, help increase the tax base for the City of Norman, and help bring in additional revenues for the community. We are open for any questions you may have.

3. Mr. Sherrer – Paul, talk to me a little bit about open enrollment and the transportation – how that works. I think one of the concerns that I know I had was just how it backs up on the road itself. You mentioned that there's an open enrollment that helps – talk a little more about that, if you would.

Ms. Cosper – Because of the way our curriculum and our programs work and our children's schedules – we also want to meet the families' schedule – parents are able to come in

any time between 6:00 a.m. and 10:30 a.m. More often than not, we usually have about two or three parents come in, drop off, leave, two or three parents come in, drop off and leave. We have never had any type of traffic back-up or people waiting or anything like that. Most of our families are in and out and they come in and out within certain amount of hours. It's like a bell curve. It moves up and then down. So we don't have as very many – also, with parking – we don't have as many staff because of that during certain times of day. So in those early morning hours, we only have one or two staff members, and as the day goes it builds and then as the day ends they start – our staff begin to go home at 2:30. Is that sufficient for you?

Mr. Sherrer – I think so. Thank you.

4. Mr. McCarty – How big is your education center now – how many students do you have?
Ms. Cospers – Currently, we have 136. We will be down-sizing.

Mr. McCarty – And where is your current facility?

Ms. Cospers – Our current facility is in Robinson Crossing Shopping Center right there at Interstate Drive.

Mr. McCarty – So you're going to have 110-120 students I believe you said – somewhere in there. How many employees do you have for those kids?

Ms. Cospers – We will have ten.

Mr. McCarty – And you have 22 parking spots right now, I believe. Five of those you're going to kind of guarantee to the music facility.

Mr. Maus – I talked to the owner of the music institute and he was saying during our hours of operation he normally has anywhere from four to five instructors and four to five students that are receiving services and what would take place is the parents would come in and drop off their children and then they would leave, just like we do. And also wanted to point out, in regards to – we would have up to 9 to 10 employees, including the management. That is a ramp up. We may open up at 6:30 in the morning. We're not having a full staff at 6:30 in the morning or 7:00 or 8:00 at night and we're not having a full staff in the late afternoon. We ramp up just like a regular bell curve and ramp down toward the end of the day, meeting the community's needs during their hours of services.

Mr. McCarty – So most of these kids are at the age where they probably can't get out of the car and walk in on their own. Is that correct?

Mr. Maus – Well, we require all children to be escorted in by their parents.

Mr. McCarty – Okay. So they're going to have to physically park and you're going to have, basically, 5 to 7 extra parking spots.

Mr. Maus – Correct. And we do have – if the parking is a concern, we do have back-up plans. Currently, I think the current plan is 21-22 positions. We have another plan that's in effect for as many as 28 parking positions, and we have another plan that I have with me that would accommodate up to 31 parking positions. So we are flexible in the way that we can fit the number of parking spots in the facility to meet the needs. When I was talking to Ms. Hudson today, she did state to me that they felt that with our tiered plan, with people coming in and going out and not consistent people staying there, that we should have sufficient parking spots currently as assigned.

Mr. McCarty – The plan I have says 22; what's your back-up plan? How do you get additional nine or ten spots?

Mr. Maus – We were looking at we can reduce the size of the playground. Also, we're looking at taking on the north side of the wall. We can move the marker over, I believe, two feet to the north and that would give us enough ample room to where we could put parallel parking on the south side to add additional spots.

Mr. McCarty – And, obviously, the area of the biggest concern probably of all of us is probably the parking and CCS, when that came up, was a big concern as well. I still have the concern about it. But it's not even open yet and you go certain times of the day and it's really hard to even get into some of those places that are trying to have businesses there. So I think the biggest question is how the parking works and help us understand how from 6:00 a.m. until

6:00 at night or 6:30 how five or seven additional parking spots helps get 110 children into your facility and out safely.

Mr. Maus – Sure. Basically, what's going to happen is we're having, during the morning hours, we have children coming in from 6:30, as we start ramping up. We'll start off the day, we may have one person coming in and we coordinate with our staff to – along with our number of children coming in – so like, say, approximately 7:00 we may have 3 staff working at that time, accommodating, and then we may have a fourth person show up. But then we also take in the children and get them ready to transport them to Norman Public Schools if we have any transportation going on at that time. And we see it start leveling off about 8:00 – between 8:00 and 9:30. And then it's maintained, but we'll be fully staffed by about 9:00?

Ms. Cospers – 9:30 – 10:00.

Mr. Maus – As those parents come in and drop off their children. And we physically have a shut off time of 10:30, not because it's – we can accept children later than that, but what we do is we have a cut-off time for that, because if we allow state-subsidized children to come in and we don't receive pay after 10:30, so that's the reason for our cut-off at that particular time.

Ms. Cospers – Well, and the other thing is it's very detrimental to the children if they show up at noon when the class has already had half the day, just like if they go to a public school or any other private school, making sure that they get their needs met for the day, and not interrupting their day structure is very important to early young children.

Mr. McCarty – Some are dropped off early, so the parents can go to work, and then you all transport them to Norman Public Schools?

Ms. Cospers – Because we do have a before and after program, too.

Mr. McCarty – So give me an idea of the 110, how many does that relate to, roughly?

Ms. Cospers – We take about 10 to 14 children to school in the morning, and then the afternoon we have about 20 in the afternoon. We sometimes have a few more because we do take children with special needs and if they do receive special needs services they can be bussed – curb to curb services because that makes them more comfortable. They pick up at home and so the bus is usually more comfortable for them.

Mr. Maus – But I think the answer to your question, Sir, is – what we do is we – we won't be having – so during the school hours, we won't be having the full amount of school age children in there where it will be younger based children or it will be infants through 4 year olds and our 5 year olds for the kindergarten program. So the older children will be at the public school. And then, like I said, we – on paper we see the ramping up and we do have adequate parking spots in there. And then in the afternoon, whereas you have your parents starting early in the day and once again they're starting to pull their children out in the afternoon. We might have parents coming by as early as 1:00 starting to take their children out and pull them out of the facility, depending on their work schedule and their work habits and such. And so, as it tapers down and our attendance goes down, being a small business owner we don't want to be paying our employees just to be there. We send employees home as our attendance goes down, and so we see the whole trickle down effect going out throughout the afternoon.

Ms. Cospers – And with our staggered staffing, at 7:30 in the morning, we only have 4 staff members. Those other 6 employee spots parents can use as a drop-off. So technically your 5-7 goes from 11-12 opportunity. We don't foresee that being an issue because, at our current facility with the numbers we have, we don't have that amount of drop-offs at any one time.

Mr. McCarty – Do I understand that the additional 5,000 square foot – that when the music center's lease is up, that you all have some type of agreement that you might be taking that over?

Mr. Maus – Currently we do not have any plans to take it over. I have already spoken to the owner and we are looking forward to a very good relationship with them. And I know that they're intending to be in business for quite a while. We haven't made any plans. The child care market and the school market is undetermined right now at this point in time, so we're kind of wait and see what the market has at that point in time. We may use it for storage. We may continue to have Norman Music Institute's continuous services in there. Like I said, we already

do have a very good rapport with them and a good relationship with them and we're looking forward to that relationship.

Ms. Cospers – And the staff did ask us that same question. If we do decide that's going to be our space, we can use it for a number of things. But we have to make sure that the space we use is square footage wise per child. So, say we decide we want to use a giant indoor play space. Well, we're not going to increase the number of kids we have because we can't use that square footage for different children. That space is now going to be – it's cold – it's rainy – we're adding physical education. That's just an additional space for the children. So our square footage is all about per child and the amount of children we can have. So if the worry is more children and more parking, we won't be able to increase the usage of the space.

Mr. Maus – Let me correct it. We did talk to the Planning staff and we did project – to answer your question, Sir – if we were to take over that facility, we were projecting that we would have an increase of maybe 4 employees for going in there, but we would also take up the previous amount of employee parking that the other staff for Norman Music Institute was already currently using, and we would also be gaining more parking spots for additional customers if we were to grow in there.

5. Ms. Pailes – How many kindergarten classes do you anticipate having?

Mr. Maus – For kindergarten we would most likely just have one class.

Ms. Pailes – And how many pre-K?

Mr. Maus – Pre-K, currently, what they do is it's based on the tiers. Thanks for bringing that up because it brings up a point. But what we would do is we have a morning class and an afternoon class and it's provided by Norman Public Schools. But, in addition to that, what happens when a family brings their child to our facility, you may have heard like some people that they want to have all day pre-kindergarten or half-day pre-kindergarten, and when families are able to come to our facility, they're actually receiving a full-day pre-kindergarten curriculum because what happens is when the child is not in the pre-kindergarten process provided by Norman Public Schools, we have our own master teacher, along with our own curriculum, that is providing an education to that child on a daily basis, and that's all part of our accreditation and we have regular teaching plans on a regular basis that is planned out throughout the entire year for regular curriculum. So it is part of our foundation and our education process.

Ms. Pailes – So, if there's 20 school kids – 20 kids, approximately, in a kindergarten class, perhaps 40 in the pre-K class – there is about 60 kids aged 4 and above and about 40-50 below age 4, roughly.

Mr. Maus – Currently that's what it is in our current facility. It will all be based on the square footage of our final design.

Ms. Pailes – And did you say you are licensed by the Department of Human Services?

Ms. Cospers – Yes, ma'am. We do not have a choice. We have to be licensed by the Department of Human Services.

Ms. Pailes – Is there not a requirement for specific area of outdoor play space per child and do you meet that? It looks like your outdoor play space is marginal to minimal.

Mr. Maus – We have taken the current attendance of what we have. Even if we were to reduce our parking – or increase our parking lot to 31 parking spaces and with the smaller playground in there, working with our architect, we still meet the state requirements for that playground. And, also, what we do is, in addition to that, we have a playground schedule that we have in place for the different children and different ages so we don't have – different ages at different times. And that's a normal practice for us.

Ms. Pailes – What concerns me is it's an industrial area, so across the street from you you could technically have somebody move in that stored propane or that mixed fertilizers, which you normally would consider that not what you want near a child care facility, and there would not be any recourse for you to protest that, I would guess.

Mr. Maus – I understand that. Like I pointed out, currently, a good example is Kidopolis child care facility. Currently that is located in the same building occupied by the Norman Fence Company, where they make the steel fence, and they have not had any type of problem such

as that right now. We do – we're not able to predict the future of what may happen, but we do not foresee anything like that taking place. We see a large number of community-based businesses in that area. And if a business of that type would move in, it would not be just impacting our business, but it would be impacting multiple businesses within the community.

AUDIENCE PARTICIPATION:

1. Jay Cervi, 2613 Larston Drive – We own one building that is within the protest area and two buildings that are just barely out of the protest area that's adjacent to the CCS. I guess I've been in the real estate business since about 1975 and, unfortunately, this is the first time I've ever had to come to the Planning Commission to speak adversely about one of our neighbors. And I get quite a few of these notices. We do lease to wholesale, mostly, tenants. An irrigation tenant is right next to the high school. It does bring tractor trailers loaded with fertilizer and mulch, and that's our biggest concern, is that we have lots of tractor trailer businesses that bring in irrigation pipe – things that aren't brought in in small trucks. CCS does park along the street to get into their school in the morning. They do have a U-shape deal and it moves fairly quickly. We didn't protest our neighbors when they decided to put a high school next door. He is correct. But I do think this area is industrial and we've owned these buildings – we built these buildings in 1982 and one of them has nine dock eyes. I mean, they're built for truck traffic. We don't want to be – we think what they're doing is a good thing, and Robinson Crossing is probably a great place for them. It's the people that pick up stuff from the irrigation wholesaler – irrigation pipe is in 20-foot sections – they have to have trailers. This is not really a great place for young kids to be running around. The person across the street wholesales street cars – automobiles. They bring in tractor trailers worth of automobiles. So it's concerning. And I think it's dangerous, and I think that's my concern here about our properties. Thank you.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Lewis – I do have a question for Ms. Hudson. One of my concerns was determining whether this was a day care or a school, was accreditation, and I think that was addressed to the satisfaction. Can you take us back to the slide of the picture that you showed us where the playground area will be? So my question is, this is supposedly the proposed playground area. That manhole cover – will that be included in the playground area?

Ms. Hudson – They do show it, yes. It would be in that area, because this is the play area.

Mr. Lewis – I'm looking at the diagram of what they propose as play area and there are two things that gravely concern me. We're talking about large trucks coming and going. We're talking about an industrial area. But when I look at the design of the plat, what I'm seeing is a play area that's going to include a manhole cover that certainly probably will not fail, but should it ever, then that's a child's life if they climb down in there. And the other one is we have a dumpster also right in front of the play area that when a very large truck comes to move that, if there's children playing in the play area, something happens with that truck and that dumpster falls, that is a huge liability and safety concern for me.

2. Ms. Pailles – I have a question for staff. How important is the daycare/school distinction? Is that of critical?

Ms. Hudson – What do you mean, how important is the daycare/school?

Ms. Pailles – If it's considered a daycare, does that make it less appropriate than if it's considered a school?

Ms. Hudson – Absolutely. Child care centers are not allowed in I-1; a school, if operated and approved under the laws of Oklahoma and regulated by the State Department of Education.

Ms. Pailles – As I recall, kindergarten is not mandated. In other words, you don't have to go to kindergarten.

Ms. Hudson – I talked to a representative at Norman Public Schools and kindergarten is mandatory.

3. Mr. Gasaway – Let me just think out loud for a minute. To me, it seems like the ordinances that have defined this were written many years ago when the definition of education and daycare were probably different. I don't think anybody thought of education happening, probably, until first grade when these ordinances were written. I think they probably refer more to the ages involved in an industrial area than the educational activity. Granted, the definition has changed. The ordinance probably should change at some point to meet the new definition, when applicable. But I still think it really refers to the age of the children in that area and their safety in an industrial area. So that's one concern that I have. The other concern – I think a lot of us here have had experience taking kids to school at all ages. Especially if you have to get out of your car and walk in, get their coats on, the backpacks up off the floor – it's not a 30-second experience to drop your kid off. Seeing the parking lot on paper and seeing it in the pictures up here, I have real concerns that you can get cars in and out, where they're staying for 3 or 4 minutes – cars coming in while cars are trying to back out and get out a fairly narrow drive and do that safely. I just don't think that area is designed for that kind of traffic. It really needs to be something more circular where cars can loop through, rather than have to back in and out. Those are my two major concerns.

4. Ms. Pailles – If I were contemplating a daycare or school, you've got a real problem. Where are you going to go? Because if you go into a standard residential area, they protest. If you go into industrial area, they protest. I mean, where are you going to go? It's a difficulty and I have full sympathy for anybody who does a good job with childhood education. I just see it as a hazard if your next door neighbor is storing propane. I can see something dreadful happening and everybody going why in the world was that there? That's my concern.

5. Mr. Lewis – I would make one further comment. Overall, I think the Bright Start Early Education Center is a phenomenal opportunity for the children of the City of Norman. As the gentleman said a moment ago, I think at its current location its ideal. But as Commissioner Pailles and Commissioner Gasaway have reiterated over, I just believe in an industrial area this is the wrong place for a promising and phenomenal program, and so for that reason I will not be supporting this.

*Chris Lewis moved to recommend rejection of Ordinance No. O-1314-29 to the City Council.
Dave Boeck seconded the motion.*

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Curtis McCarty, Jim Gasaway, Andy Sherrer, Dave Boeck, Sandy Bahan, Chris Lewis
NAYES	Tom Knotts, Roberta Pailles
MEMBERS ABSENT	Cindy Gordon

Ms. Tromble announced that the motion, to recommend rejection of Ordinance No. O-1314-29 to City Council, passed by a vote of 6-2.

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