



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: O-1314-29**

**File ID:** O-1314-29

**Type:** Zoning Ordinance

**Status:** Non-Consent Items

**Version:** 1

**Reference:** Item No. 24

**In Control:** City Council

**Department:** Planning and  
Community  
Development  
Department

**Cost:**

**File Created:** 12/16/2013

**File Name:** Ordinance No. O-1314-29 upon Second and Final  
Reading granting Special Use for a Private  
School/Early Education Center in the I-1, Light  
Industrial District for property located at 2795 Broce  
Drive

**Final Action:**

**Title:** CONSIDERATION OR ORDINANCE NO. O-1314-29 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 PRIVATE SCHOOL/EARLY EDUCATION CENTER IN THE I-1, LIGHT INDUSTRIAL DISTRICT, FOR LOT 4, BLOCK 2, BROCE INDUSTRIAL PARK SECTION 2, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (2795 BROCE DRIVE)

**Notes:** ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1314-29 upon Second Reading section by section.

ACTION TAKEN \_\_\_\_\_ TK/JG

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1314-29 upon Final Reading as a whole.

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

**Agenda Date:** 03/11/2014

**Agenda Number:** 24

**Attachments:** Text File O-1314-29.pdf, O-1314-29, Exhibit A - Site Plan submitted by Architect.pdf, Location Map, Staff Report, Pre-Development Summary, Letter re Parking, Protest Map and Letter, Support Letters, Additional Information from Applicant plus petition of support January 21, 2014.pdf, Petition of Support January 21 2014.pdf, Email from Traffic Engineer - Bright Start.pdf, Comparison CCS.pdf, 1-9-14 PC Minutes - Rose Special Use

**Project Manager:** Janay Greenlee, 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	01/09/2014	Recommended for Rejection	City Council	02/11/2014		Pass
	<b>Action Text:</b>	A motion was made by Lewis, seconded by Boeck, that this Zoning Ordinance be Recommended for Rejection to the City Council , due back on 2/11/2014. The motion carried by the following vote:					
1	City Council	02/11/2014	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					
1	City Council	02/25/2014	Postponed				
	<b>Action Text:</b>	Postponed until March 11, 2014 - motion on the floor to adopt on Second Reading					
1	City Council	02/25/2014					

### Text of Legislative File O-1314-29

Body

**SYNOPSIS:** The applicant, Bright Start Early Education Center, has submitted a rezoning application to rezone Lot 4, Block 2 in Broce Industrial Park, Section 2 from I-1, Light Industrial District to I-1, Light Industrial District with Special Use for a private school.

**ANALYSIS:** The applicants have submitted this application to allow for the use of a “private school and child care center” in an area zoned I-1, Light Industrial District. The current zoning, I-1, Light Industrial District will not allow the establishment of a school without Special Use Zoning in place and a child care center is not an allowed use under any circumstances in I-1 zoning. The site currently has two buildings. The front building is 6,000 square feet which will be the site for Bright Start. The rear building is 5,000 square feet and is currently occupied by Norman Music Institute. Norman Music Institute offers general music lessons and also holds small concerts, recitals and other music related events at their facility. Norman Music Institute has a lease on their building for the next five years.

Bright Start’s building has the capacity for 100-120 children, ranging from infant to pre-school age children. Bright Start also offers before and after school care for elementary school children, as well as transportation to and from the school site. The facility will operate from 6:30 a.m. to 6:00 p.m., Monday through Friday with various drop-off and pick-up times. This facility will differ from the traditional public school as not all children will be dropped off or picked up at the same time and, as stated by the applicant, the facility does have vehicles that will deliver children to school as well as pick them up from the school at the end of the day, returning them to the Bright Start site. Bright Start offers summer camps, field trips and outdoor physical activities. There will be eight to ten employees for the facility.

Per the Zoning Ordinance definition of a “child care center” Bright Start accurately fits the definition. A “child care center” is defined as:

“any place, home or institution which receives more than seven children under 18 years of age, who are not of common parentage, for care apart from their parents, legal guardians or custodians, when such care is received for regular periods of time for compensation; provided, however, this definition shall not include those public and private schools organized, operated or approved under the laws of Oklahoma and regulated by the State Department of Education, those where custody of the children has been fixed by a court of competent jurisdiction, those where children are related by blood or marriage within the third degree of the custodial person, or to those public or private institutions caring for children while the parents, legal guardians or custodians are attending services, meetings, classes, or otherwise engaging in that institution’s activities, to the extent such care and custody does not exceed four hours at any one time.”

**ALTERNATIVES/ISSUES:**

**IMPACTS:** With an occupancy load of 100-120 infants, pre-school and school age children, it is realistic to say there will be traffic impacts in the area at different times of the day.

**PARKING:** The applicant has submitted a revised site plan for this request. The site as proposed now has thirty-three parking spaces where previously they proposed twenty-two parking spaces. The applicant is proposing to widen the drive from the existing nineteen feet up to approximately twenty-eight feet. The widening of the drive will better accommodate the proposed parallel parking along the south side of the parking lot. The revised site plan details areas as existing and proposed.

The site for Norman Music Institute is considered as a professional use; depending on the usable area within the building it could require approximately sixteen parking spaces. However, staff does not have the interior calculations for the Music Institute facility but we are aware of concerts, recitals and other events on-site that will consume parking. The Bright Start facility will require at a minimum eight to ten parking spaces for the eight to ten employees on-site at any given time. This could leave at best four to six parking spaces for drop off and pick up of the children at any given time of the day. In addition to the employee parking needed, the business has at least one van they utilize for transporting children to and from school; this vehicle will be parked on-site as well.

**SITE PLAN:** As stated the applicants have submitted a revised site plan. The dumpster is located in the far southeast corner of the lot. The playground area has been reduced to exclude the manhole opening from the playground area. The site plan shows a fence around the playground.

**OTHER AGENCY COMMENTS:**

**PARK BOARD:** Parkland dedication is not required for this application.

**PUBLIC WORKS:** Public improvements are not required as part of this application. However, there is concern with the location of the dumpster so close to the playground area.

**STAFF RECOMMENDATION:** This applicant does have a pre-school/pre-kindergarten class taught by a Norman Public School (NPS) teacher. However, staff is working with the thought that this is a child care facility, not a school, as this facility cares for approximately 61 children, infants through three year olds, and approximately 59 pre-school age children, and has drop-off and pick-up from school, a service typically provided by a child care facility. Staff does not dispute the credibility of this facility but the location. This is an industrial area that has a good deal of traffic generated daily from deliveries and employees coming and going. The applicant noted in their application packet that there are other "child oriented businesses" in the area. The applicant listed Bart Conner Gymnastic Academy, Massey's Dance Star, Shock Cheer, Norman Music Institute and Explosive Athletics as similar businesses in the area. While all of these businesses are within the area, they are businesses that typically work after 5 and are not in the child care business and are not educational facilities approved by the laws of Oklahoma and regulated by the State Department of Education. These businesses have historically been recognized as vocational/trade schools in the I-1, Light Industrial District, a permitted use. Community Christian School and their new high school are also noted on the applicant's submittal. The original Community Christian School was in place prior to the "special use requirements" in an industrially zoned area. The new Community Christian High School received Special Use approval on July 24, 2012. As previously stated, staff does not dispute the quality or business practices of this facility, however, staff cannot support the location of a child care center in an industrially zoned area.

Staff prepared the staff report for the Planning Commission hearing with the information we had received from the applicant at that time and recommended denial of the request because it is not an allowed use. With the number of children this facility cares for, the summer programs, after school care and transportation services, staff did not agree that this facility technically meets the test for what is generally considered a school, which would allow its location as a special use in an industrially zoned area.

Staff then received additional information from the applicant regarding their proposal right before the Planning Commission meeting which staff considered. Per the Zoning Ordinance, a school is a facility approved and

regulated by the laws of Oklahoma and the State Department of Education and it is not clear that this facility meets that test even though there is a pre-school/pre-kindergarten class taught by a Norman Public School (NPS) teacher; however, the facility does meet the test for a child care center, as defined above. After considering the new information received, reviewing the Zoning Ordinance, the issue of school vs. child care center in this application is a very gray area; therefore, staff changed their recommendation at the Planning Commission hearing from denial to no recommendation for this application.

At the Planning Commission hearing several Commissioners voiced concerns about the location of the playground, the playground in relation to the location of the dumpster, the age of the children in an industrially zoned area, accreditation (approved by the laws of Oklahoma and regulated by the State Department of Education), and traffic concerns.

The applicant has submitted additional information to City Council regarding other child care facilities located in the I-1, Light Industrial District and I-2, Heavy Industrial District. Those facilities are Pumpkin Shell, Stepping Stones Learning Center and Kidopolis Learning Center. City Council approved the location of Pumpkin Shell at 1037 N. University Boulevard in an I-1, Light Industrial District as a Special Use for a school. The facility, Stepping Stones Learning Center, at 2270 Industrial Boulevard is located in I-2, Heavy Industrial District. Child care facilities are an allowed use in I-2. Finally, Kidopolis Learning Center at 2932 W. Tecumseh Road is located in an I-1, Light Industrial District as part of a church. In 2001 the church requested Special Use in an I-1 zoned district, at that time a child care facility was not part of their proposal. Then in 2004 the church came back to Council for approval of a child care establishment as part of a second Special Use for the site, under the umbrella of the church.

From staff's perspective, the question is whether this application should be approved because it qualifies as a school, and therefore is a permitted Special Use in the I-1 Zoning District, or whether it should be denied because it is a child care center, and therefore, not a permitted use in I-1?

Planning Commission, at their meeting of January 9, 2014, recommended denial of this ordinance by a vote of 6-2.