



STAFF REPORT
The City of Oklahoma City
Planning Commission
April 11, 2024

Item No. IV. 13.

(SP-588) Application by Garrett and Company Resources, LLC and Willowbrook Investments, LLC, for a Special Permit to operate Use Unit 8250.8 Forced Detention or Correction Facilities (Oklahoma County Detention Center) in the I-3 Heavy Industrial and AE-2 Airport Environs Zone Two Overlay Districts, at 1901 East Grand Boulevard. Ward 4.

I. GENERAL INFORMATION

A. Contacts

Applicant’s Representative

David M. Box
 Williams, Box, Forshee & Bullard, P.C.
 (405) 232-0080
 dmbox@wbflaw.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this request is to permit the operation of a new Oklahoma County Detention Center.

D. Existing Conditions

1. Size of Site (70.77 Acres)

2. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	I-3/AE-2	I-2/AE-2	I-3, I-2 /AE-2	PUD-1721	I-3 / I-2
Land Use	Undeveloped	Office / Warehouse/ Storage	Office/Warehouse	Trosper Park Golf Course	Warehouse / Park Maintenance facility

3. Comprehensive Plan Land Use Typology Area: Urban – Low Intensity (UL)

UL applies to the least intensively developed areas of the city that still receive urban water, sewer, police, park and fire services. Development in this area should provide horizontal integration of land uses, connectivity within and between individual developments, and design that facilitates pedestrian and bicycle transportation.

Comprehensive Plan Land Use Typology Layer: Heavy Industrial (HI)

The HI layer is intended to accommodate industrial uses that are difficult to integrate with less intense uses due to negative impacts from heavy traffic, noise, or odors. This designation simultaneously concentrates heavy industrial users away from existing or future neighborhoods while preserving prime land that has attributes crucial to industrial businesses, such as proximity to highway and rail access. Small-scale industrial, office, or commercial development may be appropriate provided that it supports or buffers industrial uses and does not restrict future industrial development by fragmenting parcels.

II. APPLICANT'S PROGRAM DESCRIPTION

See attached Exhibit E

III. GENERAL STANDARDS

- A. The City of Oklahoma City has previously established the process for granting special permit uses. There are certain uses, which, by their nature, do not fit into the normal pattern of zoning district use regulations. The size, area of land required or the effects of these uses cause them to be potentially incompatible with other uses of land within a given zoning district. Therefore, this regulation allows the City Council to authorize these uses to locate within given designated districts under the controls, limitations and regulations of a special permit.

All Special Permit uses shall satisfy the following general standards:

- 1) The proposed use shall conform to the policies of the adopted Comprehensive Plan.
- 2) The proposed use shall not adversely affect the use of the neighboring properties.
- 3) Pedestrian and vehicle traffic generated will not be hazardous or in conflict with the existing and anticipated traffic in the neighborhood.
- 4) Adequate utility, drainage, parking, loading, signs, access, and other necessary public facilities to serve the proposed use shall meet the adopted codes of the City.
- 5) The site shall front or have direct access to a street having adequate right-of-way and improvements to support the traffic generated by the proposed use.

- 6) The City Council may impose specific conditions regarding location, design, and operation to assure safety, to prevent a nuisance, and to control the noxious effects of excessive sound, light, odor, dust, or similar conditions. Such conditions may include:
- a. A requirement that all machinery and facilities be located within an enclosed building; or
 - b. A requirement that certain areas be screened from view of surrounding neighborhoods; or
 - c. A limitation on intensity of lights or hours of operation; or
 - d. Similar measures designed to protect the public interest.

IV. ADDITIONAL SPECIFIC STANDARDS

The following specific standards apply to the proposed use:

59-9350.28. Forced Detention or Correction Facilities (59-8250.8).

- A. The application shall address: a description of the type of program proposed, the number of participants that would be in the program at one time, the number of staff that would be associated with the program and their general duties, the type of supervision that will be provided for the participants in the program, the means to mitigate any impact upon the surrounding land uses from the operation of the program, and the behavior of the participants in the program.

See Applicant's Program Description and Exhibits, attached.

- B. Staff in its report to the Planning Commission and the City Council shall identify other uses in the following use units within one mile of the proposed facility: Domestic Violence Shelters (59-8250.6), Emergency Shelters and Feeding Sites (59-8250.7), other Forced Detention or Correction Facilities (59-8250.8), Residential Facilities for Dependent and Neglected Children (59-8250.17), Residential Facilities for Drug or Alcohol Treatment Centers (59-8250.18), and Transitional Mental Health Residential Facilities (59-8250.19). Staff shall provide the appropriate data and information to aid in the deliberations of the Planning Commission and City Council.

Staff has not identified any of the above-listed uses within one mile of the proposed location within the City of Oklahoma City. Del-City staff advises none of the above-listed uses were identified within one mile of the proposed location within Del-City limits.

- C. The inordinate concentration of these use units is discouraged and locations dispersed throughout the community are promoted. The City Council shall determine whether an inordinate concentration of these uses would result from establishment of an additional such use in the particular area. In determining whether an inordinate concentration would result in a negative impact to the surrounding community from approval of a particular application, the City Council shall consider all facts and circumstances relating to the application and areas surrounding the proposed site, including, but not limited to, the differences or similarities in existing uses among these use units and the compatibility or incompatibility of such uses in the particular area.
- D. All applications for Special Permit for uses in this category that house sex offenders or persons convicted of a capital offense, shall include written verification of compliance with Section 1, Chapter 136, Oklahoma State Law (57 O.S. Supp. 2008, § 563.4). Such written verification shall include a notarized statement affirming compliance with the statute, a list of individuals notified by certified mail and copies of the return receipts.

Not applicable. The proposed Special Permit is intended for an Oklahoma County facility. The proposed facility is not categorized as a Transitional Living Facility as defined by State Law ("transitional living facility" means those facilities that do not have a contract with the Department of Corrections or another agency of this state, or any political subdivision of this state, to provide living space for persons who are under the custody of the Department of Corrections and whose primary function is to provide housing assistance and related social services for individuals who are transitioning from previous incarceration in a county jail, state, or federal facility to the community or are otherwise in need of temporary housing assistance.")

V. REVIEW COMMENTS

This application was submitted to the following agencies, departments, and/or divisions for review and comment. An asterisk * indicates that the agency, department, and/or division responded with no adverse comments.

A. Outside Agencies

- 1. Oklahoma City-County Health Department (OCCHD)**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Water Resources Board (OWRB)**

- 5. School District (Crooked Oak)**
- 6. Oklahoma Department of Transportation (ODOT)**

B. City Departments

- 2. Airports**
- 3. Central Oklahoma Transportation and Parking Authority (COTPA)**
- 4. Fire (OCFD) ***
- 5. Information Technology/Geographic Support (IT/GIS)**
- 6. Parks and Recreation**
- 7. Police (OCPD)**
- 8. Public Works**

a. Engineering

Storm Sewer Availability

- 1) The Public Works Drainage Division staff has reviewed the subject application. All development, new construction, and/or substantial improvements planned within the proposed area shall be subject to chapter 16 of the Oklahoma City Municipal Code.
- 2) Storm sewers in accordance with the City's Drainage Ordinance will be required. Development abutting section line roads with drainage flows that exceed the capacity of OKC standard ditch detail (D-100) will necessitate the installation of enclosed storm sewer and/or concrete channel. These improvements shall be placed to provide a minimum of 35' clearance distance from the centerline of the section. Concrete channels must be entirely outside public right-of-way.
- 3) A flood and/or drainage study will be required to establish finished floor elevations, common lot areas or private drainage easements. A final plat should not be submitted until the study has been reviewed and approved by the Public Works Department.

- 4) Flood Study will be required to show no rise in FEMA Q 100 and the City of Oklahoma City Q 100 water surface elevation, compared pre-and post-development.
- 5) A portion of subject property is situated within a F.E.M.A. Flood Plain. Therefore, the establishment of Minimum Finish Floor Elevation for each lot within the flood plain will be required (100-year) frequency plus 1'. The Public Works Department Engineering staff shall approve these elevations prior to the filing of the final plat.
- 6) A floodplain activity permit must be submitted for any work contemplated in The Waters of the United States.
- 7) A Corps of Engineers 404 permit must be submitted with plans for any work contemplated within the floodplain, creek, or channel (waters of the United States) included in the case limits.
- 8) Plans for drainage improvements within the private drainage reserves and/or common areas must be submitted for review, and payment of inspection fees shall be made prior to construction. Building permits will not be issued until construction is complete. If a subdivision abuts a stream, the private drainage easements and/or common area along stream shall extend to flow line of stream at a minimum.
- 9) Place the following note on the plat and construction plans: Maintenance of the Common Areas and/or Private Drainage Easements shall be the responsibility of the property owner. No structures, storage of material, grading, fill or other obstructions, including fences, either temporary or permanent shall be placed within the common areas and/or drainage easements shown.
- 10) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 11) Construction within the limits of this SP will require an erosion control plan in accordance with EPA Storm Water Discharge permitting: CFR Vol. 57, No. 175, September 9, 1992. A copy of the EPA Notice of Intent (NOI) will be required prior to the issuance of work orders or permits for construction activities disturbing an area of 1/2 acre or greater.
- 12) Sidewalks shall be installed for all new construction and/or at the time of a residential use to a more intense use on all lots having frontage on public streets classified as a major or minor arterial.

13) All private roads /streets will have private storm sewer systems.

14) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.

9. Streets, Traffic and Drainage Maintenance

10. Stormwater Quality Management

11. Traffic Management *

12. Utilities

a. Wastewater Comments

Sanitary sewer capacity is currently being studied for this location.

b. Water Comments *

c. Solid Waste Management

The City cannot service. Contact private hauler.

13. Planning

a. Comprehensive Plan Considerations

The subject site is within the Urban - Low Intensity (UL) Area and within an area where the Heavy Industrial (HI) Land Use Typology Layer applies. Policies for both are listed below.

1) LUTA Development Policies:

Site Design:

- Avoid developing within or modification of 100-year floodplains or floodways. (UL & HI)
- Where possible, provide a continuous system of open space along stream corridors or other appropriate areas that link neighborhoods and park lands. (UL)
- Utilize Best Management Practices (BMP) for stormwater whenever possible. (UL & HI)

Floodway and 100-year floodplain are present on the western boundary subject site along Crooked Oak Creek. The conceptual plan for the proposal shows portions of the structure within areas of identified

floodway and floodplain. The development is required to comply with all City, State, and Federal requirements within the floodplain.

Density: The Urban Low Intensity LUTA outlines a floor to area ratio (FAR) of 0.2 to 1.0 for non-residential developments. The Heavy Industrial Layer does not specify a floor to area ratio range. *The subject site is currently undeveloped, aside from some oil and gas equipment. The I-3 District could provide a FAR within the Urban Low LUTA range. The project description for the application proposes a one-story mezzanine structure with an approximate building area of 710,000 square feet, for an estimated FAR of 0.23.*

Automobile Connectivity:

- Limit number of dead-end streets and cul-de-sacs. (UL & HI)
- Primary entrance points should be aligned with access points immediately across the street. (UL & HI)

The subject site currently has one improved access along East Grand Boulevard, via Crooked Oak Drive. The southern portion of Crooked Oak Drive was previously connected to SE 22nd Street, on the south, but construction at the intersection has removed that connection. The conceptual plan for the application shows three drives along East Grand Boulevard and a new connection to SE 22nd Street.

Pedestrian Connectivity:

- Provide sidewalk connections to adjacent development. (UL & HI)
- Within parking lots, provide pedestrian access ways separated from vehicle aisles. (UL)

Sidewalks requirements will be per Code.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. In this case, the proposed jail site is zoned I-3 and within an area designated as “Heavy Industrial” by the comprehensive plan. Across SE 22nd Street to the south is Trosper Park golf course. The adjacent land on the north, west, east/southeast is zoned for industrial uses, and no potential compatibility issues are identified by the comprehensive plan, which does not specifically address jail/detention facilities that may have impacts beyond the immediate area.

The Comprehensive Plan tends to focus on compatibility with adjacent or very near uses. Staff has additional concerns about the jail’s impact on the general area. Additionally, staff is concerned that the jail could attract

associated uses that would not contribute to viability of nearby neighborhoods or other land uses. The program description does address concerns in the inmate release plan. However, additional conditions may be needed.

- 3) **Environmentally Sensitive Areas:** The following apply to the proposed development site:
- **Riparian Areas:** Riparian areas are vegetated areas adjacent to streams, lakes, ponds, and wetlands that are composed of a mixture of trees, shrubs, and grasses. These areas may also contain floodplain. The comprehensive plan recommends a 100-foot buffer from stream banks. *Riparian area is present on the western portion of the subject site in the form of floodway and 100-year floodplain along Crooked Oak Creek. The conceptual plan for the proposal shows portions of the structure within areas of identified floodway and floodplain. The development is required to comply with all City, State, and Federal requirements within the floodplain.*
 - **Upland Forests:** N/A
 - **Vulnerable aquifers:** The aquifer in this area is considered highly vulnerable to depletion. The comprehensive plan recommends preserving natural open spaces and utilizing low impact development techniques whenever possible in new developments in order to maintain water quality and allow for the infiltration of stormwater onsite.
- 4) **Transportation System:** This site has frontage along East Grand Boulevard, a Connector Street, and SE 22nd Street, a Neighborhood Street, both in the Urban Low LUTA. The City's trail system runs along the east side of Grand Blvd. Oklahoma City transit (bus) service is not currently available nearby. A Greyhound bus station is located approximately two miles to the northwest at Reno Ave and Martin Luther King Ave.
- 5) **Other Development Related Policies**
- Prioritize and concentrate development where facilities, infrastructure, and services have capacity and in areas where the Police and Fire Departments are best able to respond. Guide the location and timing of development through the proactive and strategic installation of infrastructure. (SU-14)
 - Require sidewalks on both sides of all streets in urban LUTAs. (C-7)
 - Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)
 - Avoid undergrounding streams to the greatest extent possible. Where feasible, encourage the re-surfacing of buried streams. Limit the use of

culverts or other structures that alter natural streams, and require designs that minimize impacts to stream health and function. (G-11)

- Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
- Incorporate natural features (such as ponds, lakes, streams, rock outcroppings, stands of mature trees, and/or sizeable individual trees) into the design of all residential, commercial, and industrial projects rather than eliminating, hiding, or limiting access to those features. (E-31)

b. Plan Conformance Considerations

The subject site is located north of SE 22nd Street and west of East Grand Boulevard. The site is zoned I-3 Heavy Industrial District and currently undeveloped aside from oil and gas equipment. Drives and utilities serving the previous housing community will need to be relocated and/or vacated as necessary to develop the site.

The northern 400 feet of the subject site is within the AE-2 Airport Environs Overlay for Tinker Air Force Base. The subject site has frontage along both SE 22nd Street and East Grand Boulevard but does not include the 14.8-acre parcel at the corner, which is also zoned I-3 and recently developed as a warehouse.

Land adjacent on the north is zoned I-2 Moderate Industrial District and developed as office warehouse, with outdoor storage at the southeast intersection of East Grand Boulevard and SE 15th Street. Across East Grand Boulevard to the east are I-2 zoned properties primarily developed with office/warehouse uses. Across SW 22nd Street to the south is PUD-1721 (approved in 2019) and is the site of Trosper Golf Course.

Crooked Oak Creek and associated riparian/floodway/floodplain run from north-to-south along the western portion of the site. The land west of the creek is zoned I-2 and I-3, including the land adjacent along SE 22nd Street which was rezoned from R-1 to I-2 in March 2024. The land is developed with a park maintenance facility along SE Grand Blvd, and storage/warehouse uses fronting Lowry Avenue. Crooked Oak High School and Central Oak Elementary School are located at the northwest corner of SE 15th Street and S Eastern Ave.

The nearest residentially zoned land within Oklahoma City limits is located at and near the northeast and southeast corners of intersection of SE 22nd Street and Grand Blvd. The northeast corner is zoned R-4 Multifamily Residential District and developed with a nursing facility. To its north along S Bryant Ave is a childcare center within the R-1 District. At the southeast corner is Trosper Park land, which is zoned R-1 and developed with oil/gas and an electric substation.

Oklahoma City limits extend approximately 700 feet from the eastern boundary of the subject site (Grand Blvd) to Del City limits (Bryant Ave). This area of Del City is developed almost entirely as single-family residential.

The Special Permit is requested for a new Oklahoma County Detention Center. The proposed use requires a Special Permit in most zoning districts, including the subject site's I-3 District. One requirement of the Special Permit is that the applicant provide a Program Description that addresses the type of program proposed, the number of participants that would be in the program at one time, the number of staff that would be associated with the program and their general duties, the type of supervision that will be provided for the participants in the program, the means to mitigate any impact upon the surrounding land uses from the operation of the program, and the behavior of the participants in the program. The City Council may impose additional specific conditions regarding location, design, and operation to assure safety, to prevent a nuisance, and to control the noxious effects of excessive sound, light, odor, dust, or similar conditions.

If approved, the operation of the facility should be per the Conditions of the Program Description.

Additionally, the proposed Special Permit is requested for an Oklahoma County facility. The Special Permit should specify it would not allow a Transitional Living Facility, as defined by State Law.

IV. STAFF RECOMMENDATION

Staff recommendations are advisory only and do not constitute Planning Commission decisions. Staff recommendations are based on a technical evaluation of information submitted at the time of review. Planning Commission decisions require a vote of five members to approve or deny an item. The Planning Commission may consider in its decision-making process any additional relevant information presented at the public hearing by the public, applicant, and/or City departments.

If approved, the following Technical Evaluation shall apply:

- 1) The operation shall conform to the "Conditions" of the Program Description.
- 2) Granting of this Special Permit does not allow a Transitional Living Facility as defined by State Law.