



# City of Broken Arrow

## Minutes Planning Commission

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

*Chairperson Jaylee Klempa*  
*Vice Chair Robert Goranson*  
*Member Jonathan Townsend*  
*Member Jason Coan*  
*Member Mindy Payne*

**Thursday, February 8, 2024**

**Time 5:30 p.m.**

**Council Chambers**

### 1. Call to Order

Chairperson Jaylee Klempa called the meeting to order at approximately 5:30 p.m.

### 2. Roll Call

**Present: 5 -** Mindy Payne, Jason Coan, Jonathan Townsend, Robert Goranson, Jaylee Klempa

### 3. Old Business

There was no Old Business.

### 4. Consideration of Consent Agenda

**A. 24-226 Approval of Planning Commission meeting minutes of January 25, 2024**

**B. 24-241 Approval of a modification to Section 4.1(n) of the Land Subdivision Code for 4288 S 9th Street, approximately 10 acres, 1 lot, A-1 (Agricultural), one-half mile south of New Orleans Street (101st Street), west of 9th Street (Lynn Lane Road) at 4288 S 9th Street (Lynn Lane Road)**

Staff Planner Henry Bibelheimer presented the Consent Agenda. He noted for Item 4B Staff received one public comment in favor of this Item from Joel Hillenberg (ph).

Chairperson Klempa explained the Consent Agenda consisted of routine items, minor in nature, and was approved in its entirety with a single motion and a single vote, unless an item was removed for discussion. She asked if there were any Items to be pulled from the Agenda for discussion. There were none.

MOTION: A motion was made by Mindy Payne, seconded by Jason Coan.

**Move to approve the Consent Agenda**

The motion carried by the following vote:

**Aye: 5 -** Mindy Payne, Jason Coan, Jonathan Townsend, Robert Goranson, Jaylee Klempa

Chairperson Klempa indicated Item 4B would go before City Council on February 20, 2024; if any wished to speak regarding this Item, a Request to Speak form should be submitted prior to the meeting start.

### 5. Consideration of Items Removed from Consent Agenda

There were no Items removed from the Consent Agenda; no action was taken or required.

### 6. Public Hearings

**A. 24-233 Public hearing, consideration, and possible action regarding PUD-001249-2023 (Planned Unit Development), Midway Cottages, approximately 0.18 acres, DROD Area 2 / R-3 (Downtown Residential Overlay District Area 2 / Residential Single-Family 3) to DROD Area 2 / R-3 (Downtown Residential Overlay District Area 2 / Residential Single-Family 3) / PUD-001249-2023 (Planned Unit Development), one-eighth mile south of Kenosha St (71st Street) and one-third mile west of 9th Street (177th Avenue/Lynn Lane Road)**

Senior Planner Joel Hensley reported the property associated with Midway Cottages was developed and contained an existing single-family residence on a parcel of land located approximately one-eighth mile south of Kenosha St (71st Street) and one-third mile west of 9th Street (177th Avenue/Lynn Lane Road). He stated the property was platted as the east one hundred (100) feet of the north one hundred (100) feet of the south three hundred (300) feet of lot eight (8), Lowery's Addition and was zoned as Area 2 (Residential 2) of the DROD (Downtown Residential Overlay District) and R-3 (Residential Single Family 3). He indicated Area 2 of the DROD supported the construction of single-family residential homes. He stated the Owner/Developer of the subject parcel proposed to create two lots and construct two single family homes; the two proposed lots would contain one structure each with supporting driveways between and carports in the rear. He indicated the PUD requested deviations from the single family requirements of the DROD: reduce the minimum lot area and the rear setbacks. He noted according to FEMA maps, none of the property was located

in a 100-year floodplain area. He stated Staff recommended PUD-001249-2023 be approved and that platting be waived.

The applicant, Nick Parker, stated he would be happy to answer any questions.

Commissioner Townsend asked if a smaller lot size was the primary reason for the PUD.

Mr. Parker said he was not looking specifically for a smaller lot size; the current configuration of the lot, because there was no alley access, and the dimensions of the lot, made it challenging to develop according to the DROD requirements. He explained splitting the lot actually made it more feasible to develop with smaller homes, as opposed to a larger lot. He said, in the end Broken Arrow would have two smaller homes which would be more in line with the homes on the street.

Commissioner Townsend noted the other request was for a reduced rear setback.

Mr. Parker concurred.

Vice Chair Goranson asked if the lot split would come before Planning Commission separately.

Planning and Development Manager Amanda Yamaguchi responded in the affirmative; this was just the PUD which would allow the configuration requested; if approved, the lot split would come forward for consideration.

Vice Chair Goranson asked if curb and gutter would be installed by Mr. Parker.

Ms. Yamaguchi indicated the streets would be the City's responsibility. She noted Streets and Stormwater were systematically going through downtown taking care of the curb and gutter. She explained the only thing the applicant would be responsible for was the sidewalk.

Vice Chair Goranson asked if the homes would be two story homes.

Mr. Parker responded in the affirmative.

Vice Chair Goranson asked if the driveway would straddle the lot split.

Mr. Parker noted this was a very preliminary conceptualization. He stated if the drive did end up a shared drive, a mutual access agreement would be established.

Discussion ensued regarding the potential for a mutual access agreement driveway.

Chairperson Klempa noted no citizens signed up to speak. She closed the public hearing.

MOTION: A motion was made by Jonathan Townsend, seconded by Mindy Payne.

**Move to approve Item 6A per Staff recommendation**

The motion carried by the following vote:

**Aye:** 5 - Mindy Payne, Jason Coan, Jonathan Townsend, Robert Goranson, Jaylee Klempa

Chairperson Klempa indicated this Item would go before City Council on February 20, 2024; if any wished to speak regarding this Item, a Request to Speak form should be submitted prior to the meeting start.

**B. 24-223**

**Public hearing, consideration, and possible action regarding PUD-001265-2024 (Planned Unit Development), Sunset at Broken Arrow, A-1 (Agricultural), generally located one-half mile north of New Orleans Street (101st Street), three-quarters of a mile west of Evans Road (225th East Avenue), east of the Creek Turnpike**

Planning and Development Manager Amanda Yamaguchi reported Planned Unit Development (PUD)-001265-2024, Sunset at Broken Arrow, was a 41.15-acre tract proposed to be developed as an outdoor amphitheater with approximately 12,500 seats. She stated this property was currently unplatted and was zoned A-1 (Agricultural). She stated an outdoor amphitheater was considered an "Outdoor, Major Entertainment Facility" use and according to the Broken Arrow Zoning Ordinance, an Outdoor Major Entertainment Facility was a use permitted by Specific Use Permit or PUD in the A-1 zoning district. She indicated this use was required to abut an arterial or collector street to qualify for a specific use permit as outlined in section 3.2-Specific Use Permit Standards-of the Zoning Ordinance. She reported the development of this site for the proposed use would require that the property be platted. She explained it was intended that the site for the amphitheater would be sold to the developer of the project, while the remainder of the property would be retained by the City of Broken Arrow. She said due to the sale of the amphitheater lot and the associated setback reductions necessary to construct the site, Staff recommended the site be developed with a PUD (Planned Unit Development) in order to address the requirement for the specific use

permit and other alterations to the Zoning Ordinance necessary. She stated PUD-001265-2024 was proposed to be developed in accordance with the use and development regulations of the A-1 (Agricultural) zoning district except as outlined in the Staff Report. She reviewed a few of the bigger changes: parking would be permitted in the front setback even though this was an A1 zoning district; no offsite parking spaces would be permitted to be located more than 6,500 feet from the entrance; minimum lot frontages would be reduced from 330 feet to 200 feet; minimum lot size was reduced from 5 acres to 2.5 acres (mainly for the reserve areas); setbacks would be reduced to allow the building to be constructed up to the property lines; building height would be increased from 30 feet to no maximum height; due to the layout of the site the 10 foot landscape buffer along the parking lots would be located within the City right-of-way as a landscape easement; for lighting a photometric would be required.

Ms. Yamaguchi reported on January 9, 2024, a public meeting was held at Northeastern State University for residents in the area surrounding the proposed amphitheater; approximately 140 people attended the meeting. She reported Notes Live gave a presentation on the proposal and answered questions regarding noise, traffic, and safety. She indicated a document of frequently asked questions was provided at the meeting and was an attachment to this report. She stated in addition, Notes Live provided an attached Traffic Impact Study and Noise Assessment for review. She stated according to FEMA maps, none of the property was located in the 100-year floodplain. She noted water was available from the Rural Water District 4 and the City of Broken Arrow; sanitary sewer was available from the City of Broken Arrow. She stated based upon the location of the property, and the surrounding land uses, Staff recommended PUD-001265-2024 be approved subject to the property being platted.

Commissioner Coan asked if during the lighting survey process, would something be done to ensure the light fixture itself was not posing a problem. He stated he wanted to be sure specific light fixtures were not shining into someone's home or causing other such problems.

Ms. Yamaguchi explained Zoning Ordinance required all light fixtures to be either downward facing or have shields directing light downward. She stated each particular light would be evaluated with a photometric, and also the property line would be evaluated to ensure the lighting levels at the property line were appropriate.

Commissioner Townsend asked if the public meeting was recorded or if there were notes taken from the meeting.

Ms. Yamaguchi responded the meeting was available for viewing on YouTube. She noted attached to the packet was an FAQ sheet which was provided at the public meeting based on phone calls and questions the developer received from residents prior to the meeting.

Commissioner Payne indicated she was happy to see the landscape buffer in the plans.

Ms. Yamaguchi noted a site plan and landscape plan would be available further along in the development. She noted this was the first stage with zoning, then platting would be done, and once these were done the site plan and layout would begin.

Vice Chair Goranson explained the PUD process and noted if the amphitheater were not developed, the PUD with the unlimited height restriction would no longer be applicable to the development.

Ms. Yamaguchi agreed, noting if this property were to be used to develop something else, the property would revert back to underlying zoning which was A1, and the PUD would no longer be applicable.

The applicant, Charlie Bright with the Engineering and Construction Department for the City of Broken Arrow, explained he was present representing Broken Arrow who was the applicant in this situation. He asked for an extended time limit as he was going to present the slide show which was shown during the public meeting. He reported on October 3, 2023, City Council, through the Economic Development Corporation entered into an Economic Development Agreement with Sunset at Broken Arrow for this 12,500 seat facility. He indicated as part of this agreement, there were obligations the City committed to, including acquiring 41.6 acres for the project site; the City would submit a PUD; and the City would undertake all steps necessary to obtain the appropriate zoning and land use permissions needed. He stated the City of Broken Arrow also agreed to provide the infrastructure and all public improvements around the facility. He stated on December 19, 2023, the City closed on the 41.6 acres and on January 9, 2024 a public meeting was held at NSU to present and discuss this project. He introduced Bob Mudd, the developer with Notes Live (Sunset at Broken Arrow).

Mr. Bob Mudd with Notes Live stated it was a pleasure working with the citizens and leadership of Broken Arrow. He stated Notes Live had an excellent team locally and

nationally which was well equipped to put this project together. He stated Mr. Jeremy Stahle with Kimley-Horn served as the civil contractor for both the City of Broken Arrow and Notes Live as this was an integrated project. He stated the City of Broken Arrow was represented by the Mayor and City Manager; Jennifer Rush played a key role; and Charlie Bright represented the integration of engineering. He stated he represented Notes Live regarding the real estate and reviewed the members of the project team. He introduced Jeremy Stahle of Kimley-Horn.

Mr. Jeremy Stahle stated he was leading the effort for public infrastructure improvements and coordinating with the project team on the other aspects of the project. He discussed where the amphitheater would be constructed. He reviewed a slide illustrating the public infrastructure improvements which would be made for this project. He indicated the amphitheater would be on the south side of the property with two parking lots to the north with over 2,000 parking spaces. He discussed the new road which would be constructed by the City of Broken Arrow which would provide access off Highway 51 for the amphitheater. He noted there would be dry stormwater detention facilities at the north end and the southwest corner of the property. He stated a number of improvements would be made to the existing park facility including widening 38<sup>th</sup> Street and Staff was working to potentially build a direct connection to the north bound ramp of the highway. He discussed further road improvements and sidewalk improvements.

Vice Chair Goranson asked if the project would move forward even if the ramp connecting 38<sup>th</sup> Street to the highway was unfeasible.

Mr. Stahle responded in the affirmative. He stated he was hopeful the ramp would be approved, but there was a contingency plan if it was not approved.

Mr. Bright explained if the ramp was not approved, another lane might be added to 101<sup>st</sup> Street.

Discussion continued regarding the roads and access to the highway.

Mr. Mudd stated Sunset at Broken Arrow partnered with Live Nation who would program approximately 50 to 60 shows per year. He stated this would be a luxury amphitheater with nearly 200 fire pit suites ranging from 4 people to 8 people; there was a large area for corporate sponsorships; and many price points in between from standard seating in the front to the green in the back. He stated the venue would be covered with a structure which would protect visitors from wind, rain and sun, but also there would be an emulsified sand used which would lower the temperature of the turf 30 to 50 degrees. He stated this would be a state of the art facility with stadium coverage, 200 suites, large ultra suites in the back, and grammy award winning artist performances. He indicated the goal was to provide the Broken Arrow/Tulsa market a premium music destination. He stated it was anticipated 25 to 30 percent of the tickets sold would be from out of state. He stated given the location along the Creek Turnpike, it connected very well to the main arterials. He indicated Sunset at Broken Arrow wanted to be a good neighbor and had submitted a full traffic study, a full parking study and a full acoustic study and made changes to the structure of the facility, as well as the direction of the facility as a result of these studies. He reported he had Younger and Associates do an audit on what the anticipated economic impact of this would be, and it was anticipated to generate \$2.6 billion dollars in the first 10 years of operation. He explained this was not just ticket sales and food and beverage, but included likely hotel development and other development, which would happen in the general area as a result of what would be created by the venue. He indicated the amphitheater would also host graduations, cultural events, family friendly community events, etc. He stated the Colorado Springs Amphitheater would be opening with One Republic on August 8<sup>th</sup>, 2024 and it was booked through the rest of the season, and already had numerous high school graduations and local arts groups who signed up to use the facility. He stated the project would provide many part time and full time jobs. He stated he spoke with NSU discussing the potential of working together regarding hospitality and entertainment. He indicated he had a meeting with the Broken Arrow Public Schools to discuss how the amphitheater could be a benefit to the neighboring school and what changes might need to be considered to ensure Sunset at Broken Arrow was a good neighbor. He stated there would be approximately \$933,000 dollars in ad valorem taxes. He displayed and discussed a rendering of the proposed amphitheater. He discussed the parking needs of the facility and the expected volume of parking needed, being approximately 3,500 parking spaces.

Vice Chair Goranson asked where the ride share drop off and pickup point would be for the facility.

Mr. Stahley displayed and discussed a map showing the ride share queue, drop off and pickup area. He noted ride share included Uber, Lyft, shuttles from hotels, etc.

Discussion ensued regarding the ride share route.

Mr. Mudd continued. He noted the facility would be designed to ensure a sold out show could fully exit the facility within 40 minutes. He stated 100% of events would be parked onsite or at NSU; ingress and egress was being done by Broken Arrow; parking was designed to maximize safety and space. He said Sunset at Broken Arrow was committed in its relationship with the City to provide one security officer per 250 cars parked and would be putting together a game day plan with Kimley-Horn. He indicated he met with both the Wagoner County Sheriff's Department and the City of Broken Arrow Police Department about collaborating to effectively manage traffic on concert days.

Vice Chair Goranson asked if Sunset at Broken Arrow had a commitment from NSU to allow parking.

Mr. Mudd responded in the affirmative; NSU agreed to allow the use of 1,000 parking spaces for all events. He explained the City secured the parking, and Sunset at Broken Arrow was paying NSU per space used. He stated in the event NSU ever went away, the City would then be responsible for bringing 1,000 parking spaces on site. He noted one concern of the citizens was sound mitigation as the ScotFest and other events in this location were loud. He explained outdoor event sound systems were broad production sound systems and were not directional. He stated the sound system for the amphitheater would be directional and built specifically with the facility in mind. He explained this facility had three critical elements of sound mitigation: one was physical mitigation, the back of the concourse would be 45 feet high. He explained where the buildings were placed on the lot were very particular in both height and location to mitigate sound. He stated second was electroacoustic mitigation. He explained in the last ten years there had been substantial improvements which allowed urban areas to have locations like this. He discussed the types of speakers, the height of the speakers, the location of the speakers, etc., which would help mitigate sound. He stated operational mitigation would include a commitment not to function during school hours. He indicated Sunset at Broken Arrow would install noise detection devices at the perimeter of the park to measure sound. He discussed how sound was measured and the expected sound levels in different areas of the amphitheater and the surrounding area. He noted the position of the facility was turned from northwest to northeast, away from the residential areas, to assist with sound mitigation. He stated Notes Live was building a police substation on site and an ambulatory station for medical emergencies, and cooling stations. He indicated all interior and parking lot security would be provided by Sunset at Broken Arrow. He indicated tailgating would not be permitted in the venue's parking lot. He stated Sunset at Broken Arrow signed with Live Nation, the largest promoter of concerts in the United States.

Vice Chair Goranson asked if the sound mitigation mapping was based on terrain.

Mr. Mudd responded yes, it was based on terrain, but also the infrastructure, landscaping, average humidity, etc. He noted two things the sound mitigation mapping did not take into account which he believed would further mitigate the sound was the recent lowering of the bowl down 7 feet, which would not be immaterial to sound mitigation, as well as the roof of the facility. He noted the acoustician would evaluate the roof design to determine how the roof would mitigate the sound.

Commissioner Townsend asked what percentage of the facility would be covered.

Mr. Mudd responded all of the seating would be covered up to the green; the green in the back would not be fully covered, only a portion would be covered. He noted approximately 70% of the facility would be covered.

Commissioner Townsend asked if it was expected there would be a steady booking of shows throughout the year or would there be seasonal drops.

Mr. Mudd stated for amphitheaters, typical routing season was April through October for this region of the country, and it was anticipated the majority of shows would be during this season.

Commissioner Townsend asked what days shows typically were scheduled.

Mr. Mudd responded typically shows were booked for Thursday, Friday, Saturday, and Sunday, but could be any day of the week.

Commissioner Townsend noted Mr. Mudd mentioned the amphitheater in Oklahoma City had the same number of seats, 12,500 seats. He noted Oklahoma City and Broken Arrow were different size cities. He asked why the same number of seats were appropriate for both cities.

Mr. Mudd explained when looking at a venue such as this, you were not looking at the city it would be located in, you looked at the MSA it would serve. This venue would serve a much broader population than local. He explained for shows such as would be at the amphitheater

it was not uncommon for people to drive 2.5 to 3 hours to attend. He explained, the MSA this amphitheater would serve was over 1 million people, and Oklahoma was a little bigger, but not much.

Commissioner Townsend noted the parking was designed to be “Disney-style parking.” He asked what this meant.

Mr. Mudd explained Disney-style parking was parking which would be pull in and pull out, as opposed to pull in and back out, which increased safety and decreased fender-benders.

Commissioner Townsend noted many residents believed this venue would be for local artists trying to make a name for themselves, but according to Mr. Mudd this did not seem to be the case.

Mr. Mudd stated local artists might be openers, but the headliners would be big name, award winning artists. He noted at the new Colorado Springs amphitheater, One Republic was first on the schedule, followed by the Beach Boys, and he could go down the list and the names were well known, but he was not permitted to do this yet. He explained streaming has caused complications for artists, so artists were having to monetize their acts by traveling. He stated today, if an artist left Denver, the next stop would be Kansas City, Dallas, or Phoenix. He noted after COVID live entertainment exploded in popularity and Notes Live was working to fill the gaps in the markets which did not have the assets to route these summer tours.

Commissioner Payne stated she appreciated Mr. Mudd going to the public meeting and then making changes according to the residents’ requests. She stated she felt Sunset at Broken Arrow was listening to the needs of the City with the sound study and the traffic study, etc. She stated she felt Notes Live was investing in the City of Broken Arrow.

Commissioner Townsend noted with the amphitheater having a roof, shows would be able to go on even in the rain; shows would not have to be canceled.

Mr. Mudd agreed.

Chairperson Klempa asked for the renderings to be displayed.

Commissioner Coan asked how dba was different from decibels.

Mr. Mudd explained dba took the spectrum of sound, from the low boom to the high squeal, and averaged the noise level. He noted dba was the generally accepted standard of noise measurement. He stated artists were not permitted to go above 105 dba at any stage or the artist would be shut down.

Vice Chair Goranson asked where the sign for the facility would be located.

Mr. Mudd indicated he was not certain; the sign needed to be visible from the Creek Turnpike. He noted it could be affixed to the facility, but it looked like it might need to be located on Broken Arrow property as opposed to Notes Live property to have it properly positioned, but if so, a lease would be structured.

Citizen Pam Schultz stated she spoke with Lori Hill and expressed her family’s concerns. She asked if the Planning Commission heard her family’s concerns from Ms. Hill.

Chairperson Klempa responded in the negative; she asked Ms. Schultz to express her concerns.

Ms. Schultz stated the Planning Commission could hear her concerns which were voiced at the previous public meeting. She said she was told when she stated her concerns, the concerns would be distributed to the appropriate departments in the City.

Commissioner Townsend asked if Ms. Schultz expressed these concerns at the public meeting or to Ms. Hill after the meeting.

Ms. Schultz explained she spoke at the public meeting and then was asked to come to the City and speak with Ms. Hill, which she also did. She noted Ms. Hill wrote down her concerns and indicated each would go to the appropriate department to be addressed, but she had not heard back.

Ms. Yamaguchi explained Ms. Schultz’s concerns were not sent to the Planning Commission, they were sent to the internal City Departments. She noted she and Mr. Rissler had spoken with Ms. Hill regarding several concerns of the citizens, and she understood other concerns were sent to Engineering and Construction or whichever department was appropriate. She stated Ms. Hill was collecting comments and feedback to send back to the citizens. She

explained the concerns were not sent to the Planning Commissioners, they were sent to City Staff.

Ms. Schultz stated she had hoped, with the Planning Commission voting, that the Planning Commission had been able to hear the citizens' concerns. She stated she lived very close to the proposed site and had several homes on her property. She noted her family has lived on this property since 1940 and planned to stay forever. She stated the amphitheater would be facing her home and many others to the east. She stated she was upset the homes to the east were not being considered in the sound map. She indicated she was not against Broken Arrow getting an amphitheater or growth specifically; she understood the money and notoriety this would bring to the City. She stated she and her family wanted the location to move away from Rosewood Elementary, NSU and so many family homes. She stated she already had lots of noise and traffic from the Industrial Park, after the City had told her there would be no noise or odor. She stated she heard noise from the Sports Complex and the Events Park. She stated this amphitheater would be too much. She asked why the City was putting so much noise in one location; there would not only be noise from concerts, but also the sound checks, practices, and crowd noise for five days a week every week during the amphitheater season. She stated Notes Live might be able to turn down the sound, but it could not turn down the crowd noise. She asked for the City to spread the entertainment to other parts of the City and not on top of the same people in such a small area. She stated building the amphitheater in this location would be disruptive to the school. She stated the amphitheater would also bring drugs and alcohol to the area. She asked if the amphitheater would be allowed to sell alcohol so close to a school.

Ms. Yamaguchi responded the ABLÉ Commission in the State of Oklahoma restricted the sale of alcohol, and all the ABLÉ laws would be required to be obeyed for this facility.

Ms. Schultz stated this amphitheater would put children in harms way. She read portions of articles she collected about amphitheaters around the nation which indicated amphitheaters could pose a public health problem, cause air pollution, create noise pollution, degraded home living environments with corresponding economic losses, and forced people from their homes due to the noise. She continued reading the noise complaints of residents near amphitheaters around the nation.

Chairperson Klempa asked Ms. Schultz to point out her home on a map.

Ms. Schultz complied.

Assistant City Manager of Operations Kenny Schwab indicated where Ms. Schultz's family homes were located on the map.

Ms. Schultz asked for a different location for the amphitheater.

Vice Chair Goranson asked if the turnpike noise bothered Ms. Schultz's family.

Ms. Schultz responded in the negative; her family was bothered by noise from the Industrial Park, Sports Complex and Events Park. She noted there was a Josh Turner concert at the Events Center recently, and she could hear the concert in her backyard, and those were just small speakers.

Chairperson Klempa indicated Mr. Mudd would return to explain how the amphitheater's sound would differ from a traditional outdoor concert.

Vice Chair Goranson noted the Josh Turner concert was just a regular raised stage outdoor concert.

Ms. Yamaguchi noted if this were approved or denied, and went before the City Council, Ms. Schultz would have another opportunity to speak; this was not Ms. Schultz's only opportunity to speak to the public officials.

Citizen Heather Stanton stated she lived north of NSU, and she also heard noises from the Events Park and NSU. She indicated the noise was her main complaint as well. She stated she had the same concerns as Ms. Schultz. She noted Sunset at Broken Arrow indicated it could control the noise, but it did not say the surrounding residents would not be able to hear it or would not be bothered by the noise. She indicated she had hoped to retire in her home; she raised her children in her home and did not want to sell it and move. She stated she was going to hear noise from the amphitheater, and it would be annoying. She stated she did hear the turnpike noise, but it was not a constant two hour long persistent noise. She stated this would be constant noise, several nights a week, throughout the entire year, possibly. She stated it looked wonderful on paper but Notes Live had never operated an open facility, and therefore, had no idea how this would go over. She stated it would be smarter to build one, see what the complaints and problems were, and then move forward with others. She stated

One Republic, and the Beach Boys were not what she considered big names; Taylor Swift would never play an outdoor amphitheater with only 12,000 seats. She said she was not opposed to an amphitheater in Broken Arrow, but she did not want it in her front yard. She noted while only two residents attended tonight's meeting, in January at the public meeting there were many people who spoke out against this project. She stated just the people leaving the concert parked at NSU, thousands of people all leaving the concert late at night, would cause noise pollution in her home. She noted this was nothing Notes Live could control. She stated she believed there would be tailgating because one security guard could not stop residents from tailgating.

Mr. Mudd stated in terms of operating the facility; Notes Live partnered with the world's largest programmers who would be operating the facility; Live Nation was extremely experienced. He stated Notes Live would not be investing \$75 million dollars otherwise and felt very confident about what could be done here. He indicated Notes Live had done as much as could be done to assess the sound impact. He stated he understood the concerns. He explained the systems which would be implemented in the amphitheater were much different than what Josh Turner used. He discussed the differences between Josh Turner's equipment and the equipment which would be used at the amphitheater which was very directionally controlled. He stated sound detection devices would be installed to be certain the dba levels did not rise above the agreed upon levels.

Commissioner Coan noted one concern raised was the audience noise, and the inability to control audience noise. He asked if Mr. Mudd had seen other facilities which were covered as this facility would be and had seen a significant reduction in crowd noise.

Mr. Mudd stated there would be a significant reduction in crowd noise. He stated there were no models he could confidently provide to show how much the crowd noise would be reduced because this facility was different from any which had been designed. He stated there was one being built in Kansas City which was similar to the Sunset at Broken Arrow design, and he had significant conversations about the impact of the type of roof structure chosen. He stated the dba levels to which Sunset at Broken Arrow had committed included the noise of the audience. He explained the detection devices would be set at the perimeter of the amphitheater and whether it was crowd noise or music noise, the commitment was the same.

Commissioner Payne asked if Sunset at Broken Arrow was open to increasing security if necessary.

Mr. Mudd indicated the objective was to provide a high hospitality experience; if visitors did not feel safe, could not get in and out of parking lots quickly, if food and beverage was not good, if the environment was not comfortable, the visitors would not return. He said one security guard or police officer per 250 people was very dense and he believed it would be sufficient, but Sunset at Broken Arrow would always be assessing whether it was sufficient security.

Commissioner Townsend asked how Mr. Mudd felt about Ms. Schultz comment about building many amphitheaters all at once without having established what works through trial and error at a single facility.

Mr. Mudd responded the team Notes Live assembled had extensive experience with different facilities around the world such as Mercedes Benz Stadium, Red Rock Stadium, Fiddlers Green, etc. He said the architects had extensive experience in these venues. He stated his was a business which saw an opportunity to expand a high hospitality product to meet a void in the market, was good at putting financing together to do it, and had secured the very best in the music business. He stated as it related to experience, Notes Live had the very best. He noted Live Nation was the largest music promotion company in the world. He indicated Notes Live would be publicly traded on the New York Stock Exchange in June 2024.

Commissioner Coan asked what would happen if there was an event going on and there was a tornado.

Mr. Mudd stated he was not an expert in this, but there would be life safety plans developed for the facility which would be consistent with football games or anything else. He indicated these facilities were keyed in with the national weather service to delay or cancel shows when necessary. He stated he could ask the life safety team to visit and speak with Planning Commission.

Mr. Bright stated in terms of the Disney-style parking, this would not be done at NSU; NSU parking would remain as it was. He explained NSU had a different model and a different traffic pattern. He noted more vehicles would come into the event site than NSU. He explained there would be Disney-style parking on the north side of the facility, and the reason this was safer and faster was, there were no back up movements; cars were directed to a



space, pulled in at an angle, and upon leaving drove forward.

Chairperson Klempa closed the public hearing.

Commissioner Coan stated Oklahoma had history of very talented people, and this venue would provide opportunities for local artists. He stated the facility would bring in money, some of which would go to support the schools, as well as to the improvement of roads in Broken Arrow. He stated a lot of time was spent determining the best location for this facility and he felt this was an excellent opportunity for the City of Broken Arrow to continue to be a very desirable place to live with plenty of activities for families.

Commissioner Payne agreed and stated she felt this was a good project. She agreed there would be hiccups which would have to be worked out, and there would be change and not everyone loves change, but overall she felt Notes Live did a lot of studies, spent a lot of money on the City of Broken Arrow, worked with Staff, visited the schools, were willing to make accommodations for the schools, and if Broken Arrow did not bring in new businesses such as this, the children of Broken Arrow would not want to stay in Broken Arrow.

Chairperson Klempa noted the 3:00 p.m. time restriction requested by the schools was not in the PUD packet. She asked if this should be included in the motion to be added to the PUD.

Ms. Yamaguchi explained the 3:00 p.m. time requested by the schools could not be included in the PUD as noise was a municipal ordinance, not a zoning ordinance. She explained the sound ordinance was not part of the zoning ordinance which was what the PUD controlled. She stated the time restriction was something which would need to be included in the contract with Notes Live or in the economic development agreement.

Assistant City Attorney Graham Parker concurred.

MOTION: A motion was made by Jason Coan, seconded by Robert Goranson.

**Move to approve Item 6B per Staff recommendation**

The motion carried by the following vote:

**Aye: 5 -** Mindy Payne, Jason Coan, Jonathan Townsend, Robert Goranson, Jaylee Klempa

Chairperson Klempa indicated this Item would go before City Council on March 5, 2024; if any wished to speak regarding this Item, a Request to Speak form should be submitted prior to the meeting start.

## 7. Appeals

There were no Appeals.

## 8. General Commission Business

**A. 24-224 Consideration, discussion, and possible approval of PR-000497-2023|PT-001276-2024, Conditional Final Plat, Sunset Amphitheater, 41.15 acres, 3 Lots, PUD-001265-2024/A-1, located one-half mile north of New Orleans Street (101st Street), three-quarters of a mile west of Evans Road (225th East Avenue), east of the Creek Turnpike**

Ms. Yamaguchi explained typically conditional final plats went through the Consent Agenda, but Staff wished Planning Commission to consider the PUD before considering this plat. She reported PT-001267-2024, the conditional final plat for Sunset Amphitheater, contains 3 lots on 41.15 acres. She stated this property was located one-half mile north of New Orleans Street (101st Street), three-quarters of a mile west of Evans Road (225th East Avenue), east of the Creek Turnpike. She stated the site was proposed to be developed as an outdoor amphitheater with approximately 12,500 seats; the property was currently unplatted and is zoned A-1 (Agricultural). She stated access to this plat was through one primary entrance onto New Orleans Street through the Broken Arrow Events Park; secondary access points were being planned and designed to the north, across the railroad and onto the Creek Turnpike to the west. She stated according to FEMA maps, none of the property was located in the 100-year floodplain. She stated Staff recommended PR-000497-2023 and PT-001276-2024, conditional final plat for Sunset Amphitheater, be approved subject to the approval of PUD-001265-2024 by the City Council.

MOTION: A motion was made by Jason Coan, seconded by Jonathan Townsend.

**Move to approve Item 8A per Staff recommendation**

The motion carried by the following vote:

**Aye: 5 -** Mindy Payne, Jason Coan, Jonathan Townsend, Robert Goranson, Jaylee Klempa

Chairperson Klempa indicated this Item would go before City Council on March 5, 2024; if any wished to speak regarding this Item, a Request to Speak form should be submitted prior to the meeting start.

**B. 24-243 Consideration, discussion, and possible approval of a modification to Section 4.1(n) of**

**the Land Subdivision Code for Sunset Amphitheater, approximately 41.15 acres, A-1 (Agricultural), one-half mile north of New Orleans Street (101st Street), three-quarters of a mile west of Evans Road (225th East Avenue), east of the Creek Turnpike**

Ms. Yamaguchi indicated this Item was also in reference to the Sunset Amphitheater. She explained this was a request to modify Section 4.1(n) of the Land Subdivision Code requesting sidewalk waivers on the far east and far west sides of the property. She indicated all of the internal sidewalks were planned to be constructed per subdivision regulations; the waiver would be on the far east side where the property abutted the OTA right-of-way and then on the far side west side of the property near the school, it would be best for the pedestrian traffic to remain internal to the site and not go near the school site.

MOTION: A motion was made by Mindy Payne, seconded by Jason Coan.

**Move to approve Item 8B per Staff recommendation**

The motion carried by the following vote:

**Aye: 5 -** Mindy Payne, Jason Coan, Jonathan Townsend, Robert Goranson, Jaylee Klempa

Chairperson Klempa indicated this Item would go before City Council on March 5, 2024; if any wished to speak regarding this Item, a Request to Speak form should be submitted prior to the meeting start.

**9. Remarks, Inquiries, and Comments by Planning Commission and Staff (No Action)**

Chairperson Klempa noted she could not access her City email. She stated Planning Commission City email addresses were still listed on the website and if a resident tried to send her an email it would become ex parte of an item on the Planning Commission. She requested these email addresses be removed from the website.

Ms. Yamaguchi indicated currently any email sent to a Planning Commission Member via a City email address was forwarded to Planning which came to herself and her staff, and if it was a question a Planning Commission Member could answer, the email was forwarded to the Planning Commission Member, if not, City Staff would respond. She stated she would take the Planning Commission City emails off the website and instead list the Planning email address, [planning@BrokenArrow.gov](mailto:planning@BrokenArrow.gov).

Chairperson Klempa asked if the emails were eliminated, how would she receive invites and such.

Assistant City Attorney Parker noted this might be a question for the IT Department.

Ms. Yamaguchi agreed.

**10. Adjournment**

The meeting adjourned at approximately 7:04 p.m.

MOTION: A motion was made by Mindy Payne, seconded by Jason Coan.

**Move to adjourn**

The motion carried by the following vote:

**Aye: 5 -** Mindy Payne, Jason Coan, Jonathan Townsend, Robert Goranson, Jaylee Klempa