



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, December 14, 2023

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. 23-1585** Approval of Planning Commission meeting minutes of December 7, 2023
- B. 23-1584** Approval of LOT-000830-2023 (Lot Split), BA Brown, 1 Lot into 4, approximately 104 acres, southeast corner of Washington Street (91st Street) and 23rd Street (193rd East Avenue/County Line Road)

Staff Planner Chris Cieslak presented the Consent Agenda.

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 Jason Coan, seconded by Mindy Payne.

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

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

There were no Public Hearings.

7. Appeals

There were no Appeals.

8. General Commission Business

- A. 23-1595** Consideration, discussion, and possible action with Respect to a Resolution Recommending that the City of Broken Arrow, Oklahoma, through its City Council, create a Tax Increment District and approve The Sunset at Broken Arrow Economic Development Project Plan

Economic Development Manager Jennifer Rush reviewed the Sunset at Broken Arrow Economic Development Project Plan. She stated the proposed project was Sunset Amphitheater with an Economic Development Agreement between Sunset at Broken Arrow (Notes Live), the City of Broken Arrow, and the Broken Arrow Economic Development Authority for Sunset at Broken Arrow to build a 12,500 seat amphitheater on 41 acres north of the Events Park which would bring in an anticipated 50 to 60 shows with a guaranteed minimum of 45 shows annually. She explained the Agreement indicated if the TIF were not approved or other conditions were not met the Agreement would be void. She discussed the history of this project, how the proposal for the amphitheater came about, and why the area near the Events Park was chosen for the venue. She reported Sunset at Broken Arrow would invest approximately \$71 million dollars in the amphitheater and was asking the City for an additional 3,360 parking spaces, expansion of the ingress and egress, and new roadways to ensure visitors could get in and out of the venue quickly. She indicated the additional infrastructure would cost the City approximately \$25 million dollars. She reported the economic impact report showed the venue would bring in approximately \$211 million dollars in taxable dollars. She indicated the best way to fund the debt service for this project was

through a TIF District where the City was taking revenue from the increments to pay off the debt service. She stated this TIF would be a sales tax only TIF, not ad valorem, which ensured the ad valorem taxes would continue to go to the schools, library, tech, etc. She reviewed the Aggregate TIF Revenues Projection document. She noted the City asked Wagoner County to contribute a portion of the County's sales tax in the TIF District for ten years to fund the project as the County would also benefit from this project. She stated the County approved exploring this further. She noted the Revenues Projection included the projected addition of retail and hotels in the area. She stated the exciting thing about this potential TIF was the State of Oklahoma had a Leverage Act which indicated for any tourism project benefiting a nearby "opportunity zone" the State would contribute the State's portion of the sales tax as a match in the TIF. She noted the Revenues Projection showed the City could cover the \$25 million dollars in debt service for this project through the TIF. She displayed and discussed a map of the Economic Development Project Area, the area in which TIF revenues would be captured.

Commissioner Jonathan Townsend asked about the TIF District end date.

Ms. Rush responded the TIF District expired after 25 years. She noted the Events Park Master Plan from 2011 included an amphitheater and the City's purchase of 41 acres just north of the current Events Park allowed for ample parking and additional greenspace while staying true to the Comprehensive Plan and the Events Park Master Plan's intent.

Commissioner Townsend asked about current parking at the Events Park.

Ms. Rush noted currently the existing car park was underutilized, approximately 300-400 spaces, unless ScotFest or other large festivals were underway, in which case a shuttle service was used to bring in attendees from other parking areas in the City. She noted the City also had an agreement with NSU to use its parking area in cases of overflow; this agreement would continue after construction of the amphitheater.

Mr. Tom Cook, Broken Arrow Financial Department, indicated there was underutilization of the Events Park due to parking limitations, and construction of the amphitheater and the additional parking would improve utilization of the Events Park.

Ms. Rush noted the City was under contract to purchase the 41 acres just north of the Events Park, and part of the Agreement with Sunset at Broken Arrow (Notes Live) was the City would sell Sunset at Broken Arrow 13 acres of the 41 acres for the amphitheater, and then the City would continue to own the remaining acreage, including the parking area built by the City which could then also be utilized by the Events Park.

Commissioner Mindy Payne asked if there were plans to build another street.

Ms. Rush responded in the affirmative; the new streets would be covered by the TIF.

Assistant City Manager of Operations Kenny Schwab stated the City had a lot of plans to build new streets in this area. He displayed a map and discussed where the new streets would be constructed and how these streets would improve traffic flow throughout the area. He noted ODOT had road improvement plans for this area as well. He indicated the City was in discussions with the railroad to get permission to cross the railroad, tie into 91st Street and possibly install a roundabout. He indicated the City was in the design stages for these new streets. He continued to discuss where the roads would be placed, noting the Industrial Park and the Schools were in favor of the improvements and new infrastructure. He stated the City was also working with OTA to possibly build a ramp for direct access to the Turnpike.

Commissioner Jason Coan asked when Notes Live first constructed the amphitheater in Colorado Springs.

Ms. Rush responded Notes Live's first amphitheater in Colorado Springs was still under construction; the first concerts would be held in August 2024. She stated the City was working to ensure that all parties were in agreement regarding this amphitheater including police and fire. She stated Broken Arrow police and fire, as well as the Wagoner County Sheriff Department, would visit the amphitheater in Colorado Springs next year to look at its traffic plans. She noted Colorado Springs was very welcoming and accommodating in this regard. She stated the Economic Development Agreement indicated construction would be completed by December of 2025, but Sunset at Broken Arrow was aiming to complete construction by July of 2025.

Commissioner Coan asked how long Notes Live (Sunset at Broken Arrow) had been working in the amphitheater line of business. He noted Notes Live was committing to 45 events per year and he was curious about Notes Live historical trends which might show this commitment would be met.

Ms. Rush stated Broken Arrow vetted the company. She reported J.W. Roth was a founder of Notes Live; J.W. Roth owned Roth Manufacturing and grew up in the manufacturing business, but always had a passion for music and started Bourbon Brothers Smokehouse and Tavern Restaurants and the Barn Hall live music venues which accommodated approximately 500 people. She discussed how Mr. Roth got the idea to construct an amphitheater and how Mr. Roth had a business background, but not necessarily a background in these large amphitheaters. She discussed how Mr. Roth assembled a team of professionals with expertise in the large music venue field who were working with Mr. Roth to make this a successful venture. She stated Sunset at Broken Arrow would have a contract with either AEG or Live Nation to operate the venue; AEG and Live Nation were two of the largest partners who ran large music venues across the United States.

Vice Chair Robert Goranson stated he was excited about this amphitheater. He asked where the money collected from the TIF could be spent and when the TIF would go into effect.

Ms. Rush explained the money collected from the TIF could be spent within the area outlined in red on the map of the TIF area. She explained if this were approved today, it would go to a City Council public hearing on January 2, with a second public hearing on January 16, then if approved it would begin 30 days after approval. She stated this would help capture some of the early use tax.

Vice Chair Goranson asked who decided where and how the TIF money collected would be spent.

Ms. Rush responded the City would decide where and how the money was spent.

MOTION: A motion was made by Robert Goranson, seconded by Jonathan Townsend. Move to approve a Resolution Recommending that the City of Broken Arrow, Oklahoma, through its City Council, create a Tax Increment District and approve The Sunset at Broken Arrow Economic Development Project Plan

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 January 2, 2024.

B. 23-1583 Presentation and update on the City of Broken Arrow and Wagoner County Metropolitan Area Planning Commission Exploratory Committee

Mr. Kenny Schwab reported in October of 2022, the City of Broken Arrow and Wagoner County worked together to create an Exploratory Committee for either a Regional Planning Commission or Metropolitan Planning Commission. He noted the Committee met several times and was starting to put together a draft document. He discussed the members of the Committee which included City employees, citizens of the City and County, and County representatives. He stated the purpose of the Committee was to explore options to enhance regional collaboration and make recommendations to the City of Broken Arrow and Wagoner County leadership. He stated Wagoner County was having a boom in new housing and saw over 500 new building permits last year, 80 percent of which were on the edge of Broken Arrow city limits, just outside of the Planning Commission's jurisdiction. He stated a Regional Planning Commission would fall under Title 11, Cities and Towns, while a Metropolitan Area Planning Commission fell under Title 19, Counties; therefore, depending on how it went the new joint Planning Commission would either fall under Title 11 or Title 19, and the Committee was on the verge of making its recommendation. He discussed who would sit on a Regional Planning Commission. He noted the Committee was considering when and where to hold these Planning Commission meetings, and what would fall under the jurisdiction of a Regional Planning Commission. He discussed how a Regional or Metropolitan Planning Commission would benefit Broken Arrow. He stated the biggest benefit would be all construction happening just outside of Broken Arrow city limits being done to Broken Arrow standards which would ease any annexation into the City in the future. He noted construction inspections would continue to be done by Wagoner County, but Broken Arrow would be willing to assist. He displayed and discussed a map of the area which would be governed by the Regional or Metropolitan Planning Commission. He noted Wagoner County and Broken Arrow were in favor of a Regional Planning Commission. He noted a recommendation would be made by the Committee in a couple of months.

Vice Chair Goranson asked if Broken Arrow preferred a Regional or a Metropolitan Planning Commission.

Mr. Schwab responded Broken Arrow would prefer a Regional Planning Commission.

Discussion ensued regarding who was currently on the Exploratory Committee, and who would participate on a Regional Planning Commission.

Vice Chair Goranson asked if the Regional Planning Commission would be formed by

Resolution or Ordinance.

Mr. Schwab responded it would be formed by Ordinance.

Assistant City Attorney Graham Parker concurred.

Mr. Schwab noted the Regional Planning Commission would be required to adopt a Comprehensive Plan, and adopt Broken Arrow's Engineering, Construction, and Design Criteria. He noted Wagoner County was in favor of this Regional Planning Commission as it wished to help drive annexation into Broken Arrow. He stated Broken Arrow was in favor as it wished to see new construction in this area done to Broken Arrow standards.

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

Planning and Development Manager Amanda Yamaguchi reminded the Planning Commission that this was the last Planning Commission Meeting of the year. She wished all a Merry Christmas and Happy New Year.

Chairperson Klempa wished all a Merry Christmas.

10. Adjournment

The meeting adjourned at approximately 6:22 p.m.

MOTION: A motion was made by Robert Goranson, seconded by Mindy Payne.

Move to adjourn

The motion carried by the following vote:

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