



City of Broken Arrow

Meeting Agenda

Planning Commission

Robert Goranson Chairman
Jason Coan Vice Chairman
Jaylee Klempa Commissioner
Jonathan Townsend Commissioner
Mindy Payne Commissioner

Thursday, April 24, 2025

5:30 PM

**City of Broken Arrow
Council Chambers
220 South 1st Street
Broken Arrow, OK
74012**

1. Call To Order

2. Roll Call

3. Old Business

4. Consideration of Consent Agenda

- A. [25-556](#) Approval of Planning Commission meeting minutes of April 10, 2025

Attachments: [04-10-2025 Meeting Minutes](#)

5. Consideration of Items Removed from Consent Agenda

6. Public Hearings

- A. [25-569](#) Public Hearing, consideration and possible action regarding the proposed creation of Increment District No. 6, City of Broken Arrow and The Hackberry Market Economic Development Project Plan

Attachments: [Broken Arrow TIF #6 Project Plan \(draft 04-03-2025\)](#)
[Resolution Review Committee 04-03-2025](#)

- B. [25-580](#) Public Hearing, consideration and possible action regarding a resolution recommending that the City Council of Broken Arrow, Oklahoma, through its City Council, create a Tax Increment District and approve the Hackberry Market Economic Development Project Plan

Attachments: [Broken Arrow TIF #6 Project Plan \(draft 04-03-2025\)](#)
[Resolution Review Committee 04-03-2025](#)

C. [25-570](#) Public hearing, consideration, and possible action regarding COMP-002093-2025(Comprehensive Plan Change), Aequitas Tucson Development, 11.72 acres, Levels 2 & 3 to Levels 3 6, & Greenway/Floodplain, located approximately one-eighth mile south of Tucson Street (121st Street) and one-half mile west of Elm Place (161st East Avenue)

D. [25-564](#) Public hearing, consideration, and possible action regarding COMP-002056-2025 (Comprehensive Plan Change), Lynn Corner, 23.18 acres, Levels 3 & 4 to Level 3, located on the northeast corner of Washington Street (91st Street) and 9th Street (Lynn Lane Road / 145th E Avenue)

Attachments: [2-Case Map](#)
[3-Aerial](#)
[4-Comprehensive Plan Map](#)
[5-Conceptual Site Layout](#)

E. [25-565](#) Public hearing, consideration, and possible action regarding COMP-002091-2025 (Comprehensive Plan Change), Bel Lago, 17.2 acres, Level 2 (Urban Residential) to Level 3 (Transition Area), located approximately one-half mile north of Houston Street (81st Street), one-half mile west of Evans Road (225th E. Avenue)

Attachments: [2-Case Map](#)
[3-Aerial](#)
[4-Current Comprehensive Plan Map](#)
[5-Bel Lago Conceptual PUD](#)
[6-Conceptual Site Layout](#)

F. [25-566](#) Public hearing, consideration, and possible action regarding COMP-002090-2025 (Comprehensive Plan Change), The Village at Windrose, 20 acres, Level 2 to Level 3, located south of Tucson Street (121st Street) and one-eighth mile east of Olive Avenue (129th East Avenue)

Attachments: [2-Case Map](#)
[3-Aerial](#)
[4-Current Comprehensive Plan Map](#)
[5-The Village at Windrose Draft PUD](#)

G. [25-567](#) Public hearing, consideration, and possible action regarding a new Broken Arrow Zoning Ordinance

H. [25-568](#) Public hearing, consideration, and possible action regarding text updates to the Broken Arrow Comprehensive Plan

Attachments: [Pages 28 76 77 and 80 of the Comprehensive Plan](#)

7. Appeals

8. General Commission Business

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

10. Adjournment

NOTICE:

1. ALL MATTERS UNDER “CONSENT” ARE CONSIDERED BY THE PLANNING COMMISSION TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. HOWEVER, ANY CONSENT ITEM CAN BE REMOVED FOR DISCUSSION, UPON REQUEST.

2. IF YOU HAVE A DISABILITY AND NEED ACCOMMODATION IN ORDER TO PARTICIPATE IN THE MEETING, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AT 918-259-8412, TO MAKE ARRANGEMENTS.

3. EXHIBITS, PETITIONS, PICTURES, ETC. PRESENTED TO THE PLANNING COMMISSION MAY BE RECEIVED AND DEPOSITED IN CASE FILES TO BE MAINTAINED AT BROKEN ARROW CITY HALL.

4. RINGING/SOUND ON ALL CELL PHONES AND PAGERS MUST BE TURNED OFF DURING THE PLANNING COMMISSION MEETING.

A paper copy of this agenda is available upon request.

POSTED this ____ day of _____, _____, at _____ a.m./p.m.

City Clerk



City of Broken Arrow

Request for Action

File #: 25-556, **Version:** 1

**Broken Arrow Planning Commission
04-24-2025**

To: Chairman and Commission Members
From: Community Development Department
Title:

Background: Approval of Planning Commission meeting minutes of April 10, 2025
Minutes recorded for the Broken Arrow Planning Commission meeting.

Attachments: 04 10 2025 Planning Commission Minutes

Recommendation: Approve minutes of Planning Commission meeting held April 10, 2025.

Reviewed By: Amanda Yamaguchi

Approved By: Rocky Henkel



City of Broken Arrow

Minutes

Planning Commission

Robert Goranson Chairman
Jason Coan Vice Chairman
Jaylee Klempa Commissioner
Jonathan Townsend Commissioner
Mindy Payne Commissioner

City of Broken Arrow
220 South 1st Street
Broken Arrow, OK
74012

Thursday, April 10, 2025	5:30 p.m.	Council Chambers
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1. Call to Order

Chairman Robert Goranson called the meeting to order at 5:30 p.m.

2. Roll Call

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

3. Old Business - NONE

4. Consideration of Consent Agenda

- A. 25-479 Approval of Planning Commission meeting minutes of March 27, 2025
- B. 25-311 Approval of PT-002021-2025|PR-000332-2023, Conditional Final Plat, Peak at Broken Arrow Addition, approximately 14.16 acres, 6 Lots, CH (Commercial Heavy), located approximately one-third mile south of Florence Street (111th Street), and west of Aspen Avenue (145th East Avenue)
- C. 25-489 Approval of PT-001923-2024 | PR-000171-2023, Conditional Final Plat, Timber Ridge Business Park Amended, 14.03 acres, IL/PUD- 000723-2023, one-half mile west of Evans Road (225th East Avenue), south of Kenosha Street (71st Street)
- D. 25-490 Approval of PR-000741-2025|PT-002068-2025, Conditional Final Plat, Brook Chase Phase III, 28.67 acres, 113 Lots, RS-4 (Single Family Residential), located one-quarter mile north of Washington Street (91st Street), one-eighth mile west of 23rd Street (193rd E. Avenue/County Line Road)

MOTION: A motion was made by Jason Coan, seconded by Jaylee Klempa

Move to Approve Consent Agenda

The motion carried by the following vote:

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

5. Consideration of Items Removed from Consent Agenda - NONE

6. Public Hearings - NONE

7. Appeals - NONE

8. General Commission Business

- A. 25-393 Consideration, discussion, and possible approval of a variance to section 5.1 of the Land Subdivision Code for Timber Ridge Business Park, approximately 3.08 acres, IL (Industrial Light)/PUD-259, located one half mile west of Evans Road (225th East Avenue) and south of Kenosha Street (71st Street)

Henry Bibelheimer, Planner II, presented Item 25-393, a variance to Section 5.1 of the Land Subdivision Code for Timber Ridge Business Park, a 3.08-acre undeveloped property zoned IL and PUD 259, located west of Evans Road and south of Kenosha Street. The applicant seeks to divide the original platted Lot 1, Block 1, into four tracts, which exceeds the code's three-lot limit without exemption. Although a formal lot split application has not yet been submitted, the applicant intends to do so in alignment with the proposed exhibit. Staff recommends approval of the variance.

Further discussion clarified that although the applicant is requesting a variance to allow four lot splits instead of the standard three, this will not create non-compliant lots or restrict future

access. The plat currently limits access along Kenosha Street but may be adjusted later with a change of access application, and mutual access across the lots to 45th Place will be required. Track D will also have access via 45th Place to the south. Staff confirmed that necessary easements for utilities and mutual access could be addressed during the formal lot split process. The original three-lot limit was implemented to prevent uncontrolled subdivisions of large parcels, which complicated utility service. Still, staff acknowledged that the number was somewhat arbitrary and that exceptions like this are anticipated. Due to the property being already platted and serviced, requiring a replat for one extra lot is unnecessary, and approval of the variance was supported.

MOTION: A motion was made by Jason Coan, seconded by Mindy Payne
Move to Approve Item 25-393, a variance to section 5.1 of the Land Subdivision Code for Timber Ridge Business Park, approximately 3.08 acres, IL (Industrial Light)/PUD-259, located one half mile west of Evans Road (225th East Avenue) and south of Kenosha Street (71st Street)

The motion carried by the following vote:

Aye: 5 -

Mindy Payne, Jaylee Klempa, Robert Goranson, Jason Coan, Jonathan Townsend

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

Farhad Daroga, Placemaking Manager, provided an update regarding the Gold Plan public meeting, which is scheduled for Wednesday, April 23, at 5:30 p.m. at the Public Safety Complex. This is a continuation of the regional project last discussed in a meeting held several months ago. The project is part of a ten-year update cycle managed by INCOG, with the current update building on the 2014 version. The upcoming meeting will include public input, discussion, and review of the ongoing work. There was a correction noting the meeting is on April 23, despite an initial mention of April 27.

The upcoming Gold Plan public meeting on April 23 is connected to an ongoing regional survey, which remains open for public participation. Preliminary survey results will be shared at the meeting. While a bond issue meeting had been held the previous day, it is unlikely to conflict with this one, although council members may be attending a separate event at the state capitol that day. The public meeting will function as an open house focused on multimodal transportation planning, particularly pedestrian and trail systems within the Tulsa metropolitan area, with a spotlight on the Broken Arrow section. Maps and materials will illustrate existing trails, sidewalk gaps, and areas of concern. Specific attention will be given to the Liberty Trail and its current reach, including connections to NSU and potential future links to the Events Park and beyond. Although the primary focus is Tulsa County, Wagoner County elements, including trail extensions north of NSU, will also be addressed. However, challenges like major roadway crossings remain under review by the consulting team.

Amanda Yamaguchi, Planning and Development Manager, stated the Planning Commission meeting on April 24 will serve as the public hearing for the updated zoning ordinance. A clean version of the entire document will be shared with commissioners by the day after this meeting, along with an optional redline version for those who request it. However, distribution may occur outside of email. While there haven't been significant changes since the last review, the delay in adoption prompted staff to bring it back to public hearing to ensure transparency. Additionally, it was noted that this meeting will be Henry Bibelheimer's last with the Planning Commission.

Staff plans to include a link to the updated zoning ordinance in the upcoming Planning Commission packet due to the document's length, along with a chapter-by-chapter presentation highlighting key changes. While most content will be familiar, this serves as a refresher and will illustrate the differences between the current and proposed zoning codes. Commissioners expressed interest in better understanding how new zoning classifications like RSC (Conservation) and RSP (Preservation) would appear in future applications. Staff noted that recent PUDs have mirrored these classifications, offering some early exposure, and promised to provide a side-by-side comparison chart aligning the old and new zoning categories, including visuals to aid clarity. The ordinance update fulfills a 2019 comprehensive plan recommendation, and a minor plan amendment will be presented concurrently to align naming conventions, not to introduce significant policy shifts. Zoning map updates are already underway but won't go public until after ordinance adoption. Once effective—tentatively around June or July—new maps and zoning names will be reflected in standard case materials for future applications.

10. Adjournment

The meeting adjourned at 5:53 p.m.

MOTION: A motion was made by Mindy Payne, seconded by Robert Goranson
Move to Adjourn

Aye: 5 - **The motion carried by the following vote:**
Mindy Payne, Jaylee Klempa, Robert Goranson, Jason Coan, Jonathan Townsend



City of Broken Arrow

Request for Action

File #: 25-569, **Version:** 1

Broken Arrow Planning Commission
04-24-2025

To: Chairman and Commission Members
From: Community Development Department
Title:

Public Hearing, consideration and possible action regarding the proposed creation of Increment District No. 6, City of Broken Arrow and The Hackberry Market Economic Development Project Plan

Background:

This is a joint action with the City Council to hold a public hearing in connection with the proposed Increment District No. 6 and Hackberry Market Economic Development Project Plan.

Attachments: Broken Arrow TIF #6 Project Plan

Recommendation: No Action Required

Reviewed By: Amanda Yamaguchi

Approved By: Rocky Henkel

**HACKBERRY MARKET
ECONOMIC DEVELOPMENT PROJECT PLAN**

Prepared by:

CITY OF BROKEN ARROW, OKLAHOMA

**MAYOR AND CITY COUNCIL
DEBRA WIMPEE, MAYOR, WARD 1
JOHNNIE PARKS, VICE MAYOR, MEMBER AT LARGE
LISA FORD, WARD 2
DAVID PICKEL, WARD 3
JUSTIN GREEN, WARD 4**

MICHAEL SPURGEON, CITY MANAGER

**THE PUBLIC FINANCE LAW GROUP PLLC
5657 N. CLASSEN BOULEVARD, SUITE 100
OKLAHOMA CITY, OKLAHOMA 73118
(405) 235-3413**

INDEX

I.	DESCRIPTION OF PROJECT	1
II.	PROJECT AREA AND INCREMENT DISTRICT BOUNDARIES	2
III.	ELIGIBILITY OF PROJECT	2
IV.	OBJECTIVES	2
V.	FINANCIAL IMPACTS	3
VI.	STATEMENT OF PRINCIPAL ACTIONS	4
VII.	ESTABLISHMENT OF INCREMENT DISTRICT NO. 6 CITY OF BROKEN ARROW	5
VIII.	PROJECT AND INCREMENT DISTRICT AUTHORIZATIONS	6
IX.	BUDGET OF ESTIMATED PROJECT COSTS TO BE FINANCED BY TAXES APPORTIONED FROM INCREMENT DISTRICT NO. 6	6
X.	METHODS OF FINANCING PROJECT COSTS, EXPECTED SOURCES OF REVENUES, AND TIME WHEN COSTS OR MONETARY OBLIGATIONS ARE TO BE INCURRED.....	7
XI.	FINANCING REVENUE SOURCES	10
XII.	PUBLIC REVENUE ESTIMATED TO ACCRUE FROM THE PROJECT AND OTHER ECONOMIC IMPACTS.....	11
XIII.	PRIVATE AND PUBLIC INVESTMENTS EXPECTED FOR THE PROJECT	11
XIV.	MISCELLANEOUS PROVISIONS	12
XV.	SEVERABILITY OF INVALID PROVISIONS.....	12
EXHIBIT “A”	MAP OF ECONOMIC DEVELOPMENT PROJECT AREA	
EXHIBIT “B”	PROJECT AREA LEGAL DESCRIPTION	
EXHIBIT “C”	MAPS OF PROPOSED INCREMENT DISTRICT NO. 6	
EXHIBIT “D”	INCREMENT DISTRICT LEGAL DESCRIPTION	
EXHIBIT “E”	PROPOSED DEVELOPMENT IN THE PROJECT AREA AND INCREMENT DISTRICT	
EXHIBIT “F”	PRELIMINARY SITE DEVELOPMENT PLAN	
EXHIBIT “G”	EXISTING USES AND CONDITIONS OF REAL PROPERTY	

HACKBERRY MARKET

ECONOMIC DEVELOPMENT PROJECT PLAN

I. DESCRIPTION OF PROJECT

This Hackberry Market Economic Development Project Plan (the “**Project Plan**”) describes an economic development project of the City of Broken Arrow, Oklahoma (the “**City**”), that brings a transformative commercial development to approximately 30.56 undeveloped acres located on the northeast corner of the intersection of S. Aspen Avenue (S. 145th East Avenue) and W. Tucson Street (121st Street), just south of the Creek Turnpike. The Project Plan contemplates the creation of a tax increment financing district pursuant to the Local Development Act, 62 O.S. §850, *et seq* (the “**Local Development Act**”), as authorized pursuant to Article 10, §6C of the Oklahoma Constitution.

The primary development component of the Project is the construction and operation of a commercial retail development by Hackberry Market, LLC, an affiliate of Sooner Investments DEV CO, LLC (together with its successors and assigns, referred to herein as the “**Developer**”), to be known as the Hackberry Market shopping center, and comprised of approximately 211,580 square-feet of retail shopping center space, plus five (5) outparcels comprising 6.19 acres (expected to be developed into approximately 22,000 square feet of additional retail and food service space), with a total projected capital investment in excess of \$97.67 million (collectively and as more thoroughly discussed herein, referred to as the “**Project**”).

The City recognizes the difficulty in development of the area due to significant costs necessary to correct current conditions at the planned Project site, including specifically the significant infrastructure and utility improvements necessary to support the development project. The goal of the Increment District (as defined herein) is to promote economic development in the City by incentivizing capital investment in undeveloped property in order to enhance the tax base and create employment opportunities within the City. The City proposes to encourage the magnitude of the capital investment by providing a mechanism to offset a portion of the costs associated with the Project.

The City has identified certain costs associated with the infrastructure improvements and economic incentives in connection with establishing the Increment District (as defined herein) (collectively referred to herein as the “**TIF Projects**”). The costs of the improvements necessary to support the full development of the Project are estimated to be \$22,000,000, including the costs of infrastructure improvements and certain economic incentives in the form of assistance in development financing (as defined in Section 853(14)(o) of the Local Development Act). The associated costs of the TIF Projects, along with the Organizational Costs and the Debt Service Costs (each as further defined herein) are collectively referred to herein as the “**Project Costs**”. The City expects to cause to be issued TIF Bonds (as defined herein), and apply the proceeds to pay the Project Costs.

Based on the proposed Project, the aggregate total commercial development within the Increment District could result in a potential total capital investment in excess of \$97.67 million, with a net taxable value subject to ad valorem taxes in excess of \$83.03 million, and generate approximately \$3.04 billion in taxable sales over the term of the Increment District. Please see Exhibit “E” for a more detailed description of projected development within the Increment District. Please see Exhibit “F” for a Preliminary Site Development Plan for the Project.

II. PROJECT AREA AND INCREMENT DISTRICT BOUNDARIES

The Project Area is the area within which all project activities, including construction of the supporting public improvements, will take place (referred to herein as the “**Project Area**”). A map showing the Project Area is attached as Exhibit “A”. The legal description of the Project Area is set forth in Exhibit “B”. The Increment District is the specific geographic area within which the identified tax increments will be generated and utilized as set forth in this Project Plan (referred to herein as the “**Increment District**”). The Increment District is located entirely within the Project Area. Most of the contemplated project activities will occur within the boundaries of the Increment District, however certain project activities may occur outside the boundaries of the specific Increment District but within the Project Area. A map showing the boundaries for the proposed Increment District is attached as Exhibit “C”. The legal description of the Increment District is set forth in Exhibit “D”.

III. ELIGIBILITY OF PROJECT

The Increment District is undeveloped and/or underdeveloped within the meaning of the Local Development Act. The Project Area (including the Increment District) is located in a reinvestment area (as defined in Section 853(17) of the Local Development Act) and is therefore eligible for assistance under the Local Development Act.

The Increment District comprises an area where investment, development and economic growth have not occurred, and which requires significant public infrastructure improvements to serve as a catalyst to expand employment opportunities, to attract major investment in the area, and to enhance the tax base.

IV. OBJECTIVES

The purpose of the Project and the Increment District is to support the achievement of the economic development objectives of the City in order to:

- A. Create significant developments within the City that will act as a catalyst for additional development within the community;
- B. Attract major investment in the area;

- C. Serve as a catalyst for retaining and expanding employment in the area;
- D. Promote economic development to increase tax revenues, raise property values, and improve economic stability;
- E. Preserve and enhance the tax base; and
- F. Make possible investment, development and economic growth which would otherwise be difficult or impossible without the TIF Projects and the apportionment of sales and use taxes from within the Increment District.

V. FINANCIAL IMPACTS

The proposed private development will generate tax increments necessary to pay all or a portion of the authorized costs of the TIF Projects. Without the creation of the proposed Increment District, significant development within the Project Area would be unlikely and as a result, any significant increases in ad valorem taxes and sales and use taxes would be extremely improbable.

The proposed development project does not create a significant increase in demand for services or costs to the affected taxing entities other than the City, whose public sector costs will be offset by apportioned tax increments as provided in this Project Plan.

The creation of the Increment District will allow the City to apportion the incremental increase in sales and use tax revenues generated through construction and operation of the commercial developments within the Increment District for the purpose of paying Project Costs, either through direct payment and/or reimbursement and/or paying debt service on tax apportionment bonds or notes (collectively, the “**TIF Bonds**”), which may be issued in one or more series by a public trust created under Title 60, Oklahoma Statutes 2021, Section 176 *et seq.*, and including any interest, capitalized interest and other related financing costs. The proceeds of any such TIF Bonds (if issued) shall be utilized for the Project Costs.

The formation of the Increment District should result in no net loss in existing sales and use tax revenue to the City, as the affected sales tax jurisdiction. A baseline sales tax collection level within the Increment District will be identified and will continue to accrue to the City. A potentially negative impact of utilizing incremental sales tax revenues to promote the creation of a significant retail development is the potential for transfer of sales tax dollars from existing retail establishments located outside the Increment District to new retail establishments located inside the Increment District. To offset this concern, the Increment District will only capture the revenues equivalent to a two percent (2.0%) sales and use tax (representing approximately 56.34% of the incremental sales and use tax revenue based on a total of 3.55% sales and use tax levied by the City as of the date of this Project Plan) for the payment of Project Costs, with the other one and fifty-five hundredths percent (1.55%) sales and use tax (representing approximately 43.66% of the incremental sales and use tax revenue based on a total of 3.55% sales and use tax levied by the City as of the date of this Project Plan) accruing to the City for general or dedicated municipal purposes, and further, the incremental sales and use tax revenues will exclude an amount representing the estimated historical sales tax collections for any business located within the City

that relocates to a site within the Increment District. Assuming completion of the proposed Project, the City could realize an estimated gross gain in annual sales and use tax revenues in the approximate amount of \$1.84 million, and upon expiration of the Increment District, an estimated gross gain in annual sales and use tax revenues of approximately \$6.53 million. Additionally, Tulsa County levies a 0.367% sales and use tax as of the date of this Project Plan. The County sales and use tax collections are not subject to the apportionment of the Increment District, however, it is estimated that upon completion of the proposed Project, the County could realize an estimated gross gain in annual sales and use tax revenues in the approximate amount of \$1.29 million.

These impacts may be mitigated by any decrease in sales and use tax collections outside the Increment District (for example, potential decline in overall sales of competing businesses, or relocation of existing businesses from other areas of the City to the Increment District) or by increased costs of providing city services to the development (police, fire, etc.) but may be augmented by the increased retention of customer spending within the City (for example, by reducing the leakage of sales to other municipalities by offering a wider and more diversified retail selection within the City).

The affected ad valorem taxing jurisdictions are Tulsa County, the Tulsa City County Health Department, Independent School District No. 3 of Tulsa County (Broken Arrow Public Schools, and referred to herein as the “**School District**”), Tulsa Technology Center No. 18, Tulsa Community College, and Tulsa City-County Library, and the City. The general and intangible impacts on the affected taxing jurisdictions from implementation of this Project Plan are positive and include the achievement of the objectives set forth in Section IV of this Project Plan. No portion of any ad valorem tax increments generated by the Project will be captured as part of the TIF Revenue. Upon completion of the Project, the ad valorem taxing jurisdictions could see an aggregate net gain in annual ad valorem tax revenues of approximately \$1.17 million (based on a taxable capital investment of approximately \$83.03 million).

The proposed Project will create an increase in demand for utility services from the City, however the City has sufficient capacity to handle such demand, and the proposed development within the Increment District should generate significant increases in annual water and sewer utility revenues. Any increase in public sector costs should be more than offset by apportioned tax increments as provided in this Project Plan.

VI. STATEMENT OF PRINCIPAL ACTIONS

Implementation actions for the project, including all necessary, appropriate and supportive steps, will consist of any of the following:

A. Site preparation, planning and construction of public improvements necessary to support the development project;

B. Acquisition by private developers of any additional property interests necessary for the development project including connecting public easements;

C. Negotiation, preparation, execution, and implementation of development agreements, including agreements for financing, demolition, and construction by private developers, as authorized by the Local Development Act. Such agreements may include the granting of incentives for private developers to complete certain improvements within the Project Area;

D. Issuance of tax apportionment bonds or other debt issuance necessary to provide funds for Project Costs;

E. All other actions necessary and appropriate to carry out the development project as authorized by the Local Development Act.

VII. ESTABLISHMENT OF INCREMENT DISTRICT NO. 6, CITY OF BROKEN ARROW

This Project Plan, upon adoption by Ordinance of the City of Broken Arrow, Oklahoma, will establish Increment District No. 6, City of Broken Arrow. The Increment District shall commence as of the date determined by the City Council of the City in accordance with Section 856(B)(2) of the Local Development Act (the “**Commencement Date**”); provided however, the Commencement Date shall not be later than ten (10) years following adoption of this Project Plan. The Increment District shall be comprised of the area shown and described in Exhibits “C” and “D”. In accordance with the provisions of the Local Development Act, the following incremental revenues shall be apportioned and used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan. The apportionment of the Sales Tax Increment Revenues (as defined herein, and collectively referred to as the “**TIF Revenues**”) shall continue for that period required for the payment of the Project Costs, or a period not to exceed twenty-five (25) full fiscal years following the respective Commencement Date (referred to as the “**Expiration Date**”), whichever is less:

A. [Reserved]

B. An amount equivalent to the revenues generated from a two percent (2.0%) sales and use tax, representing approximately 56.34% of the incremental sales and use tax revenue based on a total of 3.55% sales and use tax levied by the City as of the date of this Project Plan pursuant to Chapter 22, Article II, Section 22-6 *et seq.*, of the Broken Arrow Code of Ordinances (the “**Code of Ordinances**”), as such Code of Ordinances may be amended, replaced, extended, superseded, terminated, or otherwise modified from time to time (collectively, the “**Sales Tax Increment Revenues**”); provided that all such Sales Tax Increment Revenues shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan; provided, however, the Sales Tax Increment Revenues shall be reduced by the amount of sales tax revenues generated by any existing businesses (currently located within the City, but outside the boundaries of the Increment District) that cease operations at their existing location and relocate to within the Increment District, but provided further, said reduction shall not be applied to any existing businesses that open an additional location within the Increment District for so long as all other

existing location(s) remain open for business. Said amount of reduction (collectively, the “**Transfer Adjustment**”) shall be calculated based on the sales tax collections during the twelve month period prior to closing the previous location. The remaining unapportioned one and fifty-five hundredths percent (1.55%) sales and use tax (representing approximately 43.66% of the incremental sales and use tax revenue based on a total of 3.55% sales and use tax levied by the City as of the date of this Project Plan) shall be retained by the City and utilized for any lawful purpose consistent with the aforementioned Code of Ordinances; and

C. [Reserved]

VIII. PROJECT AND INCREMENT DISTRICT AUTHORIZATIONS

A. Upon adoption of an Ordinance of the City Council of the City approving this Project Plan, the City is hereby designated and authorized as the public entity to carry out and administer the provisions of this Project Plan and to exercise all powers necessary or appropriate thereto, including, without limitation, those powers described in Section 854 of the Local Development Act.

B. The City may create a new public trust with the City named as its beneficiary, and/or designate an existing public trust with the City named as its beneficiary and/or designate an alternate public trust with Tulsa County, Oklahoma, named as its beneficiary (said public trust referred to herein as the “**Authority**”), and said Authority shall be the public entity designated by the City to assist in carrying out and administering the provisions of this Project Plan and authorized to exercise all powers necessary or appropriate thereto pursuant to Title 62, Section 854 of the Local Development Act, except for approval of this Project Plan and those powers enumerated in paragraphs 1, 2, 3, 4, 7, 13, and 16 of that section, which powers shall be reserved to the City.

C. The person in charge of implementation of this Project Plan in accordance with the provisions, authorizations and respective delegations of responsibilities contained herein is Mr. Michael Spurgeon, City Manager. Mr. Spurgeon, or his successor as City Manager, is authorized to empower one or more designees to exercise responsibilities in connection with project implementation.

IX. BUDGET OF ESTIMATED PROJECT COSTS TO BE FINANCED BY TAXES APPORTIONED FROM INCREMENT DISTRICT

The costs of the TIF Projects to be financed by the apportionment of tax increments from the Increment District include the planning, design, acquisition, site preparation and/or construction of the TIF Projects in an aggregate total amount of \$22,000,000. Certain TIF Projects may be funded though the payment of assistance in development financing (as authorized by Section 853(14)(o) of the Local Development Act) to a third party as reimbursement for the payment of the Project Costs. Additional amounts will be financed by the apportionment of tax increments from the Increment District including the following items related to Project Costs in

excess of the amounts specifically identified as costs of the TIF Projects: (a) the direct or incidental administrative costs incurred or to be incurred by or on behalf of the City, the Authority, or other public entities (all as contemplated in Title 62, Section 853(14)(e) of the Local Development Act) in organizing, supervising, implementing and administering this Project Plan, including, but not limited to, payment and/or reimbursement of costs advanced in connection with the preparation and approval of this Project Plan, administrative costs, organizational costs, professional service costs, including those incurred for architectural, planning, engineering, and legal and financial advisors and services (collectively, the “**Organizational Costs**”), and (b) interest and other financing costs and fees, including principal, interest (including capitalized interest), associated costs of issuance, reasonably required reserves, and prepayment premium paid on debt service and/or any reimbursement obligation (collectively, the “**Debt Service Costs**”). The Organizational Costs associated with the initial creation and implementation of the Increment District are preliminarily estimated to be approximately \$100,000, and the ongoing Organizational Costs are estimated to be \$10,000 per year for the Increment District. The Debt Service Costs associated with the costs of the TIF Projects are preliminarily estimated to be on the order of \$29,700,000.

The total estimate of the costs of the TIF Projects that may be made available for improvements and assistance in development financing from apportioned tax revenues shall be \$22,000,000 (including all engineering, construction, planning, and contingency costs), which shall be a not-to-exceed amount. Apportioned tax revenues in excess of the amounts needed for the costs of the TIF Projects may be utilized as necessary to pay the Organizational Costs and the Debt Service Costs, and could total approximately \$30,050,000. The estimated combined total of all Project Costs is \$52,050,000.

X. METHODS OF FINANCING PROJECT COSTS, EXPECTED SOURCES OF REVENUES, AND TIME WHEN COSTS OR MONETARY OBLIGATIONS ARE TO BE INCURRED

It is hereby determined that the proposed Project Costs, specifically including but not limited to the costs of the TIF Projects, will generally benefit and support development within the Increment District and the Project Area. Therefore, with respect to the Increment District:

A. Methods of Financing. It is expected that the Project Costs will be paid from proceeds of the Authority’s TIF Bonds. Payment of principal and interest due on the TIF Bonds will be paid from available TIF Revenues. Certain Project Costs may be directly paid by a third party developer (including the Developer) or the City and reimbursed from proceeds of the TIF Bonds. Alternately, certain Project Costs may also be directly paid by a third party developer or the City and reimbursed from TIF Revenues in excess of those needed for debt service on the TIF Bonds. Certain other costs of the Project may be paid from such other funds of the City or the Authority as may be lawfully used for the purposes hereinabove stated, including proceeds of certain debt obligations issued by the Authority and secured by a pledge of general sales tax, utility, or other available revenues.

B. Expected Sources of Revenues. The payment or reimbursement of Project Costs, including any interest component on reimbursed funds and any principal, interest, and premium on any TIF Bonds, will be made from one or more of the following sources of revenues:

(i) [Reserved]

(ii) *Sales Tax Increment Revenues.* In accordance with the provisions of the Local Development Act, the Sales Tax Increment Revenues are to be apportioned and set aside from all other sales and use taxes levied within the Increment District, to be used exclusively for:

(a) the payment of principal, interest and premium, if any, on any TIF Bonds issued pursuant to Section 863 of the Local Development Act (including pledging as security for such payments);

(b) the payment, if required, of amounts necessary to satisfy or replenish any reserve requirement established with respect to any TIF Bonds;

(c) the payment of Project Costs incurred in connection with the development, construction, or implementation of the TIF Projects; and

(d) the reimbursement of a third party developer (pursuant to a development agreement with the City or the Authority), including any interest component (pursuant to a development agreement with the City and/or the Authority), the City, or any agency thereof (including the Authority), which has paid Project Costs from funds which were not increments derived from the Increment District, but only to the extent that such sums were actually paid or, in the case of reimbursement of a third party developer, constitute an interest component on sums that were actually paid.

Provided, however, the remaining unapportioned incremental sales and use tax revenues derived from the Increment District, as of the date of this Project Plan representing the equivalent of 1.55% of the total 3.55% sales and use tax levied by the City, shall be retained by the City and utilized for any lawful purpose consistent with the aforementioned Code of Ordinances. For purposes of determining the incremental portion of the sales and use taxes generated within or sourced to the Increment District, the Mayor of the City shall certify as the “base sales tax amount” the annual sales taxes received by the City that were generated within the area comprising the Increment District during the calendar year immediately preceding the Commencement Date of the respective Increment District. If necessary for such certification, said base amount may be determined using reasonable estimates prepared by the City Clerk. The base sales tax amount for the Increment District is projected to be \$0.00. The equivalent of a two percent (2.0%) sales and use tax generated within or sourced to the Increment District and received by the City which are in excess of such base amount, net of any Transfer Adjustment, shall be considered to be the “increment” subject to apportionment by this section. In addition to sales and use tax generated from retail sales, the Sales Tax Increment Revenues shall include sales and use tax generated from actual construction occurring within the Increment District. The City shall establish procedures related to the calculation and determination of construction

related sales and use tax revenue qualifying as Sales Tax Increment Revenues. Such procedures shall stipulate that construction related Sales Tax Increment Revenues be derived only from new construction activities occurring within the Increment District. The City shall be entitled to rely on certifications of actual construction costs provided by a third party developer(s) or related parties in connection with determining any applicable Sales Tax Increment Revenues.

Pursuant to the Local Development Act, the Sales Tax Increment Revenues apportioned hereunder and so collected shall be placed into a special fund to be known as the “Increment District No. 6 - Apportionment Fund” (hereinafter, the “**Apportionment Fund**”), which fund will be held by and be the property of the City (except that such fund may also be held by the Authority or a trustee acting on behalf of the Authority). No portion of such increments and no portion of the Apportionment Fund shall constitute a part of the general fund of the City. All Sales Tax Increment Revenues so collected shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan, including any interest component (pursuant to a development agreement with the City and/or the Authority).

The apportionment of sales and use taxes pursuant to this section shall terminate upon the final payment of, or reimbursement for, all Project Costs incurred in connection with the projects listed in this Project Plan, and the payment of all outstanding principal, accrued interest, and premium due on the TIF Bonds; provided, however, that in no case shall the apportionment of revenues pursuant hereto extend beyond the Expiration Date.

In the event that any portion of the principal of or interest on the TIF Bonds, issued in connection herewith, or any amount due and owing for reimbursement under a development agreement between the City and the Company, remains unpaid as of the Expiration Date, then the Increment District shall not terminate until the increment apportioned during the term of the Increment District is actually received by the Apportionment Fund, even if the receipt of such revenues occurs subsequent to the Expiration Date.

(iii) [Reserved]

C. Time When Costs Or Monetary Obligations Are To Be Incurred. It is estimated that the time frame for incurring most of the Project Costs will be within two years from the date of approval of this Project Plan. It is anticipated that most Project Costs will be paid from proceeds of TIF Bonds issued by the Authority, provided however, certain Project Costs may be directly paid or reimbursed from apportioned TIF Revenues.

D. Flow of Funds; Excess Revenues.

During the term of the Increment District, TIF Revenues shall be utilized as follows:

FIRST: The payment of principal, accrued interest, and premium, if any, due on the TIF Bonds;

- SECOND:** If applicable, transfers to any debt service reserve established in connection with the TIF Bonds in such amounts as may be necessary to restore the reserve to its prescribed levels;
- THIRD:** The payment and/or reimbursement of authorized Project Costs (including any interest component pursuant to a development agreement);
- FOURTH:** If applicable, and upon written direction of the City, the prepayment of principal on any TIF Bonds until such time as all TIF Bonds are retired; and
- FIFTH:** Upon retirement of all TIF Bonds (if any) and payment of all Project Costs (including any interest component pursuant to a development agreement), any remaining Sales Tax Increment Revenues shall be transferred to the City for deposit into the General Fund or to the appropriate special fund, in each case consistent with the provisions of the Local Development Act; provided however, the City shall have the right, but not be required, to direct any portion of surplus Sales Tax Increment Revenues not needed for the purposes above to be transferred to the City for deposit into the General Fund or to the appropriate special fund.

XI. FINANCING REVENUE SOURCES

The TIF Revenues are expected to finance all or a portion of the Project Costs authorized by Section IX. Based on the initial projections of Sales Tax Increment Revenues for the Project, it is estimated that approximately \$120.5 million could be generated by the incremental increase in sales and use tax revenue during the term of the Increment District, with approximately \$67.89 million available for allocation to Project Costs and approximately \$52.61 million retained by the City. The initial projections of incremental sales and use tax revenue are based upon the projected revenues generated within the Increment District from the levy of an aggregate total of three and fifty-five hundredths percent (3.55%) sales and use tax on new construction within the Increment District and new retail and other space generating approximately \$3.04 billion in gross taxable sales during the term of the Increment District.

The calculation of projected TIF Revenues will be refined based upon (i) the total net capital investment resulting from development within the Increment District, (ii) the timing of the development; and (iii) the impact of the specific nature of actual retail investments on projected sales per square foot.

The realization of the TIF Revenues is directly dependent on the Developer's ability to recruit, construct, lease, sell, and/or maintain the Hackberry Market shopping center contemplated by this Project Plan within the Increment District during the term of the Increment District. The anticipated development, including specifically the Project is more fully discussed in Exhibit "E". Preliminary site development plans for the Project are included as Exhibit "F". The Authority and/or the City may enter into economic development agreements with the Developer or any other parties as required by the Local Development Act.

Certain TIF Projects may be designed and/or constructed by the City. Authorized Project Costs, or the payment of debt service on TIF Bonds issued to pay Project Costs, will be paid from TIF Revenues by the City or the Authority, and may include (i) reimbursement of the City or the Authority for certain public improvements constructed from other available funds, and (ii) assistance in development financing (as authorized by the Local Development Act) to a third party developer(s) for certain public infrastructure and/or other site improvements constructed on behalf of the City in furtherance of the purposes of this Project Plan. The financing of the projected private development in the area may be provided by private equity and private mortgage financing, secured by the private developments.

XII. PUBLIC REVENUE ESTIMATED TO ACCRUE FROM THE PROJECT AND OTHER ECONOMIC IMPACTS

The increase in sales and use tax revenues (estimated at a total of approximately \$120.5 million over the term of the Increment District based on the Project as proposed by the Developer), of which portions will serve as all or a portion of the revenue source for financing the Project Costs authorized by Section IX of this Project Plan, are the public revenues directly attributable to the project defined by establishment of the Increment District. Additionally, the various taxing jurisdictions may realize additional ad valorem tax and sales and use tax revenue from additional development outside the boundaries of the Increment District.

Construction of the improvements and subsequent development should have a positive impact on total employment in the City's metropolitan area, including temporary construction jobs and permanent positions at the facilities constructed as part of the Project. Indirect impacts (associated with the employment and income which result from the provision of inputs in support of the primary activity), and induced impacts (associated with the wages and jobs resulting from changes in household expenditures which come about through direct and indirect employment) will also result in additional growth in the City's metropolitan area.

This Project Plan includes certain projections and estimates, which are based on the current expectations or beliefs of third party developer(s) and are subject to uncertainty and changes in circumstances. Actual results may vary materially from the expectations contained herein due to changes in economic conditions, market demand and other factors affecting the development of the Project.

XIII. PRIVATE AND PUBLIC INVESTMENTS EXPECTED FOR THE PROJECT

The publicly financed Project Costs in the amount of \$52.05 million, as authorized by this Project Plan, represent approximately 40.75% of the projected total public and private investment for the Project, which including anticipated expenditures by or on behalf of commercial or governmental entities within the Increment District, could exceed \$127.72 million.

XIV. MISCELLANEOUS PROVISIONS

A. Zoning Conditions. The property within the boundaries of the Increment District is currently zoned Commercial Heavy (CH). The Project will be completed in accordance with the provisions of a Planned Unit Development (the “PUD”). The City approved PUD-001818-2024 on December 17, 2024. The property within the boundaries of the Increment District is currently zoned Commercial Heavy District (CH), however, the development standards of the PUD will limit the uses to Commercial General District (CG) uses. Other than any minor zoning adjustments to accommodate the proposed Project, no changes in the ordinances of the City of Broken Arrow are contemplated under this Project Plan. Development is anticipated to occur in accordance with current zoning requirements, with appropriate adjustments as approved by the City. The proposed project conforms to the City of Broken Arrow Comprehensive Plan, as amended, and the property has been designated as Level 6 – Regional Employment/Commercial. A map showing the existing uses and conditions of the real property is included as Exhibit “G”.

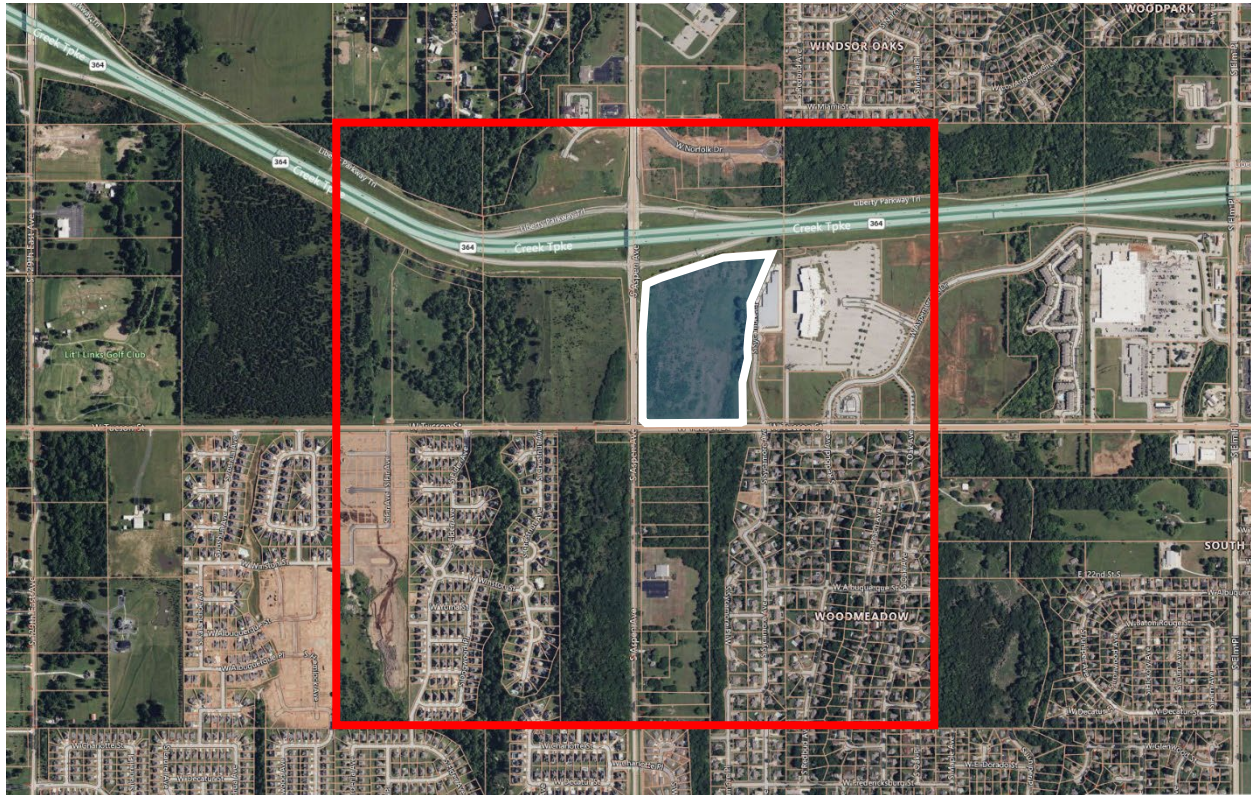
B. Annual Reports. In accordance with Section 867 of the Local Development Act, following the end of each fiscal year, the City shall prepare and submit a report to the chief executive officer of each taxing entity that levies ad valorem taxes on property within each Increment District. At the time of submitting the report, the City shall also publish a notice and summary of the report in a newspaper of general circulation. Additionally, the City shall submit an annual report to the Oklahoma Department of Commerce in the manner set forth in Section 860(E) of the Local development Act.

XV. SEVERABILITY OF INVALID PROVISIONS

If any part, term, or provision of this Project Plan is held by a court of competent jurisdiction to be illegal, in conflict with any law or otherwise invalid, the remaining parts, terms, and/or provisions shall be considered severable and not be affected by such determination, and the rights and obligations of any parties to development agreements (as described herein and pursuant to the Local Development Act) shall be construed and enforced as if the Project Plan did not contain the particular part, term or provision held to be illegal or invalid.

EXHIBIT “A”**MAP OF ECONOMIC DEVELOPMENT PROJECT AREA**

The boundaries of the Project Area associated with the Increment District contain an area comprising the one square mile centered on the intersection of S. Aspen Avenue (S. 145th East Avenue) and W. Tucson Street (121st Street) and comprising portions of Sections 3 and 4, Township 17 North, Range 14 East, Tulsa County, Oklahoma, and portions of Sections 33 and 34, Township 18 North, Range 14 East, Tulsa County, Oklahoma.



Project Area is outlined by red border, with Increment District shown in white border.

EXHIBIT “B”

PROJECT AREA LEGAL DESCRIPTION

INCREMENT DISTRICT PROJECT AREA

An area located entirely in Tulsa County, Oklahoma, more particularly described as follows:

The Northwest Quarter (NW/4) of Section 3 of Township 17 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma; and

The Northeast Quarter (NE/4) of Section 4 of Township 17 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma; and

The Southeast Quarter (SE/4) of Section 33 of Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma; and

The Southwest Quarter (SW/4) of Section 34 of Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma.

EXHIBIT “C”**MAPS OF INCREMENT DISTRICT NO. 6**

The boundaries of Increment District No. 6, City of Broken Arrow contain an area generally described as the parcel on the northeast corner of the intersection of S. Aspen Avenue (S. 145th East Avenue) and W. Tucson Street (121st Street), just south of the Creek Turnpike.



* Increment District boundaries contained within the white border, shaded in blue.

EXHIBIT "D"**INCREMENT DISTRICT LEGAL DESCRIPTION****INCREMENT DISTRICT NO. 6**

The composite legal description for the Increment District is an area located entirely in Tulsa County, Oklahoma, more particularly described as follows:

A tract of land that is all of the West Half of the Southwest Quarter (W/2 of SW/4) of Section Thirty-four (34), Township Eighteen (18) North, Range Fourteen (14) East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, said tract of land being more particularly described as follows:

BEGINNING at the Southwest corner of said West Half of the Southwest Quarter (W/2 SW/4); thence North 01°18'48" West along the Westerly line of said West Half of the Southwest Quarter (W/2 SW/4) for 577.28 feet to a point on the Southerly Right-of-Way line of the Creek Turnpike; thence North 88°41'12" East along said Southerly Right-of-Way line for 30.00 feet; thence North 03°51'57" East along said Southerly Right-of-Way line for 693.57 feet; thence North 57°56'22" East along said Southerly Right-of-Way line for 111.80 feet; thence North 71°22'14" East along said Southerly Right-of-Way line for 616.12 feet; thence North 84°30'18" East along said Southerly Right-of-Way line for 545.25 feet to a point on the Easterly line of said West Half of the Southwest Quarter (W/2 SW/4); thence South 01°18'52" East along said Easterly line for 1,548.25 feet to the Southeast corner of said West Half of the Southwest Quarter (W/2 SW/4); thence South 88°41'01" West along the Southerly line of said West Half of the Southwest Quarter (W/2 SW/4) for 1,320.72 feet to the Southwest corner of said West Half of the Southwest Quarter (W/2 SW/4) and the POINT OF BEGINNING.

LESS AND EXCEPT:

A strip, piece or parcel of land lying in part of the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section Thirty-four (34), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, Oklahoma, said parcel of land being described by metes and bounds as follows:

COMMENCING at the Southwest corner of said SW/4; thence North 88°41'17" East along the South line of said SW/4 a distance of 24.75 feet; thence North 01°18'35" West a distance of 24.75 feet to the POINT OF BEGINNING, said point being on the intersection of the Northerly and Easterly section line statutory right-of-way lines; thence continuing North 01°18'35" West along said East statutory right-of-way line a distance of 552.27 feet to a point on the East present right-of-way line of Aspen Avenue; thence North 88°41'25" East along said present right-of-way line a distance of 5.25 feet; thence North 03°52'16" East along said present right-of-way line a distance of 332.21 feet; thence South 01°18'35" East a distance of 155.86 feet; thence South 04°24'03" West a distance of 50.25 feet; thence

South $01^{\circ}18'35''$ East a distance of 632.02 feet; thence South $46^{\circ}18'39''$ East a distance of 42.43 feet; thence North $88^{\circ}41'17''$ East a distance of 839.48 feet; thence North $01^{\circ}18'43''$ West a distance of 10.00 feet; thence North $88^{\circ}41'17''$ East a distance of 335.16 feet; thence South $01^{\circ}19'13''$ East a distance of 25.25 feet to a point on said North statutory right-of-way line; thence South $88^{\circ}41'17''$ West along said North statutory right-of-way line a distance of 1234.90 feet to the POINT OF BEGINNING.

AND LESS AND EXCEPT:

A strip, piece or parcel of land lying in part of the Southwest Quarter Southwest Quarter (SW/4 SW/4) of Section Thirty-four (34), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, Oklahoma, said parcel of land being described by metes and bounds as follows:

COMMENCING at the Southwest corner of said SW/4; thence North $88^{\circ}41'17''$ East along the South line of said SW/4 a distance of 1259.65 feet; thence North $01^{\circ}19'13''$ West a distance of 24.75 feet to a point on the North statutory right-of-way line of said South line, said point being the POINT OF BEGINNING; thence continuing North $01^{\circ}19'13''$ West a distance of 25.25 feet; thence North $88^{\circ}41'17''$ East a distance of 61.08 feet; thence South $01^{\circ}18'26''$ East a distance of 25.25 feet to a point on the North statutory right-of-way line of the South line of said SW/4 SW/4; thence South $88^{\circ}41'17''$ West along said North statutory right-of-way line a distance of 61.07 feet to said POINT OF BEGINNING.

AND LESS AND EXCEPT:

A tract of land that is part of the West Half of the Southwest Quarter (W/2 SW/4) lying Southerly of the Creek Turnpike Right-of-Way, in Section Thirty-four (34), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract of land being described as follows:

COMMENCING at the Southwest corner of said Section Thirty-four (34); thence North $88^{\circ}41'16''$ East along the Southerly line of said Section Thirty-four (34) for 956.72 feet; thence North $01^{\circ}18'44''$ West for 50.00 feet to a point on the Northerly Right-of-Way line of East 121st Street South (West Tucson Street) and the POINT OF BEGINNING of said tract of land; thence North $02^{\circ}11'22''$ West for 305.38 feet; thence North $02^{\circ}51'04''$ East for 74.73 feet; thence North $12^{\circ}13'43''$ East for 165.65 feet; thence North $02^{\circ}27'01''$ West for 178.06 feet; thence North $09^{\circ}40'18''$ East for 174.44 feet; thence North $02^{\circ}23'20''$ West for 164.52 feet; thence North $22^{\circ}39'32''$ East for 477.11 feet to a point on the Southerly Right-of-Way line of the Creek Turnpike; thence North $84^{\circ}30'33''$ East along said Southerly Right-of-Way line for 104.08 feet to a point; thence South $01^{\circ}18'49''$ East for 1498.23 feet to a point on the North Right-of-Way line of East 121st Street South (West Tucson Street); thence South $88^{\circ}41'16''$ West for 363.82 feet to the POINT OF BEGINNING.

EXHIBIT “E”**PROPOSED DEVELOPMENT IN THE PROJECT AREA
AND INCREMENT DISTRICT**

This Hackberry Market Economic Development Project Plan describes an economic development project of the City of Broken Arrow, Oklahoma, that brings a transformative commercial development to approximately 30.56 undeveloped acres located on the northeast corner of the intersection of S. Aspen Avenue (S. 145th East Avenue) and W. Tucson Street (121st Street), just south of the Creek Turnpike. The purpose of the Increment District (as described herein) is to encourage economic development in the City by facilitating the payment of the costs of essential infrastructure improvements and remedial costs necessary to make certain property viable for development.

The primary development component of the Project is the construction and operation of a mixed-use development by Hackberry Market, LLC, an affiliate of Sooner Investments DEV CO, LLC (i.e., the Developer), to be known as the Hackberry Market shopping center, and comprised of approximately 211,580 square-feet of retail and service industry space, plus five (5) outparcels comprising 6.19 acres (expected to be developed into approximately 22,000 square feet of additional retail and food service space), with a total projected capital investment in excess of \$97.67 million.

The City recognizes the difficulty in development of the area due to significant costs necessary to correct current conditions at the planned Project site, including specifically the significant infrastructure and utility improvements necessary to support the development project. The goal of the Increment District is to promote economic development in the City by incentivizing capital investment in undeveloped property in order to enhance the tax base and create employment opportunities within the City. The City proposes to encourage the magnitude of the capital investment by providing a mechanism to offset a portion of the costs associated with the Project.

The City has identified certain costs associated with the infrastructure improvements and economic incentives in connection with establishing the Increment District (i.e., the TIF Projects). The costs of the improvements necessary to support the full development of the Project are estimated to be \$22,000,000, including the costs of infrastructure improvements and certain economic incentives in the form of assistance in development financing (as defined in Section 853(14)(o) of the Local Development Act). The City expects to cause to be issued TIF Bonds and apply the proceeds to pay the Project Costs, which include costs of the TIF Projects, along with the Organizational Costs and the Debt Service Costs.

The following specific costs of the TIF Projects totaling \$22,000,000 have been identified by the City and the Developer as necessary to support the full development of the Project. The following list of specific costs total \$22,831,000 (more than the \$22,000,000 proposed for the costs of TIF Projects authorized for the Increment District), and the Developer will provide any necessary equity contribution to complete the proposed improvements.

Project Hard Costs**\$19,303,000.00**

Land Acquisition	6,339,000.00
Master Development Demo and Erosion Control	318,000.00
Master Development Grading, Paving, and Utilities	3,326,000.00
Site Specific Grading, Paving and Utilities	2,341,000.00
Building Pad Stabilization and Compaction	183,000.00
Retaining Wall, Fence, and Flume	5,700,000.00
West Aspen Traffic Signal	559,000.00
Master Development Entry Landscaping and Irrigation	28,000.00
Site Specific Landscaping and Irrigation	135,000.00
Site Specific Site Lighting	223,000.00
Pylon Signs	217,000.00
Stormwater Detention Improvements	2,000,000.00
Site Specific Detention Pond	60,000.00
Site Work Contingency (10%)	874,000.00

Project Soft Costs**\$968,000.00**

Civil Engineering	380,000.00
Construction Materials Testing	49,000.00
Site Specific Landscaping and Irrigation Design	25,000.00
Master Development Landscaping and Irrigation Design	13,000.00
Site Specific Site Lighting Design	33,000.00
Wetlands Permitting	0.00
Phase I Environmental Report	2,000.00
Legal Costs (Acquisition, TIF, and Entitlements)	59,000.00
Permitting	387,000.00
Insurance	20,000.00

Capitalized Interest on TIF Bonds**\$2,560,000.00****TOTAL ESTIMATED COSTS****\$22,831,000.00**

The costs of the TIF Projects may contain one or more elements of the following:

- A. **Water System Improvements:** Installation and extension of the City's water distribution system serving the Increment District. Project costs under this category

include assistance in the financing of the actual material and labor costs associated with the acquisition of land and the installation, relocation, reconstruction and/or removal of new or existing water lines, and distribution structures and fixtures, similar public improvements, related common utility or service facilities, related landscaping; utility relocation costs; and professional service costs, including those incurred for architectural, planning, engineering and legal.

- B. **Sanitary Sewer Improvements:** Relocation or modification of one or more sanitary sewer lines serving the Increment District. Project costs under this category include the actual costs of the acquisition of land and the acquisition, demolition, alteration, remodeling, repair, construction and/or reconstruction of new or existing structures and fixtures, including sanitary sewers, similar public improvements, related common utility or service facilities, related landscaping, clearing and grading of the project site and any environmental remediation related thereto; utility relocation costs; and professional service costs, including those incurred for architectural, planning, engineering and legal.
- C. **Storm Water Drainage Improvements:** Installation of improved facilities for storm water drainage throughout the Project Area. These improvements may include the reconstruction, relocation, or modification of one or more stormwater drainage lines, pipes, drains, ditches, gullies, catch basins, manholes or other stormwater facilities. Project costs under this category include the actual costs of the acquisition of land and the acquisition, demolition, alteration, remodeling, repair, construction and/or reconstruction of new or existing structures and fixtures, including curbing, sidewalks and any similar public improvements, common utility or service facilities; landscaping, parking and water detention/retention systems; retaining walls; utility relocation costs; and professional service costs, including those incurred for architectural, planning, engineering and legal.
- D. **Site Reclamation and Development:** A portion of the Increment District may include greenfield areas which have not yet been previously developed. These areas will require extensive leveling and reclamation work in order for them to be turned into areas suitable for commercial development. Project costs under this category include the actual costs of the acquisition of land and the acquisition, demolition, alteration, remodeling, repair, construction and/or reconstruction of new or existing parking lots and relating features, including curbing, sidewalks and any similar public improvements, landscaping, water detention/retention systems; retaining walls; utility relocation costs; and professional service costs, including those incurred for architectural, planning, engineering and legal.
- E. **Street Improvements:** Installation of street and road infrastructure within the Project Area to accommodate the heavy traffic flows generated by this Project. Project costs under this category may include assistance in the financing of the costs of these street and roadway improvements. The proposed pavement sections consist of a stabilized two-inch subgrade, aggregate base, and a five-inch asphalt to accommodate heavy car and truck traffic. Project costs under this category include the actual costs of the acquisition, demolition, alteration, remodeling, repair,

construction and/or reconstruction of new or existing structures and fixtures, including streets, bridges and any similar public improvements, common utility or service facilities, related landscaping; the actual cost of the clearing and grading of the streets within the Project Area and any environmental remediation related thereto; utility relocation costs; professional service costs, including those incurred for architectural, planning, engineering and legal.

- F. **Landscape/Irrigation:** Current provisions of the City's Building Codes require that the Project be properly landscaped and that signage appropriate to the land uses be installed to assist patrons and residents in the area.

- G. **Environmental Remediation, Wetlands Mitigation and Pipeline Relocation:** The Project may also require certain environmental remediation and wetlands mitigation within the Project Area before the necessary site development work can take place. Project costs under this category may include assistance in the financing of the costs of the acquisition of real property and improvements as well as the acquisition, demolition, alteration, remodeling, repair, or reconstruction of existing public and private buildings, structures, and fixtures; and the actual costs of the acquisition of land and equipment for public works, public improvements and public buildings and the actual costs of clearing and grading of such land and environmental remediation related thereto, professional service costs, including those incurred for architectural, planning, engineering, legal and financial advisory services.

- H. **Additional Assistance in Development Financing:** Any or all of the related costs of TIF Projects, in the aggregate amount of not-to-exceed \$22,000,000 will be incurred for the purpose of providing assistance in development financing (as authorized by Section 853(14)(o) of the Local Development Act) necessary to accomplish the Project, including the actual costs of the acquisition of land and construction of the new private buildings, structures, and fixtures which comprise the retail facilities to be owned by the Developer. Project costs under this category may include assistance in the financing of the costs of the acquisition of real property and improvements as well as the acquisition, demolition, alteration, remodeling, repair, or reconstruction of existing public and private buildings, structures, and fixtures; and the actual costs of the acquisition of land and equipment for public works, public improvements and public buildings and the actual costs of clearing and grading of such land and environmental remediation related thereto, professional service costs, including those incurred for architectural, planning, engineering, legal and financial advisory services.

Additional amounts will be financed by the apportionment of tax increments from the Increment District including the Organizational Costs and the Debt Service Costs, all related to Project Costs in excess of the amounts specifically identified as the costs of the TIF Projects. The Organizational Costs associated with the initial creation and implementation of the Increment District are preliminarily estimated to be approximately \$100,000, and the ongoing Organizational Costs are estimated to be \$10,000 per year for the Increment District. The Debt Service Costs associated with the Project Costs are preliminarily estimated to be approximately \$29,700,000.

The total estimate of the costs of the TIF Projects that may be made available for improvements and assistance in development financing from apportioned tax revenues shall be \$22,000,000 (including all engineering, construction, planning, and contingency costs), which shall be a not-to-exceed amount. Apportioned tax revenues in excess of the amounts needed for Project Costs may be utilized as necessary to pay the Organizational Costs and the Debt Service Costs, and could total approximately \$30,050,000. The estimated combined total of all Project Costs is \$52,050,000.

The estimated \$97.67 million capital investment (\$83.03 million in net taxable value) and \$3.04 billion in total taxable sales over the term of the Increment District is based on the following buildout assumptions:

- Approximately 211,580 square foot of retail shopping center space, with an estimated \$81.73 million project investment (\$69.47 million taxable value) and between \$78.4 million and \$108.4 million in annual retail sales (average of \$441/sf.)
- Five (5) outparcel lots (approximately 6.19 acres total) providing an estimated 22,000 square foot of additional retail and food service space, with an estimated \$15.95 million project investment (\$13.55 million taxable value) and between \$22 million and \$25 million in annual retail sales (average of \$1,068/sf.)
- Taxable value of commercial retail is estimated at 85% of project investment.

Please see Exhibit “F” for a Preliminary Site Development Plans for the Project.

EXHIBIT “F”

PRELIMINARY SITE DEVELOPMENT PLAN*

HACKBERRY MARKET PROJECT

* See following page for Preliminary Conceptual Layout, which is subject to change.

CREEK TURNPIKE

DEVELOPMENT

PYLON

DEVELOPMENT

PYLON

DEVELOPMENT

PYLON

S 145TH EAST AVENUE

E 121ST STREET S

1 SITE PLAN - CONCEPT v.1.1
I" = 80'-0"



HACKBERRY MARKET
S ASPEN AND E 121ST STREET S
BROKEN ARROW, OK 74011

SCHEMATIC DESIGN



Sooner Investment.

Lockwood Development

SAS
STUDIO 45 ARCHITECTS
1648 Southwest Blvd Tulsa, OK 74107
www.s45architects.com

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AND SEALED
DOCUMENT

PROJECT NO:	100-255
ISSUE DATE:	03/03/2025

AS-101.11

EXHIBIT “G”

EXISTING USES AND CONDITIONS OF REAL PROPERTY

* See following pages for the Current Site Conditions and the Broken Arrow Comprehensive Land Use Plan designation of Project Site as Level 6 – Regional Employment/Commercial, as presented in PUD-001818-2024

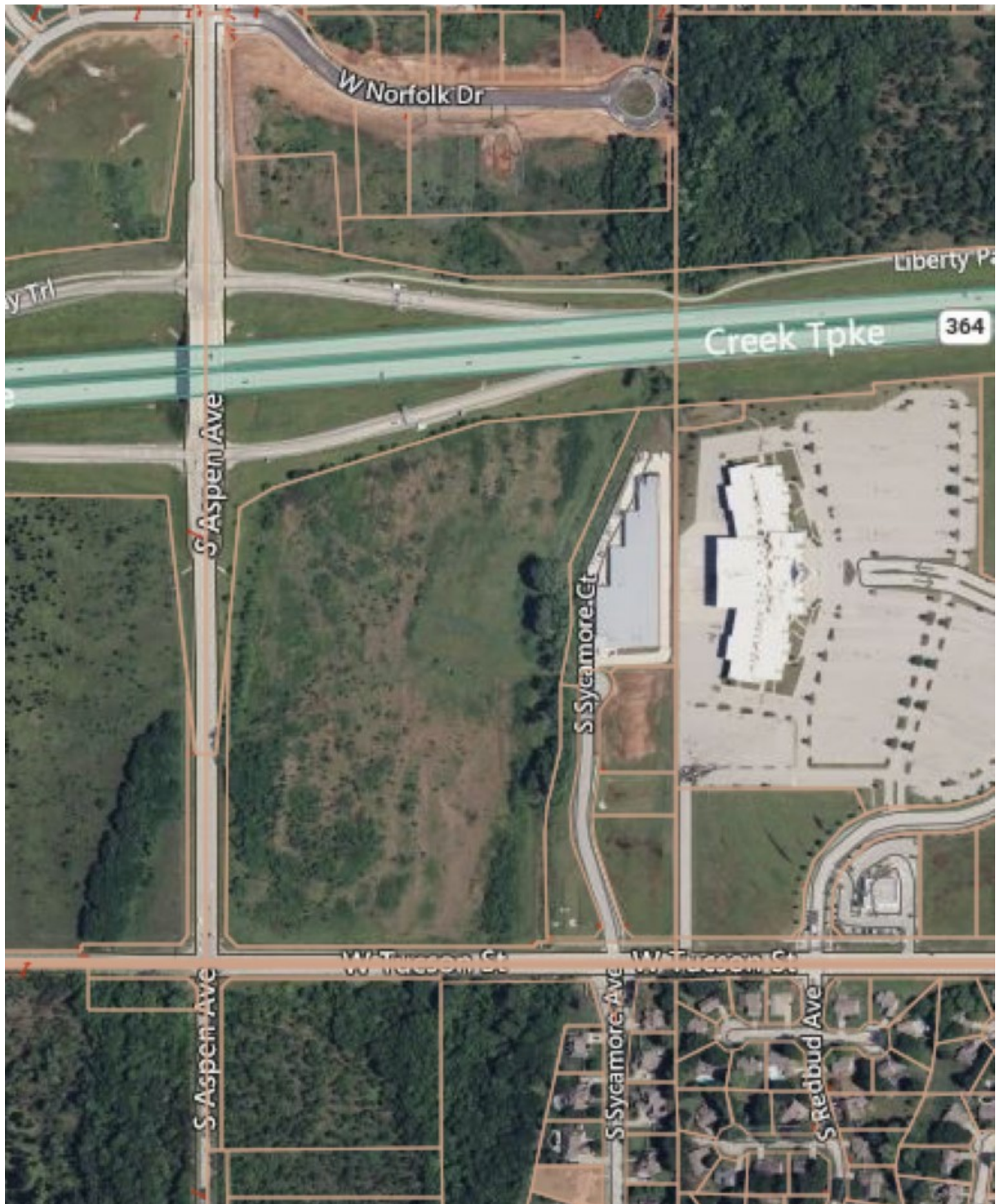
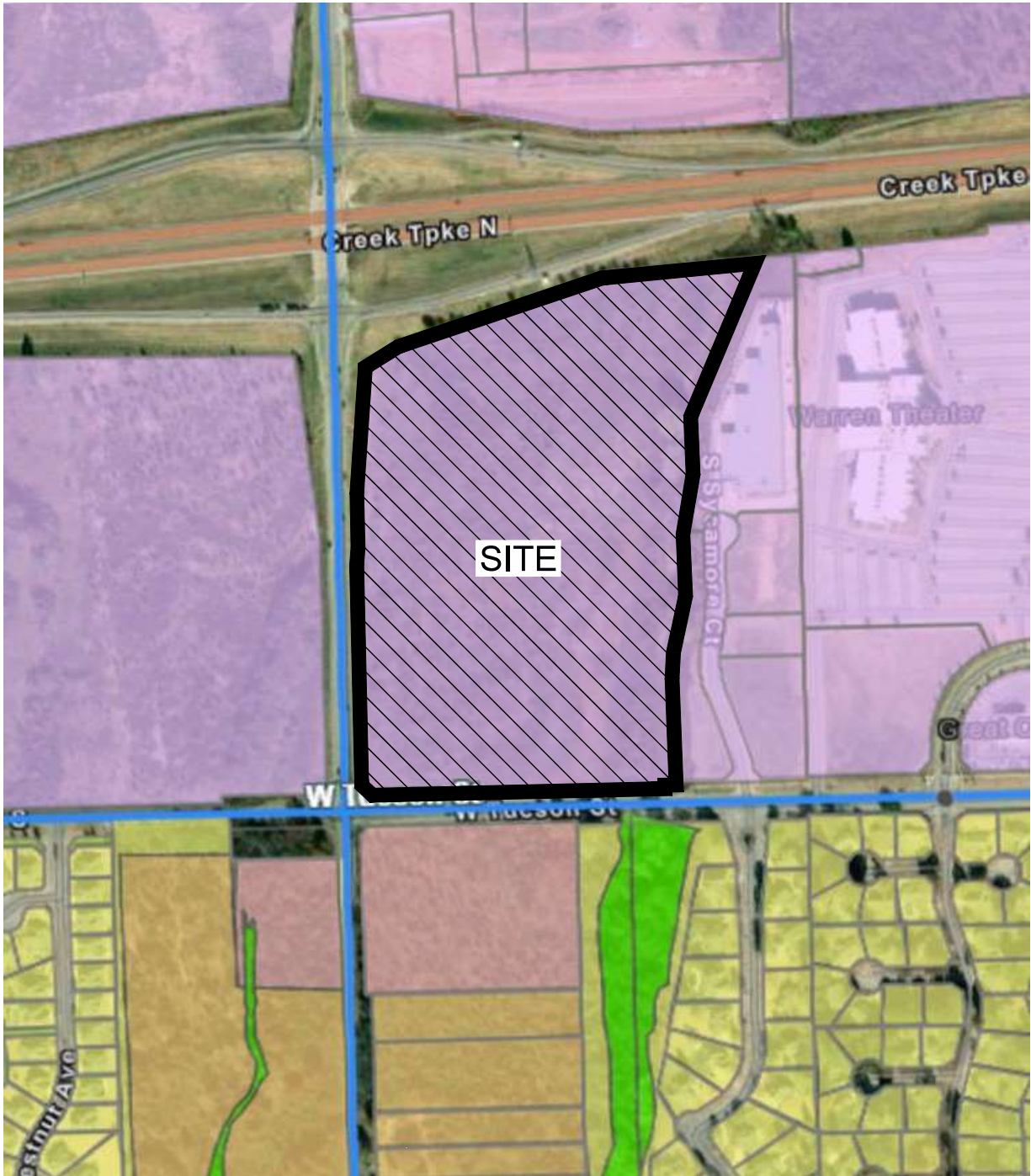


EXHIBIT 'D'

COMPREHENSIVE LAND USE PLAN

ASPEN MARKET

PUD-001818-2024



LUIS Classification	
	Level 1 - Rural Residential
	Level 2 - Urban Residential
	Level 3 - Transition Area
	Level 4 - Commercial/Employment Nodes
	Level 5 - Downtown Area
	Level 6 - Regional Employment/Commercial
	Level 7 - Major Industrial
	Greenway/Floodplain
	Private Recreation
	Public Recreation
	Public/Semi-Public



wallace
design
collective

wallace design collective, pc
structural-civil-landscape-survey
123 north martin luther king jr. blvd.
tulsa, oklahoma 74103
918.584.5858
oklahoma col1460
exp: 6-30-25

Date: November 26, 2024



PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE TAX INCREMENT DISTRICT REVIEW COMMITTEE OF THE CITY OF BROKEN ARROW, OKLAHOMA, MET IN SPECIAL SESSION IN THE CITY COUNCIL CHAMBERS AT BROKEN ARROW CITY HALL, 220 S. 1ST STREET, BROKEN ARROW, OKLAHOMA, 74012, ON THE 3RD DAY OF APRIL, 2025, AT 4:00 O'CLOCK P.M.

PRESENT: Chairperson Debra Wimpee (City of Broken Arrow), Jaylee Klempa (Broken Arrow Planning Commission), Frankie Catlett (At-Large Representative), Jason Rains (At-Large Representative), and Sarah Tortorici (At-Large Representative)

ABSENT: None

(OTHER PROCEEDINGS)

Thereupon, the following resolution was introduced and caused to be read by title by the City Clerk. Committee Member Jaylee Klempa moved passage of the Resolution and Committee Member Frankie Catlett seconded the motion. The motion carrying with it the approval of said Resolution was approved by the following vote:

AYE: Chairperson Debra Wimpee, Jaylee Klempa, Frankie Catlett, Jason Rains, and Sarah Tortorici

NAY: None

The Resolution so approved is as follows:

[RESOLUTION ON FOLLOWING PAGE]

RESOLUTION NO. 1647

A RESOLUTION RECOMMENDING THAT THE CITY OF BROKEN ARROW, OKLAHOMA THROUGH ITS CITY COUNCIL CREATE A TAX INCREMENT DISTRICT AND APPROVE THE HACKBERRY MARKET ECONOMIC DEVELOPMENT PROJECT PLAN; AND MAKING CERTAIN FINDINGS IN REGARDS THERETO.

WHEREAS, pursuant to the provisions of the Local Development Act, 62 O.S. 2021, Section 851 *et seq.* (the “Local Development Act”), as amended, the City Council of the City of Broken Arrow, Oklahoma (the “City”) appointed the Tax Increment District Review Committee (the “Review Committee”) to review and make recommendations concerning a proposed tax increment district within the City; and

WHEREAS, the membership of this Review Committee is comprised of the following individuals: a representative of the City, a representative of the Planning Commission of the City, and three representatives of the public at large, all as required pursuant to Section 855(A) of the Local Development Act; and

WHEREAS, the Review Committee has the statutory duty to consider and make its findings and recommendations to the City with respect to the conditions establishing the eligibility of the proposed district and the appropriateness of the approval of the proposed plan and project, as well as to report its findings to the City in regard to the financial impact on the taxing jurisdictions and business activities within the proposed district; and

WHEREAS, Article 10, Section 6C of the Oklahoma Constitution and its enabling legislation known as the Local Development Act provide that the City may use local taxes and local fees, in whole or in part, for specific public investments, assistance in development financing, or as a specific revenue source for other public entities in the area for which the improvements take place and may direct the apportionment of the taxes and fees for historic preservation, reinvestment, or enterprise areas that are exhibiting economic stagnation or decline; and

WHEREAS, the Review Committee has been presented with the “Hackberry Market Economic Development Project Plan” (the “Project Plan”), providing for the creation of Increment District No. 6, City of Broken Arrow, Oklahoma (the “Increment District”), wherein certain projects are contemplated to be financed from a combination of public and private sources, including apportionment of sales and use taxes derived from the proposed Increment District, to be established in connection with the project; and

WHEREAS, the Project Plan contemplates the funding of essential public improvements and economic incentives; and

WHEREAS, it is more likely than not that the private investment referenced in the Project Plan would not occur within the proposed Increment District without the public improvements and economic incentives specified in such plan.

NOW, THEREFORE, BE IT RESOLVED BY THE REVIEW COMMITTEE THAT THE FOLLOWING RECOMMENDATIONS AND FINDINGS BE MADE TO THE CITY COUNCIL

OF THE CITY OF BROKEN ARROW, OKLAHOMA, IN REGARD TO THE PROPOSED INCREMENT DISTRICT NO. 6, CITY OF BROKEN ARROW, OKLAHOMA, AND THE PROJECT PLAN:

SECTION 1. ELIGIBILITY AND CREATION OF INCREMENT DISTRICT NO. 6, CITY OF BROKEN ARROW, OKLAHOMA. The Review Committee hereby finds that the boundaries of the proposed Increment District, as set forth in Exhibit “B” of the Project Plan, are within a reinvestment area (as defined in Section 853(17) of the Local Development Act), and therefore, meets the requirements of Section 856(B)(4)(a)(1) of the Local Development Act.

SECTION 2. APPROVAL AND RECOMMENDATIONS IN REGARD TO THE PROJECT PLAN.

(A) The Review Committee has considered the Project Plan, and hereby finds that the provisions of the Project Plan do meet the following legislative guidelines set forth in Section 852 of the Local Development Act:

(1) Investment, development, and economic growth are difficult within the boundaries of the proposed Increment District, but possible if the tax increment financing provisions of the Local Development Act are available;

(2) That the proposed Increment District does not encompass an area where investment, development and economic growth would occur without the assistance of public funds;

(3) That the undertaking of the projects described in the Project Plan will not supplant or replace normal public functions and services;

(4) That the purpose set forth in the Project Plan for the proposed Increment District works in conjunction with the City’s locally implemented economic development plans;

(5) That the proposed Increment District does not have boundaries that dissect a similar area and does not create an unfair competitive advantage;

(6) That the project contemplates the need for residential and neighborhood treatments, and capital improvements to neighborhood public schools, as well as commercial/industrial development;

(7) That where possible, partial credits or credits that do not utilize the full time frame allowed have been incorporated into the Project Plan;

(8) That the maximum effort has been made to allow full public knowledge and participation in the use of the Local Development Act in connection with the preparation and adoption of the Project Plan;

(9) That the Project Plan contemplates the conservation, preservation and rehabilitation of existing improvements within the proposed Increment District; that

demolition, clearance and relocation is minimized except for structures necessary for the undertaking of the projects referenced in the Project Plan; and

(10) That the Project Plan, upon adoption by the City, develops and applies clear standards, criteria and threshold limits that are applicable to all similar property and areas that the Project Plan contains protection against nearby relocations to utilize incentives.

(B) The Review Committee further finds that contemplated private and public projects described in the Project Plan will likely enhance the value of other real property located within the proposed Increment District and the Project Area and will promote the general public interest.

(C) The Review Committee further finds that the aggregate net assessed value of all taxable property in all increment districts, as determined pursuant to Section 856(B)(4)(d) of the Local Development Act, within the City does not exceed 25% of the total net assessed value of taxable property within the City.

(D) The Review Committee further finds that the aggregate net assessed value of the taxable property in all increment districts, as determined pursuant to Section 856(B)(4)(f) of the Local Development Act, within the City does not exceed 25% of the total assessed net value of any affected school districts located within the City.

(E) The Review Committee further finds that the land area of all increment districts within the City does not exceed 25% of the total land area of the City.

(F) Based on the foregoing, the Review Committee finds that the Project Plan and the projects therein are appropriate under the provisions of the Local Development Act, and the approval of the Project Plan by the City is hereby recommended.

SECTION 3. REPORT OF FINANCIAL IMPACT.

(A) The Review Committee finds that the current sales and use tax revenues collected within the proposed Increment District (if any) will continue to be apportioned to the City. The Committee also finds that dedicating incremental sales and use tax revenues (collectively, the “TIF Revenues” as described in the Project Plan) to the Increment District apportionment fund until such time as all project costs are paid or approximately twenty-five (25) years (ending June 30, 2050, and referred to as the “Expiration Date”), whichever is less, is desirable to serve as a catalyst for retaining or expanding employment, to attract major investment in the area, and to enhance the tax base. These investments will benefit the proposed Increment District and thereby eventually result in substantial increased sales and use tax revenues to the City through implementation of the Project Plan. Furthermore, the Project Plan provides that excess TIF Revenues collected within the proposed Increment District that are not required for project costs and/or debt service on the TIF Bonds (as defined in the Project Plan) shall be returned to the City. As used herein, the phrase “payment of project costs” is deemed to include any interest component of any reimbursement offered pursuant to a development agreement.

(B) The Project as represented to the Review Committee contemplates commercial retail development by Hackberry Market, LLC, an affiliate of Sooner Investments DEV CO, LLC (the “Developer”) of up to approximately 30.56 acres generally located on the northeast corner of

the intersection of S. Aspen Avenue (S. 145th East Avenue) and W. Tucson Street (121st Street), just south of the Creek Turnpike. The Developer proposes to invest or cause to be invested in excess of \$97.67 million to construct an estimated 211,580 square-foot of retail and service industry space, plus five (5) outparcels comprising 6.19 acres (expected to be developed into approximately 22,000 square feet of additional retail and food service space), over the next two years (the “Hackberry Market Project”). The proposed Project Costs (as described in the Project Plan) contemplate providing assistance in development financing in the amount of \$22,000,000 to offset the significant costs necessary to correct current conditions at the planned Project site, including specifically the significant infrastructure and utility improvements necessary to support the development project. The Increment District will capture a two percent (2.0%) sales and use tax (representing approximately 56.34% of the incremental sales and use tax revenue based on a total of 3.55% sales and use tax levied by the City as of the date of the Project Plan), over the approximately twenty-five (25) year term of the Increment District, as the TIF Revenues utilized to pay debt service on contemplated TIF Bonds to be issued on behalf of the City. Based on the preliminary development projections assuming full buildout of the Hackberry Market Project, it is anticipated that approximately \$120.5 million in sales and use tax TIF Revenues will be generated during the term of the Increment District, with approximately \$67.89 million available for the payment of Project Costs, and the balance of approximately \$52.61 million apportioned to the City. Additional amounts will be financed by the apportionment of tax increments from the Increment District including the Organizational Costs and the Debt Service Costs, all related to Project Costs in excess of the amounts specifically identified as the costs of the TIF Projects. The Organizational Costs associated with the initial creation and implementation of the Increment District are preliminarily estimated to be approximately \$100,000, and the ongoing Organizational Costs are estimated to be \$10,000 per year for the Increment District. The Debt Service Costs associated with the Project Costs are preliminarily estimated to be approximately \$29,700,000. The estimated combined total of all Project Costs is \$52,050,000. Any excess TIF Revenues will be returned to the City.

(C) The Review Committee hereby finds that the likely financial impact on the City within the proposed Increment District to be as follows:

(1) CITY OF BROKEN ARROW. The City currently levies sales and use taxes equal to three and fifty-five hundredths percent (3.55%) pursuant to Chapter 22, Article II, Section 22-6 *et seq.*, of the Broken Arrow Code of Ordinances (referred to within this subsection as the “Sales Tax Revenue”). The stated purposes of the Sales Tax Revenue under the Broken Arrow Code of Ordinances are: (i) one and one-half percent (1.5%) is designated for general municipal functions of the City; (ii) one half of one percent (0.5%) of is designated for capital improvements; (iii) one percent (1.0%) is designated for the payment of operation and maintenance of the water, sewer and solid waste systems, to pay costs of planning and constructing said systems' improvements, the cost and feasibility studies, land acquisition, election and other expenses, and the payment of the debt service, including payment of interest and principal, and premium, if any; (iv) one quarter of one percent (0.25%) is designated for the purpose of improving, constructing and maintaining city streets, sidewalks, and related stormwater appurtenances, including the acquisition and replacement of machinery, equipment and materials, and including the installation of traffic control devices and signalization; and (v) three tenths of one percent (0.3%) is designated for public safety sales tax fund, and used for the purpose of

funding the staffing of public safety personnel, and the acquisition and replacement of public safety vehicles, equipment, technology and apparatus.

Sales Tax Revenue. There is currently no Sales Tax Revenue generated within the proposed Increment District. The City reasonably expects that the Project may result in increased competition for retail sales with establishments within Broken Arrow but outside the Increment District boundaries, therefore the Project Plan proposes that only a portion of the increment of Sales Tax Revenues in amount equivalent to a two percent (2.0%) sales and use tax (representing approximately 56.34% of the incremental sales and use tax revenue based on a total of 3.55% sales and use tax levied by the City as of the date of the Project Plan) will be captured by the Increment District, and further, that the increment of Sales Tax Revenues shall be reduced by the amount of sales tax revenues generated by any existing businesses (currently located within the City, but outside the boundaries of the Increment District) that cease operations at their existing location and relocate to within the Increment District, but provided further, said reduction shall not be applied to any existing businesses that open an additional location within the Increment District for so long as all other existing location(s) remain open for business. With regard to future incremental Sales Tax Revenue, the maximum annual and total incremental revenues which are expected to be generated within the proposed Increment District from the City's 3.55% sales and use tax levy and apportioned under the Project Plan for project costs and/or debt service on the TIF Bonds are estimated as set forth on Exhibit "A" hereto. Because substantially all of the incremental Sales Tax Revenue which would be generated from new private investment would not have occurred without the assistance in development financing contemplated in the Project Plan, and because the City has proposed mitigating measures to guard against the cannibalization of existing sales tax collections, no adverse financial impact to the City's Sales Tax Revenue is expected.

Other Considerations. The remaining unapportioned one and fifty-five hundredths percent (1.55%) sales and use tax (representing approximately 43.66% of the incremental sales and use tax revenue based on a total of 3.55% sales and use tax levied by the City as of the date of the Project Plan) shall be retained by the City and utilized for any lawful purpose consistent with the aforementioned Code of Ordinances, and represent a significant source of revenue for the duration of the Increment District that will also be available to offset any adverse financial impacts to the City.

(2) OTHER TAXING ENTITIES: No portion of the ad valorem tax increments generated by the Project will be captured as part of the TIF Revenue. The ad valorem taxing jurisdictions are Tulsa County, the Tulsa City County Health Department, Independent School District No. 3 of Tulsa County (Broken Arrow Public Schools), Tulsa Technology Center No. 18, Tulsa Community College, Tulsa City-County Library, and the City. Upon completion of the Hackberry Market Project, the ad valorem taxing jurisdictions could see an aggregate net gain in annual ad valorem tax revenues of approximately \$1.17 million (based on a taxable capital investment of approximately

\$83.03 million). The ad valorem tax revenues accruing to the taxing jurisdictions are estimated as set forth on Exhibit “B” hereto. Additionally, Tulsa County levies a 0.367% sales and use tax as of the date of the Project Plan. The County sales and use tax collections are not subject to the apportionment of the Increment District, however, it is estimated that upon completion of the proposed development of the Hackberry Market Project, the County could realize an estimated gross gain in annual sales and use tax revenues in the approximate amount of \$1.29 million. The sales tax revenues accruing to the County are estimated as set forth on Exhibit “A” hereto.

(D) The Review Committee hereby finds that there will be no impact to existing business activities within the proposed Increment District. There are no ongoing commercial business activities within the proposed Increment District. Development of the Hackberry Market Project is expected to create a destination retail experience that will generate new commercial traffic benefitting the City and surrounding businesses outside the proposed Increment District.

[Remainder of Page Left Blank Intentionally]

ADOPTED THIS 3RD DAY OF APRIL, 2025.

(SEAL)
ATTEST:

By: _____
Chairman

By: _____
City Clerk

STATE OF OKLAHOMA)
)SS
COUNTY OF TULSA)

I, the undersigned, City Clerk of the City of Broken Arrow, Oklahoma, do hereby certify that the above and foregoing is a true, full and correct copy of an excerpt from the minutes of a meeting of the Tax Increment District Review Committee of said City held on the date above stated, all as recorded in the official minutes of such meeting. I further certify that the “Open Meeting Law” was complied with for such meeting.

GIVEN UNDER MY HAND THIS 3RD DAY OF APRIL, 2025.

(SEAL)

City Clerk

EXHIBIT A
Estimated Potential Impact on Certain Sales Tax Collections

Taxing Purpose	Tax Rate ⁽¹⁾	TIF Revenues Captured ⁽²⁾			Allocation to State	Total Sales Tax Revenue
		Allocation to City ⁽³⁾	Allocation to Project Costs ⁽⁴⁾	Allocation to County ⁽³⁾		
City of Broken Arrow Sales Tax	3.550%	52,613,226.46	67,888,034.15	0.00	0.00	120,501,260.61
Tulsa County Sales Tax	0.367%	0.00	0.00	12,457,454.27	0.00	12,457,454.27
State of Oklahoma Sales Tax	4.500%	0.00	0.00	0.00	152,748,076.83	152,748,076.83
TOTALS:	8.417%	52,613,226.46	67,888,034.15	12,457,454.27	152,748,076.83	285,706,791.71

(1) Assumes continued levy through expiration of Increment District (June 30, 2050)

(2) Based on estimated \$3.04 billion in total taxable sales (construction and retail)

(3) 43.66% allocation of Sales Tax Increment Revenues allocated to City (1.55% of a total of 3.55% sales tax); 100% of County sales tax allocated to County

(4) 56.34% allocation of Sales Tax Increment Revenues; excess revenues not needed for Project Costs and related financing costs will be returned to the City

EXHIBIT "B"
Estimated Potential Impact on Certain Ad Valorem Collections

Ad Valorem Taxing Entity	Mill Levy ⁽¹⁾	Allocation to Taxing Entities ⁽²⁾	
		Maximum Year	23 Year Total
Tulsa County - General Fund	10.300	94,073.16	2,190,973.57
Tulsa County - Sinking Fund	0.000	0.00	0.00
Tulsa County - 4 Mill School Levy	4.000	36,533.27	850,863.52
Tulsa County Health Dept. - General Fund	2.580	23,563.96	548,806.97
Broken Arrow ISD #3 - General Fund	36.400	332,452.73	7,742,858.07
Broken Arrow ISD #3 - Building Fund	5.200	47,493.25	1,106,122.58
Broken Arrow ISD #3 - Sinking Fund	28.210	257,650.87	6,000,715.00
Tulsa Technology Center #18 - General Fund	8.240	75,258.53	1,752,778.86
Tulsa Technology Center #18 - Building Fund	5.090	46,488.58	1,082,723.83
Tulsa Technology Center #18 - Sinking Fund	0.000	0.00	0.00
Tulsa City-County Library System - General Fund	5.320	48,589.25	1,131,648.49
Tulsa City-County Library System - Sinking Fund	0.000	0.00	0.00
Tulsa Community College - General Fund	7.210	65,851.21	1,533,681.50
Tulsa Community College - Sinking Fund	0.000	0.00	0.00
City of Broken Arrow - Sinking Fund	16.260	148,507.73	3,458,760.22
TOTALS:	128.810	1,176,462.53	27,399,932.63

(1) Based on 2024 millage rate (128.81 mills total)

(2) 0% of Ad Valorem Tax Increment Revenues allocated to Project Costs; all revenues flow directly to the respective taxing jurisdiction



City of Broken Arrow

Request for Action

File #: 25-580, **Version:** 1

Broken Arrow Planning Commission
04-24-2025

To: Chairman and Commission Members
From: Community Development Department
Title:

Public Hearing, consideration and possible action regarding a resolution recommending that the City Council of Broken Arrow, Oklahoma, through its City Council, create a Tax Increment District and approve the Hackberry Market Economic Development Project Plan

Background:

This is an action item of the Planning Commission to approve a Resolution recommending to the City Council the creation of Increment District No. 6 and approval of the Hackberry Market Economic Development Project Plan.

Attachments: Broken Arrow TIF #6 Project Plan
Resolution 1647

Recommendation: Approve the resolution recommending that the City of Broken Arrow, Oklahoma, through its City Council, create a Tax Increment District and approve the Hackberry Market Economic Development Project Plan.

Reviewed By: Amanda Yamaguchi

Approved By: Rocky Henkel

**HACKBERRY MARKET
ECONOMIC DEVELOPMENT PROJECT PLAN**

Prepared by:

CITY OF BROKEN ARROW, OKLAHOMA

**MAYOR AND CITY COUNCIL
DEBRA WIMPEE, MAYOR, WARD 1
JOHNNIE PARKS, VICE MAYOR, MEMBER AT LARGE
LISA FORD, WARD 2
DAVID PICKEL, WARD 3
JUSTIN GREEN, WARD 4**

MICHAEL SPURGEON, CITY MANAGER

**THE PUBLIC FINANCE LAW GROUP PLLC
5657 N. CLASSEN BOULEVARD, SUITE 100
OKLAHOMA CITY, OKLAHOMA 73118
(405) 235-3413**

INDEX

I.	DESCRIPTION OF PROJECT	1
II.	PROJECT AREA AND INCREMENT DISTRICT BOUNDARIES	2
III.	ELIGIBILITY OF PROJECT	2
IV.	OBJECTIVES	2
V.	FINANCIAL IMPACTS	3
VI.	STATEMENT OF PRINCIPAL ACTIONS	4
VII.	ESTABLISHMENT OF INCREMENT DISTRICT NO. 6 CITY OF BROKEN ARROW	5
VIII.	PROJECT AND INCREMENT DISTRICT AUTHORIZATIONS	6
IX.	BUDGET OF ESTIMATED PROJECT COSTS TO BE FINANCED BY TAXES APPORTIONED FROM INCREMENT DISTRICT NO. 6	6
X.	METHODS OF FINANCING PROJECT COSTS, EXPECTED SOURCES OF REVENUES, AND TIME WHEN COSTS OR MONETARY OBLIGATIONS ARE TO BE INCURRED.....	7
XI.	FINANCING REVENUE SOURCES	10
XII.	PUBLIC REVENUE ESTIMATED TO ACCRUE FROM THE PROJECT AND OTHER ECONOMIC IMPACTS.....	11
XIII.	PRIVATE AND PUBLIC INVESTMENTS EXPECTED FOR THE PROJECT	11
XIV.	MISCELLANEOUS PROVISIONS	12
XV.	SEVERABILITY OF INVALID PROVISIONS.....	12
EXHIBIT “A”	MAP OF ECONOMIC DEVELOPMENT PROJECT AREA	
EXHIBIT “B”	PROJECT AREA LEGAL DESCRIPTION	
EXHIBIT “C”	MAPS OF PROPOSED INCREMENT DISTRICT NO. 6	
EXHIBIT “D”	INCREMENT DISTRICT LEGAL DESCRIPTION	
EXHIBIT “E”	PROPOSED DEVELOPMENT IN THE PROJECT AREA AND INCREMENT DISTRICT	
EXHIBIT “F”	PRELIMINARY SITE DEVELOPMENT PLAN	
EXHIBIT “G”	EXISTING USES AND CONDITIONS OF REAL PROPERTY	

HACKBERRY MARKET

ECONOMIC DEVELOPMENT PROJECT PLAN

I. DESCRIPTION OF PROJECT

This Hackberry Market Economic Development Project Plan (the “**Project Plan**”) describes an economic development project of the City of Broken Arrow, Oklahoma (the “**City**”), that brings a transformative commercial development to approximately 30.56 undeveloped acres located on the northeast corner of the intersection of S. Aspen Avenue (S. 145th East Avenue) and W. Tucson Street (121st Street), just south of the Creek Turnpike. The Project Plan contemplates the creation of a tax increment financing district pursuant to the Local Development Act, 62 O.S. §850, *et seq* (the “**Local Development Act**”), as authorized pursuant to Article 10, §6C of the Oklahoma Constitution.

The primary development component of the Project is the construction and operation of a commercial retail development by Hackberry Market, LLC, an affiliate of Sooner Investments DEV CO, LLC (together with its successors and assigns, referred to herein as the “**Developer**”), to be known as the Hackberry Market shopping center, and comprised of approximately 211,580 square-feet of retail shopping center space, plus five (5) outparcels comprising 6.19 acres (expected to be developed into approximately 22,000 square feet of additional retail and food service space), with a total projected capital investment in excess of \$97.67 million (collectively and as more thoroughly discussed herein, referred to as the “**Project**”).

The City recognizes the difficulty in development of the area due to significant costs necessary to correct current conditions at the planned Project site, including specifically the significant infrastructure and utility improvements necessary to support the development project. The goal of the Increment District (as defined herein) is to promote economic development in the City by incentivizing capital investment in undeveloped property in order to enhance the tax base and create employment opportunities within the City. The City proposes to encourage the magnitude of the capital investment by providing a mechanism to offset a portion of the costs associated with the Project.

The City has identified certain costs associated with the infrastructure improvements and economic incentives in connection with establishing the Increment District (as defined herein) (collectively referred to herein as the “**TIF Projects**”). The costs of the improvements necessary to support the full development of the Project are estimated to be \$22,000,000, including the costs of infrastructure improvements and certain economic incentives in the form of assistance in development financing (as defined in Section 853(14)(o) of the Local Development Act). The associated costs of the TIF Projects, along with the Organizational Costs and the Debt Service Costs (each as further defined herein) are collectively referred to herein as the “**Project Costs**”. The City expects to cause to be issued TIF Bonds (as defined herein), and apply the proceeds to pay the Project Costs.

Based on the proposed Project, the aggregate total commercial development within the Increment District could result in a potential total capital investment in excess of \$97.67 million, with a net taxable value subject to ad valorem taxes in excess of \$83.03 million, and generate approximately \$3.04 billion in taxable sales over the term of the Increment District. Please see Exhibit “E” for a more detailed description of projected development within the Increment District. Please see Exhibit “F” for a Preliminary Site Development Plan for the Project.

II. PROJECT AREA AND INCREMENT DISTRICT BOUNDARIES

The Project Area is the area within which all project activities, including construction of the supporting public improvements, will take place (referred to herein as the “**Project Area**”). A map showing the Project Area is attached as Exhibit “A”. The legal description of the Project Area is set forth in Exhibit “B”. The Increment District is the specific geographic area within which the identified tax increments will be generated and utilized as set forth in this Project Plan (referred to herein as the “**Increment District**”). The Increment District is located entirely within the Project Area. Most of the contemplated project activities will occur within the boundaries of the Increment District, however certain project activities may occur outside the boundaries of the specific Increment District but within the Project Area. A map showing the boundaries for the proposed Increment District is attached as Exhibit “C”. The legal description of the Increment District is set forth in Exhibit “D”.

III. ELIGIBILITY OF PROJECT

The Increment District is undeveloped and/or underdeveloped within the meaning of the Local Development Act. The Project Area (including the Increment District) is located in a reinvestment area (as defined in Section 853(17) of the Local Development Act) and is therefore eligible for assistance under the Local Development Act.

The Increment District comprises an area where investment, development and economic growth have not occurred, and which requires significant public infrastructure improvements to serve as a catalyst to expand employment opportunities, to attract major investment in the area, and to enhance the tax base.

IV. OBJECTIVES

The purpose of the Project and the Increment District is to support the achievement of the economic development objectives of the City in order to:

- A. Create significant developments within the City that will act as a catalyst for additional development within the community;
- B. Attract major investment in the area;

- C. Serve as a catalyst for retaining and expanding employment in the area;
- D. Promote economic development to increase tax revenues, raise property values, and improve economic stability;
- E. Preserve and enhance the tax base; and
- F. Make possible investment, development and economic growth which would otherwise be difficult or impossible without the TIF Projects and the apportionment of sales and use taxes from within the Increment District.

V. FINANCIAL IMPACTS

The proposed private development will generate tax increments necessary to pay all or a portion of the authorized costs of the TIF Projects. Without the creation of the proposed Increment District, significant development within the Project Area would be unlikely and as a result, any significant increases in ad valorem taxes and sales and use taxes would be extremely improbable.

The proposed development project does not create a significant increase in demand for services or costs to the affected taxing entities other than the City, whose public sector costs will be offset by apportioned tax increments as provided in this Project Plan.

The creation of the Increment District will allow the City to apportion the incremental increase in sales and use tax revenues generated through construction and operation of the commercial developments within the Increment District for the purpose of paying Project Costs, either through direct payment and/or reimbursement and/or paying debt service on tax apportionment bonds or notes (collectively, the “**TIF Bonds**”), which may be issued in one or more series by a public trust created under Title 60, Oklahoma Statutes 2021, Section 176 *et seq.*, and including any interest, capitalized interest and other related financing costs. The proceeds of any such TIF Bonds (if issued) shall be utilized for the Project Costs.

The formation of the Increment District should result in no net loss in existing sales and use tax revenue to the City, as the affected sales tax jurisdiction. A baseline sales tax collection level within the Increment District will be identified and will continue to accrue to the City. A potentially negative impact of utilizing incremental sales tax revenues to promote the creation of a significant retail development is the potential for transfer of sales tax dollars from existing retail establishments located outside the Increment District to new retail establishments located inside the Increment District. To offset this concern, the Increment District will only capture the revenues equivalent to a two percent (2.0%) sales and use tax (representing approximately 56.34% of the incremental sales and use tax revenue based on a total of 3.55% sales and use tax levied by the City as of the date of this Project Plan) for the payment of Project Costs, with the other one and fifty-five hundredths percent (1.55%) sales and use tax (representing approximately 43.66% of the incremental sales and use tax revenue based on a total of 3.55% sales and use tax levied by the City as of the date of this Project Plan) accruing to the City for general or dedicated municipal purposes, and further, the incremental sales and use tax revenues will exclude an amount representing the estimated historical sales tax collections for any business located within the City

that relocates to a site within the Increment District. Assuming completion of the proposed Project, the City could realize an estimated gross gain in annual sales and use tax revenues in the approximate amount of \$1.84 million, and upon expiration of the Increment District, an estimated gross gain in annual sales and use tax revenues of approximately \$6.53 million. Additionally, Tulsa County levies a 0.367% sales and use tax as of the date of this Project Plan. The County sales and use tax collections are not subject to the apportionment of the Increment District, however, it is estimated that upon completion of the proposed Project, the County could realize an estimated gross gain in annual sales and use tax revenues in the approximate amount of \$1.29 million.

These impacts may be mitigated by any decrease in sales and use tax collections outside the Increment District (for example, potential decline in overall sales of competing businesses, or relocation of existing businesses from other areas of the City to the Increment District) or by increased costs of providing city services to the development (police, fire, etc.) but may be augmented by the increased retention of customer spending within the City (for example, by reducing the leakage of sales to other municipalities by offering a wider and more diversified retail selection within the City).

The affected ad valorem taxing jurisdictions are Tulsa County, the Tulsa City County Health Department, Independent School District No. 3 of Tulsa County (Broken Arrow Public Schools, and referred to herein as the “**School District**”), Tulsa Technology Center No. 18, Tulsa Community College, and Tulsa City-County Library, and the City. The general and intangible impacts on the affected taxing jurisdictions from implementation of this Project Plan are positive and include the achievement of the objectives set forth in Section IV of this Project Plan. No portion of any ad valorem tax increments generated by the Project will be captured as part of the TIF Revenue. Upon completion of the Project, the ad valorem taxing jurisdictions could see an aggregate net gain in annual ad valorem tax revenues of approximately \$1.17 million (based on a taxable capital investment of approximately \$83.03 million).

The proposed Project will create an increase in demand for utility services from the City, however the City has sufficient capacity to handle such demand, and the proposed development within the Increment District should generate significant increases in annual water and sewer utility revenues. Any increase in public sector costs should be more than offset by apportioned tax increments as provided in this Project Plan.

VI. STATEMENT OF PRINCIPAL ACTIONS

Implementation actions for the project, including all necessary, appropriate and supportive steps, will consist of any of the following:

- A. Site preparation, planning and construction of public improvements necessary to support the development project;
- B. Acquisition by private developers of any additional property interests necessary for the development project including connecting public easements;

C. Negotiation, preparation, execution, and implementation of development agreements, including agreements for financing, demolition, and construction by private developers, as authorized by the Local Development Act. Such agreements may include the granting of incentives for private developers to complete certain improvements within the Project Area;

D. Issuance of tax apportionment bonds or other debt issuance necessary to provide funds for Project Costs;

E. All other actions necessary and appropriate to carry out the development project as authorized by the Local Development Act.

VII. ESTABLISHMENT OF INCREMENT DISTRICT NO. 6, CITY OF BROKEN ARROW

This Project Plan, upon adoption by Ordinance of the City of Broken Arrow, Oklahoma, will establish Increment District No. 6, City of Broken Arrow. The Increment District shall commence as of the date determined by the City Council of the City in accordance with Section 856(B)(2) of the Local Development Act (the “**Commencement Date**”); provided however, the Commencement Date shall not be later than ten (10) years following adoption of this Project Plan. The Increment District shall be comprised of the area shown and described in Exhibits “C” and “D”. In accordance with the provisions of the Local Development Act, the following incremental revenues shall be apportioned and used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan. The apportionment of the Sales Tax Increment Revenues (as defined herein, and collectively referred to as the “**TIF Revenues**”) shall continue for that period required for the payment of the Project Costs, or a period not to exceed twenty-five (25) full fiscal years following the respective Commencement Date (referred to as the “**Expiration Date**”), whichever is less:

A. [Reserved]

B. An amount equivalent to the revenues generated from a two percent (2.0%) sales and use tax, representing approximately 56.34% of the incremental sales and use tax revenue based on a total of 3.55% sales and use tax levied by the City as of the date of this Project Plan pursuant to Chapter 22, Article II, Section 22-6 *et seq.*, of the Broken Arrow Code of Ordinances (the “**Code of Ordinances**”), as such Code of Ordinances may be amended, replaced, extended, superseded, terminated, or otherwise modified from time to time (collectively, the “**Sales Tax Increment Revenues**”); provided that all such Sales Tax Increment Revenues shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan; provided, however, the Sales Tax Increment Revenues shall be reduced by the amount of sales tax revenues generated by any existing businesses (currently located within the City, but outside the boundaries of the Increment District) that cease operations at their existing location and relocate to within the Increment District, but provided further, said reduction shall not be applied to any existing businesses that open an additional location within the Increment District for so long as all other

existing location(s) remain open for business. Said amount of reduction (collectively, the “**Transfer Adjustment**”) shall be calculated based on the sales tax collections during the twelve month period prior to closing the previous location. The remaining unapportioned one and fifty-five hundredths percent (1.55%) sales and use tax (representing approximately 43.66% of the incremental sales and use tax revenue based on a total of 3.55% sales and use tax levied by the City as of the date of this Project Plan) shall be retained by the City and utilized for any lawful purpose consistent with the aforementioned Code of Ordinances; and

C. [Reserved]

VIII. PROJECT AND INCREMENT DISTRICT AUTHORIZATIONS

A. Upon adoption of an Ordinance of the City Council of the City approving this Project Plan, the City is hereby designated and authorized as the public entity to carry out and administer the provisions of this Project Plan and to exercise all powers necessary or appropriate thereto, including, without limitation, those powers described in Section 854 of the Local Development Act.

B. The City may create a new public trust with the City named as its beneficiary, and/or designate an existing public trust with the City named as its beneficiary and/or designate an alternate public trust with Tulsa County, Oklahoma, named as its beneficiary (said public trust referred to herein as the “**Authority**”), and said Authority shall be the public entity designated by the City to assist in carrying out and administering the provisions of this Project Plan and authorized to exercise all powers necessary or appropriate thereto pursuant to Title 62, Section 854 of the Local Development Act, except for approval of this Project Plan and those powers enumerated in paragraphs 1, 2, 3, 4, 7, 13, and 16 of that section, which powers shall be reserved to the City.

C. The person in charge of implementation of this Project Plan in accordance with the provisions, authorizations and respective delegations of responsibilities contained herein is Mr. Michael Spurgeon, City Manager. Mr. Spurgeon, or his successor as City Manager, is authorized to empower one or more designees to exercise responsibilities in connection with project implementation.

IX. BUDGET OF ESTIMATED PROJECT COSTS TO BE FINANCED BY TAXES APPORTIONED FROM INCREMENT DISTRICT

The costs of the TIF Projects to be financed by the apportionment of tax increments from the Increment District include the planning, design, acquisition, site preparation and/or construction of the TIF Projects in an aggregate total amount of \$22,000,000. Certain TIF Projects may be funded though the payment of assistance in development financing (as authorized by Section 853(14)(o) of the Local Development Act) to a third party as reimbursement for the payment of the Project Costs. Additional amounts will be financed by the apportionment of tax increments from the Increment District including the following items related to Project Costs in

excess of the amounts specifically identified as costs of the TIF Projects: (a) the direct or incidental administrative costs incurred or to be incurred by or on behalf of the City, the Authority, or other public entities (all as contemplated in Title 62, Section 853(14)(e) of the Local Development Act) in organizing, supervising, implementing and administering this Project Plan, including, but not limited to, payment and/or reimbursement of costs advanced in connection with the preparation and approval of this Project Plan, administrative costs, organizational costs, professional service costs, including those incurred for architectural, planning, engineering, and legal and financial advisors and services (collectively, the “**Organizational Costs**”), and (b) interest and other financing costs and fees, including principal, interest (including capitalized interest), associated costs of issuance, reasonably required reserves, and prepayment premium paid on debt service and/or any reimbursement obligation (collectively, the “**Debt Service Costs**”). The Organizational Costs associated with the initial creation and implementation of the Increment District are preliminarily estimated to be approximately \$100,000, and the ongoing Organizational Costs are estimated to be \$10,000 per year for the Increment District. The Debt Service Costs associated with the costs of the TIF Projects are preliminarily estimated to be on the order of \$29,700,000.

The total estimate of the costs of the TIF Projects that may be made available for improvements and assistance in development financing from apportioned tax revenues shall be \$22,000,000 (including all engineering, construction, planning, and contingency costs), which shall be a not-to-exceed amount. Apportioned tax revenues in excess of the amounts needed for the costs of the TIF Projects may be utilized as necessary to pay the Organizational Costs and the Debt Service Costs, and could total approximately \$30,050,000. The estimated combined total of all Project Costs is \$52,050,000.

X. METHODS OF FINANCING PROJECT COSTS, EXPECTED SOURCES OF REVENUES, AND TIME WHEN COSTS OR MONETARY OBLIGATIONS ARE TO BE INCURRED

It is hereby determined that the proposed Project Costs, specifically including but not limited to the costs of the TIF Projects, will generally benefit and support development within the Increment District and the Project Area. Therefore, with respect to the Increment District:

A. Methods of Financing. It is expected that the Project Costs will be paid from proceeds of the Authority’s TIF Bonds. Payment of principal and interest due on the TIF Bonds will be paid from available TIF Revenues. Certain Project Costs may be directly paid by a third party developer (including the Developer) or the City and reimbursed from proceeds of the TIF Bonds. Alternately, certain Project Costs may also be directly paid by a third party developer or the City and reimbursed from TIF Revenues in excess of those needed for debt service on the TIF Bonds. Certain other costs of the Project may be paid from such other funds of the City or the Authority as may be lawfully used for the purposes hereinabove stated, including proceeds of certain debt obligations issued by the Authority and secured by a pledge of general sales tax, utility, or other available revenues.

B. Expected Sources of Revenues. The payment or reimbursement of Project Costs, including any interest component on reimbursed funds and any principal, interest, and premium on any TIF Bonds, will be made from one or more of the following sources of revenues:

(i) [Reserved]

(ii) *Sales Tax Increment Revenues.* In accordance with the provisions of the Local Development Act, the Sales Tax Increment Revenues are to be apportioned and set aside from all other sales and use taxes levied within the Increment District, to be used exclusively for:

(a) the payment of principal, interest and premium, if any, on any TIF Bonds issued pursuant to Section 863 of the Local Development Act (including pledging as security for such payments);

(b) the payment, if required, of amounts necessary to satisfy or replenish any reserve requirement established with respect to any TIF Bonds;

(c) the payment of Project Costs incurred in connection with the development, construction, or implementation of the TIF Projects; and

(d) the reimbursement of a third party developer (pursuant to a development agreement with the City or the Authority), including any interest component (pursuant to a development agreement with the City and/or the Authority), the City, or any agency thereof (including the Authority), which has paid Project Costs from funds which were not increments derived from the Increment District, but only to the extent that such sums were actually paid or, in the case of reimbursement of a third party developer, constitute an interest component on sums that were actually paid.

Provided, however, the remaining unapportioned incremental sales and use tax revenues derived from the Increment District, as of the date of this Project Plan representing the equivalent of 1.55% of the total 3.55% sales and use tax levied by the City, shall be retained by the City and utilized for any lawful purpose consistent with the aforementioned Code of Ordinances. For purposes of determining the incremental portion of the sales and use taxes generated within or sourced to the Increment District, the Mayor of the City shall certify as the “base sales tax amount” the annual sales taxes received by the City that were generated within the area comprising the Increment District during the calendar year immediately preceding the Commencement Date of the respective Increment District. If necessary for such certification, said base amount may be determined using reasonable estimates prepared by the City Clerk. The base sales tax amount for the Increment District is projected to be \$0.00. The equivalent of a two percent (2.0%) sales and use tax generated within or sourced to the Increment District and received by the City which are in excess of such base amount, net of any Transfer Adjustment, shall be considered to be the “increment” subject to apportionment by this section. In addition to sales and use tax generated from retail sales, the Sales Tax Increment Revenues shall include sales and use tax generated from actual construction occurring within the Increment District. The City shall establish procedures related to the calculation and determination of construction

related sales and use tax revenue qualifying as Sales Tax Increment Revenues. Such procedures shall stipulate that construction related Sales Tax Increment Revenues be derived only from new construction activities occurring within the Increment District. The City shall be entitled to rely on certifications of actual construction costs provided by a third party developer(s) or related parties in connection with determining any applicable Sales Tax Increment Revenues.

Pursuant to the Local Development Act, the Sales Tax Increment Revenues apportioned hereunder and so collected shall be placed into a special fund to be known as the “Increment District No. 6 - Apportionment Fund” (hereinafter, the “**Apportionment Fund**”), which fund will be held by and be the property of the City (except that such fund may also be held by the Authority or a trustee acting on behalf of the Authority). No portion of such increments and no portion of the Apportionment Fund shall constitute a part of the general fund of the City. All Sales Tax Increment Revenues so collected shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan, including any interest component (pursuant to a development agreement with the City and/or the Authority).

The apportionment of sales and use taxes pursuant to this section shall terminate upon the final payment of, or reimbursement for, all Project Costs incurred in connection with the projects listed in this Project Plan, and the payment of all outstanding principal, accrued interest, and premium due on the TIF Bonds; provided, however, that in no case shall the apportionment of revenues pursuant hereto extend beyond the Expiration Date.

In the event that any portion of the principal of or interest on the TIF Bonds, issued in connection herewith, or any amount due and owing for reimbursement under a development agreement between the City and the Company, remains unpaid as of the Expiration Date, then the Increment District shall not terminate until the increment apportioned during the term of the Increment District is actually received by the Apportionment Fund, even if the receipt of such revenues occurs subsequent to the Expiration Date.

(iii) [Reserved]

C. Time When Costs Or Monetary Obligations Are To Be Incurred. It is estimated that the time frame for incurring most of the Project Costs will be within two years from the date of approval of this Project Plan. It is anticipated that most Project Costs will be paid from proceeds of TIF Bonds issued by the Authority, provided however, certain Project Costs may be directly paid or reimbursed from apportioned TIF Revenues.

D. Flow of Funds; Excess Revenues.

During the term of the Increment District, TIF Revenues shall be utilized as follows:

FIRST: The payment of principal, accrued interest, and premium, if any, due on the TIF Bonds;

- SECOND:** If applicable, transfers to any debt service reserve established in connection with the TIF Bonds in such amounts as may be necessary to restore the reserve to its prescribed levels;
- THIRD:** The payment and/or reimbursement of authorized Project Costs (including any interest component pursuant to a development agreement);
- FOURTH:** If applicable, and upon written direction of the City, the prepayment of principal on any TIF Bonds until such time as all TIF Bonds are retired; and
- FIFTH:** Upon retirement of all TIF Bonds (if any) and payment of all Project Costs (including any interest component pursuant to a development agreement), any remaining Sales Tax Increment Revenues shall be transferred to the City for deposit into the General Fund or to the appropriate special fund, in each case consistent with the provisions of the Local Development Act; provided however, the City shall have the right, but not be required, to direct any portion of surplus Sales Tax Increment Revenues not needed for the purposes above to be transferred to the City for deposit into the General Fund or to the appropriate special fund.

XI. FINANCING REVENUE SOURCES

The TIF Revenues are expected to finance all or a portion of the Project Costs authorized by Section IX. Based on the initial projections of Sales Tax Increment Revenues for the Project, it is estimated that approximately \$120.5 million could be generated by the incremental increase in sales and use tax revenue during the term of the Increment District, with approximately \$67.89 million available for allocation to Project Costs and approximately \$52.61 million retained by the City. The initial projections of incremental sales and use tax revenue are based upon the projected revenues generated within the Increment District from the levy of an aggregate total of three and fifty-five hundredths percent (3.55%) sales and use tax on new construction within the Increment District and new retail and other space generating approximately \$3.04 billion in gross taxable sales during the term of the Increment District.

The calculation of projected TIF Revenues will be refined based upon (i) the total net capital investment resulting from development within the Increment District, (ii) the timing of the development; and (iii) the impact of the specific nature of actual retail investments on projected sales per square foot.

The realization of the TIF Revenues is directly dependent on the Developer's ability to recruit, construct, lease, sell, and/or maintain the Hackberry Market shopping center contemplated by this Project Plan within the Increment District during the term of the Increment District. The anticipated development, including specifically the Project is more fully discussed in Exhibit "E". Preliminary site development plans for the Project are included as Exhibit "F". The Authority and/or the City may enter into economic development agreements with the Developer or any other parties as required by the Local Development Act.

Certain TIF Projects may be designed and/or constructed by the City. Authorized Project Costs, or the payment of debt service on TIF Bonds issued to pay Project Costs, will be paid from TIF Revenues by the City or the Authority, and may include (i) reimbursement of the City or the Authority for certain public improvements constructed from other available funds, and (ii) assistance in development financing (as authorized by the Local Development Act) to a third party developer(s) for certain public infrastructure and/or other site improvements constructed on behalf of the City in furtherance of the purposes of this Project Plan. The financing of the projected private development in the area may be provided by private equity and private mortgage financing, secured by the private developments.

XII. PUBLIC REVENUE ESTIMATED TO ACCRUE FROM THE PROJECT AND OTHER ECONOMIC IMPACTS

The increase in sales and use tax revenues (estimated at a total of approximately \$120.5 million over the term of the Increment District based on the Project as proposed by the Developer), of which portions will serve as all or a portion of the revenue source for financing the Project Costs authorized by Section IX of this Project Plan, are the public revenues directly attributable to the project defined by establishment of the Increment District. Additionally, the various taxing jurisdictions may realize additional ad valorem tax and sales and use tax revenue from additional development outside the boundaries of the Increment District.

Construction of the improvements and subsequent development should have a positive impact on total employment in the City's metropolitan area, including temporary construction jobs and permanent positions at the facilities constructed as part of the Project. Indirect impacts (associated with the employment and income which result from the provision of inputs in support of the primary activity), and induced impacts (associated with the wages and jobs resulting from changes in household expenditures which come about through direct and indirect employment) will also result in additional growth in the City's metropolitan area.

This Project Plan includes certain projections and estimates, which are based on the current expectations or beliefs of third party developer(s) and are subject to uncertainty and changes in circumstances. Actual results may vary materially from the expectations contained herein due to changes in economic conditions, market demand and other factors affecting the development of the Project.

XIII. PRIVATE AND PUBLIC INVESTMENTS EXPECTED FOR THE PROJECT

The publicly financed Project Costs in the amount of \$52.05 million, as authorized by this Project Plan, represent approximately 40.75% of the projected total public and private investment for the Project, which including anticipated expenditures by or on behalf of commercial or governmental entities within the Increment District, could exceed \$127.72 million.

XIV. MISCELLANEOUS PROVISIONS

A. Zoning Conditions. The property within the boundaries of the Increment District is currently zoned Commercial Heavy (CH). The Project will be completed in accordance with the provisions of a Planned Unit Development (the “PUD”). The City approved PUD-001818-2024 on December 17, 2024. The property within the boundaries of the Increment District is currently zoned Commercial Heavy District (CH), however, the development standards of the PUD will limit the uses to Commercial General District (CG) uses. Other than any minor zoning adjustments to accommodate the proposed Project, no changes in the ordinances of the City of Broken Arrow are contemplated under this Project Plan. Development is anticipated to occur in accordance with current zoning requirements, with appropriate adjustments as approved by the City. The proposed project conforms to the City of Broken Arrow Comprehensive Plan, as amended, and the property has been designated as Level 6 – Regional Employment/Commercial. A map showing the existing uses and conditions of the real property is included as Exhibit “G”.

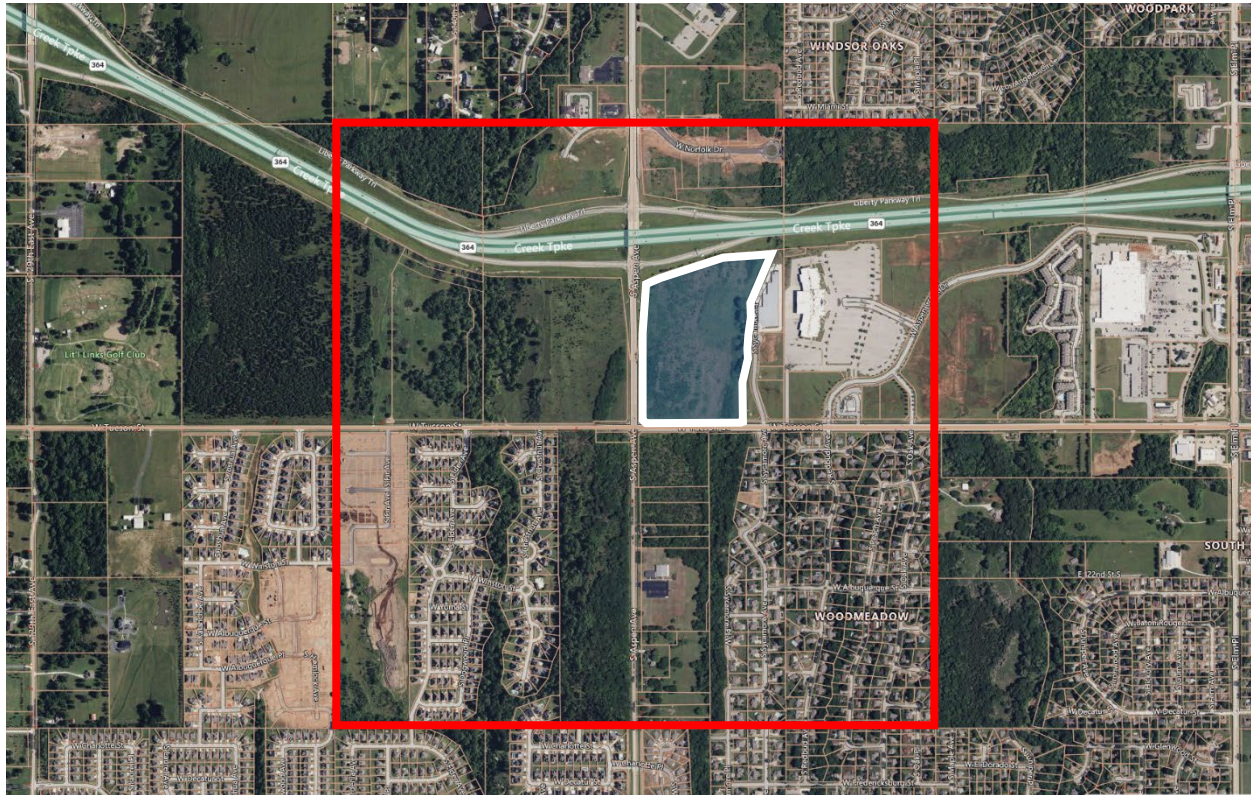
B. Annual Reports. In accordance with Section 867 of the Local Development Act, following the end of each fiscal year, the City shall prepare and submit a report to the chief executive officer of each taxing entity that levies ad valorem taxes on property within each Increment District. At the time of submitting the report, the City shall also publish a notice and summary of the report in a newspaper of general circulation. Additionally, the City shall submit an annual report to the Oklahoma Department of Commerce in the manner set forth in Section 860(E) of the Local development Act.

XV. SEVERABILITY OF INVALID PROVISIONS

If any part, term, or provision of this Project Plan is held by a court of competent jurisdiction to be illegal, in conflict with any law or otherwise invalid, the remaining parts, terms, and/or provisions shall be considered severable and not be affected by such determination, and the rights and obligations of any parties to development agreements (as described herein and pursuant to the Local Development Act) shall be construed and enforced as if the Project Plan did not contain the particular part, term or provision held to be illegal or invalid.

EXHIBIT “A”**MAP OF ECONOMIC DEVELOPMENT PROJECT AREA**

The boundaries of the Project Area associated with the Increment District contain an area comprising the one square mile centered on the intersection of S. Aspen Avenue (S. 145th East Avenue) and W. Tucson Street (121st Street) and comprising portions of Sections 3 and 4, Township 17 North, Range 14 East, Tulsa County, Oklahoma, and portions of Sections 33 and 34, Township 18 North, Range 14 East, Tulsa County, Oklahoma.



Project Area is outlined by red border, with Increment District shown in white border.

EXHIBIT “B”

PROJECT AREA LEGAL DESCRIPTION

INCREMENT DISTRICT PROJECT AREA

An area located entirely in Tulsa County, Oklahoma, more particularly described as follows:

The Northwest Quarter (NW/4) of Section 3 of Township 17 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma; and

The Northeast Quarter (NE/4) of Section 4 of Township 17 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma; and

The Southeast Quarter (SE/4) of Section 33 of Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma; and

The Southwest Quarter (SW/4) of Section 34 of Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma.

EXHIBIT “C”**MAPS OF INCREMENT DISTRICT NO. 6**

The boundaries of Increment District No. 6, City of Broken Arrow contain an area generally described as the parcel on the northeast corner of the intersection of S. Aspen Avenue (S. 145th East Avenue) and W. Tucson Street (121st Street), just south of the Creek Turnpike.



* Increment District boundaries contained within the white border, shaded in blue.

EXHIBIT “D”**INCREMENT DISTRICT LEGAL DESCRIPTION****INCREMENT DISTRICT NO. 6**

The composite legal description for the Increment District is an area located entirely in Tulsa County, Oklahoma, more particularly described as follows:

A tract of land that is all of the West Half of the Southwest Quarter (W/2 of SW/4) of Section Thirty-four (34), Township Eighteen (18) North, Range Fourteen (14) East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, said tract of land being more particularly described as follows:

BEGINNING at the Southwest corner of said West Half of the Southwest Quarter (W/2 SW/4); thence North 01°18'48" West along the Westerly line of said West Half of the Southwest Quarter (W/2 SW/4) for 577.28 feet to a point on the Southerly Right-of-Way line of the Creek Turnpike; thence North 88°41'12" East along said Southerly Right-of-Way line for 30.00 feet; thence North 03°51'57" East along said Southerly Right-of-Way line for 693.57 feet; thence North 57°56'22" East along said Southerly Right-of-Way line for 111.80 feet; thence North 71°22'14" East along said Southerly Right-of-Way line for 616.12 feet; thence North 84°30'18" East along said Southerly Right-of-Way line for 545.25 feet to a point on the Easterly line of said West Half of the Southwest Quarter (W/2 SW/4); thence South 01°18'52" East along said Easterly line for 1,548.25 feet to the Southeast corner of said West Half of the Southwest Quarter (W/2 SW/4); thence South 88°41'01" West along the Southerly line of said West Half of the Southwest Quarter (W/2 SW/4) for 1,320.72 feet to the Southwest corner of said West Half of the Southwest Quarter (W/2 SW/4) and the POINT OF BEGINNING.

LESS AND EXCEPT:

A strip, piece or parcel of land lying in part of the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section Thirty-four (34), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, Oklahoma, said parcel of land being described by metes and bounds as follows:

COMMENCING at the Southwest corner of said SW/4; thence North 88°41'17" East along the South line of said SW/4 a distance of 24.75 feet; thence North 01°18'35" West a distance of 24.75 feet to the POINT OF BEGINNING, said point being on the intersection of the Northerly and Easterly section line statutory right-of-way lines; thence continuing North 01°18'35" West along said East statutory right-of-way line a distance of 552.27 feet to a point on the East present right-of-way line of Aspen Avenue; thence North 88°41'25" East along said present right-of-way line a distance of 5.25 feet; thence North 03°52'16" East along said present right-of-way line a distance of 332.21 feet; thence South 01°18'35" East a distance of 155.86 feet; thence South 04°24'03" West a distance of 50.25 feet; thence

South $01^{\circ}18'35''$ East a distance of 632.02 feet; thence South $46^{\circ}18'39''$ East a distance of 42.43 feet; thence North $88^{\circ}41'17''$ East a distance of 839.48 feet; thence North $01^{\circ}18'43''$ West a distance of 10.00 feet; thence North $88^{\circ}41'17''$ East a distance of 335.16 feet; thence South $01^{\circ}19'13''$ East a distance of 25.25 feet to a point on said North statutory right-of-way line; thence South $88^{\circ}41'17''$ West along said North statutory right-of-way line a distance of 1234.90 feet to the POINT OF BEGINNING.

AND LESS AND EXCEPT:

A strip, piece or parcel of land lying in part of the Southwest Quarter Southwest Quarter (SW/4 SW/4) of Section Thirty-four (34), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, Oklahoma, said parcel of land being described by metes and bounds as follows:

COMMENCING at the Southwest corner of said SW/4; thence North $88^{\circ}41'17''$ East along the South line of said SW/4 a distance of 1259.65 feet; thence North $01^{\circ}19'13''$ West a distance of 24.75 feet to a point on the North statutory right-of-way line of said South line, said point being the POINT OF BEGINNING; thence continuing North $01^{\circ}19'13''$ West a distance of 25.25 feet; thence North $88^{\circ}41'17''$ East a distance of 61.08 feet; thence South $01^{\circ}18'26''$ East a distance of 25.25 feet to a point on the North statutory right-of-way line of the South line of said SW/4 SW/4; thence South $88^{\circ}41'17''$ West along said North statutory right-of-way line a distance of 61.07 feet to said POINT OF BEGINNING.

AND LESS AND EXCEPT:

A tract of land that is part of the West Half of the Southwest Quarter (W/2 SW/4) lying Southerly of the Creek Turnpike Right-of-Way, in Section Thirty-four (34), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract of land being described as follows:

COMMENCING at the Southwest corner of said Section Thirty-four (34); thence North $88^{\circ}41'16''$ East along the Southerly line of said Section Thirty-four (34) for 956.72 feet; thence North $01^{\circ}18'44''$ West for 50.00 feet to a point on the Northerly Right-of-Way line of East 121st Street South (West Tucson Street) and the POINT OF BEGINNING of said tract of land; thence North $02^{\circ}11'22''$ West for 305.38 feet; thence North $02^{\circ}51'04''$ East for 74.73 feet; thence North $12^{\circ}13'43''$ East for 165.65 feet; thence North $02^{\circ}27'01''$ West for 178.06 feet; thence North $09^{\circ}40'18''$ East for 174.44 feet; thence North $02^{\circ}23'20''$ West for 164.52 feet; thence North $22^{\circ}39'32''$ East for 477.11 feet to a point on the Southerly Right-of-Way line of the Creek Turnpike; thence North $84^{\circ}30'33''$ East along said Southerly Right-of-Way line for 104.08 feet to a point; thence South $01^{\circ}18'49''$ East for 1498.23 feet to a point on the North Right-of-Way line of East 121st Street South (West Tucson Street); thence South $88^{\circ}41'16''$ West for 363.82 feet to the POINT OF BEGINNING.

EXHIBIT “E”**PROPOSED DEVELOPMENT IN THE PROJECT AREA
AND INCREMENT DISTRICT**

This Hackberry Market Economic Development Project Plan describes an economic development project of the City of Broken Arrow, Oklahoma, that brings a transformative commercial development to approximately 30.56 undeveloped acres located on the northeast corner of the intersection of S. Aspen Avenue (S. 145th East Avenue) and W. Tucson Street (121st Street), just south of the Creek Turnpike. The purpose of the Increment District (as described herein) is to encourage economic development in the City by facilitating the payment of the costs of essential infrastructure improvements and remedial costs necessary to make certain property viable for development.

The primary development component of the Project is the construction and operation of a mixed-use development by Hackberry Market, LLC, an affiliate of Sooner Investments DEV CO, LLC (i.e., the Developer), to be known as the Hackberry Market shopping center, and comprised of approximately 211,580 square-feet of retail and service industry space, plus five (5) outparcels comprising 6.19 acres (expected to be developed into approximately 22,000 square feet of additional retail and food service space), with a total projected capital investment in excess of \$97.67 million.

The City recognizes the difficulty in development of the area due to significant costs necessary to correct current conditions at the planned Project site, including specifically the significant infrastructure and utility improvements necessary to support the development project. The goal of the Increment District is to promote economic development in the City by incentivizing capital investment in undeveloped property in order to enhance the tax base and create employment opportunities within the City. The City proposes to encourage the magnitude of the capital investment by providing a mechanism to offset a portion of the costs associated with the Project.

The City has identified certain costs associated with the infrastructure improvements and economic incentives in connection with establishing the Increment District (i.e., the TIF Projects). The costs of the improvements necessary to support the full development of the Project are estimated to be \$22,000,000, including the costs of infrastructure improvements and certain economic incentives in the form of assistance in development financing (as defined in Section 853(14)(o) of the Local Development Act). The City expects to cause to be issued TIF Bonds and apply the proceeds to pay the Project Costs, which include costs of the TIF Projects, along with the Organizational Costs and the Debt Service Costs.

The following specific costs of the TIF Projects totaling \$22,000,000 have been identified by the City and the Developer as necessary to support the full development of the Project. The following list of specific costs total \$22,831,000 (more than the \$22,000,000 proposed for the costs of TIF Projects authorized for the Increment District), and the Developer will provide any necessary equity contribution to complete the proposed improvements.

Project Hard Costs**\$19,303,000.00**

Land Acquisition	6,339,000.00
Master Development Demo and Erosion Control	318,000.00
Master Development Grading, Paving, and Utilities	3,326,000.00
Site Specific Grading, Paving and Utilities	2,341,000.00
Building Pad Stabilization and Compaction	183,000.00
Retaining Wall, Fence, and Flume	5,700,000.00
West Aspen Traffic Signal	559,000.00
Master Development Entry Landscaping and Irrigation	28,000.00
Site Specific Landscaping and Irrigation	135,000.00
Site Specific Site Lighting	223,000.00
Pylon Signs	217,000.00
Stormwater Detention Improvements	2,000,000.00
Site Specific Detention Pond	60,000.00
Site Work Contingency (10%)	874,000.00

Project Soft Costs**\$968,000.00**

Civil Engineering	380,000.00
Construction Materials Testing	49,000.00
Site Specific Landscaping and Irrigation Design	25,000.00
Master Development Landscaping and Irrigation Design	13,000.00
Site Specific Site Lighting Design	33,000.00
Wetlands Permitting	0.00
Phase I Environmental Report	2,000.00
Legal Costs (Acquisition, TIF, and Entitlements)	59,000.00
Permitting	387,000.00
Insurance	20,000.00

Capitalized Interest on TIF Bonds**\$2,560,000.00****TOTAL ESTIMATED COSTS****\$22,831,000.00**

The costs of the TIF Projects may contain one or more elements of the following:

- A. **Water System Improvements:** Installation and extension of the City's water distribution system serving the Increment District. Project costs under this category

include assistance in the financing of the actual material and labor costs associated with the acquisition of land and the installation, relocation, reconstruction and/or removal of new or existing water lines, and distribution structures and fixtures, similar public improvements, related common utility or service facilities, related landscaping; utility relocation costs; and professional service costs, including those incurred for architectural, planning, engineering and legal.

- B. **Sanitary Sewer Improvements:** Relocation or modification of one or more sanitary sewer lines serving the Increment District. Project costs under this category include the actual costs of the acquisition of land and the acquisition, demolition, alteration, remodeling, repair, construction and/or reconstruction of new or existing structures and fixtures, including sanitary sewers, similar public improvements, related common utility or service facilities, related landscaping, clearing and grading of the project site and any environmental remediation related thereto; utility relocation costs; and professional service costs, including those incurred for architectural, planning, engineering and legal.
- C. **Storm Water Drainage Improvements:** Installation of improved facilities for storm water drainage throughout the Project Area. These improvements may include the reconstruction, relocation, or modification of one or more stormwater drainage lines, pipes, drains, ditches, gullies, catch basins, manholes or other stormwater facilities. Project costs under this category include the actual costs of the acquisition of land and the acquisition, demolition, alteration, remodeling, repair, construction and/or reconstruction of new or existing structures and fixtures, including curbing, sidewalks and any similar public improvements, common utility or service facilities; landscaping, parking and water detention/retention systems; retaining walls; utility relocation costs; and professional service costs, including those incurred for architectural, planning, engineering and legal.
- D. **Site Reclamation and Development:** A portion of the Increment District may include greenfield areas which have not yet been previously developed. These areas will require extensive leveling and reclamation work in order for them to be turned into areas suitable for commercial development. Project costs under this category include the actual costs of the acquisition of land and the acquisition, demolition, alteration, remodeling, repair, construction and/or reconstruction of new or existing parking lots and relating features, including curbing, sidewalks and any similar public improvements, landscaping, water detention/retention systems; retaining walls; utility relocation costs; and professional service costs, including those incurred for architectural, planning, engineering and legal.
- E. **Street Improvements:** Installation of street and road infrastructure within the Project Area to accommodate the heavy traffic flows generated by this Project. Project costs under this category may include assistance in the financing of the costs of these street and roadway improvements. The proposed pavement sections consist of a stabilized two-inch subgrade, aggregate base, and a five-inch asphalt to accommodate heavy car and truck traffic. Project costs under this category include the actual costs of the acquisition, demolition, alteration, remodeling, repair,

construction and/or reconstruction of new or existing structures and fixtures, including streets, bridges and any similar public improvements, common utility or service facilities, related landscaping; the actual cost of the clearing and grading of the streets within the Project Area and any environmental remediation related thereto; utility relocation costs; professional service costs, including those incurred for architectural, planning, engineering and legal.

- F. **Landscape/Irrigation:** Current provisions of the City's Building Codes require that the Project be properly landscaped and that signage appropriate to the land uses be installed to assist patrons and residents in the area.

- G. **Environmental Remediation, Wetlands Mitigation and Pipeline Relocation:** The Project may also require certain environmental remediation and wetlands mitigation within the Project Area before the necessary site development work can take place. Project costs under this category may include assistance in the financing of the costs of the acquisition of real property and improvements as well as the acquisition, demolition, alteration, remodeling, repair, or reconstruction of existing public and private buildings, structures, and fixtures; and the actual costs of the acquisition of land and equipment for public works, public improvements and public buildings and the actual costs of clearing and grading of such land and environmental remediation related thereto, professional service costs, including those incurred for architectural, planning, engineering, legal and financial advisory services.

- H. **Additional Assistance in Development Financing:** Any or all of the related costs of TIF Projects, in the aggregate amount of not-to-exceed \$22,000,000 will be incurred for the purpose of providing assistance in development financing (as authorized by Section 853(14)(o) of the Local Development Act) necessary to accomplish the Project, including the actual costs of the acquisition of land and construction of the new private buildings, structures, and fixtures which comprise the retail facilities to be owned by the Developer. Project costs under this category may include assistance in the financing of the costs of the acquisition of real property and improvements as well as the acquisition, demolition, alteration, remodeling, repair, or reconstruction of existing public and private buildings, structures, and fixtures; and the actual costs of the acquisition of land and equipment for public works, public improvements and public buildings and the actual costs of clearing and grading of such land and environmental remediation related thereto, professional service costs, including those incurred for architectural, planning, engineering, legal and financial advisory services.

Additional amounts will be financed by the apportionment of tax increments from the Increment District including the Organizational Costs and the Debt Service Costs, all related to Project Costs in excess of the amounts specifically identified as the costs of the TIF Projects. The Organizational Costs associated with the initial creation and implementation of the Increment District are preliminarily estimated to be approximately \$100,000, and the ongoing Organizational Costs are estimated to be \$10,000 per year for the Increment District. The Debt Service Costs associated with the Project Costs are preliminarily estimated to be approximately \$29,700,000.

The total estimate of the costs of the TIF Projects that may be made available for improvements and assistance in development financing from apportioned tax revenues shall be \$22,000,000 (including all engineering, construction, planning, and contingency costs), which shall be a not-to-exceed amount. Apportioned tax revenues in excess of the amounts needed for Project Costs may be utilized as necessary to pay the Organizational Costs and the Debt Service Costs, and could total approximately \$30,050,000. The estimated combined total of all Project Costs is \$52,050,000.

The estimated \$97.67 million capital investment (\$83.03 million in net taxable value) and \$3.04 billion in total taxable sales over the term of the Increment District is based on the following buildout assumptions:

- Approximately 211,580 square foot of retail shopping center space, with an estimated \$81.73 million project investment (\$69.47 million taxable value) and between \$78.4 million and \$108.4 million in annual retail sales (average of \$441/sf.)
- Five (5) outparcel lots (approximately 6.19 acres total) providing an estimated 22,000 square foot of additional retail and food service space, with an estimated \$15.95 million project investment (\$13.55 million taxable value) and between \$22 million and \$25 million in annual retail sales (average of \$1,068/sf.)
- Taxable value of commercial retail is estimated at 85% of project investment.

Please see Exhibit “F” for a Preliminary Site Development Plans for the Project.

EXHIBIT “F”

PRELIMINARY SITE DEVELOPMENT PLAN*

HACKBERRY MARKET PROJECT

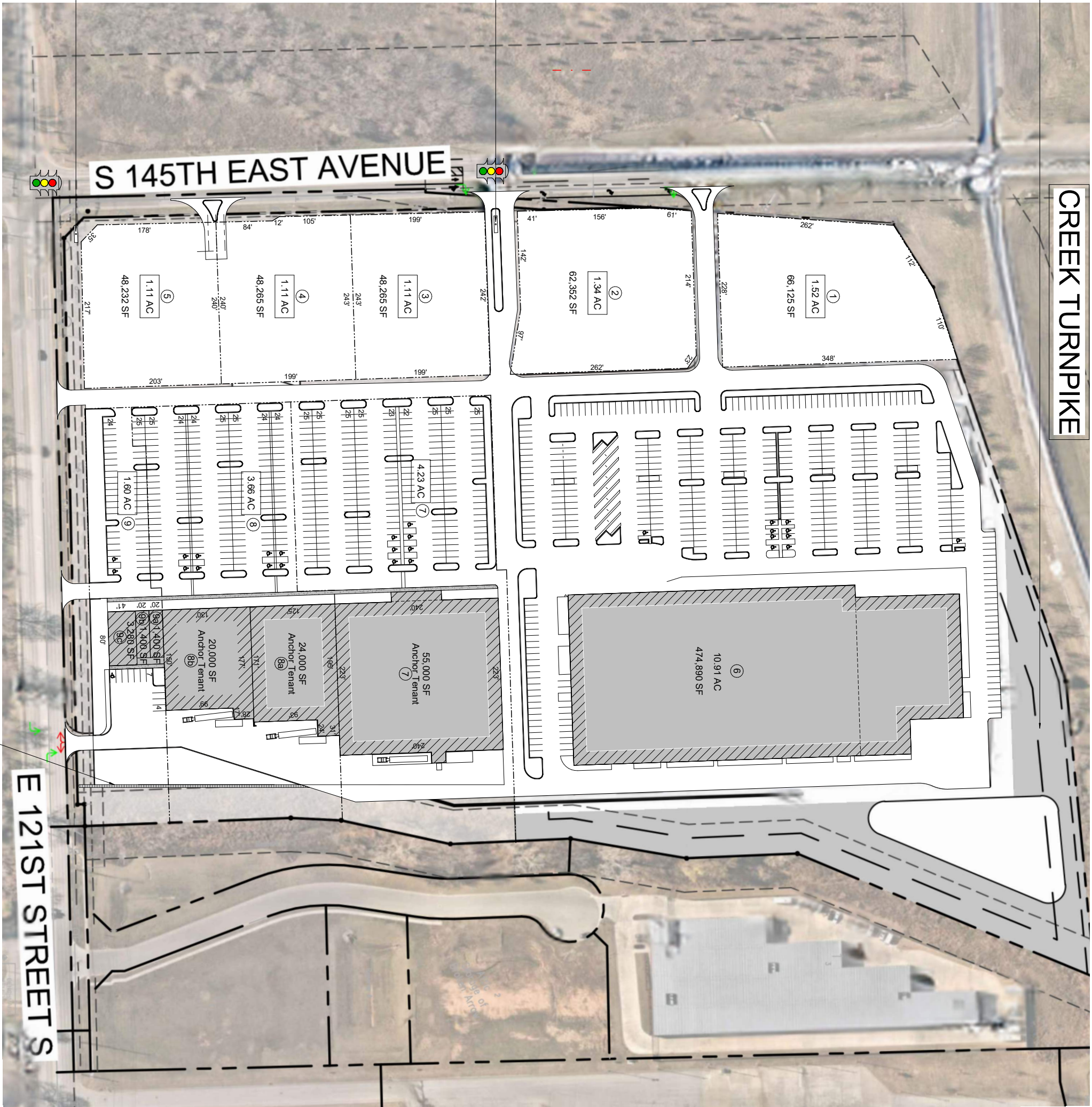
* See following page for Preliminary Conceptual Layout, which is subject to change.

DEVELOPMENT
PYLON

CREEK TURNPIKE

DEVELOPMENT
PYLON

DEVELOPMENT
PYLON



1 SITE PLAN - CONCEPT v.111
1" = 80'-0"

NEW RETAINING WALL



AS-101.11

SITE PLAN (CONCEPT #111)

PROJECT NO: 100255

DATE: 03/03/2025

NOT FOR CONSTRUCTION

THIS DOCUMENT IS

NATURE AND IS NOT

A FINAL, SIGNED

AND SEALED

DOCUMENT

REVIEW BY: SKT

NOT FOR CONSTRUCTION

REVIEW BY: SKT

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HACKBERRY MARKET
S ASPEN AND E 121ST STREET S
BROKEN ARROW, OK 74011

SCHEMATIC DESIGN



EXHIBIT “G”

EXISTING USES AND CONDITIONS OF REAL PROPERTY

* See following pages for the Current Site Conditions and the Broken Arrow Comprehensive Land Use Plan designation of Project Site as Level 6 – Regional Employment/Commercial, as presented in PUD-001818-2024

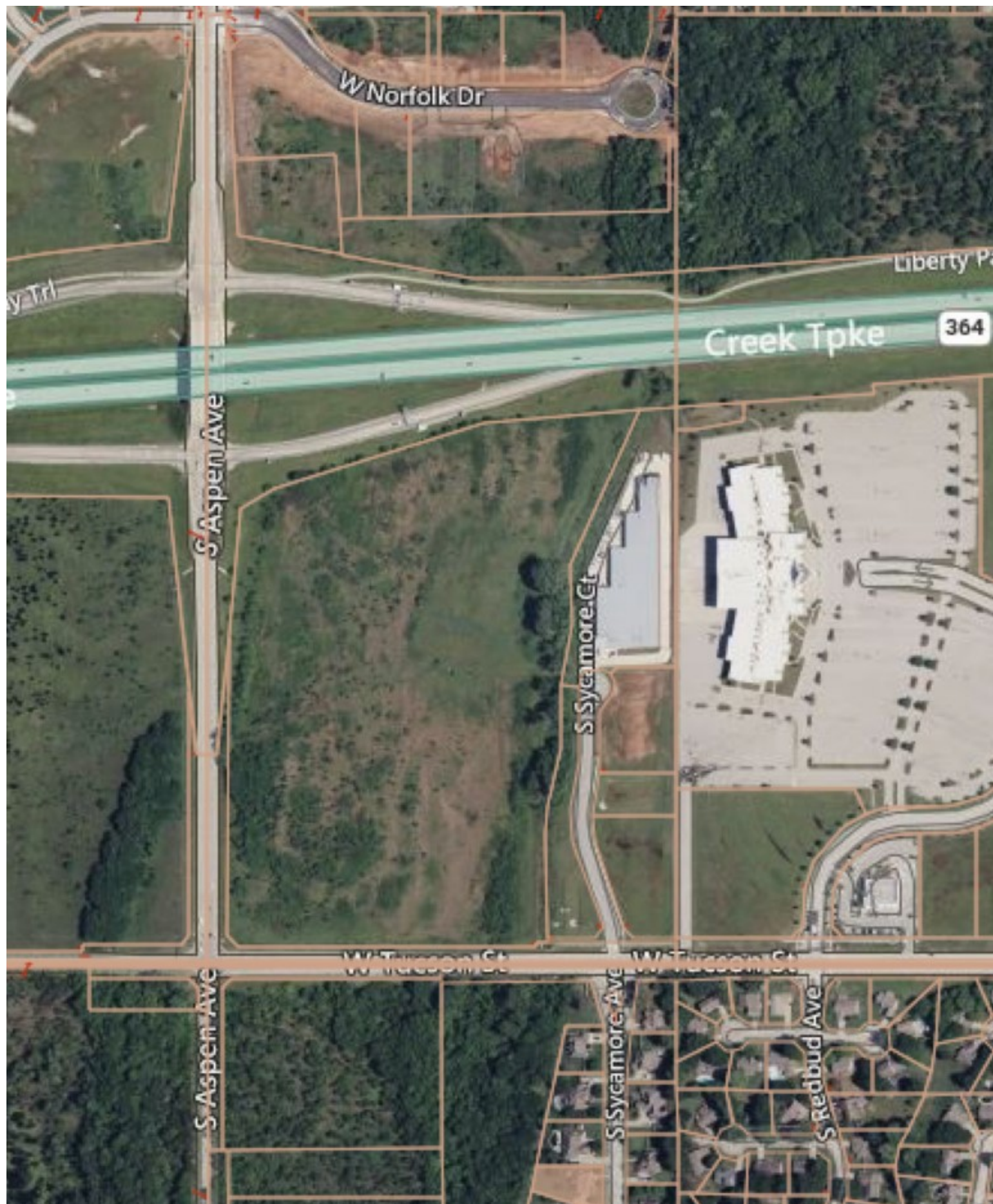
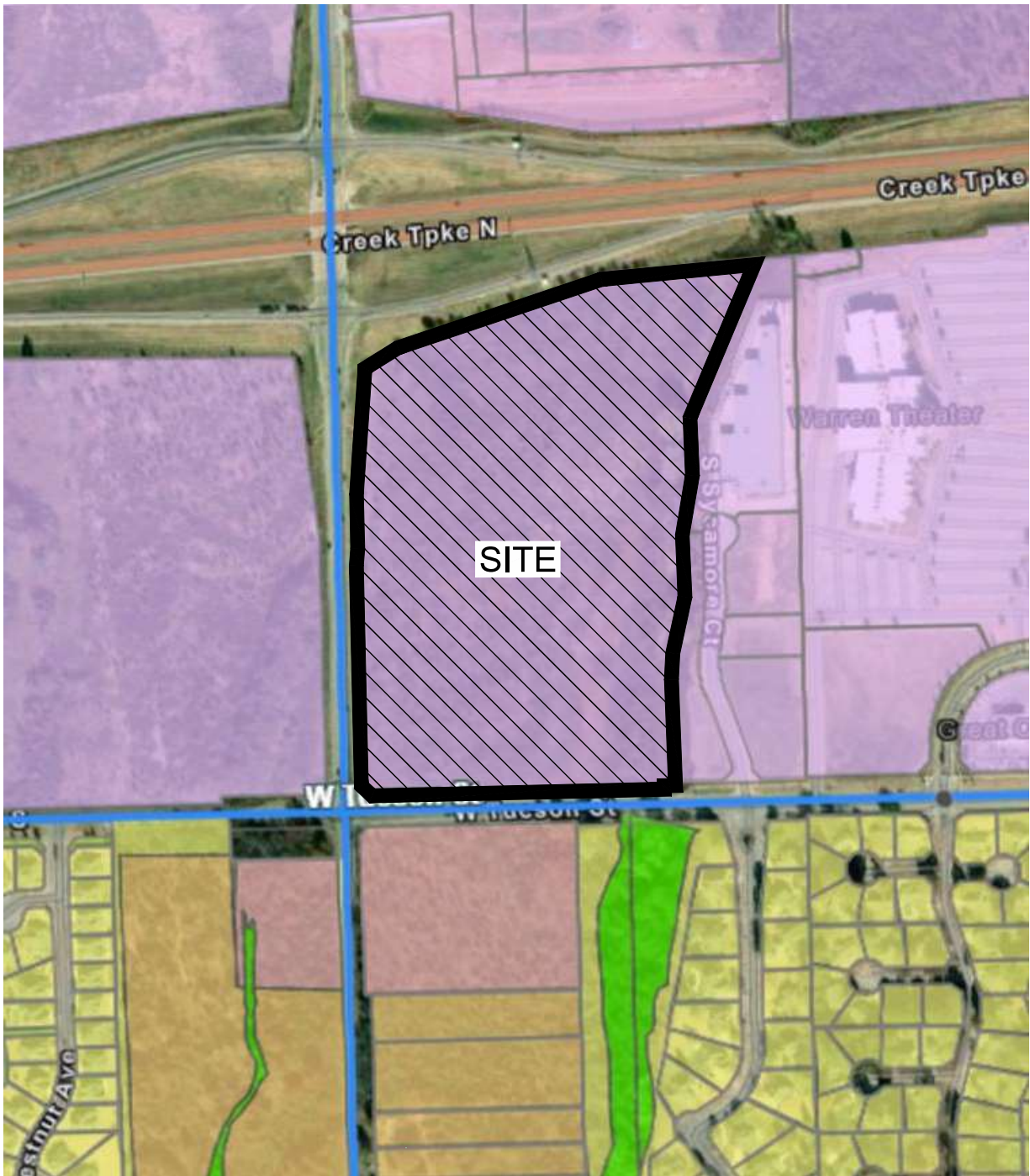


EXHIBIT 'D'

COMPREHENSIVE LAND USE PLAN

ASPEN MARKET

PUD-001818-2024



LUIS Classification	
	Level 1 - Rural Residential
	Level 2 - Urban Residential
	Level 3 - Transition Area
	Level 4 - Commercial/Employment Nodes
	Level 5 - Downtown Area
	Level 6 - Regional Employment/Commercial
	Level 7 - Major Industrial
	Greenway/Floodplain
	Private Recreation
	Public Recreation
	Public/Semi-Public



wallace
design
collective

wallace design collective, pc
structural-civil-landscape-survey
123 north martin luther king jr. blvd.
tulsa, oklahoma 74103
918.584.5858
oklahoma col1460
exp: 6-30-25

Date: November 26, 2024



PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE TAX INCREMENT DISTRICT REVIEW COMMITTEE OF THE CITY OF BROKEN ARROW, OKLAHOMA, MET IN SPECIAL SESSION IN THE CITY COUNCIL CHAMBERS AT BROKEN ARROW CITY HALL, 220 S. 1ST STREET, BROKEN ARROW, OKLAHOMA, 74012, ON THE 3RD DAY OF APRIL, 2025, AT 4:00 O'CLOCK P.M.

PRESENT: Chairperson Debra Wimpee (City of Broken Arrow), Jaylee Klempa (Broken Arrow Planning Commission), Frankie Catlett (At-Large Representative), Jason Rains (At-Large Representative), and Sarah Tortorici (At-Large Representative)

ABSENT: None

(OTHER PROCEEDINGS)

Thereupon, the following resolution was introduced and caused to be read by title by the City Clerk. Committee Member Jaylee Klempa moved passage of the Resolution and Committee Member Frankie Catlett seconded the motion. The motion carrying with it the approval of said Resolution was approved by the following vote:

AYE: Chairperson Debra Wimpee, Jaylee Klempa, Frankie Catlett, Jason Rains, and Sarah Tortorici

NAY: None

The Resolution so approved is as follows:

[RESOLUTION ON FOLLOWING PAGE]

RESOLUTION NO. 1647

A RESOLUTION RECOMMENDING THAT THE CITY OF BROKEN ARROW, OKLAHOMA THROUGH ITS CITY COUNCIL CREATE A TAX INCREMENT DISTRICT AND APPROVE THE HACKBERRY MARKET ECONOMIC DEVELOPMENT PROJECT PLAN; AND MAKING CERTAIN FINDINGS IN REGARDS THERETO.

WHEREAS, pursuant to the provisions of the Local Development Act, 62 O.S. 2021, Section 851 *et seq.* (the “Local Development Act”), as amended, the City Council of the City of Broken Arrow, Oklahoma (the “City”) appointed the Tax Increment District Review Committee (the “Review Committee”) to review and make recommendations concerning a proposed tax increment district within the City; and

WHEREAS, the membership of this Review Committee is comprised of the following individuals: a representative of the City, a representative of the Planning Commission of the City, and three representatives of the public at large, all as required pursuant to Section 855(A) of the Local Development Act; and

WHEREAS, the Review Committee has the statutory duty to consider and make its findings and recommendations to the City with respect to the conditions establishing the eligibility of the proposed district and the appropriateness of the approval of the proposed plan and project, as well as to report its findings to the City in regard to the financial impact on the taxing jurisdictions and business activities within the proposed district; and

WHEREAS, Article 10, Section 6C of the Oklahoma Constitution and its enabling legislation known as the Local Development Act provide that the City may use local taxes and local fees, in whole or in part, for specific public investments, assistance in development financing, or as a specific revenue source for other public entities in the area for which the improvements take place and may direct the apportionment of the taxes and fees for historic preservation, reinvestment, or enterprise areas that are exhibiting economic stagnation or decline; and

WHEREAS, the Review Committee has been presented with the “Hackberry Market Economic Development Project Plan” (the “Project Plan”), providing for the creation of Increment District No. 6, City of Broken Arrow, Oklahoma (the “Increment District”), wherein certain projects are contemplated to be financed from a combination of public and private sources, including apportionment of sales and use taxes derived from the proposed Increment District, to be established in connection with the project; and

WHEREAS, the Project Plan contemplates the funding of essential public improvements and economic incentives; and

WHEREAS, it is more likely than not that the private investment referenced in the Project Plan would not occur within the proposed Increment District without the public improvements and economic incentives specified in such plan.

NOW, THEREFORE, BE IT RESOLVED BY THE REVIEW COMMITTEE THAT THE FOLLOWING RECOMMENDATIONS AND FINDINGS BE MADE TO THE CITY COUNCIL

OF THE CITY OF BROKEN ARROW, OKLAHOMA, IN REGARD TO THE PROPOSED INCREMENT DISTRICT NO. 6, CITY OF BROKEN ARROW, OKLAHOMA, AND THE PROJECT PLAN:

SECTION 1. ELIGIBILITY AND CREATION OF INCREMENT DISTRICT NO. 6, CITY OF BROKEN ARROW, OKLAHOMA. The Review Committee hereby finds that the boundaries of the proposed Increment District, as set forth in Exhibit “B” of the Project Plan, are within a reinvestment area (as defined in Section 853(17) of the Local Development Act), and therefore, meets the requirements of Section 856(B)(4)(a)(1) of the Local Development Act.

SECTION 2. APPROVAL AND RECOMMENDATIONS IN REGARD TO THE PROJECT PLAN.

(A) The Review Committee has considered the Project Plan, and hereby finds that the provisions of the Project Plan do meet the following legislative guidelines set forth in Section 852 of the Local Development Act:

(1) Investment, development, and economic growth are difficult within the boundaries of the proposed Increment District, but possible if the tax increment financing provisions of the Local Development Act are available;

(2) That the proposed Increment District does not encompass an area where investment, development and economic growth would occur without the assistance of public funds;

(3) That the undertaking of the projects described in the Project Plan will not supplant or replace normal public functions and services;

(4) That the purpose set forth in the Project Plan for the proposed Increment District works in conjunction with the City’s locally implemented economic development plans;

(5) That the proposed Increment District does not have boundaries that dissect a similar area and does not create an unfair competitive advantage;

(6) That the project contemplates the need for residential and neighborhood treatments, and capital improvements to neighborhood public schools, as well as commercial/industrial development;

(7) That where possible, partial credits or credits that do not utilize the full time frame allowed have been incorporated into the Project Plan;

(8) That the maximum effort has been made to allow full public knowledge and participation in the use of the Local Development Act in connection with the preparation and adoption of the Project Plan;

(9) That the Project Plan contemplates the conservation, preservation and rehabilitation of existing improvements within the proposed Increment District; that

demolition, clearance and relocation is minimized except for structures necessary for the undertaking of the projects referenced in the Project Plan; and

(10) That the Project Plan, upon adoption by the City, develops and applies clear standards, criteria and threshold limits that are applicable to all similar property and areas that the Project Plan contains protection against nearby relocations to utilize incentives.

(B) The Review Committee further finds that contemplated private and public projects described in the Project Plan will likely enhance the value of other real property located within the proposed Increment District and the Project Area and will promote the general public interest.

(C) The Review Committee further finds that the aggregate net assessed value of all taxable property in all increment districts, as determined pursuant to Section 856(B)(4)(d) of the Local Development Act, within the City does not exceed 25% of the total net assessed value of taxable property within the City.

(D) The Review Committee further finds that the aggregate net assessed value of the taxable property in all increment districts, as determined pursuant to Section 856(B)(4)(f) of the Local Development Act, within the City does not exceed 25% of the total assessed net value of any affected school districts located within the City.

(E) The Review Committee further finds that the land area of all increment districts within the City does not exceed 25% of the total land area of the City.

(F) Based on the foregoing, the Review Committee finds that the Project Plan and the projects therein are appropriate under the provisions of the Local Development Act, and the approval of the Project Plan by the City is hereby recommended.

SECTION 3. REPORT OF FINANCIAL IMPACT.

(A) The Review Committee finds that the current sales and use tax revenues collected within the proposed Increment District (if any) will continue to be apportioned to the City. The Committee also finds that dedicating incremental sales and use tax revenues (collectively, the “TIF Revenues” as described in the Project Plan) to the Increment District apportionment fund until such time as all project costs are paid or approximately twenty-five (25) years (ending June 30, 2050, and referred to as the “Expiration Date”), whichever is less, is desirable to serve as a catalyst for retaining or expanding employment, to attract major investment in the area, and to enhance the tax base. These investments will benefit the proposed Increment District and thereby eventually result in substantial increased sales and use tax revenues to the City through implementation of the Project Plan. Furthermore, the Project Plan provides that excess TIF Revenues collected within the proposed Increment District that are not required for project costs and/or debt service on the TIF Bonds (as defined in the Project Plan) shall be returned to the City. As used herein, the phrase “payment of project costs” is deemed to include any interest component of any reimbursement offered pursuant to a development agreement.

(B) The Project as represented to the Review Committee contemplates commercial retail development by Hackberry Market, LLC, an affiliate of Sooner Investments DEV CO, LLC (the “Developer”) of up to approximately 30.56 acres generally located on the northeast corner of

the intersection of S. Aspen Avenue (S. 145th East Avenue) and W. Tucson Street (121st Street), just south of the Creek Turnpike. The Developer proposes to invest or cause to be invested in excess of \$97.67 million to construct an estimated 211,580 square-foot of retail and service industry space, plus five (5) outparcels comprising 6.19 acres (expected to be developed into approximately 22,000 square feet of additional retail and food service space), over the next two years (the “Hackberry Market Project”). The proposed Project Costs (as described in the Project Plan) contemplate providing assistance in development financing in the amount of \$22,000,000 to offset the significant costs necessary to correct current conditions at the planned Project site, including specifically the significant infrastructure and utility improvements necessary to support the development project. The Increment District will capture a two percent (2.0%) sales and use tax (representing approximately 56.34% of the incremental sales and use tax revenue based on a total of 3.55% sales and use tax levied by the City as of the date of the Project Plan), over the approximately twenty-five (25) year term of the Increment District, as the TIF Revenues utilized to pay debt service on contemplated TIF Bonds to be issued on behalf of the City. Based on the preliminary development projections assuming full buildout of the Hackberry Market Project, it is anticipated that approximately \$120.5 million in sales and use tax TIF Revenues will be generated during the term of the Increment District, with approximately \$67.89 million available for the payment of Project Costs, and the balance of approximately \$52.61 million apportioned to the City. Additional amounts will be financed by the apportionment of tax increments from the Increment District including the Organizational Costs and the Debt Service Costs, all related to Project Costs in excess of the amounts specifically identified as the costs of the TIF Projects. The Organizational Costs associated with the initial creation and implementation of the Increment District are preliminarily estimated to be approximately \$100,000, and the ongoing Organizational Costs are estimated to be \$10,000 per year for the Increment District. The Debt Service Costs associated with the Project Costs are preliminarily estimated to be approximately \$29,700,000. The estimated combined total of all Project Costs is \$52,050,000. Any excess TIF Revenues will be returned to the City.

(C) The Review Committee hereby finds that the likely financial impact on the City within the proposed Increment District to be as follows:

(1) CITY OF BROKEN ARROW. The City currently levies sales and use taxes equal to three and fifty-five hundredths percent (3.55%) pursuant to Chapter 22, Article II, Section 22-6 *et seq.*, of the Broken Arrow Code of Ordinances (referred to within this subsection as the “Sales Tax Revenue”). The stated purposes of the Sales Tax Revenue under the Broken Arrow Code of Ordinances are: (i) one and one-half percent (1.5%) is designated for general municipal functions of the City; (ii) one half of one percent (0.5%) of is designated for capital improvements; (iii) one percent (1.0%) is designated for the payment of operation and maintenance of the water, sewer and solid waste systems, to pay costs of planning and constructing said systems' improvements, the cost and feasibility studies, land acquisition, election and other expenses, and the payment of the debt service, including payment of interest and principal, and premium, if any; (iv) one quarter of one percent (0.25%) is designated for the purpose of improving, constructing and maintaining city streets, sidewalks, and related stormwater appurtenances, including the acquisition and replacement of machinery, equipment and materials, and including the installation of traffic control devices and signalization; and (v) three tenths of one percent (0.3%) is designated for public safety sales tax fund, and used for the purpose of

funding the staffing of public safety personnel, and the acquisition and replacement of public safety vehicles, equipment, technology and apparatus.

Sales Tax Revenue. There is currently no Sales Tax Revenue generated within the proposed Increment District. The City reasonably expects that the Project may result in increased competition for retail sales with establishments within Broken Arrow but outside the Increment District boundaries, therefore the Project Plan proposes that only a portion of the increment of Sales Tax Revenues in amount equivalent to a two percent (2.0%) sales and use tax (representing approximately 56.34% of the incremental sales and use tax revenue based on a total of 3.55% sales and use tax levied by the City as of the date of the Project Plan) will be captured by the Increment District, and further, that the increment of Sales Tax Revenues shall be reduced by the amount of sales tax revenues generated by any existing businesses (currently located within the City, but outside the boundaries of the Increment District) that cease operations at their existing location and relocate to within the Increment District, but provided further, said reduction shall not be applied to any existing businesses that open an additional location within the Increment District for so long as all other existing location(s) remain open for business. With regard to future incremental Sales Tax Revenue, the maximum annual and total incremental revenues which are expected to be generated within the proposed Increment District from the City's 3.55% sales and use tax levy and apportioned under the Project Plan for project costs and/or debt service on the TIF Bonds are estimated as set forth on Exhibit "A" hereto. Because substantially all of the incremental Sales Tax Revenue which would be generated from new private investment would not have occurred without the assistance in development financing contemplated in the Project Plan, and because the City has proposed mitigating measures to guard against the cannibalization of existing sales tax collections, no adverse financial impact to the City's Sales Tax Revenue is expected.

Other Considerations. The remaining unapportioned one and fifty-five hundredths percent (1.55%) sales and use tax (representing approximately 43.66% of the incremental sales and use tax revenue based on a total of 3.55% sales and use tax levied by the City as of the date of the Project Plan) shall be retained by the City and utilized for any lawful purpose consistent with the aforementioned Code of Ordinances, and represent a significant source of revenue for the duration of the Increment District that will also be available to offset any adverse financial impacts to the City.

(2) OTHER TAXING ENTITIES: No portion of the ad valorem tax increments generated by the Project will be captured as part of the TIF Revenue. The ad valorem taxing jurisdictions are Tulsa County, the Tulsa City County Health Department, Independent School District No. 3 of Tulsa County (Broken Arrow Public Schools), Tulsa Technology Center No. 18, Tulsa Community College, Tulsa City-County Library, and the City. Upon completion of the Hackberry Market Project, the ad valorem taxing jurisdictions could see an aggregate net gain in annual ad valorem tax revenues of approximately \$1.17 million (based on a taxable capital investment of approximately

\$83.03 million). The ad valorem tax revenues accruing to the taxing jurisdictions are estimated as set forth on Exhibit “B” hereto. Additionally, Tulsa County levies a 0.367% sales and use tax as of the date of the Project Plan. The County sales and use tax collections are not subject to the apportionment of the Increment District, however, it is estimated that upon completion of the proposed development of the Hackberry Market Project, the County could realize an estimated gross gain in annual sales and use tax revenues in the approximate amount of \$1.29 million. The sales tax revenues accruing to the County are estimated as set forth on Exhibit “A” hereto.

(D) The Review Committee hereby finds that there will be no impact to existing business activities within the proposed Increment District. There are no ongoing commercial business activities within the proposed Increment District. Development of the Hackberry Market Project is expected to create a destination retail experience that will generate new commercial traffic benefitting the City and surrounding businesses outside the proposed Increment District.

[Remainder of Page Left Blank Intentionally]

ADOPTED THIS 3RD DAY OF APRIL, 2025.

(SEAL)
ATTEST:

By: _____
Chairman

By: _____
City Clerk

STATE OF OKLAHOMA)
)SS
COUNTY OF TULSA)

I, the undersigned, City Clerk of the City of Broken Arrow, Oklahoma, do hereby certify that the above and foregoing is a true, full and correct copy of an excerpt from the minutes of a meeting of the Tax Increment District Review Committee of said City held on the date above stated, all as recorded in the official minutes of such meeting. I further certify that the “Open Meeting Law” was complied with for such meeting.

GIVEN UNDER MY HAND THIS 3RD DAY OF APRIL, 2025.

(SEAL)

City Clerk

EXHIBIT A
Estimated Potential Impact on Certain Sales Tax Collections

Taxing Purpose	Tax Rate ⁽¹⁾	TIF Revenues Captured ⁽²⁾			Allocation to State	Total Sales Tax Revenue
		Allocation to City ⁽³⁾	Allocation to Project Costs ⁽⁴⁾	Allocation to County ⁽³⁾		
City of Broken Arrow Sales Tax	3.550%	52,613,226.46	67,888,034.15	0.00	0.00	120,501,260.61
Tulsa County Sales Tax	0.367%	0.00	0.00	12,457,454.27	0.00	12,457,454.27
State of Oklahoma Sales Tax	4.500%	0.00	0.00	0.00	152,748,076.83	152,748,076.83
TOTALS:	8.417%	52,613,226.46	67,888,034.15	12,457,454.27	152,748,076.83	285,706,791.71

(1) Assumes continued levy through expiration of Increment District (June 30, 2050)

(2) Based on estimated \$3.04 billion in total taxable sales (construction and retail)

(3) 43.66% allocation of Sales Tax Increment Revenues allocated to City (1.55% of a total of 3.55% sales tax); 100% of County sales tax allocated to County

(4) 56.34% allocation of Sales Tax Increment Revenues; excess revenues not needed for Project Costs and related financing costs will be returned to the City

EXHIBIT "B"
Estimated Potential Impact on Certain Ad Valorem Collections

Ad Valorem Taxing Entity	Mill Levy ⁽¹⁾	Allocation to Taxing Entities ⁽²⁾	
		Maximum Year	23 Year Total
Tulsa County - General Fund	10.300	94,073.16	2,190,973.57
Tulsa County - Sinking Fund	0.000	0.00	0.00
Tulsa County - 4 Mill School Levy	4.000	36,533.27	850,863.52
Tulsa County Health Dept. - General Fund	2.580	23,563.96	548,806.97
Broken Arrow ISD #3 - General Fund	36.400	332,452.73	7,742,858.07
Broken Arrow ISD #3 - Building Fund	5.200	47,493.25	1,106,122.58
Broken Arrow ISD #3 - Sinking Fund	28.210	257,650.87	6,000,715.00
Tulsa Technology Center #18 - General Fund	8.240	75,258.53	1,752,778.86
Tulsa Technology Center #18 - Building Fund	5.090	46,488.58	1,082,723.83
Tulsa Technology Center #18 - Sinking Fund	0.000	0.00	0.00
Tulsa City-County Library System - General Fund	5.320	48,589.25	1,131,648.49
Tulsa City-County Library System - Sinking Fund	0.000	0.00	0.00
Tulsa Community College - General Fund	7.210	65,851.21	1,533,681.50
Tulsa Community College - Sinking Fund	0.000	0.00	0.00
City of Broken Arrow - Sinking Fund	16.260	148,507.73	3,458,760.22
TOTALS:	128.810	1,176,462.53	27,399,932.63

(1) Based on 2024 millage rate (128.81 mills total)

(2) 0% of Ad Valorem Tax Increment Revenues allocated to Project Costs; all revenues flow directly to the respective taxing jurisdiction



City of Broken Arrow

Request for Action

File #: 25-570, Version: 1

**Broken Arrow Planning Commission
04-24-2025**

To: Chairman and Commission Members
From: Community Development Department

Title: Public hearing, consideration, and possible action regarding COMP-002093-2025 (Comprehensive Plan Change), Aequitas Tucson Development, 11.72 acres, Levels 2 & 3 to Levels 3 6, & Greenway/Floodplain, located approximately one-eighth mile south of Tucson Street (121st Street) and one-half mile west of Elm Place (161st East Avenue)

Background:

Applicant: Wallace Design Collective

Owner: Aequitas Holdings, LLC

Developer: N/A

Engineer: Wallace Design Collective

Location: Approximately one-eighth mile south of Tucson Street (121st Street) and one-half mile west of Elm Place (161st East Avenue)

Size of Tract 11.72 acres

Number of Lots: 1

Present Zoning: A-1 (Agricultural)

Comp Plan: Levels 2 & 3 to Levels 3 6, & Greenway/Floodplain,

COMP-002093-2025 is a request to change the Comprehensive Plan designation from Levels 2 (Urban Residential) & 3 (Transition Area) to Levels 3 (Transition Area), 6 (Regional Employment/Commercial), & Greenway/Floodplain on approximately 11.72 acres which is currently unplatted. The property is located approximately one-eighth mile south of Tucson Street (121st Street) and one-half mile west of Elm Place (161st East Avenue).

Staff and the Applicant are requesting to continue this item to May 22, 2025 to make changes to the PUD exhibit and text.

Attachments: N/A

Recommendation:

Table this item to the May 22, 2025 agenda.

Reviewed by: Amanda Yamaguchi

Approved by: Rocky Henkel

ALY



City of Broken Arrow

Request for Action

File #: 25-564, **Version:** 1

**Broken Arrow Planning Commission
04-24-2025**

To: Chairman and Commission Members
From: Community Development Department
Title:

Public hearing, consideration, and possible action regarding COMP-002056-2025 (Comprehensive Plan Change), Lynn Corner, 23.18 acres, Levels 3 & 4 to Level 3, located on the northeast corner of Washington Street (91st Street) and 9th Street (Lynn Lane Road / 145th E Avenue)

Background:

Applicant: Megan Pasco. Tanner Consulting
Owner: Margaret Scraper
Developer: N/A
Engineer: Tanner Consulting
Location: On the northeast corner of Washington Street (91st Street) and 9th Street (Lynn Lane Road / 145th E Avenue)
Size of Tract 23.18 acres
Number of Lots: 1 lot
Present Zoning: A-1 (Agricultural)
Comp Plan: Levels 3 & 4 to Level 3 (Transition Area)

COMP-002056-2025 is a request to change the Comprehensive Plan designation from Levels 3 & 4 to Level 3 on approximately 23.18 acres which is currently unplatted. The property is located on the northeast corner of Washington Street (91st Street) and 9th Street (Lynn Lane Road / 145th East Avenue).

The applicant is requesting this change to the comprehensive plan for the purpose of a future rezoning. Pending approval of this amendment to the comprehensive plan, the applicant intends to submit a rezoning request to change the zoning to RS-4, single-family residential. The applicant has provided a conceptual site layout showing approximately 68 lots with access from Lynn Lane and Washington Street.

Amending the Comprehensive Plan to Level 3 could potentially support a future rezoning to any zoning district identified as possible or allowed within the Comprehensive Plan level. Table 4-1: Land Use Intensity System Zoning District Table, of the Comprehensive Plan identifies these potential districts.

Table 4-1: Land Use Intensity System Zoning Districts Table

Zoning Districts	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7
A-1: Agricultural District	Allowed						
RE: Residential Estate District	Allowed						
RS-1: SF Residential District	Allowed						
R-2: SF Residential District	Possible	Allowed	Possible				
RS-2: SF Residential District	Possible	Allowed	Possible				
RS-3: SF Residential District	Possible	Allowed	Possible				
RS-4: SF Residential District		Allowed	Allowed				
RD: Residential Duplex District		Possible	Allowed				
RM: Residential MF District			Allowed	Possible	Possible		
RMH: Residential Mobile Home District			Allowed				
NM: Neighborhood Mixed Use District			Allowed	Allowed			
CM: Community Mixed-Use District			Possible	Allowed			
DM: Downtown Mixed-Use Core District					Allowed		
DF: Downtown Fringe District					Allowed		
ON: Office Neighborhood District		Possible	Allowed	Allowed	Possible		
CN: Commercial Neighborhood District				Allowed	Possible	Allowed	
CG: Commercial General District				Allowed	Possible	Allowed	
CH: Commercial Heavy District						Allowed	Possible
IL: Industrial Light District						Possible	Allowed
IH: Industrial Heavy District							Allowed

SURROUNDING LAND USES/ZONING/COMPREHENSIVE PLAN

The surrounding properties contain the following uses, along with the following development guide and zoning designations:

Location	Comprehensive Plan	Zoning	Land Use
North	Levels 2 and 3	RS-3	Single-Family Residential
East	Levels 2 and 3	RS-2	Single-Family Residential
South	Levels 3 & 4	A-1	Agricultural/Undeveloped
West	Level 3	A-1 and RM	Large Lot Single-Family

According to FEMA Maps, none of this property is located within the 100-year floodplain. Water and Sanitary Sewer are available from the City of Broken Arrow.

Attachments: Case Map
Aerial Photo

Current Comprehensive Plan Map
Conceptual Site Layout

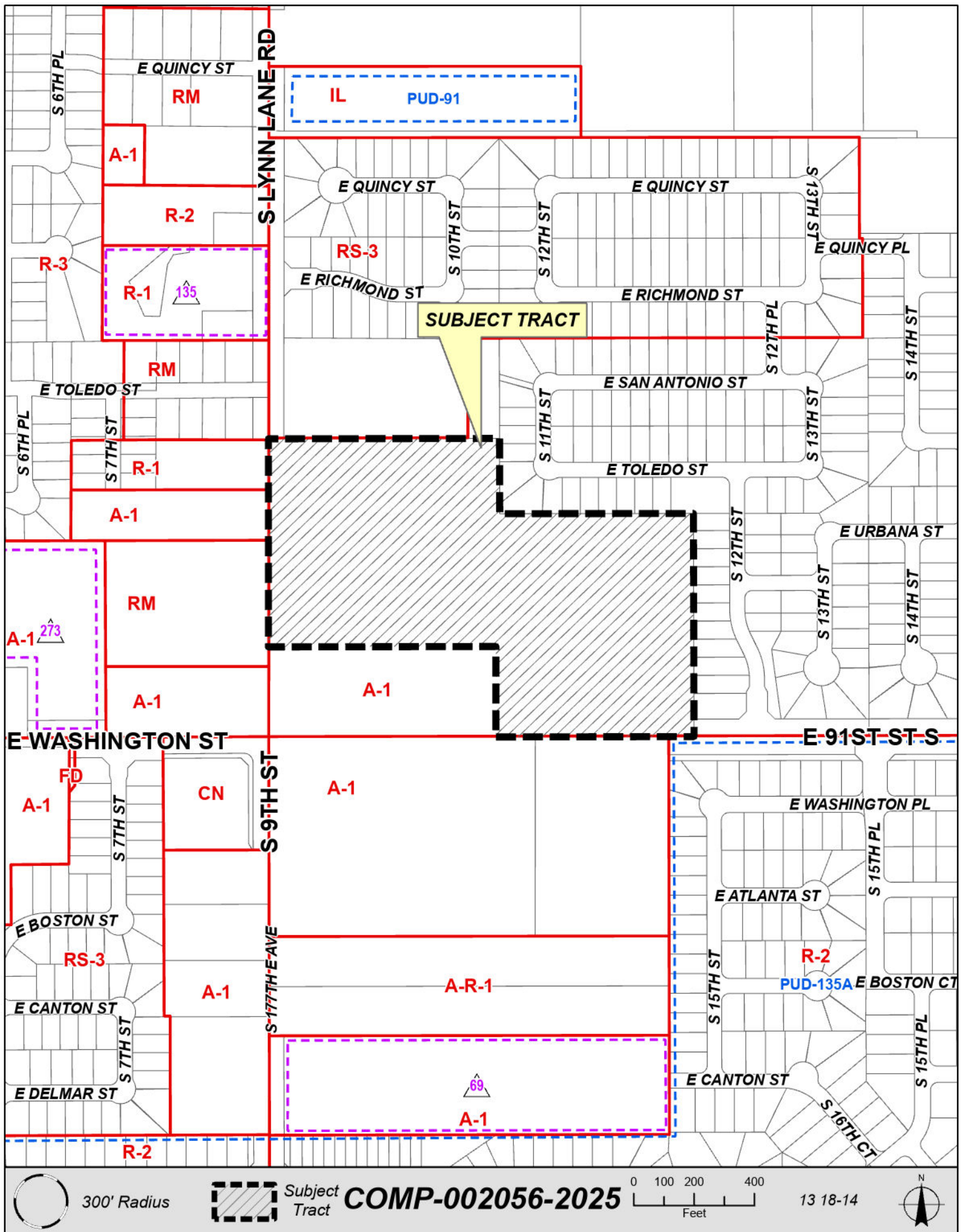
Recommendation:

Based on the location of the property and surrounding land uses, Staff recommends COMP-002056-2025 be approved, subject to the property being platted.

Reviewed by: Amanda Yamaguchi

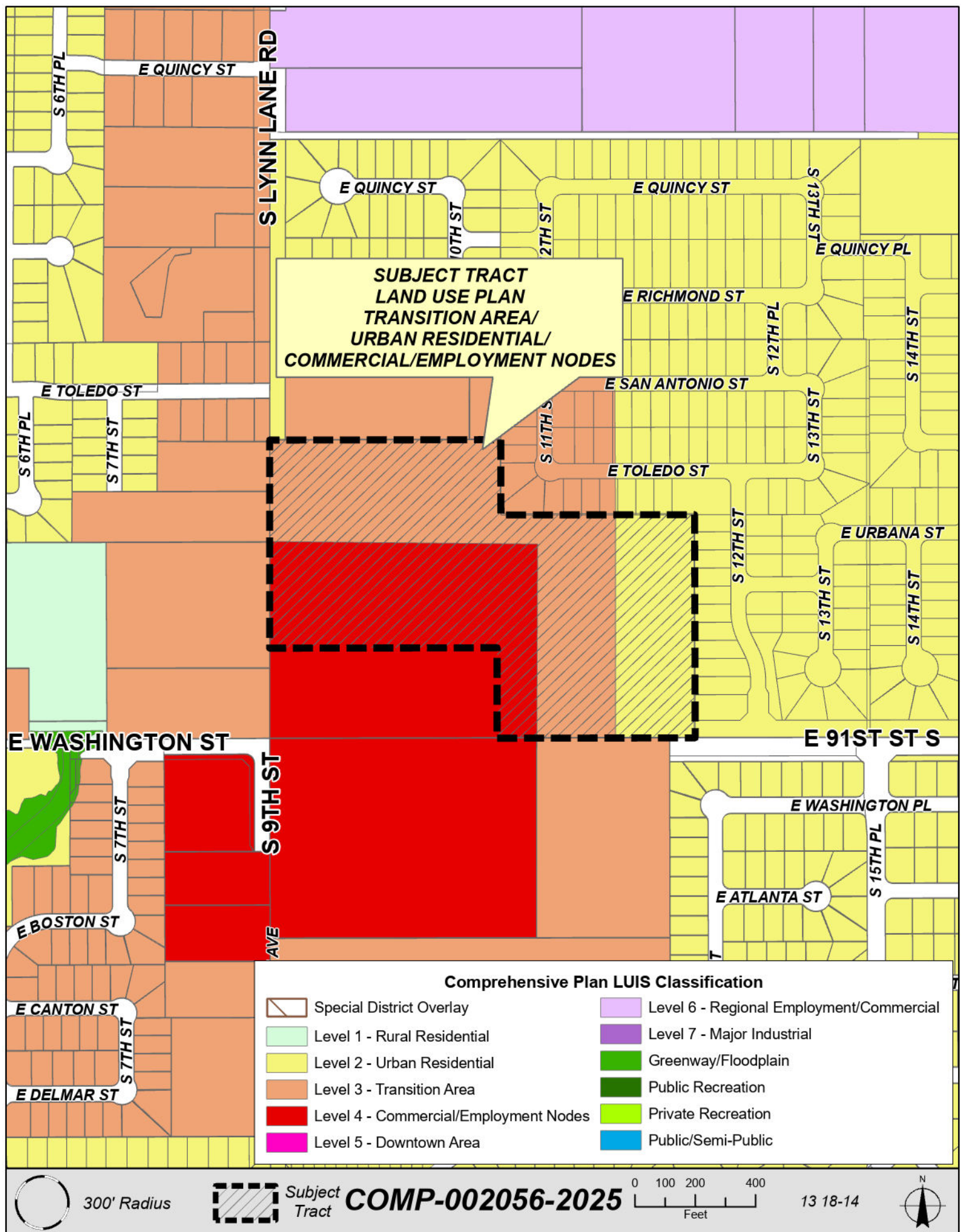
Approved by: Rocky Henkel

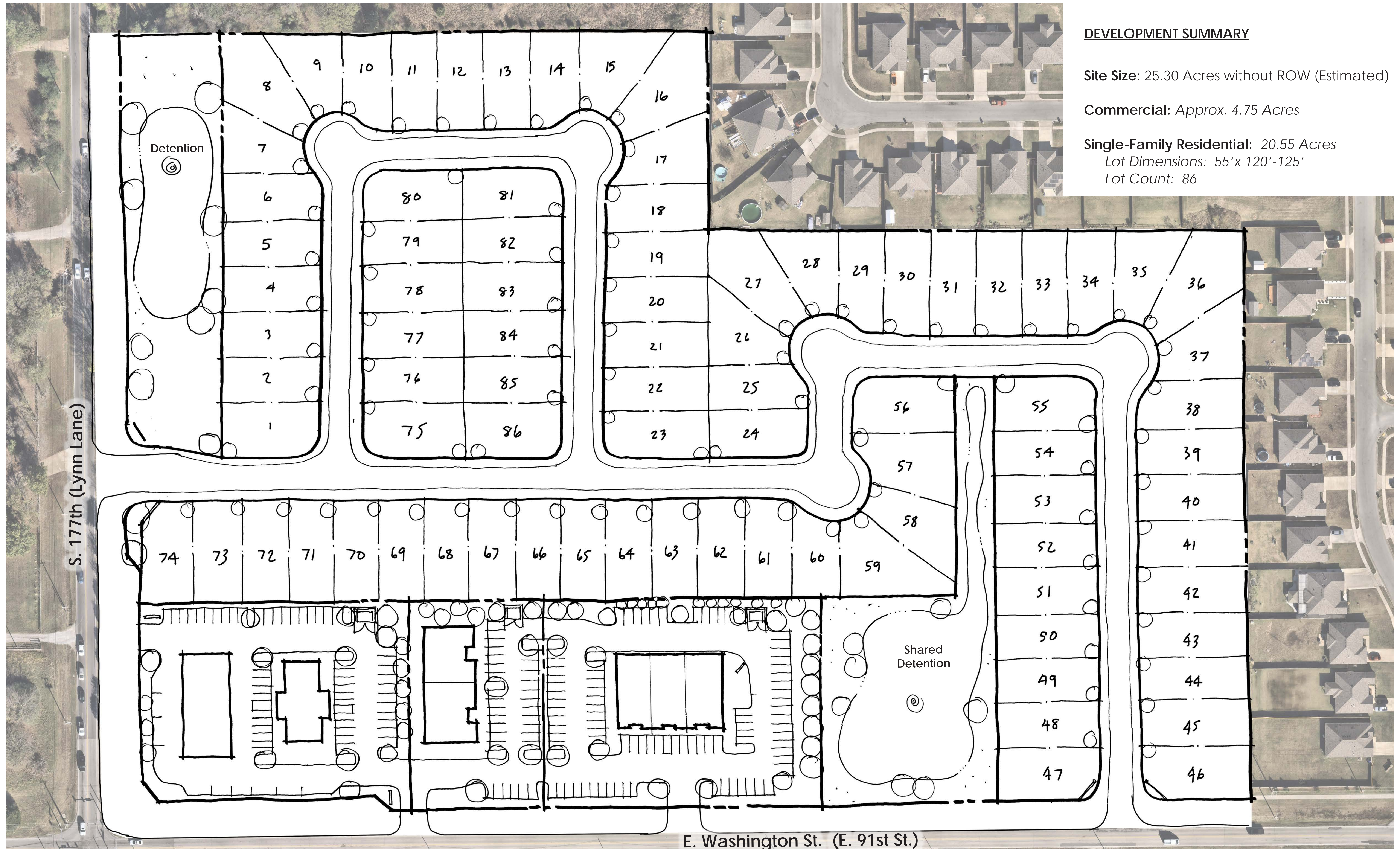
ALY





SUBJECT TRACT





DEVELOPMENT SUMMARY

Site Size: 25.30 Acres without ROW (Estimated)

Commercial: Approx. 4.75 Acres

Single-Family Residential: 20.55 Acres

Lot Dimensions: 55'x 120'-125'

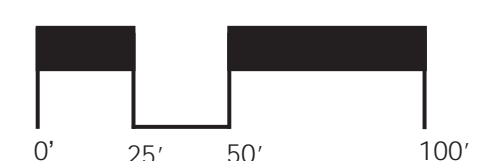
Lot Count: 86

E. 91st St. and S. Lynn Lane - Site Plan 2

Project No. 24368
08 January 2025



Scale: 1"=50'-0"



Tanner Consulting LLC
LANDSCAPE ARCHITECTURE | LAND PLANNING
CIVIL ENGINEERING | LAND SURVEYING



City of Broken Arrow

Request for Action

File #: 25-565, Version: 1

**Broken Arrow Planning Commission
04/24/2025**

To: Chairman and Commission Members
From: Community Development Department

Title: Public hearing, consideration, and possible action regarding COMP-002091-2025 (Comprehensive Plan Change), Bel Lago, 17.2 acres, Level 2 (Urban Residential) to Level 3 (Transition Area), located approximately one-half mile north of Houston Street (81st Street), one-half mile west of Evans Road (225th E. Avenue)

Background:

Applicant: Jeffrey Tuttle, Tuttle & Associates, Inc.

Owner: John Wealer, Glenwood Homes

Developer: Glenwood Homes

Engineer: Tuttle & Associates, Inc.

Location: approximately one-half mile north of Houston Street (81st Street), one-half mile west of Evans Road (225th E. Avenue)

Size of Tract 17.2 acres

Number of Lots: 1

Present Zoning: A-1 (Agriculture)

Comp Plan: Level 2 (Transition Area)

Request: Level 3 (Transition Area)

COMP-001874-2024 is a request to change the Comprehensive Plan designation from Level 2 to Level 3 on approximately 17.2 acres which is currently unplatted. The property is located approximately one-half mile north of Houston Street, one-half mile west of Evans Road.

This case was previously submitted for review, December 19, 2024, by the Planning Commission as COMP-001874-2024. At that time, the applicant did not provide a draft PUD document or conceptual plans/regulations for this development and the application was denied.

The applicant is requesting this change to the comprehensive plan for the purpose of a potential residential development. The request to change this portion of the property to Level 3 is to bring this area into alignment with existing Level 3 area to the south. The future development of the area would include the entire 57.05 acres.

Pending approval of this amendment to the comprehensive plan, the applicant intends to submit a rezoning request to change the zoning to RM and RD along with a PUD. The conceptual PUD and exhibit provided

shows up to 180 single-family style, detached units on most of the property, with up to 24 duplex lots on the southwest portion of the property. The basic information for each is shown on the table below. More details can be found in the attached draft PUD document. Please note that the PUD is a draft only and not being reviewed for approval.

The property also contains Broken Arrow Floodplain along the eastern boundary of the property, providing a significant buffer area from the existing Bel Lago subdivision to the east. This area will be placed in a reserve area during the platting phase of the project.

Amending the Comprehensive Plan to Level 3 could potentially support a future rezoning to any zoning district identified as possible or allowed within the Comprehensive Plan level. Table 4-1: Land Use Intensity System Zoning District Table, of the Comprehensive Plan identifies these potential districts.

Table 4-1: Land Use Intensity System Zoning Districts Table

Zoning Districts	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7
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RE: Residential Estate District	Allowed						
RS-1: SF Residential District	Allowed						
R-2: SF Residential District	Possible	Allowed	Possible				
RS-2: SF Residential District	Possible	Allowed	Possible				
RS-3: SF Residential District	Possible	Allowed	Possible				
RS-4: SF Residential District		Allowed	Allowed				
RD: Residential Duplex District		Possible	Allowed				
RM: Residential MF District			Allowed	Possible	Possible		
RMH: Residential Mobile Home District			Allowed				
NM: Neighborhood Mixed Use District			Allowed	Allowed			
CM: Community Mixed-Use District			Possible	Allowed			
DM: Downtown Mixed-Use Core District					Allowed		
DF: Downtown Fringe District					Allowed		
ON: Office Neighborhood District		Possible	Allowed	Allowed	Possible		
CN: Commercial Neighborhood District				Allowed	Possible	Allowed	
CG: Commercial General District				Allowed	Possible	Allowed	
CH: Commercial Heavy District						Allowed	Possible
IL: Industrial Light District						Possible	Allowed
IH: Industrial Heavy District							Allowed

SURROUNDING LAND USES/ZONING/COMPREHENSIVE PLAN

The surrounding properties contain the following uses, along with the following development guide and zoning designations:

Location	Comprehensive Plan	Zoning	Land Use
North	Level 6	IL & PUD 256	Industrial
East	Level 2	RS-3	Residential
South	Level 2 & 3	RS-3	Residential
West	Level 3	A-1	Undeveloped

According to FEMA Maps, none of this property is located within the 100-year floodplain. Water and Sanitary Sewer are available from the City of Broken Arrow, but a blue line stream follows the eastern boundary.

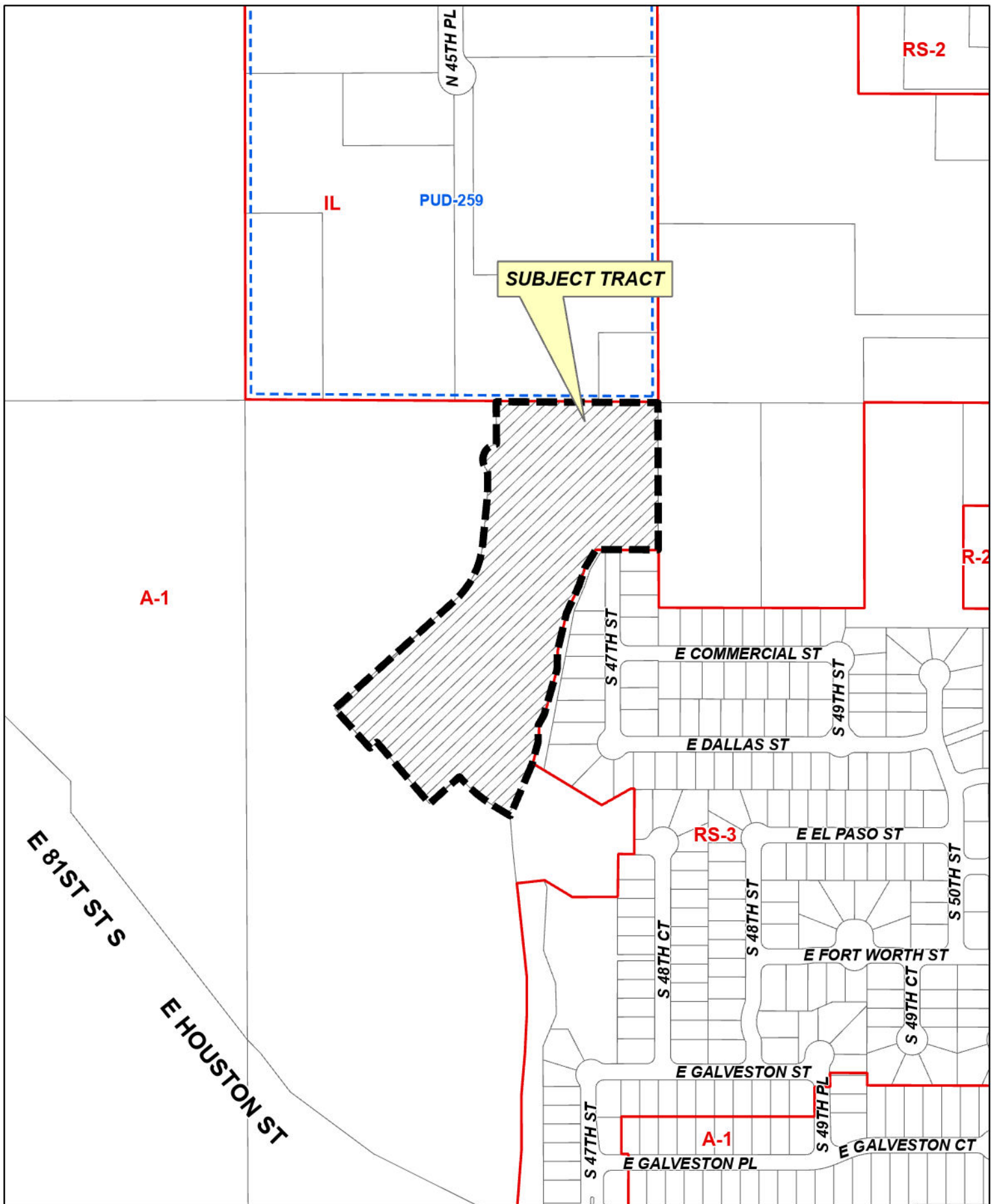
Attachments: Case Map
Aerial Photo
Current Comprehensive Plan Map
Bel Lago Conceptual PUD and Exhibits

Recommendation:

Based on the location of the property and surrounding land uses, Staff recommends COMP-002091-2025 be approved, subject to the approval of a PUD similar in context to the draft PUD provided and the property being platted.

Reviewed by: Amanda Yamaguchi

Approved by: Rocky Henkel





Note: Graphic overlays may
not precisely align with physical
features on the ground.
Aerial Photo Date: 2023



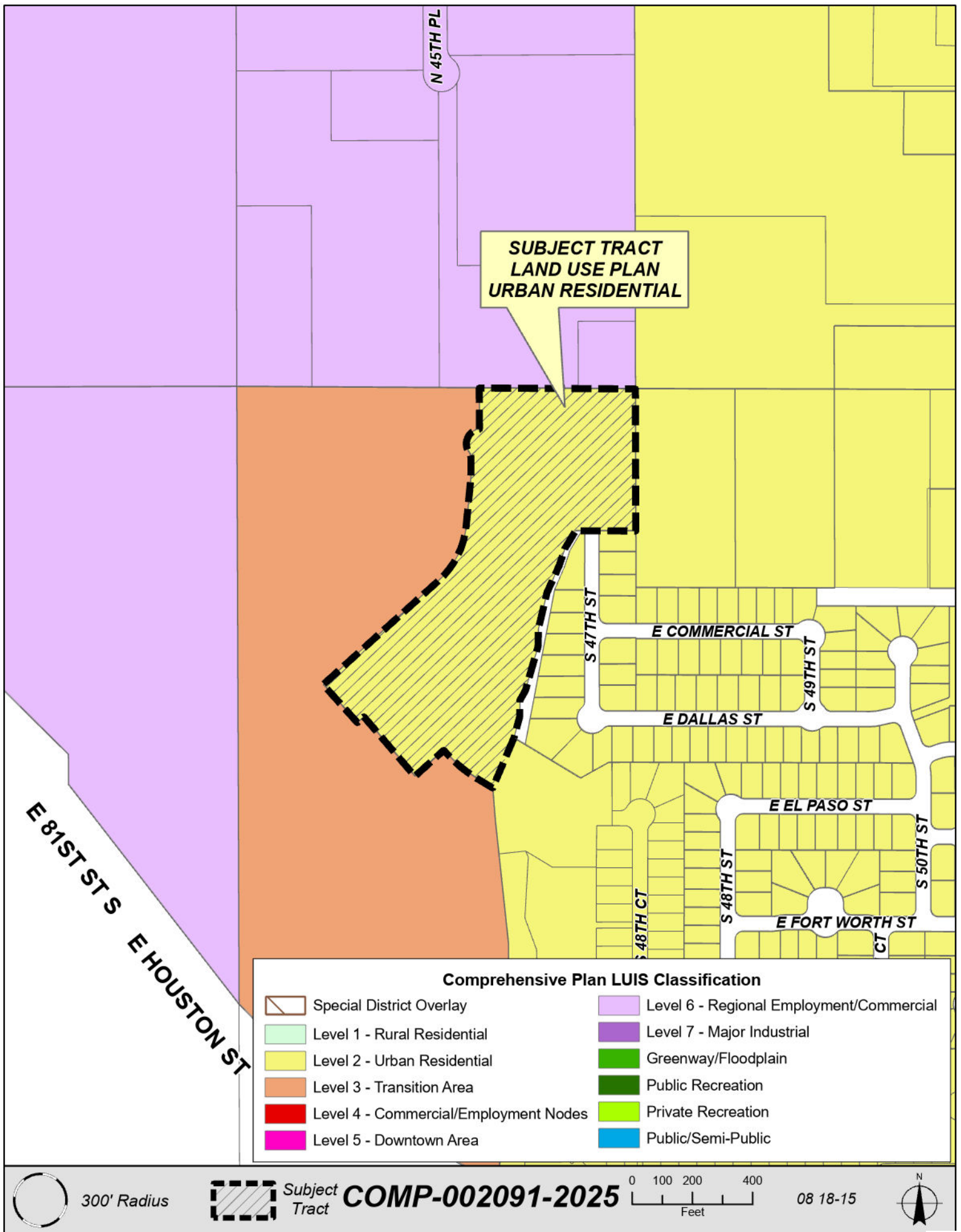
Subject
Tract

COMP-002091-2025

0 100 200 400
Feet

08 18-15





GWH LAND HOLDING LLC
BEL LAGO PATIO HOMES – BROKEN ARROW, OK
PLANNED UNIT DEVELOPMENT NO. XXX

TABLE OF CONTENTS

	<u>Page</u>
I. DEVELOPMENT CONCEPT	3
II. DESIGN STATEMENT	4
III. DEVELOPMENT STANDARDS	5
IV. AMENITY FEATURES	8
V. LANDSCAPING AND SCREENING DETAILS	9
VI. ACCESS AND CIRCULATION	11
VII. ENVIRONMENTAL ANALYSIS	12
VIII. SITE PLAN REVIEW	13
IX. SCHEDULE OF DEVELOPMENT	14
X. LEGAL DESCRIPTION	14

List of Exhibits:

<u>Exhibit “A”</u>	-- Conceptual Site Plan
<u>Exhibit “B”</u>	-- Aerial Photograph and Adjacent Land Use
<u>Exhibit “C”</u>	-- Conceptual Building Elevations
<u>Exhibit “D”</u>	-- Conceptual Circulation Plan
<u>Exhibit “E”</u>	-- Zoning Map
<u>Exhibit “F”</u>	-- Conceptual Sign Plan
<u>Exhibit “G”</u>	-- Conceptual Landscaping and Screening Plan
<u>Exhibit “H”</u>	-- Topography, Conceptual Drainage and Utility Plan
<u>Exhibit “I”</u>	-- PUD Legal Description
<u>Exhibit “J”</u>	-- Detail Park Plan

BEL LAGO PATIO HOMES – BROKEN ARROW, OK
PLANNED UNIT DEVELOPMENT NO. XXX

I. DEVELOPMENT CONCEPT:

Planned Unit Development No. XXX (“PUD No. XXX”) is located in Section 8, Township 18 North, Range 15 East and is located in the city limits of the City of Broken Arrow.

PUD No. XXX is comprised of fifty-seven (57) acres of land north of Houston Street (81st Street) and 1800 feet west of South 225th (Evans Road). The Conceptual Site Plan for the Project is shown on Exhibit “A”.

The Project is comprised of vacant land and is abutted on the east by Bel Lago II and The Villas at Bel Lago. An Aerial Photograph of the Area Land Uses around the Project is shown on Exhibit “B”.

The purpose of PUD No. XXX is to provide some flexibility to the current RS3 development standards and provide development standards and controls that are not available in a conventional RS3 project.

In particular, PUD No. XXX proposes the development of the Property as a Mixed Use of Duplexes and Single Family detached Patio Homes.

Conceptual Building Elevations for the dwellings are attached hereto as Exhibit “C”.

Access to the Project will be from S Houston Street. The patio homes are a gated community. A gated Emergency access is provided at the northeast corner of the Project into a public street in Bel Lago II. The Conceptual Circulation Plan for the Project is attached hereto as Exhibit “D”.

A zoning change to RM is necessary to support PUD No. XXX. The existing zoning is shown on the Zoning Map attached hereto as Exhibit “E”.

BEL LAGO PATIO HOMES – BROKEN ARROW, OK

PLANNED UNIT DEVELOPMENT NO. XXX

The developer will be responsible for the installation of all of the amenities and landscaping. The Developer will be responsible for all maintenance of landscaping, lot mowing, open space mowing and maintenance of the Project

This P.U.D. is promoting a sense of community type quality of life with the amenity package and gathering and meeting areas that cannot be normally done with a conventionally zoned project. The large amounts of open space, walking trails, play areas and amenities can be done with conventionally zoned projects, but cannot be enforced or insured to be built.

The project contains 538,204 square feet of open space (17.82 acres). All of the Broken Arrow flood plain (8.60 acres) will remain open space, and the project is providing 9.16 acres of open space outside the of the flood plain.

II. DESIGN STATEMENT:

This P.U.D. is being proposed as a low-density single family detached residential project with a density of less than 4 Dwelling Units per acre gross acre.

The project is being developed by XXX which has developed land in Broken Arrow and surrounding communities for 20 years. Tuttle & Associates, Inc. is the project Civil Engineer and land surveyor and is the preparer of the P.U.D. Tuttle and Associates, Inc. has been designing residential and commercial projects in Broken Arrow since 1984.

The project is in conformance of the Broken Arrow Master Plan.

A meeting with the neighbors was held February 27, 2025, to exchange information and discuss the project.

III. DEVELOPMENT STANDARDS:

The Project will be developed in accordance with the City of Broken Arrow Zoning Ordinance, except as described herein.

GROSS LAND AREA: 2,485,098 SF 57.05 AC

GROSS DENSITY 3.57 DU/AC

PERMITTED USES:

BEL LAGO PATIO HOMES – BROKEN ARROW, OK

PLANNED UNIT DEVELOPMENT NO. XXX

Household Living limited to Duplexes and single family detached patio homes, detention/recreation facilities, play areas, walking trails, community pool, Exercise room in the Clubhouse and uses customarily accessory thereto.

MAXIMUM NUMBER OF DUPLEX LOTS (Area A): 24

MAXIMUM NUMBER OF PATIO HOMES (Area B): 180

MAXIMUM BUILDING HEIGHT:* ONE STORY

MINIMUM OFF-STREET PARKING SPACES:

As provided by the City of Broken Arrow Zoning Code.

MINIMUM LOT FRONTAGE FOR DUPLEXLOTS 75 FT

BEL LAGO PATIO HOMES – BROKEN ARROW, OK
PLANNED UNIT DEVELOPMENT NO. XXX

MINIMUM BUILDING SETBACKS:

Front Yard	25 FT
Rear Yard	20 FT
Minimum Lot Depth	115 FT
From S. Houston Street Right-of-Way	35 FT
From Westerly Boundary	25 FT
From North Boundary	35 FT
From South Boundary	35 FT
Between Patio Homes	15 FT

BEL LAGO PATIO HOMES – BROKEN ARROW, OK

PLANNED UNIT DEVELOPMENT NO. XXX

SIGNS:

RESIDENTIAL MONUMENT SIGNS:

Subdivision Identification signs will be limited to one (1) for each side of the entry road from Houston Street, with a maximum of 60 SF of display area, and 5 FT in height for each such sign.

DRAFT

LANDSCAPED AREA:

BEL LAGO PATIO HOMES – BROKEN ARROW, OK
PLANNED UNIT DEVELOPMENT NO. XXX

A minimum of fifteen percent (15%) of the total net Lot Area of the Project will be improved as internal landscaped open space.

The Conceptual Landscaping and Screening for the Project is shown on **Exhibit “G”**.

Existing trees and vegetation shall be retained in areas not impacted with the installation of utilities and mass clear cutting shall be avoided.

IV. AMENITY FEATURES:

The open space in the northwest corner of the project is labeled on the color rendering is for detention and a passive park. (**Exhibit “J”**)

A walking/jogging trail from the Clubhouse area will traverse around the perimeter of Area “B” to a trail along the Detention Pond on the North. The detention pond will be “wet”.

BEL LAGO PATIO HOMES – BROKEN ARROW, OK
PLANNED UNIT DEVELOPMENT NO. XXX

V. LANDSCAPING AND SCREENING DETAILS:

The Project landscaping and screening concept will comply with the requirements of the City of Broken Arrow Zoning Ordinance for landscaped edges and parking lots and drives. A landscaped edge will be provided on all boundaries of the Patio Homes.

A landscape plan shall be submitted and approved at the time of final plat submittal. Landscaping shall be installed before building permits will be released. The developer shall maintain all landscaping and replace dead plant material until such time as the maintenance responsibilities are turned over to the residents.

A sidewalk along Houston Street will be built. Sidewalks are required to be constructed as each home is constructed.

Project Boundary Screening:

The boundaries of the Project will be landscaped in accordance with the City of Broken Arrow Zoning Code.

Parking Lot:

In the Project parking lot, at least two (2) trees will be planted per 12 parking spaces, as shown on the Concept Plan. Trees will be a minimum of two-inch caliper at installation and will be on the City's approved tree list.

The park plan is shown on Exhibit "J"

BEL LAGO PATIO HOMES – BROKEN ARROW, OK
PLANNED UNIT DEVELOPMENT NO. XXX

Perimeter Screening Fences and Walls within Development Area “B”:

Perimeter fences or walls required for the Project along the easterly, southerly and westerly boundaries. Any separate fence installed by the developer of the Project shall be built at time of the dwelling and maintained and repaired by the owner of the lot within the Project and shall have metal posts as required per ordinance.

Maintenance:

The landscape features within the Project will be maintained in accordance with the requirements of the City of Broken Arrow Zoning Code.

DRAFT

BEL LAGO PATIO HOMES – BROKEN ARROW, OK
PLANNED UNIT DEVELOPMENT NO. XXX

VI. ACCESS AND CIRCULATION:

Access to the Project will be from South Houston Street. A secondary means of ingress/egress of Emergency Vehicles is provided by an existing public road at the northeast corner. A gate will be installed to prohibit local traffic from driving through the neighborhood. The City will furnish a code for the gate.

A 6 foot wide public trail easement to be dedicated with the final plat for this development in the open space area as shown on the Site plan.

DRAFT

BEL LAGO PATIO HOMES – BROKEN ARROW, OK
PLANNED UNIT DEVELOPMENT NO. XXX

VII. ENVIRONMENTAL ANALYSIS:

Topography:

The Project site generally slopes in a northerly direction from the south.
The Topography, Conceptual Drainage and Utility Plan is shown on **Exhibit “H”**.

Utilities:

Presently, an existing 12 inch Wagoner County RWD #4 water line is located on the North side of Houston Street.

An existing 12 City sanitary sewer line is located on the north boundary of the Project.

Other utilities, including electric, gas, telephone and cable television, are either currently available to the site or can be readily extended to serve the Project as needed.

Drainage:

Drainage across the undeveloped property sheet flows in a northeasterly direction into a creek along the east boundary. All project civil engineering plans, inclusive of storm sewer design, will require review and approval by the City. The site does not contain mapped FEMA Flood Plain.

Soils:

The site soils are comprised of Okemah, characterized by loamy clay soil. Soil will be stabilized in areas of parking lot and building construction in accordance with geotechnical report recommendations.

Existing area zoning is shown on **Exhibit “E”** – Zoning Map.

BEL LAGO PATIO HOMES – BROKEN ARROW, OK
PLANNED UNIT DEVELOPMENT NO. XXX

VIII. SITE PLAN REVIEW:

The site plan in this text shall serve as the Detailed Site Plan. No building permit will be issued for any building within the Project until a Detailed Landscape Plan has been submitted to the City of Broken Arrow Planning Commission and approved as being in compliance with the Approved Planned Unit Development Standards.

DRAFT

BEL LAGO PATIO HOMES – BROKEN ARROW, OK
PLANNED UNIT DEVELOPMENT NO. XXX

IX. SCHEDULE OF DEVELOPMENT:

The anticipated construction start date for the project is the fall of 2025. Approval process for the PUD is as follows:

The PUD will be reviewed by the Technical Advisory Committee (TAC).

After TAC comments are addressed, the PUD shall go to the Planning Commission for approval.

The PUD will go to the City Council for the final approval.

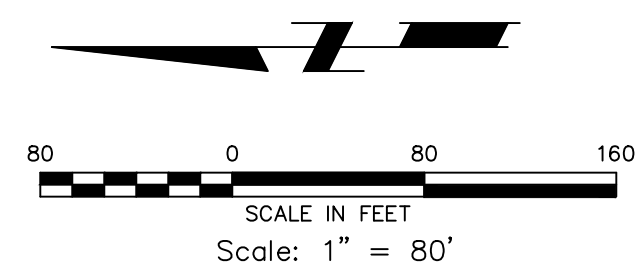
X. LEGAL DESCRIPTION:

The Legal Description for the Project is attached hereto as Exhibit "I".

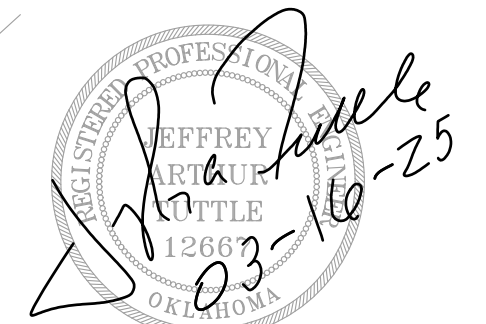


OKLAHOMA NATURAL GAS CO - 832-7800
GTE - 665-8500
TULSA CABLE TELEVISION - 665-0200

BEFORE YOU DIG CALL OKIE 1-800-522-6543



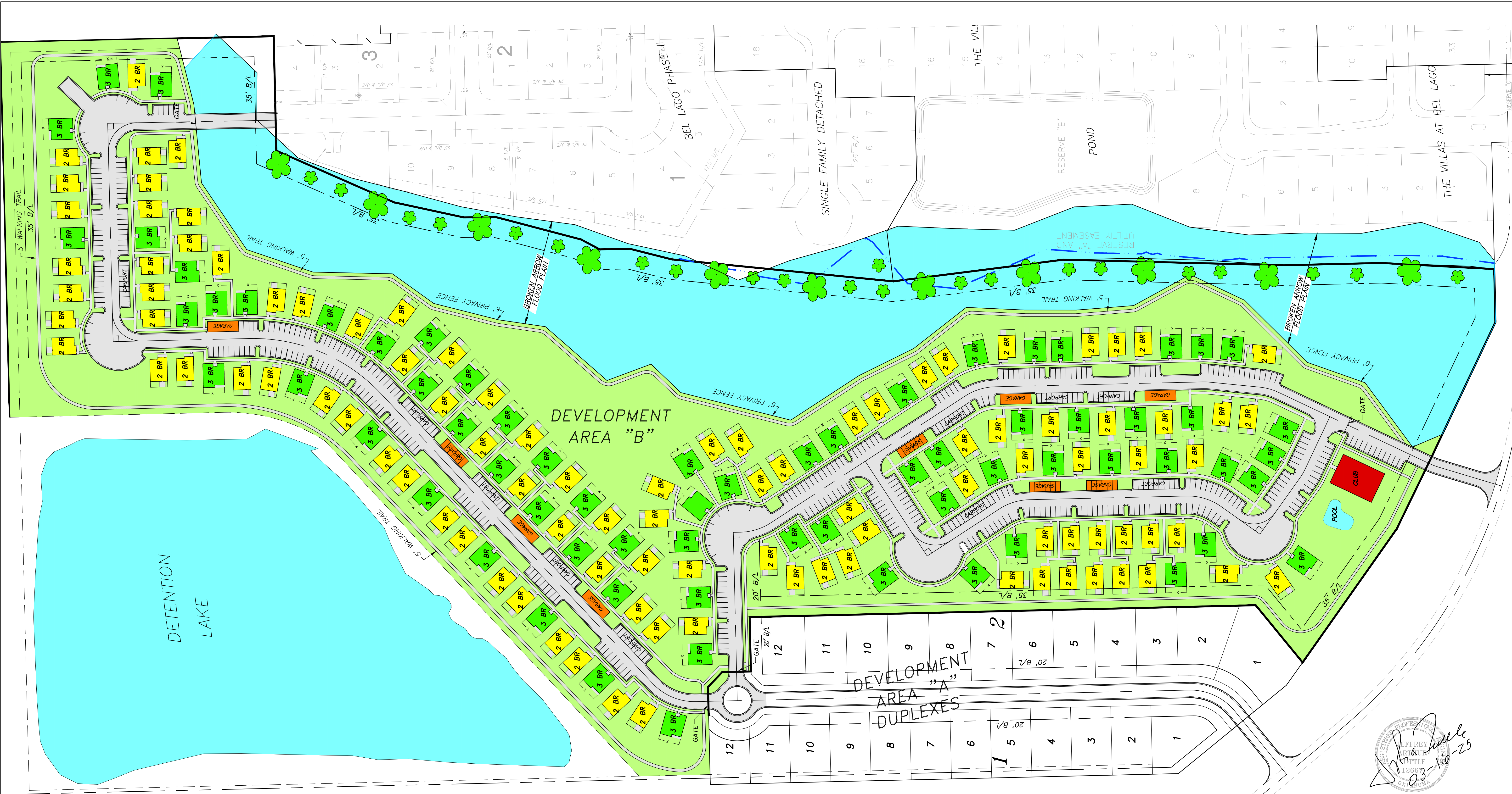
2 BEDROOM : 101 UNITS
3 BEDROOM : 69 UNITS
PARKING REQUIRED = 340
PARKING PROVIDED : 394 SPACES
OUTSIDE SPACES - 54 SPACES
GARAGE PARKING 54 SPACES
CARPORT PARKING 90 SPACES



CONCEPTUAL SITE PLAN
BEL LAGO PATIO HOMES
BROKEN ARROW, OKLAHOMA

PLANS & ESTIMATES PREPARED BY:
TUTTLE & ASSOCIATES, INC. P.O. BOX 471313
TULSA, OK 74116 918-663-5567

REVISION	BY	DATE	PLAN SCALE	DESIGNED BY: J. TUTTLE	APPROVED:
			1" = 100'	DFILE: Bel Lago Patio	
			PROFILE SCALE	RECOMMENDED:	
			HORIZONTAL	DEVELOPMENT SERVICES	
			1" =	RECOMMENDED:	
			VERTICAL	ENGINEERING SERVICES	
			1" =		PUBLIC WORKS DIRECTOR
			FILE	DRAWING	DATE
			ATLAS PAGE NO		SHEET 1 OF 1 SHEETS





City of Broken Arrow

Request for Action

File #: 25-566, Version: 1

**Broken Arrow Planning Commission
04-24-2025**

To: Chairman and Commission Members
From: Community Development Department
Title:

Public hearing, consideration, and possible action regarding COMP-002090-2025 (Comprehensive Plan Change), The Village at Windrose, 20 acres, Level 2 to Level 3, located south of Tucson Street (121st Street) and one-eighth mile east of Olive Avenue (129th East Avenue)

Background:

Applicant: Erik Enyart, Tanner Consulting
Owner: Cenia Realty, LLC
Developer: N/A
Engineer: Tanner Consulting
Location: South of Tucson Street (121st Street) and one-eighth mile east of Olive Avenue (129th East Avenue)
Size of Tract 20 acres
Number of Lots: 1
Present Zoning: A-1 (Agricultural)
Comp Plan: Level 2 (Urban Residential) to Level 3 (Transition Area)

COMP-002090-2025 is a request to change the Comprehensive Plan designation from Level 2 to Level 3 on approximately 20 acres which is currently unplatted. The property is located south of Tucson Street (121st Street) and one-eighth mile east of Olive Avenue (129th East Avenue).

The applicant is requesting this change to the comprehensive plan for the purpose of a future rezoning. Pending approval of this amendment to the comprehensive plan, the applicant intends to submit a rezoning request to change the zoning to RM (Residential Multi-Family) along with a PUD. The applicant has provided a draft PUD document showing conceptual plans/regulations for this development.

The draft PUD and conceptual exhibits propose a single-family detached and duplex style, multi-family development containing a maximum of 190 units. Three options for development are proposed in the draft PUD. Upon the approval of the PUD, the developer would be required to choose one of the development options. The basic information for each is shown in the table below. More details can be found in the attached draft PUD document. Please note that the PUD is a draft only and not being reviewed for approval.

	Cottage House Community	Townhouse Option	Gated Single-Family Option
Permitted Uses	Single-Family attached and detached style dwellings, all located on a singular lot	Single-Family Attached and Detached Dwellings (Detached Dwellings not to exceed 15% of the total dwelling.	Single-Family Detached Dwellings
Number of Lots	190 Maximum	151 Maximum	110 Maximum
Minimum Lot Width	200 Feet	40 Feet	40 Feet
Building Height	2.5 stories and 35 Feet	2.5 stories and 35 Feet	2.5 stories and 35 Feet
Setback from East Boundary	25 Feet; 75 Feet if includes parking	Rear Yard 15 Feet	Rear Yard 15 Feet
Setback from South Boundary	25 Feet; 75 Feet if includes parking	Rear Yard 15 Feet	Rear Yard 15 Feet

Access to this development is conceptually proposed through a single, gated entrance onto Tucson Street. A secondary, emergency gated access would connect to West Winston Street, however, this gate would not be open to regular traffic.

Amending the Comprehensive Plan to Level 3 could potentially support a future rezoning to any zoning district identified as possible or allowed within the Comprehensive Plan level. Table 4-1: Land Use Intensity System Zoning District Table, of the Comprehensive Plan identifies these potential districts.

Table 4-1: Land Use Intensity System Zoning Districts Table

Zoning Districts	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7
A-1: Agricultural District	Allowed						
RE: Residential Estate District	Allowed						
RS-1: SF Residential District	Allowed						
R-2: SF Residential District	Possible	Allowed	Possible				
RS-2: SF Residential District	Possible	Allowed	Possible				
RS-3: SF Residential District	Possible	Allowed	Possible				
RS-4: SF Residential District		Allowed	Allowed				
RD: Residential Duplex District		Possible	Allowed				
RM: Residential MF District			Allowed	Possible	Possible		
RMH: Residential Mobile Home District			Allowed				
NM: Neighborhood Mixed Use District			Allowed	Allowed			
CM: Community Mixed-Use District			Possible	Allowed			
DM: Downtown Mixed-Use Core District					Allowed		
DF: Downtown Fringe District					Allowed		
ON: Office Neighborhood District		Possible	Allowed	Allowed	Possible		
CN: Commercial Neighborhood District				Allowed	Possible	Allowed	
CG: Commercial General District				Allowed	Possible	Allowed	
CH: Commercial Heavy District						Allowed	Possible
IL: Industrial Light District						Possible	Allowed
IH: Industrial Heavy District							Allowed

SURROUNDING LAND USES/ZONING/COMPREHENSIVE PLAN

The surrounding properties contain the following uses, along with the following development guide and zoning designations:

Location	Comprehensive Plan	Zoning	Land Use
North	Level 3	A-1	Little Links Golf Club
East	Level 2	RS-3	Single-Family Residential
South	Level 2	A-1	Large Lot Single-Family Residential
West	Level 2 & Floodplain	A-1	Undeveloped

According to FEMA Maps, the property is bounded on the west by Floodplain. Future surveys done during the engineering and platting phases will ensure none of this property is located within the 100-year floodplain or require that any such area to be placed in a reserve area. Water and Sanitary Sewer are available from the City of Broken Arrow.

Attachments: Case Map
Aerial Photo

Current Comprehensive Plan Map
The Village at Windrose Draft PUD

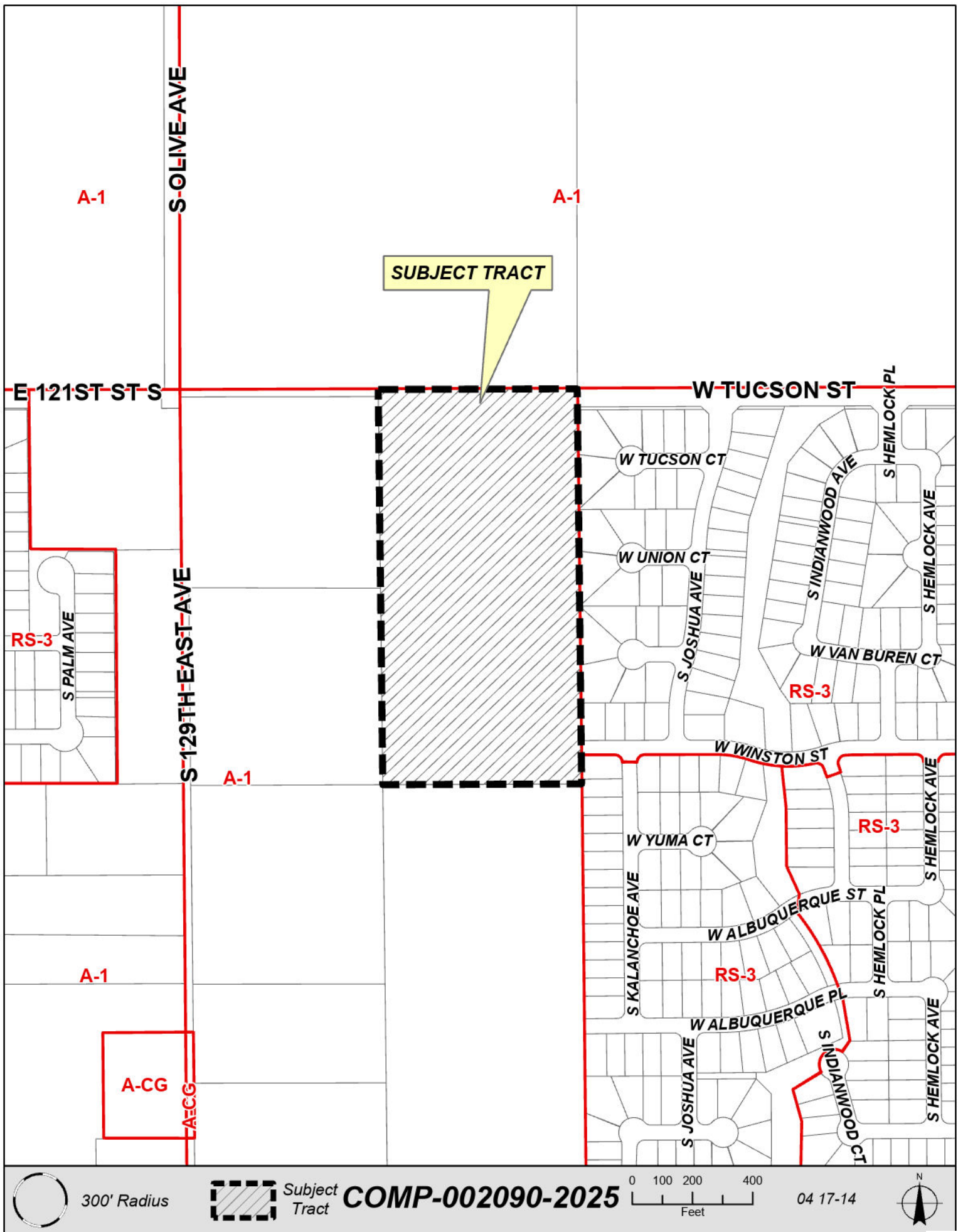
Recommendation:

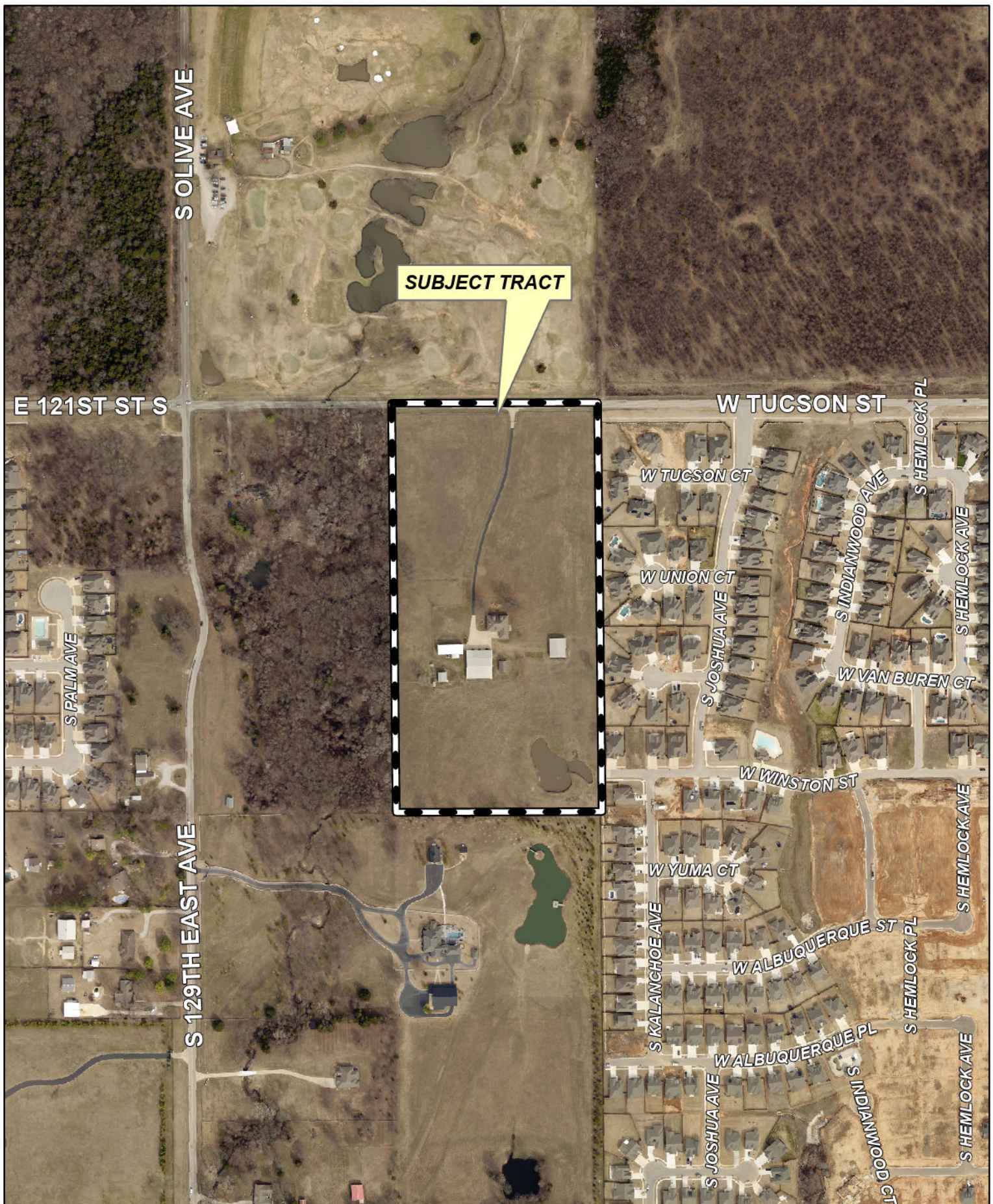
Based on the location of the property and surrounding land uses, Staff recommends COMP-002090-2025 be approved, subject to the approval of a PUD similar in context being approved on the property and the property being platted.

Reviewed by: Amanda Yamaguchi

Approved by: Rocky Henkel

ALY





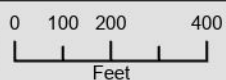
SUBJECT TRACT

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2023



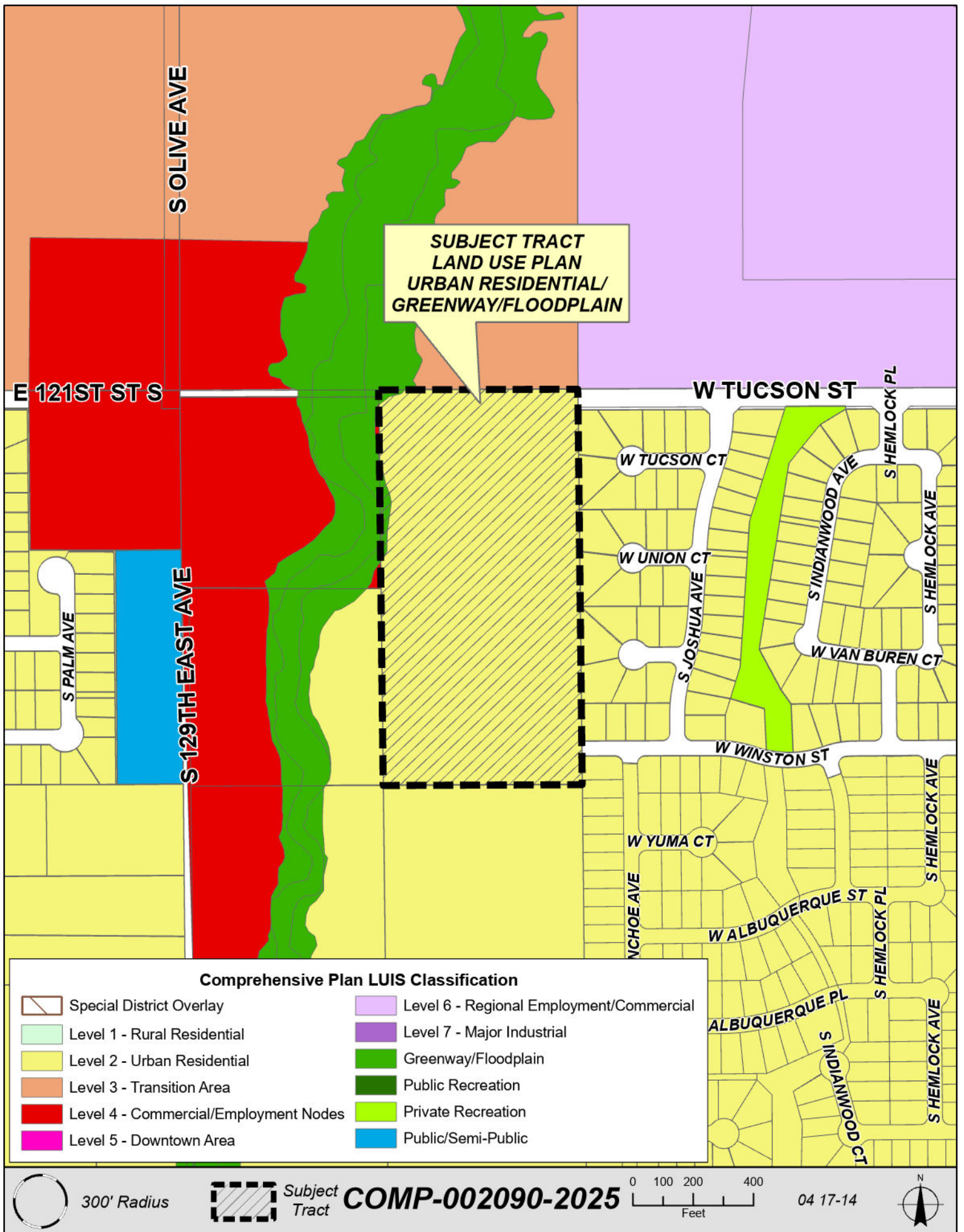
Subject
Tract

COMP-002090-2025



04 17-14

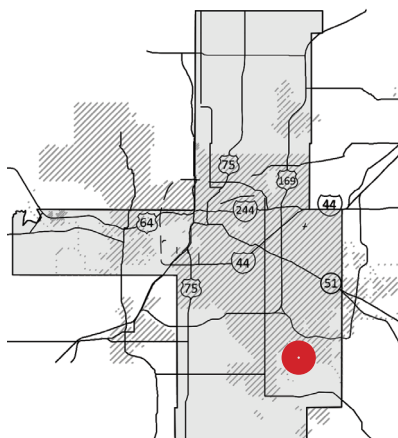




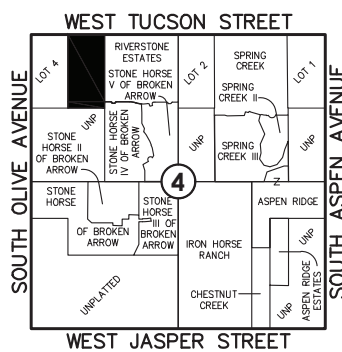
PUD__

THE VILLAGE AT WINDROSE

A PLANNED UNIT DEVELOPMENT OF APPROXIMATELY 20 ACRES
LOCATED SOUTH AND EAST OF THE SOUTHEAST CORNER OF W TUCSON ST AND S OLIVE AVE
CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA



R 14 E



Location Map



MARCH 2025

OWNER:
XENIA REALTY, LLC
6914 S YORKTOWN AVE
TULSA, OK 74136
(918)520-3823

APPLICANT/CONSULTANT:
TANNER CONSULTING LLC
C/O ERIK ENYART
5323 S LEWIS AVE
TULSA, OK 74105
(918) 745-9929

PUD__
MARCH 2025

TANNER CONSULTING LLC, CERTIFICATE OF AUTHORIZATION NO. CA 2661
5323 S LEWIS AVE, TULSA, OK 74105 | 918.745.9929

The Village
at Windrose



NORTH

TABLE OF CONTENTS

I. PROPERTY DESCRIPTION	2
II. DEVELOPMENT CONCEPT	3
EXHIBIT LIST:	
Exhibit A: Aerial Photography & Boundary Depiction	4
Exhibit B: Conceptual Site Plan	5
Exhibit C: Existing and Proposed Utilities	6
III. DEVELOPMENT STANDARDS:.....	7
III.A. "Cottage House Community" Option	7
III.B. "Townhouse" Option	9
III.C. "Single-Family" Option	11
III.D. Cottage House Community Supplemental Development Standards	12
IV. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS	13
IV.A. Surrounding Zoning and Land Use	13
IV.B. Access and Circulation	13
IV.C. Signs	13
IV.D. Utilities and Drainage	14
IV.E. Environmental Analysis and Topography.....	14
IV.F. Platting and Site Plan Requirements	15
IV.G. Schedule of Development	15

I. PROPERTY DESCRIPTION

The Village at Windrose consists of 20 acres located south and east of the southeast corner of West Tucson Street and South Olive Avenue in the City of Broken Arrow, Oklahoma, and is more particularly described with the following statement:

A PER GENERAL WARRANTY DEED DATED THE 12TH DAY OF AUGUST, 2024 AND FILED OF RECORD AUGUST 16, 2024 AS DOCUMENT NUMBER 2024066632 IN THE RECORDS OF THE COUNTY CLERK, TULSA COUNTY, STATE OF OKLAHOMA:

THE EAST HALF (E/2) OF LOT FOUR (4), (SAID LOT FOUR (4), ALSO KNOWN AS THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 NW/4) OF SECTION FOUR (4), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, ALSO DESCRIBED AS THE NORTH HALF OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER (N/2 E/2 W/2 NW/4) OF SECTION FOUR (4), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

The above described property will hereinafter be referred to as the "Site" or "Subject Property" and is depicted on Exhibit A, "Aerial Photography & Boundary Depiction."

II. DEVELOPMENT CONCEPT

The Village at Windrose is designed to meet niche markets for new residents working at the Arrow Forge Innovation District and other area employers, retirees downsizing and seeking the flexibility to travel with the security of a gated neighborhood, and those in similar demographic categories seeking this upscale rental housing. The Village at Windrose is a gated 'cottage house community' with detached houses and duplex-style dwellings for lease, offering a low-maintenance, higher-privacy alternative to multifamily living. As designed, the Village at Windrose features 166 residential units connected by sidewalks/trails, and ample, connected open space, a spacious clubhouse with pool, a park with pickleball courts and playground, and a separate dog park, enclosed garage buildings and carports by reservation, a landscaped edge along Tucson Street, and landscaped buffers along the east and south sides. Alternatively, this area may be developed with townhomes (attached single-family dwellings) or additional detached single-family homes on separate lots for individual ownership. The site may only develop with one (1) of these options.

The subject property is presently zoned A-1 Agricultural. A companion application is being filed to rezone the site to RM Residential Multi-Family. The proposed RM district and the residential densities proposed by this PUD will be in accordance with the Level 3 designation of the "Broken Arrow Next Comprehensive Plan," Future Development Guide land use map, Figure 4-7, upon approval of a redesignation from Level 2 per Comprehensive Plan Amendment application COMP-_____, as outlined in Table 4-1: Land Use Intensity System Zoning Districts Table.

The PUD will allow the most efficient use of the land which is harmonious with the surrounding land uses, as represented on Exhibit A, "Aerial Photography & Boundary Depiction." A conceptual development plan depicting design features is provided on "Conceptual Site Plan" Exhibit B with the 'cottage home community' option, as presently planned. The PUD shall be developed in accordance with the use and development regulations of the City of Broken Arrow Zoning Ordinance, except as otherwise specified herein. Bulk and area standards within the proposed Development Standards generally follow those of the proposed underlying RM district. This PUD will impose higher development standards than if developed with straight zoning.

Although Zoning Ordinance Section 4.1.E.1.b. would permit more than 378 dwelling units with the proposed RM underlying zoning, this PUD will restrict the development to 190 dwelling units.

THE VILLAGE AT WINDROSE

EXHIBIT A

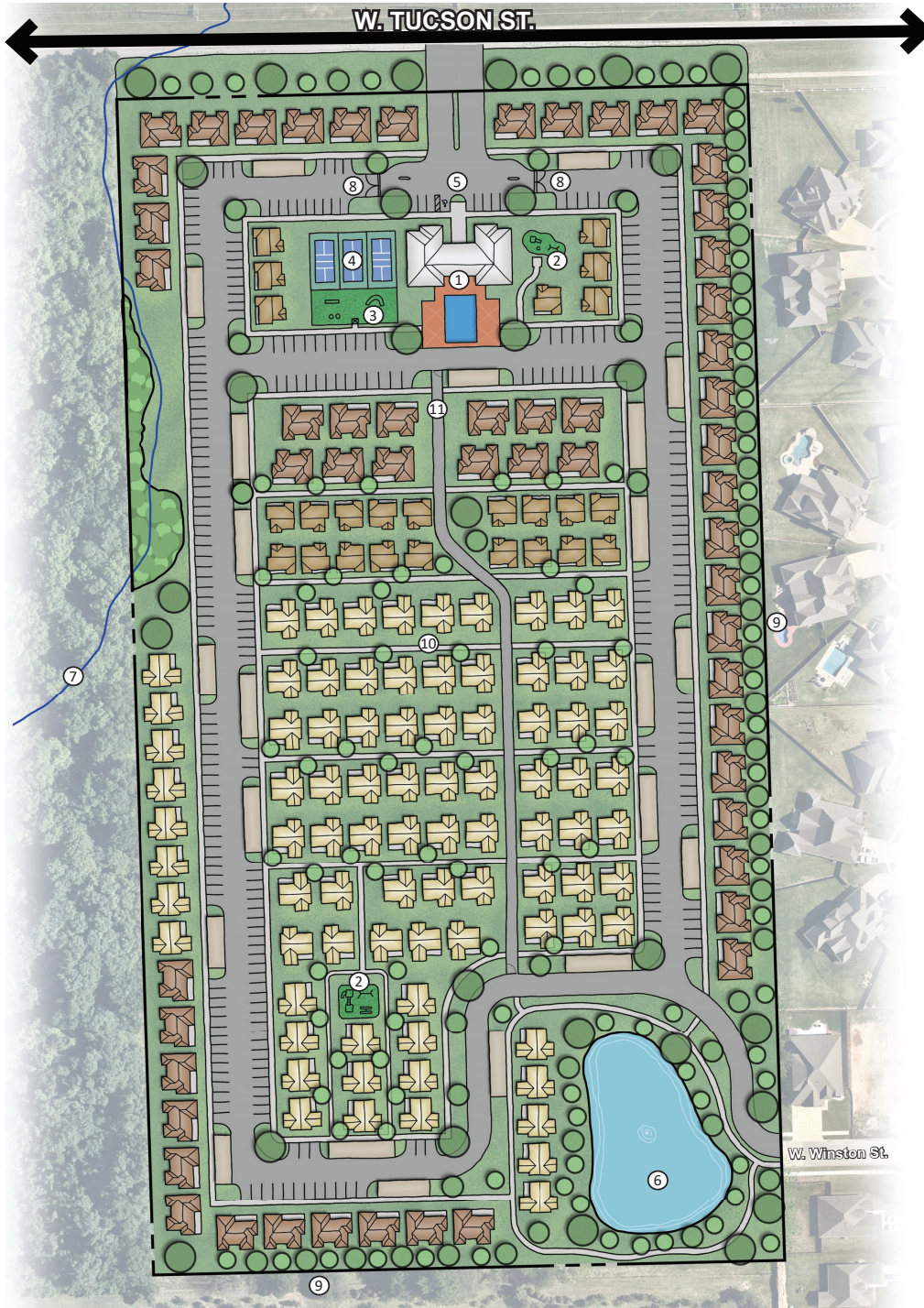
AERIAL PHOTOGRAPHY & BOUNDARY DEPICTION
WITH ADJACENT DEVELOPMENTS LABELED



THE VILLAGE AT WINDROSE

EXHIBIT B

CONCEPTUAL SITE PLAN COTTAGE HOUSE COMMUNITY OPTION
CONCEPTUAL LAYOUT SHOWN AS OF MARCH 10, 2025



SITE PLAN KEY NOTES

- ① CLUB HOUSE & POOL
- ② PLAYGROUND
- ③ DOG PARK
- ④ PICKLEBALL COURT
- ⑤ PARKING
- ⑥ DETENTION POND
- ⑦ FLOOD PLAIN
- ⑧ GATES
- ⑨ LANDSCAPE BUFFER
- ⑩ SIDEWALKS
- ⑪ EMERGENCY ACCESS

BUILDING LEGEND

-  1-BEDROOM
-  2-BEDROOM
-  3-BEDROOM
-  GARAGE

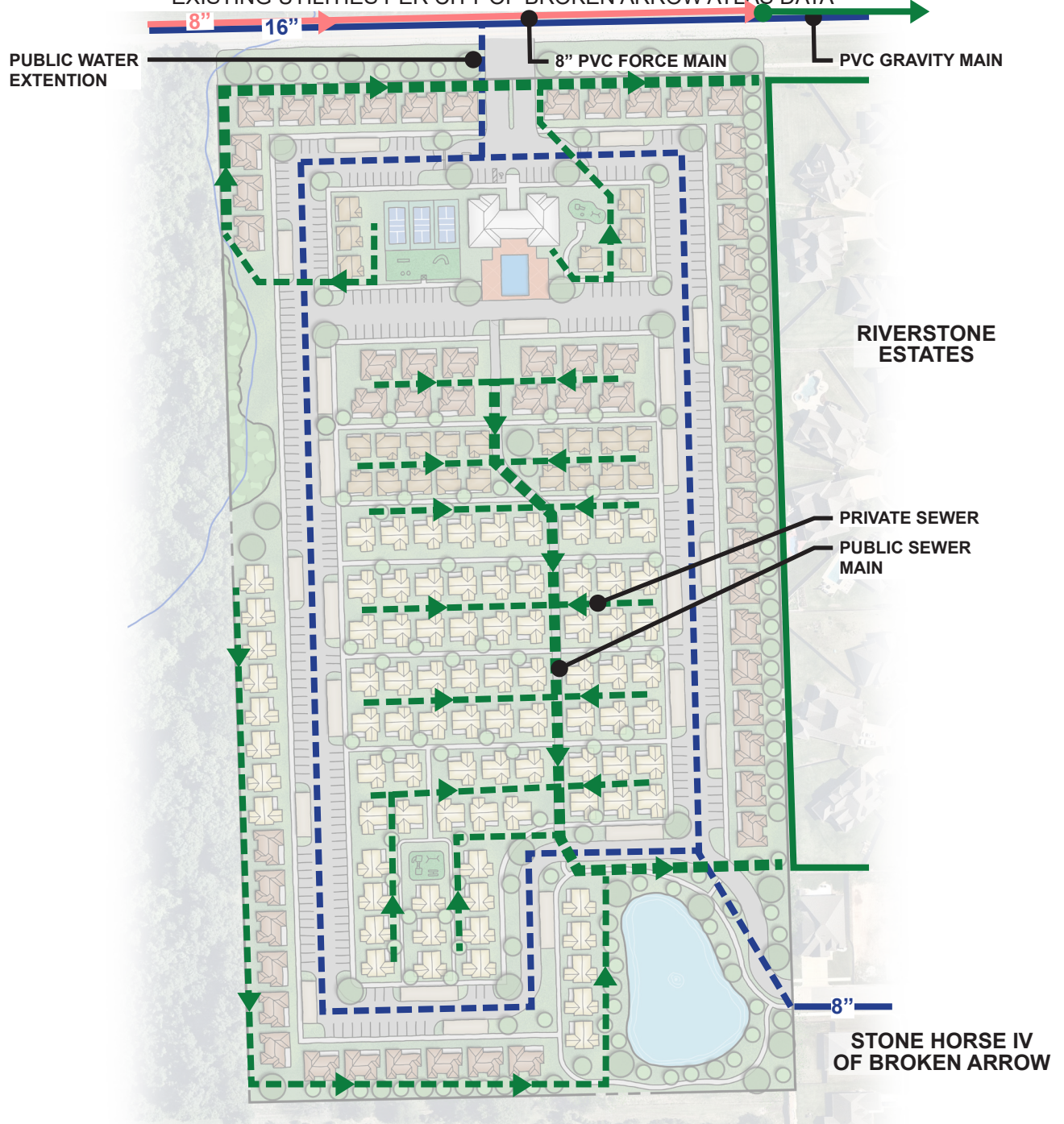
THE VILLAGE AT WINDROSE

EXHIBIT C

EXISTING AND PROPOSED UTILITIES

CONCEPTUAL LAYOUT SHOWN AS OF MARCH 10, 2025

EXISTING UTILITIES PER CITY OF BROKEN ARROW ATLAS DATA



LEGEND

- EXISTING WATER LINE
- EXISTING SANITARY SEWER
- EXISTING PVC FORCE MAIN

- - - - - PROPOSED WATER SERVICE SYSTEM
- - - - - PROPOSED SANITARY SEWER SYSTEM

6

III. DEVELOPMENT STANDARDS

III.A. "COTTAGE HOUSE COMMUNITY" OPTION:

Gross Land Area:	20 AC	
Net Land Area:	20 AC	
Permitted Uses in This PUD:	Permitted Uses RM District:	
Cottage house community including single-family attached and detached style dwellings, all located on a singular lot, provided not more than three (3) of any such dwelling units may be attached; private community playfields and parks, including clubhouses, pools, and similar neighborhood amenities, minor utility facilities, and uses customarily accessory to uses permitted herein.	Multifamily apartment and other residential uses as permitted in RM per Table 3.1-1, including group living uses, recreational centers, community playfields and parks, etc.	
Requirement:	This PUD:	RM District:
Maximum Dwelling Units (DUs):	190	378 *
Minimum Lot Width †:	200 FT	200 FT
Minimum Lot Size:	826,000 SF (18.962 AC)	22,000 SF
Minimum Land Area per DU:	2,200 SF **	2,300 SF *
Maximum Building Height:	2 Stories and 35 FT	35 FT abutting single-family residential, plus additional setbacks per additional height; otherwise Not Applicable
Minimum Yard Setbacks:		
North PUD Boundary:	15 FT; 75 FT with intervening Parking	35 FT; 75 FT with intervening Parking
South PUD Boundary:	25 FT; 75 FT with intervening Parking	35 FT; 75 FT with intervening Parking
East PUD Boundary:	25 FT; 75 FT with intervening Parking	35 FT; 75 FT with intervening Parking
West PUD Boundary:	10 FT; 75 FT with intervening Parking	35 FT; 75 FT with intervening Parking
Between Detached Dwellings:	6 FT	N/A
Between Attached Dwellings:	0 FT	0 FT, 10 FT other side

* Per Zoning Ordinance Section 4.1.B. / Table 4.1-2.

** Per Zoning Ordinance Section 4.1.E.1.b. / Table 4.1-2.

Requirement:	This PUD:	RM District:
Minimum Open Space:	1,200 SF Livability Space / Dwelling Unit and 50% Max. Lot Coverage ***	50% Max. Lot Coverage
Minimum Parking:	Two (2) off-street parking spaces / Dwelling Unit	Two (2) off-street parking spaces / Dwelling Unit
Neighborhood Amenities:	<ul style="list-style-type: none"> • Gated community • Spacious clubhouse • Pool • Pickleball courts • Park with playground • Separate dog park • Sidewalks / trails throughout • Enclosed garages and carports by reservation • Landscaped edge along Tucson Street • Landscaped buffers 	None
Other Bulk and Area Requirements:	As required for Multi-Family use within the RM District †	

*** Maximum aggregate lot coverage by buildings, parking, and drives is limited to the lesser of 50% or that amount necessary to meet minimum livability open space requirements for the lot. Livability open space, defined as open space not utilized for parking or drives, may be located on a lot or contained within common open space of the development, as per Section 4.1.E.1.d. of the Broken Arrow Zoning Ordinance. For lot coverage, reference Section 4.2.A. of the Broken Arrow Zoning Ordinance.

† See also Section III.D. Cottage House Community Supplemental Development Standards.

III.B. "TOWNHOUSE" OPTION:

Gross Land Area:	20 AC
Net Land Area:	20 AC
Permitted Uses:	
Single-family attached and detached dwellings, provided detached dwellings shall not exceed 15% of the total dwelling units constructed; neighborhood community playfields and parks including clubhouses, pools, and similar neighborhood amenities, minor utility facilities, and uses customarily accessory to uses permitted herein.	
Maximum Number of Lots:	151
Minimum Lot Width:	40 FT
Minimum Lot Area:	4,500 SF
Minimum Land Area per Dwelling Unit:	5,750 SF *
Maximum Building Height:	2.5 Stories and 35 FT **
Minimum Off-street Parking:	Two (2) per dwelling unit. Driveways are restricted to 25 feet in width at the frontage line.
Maximum Lot Coverage:	50% ***
Minimum Livability Open Space per DU:	1,600 SF ***
Minimum Yard Setbacks:	
Front Yard:	20 FT
Rear Yard:	15 FT
Side Yard (Unattached Side):	5 FT
Side Yard (Attached Side):	0 FT
Corner Lots, Other Street:	10 FT ****
Any Yard Within 35 Feet of Arterial Street:	35 FT from Arterial Street Right-of-Way
Other Bulk and Area Requirements:	As required within the RD District

* Minimum land area per dwelling unit is satisfied by the proportion of maximum number of dwelling units to gross land area as provided in Section 4.1.E.1.b. of the Broken Arrow Zoning Ordinance. Lots are therefore not subject to this requirement on an individual basis.

** Architectural features may extend a max. of five (5) feet above maximum permitted building height.

*** Maximum aggregate lot coverage by buildings, parking, and drives is limited to the lesser of 50% or that amount necessary to meet minimum livability open space requirements for the lot. Livability open space, defined as open space not utilized for parking or drives, may be located on a lot or contained within common open space of the development, as per Section 4.1.E.1.d. of the Broken Arrow Zoning Ordinance.

**** *Where a rear yard backs to a side yard of an adjacent lot, the side yard setback shall be increased to the adjacent lot's applicable front setback minus five (5) feet. Any garage facing a street shall be set back not less than 20 feet. Access and setback restrictions as presently outlined in Broken Arrow Zoning Ordinance Table 4.1-2 Note 3 shall apply to corner lots.*

III.C. "GATED SINGLE-FAMILY" OPTION

Gross Land Area:	20 AC
Net Land Area:	20 AC
Permitted Uses:	
Single-family detached dwellings; neighborhood community playfields and parks including clubhouses, pools, and similar neighborhood amenities, minor utility facilities, and uses customarily accessory to uses permitted herein.	
Maximum Number of Lots:	110
Minimum Lot Width:	40 FT
Minimum Lot Area:	4,300 SF
Minimum Land Area per Dwelling Unit:	7,875 SF *
Maximum Building Height:	2.5 Stories and 35 FT **
Minimum Off-street Parking:	Two (2) per dwelling unit. Driveways are restricted to 25 feet in width at the frontage line.
Maximum Lot Coverage:	50% ***
Minimum Livability Open Space per DU:	2,800 SF ***
Minimum Yard Setbacks:	
Front Yard:	20 FT
Rear Yard:	15 FT
Side Yard (Interior):	5 FT
Corner Lots, Other Street:	10 FT ****
Any Yard Within 35 Feet of Arterial Street:	35 FT from Arterial Street Right-of-Way
Other Bulk and Area Requirements:	As required within the RS-4 District

* Minimum land area per dwelling unit is satisfied by the proportion of maximum number of dwelling units to gross land area as provided in Section 4.1.E.1.b. of the Broken Arrow Zoning Ordinance. Lots are therefore not subject to this requirement on an individual basis.

** Architectural features may extend a max. of five (5) feet above maximum permitted building height.

*** Maximum aggregate lot coverage by buildings, parking, and drives is limited to the lesser of 50% or that amount necessary to meet minimum livability open space requirements. Livability open space, defined as open space not utilized for parking or drives, may be located on a lot or contained within common open space of the development, as per Section 4.1.E.1.d. of the Broken Arrow Zoning Ordinance.

**** Where a rear yard backs to a side yard of an adjacent lot, the side yard setback shall be increased to the adjacent lot's applicable front setback minus five (5) feet. Any garage facing a street shall be set back not less than 20 feet. Access and setback restrictions as presently outlined in Broken Arrow Zoning Ordinance Table 4.1-2 Note 3 shall apply to corner lots.

III.D. COTTAGE HOUSE COMMUNITY SUPPLEMENTAL DEVELOPMENT STANDARDS:

Since the “cottage house community” is a novel land use not presently contemplated by the Broken Arrow Zoning Code, this PUD will define and outline development standards for it. As used within this PUD, a cottage house community is a lower-density alternative to traditional apartment living, consisting primarily of detached dwellings, each with their own dedicated parking spaces and yard areas, with all dwellings located on a singular lot of record. The use falls between Broken Arrow definitions of Multiple-family and Single-family attached and detached dwellings, and in accordance with Zoning Ordinance Section 3.1.D., is specifically enabled by this PUD within the proposed RM underlying zoning district, provided not more than three (3) of any such dwelling units may be attached.

Because the character resembles a traditional detached single-family subdivision much more than a conventional, multi-story apartment complex, the multi-family building design standards and other Zoning Ordinance development standards specifically pertaining to “multi-family” use are replaced by the specific development standards provided herein. These include but are not limited to those within Broken Arrow Zoning Ordinance Section 5.5.C.

While intended for lease by residents, the cottage house community will also allow for unit ownership if later executed in accordance with the Unit Ownership Estate Act (Title 60 O.S. Section 501 et seq.).

The following development standards shall apply to the cottage house community:

- Cottage house community shall be gated, with gate designs approved by the Fire Marshal
- Not less than 15% of the cottage house community shall be community amenity or open areas
- Amenities shall include all those listed in Section III.A.
- No more than three (3) dwelling units may be attached
- No more than 25% of total dwelling units may be attached
- Individual cottage homes shall employ variations in unit types, floor plans, architectural styles, colors, and/or other design features to avoid repetition from the perspective of the private streets
- At least two (2) off-street parking spaces are required per unit, onsite or in shared parking areas
- There is no limit to the number of buildings continuously on the same building line
- Unattached buildings shall be arranged so that the fronts of the buildings are set to the front or back of each adjacent front building line by at least 15 feet
- Perimeter building setbacks shall be those listed in Section III.A.
- In all other arrangements interior to the site, unattached buildings shall maintain not less than 6 FT of separation from all other units
- At least sixty percent (60%) of the exterior of the building, excluding doors and windows, shall be constructed of but not limited to masonry, concrete panels, Exterior Insulated Finished Systems, and/or stucco. In addition, twenty percent (20%) of the street facing facade shall be constructed of natural brick or masonry rock.
- Parking lots shall be no more than nine hundred feet (900') in length without an offset change in direction of thirty feet (30') or more, centerline to centerline, or an intersection with another centerline. Off-street parking shall otherwise meet the requirements of the Broken Arrow Zoning Ordinance.
- Numerous enclosed garage buildings shall be constructed, providing covered, enclosed, and secure storage areas for bicycles and other belongings that typically cannot be accommodated within individual dwelling units. Therefore, no special storage buildings are proposed for individual tenant use.

IV. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS

IV.A. SURROUNDING ZONING AND LAND USE: The site is presently zoned A-1 Agricultural. Surrounding zoning is primarily A-1 and RS-3. West of the site, the land is zoned A-1 but designated by the Comprehensive Plan as “Level 4 - Commercial/Employment Nodes”, so planned for commercial use, and “Greenway/Floodplain”. It is vacant and wooded with FEMA-designated 100-year Floodplain along a tributary of Haikey Creek. Across Tucson Street to the north is the Lit'l Links Golf Club zoned A-1 and designated by the Comprehensive Plan as “Level 4 - Commercial/Employment Nodes”, “Level 3 - Transition Area”, and “Greenway/Floodplain”. To the east is the “Riverstone Estates” and “Stone Horse IV of Broken Arrow” single-family residential subdivisions zoned RS-3. Abutting to the south is a single-family dwelling on a large estate-sized lot zoned A-1.

IV.B. ACCESS AND CIRCULATION: The subject property has approximately 660 feet of frontage on West Tucson Street. For the ‘cottage house community’, one (1) divided, boulevard-style entrance is conceptually illustrated on the Exhibit B “Conceptual Site Plan.” In front of the clubhouse, gates are proposed on both of the private drives extending to the west and to the east. From the adjoining Riverstone Estates, the subject property has additional access via the West Winston Street stub street, to which this site plan proposes to connect but with an emergency-access-only gate. Internal access shall be by private driveways meeting or exceeding minimum requirements for drive widths, paving thickness and other construction standards, curb return radii, etc., all as required by the City of Broken Arrow.

If designed with “streets” as opposed to “driveways” or “drives”, all public or private streets shall meet all of the same City of Broken Arrow requirements but for residential local minor “streets”, except that private streets may have reduced right-of-way widths. Gates serving private streets or drives shall be designed according to the International Fire Code adopted by the City of Broken Arrow and be approved by the Broken Arrow Fire Marshal during the platting stage.

A sidewalk with a minimum of five (5) feet in width shall be constructed along the West Tucson Street frontage. Sidewalks and trails will connect all dwelling units to the clubhouse and other amenities within the site and at least one (1) side of the drives connecting to the public streets West Tucson Street and West Winston Street. Sidewalks may be gated.

Limits of No Access (LNA) will be imposed by the future plat(s) along the West Tucson Street frontage, except at approved street intersection(s).

IV.C. SIGNAGE, LANDSCAPING, AND FENCING: Signs, landscaping, and fencing shall comply with the applicable provisions of the Broken Arrow Zoning Ordinance except as specifically provided herein.

For the ‘cottage house community’ development option, a landscaped buffer 25' in width shall be required along the east and south property lines and shall contain a minimum of one (1) landscaping tree per 30 linear feet, excluding access drives, and a minimum six (6) foot high opaque screening fence or wall; along West Tucson Street, a landscaped edge 15' in width shall be required and shall contain a minimum of one (1) landscaping tree per 35 linear feet, excluding access drives, and a minimum six (6) foot high opaque screening fence or wall; all required landscape material shall be located either outside the arterial street right-of-way or if in arterial street right-of-way, placed within the first five (5') feet of the street right-of-way beyond the propertyline. If landscape material is located five feet (5') into the arterial street right-of-way,

the sidewalk may be serpentine to allow landscape material to be placed in pocket areas as long as the tree-to-pavement distance of at least four feet (4') is maintained; and landscaping trees may be clustered at landscaped nodes in all required landscaped areas.

The western boundary is shared with land primarily planned for commercial/nonresidential use per the Comprehensive Plan's "Level 4 - Commercial/Employment Nodes" designation, and a floodplain buffer is anticipated along the common line per the "Greenway/Floodplain" designation. Based on the width of the Haikey Creek tributary and the existing dense treeline, a 10' building setback is planned here, but no landscaping or screening will be required. If the adjacent property is developed nonresidentially, it would be subject to any screening requirements then in effect and based on its unique site design.

For single-family or townhouse development options, fences enclosing a front yard ("courtyard") shall be permitted up to four (4) feet in height, provided that no fence shall obstruct the sight triangle areas as outlined in Broken Arrow regulations.

IV.D. UTILITIES AND DRAINAGE: Per City of Broken Arrow atlas utility data, a 16" waterline is located along the north side of West Tucson Street and an 8" waterline is located within the West Winston Street stub street of the adjoining Riverstone Estates subdivision. Waterline connections will be made to both. The atlas utility data also shows an existing sanitary sewerline located along and within the west side of Riverstone Estates. Waterlines and sanitary sewer shall be extended throughout the site and looped to provide water service and fire protection and will be designed during the platting stage. Fire hydrant locations shall be coordinated with and approved by the Broken Arrow Fire Marshal during platting.

As conceptually designed, an internal stormwater collection and detention system will be designed and constructed to drain to a stormwater detention facility located at the site's southeast corner, but ultimately to be sited and designed during the platting stage. An application has been filed for Fee-In-Lieu of Onsite Stormwater Detention Determination, and the result will confirm whether onsite stormwater detention is required or otherwise. Early concepts for drainage and onsite stormwater detention are shown on the Exhibit B "Conceptual Site Plan." Stormwater drainage and detention facility(ies) may additionally serve as neighborhood amenit(ies).

Electric, natural gas, and communications services are available onsite or by extension.

Existing and proposed utilities are shown on Exhibit C of this PUD.

IV.E. ENVIRONMENTAL ANALYSIS AND TOPOGRAPHY: The site is moderately sloped and contains a top of a small hill near the intersection of the existing driveway and West Tucson Street, and another small hilltop near the center of the site where the existing house is located. There is an existing pond at the site's southeast corner. Approximately ½ of the site drains to the west to the Haikey Creek tributary, with the balance to the pond in the southeast corner. The entire site ultimately drains to Haikey Creek.

A small fringe along the west side of the site is within the 100-year (1% Annual Chance) Regulatory Floodplain. The balance of the site is within Unshaded Zone X, outside of the 500-year Floodplain.

The Soil Survey of Tulsa County, Oklahoma was used to help identify soils types and possible constraints to development. The site contains Okay Loam, 1-1%, 1-3%, and 3-5% slopes (86.3% of site) and Tulahassee Fine Sandy Loam, 0-1% slopes (13.7% of site). Development constraints associated with these soils types will be addressed in the engineering design phase of the project. Prior to construction, a geotechnical report will be performed to recommend paving sections and subgrade design.

IV.F. PLATTING AND SITE PLAN REQUIREMENTS: No building permit shall be issued until a subdivision plat has been submitted to and recommended upon by the Broken Arrow Planning Commission and approved by the Council of the City of Broken Arrow, and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved PUD and the City of Broken Arrow shall be a beneficiary thereof. The plat will also serve as the site plan for any townhouse or detached single-family residential lots contained within the plat. At the time of platting, either the "Cottage House Community," or the "Townhouse," or the "Detached Single-Family" option may be selected, to the exclusion of both other options. Any neighborhood amenities requiring a building permit shall submit and receive Broken Arrow City Staff approval of a site plan application.

IV.G. SCHEDULE OF DEVELOPMENT: Development of the project is expected to commence and be phased and completed as market conditions permit. If phased, each phase will be coordinated with the City of Broken Arrow in order to provide adequate traffic circulation and utility service.



City of Broken Arrow

Request for Action

File #: 25-567, Version: 1

**Broken Arrow Planning Commission
04-24-2025**

To: Chairman and Board Members
From: Community Development Department
Title:

Public hearing, consideration, and possible action regarding a new
Broken Arrow Zoning Ordinance

Background:

Amongst the key priorities in the Broken Arrow NEXT Comprehensive Plan is to update the City's land development regulations to effectively implement the plan and help bolster the community's vision. One of the goals of the Plan is to "ensure that new development is high-quality and long-lasting" (Goal LU2), and a recommendation is to evaluate and identify potential updates to the Zoning Ordinance as a tool to create stronger character and sense of place in the built environment (LU2.2).

Kendig Keast Collaborative was selected through the Request for Qualifications (RFQ) process to work with the Community Development Department to update the Zoning Ordinance. Since May of 2021, KKC has worked through the core services in Phase I include five stages to the Zoning Ordinance Update.

- Stages 1-3: Project Orientation, Outreach and Communication, and Diagnostics and Analysis - hold kick-off meetings and coordination between the consultant and city staff; conduct facilitated stakeholder discussions with stakeholders, Planning Commission, City Council, stakeholder advisory committee, and staff technical team; outreach for community-wide feedback; and, examine best practices and procedures that meet the City's goals.
- Stage 4: Technical Drafting - develop code framework; draft the new draft Zoning Ordinance; generate customized graphics to illustrate development concepts; facilitate discussions with stakeholders; and revise draft Zoning Ordinance as needed
- Stage 5: Review and Adoption - provide targeted education and outreach of the proposed Zoning Ordinance and hold public hearings for consideration/adoption.

With Phase II of the update, KKC has been working with Staff to design and implement web-based, interactive public presentation platform, create a project website and develop a Zoning Map recommendation consistent with updated Zoning Ordinance.

Attached is the latest draft Zoning Ordinance for. The draft ordinance for review and consideration by the Planning Commission may be viewed on the project website at:

<https://online.encodeplus.com/regs/brokenarrow-ok-update/doc-viewer.aspx#secid-5>
<<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fonline.encodeplus.com%2Fregs%2Fbrokenarrow-ok-update%2Fdoc-viewer.aspx%23secid-5&data=05%7C02%7CAYamaguchi%40brokenarrowok.gov%7CA0f19b944b5a42a00c2608dd791bad1d%7Ccfb7749349594a57b52c45ee2fbff997%7C0%7C0%7C638799885118578304%7CUnknown%7C>>

[7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiLWZlAnNkIiwiaWUiOiIjXaW4zMilslkFOljoitWFpbClldUljoyfQ%3D%3D%7C80000%7C%7C%7C&sdata=ICsvz1fDfh%2F2FwuQUAbGYAMrT02bL6ogvL5XxCnemJY%3D&reserved=0](https://www.brokenarrowok.gov/DocumentCenter/View/143/7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiLWZlAnNkIiwiaWUiOiIjXaW4zMilslkFOljoitWFpbClldUljoyfQ%3D%3D%7C80000%7C%7C%7C&sdata=ICsvz1fDfh%2F2FwuQUAbGYAMrT02bL6ogvL5XxCnemJY%3D&reserved=0)

Attachments: See project link in the body of the report.

Recommendation:

Staff recommends approval of the new Broken Arrow Zoning Ordinance.

Reviewed By: Amanda Yamaguchi

Approved By: Rocky Henkel



City of Broken Arrow

Request for Action

File #: 25-568, Version: 1

**Broken Arrow Planning Commission
04-24-2025**

To: Chairman and Board Members
From: Community Development Department
Title:

Public hearing, consideration, and possible action regarding text updates to the Broken Arrow Comprehensive Plan

Background:

Amongst the key priorities in the Broken Arrow NEXT Comprehensive Plan is to update the City's land development regulations to effectively implement the plan and help bolster the community's vision. One of the goals of the Plan is to "ensure that new development is high-quality and long-lasting" (Goal LU2), and a recommendation is to evaluate and identify potential updates to the Zoning Ordinance as a tool to create stronger character and sense of place in the built environment (LU2.2).

A draft of the proposed New Broken Arrow Zoning Ordinance has been provided to the Planning Commission and recommended for referral to the City Council at the same meeting as this proposed text update to the Comprehensive Plan. The recommended changes are only to bring the Comprehensive Plan text in line with the new zoning districts established by the new Zoning Ordinance. No other changes to the text are proposed. All changes are noted in the attached pages of the Comprehensive Plan. Only pages 28, 76, 77, and 80 required changes.

Attachments: Pages 28, 76, 77, and 80 of the Comprehensive Plan

Recommendation:

Staff recommends approval of the proposed text updates to the Broken Arrow Comprehensive Plan.

Reviewed By: Amanda Yamaguchi

Approved By: Rocky Henkel

EXISTING REGULATORY FRAMEWORK

Zoning in Broken Arrow is regulated by Ordinance 2931 of the Broken Arrow City Code which was approved by the City Council in 2008. The Zoning Ordinance and subsequent updates follow the provisions of Title 11, Oklahoma Statutes, sections 11-43-101 to protect the general health, safety, and general welfare of citizens to implement the comprehensive plan. [Table 2-7](#) shows the current zoning districts.

The [Zoning Ordinance](#) describes regulations on land use and density, block size, and additional elements that help the city guide development patterns. A simplification of the current zoning map is shown in [Figure 2-7](#).

that establishes additional design standards for the area around the Rose District to promote quality residential and commercial development.

TABLE 2-7: Current Zoning Districts

District Type	Ref.	District Name
Agricultural	A-1	Agricultural
Active Residential	RE	Residential Estate
	RS-1	Single Family Residential
	R-2	Single Family Residential
	RS-2	Single Family Residential
	RS-3	Single Family Residential
	RS-4	Single Family Residential
	RD	Residential Duplex
	RM	Residential Multi-Family
	RMH	Residential Mobile Home Park
Inactive Residential	R-1	Single Family Residential
	R-3	Single Family Residential
Mixed-Use	NM	Neighborhood Mixed-Use
	CM	Community Mixed-Use
	DM	Downtown Mixed-Use Core
	DF	Downtown Fringe
Commercial/Industrial	ON	Office Neighborhood
	CN	Commercial Neighborhood
	CG	Commercial General
	CH	Commercial Heavy
	IL	Industrial Light
	IH	Industrial Heavy
Special Purpose and Overlays	PUD	Planned Unit Development
	FD	Floodplain
	DRO	Downtown Residential Overlay
	HDO	Highway Design Overlay
	NOSQ	New Orleans Square Overlay

District Type	Ref	District Name
Agricultural	AG	Agricultural
Residential	RS	Single-Family Residential
	RS-C	Single-Family Residential- Compact
	RS-P	Single-Family Residential- Preservation
	RMD	Residential Duplex
	RMF	Residential Multi Family
	RMH	Residential Mobile Home
Mixed Use	CM	Community Mixed Use
	DM	Downtown Mixed Use
	DF	Downtown Fringe
Commercial/Industrial	ON	Office Neighborhood
	CN	Commercial Neighborhood
	CG	Commercial General
	CH	Commercial Heavy
	IL	Industrial Light
Special Purpose and Overlays	IH	Industrial Heavy
	PUD	Planned unit Development
	FD	Floodplain
	DRO	Downtown Residential Overlay
	HDO	Highway Design Overlay
	NOSQ	New Orleans Square Overlay

Residential Overlay District in January 2018

FUTURE DEVELOPMENT GUIDE

The Future Development Guide serves as a tool for the City to communicate the intended future land uses throughout Broken Arrow. Since 1997, the City has used a 'Land Use Intensity System' (LUIS) that provides structure for the Future Development Guide. This system recognizes that land uses with similar intensities (density of development on a site) are more likely compatible than land uses with different intensities. The LUIS system has seven levels of land use intensities: Rural Residential, Urban Residential, Transition Area, Commercial/Employment Nodes, Downtown Area, Regional Commercial/Employment, and Major Industrial.

Figure 4-6 represents the prototypical LUIS model for a typical one-mile section in the urbanized area of Broken Arrow. Numeric designations show the appropriate LUIS Level that would be permitted and the concept of transitioning from more intensive uses at the intersections of arterial streets to less intensive uses towards the center of each one-mile section.

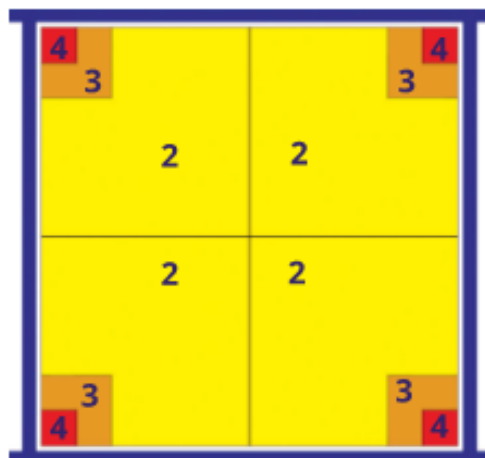


FIGURE 4-6: LUIS Prototypical Model

Each of the seven LUIS categories are described in the following section with the change since the 2012 update in **bold text**.

Land Use Intensity Level 1 Rural Residential



Level 1 represents the lowest intensity of land use in Broken Arrow. It is used primarily in the non-urbanized areas of Broken Arrow or to reflect established areas of very low density residential development that may be expected to remain as an exception in urbanized areas. The principal uses in this level are either agriculturally related or single family homes on large lots. A request for ~~R-2, RS-2, or RS-3~~ zoning in the Level 1 may be in accordance with the Comprehensive Plan, provided the site for the rezoning request is located adjacent to an arterial street, or is part of an existing ~~R-2, RS-2, R-3, or RS-2~~ area which is located adjacent to an arterial street. Due to the uses allowed in this level of intensity, areas designated as Level 1 should generally be kept free of significant vehicular traffic generators and noisy or polluting uses. In addition, special consideration should be given to the manner in which Level 1 uses abut the other levels of higher intensity.

RS or RS-C

RS or RS-C

Land Use Intensity Level 2 Urban Residential



Level 2 represents the predominant character of development in Broken Arrow. This designation is principally used for areas of typical residential subdivision development and is the base level recommended for the urbanized area of Broken Arrow.

In addition to single-family detached homes, two-family units and neighborhood office parks may be in accordance with the Comprehensive Plan. For an RD rezoning request to be considered to be in accordance with the Comprehensive Plan, the site must be located adjacent to an arterial street or be part of an expansion of an RD area which is located adjacent to an arterial street. In addition, the streets proposed to serve the RD area must connect directly to an arterial street. None of the traffic from the RD area to the arterial street will pass on a street which contains single family detached structures.

Similarly, a request for ON rezoning is in accordance with the Comprehensive Plan, provided the site for the rezoning request is located adjacent to an arterial street or is part of an expansion of an existing ON area which is located adjacent to an arterial street. None of the traffic from the ON area shall utilize roads that pass through a single-family residential area prior to reaching an arterial street.

Land Use Intensity Level 3 Transitional Area



Level 3 represents a transition zone from strictly residential development to strictly non-residential development. As such, the primary uses for Level 3 are higher density residential uses and lower density employment uses. This level of intensity should be located adjacent to an arterial street. The principal uses in this district would be higher density single-family detached residential ~~(RS-4)~~, single-family attached (duplexes and townhouses), multi-family apartments, neighborhood offices, and planned office parks. **RS-P**

Although intended primarily for attached residential dwellings and office development, single-family detached dwellings are permitted in RD and RM Zoning Districts. It may also be appropriate for R-2, RS-2, and RS-3 zoning districts to occur within Level 3 under the following circumstances:

- The proposed ~~R-2, RS-2, or RS-3~~ zoning in Level 3 is an extension of an adjacent ~~R-2, RS-2, R-3, or RS-3~~ district and would not preclude access to a potential higher intensity use from an arterial street, or
- The proposed ~~R-2, RS-2, or RS-3~~ zoning is part of a planned unit development with attention given to screening and buffering the single family uses from potential higher intensity uses.

RS-C

Other land uses identified that do not fall within the different intensity levels include:

Greenway/Floodplain: Areas that fall within the FEMA designated floodplain.

Public Recreation: City of Broken Arrow parkland.

Private Recreation: Recreation areas such as private HOA parks or golf courses that are not open to the general public.

Public/Semi-Public: Public facilities, public schools, and cemeteries.

The Future Development Guide is directly integrated with zoning districts in Broken Arrow. In each of the seven LUIS levels, each zoning district is either allowed, possible (provided conditions are met), or not allowed. [Table 4-1](#) shows the updated table.

[Figure 4-7](#) is the updated Future Development Guide for the Broken Arrow Next Comprehensive Plan, followed by a summary of recommended changes (since the last update in 2012) to be incorporated.

Table 4-1: Land Use Intensity System Zoning Districts Table

Zoning Districts	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7
A-1: Agricultural District	Allowed						
RE: Residential Estate District	Allowed						
RS-Single Family RS-1: SF Residential District	Allowed						
R-2: SF Residential District	Possible	Allowed	Possible				
RS-C (Single Family Compact) District	Possible	Allowed	Possible				
RS-3: SF Residential District	Possible	Allowed	Possible				
RS-P (Single Family Preservation) District		Allowed	Allowed				
RD: Residential Duplex District		Possible	Allowed				
RM: Residential MF District			Allowed	Possible	Possible		
RMH: Residential Mobile Home District			Allowed				
NM: Neighborhood Mixed Use District			Allowed	Allowed			
CM (Community Mixed Use) District CM: Community Mixed-Use District			Possible	Allowed			
DM: Downtown Mixed-Use Core District					Allowed		
DF: Downtown Fringe District					Allowed		
ON: Office Neighborhood District		Possible	Allowed	Allowed	Possible		
CN: Commercial Neighborhood District				Allowed	Possible	Allowed	
CG: Commercial General District				Allowed	Possible	Allowed	
CH: Commercial Heavy District						Allowed	Possible
IL: Industrial Light District						Possible	Allowed
IH: Industrial Heavy District							Allowed