

---

**TULSA DEVELOPMENT AUTHORITY  
STAFF REPORT**

**MEETING DATE:** February 6, 2020  
**TO:** Chairman & Board Members  
**FROM:** Office of Tulsa Development Authority  
**SUBJECT:** Morton – Interim Use Request

---

**Background:**

<b>Owner:</b>	<b>Tulsa Development Authority</b>
<b>Redeveloper:</b>	<b>Tulsa Development Authority</b>
<b>Location:</b>	<b>605 East Pine Street Tulsa, Oklahoma 74106</b>
<b>Size of Tract:</b>	<b>N/A</b>
<b>Number of Lots:</b>	<b>N/A</b>
<b>Development Area:</b>	<b>N/A</b>
<b>Fair Market Value</b>	<b>N/A</b>

**Relevant Info:** This is a request from Bobby Eaton, Sr., to request permission from the TDA Board of Commissioners to operate a farmer’s market in the Morton Hospital Parking Lot on weekends only during the times to be established.

The purpose of this request is to determine the possibility of allowing temporary use of the property, contingent upon the terms of the Redevelopment Agreement with Pine Place Development, LLC and the Interim Use Policies of the Tulsa Development Authority.

**Attachments:** Adopted - TDA Interim Use Policies

Map Photo of Morton Property

**Recommendation:** Staff recommends the Board authorize Chairwoman Roberts to negotiate the Interim Use terms and engage General Counsel to the document the same, addressing specifically such matters as ingress/egress, clean-up, signage, security, insurance coverage and such other matters as may be necessary to address.

**Reviewed By:** Chairwoman Nancy Lynn Roberts

## TULSA DEVELOPMENT AUTHORITY BOARD

### INTERIM USE POLICIES

#### I. Approved Uses

- A. Only interim uses which are temporary in nature will be considered for approval by the Tulsa Development Authority Board of Commissioners. An interim use shall include temporary uses as defined in Chapter 50 of the Tulsa Zoning Code.
  1. The Tulsa Development Authority reserves the right to deny temporary uses included within the definitions of Chapter 50 of the Zoning Code.
  2. The Tulsa Development Authority reserves the right to approve temporary uses not included within the definitions of Chapter 50 of the Zoning Code.
- B. No interim use shall be approved which requires the installation or construction of permanent utilities to serve the site.
- C. Other Criteria to be used in consideration of any request for approval of an interim use are as follows:
  1. The interim use will benefit the residents or businesses in the immediate area and residents and businesses in the City of Tulsa generally;
  2. The interim use will not delay or adversely affect current development in or the redevelopment of the area;
  3. No zoning changes or Board of Adjustment approvals can be necessary in order to permit the interim use;
  4. The use will comply with the comprehensive plan for the City of Tulsa, Oklahoma and any other applicable plan to the area in question;
  5. Significant financial benefit will result to TDA from the use;
  6. The use shall be in furtherance of the purposes of TDA;
  7. Significant financial benefit will result to the City of Tulsa, Oklahoma from the use;
  8. The use furthers the purposes of the City of Tulsa, Oklahoma;
  9. The nature, type, cost and permanence of structures needed for the interim use are in furtherance of the ideals reflected from the criteria listed here;
  10. The amount of total investment which the interim user would be called upon to make, including but not limited to, the rental under the lease is reasonable under the circumstances;
  11. The length of time necessary to dismantle, remove, and place the land in its original condition, ready for permanent development after notice of termination of interim use is reasonable and appropriate;

#### II. Application and Request for Approval of Temporary Use

- A. Application Process
  1. All requests for approval of an interim use on the subject property must be made through submission of a formal application for approval to the Tulsa Development Authority Board of Commissioners. The request shall include:
    - a) A cover letter providing an overview of the request.
    - b) A proposed site layout indicating the property requested for use.
    - c) A list of activities that will take place on the property.

- d) Total length of time the interim use will be needed.
- e) Evidence of the user's ability to obtain and maintain insurance coverage for the proposed use.

**B. Approval or Denial**

- 1. All uses will be evaluated on an individual basis and considered based upon the following factors:
  - a) Temporary or long-term impact on the proposed use area.
  - b) Public benefit received as a result of the proposed use
  - c) Criteria listed above in Section I.
- 2. The Tulsa Development Authority Board of Commissioners reserves the right to approve or deny applications for interim use at their sole discretion.
- 3. Unless otherwise specifically approved by the Tulsa Development Authority Board of Commissioners, the lease shall be on a month-to-month basis and may be terminated by either party upon 30-day written notice.
- 4. Expenditures to prepare structures for interim use by tenants, except as otherwise agreed by separate written agreement with TDA, shall be the responsibility of the lessee and no relocation or clean-up assistance will be provided by TDA upon the termination of the interim use.
- 5. Maintenance on property subject to a lease will be at the sole expense of the lessee whether conducted by or through TDA as the lessor or otherwise.

**III. Fees for Interim Use**

**A. Commercial and For-profit Uses**

- 1. An interim use fee will be charged in an amount equal to the fair market value for the proposed interim use. Such fee may be established through a formal appraisal, ordered by the Tulsa Development Authority.

**B. Non-profit Uses**

- 1. For non-profit uses, the Board may consider a reduced fee, which shall take into consideration the public benefit provided by the proposed use.

**C. Administrative and Legal Costs**

- 1. Fees shall include costs incurred by the Tulsa Development Authority for staff and legal time and resources.

**D. Purpose and Use of Fees**

- 1. All fees collected for interim uses on the subject property shall be deposited in a dedicated fund established for the purpose of supporting the subsequent permanent redevelopment of the subject property.

**E. Payment of Fees**

- 1. All fees shall be paid up-front upon the execution of an agreement memorializing the full terms of the interim use.

**IV. Term of Use**

**A. Initial Approval**

- 1. The Board may approve an interim use on a month-to-month basis (default term if none specified) or for up to a twelve (12) month period, at the Board's discretion..

**B. Renewal Approval**

1. For multi-month terms, sixty (60) days prior to the expiration of the term of the approved interim use, the user may submit a request to renew the interim use.
2. Such application to renew shall follow the same procedure outlined in Section II, and shall include a memo detailing the impact and status of the use during the current term.

C. Right to Terminate

1. TDA reserves the right to terminate any approved agreement for interim use at its sole discretion, provided that either thirty days' notice in the event of any term less than 1 year in length, or sixty (60) days' notice in the event of any term that is 1 year in length be provided.
2. Upon completion of a Master Plan for the Kirkpatrick Heights and Greenwood Neighborhoods, the Tulsa Development Authority Board of Commissioners reserves the right to close the application window for new interim uses.
3. Upon completion of a Master Plan for the Kirkpatrick Heights and Greenwood Neighborhoods, the Tulsa Development Authority Board of Commissioners reserves the right to notify existing, approved interim users of TDA's intent to initiate solicitation for permanent development proposals. At such time, TDA shall provide at least sixty (60) days' notice to approved users of the intent to terminate or end interim uses as needed to facilitate this permanent development.

**V. Requirements**

A. Agreement

1. Approved interim uses will be memorialized through a formal agreement, to be signed and executed by a legal representative of the user within thirty (30) days of approval of the application for interim use.

B. Insurance Coverage

1. Users shall be required to maintain an appropriate amount of insurance, to include replacement and repair coverage.
2. Users shall provide the Tulsa Development Authority with verification of insurance coverage within ten (10) days of approval of the use, and again upon renewal of the use. The Tulsa Development Authority reserves the right to request proof of continued insurance coverage throughout the term of approved interim uses.

C. Condition of Property Upon Termination of Temporary Use

1. Users shall be required, at their sole cost, to return the subject property to the previous condition or better condition upon termination of the interim use.

