

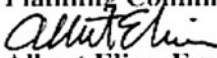


PLANNING COMMISSION

Department of Planning • P.O. Box 27210 • Tucson, AZ 85726-7210

DATE: December 4, 2002

TO: Planning Commission

FROM: 
Albert Elias, Executive Secretary

SUBJECT: DRAFT *LAND USE CODE (LUC)* AMENDMENT –
LARGE RETAIL ESTABLISHMENTS (BIG BOXES)

This is a study session item regarding a draft amendment to the *Land Use Code (LUC)* Large Retail Establishment regulations as recommended by the Planning Commission Subcommittee. The purpose of the amendment is to clarify the code applicable to Large Retail Establishments, to provide flexibility in the application of requirements for Large Retail Establishments located in different situations, and to assure adequate design of Large Retail Establishment applications to ensure protection of adjacent and nearby community.

BACKGROUND

On September 27, 1999, the Mayor and Council adopted ordinance number 9293, amending the *LUC* to specify design criteria for Large Retail Establishments. On December 4, 2000, the Mayor and Council directed staff to propose amendment language addressing certain technical aspects of the ordinance which were identified during the one-year review. On November 7, 2001, the Planning Commission continued a public hearing to request direction from Mayor and Council as to whether the amendment should address the entire ordinance. On December 10, 2001, the Mayor and Council directed the Planning Commission to forward only the technical aspects of the ordinance, and not pursue establishment of a committee to review the entire ordinance. On January 28, 2002, during consideration of the technical aspects of the ordinance, the Mayor and Council remanded the Large Retail Establishment ordinance to the Planning Commission for a complete review.

On March 6, 2002, the Planning Commission established a subcommittee to review the entire ordinance. The subcommittee consists of five members, three from the Planning Commission (Rob Tomlinson, Chairman; Grace Evans; and Robert Morgan), one neighborhood representative (Joyce Joosten), and one representative from the development community (Thomas Saylor-Brown, architect). In addition to the subcommittee and staff, the meetings were attended by various representatives from the public, including neighborhood residents, development consultants and representatives of Large Retail Establishments. The meeting agendas, minutes, and all proposed drafts were posted on the Comprehensive Planning Task Force web site, and copies were e-mailed to all interested parties.

The subcommittee listened to several guest speakers to more fully understand the many issues addressed by a Large Retail Establishment ordinance. Among the guest speakers were Gary Oaks, City of Tucson Department of Transportation; Thomas Spendiarian, architect, Architectural Design Associates; Craig Gross, Development Services Department; Peter Gavin, City of Tucson Zoning Examiner; Rick Volk, Volk Company; Al Kackley, resident adjacent to K-Mart, Broadway/Kolb; Jay Haubert, United Food and Commercial Workers Local #99; John Doney, Morrill & Aronson, PLC; Dave Burns, Chairperson, City of Tucson Development Review Board (DRB); Larry Cummings, City of Tucson Economic Development Office; Chuck Bell and Amy Hill, Wal-Mart; and Mara Kelly, International Council of Shopping Centers.

The subcommittee has met weekly since April 4, 2002, and on November 14, 2002, directed staff to forward a draft amendment to the Planning Commission for its consideration. The subcommittee chairman, Robert Tomlinson, will be providing a report to the Planning Commission on tonight's agenda.

PLANNING CONSIDERATIONS

The draft amendment proposes changes to the process through which a Large Retail Establishment is approved. This proposal establishes three tiers for approval and includes development "by right" with review and approval by staff, review and approval by the Director of the Development Services Department (DSD) through a Type IV Administrative Procedure (Special Exception Land Use), and review and approval by the Zoning Examiner through a Type V Administrative Procedure (Special Exception Land Use). Proposed applications are evaluated in terms of the characteristics of the site to determine which process is to be followed. Each tier also has general and specific performance criteria to be met, with the criteria becoming more stringent as the process goes from the "by right" process to the Zoning Examiner process. There will be a brief presentation at tonight's meeting to discuss the criteria, which are also attached as a draft amendment (see Attachment A). A comparison is also attached showing the differences between the existing code and the proposed amendment (see Attachment B).

Staff is particularly concerned with the application of restrictive standards to buildings and uses other than the LRE. Matters that are integral to the LRE site, such as pedestrian and vehicular circulation, common parking, and architectural design, are clearly related to the approval of the LRE. Typically, the operation, location and use of other buildings on the site is not clearly related to the LRE. There does not appear to be a clear basis for applying different regulations to these buildings and uses than would be applied to the same buildings and uses by the underlying zoning if there were no LRE on the site. Representatives of neighborhood groups and Large Retail Establishments have stated to the subcommittee that these provisions are essential to the compromise they have reached to support this draft.

The subcommittee also discussed the existing regulations for the I-2 zone which permit a Large Retail Establishment selling general merchandise, but allow food and beverages sales only as a secondary use. The subcommittee requested that the Planning Commission also provide a recommendation to the Mayor and Council to include food and beverage sales as a permitted use in the I-2 zone. Since the discussion of this issue with the subcommittee, staff has reviewed this matter further and has determined that food and beverage sales, in conjunction with a LRE, would be permitted in I-2 subject to less than 50% of the gross floor area. Staff believes that amending I-2 is not necessary to achieve the objectives of the subcommittee.

CONCLUSION

Staff generally supports the proposed draft amendment to the *LUC*. The proposed changes clarify the requirements of the *LUC* concerning development of Large Retail Establishments, establish processes for approval of an application for development, and designate design criteria based on the site characteristics of the project.

RECOMMENDATION

The Comprehensive Planning Task Force recommends that the Planning Commission set the proposed *LUC* amendment for public hearing on January 8, 2003.

AE:JM/s/Coderev/Big Box Review Subcommittee/PCSScommunication.doc

Attachments:

Attachment A: Draft *LUC* Amendment

Attachment B: Comparison Chart of Existing/Proposed Amendment