



PLANNING COMMISSION

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

DATE: March 6, 2002

TO: Planning Commission

FROM: William D. Vasko, Executive Secretary

SUBJECT: *LAND USE CODE (LUC)* – LARGE RETAIL ESTABLISHMENTS
(BIG BOX) DISCUSSION AND ACTION

This item is presented to the Planning Commission for information and action.

Recommendation – The Planning Department recommends that the Planning Commission establish a Big Box Review Subcommittee to review the entire ordinance and any related information. Staff suggests that the Planning Commission appoint three members to serve on the subcommittee.

Background – On September 27, 1999, the Mayor and Council adopted ordinance number 9293, amending the *Land Use Code (LUC)* to specify design criteria for Large Retail Establishments ("big box" developments) that exceed 100,000 square feet of floor area. (See Attachment A – Existing City Regulations.)

On December 4, 2000, the Mayor and Council directed staff to propose amendment language addressing certain aspects of the ordinance. On October 3, 2001, the Planning Commission held a study session on the proposed amendment and held a public hearing on November 7, 2001. At the public hearing, the Planning Commission continued the public hearing for 60 days in order to obtain direction from Mayor and Council as to whether the amendment should address all aspects of the ordinance and not just the proposed amendment. On December 10, 2001, the Mayor and Council considered the matter and directed the Planning Commission to forward the technical amendments, the proposed parking determination, and the Development Review Board (DRB) clarification, as presented to the Commission, to the Mayor and Council for consideration. The Mayor and Council decided to not pursue establishment of a committee to review the entire ordinance.

On January 28, 2002, the Mayor and Council considered the amendments to the *LUC* concerning Large Retail Establishments and adopted only that part of Section 3.5.9.7.A, performance criteria, referencing *Traffic Impacts*. The Mayor and Council remanded the "Big Box" regulations to the Planning Commission for a complete review.

Discussion of Proposed Review – Consistent with past practice for major *LUC* revision, staff suggests that the big box review be accomplished by a subcommittee of the Planning

Commission, comprised of Planning Commission members and other interested members of the public. There are several people who are interested in participating in the big box ordinance review. Staff proposes to request participation in the review process from representatives of the following interests: neighborhoods, developers, design professionals, land use attorneys, transportation professionals, and appropriate City staff. In addition, the subcommittee could request information from other sources to inform their discussion.

Pima County just recently completed the process of reviewing and adopting regulations for big box and other shopping centers. The Pima County ordinance, while including some of the aspects of the City regulations, is different in that the County ordinance also regulates smaller shopping centers. (See Attachment B – City-County Comparison Chart.) The County ordinance does not include criteria relating to the aesthetic character of the buildings, but the intent is to establish such criteria though a development standard later this year. The County established a committee similar to that described above to perform the review and make recommendations on a proposed ordinance. That process took 4-5 months, with meetings held approximately every two weeks. A similar process for the City will represent a significant effort on the part of staff and the subcommittee members.

Discussion of Code Revision Work Program – While the Mayor and Council has remanded the big box regulations to the Planning Commission for review and recommendation, staff notes that there has been no direction to return to the Mayor and Council within a certain time frame. The Planning Department is currently working, or has work pending, on several other projects, based on strategic priorities established by the Mayor and Council. These projects include: revision of the Airport Environs Zone (pending action by the state legislature), Rio Nuevo - Downtown Design, working with a group on developing recommendations for LUC changes based on the Building from the Best of Tucson study, as well as other strategies to implement the *General Plan*. Staff anticipates that several of these projects will also represent significant effort on the part of the Planning Commission and staff.

Conclusion – There is significant interest in a comprehensive review of the "big box" ordinance. Use of a Planning Commission subcommittee to facilitate public review is an appropriate model. In the context of other work program commitments, staff is prepared to begin such a review with the Planning Commission. Staff suggests that the Planning Commission appoint three, or more, members to the subcommittee.

WDV:SMore/s/coderev/Bigbox/PC 030602memo.doc

Attachment: A – Existing City Regulations
B – City-County Comparison Chart