

STAFF REPONSE TO LARGE RETAIL ESTABLISHMENT QUESTIONS

QUESTION	STAFF RESPONSE
Questions from Thomas Sayler-Brown and Mary Beth Savel:	
<p>TS-B:</p> <p>1. The issue about existing LRE's in C-1 zones: Isn't the Target store at Broadway and Rosemont a "big box"? What are the guidelines around expansion of this project?</p>	<p><i>The Target at Broadway and Rosemont does not qualify as a big box, as it is less than 100K square feet in size. Should any big box development exist in C-1 zoning, it becomes nonconforming, but if it was approved by Mayor and Council through a process, such as a rezoning, the Mayor and Council may still approve expansions or alterations to the existing structures. New development, including new construction, will not otherwise be permitted in C-1 zoning.</i></p>
<p>TS-B:</p> <p>2. Bicycle requirements were not discussed in the Subcommittee meetings (that I remember). They seem to be excessive for big boxes, which are more geared to vehicular use.</p>	<p><i>The bicycle parking requirements were carried over from the existing requirements when new classifications for large retail motor vehicle parking were made a separate subsection of the parking Section, 3.3.4. The Transportation Department is currently reviewing bicycle parking requirements for all Land Use Classes.</i></p>
<p>TS-B:</p> <p>3. A lot of questions were raised about whether or not the garden center is part of the building or is considered outdoor sales. I'd prefer to see them treated separately (a garden center is NOT a building); however, it makes sense to me to specify when a garden center is included or not. For example, with "Outdoor Sales Displays," this should state: NOT INCLUDING ENCLOSED GARDEN CENTERS.</p>	<p><i>The appropriate sections have been amended.</i></p>
<p>TS-B and MBS:</p> <p>4. Page 16, 20, paragraph d: I think this should read: Pedestrian circulation . . . minimum of two (2) design features FOR THE SITE, such as towers . . . planter walls, seating areas, outdoor plazas, patios . . . and outdoor spaces. Delete the phrase: ". . . and other architectural features, including . . ." This should be changed at all Site Amenity locations in the ordinance.</p>	<p><i>As the paragraph heading specifies "Site Amenities," staff interprets that this requirement is for the entire site. However, clarification is always a goal, and Sections 3.5.9.7.B.1.e and 3.5.9.7.C.1.f have been amended to state "for the site," as well as deleting the "including" statement.</i></p>
<p>TS-B and MBS:</p> <p>5. Page 18 and 21: Materials and Colors: If you look at page 34, this specifies the materials and colors of the LRE. We should be consistent in all paragraphs regarding materials and colors, i.e.: specify to be of the LRE.</p>	<p><i>Section 3.5.9.7.B.2.d has been amended.</i></p>

<p>TS-B and MBS: 6. Page 19, 1.b.2: "negative impacts" needs the wording "identified by the Traffic Impact Analysis." Sarah More's response to Benny is how this paragraph needs to be worded for clarity.</p>	<p><i>Section 3.5.9.7.B.1.b.2 has been amended.</i></p>
<p>TS-B and MBS: 7. Page 23, c.1: Should read: Buildings (including enclosed garden centers) and Certain Associated Uses: . . .</p>	<p><i>See response to comment 3, above.</i></p>
<p>TS-B and MBS: 8. Page 23, c.2: Delivery Truck Parking: This needs to specify that it applies to trucks that are not parked at a loading dock or in a loading zone. This paragraph is for trucks waiting for an opportunity to load/unload.</p>	<p><i>Section 3.5.9.7.C.1.c.2 has been amended.</i></p>
<p>TS-B and MBS: 9. Page 24, paragraph 4: Repword first sentence to read: In all zones, outdoor sales displays associated with a building, other than ENCLOSED GARDEN CENTERS AND outdoor sales areas located within parking lots . . .</p>	<p><i>See response to comment 3, above.</i></p>
<p>TS-B and MSB: 10. Page 24, paragraph 5: Other Buildings (OTHER THAN THE LRE) and Uses (ON THE LRE SITE).</p>	<p><i>Section 3.5.9.7.C.1.c.5 has been amended.</i></p>
<p>TS-B: 11. Page 25, Table 3.5.9.7-I: Footprint of Building (INCLUDING GARDEN CENTER).</p>	<p><i>See response to comment 3, above.</i></p>
<p>TS-B and MBS: 12. Page 25, Table 3.5.9.7-I: The terminology of the line, "For buildings located on a site with a LRE and with adjacent . . ." should be worded exactly as worded elsewhere in the ordinance: "RESIDENTIALLY ZONED OR RESIDENTIALLY DEVELOPED." This occurs at the top of the matrix and as a title over the setback blocks.</p>	<p><i>The appropriate sections have been amended.</i></p>
<p>TS-B and MBS: 13. Page 26, paragraph 2: Outdoor Storage Areas: Define this to be NON-RETAIL area. This paragraph is for "dead storage" for items not open to the public for sale.</p>	<p><i>Sec. 3.5.9.7.C.1.d.2 has been amended.</i></p>
<p>TS-B: 14. Page 27, paragraph 2: This delivery requirement should exclude retail customer loading.</p>	<p><i>Section 3.5.9.7.C.1.g.2 has been amended.</i></p>
<p>TS-B: 15. Page 27, paragraph 3: This should also exclude retail customer loading.</p>	<p><i>The amendment to Section 3.5.9.7.C.1.g.2, as stated in the response to comment 14, should address the concerns of this comment.</i></p>

<p>TS-B: 16. Page 31, paragraph k, last sentence: add: except within a fully enclosed building.</p>	<p><i>Section 3.5.9.7.C.1.h applies only to “outdoor loudspeakers on the site.” If a speaker is within a fully enclosed building, it is not an outdoor loudspeaker.</i></p>
<p>MBS: 17. Proposed three tiers of LRE authorization (by right, Type IV, and Type V): This creates an incentive for a developer to locate an LRE in areas subject to less costly and time-consuming “by right” and Type IV Administrative approvals. Only relatively few sites in the City meet the threshold criteria to qualify for the first two approvals. We suggest that the threshold criteria be modified to offer the incentive for more sites. We do not support eliminating the “by right” or Type IV processes, because in so doing, the City would eliminate a powerful incentive for retail developers to locate LREs in selected areas subject to less intensive and expensive review procedures. To the extent that individual criteria overlap or are repeated in the LRE ordinance, common or shared criteria can be grouped in a single section and incorporated by reference into the respective approval sections.</p>	<p><i>Approximately 40 sites appear to qualify for the first two tiers.</i></p> <p><i>The first two tiers have been combined into one section (3.5.9.7.B).</i></p>
<p>MBS: 18. Hours of Operation, Sec. 3.5.9.7.C.1.g.2, limits all delivery and loading operations for an entire site with an LRE to 7 a.m. to 10 p.m. This delivery and loading restriction will have a serious competitive impact on all retail stores on the site with grocery sales because delivery of most perishable grocery items (e.g., produce, baked goods, some dairy goods) typically occurs during the night. For example, the shopping center at I-19 and Irvington contains a Target LRE (without grocery sales) plus a Food-4-Less grocery store which would be subject to this delivery restriction. Other retail stores in Tucson with grocery sales are not subject to similar delivery restrictions. We recommend that the provision be modified to allow for unrestricted delivery of grocery items to all buildings with grocery sales that are located on a site with an LRE, including the LRE.</p>	<p><i>The draft has been amended.</i></p>

/s/Coderev/Big Box Review Subcommittee/Questions Table.doc