

THE EVALUATION OF CRITERIA FOR LOCATION SELECTION OF  
SHOPPING CENTERS THROUGH ANALYTIC HIERARCHY PROCESS: THE  
CASE OF ANKARA

A THESIS SUBMITTED TO  
THE GRADUATE SCHOOL OF NATURAL AND APPLIED SCIENCES  
OF  
MIDDLE EAST TECHNICAL UNIVERSITY

BY

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IN PARTIAL FULFILLMENT OF THE REQUIREMENTS  
FOR  
THE DEGREE OF MASTER OF SCIENCE  
IN  
DEPARTMENT OF CITY PLANNING

JANUARY 2017



Approval of the thesis:

**THE EVALUATION OF CRITERIA FOR LOCATION SELECTION OF  
SHOPPING CENTERS THROUGH ANALYTIC HIERARCHY PROCESS:  
THE CASE OF ANKARA**

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## **ABSTRACT**

### **THE EVALUATION OF CRITERIA FOR LOCATION SELECTION OF SHOPPING CENTERS THROUGH ANALYTIC HIERARCHY PROCESS: THE CASE OF ANKARA**

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January 2017, 126 pages

Location selection, like in other centers, bears great importance and is one of the most strategic decisions on construction shopping centers. Especially in recent years, the right location selection of shopping centers whose number is increasing day by day has gained more significance in the cities of Europe and the USA. With the impacts of neoliberal policies taken place in Turkey since 1980s, the number of western-style shopping centers has risen year by year. Literature review offers different methods in the evaluation of factors that affect location selection. This thesis brings under the scope “Analytical Hierarchy Process” in which subjective judgment is easily used to determine the factors’ weights necessary for location selection of shopping centers. The views of developers, investors as well as city planners are taken with a view to specifying the factors’ weights considered to be important in location selection. The answers of both groups to the questions help determine the crucial factors in location selection of shopping centers. In this context, Ankara’s Ankamall, Gordion and Kızılay Shopping Centers are compared with regard to these factors.

This thesis focusing on shopping centers brings to light the different viewpoint experts hold with respect to location selection, proposing that the most recently-introduced laws and legal regulations concerning the project development of shopping centers in Turkey are found inadequate when compared those of most

European countries and the current laws and legal regulations in Turkey must be brought under review.

Key Words: Shopping Center, location selection, Analytical Hierarchy Process, Ankara, legal regulations.

## ÖZ

### **ANALİTİK HİYERARŞİ PROSESİ YARDIMIYLA ALIŞVERİŞ MERKEZLERİ YER SEÇİMİ KRİTERLERİNİN DEĞERLENDİRİLMESİ: ANKARA ÖRNEĞİ**

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Ocak 2017, 126 sayfa

Kuruluş yeri seçimi, çoğu sektör için önemli olduğu gibi alışveriş merkezleri içinde en önemli stratejik kararlardan biridir. Özellikle son zamanlarda her gün artan sayıları ile alışveriş merkezlerinin doğru yer seçimi Amerika ve Avrupa'nın büyük kentlerinde daha fazla önem kazanmıştır. Türkiye'de de, 1980 sonrası yaşanan neo liberal politikaların etkisiyle Batı tarzı alışveriş merkezlerinin sayısı her geçen gün artmaktadır. Literatürde, yer seçimi kararını etkileyen faktörlerin değerlendirilmesinde farklı yöntemler kullanılmaktadır. Bu çalışmada, alışveriş merkezi yer seçiminde önemli olan faktörlerin ağırlıklarının belirlenmesi için subjektif yargıların kolayca kullanılabildiği “Analitik Hiyerarşi Prosesi” yöntemi kullanılmıştır. Alışveriş merkezi yer seçiminde önemli olan faktörlerin ağırlıklarını belirlemek için değerlendirme uzmanlarının /yatırımcıların ve plancıların görüşü alınmıştır. Her iki grubun verdiği cevapların sonucuna göre, alışveriş merkez için önemli faktörlerin ağırlıkları saptanmış ve Ankara'da yer alan Ankamall, Gordion ve Kızılay Alışveriş Merkezlerinin bu faktörlere göre kıyaslaması yapılmıştır.

Alışveriş merkezleri üzerine yapılan bu araştırmada alışveriş merkezi yer seçimine dair değerlendirme uzmanları/yatırımcılar ve plancılar arasında ki görüş ayrılığı belirlenmiş olup, Türkiye'de yakın zamanda yürürlüğe giren yasa ve yönetmeliğin çoğu Avrupa ülkesindeki alışveriş merkezlerinin gelişimini sınırlayıcı yasalara ve düzenlemelere göre yetersiz kaldığı, kanun ve yönetmelik hükümlerinin gözden geçirilmesi gerektiği ortaya çıkmıştır.

Anahtar Kelimeler: Aışveriş merkezi, yer seçimi, analitik hiyerarşı prosesi, Ankara, yasal düzenlemeler.



*This thesis is dedicated to my family, who have always loved me unconditionally, and to Miss Duygunur KOÇ, a constant source of support during the challenges of my life and the one, who, I believe, will be the architect of my future home.*

## ACKNOWLEDGEMENTS

I would like to express my sincere appreciation to many people who supported me during the completion of this thesis process.

Firstly, I would like to express my special thanks to my supervisor Prof. Dr. Serap KAYASÜ for her brilliant suggestions, encouragement and guidance throughout this study. I know that without her guidance I would not have completed this thesis.

I would also like to thank to my committee members Prof. Dr. Adnan BARLAS, Assoc. Prof. Dr. Emine YETİŞKUL ŞENBİL, Assist. Prof. Dr. Ö. Burcu ÖZDEMİR SARI and Assist. Prof. Dr. Suna S. YAŞAR ÖZDEMİR for their valuable critics and inspiring comments.

I am particularly grateful to my family, my father Mehmet ASLAN, my mother Emine ASLAN and not only my brother but also my best friend Berkan ASLAN for their empathizing, supporting and encouragement throughout my life.

The most important thanks go to the woman of my life Duygunur KOÇ. Her entry into my life has been a turning point both for me and for the completion of this thesis. Receiving her support at every stage of this study, I'd like to extend my sincere gratitude to my girlfriend, who, I believe, will stand by me forever as my future wife.

I also would like to thank all of my friends from Industrial Development Bank of Turkey, my colleagues and authorities from the Turkish Ministry of Environment and Urban Planning.

Also, I am grateful to my friend Cevat ÜÇÜNCÜOĞLU supporting me not only in this thesis process but also in my difficult times.

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## **CHAPTER 1**

### **INTRODUCTION**

Today, shopping centers have become a dynamic, controversial and contemporary topic. Shopping centers are among significant places of modern life. They are the most attractive places where people spend time for shopping, relaxing, entertaining and so on. Shopping centers respond to both shopping needs and necessities the modern era brings into the lives of people. In the modern era in which time is crucial, easy and quick access to those necessities through shopping centers has gained significance. Shopping centers, at this very point, provide so-called necessities like clothing, market, sporting, garden, book stores, health care and entertainment. They roof many types of products and offer various activities like cinemas, spaces for eating and drinking and parking lots. That is why those centers are preferred for the fulfillment of needs. Moreover, shopping centers are also the places where people socialize. Naturally, the types, sizes as well as the numbers of shopping centers vary and increase day by day.

The shopping centers hit the peak in number in the developed countries; therefore, it has become harder to find free space and location for constructing shopping centers. As a consequence, the decisions on location selection have gained significance and the problem with location finding has emerged. This problem also exists for many sectors related to retailing, banking as well as the making of stores, dealers, warehouse et cetera. A healthy decision must be taken to solve this problem that influences the activities of many sectors. From the times of ancient civilizations to the modern day, selecting the best place for a shopping center has become highly importance to sell products easily. Thus, shopping centers have been built in city centers. At the mid of the twentieth century, car use boosted and people showed a preference to live outside the city center. As a result, shopping centers began to appear along the main arteries reaching the outsides of city centers.

The first modern shopping center called Country Club Plaza was constructed at the city center of Kansas City in 1922. Following 1950s, as traffic congestions occurred due to a boom in car use, shopping centers started to be built in suburban areas. These areas had a lot of free space, and competition for space was limited. During 1970s, USA moved to top in terms of shopping center number, which in return caused hardship in finding more space for new ones.

Today, the same goes for European countries and Turkey. The automobile ownership has increased in 1970s in Turkey. Concordantly, decentralization began especially in metropolitan cities in Turkey and shopping centers began to locate close to these new residential areas and main arterial roads. That is; in consequence of the rise in car ownership, number of shopping centers located out of the cities increased. A similar tendency occurred in Ankara. Today, most of the shopping centers in Ankara are located on the İstanbul Road, Eskişehir Road and Konya Road. Nowadays, free space and location for shopping centers have turned into a problem for those countries and Ankara, too. What is more, deciding on where to build shopping centers has become another debate because it could bring either profit or loss. Before focusing on a project of shopping center construction, a detailed pre-evaluation has to be made. Containing many variables, this evaluation process is highly related to already existing urban shopping center and their system, population, public services, transportation and so on. After the decision on the location selection is made, trade area models come into view. Today, most entrepreneurs, investors and retailers benefit from these models.

This study focuses on the factors bearing importance in the location selection of shopping centers. The factors are developed as syntheses based on literature review. Adopting the prominent approaches in this field, this thesis aims to show the different viewpoints of planners and investors/real estate appraisers about shopping center development and to demonstrate the factors that are influential in location selection. It has become clear that a planned approach is required for a decision to make for a shopping center project. The cases under the scope of this thesis come up with some differences. The law called “Law concerning the Regulation of Retail Trade” (Law no. 6585) and its regulation called “Regulation Concerning Shopping Centers” in Turkey are partly similar to the regulations applied in some developed

European countries. Even though it may be considered positive development, there are lots of deficiencies and points to improve when compared to the regulations in European countries. Hence, this thesis concludes that the legal framework in Turkey shall change in the shortest possible time.

This thesis is formulated over three questions:

- a) What are the important factors in the location selection of shopping centers?
- b) What is the hierarchical structure in levels of importance of these factors?
- c) Does the importance of these factors suggest the same for planners and investors/real estate appraisers?

In order to produce answers to these questions, the study first reviews literature on approaches of shopping center location selection given in Chapter 2. The analysis of every model is followed by the Analytic Hierarchy Process, one of the multi-criteria decision making models chosen as the most appropriate model for this study. Chapter 3 centers on the factors that underline the selection of the shopping center location and the analysis offering six important criteria from the literature review made for shopping center location selection.

Chapter 4 covers analysis of the methodology applied to the cases of Ankamall, Gordion and Kızılay Shopping Centers in Ankara. These three cases are studied within the same criteria. The opinions of two different expert groups are compared. The analysis consists of qualitative research. Chapter 5 discusses the interviews held with experts of institutions and organizations. Firstly, it presents the development process of shopping centers in Turkey, particularly in Ankara. Secondly, the features of these three cases (Kızılay, Gordion and Ankamall shopping centers) are explained in detail. The comparison between these centers is made with regard to the criteria of location selection used by city planners, investors/real estate appraisers. The last chapter presents the main findings of the research that include the results of the analysis as well as offers general conclusions regarding legal frameworks and policy recommendations.



## **CHAPTER 2**

### **DIFFERENT APPROACHES TO SHOPPING CENTER LOCATION SELECTION**

The number of shopping centers has multiplied in number in the developed countries, causing a barrier to finding suitable location. Taking decisions about the location selections of shopping centers has gained vital roles, giving way to development of many trade area models.

This chapter consists of approaches in relation to location selection. The first part of this chapter gives place to the definition of shopping center and its historical background. In the second, third, fourth and fifth part, approaches for shopping center location selection such as conventional trade area models, regression models, geographic information system and analytical hierarchy process are introduced, respectively. The last part comprises the summary and main findings of the literature review in short.

#### **2.1. Shopping Centers: Definition and Historical Background**

There are various definitions of a shopping center. In 1947, Urban Land Institute defined shopping centers as “trade areas that are planned, developed and operated in one hand, having their own car parks”. According to International Council of Shopping Centers (ICSC), a shopping center is a group of retail and other commercial establishments that is planned, developed, owned and managed as a single property, typically with on-site parking provided. A shopping center is defined by the Australian Shopping Center Industry (2015) as follows: “a major integrated retail center under single management with at least 1.000 m<sup>2</sup> of lettable retail

floorspace". A shopping center is a a spatial arrangement in which consumption is organized on the basis of new consumption associations, facilitated by the concrete realization of the effects of the capital on space and time (Tekel, 2009). Shopping centers are now "consumption cathedrals" where not only consumption products but also social and cultural activities are consumed (Vural ve Yücel, 2006). That is, shopping center complexes consist of one or more buildings that include a group of retail shops, parking areas, restaurants, and other businesses.

As decisions about the location selection gain importance for shopping centers, many trade area models, most of which are being used by entrepreneurs, investors and retailers, were proposed for a location selection. The said models analyze the relationship between shopping center attributes and their trade area characteristics. Many scientists are of the same opinion that Reilly's retail gravity models analyzed for the first time this type of relationship in 1931. He investigated the attraction of whole city and its trade area attributes. His contemporaries, Christaller and Lösch formulated Central Place Theory in the 1930s. This theory is the first model to have accounted for the spatial behavior of consumers and retailers. Then, some other models were derived from the basic assumptions and principles of these models. Huff's spatial interaction model in 1963 and Applebaum's analog model in 1966 provided two earlier examples. Some other researchers used regression analysis in order to analyze systems of shopping centers. Regression analysis is comprised of two parts. These are trade area demand which concerns population, income, age, education of consumers, ethnicity and also other variables, and trade area supply which is related to retailer size, competition level, distance to consumers and other supply variables. Geographic Information System became very popular along with technological developments in the 1990s. This system still helps researchers produce site selection studies. Conventional trade area models and other models like regression models and Geographic Information System used for location selection of shopping center are difficult to apply in modern cities and metropolitan areas. Instead, multi-criteria decision making methods are used. Analytic Hierarchy Process, which is one of the multi-criteria decision making models developed by Thomas L. Saaty in 1980s and widely used across the globe since the turn of the new millennium, is employed in this study.



## **2.2. Conventional Trade Area Models**

### **2.2.1. Central Place Theory**

Walter Christaller who is a geographer and August Lösch who is an economist established Central Place Theory in the 1930s. They developed patterns for the size and location of cities. Central Place Theory shows that different-sized cities serve different functions in the shape of a hexagon. Many researchers assume that this theory is the first model which accounts for the spatial behavior of consumers and retailers. According to Christaller's model, consumers visit the nearest shopping center for a single purpose. He clarifies the trade area of a store in order to make use of the combination of two terms. First one is the range, which is the maximum distance a keen consumer should travel to buy a good. The second one is the threshold, which is the minimum demand for a store to be economically viable. Both determine the number and locations of stores (Christaller, 1966). The Central Place Theory accepts that consumer travels to the nearest center to purchase only one good. Türk (2012) explains this theory with the combination of range, which is the maximum distance people are willing to travel to reach good and services, and thresholds, which is the minimum number of people required to support the service, generate hexagonal market areas. On the other hand, Craig (1984) mentions that market refers to uniform transport system, uniform plane and consumer preferences and incomes with uniform goods and services. However, this is different in reality because of non-uniform consumer preferences and incomes, different market segments and types of retail sites and competition between firms. People may not prefer to go to the nearest center and diversify their shopping trends. Therefore, the location of stores, the size of stores and the market area patterns are directly or indirectly influenced.

Furthermore, Ozuduru (2006) claims that there is a two factors effect of the market size. The first one is the population density of the market area. The other one is the type of the good sold in the retail outlet. The hierarchy of places is determined by the size of the market. Large cities have a greater deal of goods and services at the

center whereas small towns offer limited types of goods and services at the center. For this reason, these market-related factors affect the hexagonal market sizes. Specialized goods can always be found in large cities which are far away from each other.

There is a great interest in this hexagonal model and the way it is reflected in daily life. Centers are generally classified into an array of services according to the central place theory, which is followed by the research area to investigate for hierarchical pattern (Christaller, 1933). Önalán (2003) proposes two assumptions for city planners using the above-mentioned theory. His first assumption is that some people will continue to go to the shops to meet their daily needs. His second assumption is that people always need central shopping center for other reasons. According to the researches carried out until recently, city planners who put the central place theory to use not only steer shopping habits but also predict new shopping habits, which would pave the way for new researches.

The changes in the retail method and transportation have eliminated the need for the concentration of centers in one place. The shopping centers, located in some metropolitan areas, are easily accessible thanks to a good transportation network and serve the same trading area. People visit all these shopping centers at the same time (Berry, 1967). Önalán (2003) considers that if distance does not protect shopping centers from competition, centers should go through a transformation of specialization. Furniture shops in Tottenham Court Road are good examples in this regard.

Christaller determines the main principles of theory with August Lösch. Although both arrive at a consensus over the distribution of one good only, they disagree on the distribution of multiple goods. Berry (1967) claims that Christaller's views are applicable in the low density area but Lösch's studies are more appropriate for high density area. Christaller considers the center first and then structures his hierarchy from high to low; however, Lösch's model starts to structure starting from low density goods (Önalán, 2003).

Central place theory makes a good first of describing the location of trade and service activities; however, it finds no room for application in the modern world

since central place theory assumes no physical barriers, even distribution of population or resources and uniform transportation system. On top of that, there aren't much large flat lands in today's world. Concerning these facts, the theory cannot be put to practice today.

### **2.2.2. Law of Retail Gravitation**

Law of retail gravitation model is developed by William J. Reilly in 1931. His model is based on the Newtonian gravitation model, and he assigned a degree of gravitational pull to each area based on the population of the city. According to his model;

“Under normal conditions two cities draw retail trade from a smaller, intermediate city or town in direct proportion to some power of the population of these two larger cities and in an inverse proportion to some power of the distance of each of the cities from the smaller, intermediate city. In any particular case, the exponents used in connection with population or distance are dependent upon the particular combination of retail circumstances involved in that case. Typically, however, two cities draw trade from a smaller, intermediate city or town approximately indirect proportion to the first power of the population of these two larger cities and in an inverse proportion to the square of the distance of each of the larger cities from the smaller intermediate city” (Reilly, J. W., 1931).

The model calculates the breaking point between two places where people will be drawn to one or another among two competing commercial centers. Central Place Theory lacks empirical evidence. Although people have better shopping opportunities at farther locations, they are likely to bypass the closest alternative. Reilly accounts that people are willing to travel farther when better prices, better quality goods and better store images are convenient. For this reason, Reilly's Law of Retail Gravitation Model has two simple rules. First rule is that when other factors are constant, a larger city draws more people from farther locations than a smaller city does. Second rule is that a city draws more trade from towns than from more distant ones. In other words, Ozuduru (2006) considers that city's gravity force is

related to the size of the city and its distance to the people. Vouk et. al (2009) explain that if two cities are of equal size, the breaking point will be exactly halfway between two cities. In his model, Reilly uses “city” instead of shopping centers and stores.

Reilly’s model is the first one to formulate the relationship between a city center and its surrounding area. The Law of Retail Gravitation depends on time and distance which impact people’s decisions. Ozuduru (2006) mentions the breaking point between two cities as “the point up to which one city dominates retail trade, and beyond which the other city dominates it”. The city locations depend on population and distance to other cities.

Reilly’s model is stated as;

$$\frac{R(A)}{R(B)} = \frac{P(A)}{P(B)} * \left[ \frac{D(B)}{D(A)} \right]^2$$

where:

$R(A)$  = the proportion of the retail business from an intermediate town attracted by city A,

$R(B)$  = the proportion of the retail business from an intermediate town attracted by city B,

$P(A)$  = population of city A,

$P(B)$  = population of city B,

$D(A)$  = the distance from the intermediate town to city A,

$D(B)$  = the distance from the intermediate town to city B, (1931).

Reilly uses Newtonian gravitational principles and explains how urbanized areas attract so many customers from smaller rural communities. Segetlija (2006) makes it clear that if there are two different cities, the breaking point will approach to the smaller city. The formula calculating the breaking point between city A and B is:

$$D_b = \frac{D_{ab}}{1 + \sqrt{\frac{P_a}{P_b}}}$$

where:

$D_b$  = breaking point between city A and city B, in miles from B,

$D_{ab}$  = distance separating city A from city B,

$P_b$  = population of city B,

$P_a$  = population of city A, (Reilly, 1931).

The Law of Retail Gravitation uses limited amount of data only, such as demographic characteristics, population and competitive information. Although the law takes a crucial role in trade area analysis due to providing easy calculation and being less costly, some scientists such as Huff, Ghosh, Lusch and Dunne, Berman and Evans argue that Reilly's model is restricted in the extent of use. Ozuduru (2006) voices three criticisms about the Law of Retail Gravitation. His first criticism is that this law takes into account the size of a city only so as to specify the population appealed to its retail market. That is, product assortments and the number of store facilities are not regarded in this model. His second criticism is that actual distance may not be perceived the same way. Reilly's model disregards the alternative roads, traffic congestion and the network of streets between two cities. Most people prefer the travel time rather than the distance gone. His third criticism is that the Law of Retail Gravitation does not take into account some factors such as consumer preferences, political factors and geographical features like mountains, rivers and so on; thus, the degree of the model's reliability may reduce (Ozuduru, 2006). Last but not least, when the number of traditional stores decrease, shopping choices will be affected by the non-traditional stores which offer various opportunities. Despite these arguments, the Law of Retail Gravitation continues to be a promoter for today's spatial interaction models (Brubaker, 2004).

### **2.2.3. Analog Models**

Applebaum developed the analog model in 1966. It is the initial systematic retail forecasting system founded on empirical data (Ghosh and Mc Lafferty, 1987). Later on, many researchers combined Applebaum's model with regression analysis for

forecasting future sales. Yet, in his analog model, regression analysis is not used. Wang (2006) mentions that Applebaum analysed sample customers in the analogous stores according to their geographic origins, shopping habits and demographic characteristics, determining later the levels of market penetration such as consumer shopping habits and population. In doing so, future sales of a store can be predicted.

According to Applebaum, trade area zones can be divided into three. These are primary, secondary and tertiary trade areas. Thrall (2002) offers an understanding of these trade areas. The primary trade area is the geographic core from which a real estate project obtains the most of its business. According to customer spotting, the core trade area accounted for approximately 60 – 70 percent of the shopping customers. The secondary trade area holds the second highest percentage of the shopping customers, which is approximately 60 – 70 percent. The tertiary trade area has the lowest percentage. It is less than 15 percent of real estate customers. Occasional customers, unaccounted customers and out-of-city customers are involved in the tertiary trade area.

Applebaum, then, determines the levels of market penetration such as consumer shopping habits, household income, average household size and population within the trade area. He collects and evaluates these data and then processes them onto the customer spotting map. Applebaum computes market shares for each subdivision of the trade area. This is called MSi. Ozuduru (2006) claims that “MSi defines the intensity of market penetration of the store in each subdivision, and is formulated as:

$$MS_i = \frac{S_i}{P_i}$$

where Si is the store’s sales per capita and Pi is the store’s per capita sales potential.

As the next step, the potential sales of an already existing or a new store are forecasted. The quantified market share is used to calculate the market penetration share. Afterwards, the market areas are compared by using analogs. Ozuduru (2006) considers that through the use of the analogs, the sale potentials of shopping center can be predicted just before the launch of building the center. Finally, subjective judgment is required for the use of analogs.

Applebaum's analog model is the simplest and most famous trading analysis model in literature (Berman and Evans, 2004). It is the first model used to obtain empirical data. Ozuduru (2006) claims that the analog model has two assumptions. First one is that population is not distributed homogeneously. Second assumption is that some market conditions may not be calculated in a trade area; therefore, subjective judgment is required. Shopping trade area, the total sales potential of an area and the market penetration important for stores to achieve their goals can easily be found out by the use of analog model (Jones and Mock, 1984). Applebaum's analog model is used by many shopping center investors and retailers today. According to Thrall, the analog model has some strengths: Firstly, many variables can be integrated into this evaluation. Moreover, sites to be developed can be analyzed and compared in order to for those to make investments (2002).

The analog model is easy to implement and has some strengths, but it has some weak sides. According to Ozuduru (2006), the major disadvantage of Applebaum's analog model is that the model can only be used to figure the trade areas of existing stores which should be similar in demographics characteristics of customers, level of competition, customer shopping habits and store characteristics within the trade area. The other disadvantage of the analog model is that it is too difficult to determine the local factors which affect the market. Developing shopping center locations may not match any markets in the analog base. They may have different attributes such as greater competitiveness (Ghosh and Mc Lafferty, 1987).

#### **2.2.4. Spatial Interaction Models**

Huff introduced spatial interaction model in 1963. This model focuses on the analysis of customers' shopping behaviour. It deals with the probability of a customer's visiting a specific shopping center location. Huff assumes that the utility of the retail outlet is a function of the size of the store and travel times from the consumers' residence (Brubaker, 2004). Huff thinks that the success of the shopping trip is related to the numbers of center's items and consumer's expectation. Another

opinion of Huff is that consumers can spend the time for traveling differently considering the type of merchandise (1964).

In mathematical form, Huff's model is stated as:

$$P_{ij} = \frac{S_j}{T_{ij}^\lambda} \bigg/ \sum_{j=1}^n \frac{S_j}{T_{ij}^\lambda}$$

where:

$P_{ij}$  = probability of a consumer at origin  $i$  traveling to a particular shopping center  $j$ ,

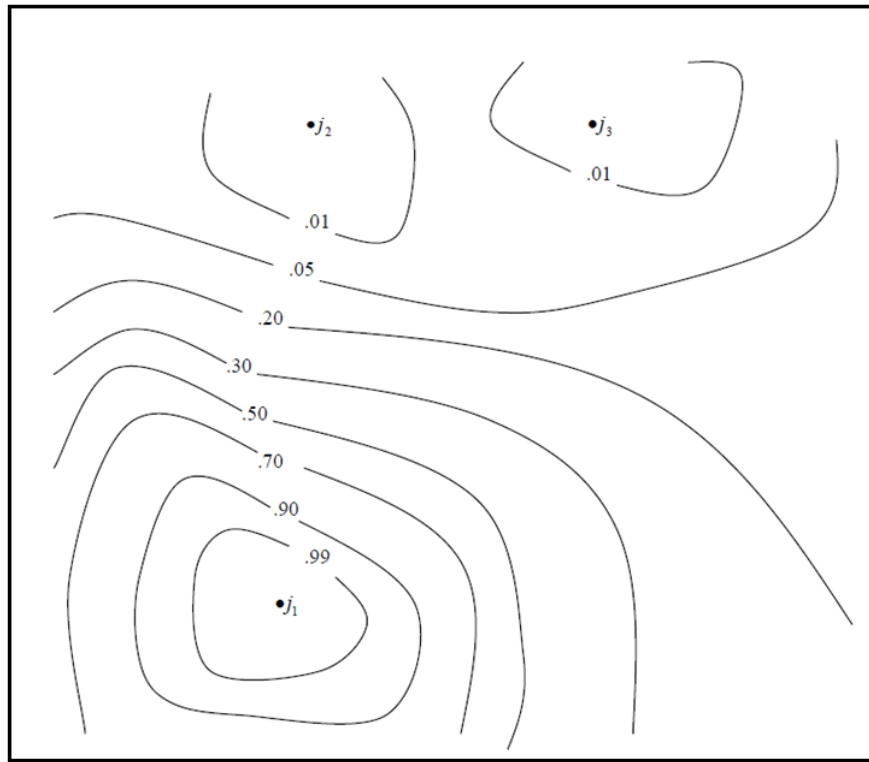
$S_j$  = size of a shopping center  $j$  (square footage of selling space devoted to a particular class of goods),

$T_{ij}$  = travel time from consumer's location  $i$  to shopping center  $j$ ,

$\lambda$  = parameter to be estimated empirically and reflecting the effect of travel time on various types of shopping trips.

Ozuduru (2006) states that "Huff defines the retail trade area of a particular shopping center through a series of zonal probability contours radiating away from the shopping centers".





**Figure 1: Retail trading areas defined by probability contours.**  
Source: Huff, D. (1964)

Huff introduced a new perspective in retail location work. He uses a multiplicative utility function with two variables. These are travel time and selling space (Wee and Pearce, 1985).

Consumer shopping behavior is better clarified probabilistically than deterministically. Trade areas are more complex and continuous than the hexagonal markets of Central Place Theory. Ozuduru (2006) takes into account that Huff combines these two attributes into his formulation first. According to Gautschi (1981), the Law of Retail Gravitation Model is deterministic while Spatial Interaction Model is probabilistic. Another advantage of Huff's model is the effects of competition on the behavior of the consumer. In addition, many researchers benefit from Huff's principles to establish their own theories with regard to location selection of new shopping centers.

Despite the advantage of Huff's model, there are weak sides of this model. There are many variables such as tenant mix, store image, quality, and price and so on; yet, size in Huff's model is only used as a measurement to find out the attractiveness of a

store (Eppli and Benjamin, 1994). Lastly, Huff assumes the fact that the same set of shopping alternatives is applicable to all people who raise doubt for an already existing store.

### 2.2.5. Other Models

There are many other models developed for trade area analysis that forecast retail sales and propose site selection. Two of them are the space sales ratio and proximal area models discussed by Mc Lafferty and Ghosh in 1987. They deal with the household income, consumer expenditures, and business or population growth of each city. According to Ozuduru (2006), by space sales ratio model it is considered that a store's share of retail sales in an area is proportional to store's share of the total selling space. The space sales ratio model is stated as;

$$\frac{MS_i}{\sum MS_i} = \frac{S_i}{\sum S_i}$$

where MS<sub>i</sub> is the market share of a store and S<sub>i</sub> is the size of this store.

This model relies on subjective judgment since the trade areas vary from one city to another. Hence, the space sales ratio model suits more to small or middle size towns than it does to big cities or metropolitan areas.

The second model is the proximal area model, whose principles resemble the Central Place Theory in that people prefer the nearest store to do shopping. It analyzes the characteristics of the population residing within the proximal area and the population's shopping habits with a view to forecasting sales. The proximal area model can be used to identify sites for new shopping centers and to forecast sales of stores at new locations. According to Mc Lafferty and Ghosh (1987), the proximal area model is the best one for forecasting sales of stores if accessibility to shopping centers is regarded as a determinant in shopping center choice.

Ghosh (1984) deals with the inconstancy of parameter estimates. He assumes that the reason why parameter occurs depends on two factors. These are the socio-

economic characteristics of the consumer and the spatial characteristics of competition. Ghosh (1984) claims that the effects of environmental variables vary depending on socioeconomic characteristics of the trade area. He concentrates on the inconstancy of parameter in order to explain store performance.

Another famous method is the gravity model of Lakshmanan and Hansen, which is also known as the market potential model. It was first used in a shopping center planning in Baltimore, the biggest city of Maryland of the USA. It predicted the effect of future shopping center developments on patterns of shopping expenditure (R. W. Thomas and R. J. Huggett, 1980). Lakshmanan and Hansen's gravity model is used for creating alternative strategies to select suitable location in 1965. The model deals with sales only at the shopping center. Though differing from other models, Huff's model was used by Lakshmanan and Hansen to determine store patronage. Lakshmanan and Hansen (1965) claim that they extended Huff's model by allowing for the size of a shopping center to vary in significance. The simplicity of the model proposed Lakshmanan and Hansen has been followed by more complicated mathematical spatial interaction models to be tested with much difficulty.

It is formulated as:

$$S_{ij} = E_i \cdot \frac{\frac{F_j}{t_{ij}^b}}{\sum_j \left( \frac{F_j}{t_{ij}^b} \right)}$$

Collecting data is challenging in this model. For instance, it is really difficult to collect data from shopping tours. Önalın (2003) argues that calibration is usually a long and difficult operation because adopting an analytical solution is not possible. Generally, independent data is not to be found that easily. That is to say, the application of Lakshmanan and Hansen's gravity model is very demanding.

More models related to trade area analysis come out of the above-mentioned ones. One is the Lewisham Model which is similar to Lakshmanan and Hansen's gravity model, Harris' model, Lowry's model and so on. All evaluate potential demands instead of real ones. These models set up a substructure for design, planning and investment.

### 2.3. Regression Models

Conventional trade area models have a number of deficiencies. First one is that they demand long researching process in order to obtain what detailed data is necessary. They also entail private data on consumer, which is hard to attain. In addition, these models require subjective judgment, which causes the reliability to diminish. Ghosh and Mc Lafferty (1987) refer to the disposition to overlook many important factors. For this reason, Ozuduru (2006) claims that more distinct and practical methods like regression models are required to make deeper analysis.

Ghosh and Mc Lafferty (1987) mention that regression models provide researchers with analysis of the relationship between spatial factors and retail performance. Regression models use point of sale (POS) data like the analog model. Generally, they are used for forecasting retail sales. Brubaker (2004) mentions regression models which use multiple statistical analyses in order to abstract the variables that appear to be most important. A regression model equation is expressed as;

$$Y = b_0 + b_1x_1 + b_2x_2 + \dots + b_nx_n$$

where Y is a dependent variable and represents store sales or profitability per household,  $b_0$ ,  $b_1$ ,  $b_2$ ,  $b_n$  are the regression coefficients, and X is an explanatory or independent variable such as household income, level of competition, level of education, demographic characteristics and so on. Independent and dependent variables vary among scientists.

Thanks to regression models, sales are roughly predicted at any proposed location. That is to say, regression models offer a forecast of a new shopping center sales and its effect on the existing trade area.

Ghosh and Mc Lafferty (1987) explain that regression models have two drawbacks. These are multicollinearity and heterogeneity of sample stores. Regression models usually use a great number of independent variables which are highly correlated. This causes unreliable estimates and some problems of interpretation. That is, two variables come up with the same explanation. Ghosh and Mc Lafferty (1987) claim that this problem can be solved by decreasing the number

of variables. Another drawback is the heterogeneity of sample stores. Outlets and shopping centers do not possess same trade area dynamics, so the same regression model cannot be used for both. Even outlets and shopping centers become divided among themselves into some groups because each outlet and each shopping center show different attributes.

Thrall (2002) claims that regression models are essential for real estate market analysis since they provide scope for some identifiable site and situation characteristics to be successfully isolated and quantified. Nevertheless, the basic assumptions are necessary. First assumption is that the project location, the level of competition and shopping store characteristics will make an effect on project achievement. Second one is that analysis can measure and isolate the characteristics hypothesized to be significant (Ghosh and Mc Lafferty, 1987; Jones and Mock, 1984).

According to Thrall (2002), the next step after the internalization of regression analysis is the Geographical Information System (GIS). That is, regression analysis conceptualizes the problem and develops the procedures in order to solve the problem successfully. The procedure is more efficient, accurate and accessible to analysts thanks to the results of GIS mapping.

#### **2.4. Geographic Information System**

Technological advancements make it easier for retailers and investors to adopt an approach towards location selection. Today, Geographic Information System ensures an easy use and is more affordable. Geographic Information System is used to analyze, manage, and present all types of spatial or geographical data. Today, it starts to be widely used by many organizations and institutions. Planning sector also benefits from geographic information system. The term of geographic information system is first used on Roger F. Tomlinson's paper named "A Geographic Information System for Regional Planning" published in 1968. New approaches to assess the potential for shopping center location come to light with technological developments the 1990s. However, along with the use of GIS system, they did not

gain much popularity until the 1990s. Today, Geographic Information System especially gains importance for new directions in shopping center location (Vouk et. al, 2009). Today, however, GIS is used for planning types such as land use planning, transportation planning and so on. Moreover, it is used to analyze retail and demographic information. With the help of Geographic Information System, the number of studies on site selection for shopping centers is increasing day by day. For example, Ummadi, P ve Bowling, C. D. used Geographic Information System in Michigan in order to find suitable location for shopping center in 2005 (Bayer, 2005).

According to Mishra (2009), Geographic Information System is a technological model for organizing the site location of the shopping center. Spatial analysis is the most essential applications here. Different data analysis can be integrated for an analysis of location selection through Geographic Information System. GIS integrates spatial and geographical data layer by layer. Before using GIS, the factors of location selection of shopping center should be determined first. Location selection depends on many factors such as population, transportation networks, accessibility, existing shopping centers, competition, demographic characteristics, and land use and so on. After the determination of the factors, criteria will be integrated into a GIS model to find suitable locations for shopping centers (Mohamad et. al, 2015). Afterwards, these criteria present points to allocate suitable values on utility. Another step is to exclude unsuitable area such as agricultural area, natural formations like mountains, rivers and so on. Then, the unsuitable areas and suitable areas are overlapped to determine the most suitable location for new shopping centers. Besides having a lot of advantages, Geographic Information System has some disadvantages. For example, data is the most important element in reaching the correct result in the GIS process. That is, data collection becomes crucial. Bayar (2005) considers that the biggest problem with GIS is that it cannot reach reliable data easily. Land use information, population and demographic characteristics data et cetera are used to find an appropriate location for shopping center. However, it is not always possible to reach data required for every region at any time. Moreover, the data obtained is sometimes unreliable.

To sum up, new location selection for shopping center is a multifaceted issue since there exist many criteria. Geographic Information System is thought to be useful and essential analytical tools are used to study the distribution of shopping centers. It helps determine new sites for shopping centers. However, data collection is the most challenging factor for GIS. Data collection is not easy everywhere. Therefore, Geographic Information System cannot correctly apply each time.

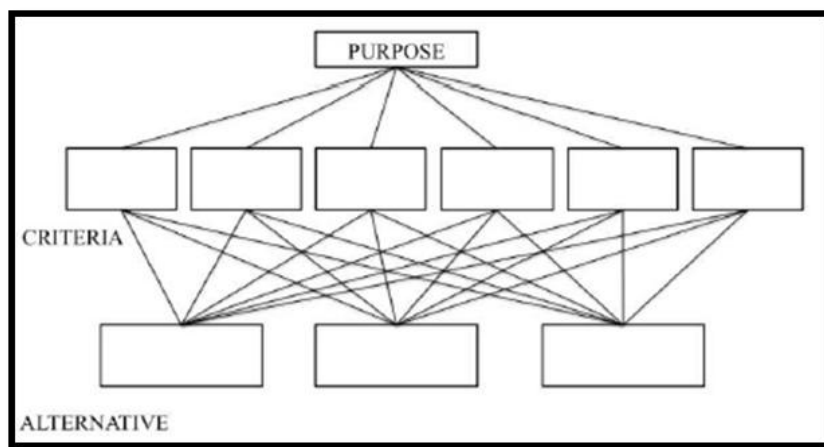
## **2.5. Analytical Hierarchy Process**

Conventional trade area models and other trade area models like regression models and Geographic Information System used in location selection for shopping center are difficult to apply to modern cities and metropolitan areas. Despite being useful, these models become inadequate to obtain data easily. Therefore, these models and Geographic Information System may not always function every time. Subjectivity becomes inescapable. If there are problems related to subjectivity, multi-criteria decision making methods are used to reach a good solution. Instead of these models, multi-criteria decision making methods are used for location selection of shopping centers. Generally one single criterion or objective function is not enough to find optimal solution for problems regarding site selection, so multi-criteria decision making methods are put to use for finding solution (Keleş and Tunca; 2015). Multi-criteria decision making methods are used on a large scale in such fields like education, planning, social studies, business, industry and even cabinet. Bhushan and Rai (2004) explain that decision making methods consist of the following activities;

- ✓ Analyzing the situation
- ✓ Organizing multiple criteria
- ✓ Evaluating multiple criteria
- ✓ Assessing alternatives on the basis of the evaluated criteria
- ✓ Ranking the alternatives
- ✓ Incorporating the judgments of multiple experts.

When literature review is made, the Analytic Hierarchy Process comes to be one of the preferred methods for site selection among the multi-criteria decision making methods. For example, Lee and Yang (1997) and Badri (1999) used the Analytic Hierarchy Process to look for a solution to problem of the facility and retail outlet location selection. Ejder and Burdurlu used this process in furniture industry in 2003, too.

In this study, Analytic Hierarchy Process, which is one of the multi-criteria decision making models, is used. Analytic Hierarchy Process was developed by Thomas L. Saaty in 1980s. It discusses both the objective and subjective criterion. Analytic Hierarchy Process is especially used to solve complex problems easily via subjective decision criteria. It benefits from quantitative and qualitative factors. Here, qualitative factors are more important than quantitative factor. Analytic Hierarchy Process configures a hierarchical format for the problem. Three level hierarchical structures are shown in the figure. These are purpose, criteria and alternatives.



**Figure 2: Three-level Analytical Hierarchy Model**  
Source: Thomas L. Saaty and Luis G. Vargas, 2001.

The Analytical Hierarchy Model includes point scoring and comparison. Reliable hierarchical structure is of great importance to determine the best alternative. Initially, Analytical Hierarchy Model forms the purpose. Following this step, the criteria and sub-criteria are found out. The decision hierarchy is created afterwards. As it proposes a binary comparison between those criteria, Saaty recommends values from 1 to 9 to get basic analog scale involved, as shown in Table below. Decision makers are asked to make comparisons. Ünlükara and Lale (2014) claim that this



comparison is checked with a consistency test and then the relative weight of pairwise comparisons matrices are calculated.

**Table 1: Importance Scale**  
Source: Thomas L. Saaty (2008), p. 125.

Importance Value	Value Definitions
1	Both factors are equal importance
3	Factor 1 is more important than Factor 2
5	Factor 1 is much more important than Factor 2
7	Factor 1 is strongly more important than Factor 2
9	Factor 1 is absolutely more important than Factor 2
2,4,6,8	Intermediate Values

Saaty and Vargas (2001) define the seven pillars of the Analytic Hierarchy Process;

- ✓ Ratio scales
- ✓ Paired comparisons
- ✓ Sensitivity of the principal right eigenvector
- ✓ Clustering and using pivots to extend the scale from 1 – 9 to 1 -  $\infty$
- ✓ Synthesis to create one dimensional ratio scale for representing the overall outcome
- ✓ Rank preservation and reversal
- ✓ Group decision-making

According to Bhushan and Rai (2004), the methodology of the Analytic Hierarchy Process can be defined as such: The first step is that the problem and the hierarchy of goal, criteria and sub-criteria and alternatives are designated. This step is the most essential part of decision making. Figure 2 shows a Three-level Analytical Hierarchy Process method. The purpose of the problem being analyzed rests at the root of the hierarchy. The leaf nodes are the alternatives to be compared. There are lots of criteria and sub-criteria in between these two levels. The second step is data collection from experts with respect to the hierarchic structure. Experts can rate the comparison. This is implemented for each criterion and converted into

quantitative numbers as Table 1: Importance Scale. After this step, comparison matrix is constituted. There are alternatives in the comparison matrix rows and columns. The comparison matrix is converted to a priorities vector. The elements of matrix are 1. There is a comparison vector for each criterion. Another step is the evaluation of “n”, which is the consistency of the matrix of order. In this step consistency ratio (CR) is evaluated. Before the evaluation of CR, the consistency index (CI) for each matrix is calculated.

It is formulated as;

$$CI = \frac{(\lambda_{\max} - n)}{(n - 1)}$$

where n = number of elements of each of the matrices.

$\lambda_{\max}$  = the maximum Eigen value of the judgment matrix.

After the evaluation of CI, Consistency ratio is calculated as;

$$CR = CI / RI$$

According to Saaty, the value of consistency ratio should be less than 0.1. If it is bigger than 0.1, the answers in relation to the comparisons may be re-examined.

$$CR = \frac{CI}{RI} < 0.1 \sim 10\%$$

Random index (RI) is the consistency index of a randomly generated pairwise comparison matrix. It depends on the number of elements being compared. RI is obtained from Table 2.

**Table 2: Random Index Values for n items being compared.**

Source: Saaty, 1982, Decision Making for Leaders.

<b>n</b>	1	2	3	4	5	6	7	8	9	10
<b>R.I.</b>	0.00	0.00	0.58	0.90	1.12	1.24	1.32	1.41	1.45	1.49

The final step, where all calculations are done by Expert Choice program or Excel, determines the best option.

## **2.6. Summary and Main Findings**

The above-mentioned literature provided information about the factors of location selection for shopping centers. There are many more approaches put forward by different authors in this chapter. Central Place Theory is assumed to be the first model appeared in literature review. It makes a good first of describing the location of trade and service activities. However, Central Place Theory is not applicable in today's world because it assumes no physical barriers, even the distribution of population or resources and uniform transportation system. Reilly's Law of Retail Gravitation, Analog Models, and Spatial Interaction Models are derived from this theory. These all are called "Conventional Trade Area Models". These models have a number of deficiencies. Reilly's Law of Retail Gravitation uses limited amount of data only and actual distance may not be the same as the distance perceived. Despite these deficiencies, it takes on the role of promoting today's spatial interaction models. Other Conventional Trade Area Models have similar disadvantages; therefore, the use of Regression Models, which are more practical and distinct, and Geographic Information System, which is used to analyze and manage all types of spatial or geographical data, come to the forefront. Nevertheless, these models cannot be easily applied to modern cities and metropolitan areas. Instead of these models, multi-criteria decision making methods are used for location selection of shopping centers today. In this context, Analytic Hierarchy Process which is one of the multi-criteria decision making models is chosen for this study. The following chapter aims to illustrate the factors of location selection for shopping centers.

Table 3: Shopping center location selection approach

Models	Developer	Year	Main Variables	Main Criticisms	Explanations
<b>Conventional Trade Area Models</b>					
a) Central Place Theory	Walter Christaller and August Losch	1930s	<ul style="list-style-type: none"> <li>* Range</li> <li>* Threshold</li> </ul>	<ul style="list-style-type: none"> <li>* It finds no room for application in the modern world since it assumes no physical barriers, even distribution of population or resources and uniform transportation system</li> </ul>	<ul style="list-style-type: none"> <li>* The first model which accounts for the spatial behavior of consumers and retailers.</li> </ul>
b) Law of Retail Gravitation	William J. Reilly	1931	<ul style="list-style-type: none"> <li>* Population</li> <li>* Distance</li> <li>* The proportion of the retail business from an intermediate town attracted by cities</li> </ul>	<ul style="list-style-type: none"> <li>* This law takes into account the size of a city only so as to specify the population appealed to its retail market</li> <li>* Actual distance may not be perceived the same way</li> <li>* It does not take into account some factors, thus, the degree of the model's reliability may reduce.</li> </ul>	<ul style="list-style-type: none"> <li>* It is based on the Newtonian gravitation model, and assigned a degree of gravitational pull to each area based on the population of the city.</li> </ul>
c) Analog Models	Applebaum	1966	<ul style="list-style-type: none"> <li>* The store's sales per capita</li> <li>* The store's per capita sales potential</li> </ul>	<ul style="list-style-type: none"> <li>* It can only be used to figure the trade areas of existing stores which should be similar in demographics characteristics of customers, level of competition, customer shopping habits and store characteristics within the trade area</li> <li>* It is too difficult to determine the local factors which affect the market</li> </ul>	<ul style="list-style-type: none"> <li>* It is the initial systematic retail forecasting system founded on empirical data.</li> </ul>
d) Spatial Interaction Models	Huff	1963	<ul style="list-style-type: none"> <li>* Probability of a consumer at origin <math>i</math> traveling to a particular shopping center <math>j</math>.</li> <li>* Size of a shopping center <math>j</math>.</li> <li>* Travel time from consumer's location <math>i</math> to shopping center <math>j</math>.</li> <li>* <math>(\lambda)</math> parameter to be estimated empirically and reflecting the effect of travel time on various types of shopping trips.</li> </ul>	<ul style="list-style-type: none"> <li>* There are many variables such as tenant mix, store image, quality, and price and so on, yet, size in Huff's model is only used as a measurement to find out the attractiveness of a store.</li> </ul>	<ul style="list-style-type: none"> <li>* This model focuses on the analysis of customers' shopping behavior.</li> </ul>
<b>Regression Models</b>	Ghosh and Mc Lafferty	1987	<ul style="list-style-type: none"> <li>* Dependent variable (represents store sales or profitability per household)</li> <li>* Independent variable (household income, level of competition, level of education, demographic characteristics and so on)</li> <li>* The regression coefficients</li> </ul>	<ul style="list-style-type: none"> <li>* Multicollinearity. It usually uses a great number of independent variables which are highly correlated. This causes unreliable estimates and some problems of interpretation.</li> <li>* The heterogeneity of sample stores. Outlets and shopping centers do not possess same trade area dynamics, so the same regression model cannot be used for both.</li> </ul>	<ul style="list-style-type: none"> <li>* They are used for forecasting retail sales. Sales are roughly predicted at any proposed location. That is to say, regression models offer a forecast of a new shopping center sales and its effect on the existing trade area.</li> </ul>
<b>Geographic Information System</b>	-	-	<ul style="list-style-type: none"> <li>* Spatial data</li> <li>* Geographical data</li> </ul>	<ul style="list-style-type: none"> <li>* It cannot reach reliable data easily.</li> <li>* Data collection is not easy everywhere. Therefore, it cannot correctly apply each time.</li> </ul>	<ul style="list-style-type: none"> <li>* It is used to analyze, manage, and present all types of spatial or geographical data.</li> </ul>
<b>Analytical Hierarchy Process</b>	Thomas L. Saaty	1980s	<ul style="list-style-type: none"> <li>* Objective criterion</li> <li>* Subjective criterion</li> </ul>	-	<ul style="list-style-type: none"> <li>* It is especially used to solve complex problems easily via decision criteria.</li> </ul>

## **CHAPTER 3**

### **THE FACTORS OF LOCATION SELECTION FOR SHOPPING CENTERS**

The problem with location selection emerges in not only retail sector but also many other sectors like bank branch, stores, dealers, warehouse and etc. Deciding on the location is important because it affects the activities of a whole firm (Geç, 2008). Since the times of ancient civilizations, shopping areas have been carefully selected to maximize the sale of products. Therefore, these areas gather in the city center. At the mid of the twentieth century, car use increased dramatically and people started to live far from the city center. Therefore, Geç (2008) states that shopping centers started to be located at the outsides of the city, especially along the main arteries.

In explaining the transition period of shopping centers in the USA, Vouk et. al (2009) holds the view that firstly retail activities and shopping stores are first located in city centers. The first modern shopping center called Country Club Plaza was constructed at the city center of Kansas City in 1922. Following 1950s, as traffic congestions occurred due to a boom in car use, shopping centers started to be built in suburban areas. These areas had a lot of free space, and competition for space was low. During 1970s, USA moved to top in terms of the number of shopping centers, which in return caused hardship in finding more space for new ones (Vouk et. al, 2009). According to Ozuduru (2006), the success of a shopping center system depends on its location pattern, site and trade area attributes. The system affects the urban development process as well. Shopping centers whose location was analyzed in depth considering demographic characteristics, visibility, and accessibility and so on prove to be more successful than other centers. In conclusion, “this system is the product of the socio-economic and physical structure of the city” (Ozuduru, 2006).

This chapter looks into the factors which affect location selection for shopping centers. After introducing factors called criteria in the AHP method, they will be evaluated by Analytical Hierarchy Process model so as to determine the weights of the factors.

The literature points out that there are many criteria in location selection for a shopping center. It is difficult to bring all criteria to the attention in detail to select suitable location for a shopping center in the city. The literature covers lots of studies related to this topic using geographic information systems. However, it is too difficult to put this system into practise (Türk, 2012).

The ultimate success of a shopping center is concerned with the carefully-made evaluation of location selection. A detailed analysis must be made by experts considering project size and kind of a project. After obtaining the result of this analysis, the decision as to whether the shopping center be constructed will be taken. In addition, the decision as to what kind of a shopping center it would be must be made (Önalın, 2003). Making a correct decision on location selection is highly important. Therefore, experts use some methods for many investors to select the correct location of the shopping centers. These methods are crucial to the future of the shopping centers, employing many criteria from the literature.

First, a literature review on location selection for shopping centers is made in this chapter. Although there are lots of researches, studies and theses produced for shopping centers, there is limited research on location selection. Goodrich (1989) mentions about the factors of location selection for shopping centers in his article "Analyzing a Small Shopping Center", which are location, accessibility and visibility, market support and competition, leasability, physical center, demographic characteristics and economic factors. Eppli and Shilling (1996) deal with the issue of distance while Ordway, Bul and Eakin (1988) focus on visibility in location selection for shopping centers. A similar situation goes for in the studies carried out in Turkey. There are limited studies about location selection for shopping centers, one of which comes from Timor. According to Timor (2004), accessibility, visibility, competitive environment, demographic characteristics, physical facilities, economic factors and future developments are important factors for location selection of shopping centers.

Ünlükara and Lale (2014) claim that accessibility, economic factors, demographic characteristics, and competitive environment are crucial factors. Similarly, Önalın (2003) and Geç (2008) agree with other researchers but defend that infrastructure is significant, too. Türk (2012) mentions about the factors of location selection for shopping centers. These are demographic characteristics, strategic location, transportation and infrastructure. According to Urban Land Institute Workshop in 2001, demographic characteristics, competition, transportation, visibility, potential tenant mix, the shape and size of land, topography, infrastructure, zoning status and legal restrictions, land price and trade influence area are necessary for the success of a shopping center.

According to the inferences made out of literature review, the factors of location selection for shopping centers can be classified into 6 categories (Table 4). These are demographic structure, transportation, competitive environment, visibility, zoning/property status and land characteristics and economic factors.

**Table 4: Important factors in shopping center location selection**

<b>Criteria</b>	<b>Description of factors and subheadings</b>	
<b>Demographic Structure</b>	<ul style="list-style-type: none"> <li>* Income level,</li> <li>* Average population at a certain distance,</li> <li>* Purchasing power,</li> <li>* Gender,</li> </ul>	<ul style="list-style-type: none"> <li>* Young and old population rate,</li> <li>* Educational background,</li> <li>* Marital status,</li> <li>* Population projection.</li> </ul>
<b>Transportaion</b>	<ul style="list-style-type: none"> <li>* Accessibility (Easy access by car or on foot),</li> <li>* Proximity to main transportation corridor (Center's proximity to highways or main streets,</li> <li>* Compatibility to traffic flow,</li> </ul>	<ul style="list-style-type: none"> <li>* Ease of entering and exiting the shopping center,</li> <li>* Public transport facilities (Proximity to bus and railway stops),</li> <li>*Traffic (Car and pedestrians).</li> </ul>
<b>Competitive Environment</b>	<ul style="list-style-type: none"> <li>* Number of competitors,</li> <li>* The distance between the competitors,</li> <li>* Power of competitors.</li> </ul>	
<b>Visibility</b>	<ul style="list-style-type: none"> <li>* Strong or weak sight,</li> <li>* Advertising purpose.</li> </ul>	
<b>Zoning - Property Status and Land Characteristics</b>	<ul style="list-style-type: none"> <li>* Zoning status,</li> <li>* Property status,</li> <li>* Infrastructure (electricity, water, sewerage and natural gas),</li> </ul>	<ul style="list-style-type: none"> <li>* The shape of land,</li> <li>* The size of land,</li> <li>* Geographical barriers,</li> <li>* Topography.</li> </ul>
<b>Economic Factors</b>	<ul style="list-style-type: none"> <li>* Rents,</li> <li>* Costs (Repair costs, operating costs, land price).</li> </ul>	

### **3.1. Demographic Structure**

The choice for location analysis and the economic potential of the area are quite important. The economic value of the land should be calculated before the location selection. This process must include how much people living close to earn and spend.

Erdoğan (2003) claims that two factors must be considered first to evaluate the potential for people's shopping. First one is growth of the population and socio-economic characteristics. Future population projection for future must be realized with suitable methods. Second one is the high share of the national income (Erdoğan, 2003). Bayar (2005) shows that 52% of the customers is above middle-income class.



The population density, gender, ratio of young population, income level, educational background, political view, marital status, population projection et cetera are the foundations of a demographic analysis which are crucial to the success of a shopping center since all set the portfolio of customers with different tastes. In this regard, Bayar (2005) states that both the size of the population and socio economic characteristics of customers must be taken into account. Similarly, Önalın (2003) claims that population pattern and the number of working people must be investigated. Income level becomes important in relation to these two factors. Ersoy (2006) states that if the customers' income is high, they may do more shopping. As Timor (2004) defends, income level is one of the most important factors in selecting location of a shopping center. In addition to income level, age is another factor impacting investor's decision on starting a project because young and old people don't share same preferences. Young people visit shopping center more frequently than old people do. Shopping centers are visited by those aged 21-45 (Bayar, 2005).

Marital status, too, shows a similar inclination. Single people and married people go shopping for different purposes. According to Bayar's research carried out in 2005, % 54 of the customers is married. Gender is another factor in that women visit shopping centers more than men do. The same research suggests that about % 57 of the customers are women. Also, purchasing power of customers is a determinant in making investments. Higher purchasing power specifies the suitability of a shopping center location.

It is crucial that the shopping center establishes a harmony with its surroundings. Therefore, detailed analysis of population demographic structure should be made before the beginning of the construction of shopping centers (Türk, 2012).

### **3.2. Transportation**

Transportation has an impact on the success of a shopping center. When investors develop shopping center project, they select area which is connected to other places through stronger transportation and analyze the transportation networks. Accessibility, proximity to main transportation corridor, ease of entering and exiting

the shopping center, compatibility of traffic flow and proximity to bus or railway stops are analyzed.

### **3.2.1. Accessibility**

By accessibility, easy arrival at a location is meant. In this context, accessibility to shopping center is the ease provided for people to reach a shopping center from different parts of a city (Türk, 2012). Over the last decades, many city centers are not easily reachable due to heavy traffic. From time to time, consumers opt for the farthest shopping center instead of nearest one since it takes less time for them to reach the farthest center. Geç (2008) states that easy access to those centers by a private car is more important than a shopping center's being located at suburbs or outside the city center. Similarly, it is one of the most important conditions for a shopping center (Önalın, 2003). Accessibility can have an impact on the success of the center. Ersoy (2006) agrees and states that if it becomes easier to reach a shopping center, trade area will grow stronger in effectiveness. Ünlükara and Lale (2014) believe that the accessibility outweighs the other subheadings.

Foot traffic is of greater importance to most retailers. A shopping center has to be reachable by walking in order to receive as many customers as possible any time during the day. Although Kızılay Shopping Center has disadvantages like design criteria, it is easily reachable by walking or through public transportation; which is why it is full of customers at every hour each day. Therefore, many investors monitor the traffic in a site potential for location selection at different times during a day and weekdays to ensure that the volume of pedestrian traffic meets their needs.

### **3.2.2. Proximity to main transportation corridor**

Most shopping centers are located along the main transportation corridor because it consists of the main transit, resulting in an easy accessibility. For instance, Eskişehir highway, İstanbul highway and Konya highway are important arteries in

Ankara. Lots of shopping centers in Ankara are located by side of these roads. Armada, Cepa, Kentpark, Gordion and Mesa Koru Shopping Centers are located close to Eskişehir highway whose sides abound with state buildings, universities, private offices and residences. Next Level Shopping Center is located at the crossroads of Eskişehir and Konya highways.



Figure 3: Shopping centers located on Ankara (Eskişehir highway) (Google Earth image 2016)

There are many other shopping centers located on İstanbul highway. These are Ankamall- the biggest shopping center in Ankara-, Acity, Gimart, Park Vera and Carrefour shopping centers. Besides these, there are various outlet stores and construction markets located on İstanbul highway.



Figure 4: Shopping centers located on Ankara (İstanbul highway) (Google Earth image 2016)



Türk (2012) claims that ring roads have been used more effectively in Turkey in the recent years. In parallel with this positive development, ring roads are also put to use for trade area developments especially in İstanbul, Ankara and İzmir. When the location of shopping centers in İzmir is analyzed, it is found out that most of them are constructed along İzmir Ring Road.

**Figure 5: Shopping centers located on the Izmir Ring Road**  
Source: Mehmet Türk, (2012), page 78.



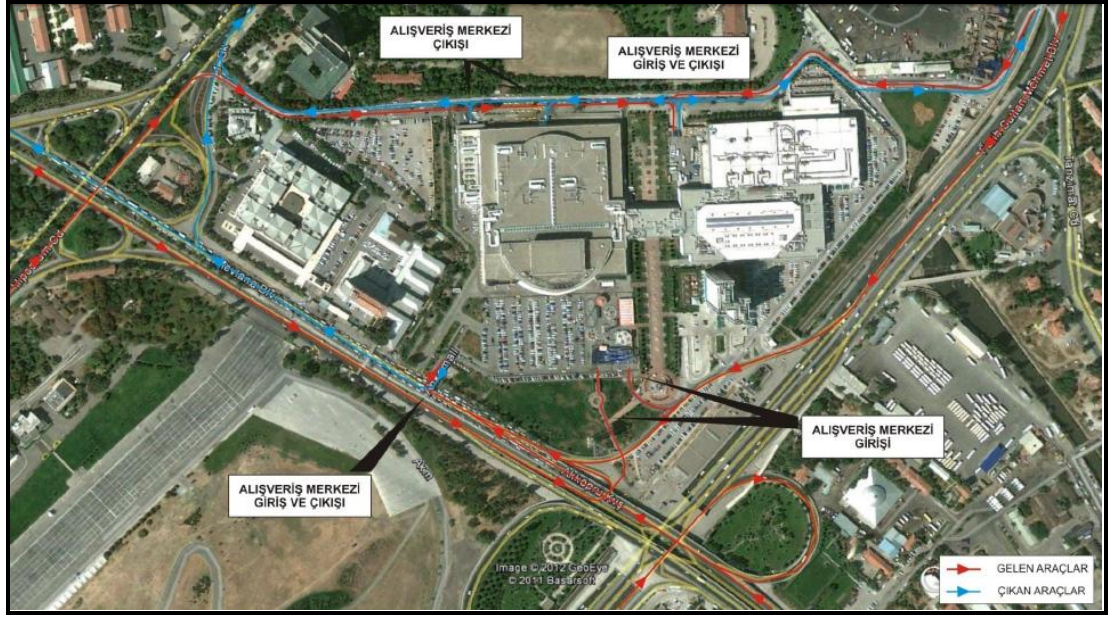
Figure 6: Shopping centers located along the Istanbul Ring Roads  
Source: Mehmet Türk, (2012), page 81.

Apart from all these, if shopping centers are constructed in close proximity to main transportation corridor, lorries which carry goods can easily reach shopping center. This is an advantage for outlet stores. According to Önalán (2003), another advantage of a shopping center located close to the main transportation corridor is easy accessibility and time saving.

### **3.2.3. Compatibility to traffic flow, ease of entering and exit the shopping center**

Despite the advantage of a shopping center's having been built along a highway or ring road, problem arises in any way. Traffic flow and the shopping center should share the same direction. Compatibility of traffic flow is regarded as an essential factor for placement of shopping center. Moreover, entering and exiting the shopping center that are located along a highway or ring road sometimes become difficult. This is particularly important for customers who have their own cars. Geç (2008) argues that entrances and exits for vehicles have to be determined prior to location selection. Plus, a shopping center should also have multiple entrances and exits, highlighting the importance of traffic flow. Ankamall Shopping Center is a good example. It is located on both Konya and İstanbul highways. It is easily accessible but entering to and exiting from the shopping center is not too easy. Despite having enough entrances, the Ankamall Shopping Center does not have enough exit. More importantly, it becomes difficult for customers who want to go to Yenimahalle or İskitler due to the location of Ankamall's exit (Türk, 2012). This disrupts the direction of traffic flow, too.





**Figure 7: Entrance and exits of Ankamall Shopping Center, Ankara**  
Source: Mehmet Türk, (2012), page 84.

#### 3.2.4. Proximity to bus stops and railway stops

Most customers prefer public transport to arrive at a shopping center. Geç (2008) argues that the availability of public transport systems and transportation systems is significant to the location selection of shopping center. Pedestrians should be provided with easy access to shopping center through bus or metro station. A direct transportation line to shopping centers is determinant in winning customers. Moreover, Ersoy (2006) points that the public transportation has to provide comfort and safety for customers. According to Türk (2012), if shopping center is accessible via underground transportation, the achievement will be bigger and more customers will be drawn to these centers. Cevahir Shopping Center is a good example. It has many powerful public transport facilities. Şişhane – Taksim – Darüşşafaka metro line passes beneath Cevahir Shopping Center and even a metro station was opened inside. There are also lots of various bus routes and minibuses routes passing nearby. One can reach there from Zincirlikuyu and Söğütöçesme via metrobus.

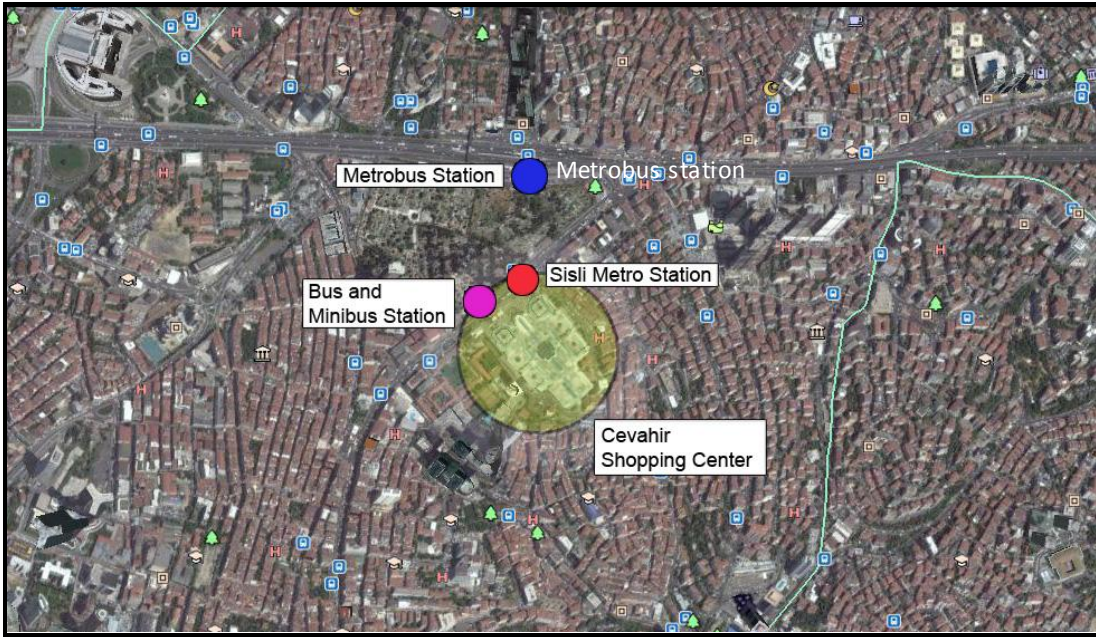


Figure 8: Satellite image of Cevahir Shopping Center, İstanbul (Google Earth image 2016)

### 3.3. Competitive Environment

Shopping center investors want to select strategic location keeping in mind transportation facilities that are expected to be close there to address more visitors. Shopping centers compete with each other and city centers (Türk, 2012). A good location and a competition environment directly affect a shopping center's revenue and the project's profitability.

A certain amount of product is available in a certain trade area. Opening a new store does not change the amount of products sold if other factors are kept constant. The identification of the nearby competitors gains importance at this very point. Ünlükara and Lale (2014) define the competitive environment as the number, proximity to and power of the nearby competitors. Therefore, the potential for retailing of an area could not be exactly identified without surveying the competitive structure.

Önalın (2003) states that limited competition may be an advantage for shopping centers. Kentpark and Cema shopping centers are good examples. Kentpark Shopping Center is constructed close to Cema Shopping Center. Kentpark Shopping



Center has not negatively and dramatically influenced Cepa Shopping Center's sales because there is a limited competition between each other. They address to different types of customers. Rather, customers can visit two shopping centers on the very same day.



**Figure 9: Satellite image of Kentpark and Cepa Shopping Centers, Ankara (Google Earth image 2016)**

Cepa and Kentpark shopping centers are considered positive with regard to competition; however, it is not always the same way. Erkip and Ozuduru (2015) claim that uncoordinated location selection of shopping centers has created competition among old and new centers, sometimes resulting in closure of older centers. In this regard, lots of examples can be shown in İstanbul. According to the research made by Erkip and Ozuduru in 2015, about % 10 of the shopping centers are closed over the last two decades and this figure is expected to increase.

What is important here is the power of the rivals. If the competitors have equal power, the result might be positive. According to Timor's research in 2004, the strength of the rivals is the most important competitive element. Önalın (2003) claims that when competitors do not possess equal power while constructing a new shopping center, they shall select a non-competitive area. If the retail potential and competition within an area are high, this area may not be found suitable for the new

shopping center. In this context, Türk (2012) supports that a zone with a low population may be suitable if there is no shopping center around.

Only a certain amount of product can be sold in a specific zone. Opening a new shopping center gives way to competition and the profit of already-existing shopping centers may decrease if there exists inadequate marketplace. Therefore, investors favor an area of less competition in constructing a new shopping center.

The estimations offer that the number of commercial centers will increase in developing countries such as Turkey. The retail market will also become more competitive in the upcoming years. A rapidly increase in the number of shopping centers will decrease the others' revenues; so shopping center investors generally opt for competition-free environment. Therefore, they choose developing regions for shopping center project development. A first-established project is generally successful in those areas. Moreover, these areas bear lesser risk for investors than developed regions do. Türk (2012) argues that some shopping centers were forced to close down as a result of harsh competition. For example, Via/Life Outlet Center, opened at the beginning of the 2010 in Ankara, Via/Life Outlet is located close to Armada Shopping Center, giving rise to a competition. Despite serving for Söğütözü, Beştepe, Bahçelievler, Çukurambar and Balgat where middle and upper income groups are concentrated, two years later, Via/Life Outlet Center had to close down because it lagged behind in the competition.



Figure 10: Via/Life Outlet Center, Ankara  
Source: avmank.blogspot.com.tr



Figure 11: Satellite image of Via/Life Outlet Center, Ankara (Google Earth image 2016)

There are some other similar examples. Consequently, shopping center investors should care about competition factor before a shopping center project develops.



### 3.4. Visibility

Visibility is essential both for shopping centers and all commercial real estate. Despite being well-located, a shopping center may fail owing to zero visibility. Investors want to construct shopping center at good and visible locations for two reasons. The first reason is to create a strong profile for customers via visibility. The second one is that if shopping center is visible, the front side of the shopping center may be used for advertising purposes providing advertising revenue and attractiveness. Aksoy (2009) claims that sufficient signboards should be placed to attract customers to the shopping center. 365 Shopping Center opened in Ankara in 2008 is a project that appeal to middle and upper income groups living in neighborhoods like such as Yıldız, Birlik and Oran Sitesi.



Figure 12: Satellite image of 365 Shopping Center, Ankara (Google Earth image 2016)

365 Shopping Center does not have any entrance leading to the main street, Kahire Main Road. The entrance of the shopping center is accessible from the detour road numbered 428, shown in Figure 13. Therefore, the visibility of 365 Shopping Center is quite poor. Its accessibility from Kahire Main Road is rather difficult.



**Figure 13: 365 Shopping Center, Ankara (Yandex image 2016)**

Good visibility enhances the visibility of a shopping center. However, crossover roads, sharp road bends, hills and dense vegetation hinder the visibility of shopping center. Before launching a shopping center project, investor should pay attention to these points. High visibility earns success and value to the shopping center.

### **3.5. Zoning and Property status and land characteristics**

This factor has four sub-titles. These are zoning and property status, infrastructure, the shape and size of the land and lastly geographical barriers and topography.

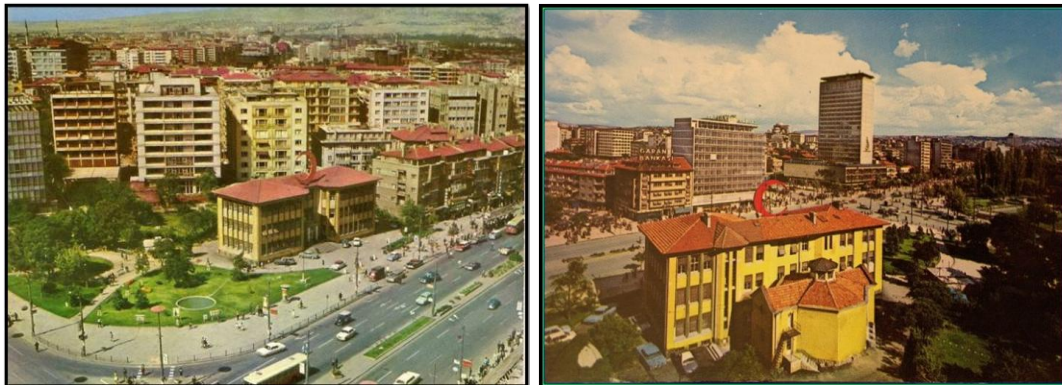
#### **3.5.1. Zoning and Property Status**

Ersoy (2006) puts forward that the most important issue in the selection of the land is zoning status. Changing the zoning status is a very expensive and time-consuming process. And it could generally result in failure. That is, the zoning and property restrictions hinder or retard the shopping center project. Many projects are delayed or canceled because of legal restrictions. These restrictions are zoning status, floor area ratio, road elevation, protected area, and joint-owned property and so on.

Aforementioned Kızılay Shopping Center is a good example. The completion of this project took 32 years for that reason. Thus, the zoning and property status is vital for developing shopping center project.



**Figure 14: Kızılay Building, Ankara (1954)**  
Source: [www.mimdap.org](http://www.mimdap.org)



**Figure 15: Kızılay Building, Ankara**  
Source: [www.mimdap.org](http://www.mimdap.org)

### **3.5.2. Infrastructure**

Another important criterion in location selection is infrastructure. If the area on which the shopping center will be built has well-built infrastructure, the realization of the shopping center project gets quicker and easier. Such areas provide better options for carrying out shopping center projects. Otherwise, the capital cost will boom. The area close to sources of utilities like water, sewage, gas and electricity are highly preferential for developers since that would reduce the project costs. Infrastructure is also a criterion that directly affects the shopping center development projects.



Problems with technical infrastructure would take years to solve. Kızılay Shopping Center in Ankara is a good example in this regard. The completion of this project took 32 years due to the reasons mentioned above.



Figure 16: Satellite image of Kızılay Shopping Center, Ankara (Google Earth image 2016)



Figure 17: Kızılay Shopping Center, Ankara  
Source: [www.mimdap.org](http://www.mimdap.org)

### 3.5.3. The shape and size of the land

One piece of smooth land is more appropriate for constructing shopping center because building a shopping center on divided pieces of land is highly difficult. That is, the land where a shopping center will be built is not to be divided by any highway or street. Today, there are few examples of successful shopping centers seated on divided plots (Ersoy, 2006). Atlantis Shopping Center in Ankara is a good example. It covers a land area of 51.392 m<sup>2</sup> and a total construction area of 132.626 m<sup>2</sup>, housing 800 residences in 8 blocks. This shopping center project was built on two separate parcels. These parcels are connected with a pedestrian bridge- a good but expensive option.



Figure 18: Satellite image of Atlantis Shopping Center, Ankara (Google Earth image 2016)



Figure 19: Project view of Atlantis City Shopping Center, Ankara  
Source: [www.2reyonetim.com](http://www.2reyonetim.com)



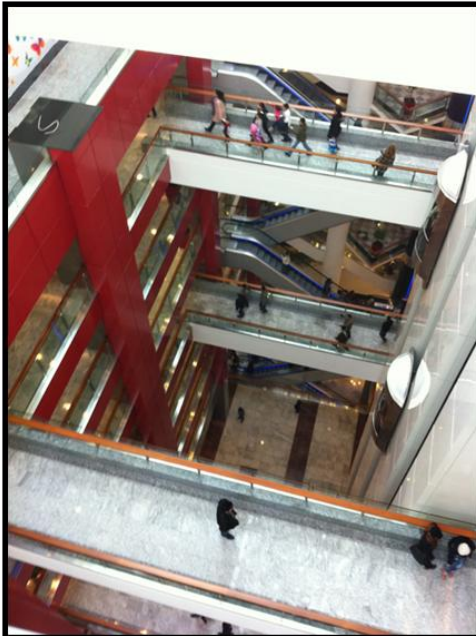


**Figure 20: Atlantis City Shopping Center, Ankara**  
Source: [www.2reyonetim.com](http://www.2reyonetim.com)

Ersoy (2006), on the other hand, argues that the land size may be standardized for shopping center construction; however, it is difficult to standardize how deep the foundation of the shopping center must be. Shopping centers require today a more considerable ground depth for parking and traffic flow solutions.

A land with geometric form is a prerequisite for creating an effective site plan (Aksoy, 2009). Ersoy (2006) agrees with him and states that if the land does not have a geometric form; it still needs enough frontage to become visible from the highways.

Parking area is more important for trade areas because many customers use their own cars to go to the shopping center. Therefore, the developer of the shopping center has to select a plot big enough for both parking area and the shopping center itself. Moreover, the plot reserved for the shopping center must expand horizontally. Otherwise, more floors must be added to the center, which would result in an unwell-designed structure. It would be difficult for visitors to go around and shop in multi-storey centers. Kızılay Shopping Center, opened at the end of the 2011, is an example for multi-storey centers. It has got eight floors and plus two basement floors. Kızılay Shopping Center occupies 20.000 m<sup>2</sup> ground area and holds 120 shops. It possesses 300-car capacity. It is difficult to visit and do shopping there because of the complicated and second class design featured. Moreover, the area reserved for car parking is inadequate.



**Figure 21: Interior view of Kızılay Shopping Center**

#### **3.5.4. Geographical Barriers and Topography**

Another important subheading is the land topography and geographical barriers. Topography is an important factor directly influencing the making of plans, designing and constructing of shopping centers. Flat terrain or slightly inclined terrain is the ideal topography for shopping centers. Slopes extending towards the street are also preferred for building shopping centers. Aksoy (2009) states that steep slope terrain is not preferable to constructing a shopping center. Building shopping

centers on vertical slopes is far more expensive considering the design and construction.

Setting up drainage systems complicates the underground constructions. Aksoy (2009) proposes that the slope be lower than 3%. Besides this problem, the barriers stemming from geographical features impact the project development of a shopping center. For example, hills, forests or rivers may obstruct building the shopping center. Before launching a shopping center project, barriers from geographical features must be taken into account.

### **3.6. Economic Factors**

According to the research conducted by Ünlükara and Lale's in 2014, the second most important factor for location selection of shopping center are related with the economy. They particularly argue that the rent and rental income per m<sup>2</sup> and terms regarding rental period are sub-factors more essential than the others, taking into account the construction cost, too. Timor (2004) classifies economic factors into two such sub-titles as rents and costs, which benefit this research.

#### **3.6.1. Rents**

The rent is one of the most important criteria affecting the revenue of the shopping center. Especially if the location of the main stores like hypermarket and entertainment in the shopping center are not determined beforehand but rented, the construction of the shopping center has to start. Timor says that the rental expenses per m<sup>2</sup>, rental period and terms of rent contract are important subheadings. The rental income per m<sup>2</sup> especially has significance for developers. Even if a shopping center is constructed at the right location, sufficient income like rental one is one of the most important factors for maintaining the existence of the shopping center (Timor, 2004). When developers try to find suitable location for shopping center selection,

they should estimate the size of the stores to be located in the shopping center and the minimum rental rates.

According to Geç (2008), consumer expectations and attitudes should be considered for the success of the shopping center development. Tenant mix of shopping centers should be specified according to the expectations of residents. Store managers take a decision on the investment to be made if condition requires. For example, Panora Shopping Center was constructed in Oran District where people with highest incomes in Ankara reside. It covers 86.000 m<sup>2</sup> rentable area and roofs 194 stores. Panora Shopping Center serves for those with the highest income in neighborhoods of Ankara such as Yıldız, Birlik, Sancak, Oran and İncek.



**Figure 22: Panora Shopping Center, Ankara**  
Source: [www.anlasana.com](http://www.anlasana.com)

Brands should be offered by the shopping center considering the developer's expectations as well as the demographic structure of the region. Hugo Boss, Beymen, Burberry and Emporio Armani are available at Panora Shopping Center. Considering the demographic characteristics thereabouts, these brands are intentionally chosen for Panora Shopping Center.



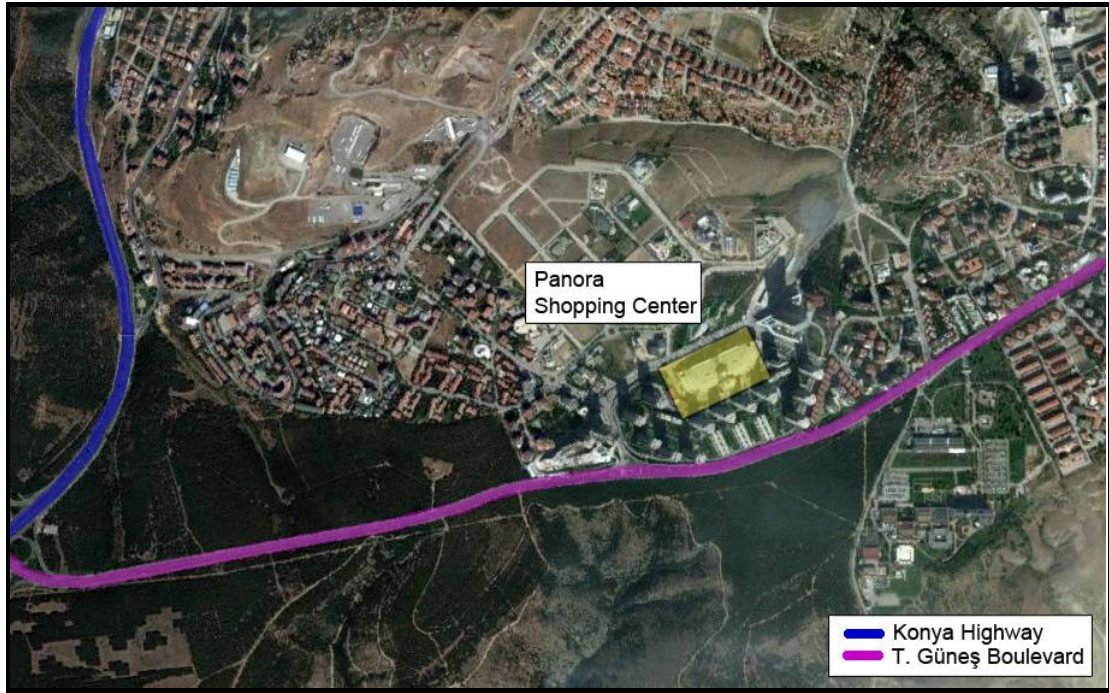


Figure 23: Satellite image of Panora Shopping Center, Ankara (Google Earth image 2016)

### 3.6.2. Costs

Other subheading of economic factor is costs. According to Timor (2004), costs involve maintenance/repair costs and operating costs. His research results show that operating costs are more important than maintenance and repair costs.

Urban Land Institute in 1999 explains the cost of shopping center as;

- ✓ Commissions and financial fees required for authorization,
- ✓ Rental costs,
- ✓ Advertising and promotion expenses,
- ✓ Operating costs
- ✓ Maintenance costs.

Geç (2008) explains maintenance and repair costs as;

- Cleaning services
- Improvement costs
- Refurbishment costs such as combination of stores
- Enlarging the size of building such as parking area.

All affect the decision of developers before the construction of shopping center. Cost analysis is more important than the other factors when it comes to the success of a shopping center.

In addition, the land price occupies a huge part of the costs and should be minimized. As the cost of land increases, the investor expects that the material return of the project will also increase. Therefore, the land price is not mentioned among the factors of location selection for shopping center.

## **CHAPTER 4**

### **METHODOLOGY**

#### **4.1. Context**

As described in the previous chapters, the number of shopping center has been rapidly increasing over years. Today, this increasing trend makes the location selection of shopping center more essential and challenging than before. There is a rapid increase in the global development of shopping center investments. Therefore, many trade area analyses are conducted to find suitable location for shopping center. Analytical Hierarchy Process, which is one of the multi-criteria decision making models, is used in this thesis to offer suitable location for a shopping center. Factors which affect the location selection for shopping centers are taken into account.

The trend for shopping centers is growing particularly in Ankara because of the constant increase in the number annually. Ankara is a city of great significance to investments in shopping centers. There are currently 42 shopping centers and eight more are under construction. In spite of the fact that Ankara does not have as many shopping centers as İstanbul does, they are similar to Ankara is the average expressed as  $m^2/1000$  people. The total gross leasable area per 1,000 people is 278  $m^2$  in Ankara. This figure is above many Europe metropolitan cities. Therefore, the analysis is dependent upon a comparison regarding how differently planners and investors/real estate appraisers think about shopping centers in Ankara and the criteria of shopping center location selection.

Three different shopping centers which are Ankamall, Gordion and Kızılay Shopping Centers in Ankara are studied. The chosen shopping centers are evaluated

by the use of the AHP method based on the factors explained in the previous chapters.

## **4.2. Goals and Objectives**

The objectives of this study can be categorized as:

- 1- Comparing the factors that are important in the location selection of shopping center and finding out the general factor weights for shopping center location selection from the perspectives of planners and investors/real estate appraisers.
- 2- Comparing three different shopping centers which are Ankamall, Gordion and Kızılay Shopping Centers in Ankara in line with the location selection criteria from the perspectives of planners and investors/real estate appraisers.

This thesis shows how planners and investors/real estate appraisers think differently when it comes to shopping center development. A plan must be made to make a decision about developing shopping center project.

The first question of the questionnaire aims to find out the general factor weights for shopping center location selection. Last question is about the evaluation of each shopping center, which is Ankamall, Gordion and Kızılay Shopping Centers, made for the same problem with regard to the relevant factor.

This study shows how to evaluate different alternatives based on criterias determined in a city with the AHP method. Later, the points of view were determined between two different groups by interpreting the questioannaire results. It is tried to determine what kind of measures can be taken without increasing the number of shopping centers in our cities, whether it can be restricted by the legal framework and whether the laws and regulations coming into force in the near future are sufficient compared to the legal frameworks as in European countries with the survey results and recomendations have been made in the conclusion section.



### **4.3. Case Study Selection**

Ankara Metropolitan City is chosen for the case study for several reasons. Firstly, Ankara is the capital city and has the second largest population in Turkey. It has more than four million inhabitants. Secondly, the researcher of this study who has lots of information about Ankara has been living in Ankara since birth. Thirdly, obtaining necessary information about shopping centers of Ankara is easier. Last but not least, the researcher studied and still works in Ankara as a real estate appraiser.

### **4.4. Method of Analysis**

In the previous chapter, the factors of location selection for shopping centers are explained with given examples. These factors are demographic structure, transportation or accessibility, competitive environment, visibility, zoning and property status and land characteristics and lastly economic factors. They will be examined separately in the case of Ankara.

Data collection is made through field work. Moreover, books, journals, thesis, e-thesis and web sites are used. Questionnaires formed for the shopping center investors/real estate appraisers and planners are another tool used for data collection. The questionnaire form is presented in Appendix A.

The questionnaire was carried out in November-December, 2016. In this study, in-depth interview technique and questionnaire form are used for qualitative research methods. The research consists of two succeeding parts. The questions comparing the factors that are viewed as important in the selection of shopping center location are placed in the first part. The second part encompasses the questions to compare the case shopping centers which are Ankamall, Gordion and Kızılay Shopping Centers. They are in Akköprü of Yenimahalle, in the city center (Kızılay Square) of Ankara and further outside of the city center, in Ümitköy area, on the west corridor of Ankara, respectively. Two separate groups give contribution to this research. First group is made up of planners. Second group involves investors and real estate

appraisers. The questionnaires included a face to face search and in depth interviews of 25 planners and 10 investors/real estate appraisers. Initially, 35 experts are interviewed in order for the determination of the weight of the factors considered to be important in the selection of a shopping center location. After determining the general factor weights in the first question of the hierarchical structure, the evaluation of each shopping center for the same problem was made with regard to the relevant factor. The second question on the questionnaire form aims to evaluate the shopping centers in views of experts. Here again, the same seperate groups are addressed with a number of questions. Three different shopping centers which are Ankamall, Gordion and Kızılay Shopping Centers in Ankara are put under the scope of the research to get an answer because their locations, concepts and sizes largely differ from each other. An example of the questionnaire forms sent to the shopping center investors/real estate appraisers and planners is attached in Appendix A.

Finally, if it is analysed at the constraints that are experienced in the working phase; the same criteria were managed in two different groups, planners and real estate appraisers/investors to show different points of view between them. The criteria which has been decided after the literature review was used in order to be used by both groups. The criteria which are not included in the two fields of expertise were not taken into account in the thesis. Moreover, since it is necessary to discuss the questionnaire with experts who are interested in the subject at the stage of conducting the questionnaires, no opinion has been obtained from specialists living in different illusions and it has not been determined whether there is any difference between large and small cities.

It has been seen that those who see as specialists at the survey stage do not have comprehensive information about the contents of these regulations because the legal regulations about the shopping center in Turkey are still very new. For this reason, no legal framework has been added to the criteria specified in the survey. In the thesis study, the application process of the AHP method and method which can be used as an alternative method for the location selection of a shopping center is explained and the legal arrangements in Turkey regarding shopping centers which can not be added as a legal framework in the survey part and tried to create a resource for further studies.

## **CHAPTER 5**

### **CASE STUDY**

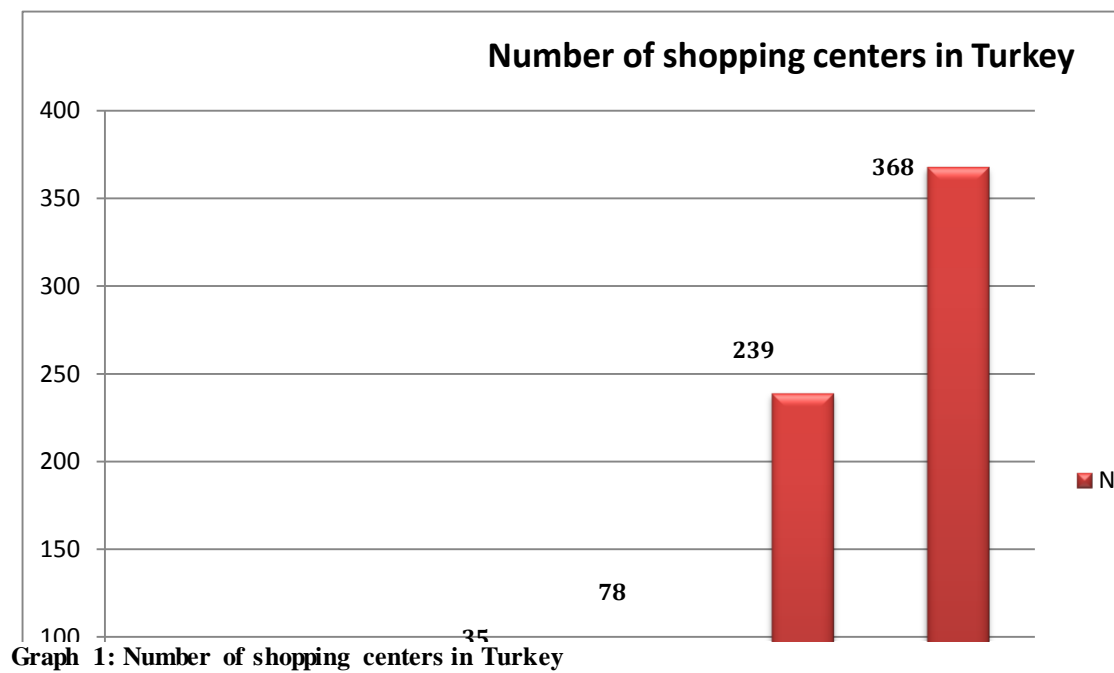
Before explaining the results of the fieldwork, the development process of shopping center sector in Turkey and in Ankara is mentioned. Afterwards, information about selected shopping centers which are Ankamall, Gordion and Kızılay Shopping Centers is given.

#### **5.1. The Development Process of Shopping Centers in Turkey**

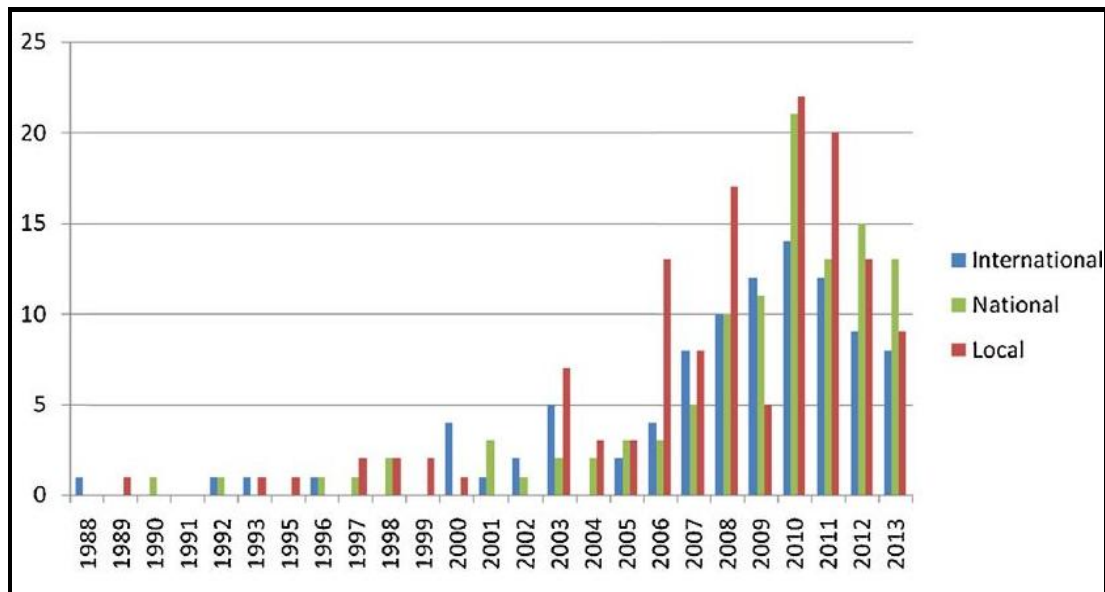
In 1980s, Turkey adopted outward-oriented development strategy with globalization. At the end of the 1980, it shifted from manufacturing to consumption. During this period, it boosted privatization and flexibility in regulating foreign investments. As a result of the neo-liberal policies implemented in Turkey after 1980, shopping centers became popular in 1990s. Erkip and Ozuduru (2015) classified three groups of shopping centers in Turkey starting from 1990 up to now. The first group is integrated shopping centers which are small in size and located close to city centers. The second group tends to be located in the suburbs. The last group constitutes mixed land uses. For example, they are home to residences, offices, shopping stores and entertainment areas. Currently, the third group shopping centers has become a trend.

The first shopping center in Turkey was Ataköy Galeria Shopping Center opened in İstanbul in 1988. During the next decade, two shopping centers were opened on average each year. By the end of 1997, the number of shopping centers in Turkey reached 11 (Alkibay et. al, 2007). In 2000, only 10 cities in Turkey had shopping

center. The total number of shopping centers in Turkey was 35 in 2000. Afterwards, the development of the shopping centers spread across different cities in Turkey especially Ankara, İzmir and Bursa. This number increased and reached 361 in 15 years. Located in 58 different cities, shopping centers multiplied showing an increase of by 900% in 2000-2015. By the end of 2016, 106 new shopping centers are being planned to open.

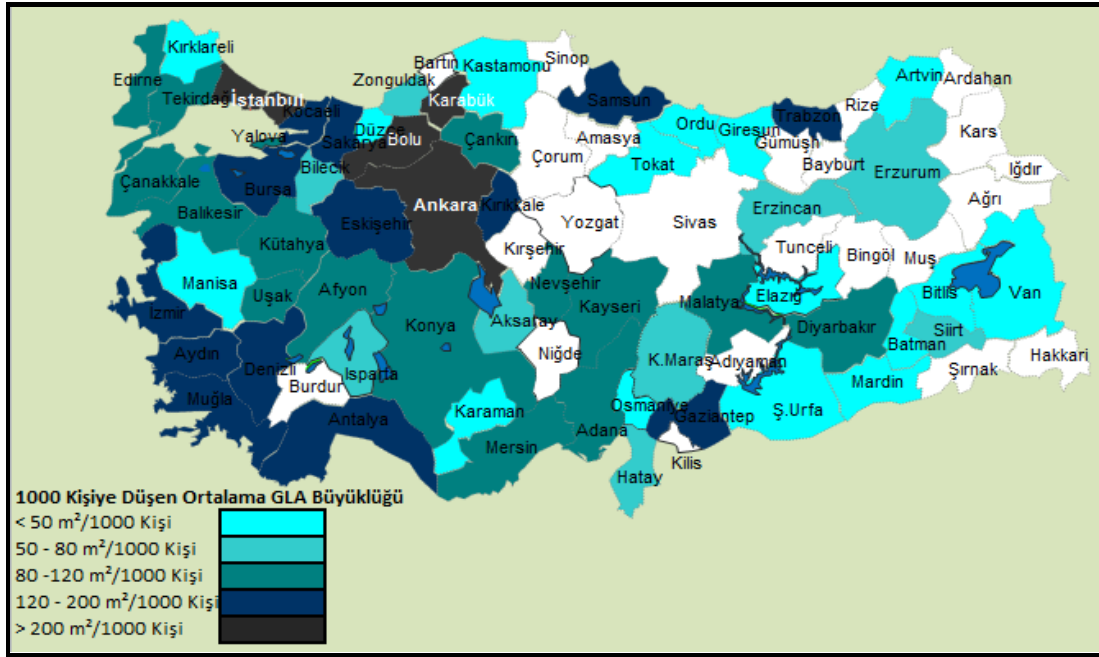


In parallel to this rise, foreign investments in shopping centers have also increased after 2000. Especially, the granting of ownership rights to foreigners in 2003 affected their investments positively. In addition, the number of local investors has increased dramatically after 2003 since shopping center investments have become a remunerative business. Graph 2 shows the number of shopping centers by investor type in 1988-2013. It also shows that following 2003, the number of international and national investors rose until 2010. 2000-2015 was the most favorable time period for the construction of shopping centers in Turkey. Despite the global economic crises taking place between 2008 and 2010, the number of shopping centers in Turkey continued to increase on a large scale.



**Graph 2: Number of shopping centers by investor type**  
Source: F. Erkip and B. H. Ozuduru, (2015), page 13.

By 2015, the total gross leasable shopping center area in Turkey reached approximately 10.2 million m<sup>2</sup>. It will probably increase to approximately 11 million m<sup>2</sup> by the end of the 2016. In Turkey, total gross leasable area is 131m<sup>2</sup> per 1,000 people. This number is 252 m<sup>2</sup> per 1,000 people in France, 258 m<sup>2</sup> per 1,000 people in England, 153 m<sup>2</sup> per 1,000 people in Germany (Erkip and Ozuduru, 2015). Turkey's average is below that of these countries. Yet, three Turkish cities -Bolu, Ankara and İstanbul- exceeded the average of these European countries. According to Shopping Center Investors Association, total gross leasable area is 303 m<sup>2</sup> per 1,000 people In Bolu. In İstanbul, total gross leasable area is 282 m<sup>2</sup> per 1,000 people. Last but not least, Ankara has got a total gross leasable area of 278 m<sup>2</sup> per 1,000 people.



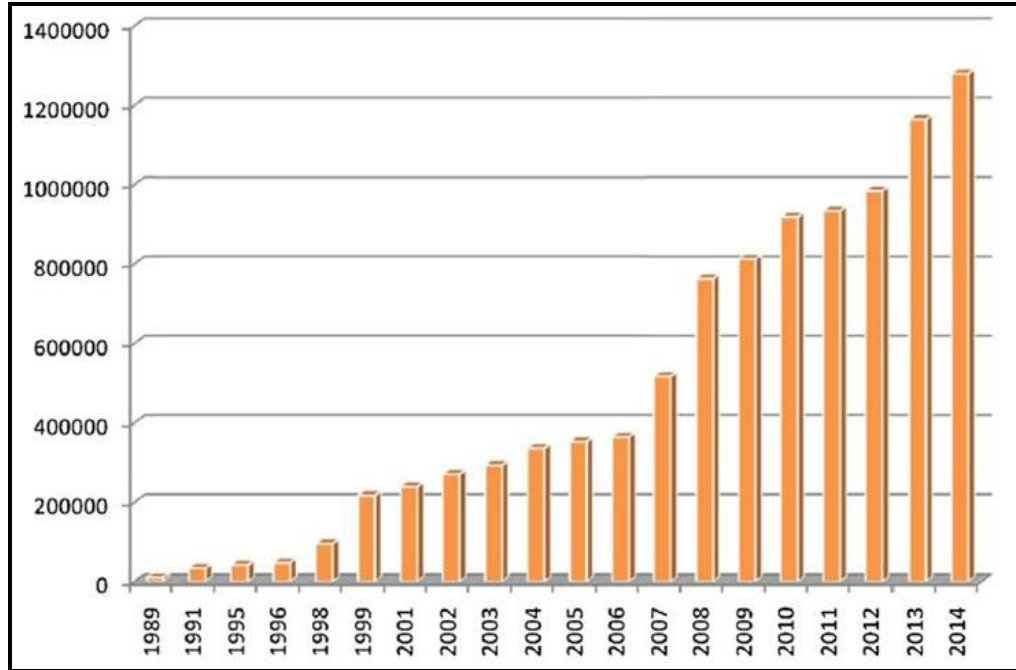
**Figure 24: Average gross leaseable area per 1,000 people**  
Source: Shopping center investors association.

Istanbul has the highest total gross leaseable area for shopping centers of Turkey. Roughly 38% of the total gross leaseable area in Turkey belongs to İstanbul.

## 5.2. The Development Process of Shopping Centers in Ankara

After 1990s, car use and the population of Ankara, the capital city of Turkey, increased; correspondingly, the number of shopping centers in Ankara increased. Although Ankara does not have as many shopping centers as Istanbul does, Ankara shows a similarity to İstanbul in terms of rentable area per person (m²/1000 people). Atakule was the first modern shopping center in Ankara opened on 13 October 1989. It was followed by Karum, Beğendik, Galleria and Bilkent Ankuva Shopping Center. By 2005, Ankara already had 9 shopping centers. This number increased three times between the years 2005 – 2010 years and reached 30. There are 42 shopping centers in Ankara today. There are 8 shopping centers under construction. The existing and under construction shopping centers offer a roughly total leaseable area of 1,673,000.00 m² in Ankara (Erkip and Ozuduru, 2015). The total gross leaseable area

per 1,000 people is 278 m<sup>2</sup> in Ankara. Ankara's average is above many Europe metropolitan cities.



**Graph 3: Increase in total gross leasable area (m<sup>2</sup>) of shopping centers by opening year (Ankara)**

Source: F. Erkip and B. H. Ozuduru, (2015), page 19.

Ankamall, Gordion and Kızılay Shopping Centers are selected as a case study for some reasons. Firstly, they have different characteristics from each other. Their locations are also different. Although, Kızılay Shopping Center is located at city center, Gordion Shopping Center is located in suburbs. Ankamall Shopping Center is located at the junction of Konya and İstanbul highways. Secondly, they differ in architectural design and structure. Kızılay Shopping Center is multi-storey, Ankamall and Gordion Shopping Center have got floors lesser than that of Kızılay Shopping Center. Their customer portfolios are not identical. Concerning these differences, Ankamall, Gordion and Kızılay Shopping Centers are found appropriate for the case study.

Information about Kızılay, Gordion and Ankamall Shopping Centers are provided below.

### 5.3. Kızılay Shopping Center

Information about Kızılay Shopping Center is given below.

**Table 5: Information about Kızılay Shopping Center**


	<b>Location:</b> Kızılay, Çankaya/Ankara
	<b>Investor:</b> Güvensoy İnşaat – Sementa Tekstil – Karton Triko – Renkyol Yapı Ortak Girişim Grubu
	<b>Developer:</b> Kızılay Derneği Genel Müdürlüğü
	<b>Architectural design:</b> Affan Yatman
	<b>Management consultation:</b> N/A
	<b>Investment value:</b> N/A
	<b>Construction start date:</b> 1979
	<b>Completion date:</b> N/A
	<b>Opening date:</b> January - 2012
	<b>Parcel Area:</b> ~ 7.000 m <sup>2</sup>
	<b>Total construction area :</b> 30.000 m <sup>2</sup>
	<b>Total rentable area:</b> 20.000 m <sup>2</sup>
	<b>Number of floors:</b> 10 floors
	<b>Parking Capacity:</b> 300 vehicles
	<b>Number of shops:</b> 110
	<b>Shop Sizes:</b> N/A
	<b>Big stores:</b> Arçelik, Makromarket






Figure 25: Satellite image of Kızılay Shopping Center, Ankara (Google Earth image 2016)

#### 5.4. Gordion Shopping Center

Information about Gordion Shopping Center is given below.

**Table 6: Information about Gordion Shopping Center**

	<b>Location:</b> Çayyolu, Çankaya/Ankara
	<b>Investor:</b> Redevco Türkiye
	<b>Developer:</b> Gordion Grup Ortak Girişimi
	<b>Architectural design:</b> Chapman Taylor
	<b>Management consultation:</b> N/A
	<b>Investment value:</b> 150.000.000 EURO
	<b>Construction start date:</b> 2007
	<b>Completion date:</b> 2009
	<b>Opening date:</b> 17 September 2009
	<b>Parcel Area:</b> 30.042 m <sup>2</sup>
	<b>Total construction area:</b> 165.000 m <sup>2</sup>
	<b>Total rentable area:</b> 50.000 m <sup>2</sup>
	<b>Number of floors:</b> 7
	<b>Parking Capacity:</b> 100 vehicles (parking lot) and 2.350 vehicles (parking garage)

<b>Number of shops:</b> 165
<b>Shop Sizes:</b> 4.000 m <sup>2</sup>
<b>Big stores:</b> Carrefour Express, Bimeks-Electroworld, Zara, C&A, Marks&Spencer, Cinebonus




Figure 26: Satellite image of Gordion Shopping Center, Ankara (Google Earth image 2016)

## 5.5. Ankamall Shopping Center

Information about Ankamall Shopping Center is given below.

**Table 7: Information about Ankamall Shopping Center**

	<b>Location:</b> İskitler, Yenimahalle/Ankara
	<b>Investor:</b> Migros Türk T.A.Ş. – Yeni Gimat İşyerleri İşletmesi A.Ş.
	<b>Developer:</b> Garanti Koza A.Ş., Yapı Merkezi İnşaat ve Sanayi A.Ş.
	<b>Architectural design:</b> Meda Yapı Endüstri ve Ticaret Ltd. Şti., ANTS Uluslararası Bağımsız Müşavirlik ve Yapı Denetim Ltd. Şti.
	<b>Management consultation:</b> ECE Türkiye Proje Yönetimi A.Ş.
	<b>Investment value:</b> N/A
	<b>Construction start date:</b> 2004 (Second Stage)
	<b>Completion date:</b> 1999 and 2006
	<b>Opening date:</b> 27 August 1999 and May 2006
	<b>Parcel Area:</b> 126.000 m <sup>2</sup>
	<b>Total construction area:</b> 149.330 m <sup>2</sup>
	<b>Total rentable area:</b> 107.804 m <sup>2</sup>
	<b>Number of floors:</b> 5
	<b>Parking Capacity:</b> 1.300 vehicles (parking lot) and 4.700 vehicles (parking garage)
	<b>Number of shops:</b> 300
	<b>Shop Sizes:</b> 14.400 m <sup>2</sup>
	<b>Big stores:</b> Migros, Koçtaş, AFM Sinemaları, Tepe Home, Boyner, Bimeks, Teknosa,



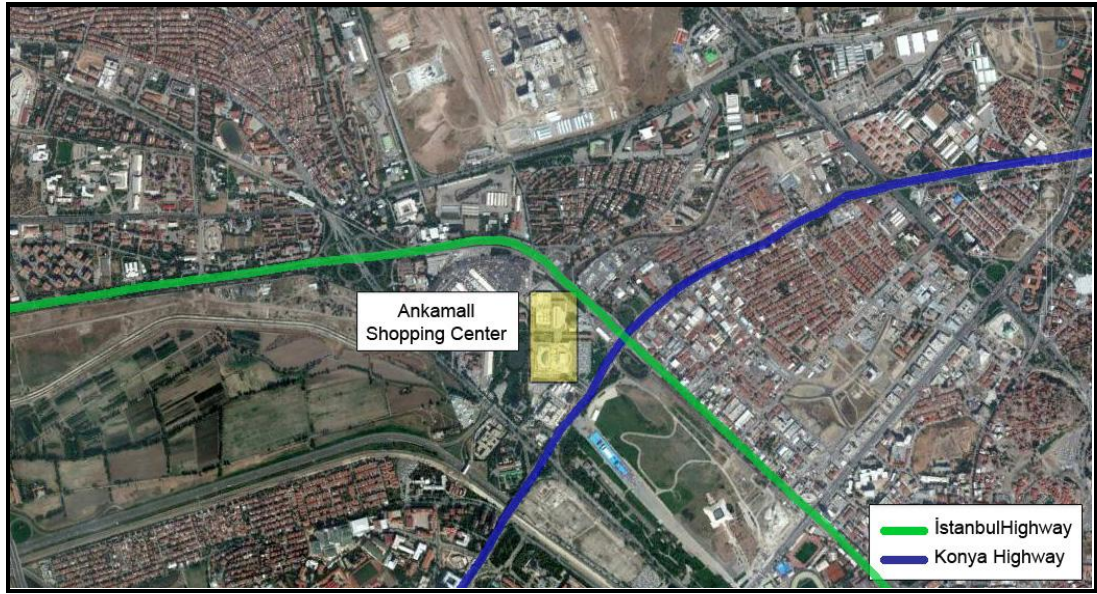


Figure 27: Satellite image of Ankamall Shopping Center, Ankara (Google Earth image 2016)

## 5.6. Results of the research

This study examines the factors that affect the location selection of a shopping center and explains these factors through a conceptual model. First of all, a comprehensive literature search has been made about the theoretical framework of factors affecting the reasons of preference and the research questions related to this topic have been determined.

In the study, face to face in-depth interviews with a group of 25 planners and 10 investors/real estate appraisers are held. They were asked to compare the factors to find out the weight of the factors that are important in the selection of a shopping center location, according to the AHP procedure. Experts have rated the comparison between equal and extremely strong on the importance scale table (Importance value 1 to 9). An example of the questionnaire forms were provided to shopping center investors/real estate appraisers and city planners (Appendix A). The results, then, are evaluated by using the analytical hierarchy process method. It is given below (Table 8).

**Table 8: Weights of important factors in shopping center location selection**

<b>Criteria</b>	<b>General Factor Weights (City planners survey result)</b>	<b>General Factor Weights (Investors/real estate appraisers survey result)</b>
Demographic Structure	0,13	0,11
Transportation	0,40	0,44
Competitive Environment	0,09	0,19
Visibility	0,04	0,09
Zoning - Property Status and Land Characteristics	0,19	0,06
Economic Factors	0,15	0,11

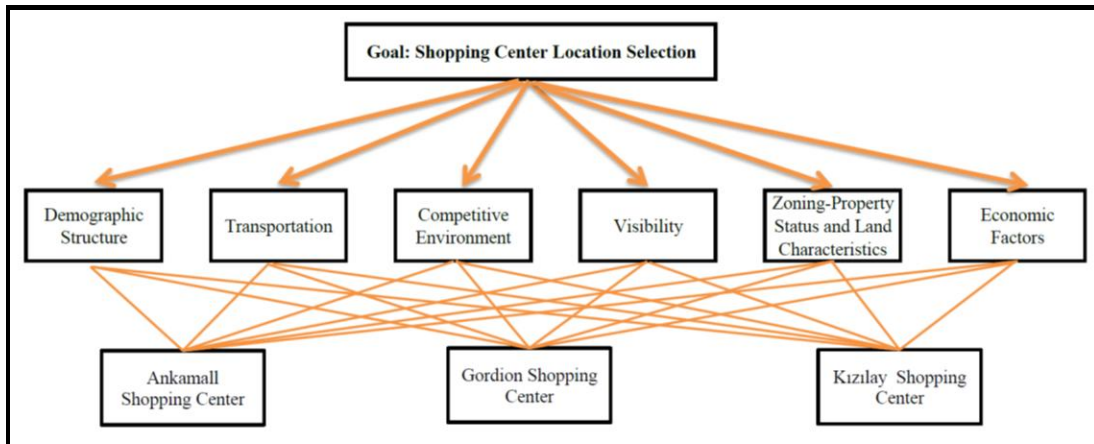
The survey analysis shows that transportation ranks to be of highest importance for both groups. Transportation includes accessibility by car or on foot, proximity to main transportation corridor, ease of entering and exiting the shopping center, compatibility of traffic flow and proximity to bus stops and railway stops. Transportation receives 0,40 points from city planners and 0,44 points from investors/real estate appraisers. In views of city planners, zoning, property status and land characteristics (0,19) are the second most important factor. The third factor that city planners attach importance on location selection of shopping centers is the economic factors (0,15), which includes rents and costs. The survey indicates demographic structure (0,13) as the fourth most important factor. According to the outcomes obtained from the city planners, the competitive environment (0,09) is the fifth most important factor and visibility (0,04) is the last important factor.

According to the outcomes obtained from investors/real estate appraisers, transportation (0,44) is the most important factor. The second most important factor is the competitive environment (0,19). According to findings obtained from investors/real estate appraisers views, economic factors (0,11) is the third most important factor as city planners rank. The fourth factor in which investors/real estate

appraisers lay importance on location selection for shopping centers is the demographic structure (0,11), which includes average population at a certain distance, income level, gender, young population rate, educational background, political view and marital status. The survey yielded visibility (0,09) as the fifth most important factor. The findings obtained from this survey show that the last important factors in the views of investors/real estate appraisers is zoning, property status and land characteristics (0,06).

The survey analysis demonstrates that transportation is the most important factor that is influential on the preferences of both separate groups for shopping center location selection. Economic factors and demographic structures are equally ranked for both groups as survey results suggest (Table 8). They rank to be the third and fourth important factors, respectively. The most important difference between the two groups emerges in the zoning, property status/land characteristics and the competitive environment. The zoning, property status/land characteristics is the second most important factor for city planners while it is the least important factor for investors/real estate appraisers. A similar situation comes to sight with regard to the competitive environment. Despite being the least important factor for city planners, competitive environment is the second most significant one for the other group. These illustrate their different views on the shopping center. Factors that are more likely to generate income such as competition and economic factors are important among investors/real estate appraisers whereas city planners think that it is zoning, property status and land characteristics related to planning that requires more attention.

After the answers to the first question are analyzed, an evaluation about shopping centers based on the criteria of the first question on shopping centers (Ankamall, Gordion and Kızılay Shopping Centers) is made by using the AHP method. The important factors of the location selection of shopping centers and the hierarchical structure of alternative shopping centers are as follows (Figure 28).



**Figure 28: Shopping centers weights and hierarchical structure of shopping centers**

Three different shopping centers have different rates in factors regarded to be important in location selection. If one shopping center has the factors altogether, the best alternative will be acquired. However, an alternative may be superior with one or more factors, but weak among other factors. This problem can be solved by using the AHP.

In the analysis of these 3 different shopping centers, first, relevant centers are examined according to each factor. For this purpose, experts were asked the second question on the questionnaire form. Analytical hierarchy process was used for the evaluation of these experts' opinion.

After finding out the general factor weights at the first stage of the hierarchical structure, the evaluation of each shopping center about the same problem was made for the relevant factor. Importance ratings are found for each group given each factor in the figure (Figure 29 and Figure 30).



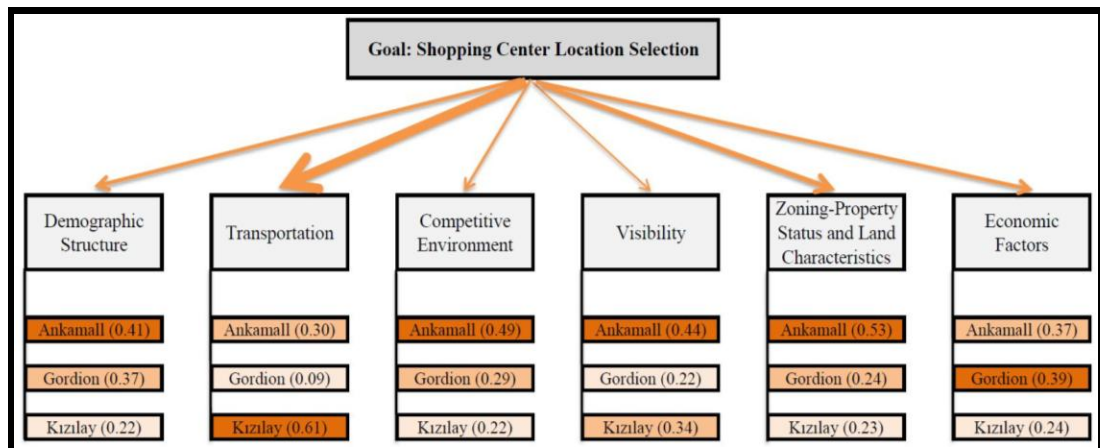


Figure 29: The weights of shopping centers according to city planners view

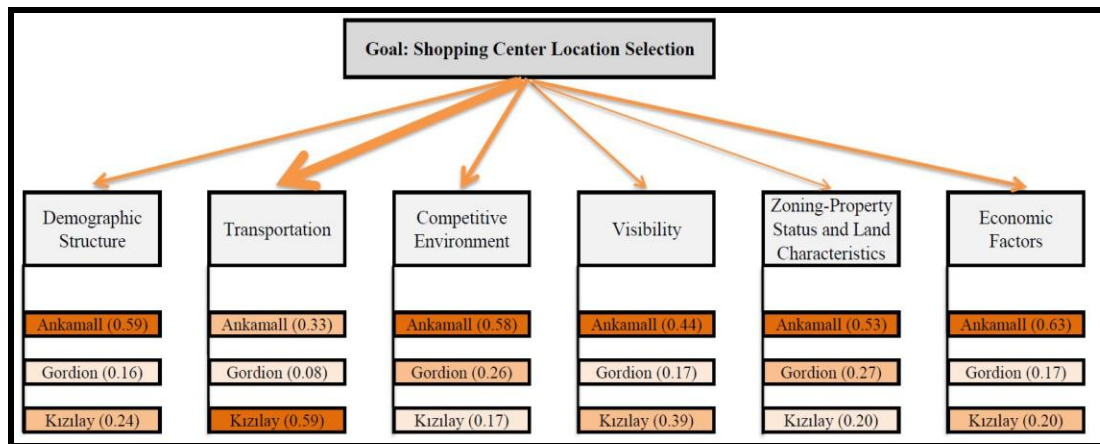


Figure 30: The weights of shopping centers in the views of investors/real estate appraisers

Then, the total score (the weights of shopping centers) is calculated by multiplying the general factor weights given in the tables (table 9 and table 10) and the degree of importance of the shopping center in terms of the relevant factor and taking the sum. On the tables (table 9 and table 10), total weights (total points) of the three shopping centers are calculated by help of AHP method. The graph showing the total scores is given below (graph 4 and graph 5).

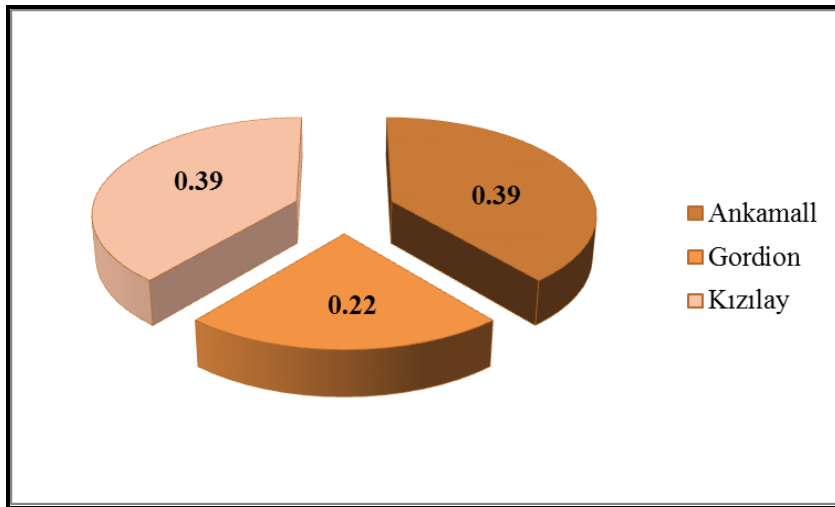
**Table 9: Factors affecting shopping center location selection according to city planners and weights of alternative shopping centers**

	Demographic Structure	Transportation	Competitive Environment	Visibility	Zoning-Property Status and Land Characteristics	Economic Factors	Total Point
General factor weights	0.13	0.40	0.09	0.04	0.19	0.15	
Ankamall	0.41	0.30	0.49	0.44	0.53	0.37	0.39
Gordion	0.37	0.09	0.29	0.22	0.24	0.39	0.22
Kızılay	0.22	0.61	0.22	0.34	0.23	0.24	0.39

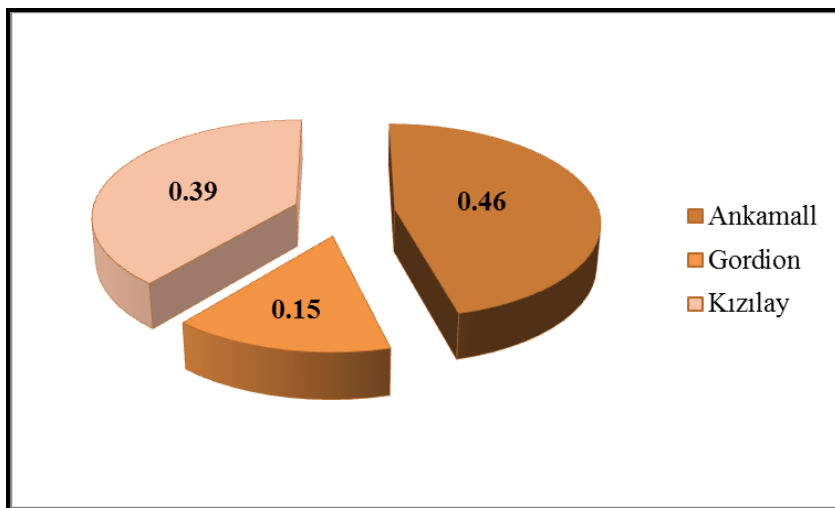
**Table 10: Factors affecting shopping center location selection in the views of investors/real estate appraisers and weights of alternative shopping centers**

	Demographic Structure	Transportation	Competitive Environment	Visibility	Zoning-Property Status and Land Characteristics	Economic Factors	Total Point
General factor weights	0.11	0.45	0.19	0.09	0.06	0.11	
Ankamall	0.59	0.33	0.58	0.44	0.53	0.63	0.46
Gordion	0.16	0.08	0.26	0.17	0.27	0.17	0.15
Kızılay	0.24	0.59	0.17	0.39	0.20	0.20	0.39

As understood from the survey, the results of both groups are close to each other. As seen on the graphs (graph 4 and graph 5) below, Ankamall Shopping Center (0.39 for city planners – 0.46 for investors/real estate appraisers) has the highest score. Kızılay Shopping Center has the second highest score (0.39 for two groups) and Gordion Shopping Center has the lowest score (0.22 for city planners – 0.15 for investors/real estate appraisers). Although Kızılay Shopping Center was the first alternative in terms of transportation (0.61 for city planners – 0.59 for investors/real estate appraisers), which is the most important factor, it was found as the second alternative because it falls behind the Ankamall Shopping Center given other criteria. Gordion Shopping Center receives low points in transportation; therefore, it is the last alternative. Ankamall Shopping Center has the highest score in all criteria except for transportation. As a result, it proves to be the best alternative for city planners and investors/real estate appraisers.



**Graph 4: The weights of shopping centers according to city planners**



**Graph 5: The weights of shopping centers according to investors/real estate appraisers**



## **CHAPTER 6**

### **CONCLUSION**

#### **6.1. Summary and Main Findings**

This thesis intends to highlight the factors of location selection for shopping centers. Shopping centers are significant places of modern life and their number is increasing day by day. They respond not only to shopping needs but also to many modern necessities such as entertaining, relaxing, and sporting and so on. The number of shopping centers reached the peak point in the developed countries; therefore it became harder to find suitable location. This leads to decisions of location selection which gain importance as location problem emerges. In order to solve this problem, many trade area theories have emerged and started to be used for location selection decisions. Central Place Theory is assumed to be the first model in literature, followed by Reilly's Law of Retail Gravitation, Analog Models, and Spatial Interaction Models which all are derived from Central Place Theory. These models together are called "Conventional Trade Area Models", which have a number of deficiencies; so Regression Models, which are more practical and distinct, and Geographic Information System, which is used to analyze and manage all types of spatial or geographical data, are put to use. However, these models cannot be easily applied to modern cities and metropolitan areas. Instead of these models, multi-criteria decision making methods are used for location selection of shopping centers today. In this context, Analytic Hierarchy Process which is one of the multi-criteria decision making models is used in this thesis. Determining factors, which affect location selection for shopping centers, are evaluated through Analytic Hierarchy

Process in order to determine the weights of the factors. For this, Ankara Metropolitan Area is chosen as the study case. Ankamall, Gordion and Kızılay Shopping Centers are selected. A comparison between those centers is made with regard to location selection criteria proposed by city planners, investors/real estate appraisers. The aim of this thesis is to show the difference between the views of planners and investors/real estate appraisers on shopping center development.

The survey analysis shows that transportation is the most important and influential factor of the preferences for shopping center location selection for both groups. The most important difference between the two groups appears to be in zoning, property status/land characteristics and the competitive environment. Whereas factors that are more likely to generate income such as competition and economic factors are important for investors/real estate appraisers, city planners bring zoning, property status and land characteristics related to planning into the forefront. This different perspective may lead to problems in the big cities. Shopping centers that are not subject to any legal restrictions in our country trigger the worsening of this problem. In many Europe countries, there are legal restrictions on shopping center locations before a final decision to construct shopping center is taken. The legal framework of different European countries can be seen in Appendix B.

A similar draft law was introduced in Turkey and added on the agenda. The Turkish Ministry of Customs and Trade (The former Turkish Ministry of Industry and Trade) proposed draft law related to this issue at different time intervals (24.2.2006 and 8.10.2013,) and offered to the appreciation of the Prime Ministry, entitled with "Shopping centers, big stores and chain stores draft of a law" on 31.01.08 (Kompil and Çelik, 2009). The law, then, was redrafted several times; and consequently, "Law concerning the Regulation of Retail Trade" (Law no. 6585) took effect after its publication of the Official Gazette dated 29.1.2015 and numbered 29251. It can be seen in Appendix D. Following this development, the "Regulation concerning Shopping Centers" set forth by The Turkish Ministry of Customs and Trade was published in the Official Gazette on 26.2.2016 with the number of 29636 and entered into force. It is presented in Appendix E. The law and its regulation are partly similar to the regulations applied in some developed European countries.

Although it may be considered positive that the shopping centers are scattered randomly and the negative effects of those centers do not grow irreversible, there are lots of deficiencies and points to improve when compared to the regulations in European countries. For example, there is not any clear description and limitations related to planning and planning criteria in the Turkish law. There are no provisions as to which areas are available for shopping centers and how these areas will be selected. Another problematic side of the Regulation on Shopping Centers is that in Paragraph 5 of Article 5, "When a building license is given for a shopping center project, the opinion of the higher professional organizations shall be taken and these organizations shall be informed within fifteen working days." The Turkish Union of Chambers and Exchange Commodities and the Confederation of Turkish Tradesmen and Craftsmen only are stated as the higher professional organizations in Law no. 6585. Other related public institutions and trade associations as well as planners and transportation experts do not become involved. Higher professional organizations should express their written opinions within fifteen working days. It is not possible to make the necessary examinations within this period and prepare a qualified report. If their written opinions do not reach within 15 working days, they are considered positive (Regulation on Shopping Centers, Article 5, Paragraph 5). Moreover, an expression like "These opinions are advisory" is added to the same paragraph. That is, there is no obligation to issue building licenses considering these views. Another problem is that the content and standards of written opinion is not specified in the said law and regulation.

As seen both in the outcome of the survey and interviews held with investors/real estate appraisers, these experts do not consider the zoning status factor. That is because they think they can change the conditions of construction and there are no legal restrictions ahead. But, the zoning status is one of the most important factors for city planners. This requires legal restrictions during location selection process as such in the case of European countries. The location choices of the shopping centers in Ankara prove what the experts defend. Erkip and Ozuduru (2015) classify shopping center development in Ankara in line with planning decisions, planning changes, urban re-development projects and privatization resolutions. Most are

developed with planning changes or revisions. Appendix C shows that location selection and planning processes of shopping centers in Ankara.

To sum up, interviews and surveys made under this thesis reveal that shopping center investors should make some analyses surrounding transportation facilities, population density, average income, rent level and so on before selecting shopping center location. This has to be subject to planning criteria. In addition, the standards in the shopping centers location selection should be clearly defined with the changes to be made in the ensued law. Restrictions on the random opening of shopping centers should be laid. The opening of shopping centers must be brought under the supervision by the state as such in developed European countries.

## **6.2. Future of the shopping centers in Turkey and Recommendations**

The development and expansion of shopping centers have become a controversial issue throughout the world. Although average gross leaseable area per 1,000 people in Turkey is below that of European countries, three cities which are Ankara, İstanbul and Bolu in Turkey are above that of the European countries. Nevertheless, the problem in relation to the future of shopping centers, whose number keeps increasing, still exists. As observed in other survey studies, investors/real estate appraisers select a location for shopping centers by considering only economic factors. However, the responses of the planners emphasize that the public benefit is important and the criteria shall be taken into hands with all the characteristics of the city and the region in mind. For this reason, it becomes highly necessary for these shopping centers, which began imprisoning the cities, to be irreversibly subjected to a law. The regulations in European countries must be implemented in Turkey as well. Following the "Law concerning the Regulation of Retail Trade" (Law no. 6585), "Regulation on Shopping Centers" dated 26.2.2016 and numbered 29636 set forth by The Turkish Ministry of Customs and Trade was published in the Official Gazette and entered into force. Although, the law and its regulation are partly similar to the regulations applied in some developed European countries; there are lots of deficiencies and points for improvement in Turkey case.



It is clear that there are disagreements between investors/real estate appraisers and planners, as shown in the survey results. The same criteria in the questionnaire have different meanings for both groups. That is why planners, too, need these legal restrictions in order to be able to take part in shopping center location selection. In this context, some general recommendations from this study are as follows:

- ✓ The "Law on the Regulation of Retail Trade" (Law no. 6585) and the "Regulation on Shopping Centers" should be brought under review like the laws and regulations in European countries (Appendix B).
- ✓ The law shall provide commercial sector definitions and standards for the size and location selection in line with development plans. Shopping centers may be classified and included into some part of development plans. Provisions as to which areas are suitable for shopping centers can be made and the procedures as to the selection of location can be put forward.
- ✓ The law must also establish rules for feasibility analyses of location selection. Criteria for evaluation should be placed in these studies. For example, population density, traffic density, public utility, compatibility with the built environment could be involved in feasibility analyses.
- ✓ A commission of city planners, mayors, traffic experts, tradesmen, consumer representatives et cetera should be set up. This report of this commission should be made obligatory to open new shopping centers. Local administrations and other local stakeholders should collaborate in this process.
- ✓ Before selecting the location of shopping center, investors must produce a report which shall include various market analyses of transportation facilities, population density, average income, rent level and so on.
- ✓ Traditional retailers located especially at city center should be provided with protection through regulations. In this context, constructing shopping centers at city centers may be forbidden or discouraged.
- ✓ Today, there are many shopping centers located close to each other, a situation that must be restricted; and a certain distance limit should be set.

- ✓ The standards of the location selection of shopping centers should be clearly defined along with the changes to be made in the ensued law.
- ✓ Turkish Union of Chamber of Commerce and Exchange Commodities and the Confederation of Turkish Tradesmen and Craftsmen are the sole higher professional organizations according to the 6585 Law. This must be changed through the participation of other relevant public organizations and trade associations as well as planners and transportation experts.
- ✓ According to the Paragraph 5 of Article 5 in the Regulation on Shopping Centers, higher professional organizations shall send their opinions in writing within fifteen working days. This time period is not enough to make necessary examinations and prepare a qualified report. Therefore, this period should be extended.
- ✓ According to the Paragraph 5 of Article 5 in the Regulation on Shopping Centers, their written opinions are advisory. There is no obligation to issue building licenses based on these views. This must be made mandatory in order to get building license.

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## APPENDICES

### APPENDIX A Questionnaire Form

Ad – Soyad:

Tarih:

Mesleği – Mezun olduğu bölüm:

1. Aşağıda verilen her bir soruda iki kriter yer almaktadır. Bu kriterlerin alışveriş merkezi yer seçiminde öncelik derecesine göre değerlendirmeniz beklenmektedir. (Kriterlere ait açıklamalar anket formunun ekinde yer almaktadır.) Her bir soruda size göre hangi kriter diğerine göre önemli ise o kriterinin yanındaki boşluğa X koyunuz ve önem derecesine 1-9 arasında puan veriniz.

Eşit derecede önemli  Kesinlikle daha önemli

1 2 3 4 5 6 7 8 9

**Tablo: Karşılaştırmada Kullanılan Önem Dereceleri Tablosu**

Önem Derecesi	Tanım	Açıklama
1	Eşit derecede önemli	Her iki faktör aynı öneme sahiptir.
3	Orta derecede önemli	Tecrübe ve yargılara göre bir faktör diğerine göre biraz daha önemlidir.
5	Kuvvetli derecede önemli	Bir faktör diğerinden kuvvetle daha önemlidir.
7	Çok kuvvetli derecede önemli	Bir faktör diğerine göre yüksek derecede kuvvetle tercih edilmektedir.
9	Mutlak derecede önemli	Faktörlerden biri diğerinden çok yüksek derecede önemlidir.
2, 4, 6, 8	Ara değerleri temsil etmektedir	İki faktör arasındaki tercihte küçük farklar olduğunda kullanılır.

**Tablo: Anket Formunun Eki**

<b>Faktörler</b>	<b>Faktörlerin açıklaması ve altbaşlıklar</b>
<b>Demografik Özellikler</b>	<ul style="list-style-type: none"><li>* Ortalama gelir,</li><li>* Belirli uzaklıktaki ortalama nüfus,</li><li>* Alım gücü,</li><li>* Cinsiyet,</li><li>* Yaş,</li><li>* Eğitim düzeyi,</li><li>* Medeni durum,</li><li>* Nüfus projeksiyonu.</li></ul>
<b>Erişilebilirlik</b>	<ul style="list-style-type: none"><li>* Erişilebilirlik (araçla ve yaya olarak),</li><li>* Otoyol ve anacaddelere yakınlık,</li><li>* Alışveriş merkezine giriş çıkış kolaylığı,</li><li>* Duraklara yakınlık,</li><li>* Araç trafiğinin akışı ile uyumlu olma,</li><li>* Trafik sayısı (araç ve yaya trafiği).</li></ul>
<b>Rekabet Ortamı</b>	<ul style="list-style-type: none"><li>* Rakiplerin sayısı,</li><li>* Rakiplerin birbirine uzaklığı,</li><li>* Rakiplerin gücü.</li></ul>
<b>Görüş Alanı</b>	<ul style="list-style-type: none"><li>* Açık görüş alanına sahip olma,</li><li>* Tabelaların çeşitli yönlerden görülebilir olması.</li></ul>
<b>İmar - Mülkiyet Durumu ve Arazi Özellikleri</b>	<ul style="list-style-type: none"><li>* İmar ve mülkiyet durumu,</li><li>* Altyapı (elektrik, su, kanalizasyon ve doğalgaz)</li><li>* Arazinin şekli,</li><li>* Arazinin büyüklüğü,</li><li>* Coğrafi engeller,</li><li>* Topografya.</li></ul>
<b>Ekonomik Faktörler</b>	<ul style="list-style-type: none"><li>* Bölgedeki kira düzeyi (m<sup>2</sup> başına kiralar),</li><li>* Maliyetler (bakım-onarım giderleri, işletme giderleri, arsa maliyeti).</li></ul>

1. DEMOGRAFİK ÖZELLİKLER				
a	Demografik Özellikler		Ulaşım ve Erişilebilirlik	Önem Derecesi (Puan) _
b	Demografik Özellikler		Rekabet Ortamı	Önem Derecesi (Puan) _
c	Demografik Özellikler		Görüş Alanı	Önem Derecesi (Puan) _
d	Demografik Özellikler		İmar- Mülkiyet Durumu ve Arazi Özellikleri	Önem Derecesi (Puan) _
e	Demografik Özellikler		Ekonomik Faktörler	Önem Derecesi (Puan) _
2. ULAŞIM VE ERİŞİLEBİLİRLİK				
a	Ulaşım ve Erişilebilirlik		Rekabet Ortamı	Önem Derecesi (Puan) _
b	Ulaşım ve Erişilebilirlik		Görüş Alanı	Önem Derecesi (Puan) _
c	Ulaşım ve Erişilebilirlik		İmar- Mülkiyet Durumu ve Arazi Özellikleri	Önem Derecesi (Puan) _
d	Ulaşım ve Erişilebilirlik		Ekonomik Faktörler	Önem Derecesi (Puan) _
3. REKABET ORTAMI				
a	Rekabet Ortamı		Görüş Alanı	Önem Derecesi (Puan) _
b	Rekabet Ortamı		İmar- Mülkiyet Durumu ve Arazi Özellikleri	Önem Derecesi (Puan) _
c	Rekabet Ortamı		Ekonomik Faktörler	Önem Derecesi (Puan) _
4. GÖRÜŞ ALANI				
a	Görüş Alanı		İmar- Mülkiyet Durumu ve Arazi Özellikleri	Önem Derecesi (Puan) _
b	Görüş Alanı		Ekonomik Faktörler	Önem Derecesi (Puan) _
5. İMAR-MÜLKİYET DURUMU VE ARAZİ ÖZELLİKLERİ				
a	İmar- Mülkiyet Durumu ve Arazi Özellikleri		Ekonomik Faktörler	Önem Derecesi (Puan) _
6. EKONOMİK FAKTÖRLER				

2. Yukarıda belirtilen kriterler ve ekte yer alan kriterlere ait açıklamalara göre Ankamall, Kızılay AVM ve Gordion alışveriş merkezlerinin kıyaslamasını yaparak, bu alışveriş merkezlerini üstteki öncelik derecesine göre değerlendirmeniz beklenmektedir. Her bir soruda size göre hangi alışveriş merkezi diğerine göre önemli ise o alışveriş merkezinin yanındaki boşluğa X koyunuz ve önem derecesine 1-9 arasında puan veriniz.

1. DEMOGRAFİK ÖZELLİKLER AÇISINDAN AVM'LERİN KARŞILAŞTIRILMASI				
a	Ankamall		Gordion	Önem Derecesi (Puan) __
b	Ankamall		Kızılay AVM	Önem Derecesi (Puan) __
c	Gordion		Kızılay AVM	Önem Derecesi (Puan) __
2. ULAŞIM VE ERİŞİLEBİLİRLİK AÇISINDAN AVM'LERİN KARŞILAŞTIRILMASI				
a	Ankamall		Gordion	Önem Derecesi (Puan) __
b	Ankamall		Kızılay AVM	Önem Derecesi (Puan) __
c	Gordion		Kızılay AVM	Önem Derecesi (Puan) __
3. REKABET ORTAMI AÇISINDAN AVM'LERİN KARŞILAŞTIRILMASI				
a	Ankamall		Gordion	Önem Derecesi (Puan) __
b	Ankamall		Kızılay AVM	Önem Derecesi (Puan) __
c	Gordion		Kızılay AVM	Önem Derecesi (Puan) __
4. GÖRÜŞ ALANI AÇISINDAN AVM'LERİN KARŞILAŞTIRILMASI				
a	Ankamall		Gordion	Önem Derecesi (Puan) __
b	Ankamall		Kızılay AVM	Önem Derecesi (Puan) __
c	Gordion		Kızılay AVM	Önem Derecesi (Puan) __
5. İMAR-MÜLKİYET DURUMU VE ARAZİ ÖZELLİKLERİ AÇISINDAN AVM'LERİN KARŞILAŞTIRILMASI				
a	Ankamall		Gordion	Önem Derecesi (Puan) __
b	Ankamall		Kızılay AVM	Önem Derecesi (Puan) __
c	Gordion		Kızılay AVM	Önem Derecesi (Puan) __
6. EKONOMİK FAKTÖRLER AÇISINDAN AVM'LERİN KARŞILAŞTIRILMASI				
a	Ankamall		Gordion	Önem Derecesi (Puan) __
b	Ankamall		Kızılay AVM	Önem Derecesi (Puan) __
c	Gordion		Kızılay AVM	Önem Derecesi (Puan) __



## APPENDIX B

### Legal Framework in Different European Countries

Country	Legal Framework
<b>Belgium</b>	<p>The commercial settlement criteria laid down in Belgium are the legal basis of working methods, the Commercial Settlement Act of 1975, amended on 9 September 1976. The Royal Decree of 31 August 1964 also brings an order concerning commercial activities. According to these laws, the shopping centers are licensed after the evaluation of the competitive environment, economy, employment and contributions to the development of cities (Ersoy, 2006).</p> <p>Moreover, Belgium is the country where a permission with regard to shopping center construction outside of the city center is hardest to receive. (Tuncer, 2007).</p>
<b>France</b>	<p>The Royer Law was enacted in 27.12.1973. It was later amended and updated by the law of 05.07.1996. According to his law, the commission report is made necessary to open shopping center or hypermarket. There are mayors, traffic experts, tradesmen and consumer representatives in this commission. Establishment of commercial enterprises with an excess area of 300 m<sup>2</sup> is subject to permission.</p>
<b>Germany</b>	<p>According to Trade Regulations 11.3. Clause in Germany, the opening of hypermarkets and shopping centers in the city center is prohibited.</p>
<b>England</b>	<p>Tuncer (2007) says that the government has introduced some obstacles to invest in shopping centers outside the city, and investors need to convince government officials by holding talks to the local governments in order to construct shopping centers in England today.</p>
<b>Norway</b>	<p>Norway announced in 1999 that a construction of any trading center that would cover over 3000 m<sup>2</sup> was not allowed for 5 years (Kompil and Çelik, 2009).</p>

<b>Italy</b>	<p>According to the Law enacted in Italy (1971), the foundations of over 400 m<sup>2</sup> shopping centers were subject to private permission. After the introduction of Bersani Law in 1998, this situation changed and middle-sized centers ranging between 150 m<sup>2</sup>- 1500 m<sup>2</sup> (for big cities, it is 250 m<sup>2</sup> - 2500 m<sup>2</sup>) started to be subjected to the earlier regulation and centers of 1500 m<sup>2</sup> and over became subjected to regional authorities' regulations.</p>
<b>Others</b>	<p>The countries where receiving permission for the construction of shopping centers in city centers is the hardest are the Netherlands and Switzerland. Moreover, Belgium and Switzerland are the countries where permission with regard to shopping center construction outside of the city center is hardest to receive. (Tuncer, 2007).</p> <p>Spain, Denmark, Portugal, Greece, Austria and Ireland have similar regulations related to shopping centers.</p>

## APPENDIX C

### Location Selection and Planning Processes of Shopping Centers in Ankara

Name of shopping centre	Zoning according to development plan		Plan changes	Urban transformation projects	Privatization
	Urban employment/ service area	Partial plans/plan revisions			
365		X			
Acity Outlet	X				
Akcenter	X				
Ankamall			X		X
Ankuva		X			X
Anse	X				
Antares				X	
Arasta AVM	X				
Arcadium			X		
Armada 1-2	X		X	X	
Atakule			X		X
Atlantis AVM			X		X
Bastim Podium AVM		X			
Beysupark AVM		X			
Bilkent Center		X			
Carrefour	X				
Cepa	X				
Etişpark Outlet	X				
Forum Ankara		X			
FTZ		X			
Galleria		X			
Gimsa AVM	X	X			
Gordion			X		X
Göksu Park AVM	X				
Karum			X		
KC Göksu		X			
Kent Park	X			X	
Kızılay AVM			X		
Mahall		X	X		
Maksimum		X			
Maltepe Park			X		X
Mesa Plaza			X		X
Millenium	X				
Mina Sera		X			
Next Level	X		X		
ODC Centre		X			
Optimum	X				
Panora			X		X
Park Vera	X				
Ustüdekocity	X				
Taurus AVM	X		X		
Tepe Prime	X	X	X		X
Vialife	X		X		

Source: F. Erkip and B. H. Ozuduru, (2015), page 21 (updated and modified version of Varol and Ozuduru (2010))

A plan change may involve land use changes; however it does not include a change in the main principles of a development plan. On the contrary, a plan revision must be made in parallel to a plan's main principles like land use and development rights. Today, urban transformation process has become a new trend, especially after the 1999 Marmara earthquake. It covers not only shopping center but also office buildings, residences and other facilities (Erkip and Ozuduru, 2015).



**APPENDIX D**  
**Law Concerning the Regulation of Retail Trade (Law no. 6585)**

29 Ocak 2015  
PERŞEMBE

**Resmî Gazete**

Sayı : 29251

**KANUN**

**PERAKENDE TİCARETİN DÜZENLENMESİ HAKKINDA KANUN**

**Kanun No. 6585**

**Kabul Tarihi: 14/1/2015**

**BİRİNCİ BÖLÜM**

**Amaç, Kapsam ve Tanımlar**

**Amaç**

**MADDE 1 –** (1) Bu Kanunun amacı; perakende işletmelerin açılış ve faaliyete geçiş işlemlerinin kolaylaştırılması, perakende ticaretin serbest piyasa ortamında etkin ve sürdürülebilir rekabet şartlarına göre yapılması, tüketicinin korunması, perakende işletmelerin dengeli bir şekilde büyüme ve gelişmesinin sağlanması ve perakende işletmelerin faaliyetleri ile bunların birbirleri, üretici ve tedarikçilerle ilişkilerinin düzenlenmesidir.

**Kapsam**

**MADDE 2 –** (1) Bu Kanun; perakende işletmelerin açılış, faaliyet ve denetimlerine ilişkin usul ve esaslar ile bu Kanunun uygulanmasında Bakanlık, yetkili idare ve diğer kamu kurum ve kuruluşlarının görev, yetki ve sorumluluklarını kapsar.

(2) Hizmet sektöründe faaliyet gösteren işletmelerden açılış ve/veya faaliyete geçiş süreci ile faaliyetleri özel kanunlarla düzenlenenler bu Kanun kapsamı dışındadır.

**Tanımlar**

**MADDE 3 –** (1) Bu Kanunun uygulanmasında;

a)Alışveriş merkezi: Bir yapı veya alan bütünlüğü olan, içinde büyük mağaza ve/veya beslenme, giyinme, eğlenme, dinlenme, kültürel ve benzeri ihtiyaçların bir kısmının veya tamamının karşılandığı diğer işyerleri bulunan, merkezî bir yönetime

ve ortak kullanım alanları ile yönetmelikle belirlenen diğer niteliklere sahip işletmeyi,

b)Bakanlık: Gümrük ve Ticaret Bakanlığını,

c)Bayi işletme: Sözleşmeye dayalı olarak bir işletmenin mal ve hizmetlerinin satışına aracılık eden ve kendi adına bağımsız çalışan işletmeyi,

ç)Büyük mağaza: Hangi ad altında olursa olsun, tüketim mallarının kısmen veya tamamen perakende satışının yapıldığı, en az dört yüz metrekare satış alanına sahip işletmeyi,

d)Esnaf ve sanatkâr işletmesi: 7/6/2005 tarihli ve 5362 sayılı Esnaf ve Sanatkârlar Meslek Kuruluşları Kanununun 3 üncü maddesinin birinci fıkrasının (a) bendinde tanımlanan esnaf ve sanatkârlarca işletilen işletmeyi,

e)Hızlı tüketim malı: Gıda, içecek, temizlik ve kişisel bakım ürünlerini,

f)Mağaza markalı ürün: Büyük mağaza veya zincir mağazanın, başkalarına ürettirerek kendi ad veya markasıyla işyerinde sattığı ve bunların fiyat, ambalaj veya tanıtımı üzerinde kontrole sahip olduğu ürünü,

g)Meslek kuruluşu: Esnaf ve sanatkârlar odaları birliği ile ticaret ve sanayi odasını, ticaret ve sanayi odalarının ayrı kurulduğu yerlerde ticaret odasını,

ğ)Özel yetkili işletme: Sözleşmeye dayalı olarak bir işletmenin, yönetim ve organizasyon ile dağıtım veya pazarlama teknolojileri gibi konularda bilgi ve desteğini almak suretiyle bu işletmenin mal veya hizmetinin satışındaki imtiyaz hakkını bedel, bölge ve süre gibi belirli şartlar ve sınırlamalar dâhilinde kullanan bağımsız ticari işletmeyi,

h)Perakende bilgi sistemi (PERBİS): Perakende işletmelerin açılış ve faaliyeti ile kapanışında gerekli başvuru ve diğer işlemlerin tek merkeze yapılmasını ve bu merkezden sonuçlandırılmasını sağlayan elektronik bilgi sistemini,

ı)Perakende işletme: Alışveriş merkezi, büyük mağaza, zincir mağaza, bayi işletme, özel yetkili işletme, perakende ticaretle uğraşan diğer ticari işletmeler ile esnaf ve sanatkâr işletmelerini,

i)Perakende ticaret: Mal ve hizmetlerin perakende işletmelerce satışı ve

pazarlanmasıyla ilgili faaliyetler bütünü,

j) Satış alanı: Münhasıran büro amaçlı kullanılan işyerleri ile konaklama, depolama, üretim tesis ve alanları ile ortak kullanım alanları hariç olmak üzere; alışveriş merkezlerinde işyerlerinin toplam alanlarını, büyük mağaza ve zincir mağazalarda ise doğrudan satış yapılan ve aracı satıcılara kiralanılan alanları,

k) Üst meslek kuruluşu: Türkiye Odalar ve Borsalar Birliği ile Türkiye Esnaf ve Sanatkarları Konfederasyonunu,

l) Yetkili idare: İşyeri açma ve çalışma ruhsatını vermeye yetkili belediye veya il özel idareleri ile diğer idareleri,

m) Zincir mağaza: Benzer çeşitlilikteki tüketim mallarının hangi ad altında olursa olsun kısmen veya tamamen perakende satışının yapıldığı, aynı gerçek veya tüzel kişi sahipliğinde bir merkeze bağlı olarak faaliyet gösteren; içlerinden en az biri büyük mağaza niteliğini taşıyan en az beş şubeye sahip işletmeyi veya her biri dört yüz metrekarenin altında satış alanına sahip en az on şubesi bulunan işletmeyi,

ifade eder.

## İKİNCİ BÖLÜM

### Perakende Bilgi Sistemi, İşyeri Açma ve Çalışma Ruhsatı Verilmesi

#### Perakende bilgi sistemi

**MADDE 4 – (1)** Perakende işletmelerin açılış ve faaliyeti ile kapanışında gerekli başvuru ve diğer işlemlerin yapılması, ilgili kurum ve kuruluşlara iletilmesi, değerlendirilmesi, sonuçlandırılması ve bu işletmelere yönelik veri tabanının oluşturulması ile bilgi paylaşımının sağlanması amacıyla Bakanlık bünyesinde kısa adı PERBİS olan perakende bilgi sistemi kurulur.

(2) PERBİS, Bakanlıkça ilgili kurum ve kuruluşların erişimine açılır ve bu kurum ve kuruluşlar nezdinde kurulan elektronik kayıt sistemleriyle çevrimiçi olarak birbirine bağlanır.

(3) PERBİS'in kurulum, işletim ve diğer giderleri ile PERBİS'e bilgi ve belge aktarımına ilişkin giderler, Bakanlığın talebi üzerine Türkiye Odalar ve Borsalar Birliğinin bütçesinden karşılanır. PERBİS'in işletim giderleri ile diğer giderleri için

anılan Birliğin bütçesine her yıl ödenek konulur. Bu ödeneğin miktarı, yıllık bütçenin yüzde birini geçemez. Birliğin bütçesinden karşılanacak meblağın yeterli olmaması hâlinde söz konusu giderler, Bakanlık bütçesine konulan ödenekten karşılanır.

(4) PERBİS'te yer alacak ve erişime açılacak bilgiler ile bu maddenin uygulanmasına ilişkin diğer usul ve esaslar yönetmelikle belirlenir.

### **İşyeri açma ve çalışma ruhsatı verilmesi**

**MADDE 5 –** (1) İşyeri açma ve çalışma ruhsatı PERBİS üzerinden verilir. İşyeri açma ve çalışma ruhsatı başvurusu, doğrudan veya PERBİS üzerinden yetkili idareye yapılır. Doğrudan yapılan başvurular, yetkili idare tarafından PERBİS'e işlenir.

(2) Yetkili idare tarafından yapılan ön değerlendirme sonucu uygun bulunan başvurular; başvuru tarihinden itibaren en geç üç iş günü içinde, perakende işletmenin açılış ve faaliyete geçişinde gerekli kayıt ve benzeri işlemleri yapmakla görevli ve yetkili kurum ve kuruluşlara PERBİS üzerinden iletilir. Bu iletimle birlikte, ilgili kurum ve kuruluşlara da gerekli başvuru yapılmış sayılır.

(3) İlgili kurum ve kuruluşlar tarafından, mevzuatı çerçevesinde gerekli değerlendirmeler yapılır ve yönetmelikle belirlenen esaslara uygun olarak perakende işletmenin açılış ve faaliyete geçişi için gerekli olan bilgi ve belgeler PERBİS'e işlenerek yetkili idareye iletilir.

(4) Mevzuatta öngörülen şartları taşıyan perakende işletmelere, yetkili idare tarafından PERBİS üzerinden işyeri açma ve çalışma ruhsatı düzenlenir.

(5) Başvurusu uygun bulunmayanlara, sonuç en geç otuz gün içinde gerekçeli olarak tebliğ edilir.

(6) Ruhsat değişikliğine ilişkin işlemler de PERBİS üzerinden gerçekleştirilir.

(7) Büyükşehirlerde, alışveriş merkezlerine yapı ruhsatı, yapı kullanma izin belgesi ve işyeri açma ve çalışma ruhsatı vermeye büyükşehir belediyeleri yetkilidir. Alışveriş merkezi projesi için yapı ruhsatı verilirken, üst meslek kuruluşlarının görüşü alınır. Bu kuruluşlar görüşlerini on beş iş günü içinde bildirir.

(8) Üçüncü fıkrafta öngörülen esaslar ile bu maddenin uygulanmasına ilişkin



diğer usul ve esaslar İçişleri Bakanlığının görüşü alınarak hazırlanan yönetmelikle belirlenir.

## ÜÇÜNCÜ BÖLÜM

### İlke ve Kurallar

#### Prim ve bedel talebi

**MADDE 6 –** (1) Büyük mağaza ve zincir mağazalar ile bayi işletme ve özel yetkili işletmeler; üretici veya tedarikçiden mağaza açılışı ve tadilatı, ciro açığı, banka ve kredi kartı katılım bedeli ve benzeri adlar altında ürün talebini doğrudan etkilemeyen herhangi bir prim veya bedel talep edemez.

(2) Birinci fıkrada sayılan perakende işletmeler, satışa konu ürünün talebini doğrudan etkileyen reklam, anons veya raf tahsisi gibi hizmetlerden dolayı üretici veya tedarikçiden, sözleşmede türü ve oranı belirtilmedikçe prim ya da bedel talebinde bulunamaz. Bu hâlde, prim veya bedel talebinin sözleşme süresiyle sınırlı olması ve prim ya da bedel talebine konu olan ürünün sözleşme süresince rafta satışa sunulması zorunludur.

#### Ödeme süresi

**MADDE 7 –** (1) Üreticiler veya tedarikçiler ile perakende işletmeler arasındaki alım satım işlemlerinden kaynaklı ödemelerin, sözleşmede öngörülen tarihte yapılması esastır. Ancak, üretim tarihinden itibaren otuz gün içinde bozulabilen hızlı tüketim mallarına ilişkin ödemelerin süresi; alacaklı üretici veya tedarikçinin küçük işletme, borçlunun ise büyük ölçekli işletme olduğu hâllerde teslim tarihinden itibaren otuz günü geçemez.

(2) Bu maddede düzenlenmeyen hususlarda 13/1/2011 tarihli ve 6102 sayılı Türk Ticaret Kanununun 1530 uncu maddesi hükümleri uygulanır.

#### Mağaza markalı ürün

**MADDE 8 –** (1) Yurt içinde üretilen ve hızlı tüketim malı niteliği taşıyan mağaza markalı ürünlerin üzerinde ve/veya ambalajında, perakendecinin ad, unvan veya markasının yanı sıra üreticinin ad, unvan ya da markasına da uygun ve kolay okunabilir bir şekilde yer verilir.

(2) Bu maddenin uygulanmasına ilişkin usul ve esaslar yönetmelikle düzenlenir.

### **Kampanyalı satış ve alışveriş festivali**

**MADDE 9 – (1)** Perakende işletmeler, 7/11/2013 tarihli ve 6502 sayılı Tüketicinin Korunması Hakkında Kanun ve ilgili diğer kanunlarda öngörülen usul ve esaslara uymak kaydıyla indirimli veya promosyonlu satış kampanyaları düzenleyebilir. Ancak kampanyanın süresi; işyeri açılışı, devri, kapanışı, adres veya faaliyet konusu değişikliğinde üç ayı, 6102 sayılı Kanun hükümlerine göre tasfiye durumunda ise altı ayı geçemez. Perakende işletmeler başlangıç ve bitiş süresi belli olmayan indirimler yapamaz.

(2) Mahallî idareler ve kamu kurumu niteliğindeki meslek kuruluşları ile bunların ortağı olduğu şirketler ve diğer tüzel kişiler; birlikte veya bağımsız olarak, perakende işletmelerin katılımıyla, yılın belli dönemlerinde, ilçe, il, bölge veya ülke düzeyinde alışveriş festivali düzenleyebilir. Kamu kurumu niteliğindeki meslek kuruluşlarının bu festivaller için ayıracakları ödenek miktarı, bütçelerinin yüzde beşini geçemez. Alışveriş festivalinin başlangıç ve bitiş tarihleri ile festivalin programı ve uygulama alanı önceden Bakanlığa bildirilir.

(3) Bu maddenin uygulanmasına ilişkin usul ve esaslar yönetmelikle düzenlenir.

### **Sürekli indirimli satış**

**MADDE 10 – (1)** Sürekli indirimli satış; seri sonu, sezon sonu, ihraç fazlası, kusurlu ve benzeri malların, perakende işletmelerce, indirimli fiyattan veya malların fabrika çıkış fiyatı üzerinden yıl boyunca satılmasıdır.

(2) Sürekli indirimli satış yapan perakende işletmelerin ön cephesinde ve mağaza içlerinde, kolaylıkla görülebilir ve okunabilir şekilde bu satış türünü gösterir ya da çağrıştırır ibarelere yer verilir. Bu ibarelerin alışveriş merkezlerince kullanımı, içerisinde yer alan perakende işletmelerin tamamının birinci fıkra kapsamında faaliyet göstermesine; alışveriş merkezi içinde bulunanlar da dâhil diğer perakende işletmelerce kullanımı ise satışa sunulan malların en az yüzde yetmişinin aynı fıkarda belirtilen niteliklere sahip olmasına bağlıdır.

(3) Sürekli indirimli satışa konu mallar ve alışveriş merkezi yönetimlerinin bu

madde kapsamındaki yükümlölükleri ile bu maddenin uygulanmasına ilişkin diğler hususlar yönetmelikle belirlenir.

#### **Ortak kullanım alanları**

**MADDE 11 – (1)** Alışveriş merkezlerinde, satış alanının en az binde beşine tekabül eden alanın sosyal ve kültürel etkinliklerin düzenlenmesi amacıyla ayrılması zorunludur. Bakanlık, bu oranı bir katına kadar artırmaya veya yarısına kadar azaltmaya yetkilidir.

(2) Alışveriş merkezlerinde, acil tıbbi müdahale ünitesi, ibadet yeri, bebek bakım odası, çocuk oyun alanı gibi ortak kullanım alanları oluşturulur.

(3) Alışveriş merkezlerinde yer alan ortak kullanım alanları, engelliler ile yaşlı ve çocukların ihtiyaçları dikkate alınarak oluşturulur.

(4) Ortak kullanım alanları ile bunların niteliklerine, bu alanlara ilişkin ortak giderlere ve bu giderlere katılma, giderlere katılanların bilgilendirilmesine ve bu maddenin uygulanmasına ilişkin diğler hususlar yönetmelikle belirlenir.

#### **Yer ve raf tahsisi**

**MADDE 12 – (1)** Alışveriş merkezlerinde, esnaf ve sanatkâr işletmecilerine rayiç bedel üzerinden kiraya verilmek üzere, toplam satış alanının en az yüzde beşi oranında yer ayrılır. Bu yerler; esnaf ve sanatkâr işletmecilerinden yeteri kadar talep olmaması veya boşalan yerlerin duyuru tarihinden itibaren yirmi gün içinde doldurulamaması hâlinde, diğler talep sahiplerine de kiralanabilir.

(2) Alışveriş merkezlerinde; geleneksel, kültürel veya sanatsal değeri olan kaybolmaya yüz tutmuş meslekleri icra edenlere kiraya verilmek üzere, toplam satış alanının en az binde üçü oranında yer ayrılır. Bu yerlerin kira bedeli, rayiç bedelinin dörtte birinden fazla olamaz. Söz konusu meslekler, ilgili üst meslek kuruluşunun görüşü alınarak Bakanlıkça belirlenir ve ilan edilir.

(3) Hızlı tüketim mallarının satışının yapıldığı büyük mağaza ve zincir mağazalar ile bayi işletme ve özel yetkili işletmelerde satış alanlarının en az yüzde birine tekabül edecek şekilde raf alanı, mağazanın bulunduğu ilde üretilmesi kaydıyla coğrafi işaretli olarak tescil edilen veya coğrafi işaretli olarak tescil edilmemiş olsa

bile meslek kuruluşlarının uygun görüşü alınarak ticaret il müdürlüklerince belirlenen hızlı tüketim malı niteliği taşıyan yöresel ürünlerin satışına ayrılır. Yöresel ürünlerle doldurulamayan raf alanları, diğer ürünlerin satışı amacıyla kullanılabilir.

(4) Bu maddenin uygulanmasına ilişkin usul ve esaslar yönetmelikle düzenlenir.

#### **Çalışma saatleri**

**MADDE 13 –** (1) Mesleğe, mevsime ve turizme özgü şartlar ve benzeri hususlar gözetilerek perakende işletmelerin bir kısmının veya tamamının çalışma saatleri, meslek kuruluşlarının müşterek teklifi üzerine yetkili idarenin görüşü alınmak suretiyle vali tarafından belirlenebilir. Esnaf ve sanatkâr işletmelerinin çalışma saatlerinin belirlenmesinde, meslek kuruluşunca ilgili esnaf ve sanatkâr odasının görüşü alınır.

(2) Üst meslek kuruluşlarının müşterek teklifi üzerine, faaliyet kollarına göre perakende işletmelerin çalışma saatlerinin bölge veya ülke düzeyinde belirlenmesine Bakanlık yetkilidir.

### **DÖRDÜNCÜ BÖLÜM**

#### **Tedarik ve Dağıtım Kooperatifleri ile Perakendeciler Konseyi**

##### **Tedarik ve dağıtım kooperatifleri**

**MADDE 14 –** (1) Esnaf ve sanatkâr işletmelerince satışa sunulan malların etkin bir şekilde piyasadan temini amacıyla esnaf ve sanatkârların üyesi olduğu tedarik ve dağıtım kooperatifleri kurulabilir. Bu kooperatiflerin kuruluşu ve ana sözleşme değişikliği Bakanlık iznine tabidir.

(2) Kooperatif ortaklarının en az iki yıl kesintisiz olarak 5362 sayılı Kanuna tabi odalara kayıtlı olması şarttır. Bakanlık; bu kooperatiflerin ortaklık şartlarını, kuruluşunda aranacak asgari sermaye miktarını ve ortak sayısını belirlemeye, örnek ana sözleşmelerini düzenlemeye, güvenli, açık ve istikrarlı bir şekilde faaliyet göstermelerine ilişkin düzenlemeler yapmaya yetkilidir.

(3) 5362 sayılı Kanuna tabi esnaf ve sanatkârlar meslek kuruluşlarının yönetim ve denetim kurulu üyeleri, görev yaptıkları sürece, bu madde kapsamında

kurulmuş olan kooperatiflerin yönetim ve denetim kurullarında görev alamazlar.

### **Perakendeciler Konseyi**

**MADDE 15 – (1)** Perakende ticaretin bu Kanunun amacına uygun olarak yapılmasının sağlanması hususunda karşılıklı bilgi ve görüş alışverişinde bulunmak, sektöre yönelik politika oluşturulmasına katkı sağlamak, sorunları tespit etmek, alınacak önlemleri belirlemek ve ilgili kurum ve kuruluşlar arasında işbirliğini sağlamak üzere Bakanlığın koordinatörlüğünde Perakendeciler Konseyi oluşturulur. Yılda en az bir kez toplanacak Konseyin sekretarya hizmetleri Bakanlık İç Ticaret Genel Müdürlüğü tarafından yürütülür.

(2) Perakendeciler Konseyinin kuruluşu ve çalışmasına ilişkin giderler ile harcırah giderleri ve sair harcamalar Bakanlık bütçesine konulan ödenekten karşılanır.

(3) Perakendeciler Konseyinin oluşumu, çalışma usul ve esasları ile diğer hususlar yönetmelikle belirlenir.

## **BEŞİNCİ BÖLÜM**

### **Görev, Yetki, Denetim ve Ceza**

#### **Görev ve yetkiler**

**MADDE 16 – (1)** Bakanlık;

a) Perakende sektörünün ve perakende işletmelerin ülke genelinde dengeli bir şekilde yayılması, büyümesi ve gelişmesine yönelik çalışmalar yapmaya,

b) Taşınmaz ve ikinci el motorlu kara taşıtı alım satımı gibi ticari faaliyetleri yürütenlere yönelik mesleki davranış kurallarını belirlemeye ve bu faaliyetlerin yürütülmesine ilişkin düzenlemeler yapmaya,

c) İstatistiki bilgileri derlemeye, düzenlemeye ve yayımlamaya,

ç) Bu Kanunun uygulanmasıyla ilgili olarak oluşan tereddütleri gidermeye, ikincil düzenlemeler yapmaya ve her türlü idari tedbiri almaya,

görevli ve yetkilidir.

(2) Bakanlar Kurulu;

a) Bakanlığın üst meslek kuruluşlarının görüşlerini de alarak oluşturacağı teklifi üzerine, faaliyet konusu ve kollarına göre perakende işletmelerin açılış ve faaliyete geçişinde, işletme sayısı ve bunların birbirlerine yakınlığı, ulaşım imkânları, işletmelerin çevreye, altyapıya ve trafiğe getireceği yükler ile can ve mal güvenliği riski gibi ekonomik, sosyal, demografik ve çevresel faktörler açısından gözetilecek kriterleri belirleyerek, PERBİS işyeri açma ve çalışma ruhsatı sürecine dâhil edilmek üzere belirlediği kriterleri Bakanlığa iletme ve bu hususlara ilişkin usul ve esasları yönetmelikle düzenlemeye,

b) İçişleri Bakanlığının teklifi ve Bakanlığın uygun görüşü üzerine, 14/6/1989 tarihli ve 3572 sayılı İşyeri Açma ve Çalışma Ruhsatlarına Dair Kanun Hükmünde Kararnamenin Değiştirilerek Kabulüne Dair Kanunda belirtilen diğer müesseseler ile bu Kanunun 2 nci maddesinin ikinci fıkrasındaki işletmelerin açılış ve faaliyeti ile kapanış işlemlerinin PERBİS üzerinden gerçekleştirilmesine yönelik konularda karar vermeye ve bu hususlara ilişkin usul ve esasları yönetmelikle düzenlemeye,

c) Bu Kanun kapsamına giren hizmet sektöründeki işletmeleri faaliyet konusu, bulunduğu yerleşim yeri veya kolları bazında, Bakanlığın teklifi üzerine kapsam dışında tutmaya,

yetkilidir.

(3) Üst meslek kuruluşları, ikinci fıkranın (a) bendine göre verecekleri görüşlerini otuz gün içinde Bakanlığa bildirir.

### **Denetim**

**MADDE 17 – (1)** Bakanlık, bu Kanunun uygulanması, uygulamada çıkan sorunlar ve şikâyetlerle ilgili olarak perakende işletmeler nezdinde denetim yapmaya yetkilidir.

(2) Yetkili idareler, yetki alanlarıyla sınırlı olmak kaydıyla, doğrudan veya Bakanlığın talebi üzerine, bu Kanun hükümleri çerçevesinde perakende işletmeler nezdinde ön inceleme mahiyetinde olmak üzere gerekli denetim ve

uygulamaları yapmak ve önlemleri almakla görevli ve yetkilidir.

(3) Bu maddenin uygulanmasına ilişkin usul ve esaslar yönetmelikle belirlenir.

### **Ceza hükümleri**

**MADDE 18 – (1)** Diğer kanunlara göre daha ağır bir cezayı gerektirmediği takdirde, bu Kanunun;

a)6 ncı maddesine aykırı hareket edenlere, her bir mağaza ya da şubesindeki her bir aykırılık için haksız olarak alınan prim ve bedel tutarında,

b)8 inci maddesinin birinci fıkrasına aykırı hareket eden büyük mağaza ve zincir mağazalara, her bir mağaza ya da şubesindeki her bir ürün grubu için on bin Türk lirası,

c)9 uncu maddesinin birinci fıkrası ile 10 uncu maddesinin ikinci fıkrasına aykırı hareket edenlere beş bin Türk lirası,

ç)11 inci maddesinin birinci fıkrasına aykırı hareket edenlere, ayrılması gereken alandan ayrılmayan her bir metrekare için yirmi bin Türk lirası, aykırılığın otuz günden az olmamak üzere Bakanlıkça verilen süre içinde giderilmemesi hâlinde bu tutarın iki katı,

d)11 inci maddesinin ikinci fıkrasına aykırı hareket edenlere, her bir aykırılık için elli bin Türk lirası, aykırılığın otuz günden az olmamak üzere Bakanlıkça verilen süre içinde giderilmemesi hâlinde bu tutarın iki katı,

e)12 nci maddesinin birinci ve ikinci fıkralarına aykırı hareket eden alışveriş merkezlerine, ayrılması gereken yerden ayrılmayan her bir metrekare için metrekare başına düşen rayiç kira bedeli tutarında, aykırılığın otuz günden az olmamak üzere Bakanlıkça verilen süre içinde giderilmemesi hâlinde bu tutarın iki katı,

f)12 nci maddesinin üçüncü fıkrasına aykırı hareket edenlere, her bir mağazası ya da şubesi için yirmi bin Türk lirası, aykırılığın otuz günden az olmamak üzere Bakanlıkça verilen süre içinde giderilmemesi hâlinde bu tutarın iki katı,

g)13 üncü maddesine göre belirlenen çalışma saatlerine aykırı hareket edenlere

bin Türk lirası,

ğ)16 ncı maddesinin birinci fıkrasının (b) bendine istinaden belirlenen davranış kurallarına ve yapılan düzenlemelere aykırı hareket edenlere üç bin Türk lirası,

h)Bu Kanun çerçevesinde Bakanlıkça alınan tedbirlere ve yapılan ikincil düzenlemelere uymayanlara ve denetime yetkili olanlarca istenilen defter, belge ve diğer kayıtlar ile bunlara ilişkin bilgileri vermeyenlere veya eksik verenlere ya da denetim elemanlarının görevlerini yapmalarını engelleyenlere iki bin Türk lirası,

idari para cezası verilir.

(2) Birinci fıkranın (c), (ğ) ve (h) bentlerinde öngörülen cezalar; fiilin büyük mağaza, zincir mağaza, bayi işletme ve özel yetkili işletme tarafından işlenmesi hâlinde beş katı, alışveriş merkezi tarafından işlenmesi hâlinde ise on katı uygulanır.

(3) Birinci fıkranın (g) bendinde öngörülen ceza; fiilin büyük mağaza, zincir mağaza, bayi işletme ve özel yetkili işletme tarafından işlenmesi hâlinde yirmi katı, alışveriş merkezi tarafından işlenmesi hâlinde ise elli katı uygulanır.

(4) Birinci fıkranın (h) bendinde öngörülen idari para cezalarını Bakanlık, diğer idari para cezalarını ise doğrudan veya Bakanlığın talebi üzerine yetkili idareler uygulamaya yetkilidir. İdari para cezası uygulama yetkisi Bakanlıkta İçTicaret Genel Müdürlüğüne devredilebilir.

(5) Bu maddenin birinci fıkrasının (a), (b), (c), (g), (ğ) ve (h) bentlerinde belirtilen idari para cezalarının verilmesini gerektirir fiilin bir takvim yılı içinde tekrarı hâlinde, her bir tekrar için iki katı idari para cezası uygulanır.

(6) Bu Kanuna göre verilen idari para cezaları, tebliğ tarihinden itibaren bir ay içinde ödenir.

## ALTINCI BÖLÜM

### Çeşitli Hükümler

**MADDE 19** – 5/6/1986 tarihli ve 3308 sayılı Meslekî Eğitim Kanununun 30 uncu maddesinin ikinci fıkrasında yer alan “açacaklardan, meslek odaları ise işyeri sahibi olarak üye kaydı yaptıracaklardan, ustalık belgesi istemek



zorundadır.” ibaresi “açılışında, esnaf ve sanatkârlar ile tacirlerin kendilerinden veya işyerinde her bir meslek dalında çalıştırdıkları en az birer çalışanından ustalık belgesi ya da en az ön lisans diploması istemek zorundadır.” şeklinde değiştirilmiştir.

**MADDE 20** – 18/5/2004 tarihli ve 5174 sayılı Türkiye Odalar ve Borsalar Birliği ile Odalar ve Borsalar Kanununun 102 nci maddesi aşağıdaki şekilde değiştirilmiştir.

“MADDE 102- Odaya kayıt sırasında, ticaret siciline kayıtlı olanlardan 5/6/1986 tarihli ve 3308 sayılı Meslekî Eğitim Kanununda öngörülen ustalık belgesi veya muadili belgeler istenmez.”

**MADDE 21** – 7/6/2005 tarihli ve 5362 sayılı Esnaf ve Sanatkârlar Meslek Kuruluşları Kanununun 68 inci maddesinin birinci fıkrasının son cümlesi aşağıdaki şekilde değiştirilmiştir.

“Sicil ve oda tarafından, esnaf ve sanatkârlardan kayıt sırasında 5/6/1986 tarihli ve 3308 sayılı Meslekî Eğitim Kanununda öngörülen ustalık belgesi veya muadili belgeler istenmez.”

**MADDE 22** – 3/6/2011 tarihli ve 640 sayılı Gümrük ve Ticaret Bakanlığının Teşkilat ve Görevleri Hakkında Kanun Hükmünde Kararnamenin 9 uncu maddesinin birinci fıkrasının (b) bendinde yer alan “, Merkezi Sicil Kayıt Sistemini kurmak, işletmek ve bu sistemin diğer kurum ve kuruluşlar nezdinde tutulan kayıt sistemleriyle bağlanmasına ilişkin çalışmalar yürütmek” ibaresi madde metninden çıkarılmış, (f) bendi aşağıdaki şekilde değiştirilmiş, aynı maddeye (f) bendinden sonra gelmek üzere aşağıdaki bentler eklenmiş ve diğer bentler buna göre teselsül ettirilmiştir.

“f) Elektronik ticarete yönelik düzenlemeler yapmak, bu konuda mevzuatla verilen görevleri yerine getirmek, elektronik ticaretin gelişimine ilişkin çalışmalar yapmak ve gerekli tedbirleri almak.”

“g) İlgili Kanun kapsamında, esnaf ve sanatkâr işletmelerinin ticari faaliyetlerini ilgilendiren hususlarda ilgili Genel Müdürlükle işbirliği içinde hareket etmek suretiyle perakende ticarete yönelik düzenlemeler yapmak, perakende ticarete ilişkin mevzuatla verilen görevleri yerine getirmek, perakende sektörünün sağlıklı bir şekilde büyümesi ve gelişmesine yönelik çalışmalar yapmak ve gerekli

tedbirleri almak.

ğ) Sergi, panayır ve tanıtım günleri gibi organizasyonların düzenlenmesine izin vermek ve bu organizasyonların düzenlenmesi ile faaliyetlerine yönelik düzenlemeler yapmak.

h) Yurt içi fuarlara ilişkin düzenlemeler yapmak.

ı) Merkezi Sicil Kayıt Sistemini, Hal Kayıt Sistemini ve Perakende Bilgi Sistemini kurmak, işletmek, bu sistemlerin diğer kamu kurum ve kuruluşları ile kamu kurumu niteliğindeki meslek kuruluşları nezdinde tutulan kayıt sistemleriyle bağlanmasına ilişkin çalışmalar yapmak ve gerektiğinde bu sistemleri söz konusu kurum ve kuruluşların erişimine açmak ve bu sistemlerce üretilen istatistiki bilgileri derlemek ve yayımlamak.”

**MADDE 23 – 640** sayılı Kanun Hükmünde Kararnamenin 12 nci maddesinin birinci fıkrasının (b) bendine “bilgi sistemi oluşturmak” ibaresinden sonra gelmek üzere“ ve bu sistemce üretilen istatistiki bilgileri derlemek ve yayımlamak” ibaresi ile aynı fıkra (c) bendinden sonra gelmek üzere aşağıdaki bent eklenmiş ve diğer bentler buna göre teselsül ettirilmiştir.

“ç) Perakende ticarete ilişkin mevzuat çerçevesinde esnaf ve sanatkâr işletmelerinin ticari faaliyetine yönelik çalışmalar ve düzenlemeler yapmak ve gerekli tedbirleri almak.”

**MADDE 24 – 640** sayılı Kanun Hükmünde Kararnameye aşağıdaki ek madde eklenmiştir.

“EK MADDE 1 – (1) Ekli listede yer alan kadrolar ihdas edilerek 13/12/1983 tarihli ve 190 sayılı Genel Kadro ve Usulü Hakkında Kanun Hükmünde Kararnamenin eki (I) sayılı cetvelin Gümrük ve Ticaret Bakanlığına ait bölümüne eklenmiştir.

(2) 190 sayılı Kanun Hükmünde Kararnamenin ek 7 nci maddesi ve merkezi yönetim bütçe kanunları kapsamında yapılacak atamalar dışında, merkezi yönetim bütçe kanunlarında yer alan kısıtlamalara tabi olmaksızın, toplam 3000 adedi geçmemek üzere Bakanlık tarafından belirlenecek boş kadrolara atama yapılabilir.”

### **Uygulanmayacak hükümler**

**MADDE 25** – (1) 2/1/1924 tarihli ve 394 sayılı Hafta Tatili Hakkında Kanun hükümleri perakende işletmeler hakkında uygulanmaz.

### **Geçiş hükümleri**

**GEÇİCİ MADDE 1** – (1) PERBİS kuruluncaya kadar, perakende işletmelerin açılış ve faaliyete geçiş işlemleri ilgili mevzuatına göre yürütülür.

(2) İşyeri açma ve çalışma ruhsatı verilmesi sürecinde yer alan yetkili idareler ve ilgili diğer kurum ve kuruluşlar; Bakanlığın koordinasyonunda, teknik ve personel altyapıları ile gerekli diğer hususları PERBİS kuruluncaya kadar tamamlayarak bilgi sistemlerini PERBİS’le uyumlu hâle getirir.

(3) Perakende işletmelere ait gerekli bütün bilgiler, kurulmasından itibaren en geç bir yıl içinde Bakanlığın koordinasyonunda yetkili idare tarafından PERBİS’e aktarılır. Bakanlık, bu süreyi birer yılı geçmemek üzere en fazla iki defa uzatmaya yetkilidir.

(4) Bu Kanunun yürürlüğe girdiği tarih itibarıyla yapı ruhsatı almış olmakla birlikte işyeri açma ve çalışma ruhsatı almamış olan alışveriş merkezleri hakkında 5 inci maddenin yedinci fıkrası hükmü uygulanmaz.

(5) Bu Kanunun yürürlüğe girdiği tarihten önce perakende işletmelerin almış olduğu işyeri açma ve çalışma ruhsatları geçerliliğini korur.

(6) Sürekli indirimli satış yapan perakende işletmeler, bu Kanunun yürürlüğe girdiği tarihten itibaren iki yıl içinde durumlarını 10 uncu maddeye uygun hâle getirir.

(7) Bu Kanunun yürürlüğe girdiği tarihten önce işyeri açma ve çalışma ruhsatı almış olan alışveriş merkezlerinde, 11 inci maddede öngörülen ortak kullanım alanları, Kanunun yürürlüğe girdiği tarihten itibaren bir yıl içinde oluşturulur.

(8) Bu Kanunun yürürlüğe girdiği tarihten itibaren, alışveriş merkezlerinde boşalan satış alanları 12 ncimaddenin birinci fıkrasında belirtilen orana ulaşılan kadar esnaf ve sanatkâr işletmecilerine öncelik verilmek suretiyle kiralanır.

(9) Bu Kanunun yürürlüğe girdiği tarihten itibaren, alışveriş merkezlerinde

boşalan satış alanları 12 ncimaddenin ikinci fıkrasında belirtilen orana ulaşılan kadar geleneksel, kültürel ve sanatsal değeri olan kaybolmaya yüz tutmuş meslekleri icra edenlere kiralanır.

(10) 12 nci maddenin üçüncü fıkrasında, hızlı tüketim mallarının satışının yapıldığı büyük mağaza ve zincir mağazalarda yöresel ürünler için öngörülen raf tahsisi, bu Kanunun yürürlüğe girdiği tarihten itibaren bir yıl içinde yapılır.

(11) Bu maddenin altıncı, yedinci, sekizinci, dokuzuncu ve onuncu fıkralarına aykırı hareket edenlere, bu Kanunun 18 inci maddesinde ilgili aykırılık için öngörülen cezalar, aynı maddede belirtilen usul ve esaslar çerçevesinde uygulanır.

(12) Bu Kanunda öngörülen yönetmelikler Bakanlık tarafından dokuz ay içinde yürürlüğe konulur.

#### **Yürürlük**

**MADDE 26 –** (1) Bu Kanun yayımı tarihinde yürürlüğe girer.

#### **Yürütme**

**MADDE 27 –** (1) Bu Kanun hükümlerini Bakanlar Kurulu yürütür.

## APPENDIX E

### Regulation Concerning Shopping Centers

26 Şubat 2016 CUMA

Resmî Gazete

Sayı : 29636

#### YÖNETMELİK

Gümrük ve Ticaret Bakanlığından:

#### ALIŞVERİŞ MERKEZLERİ HAKKINDA YÖNETMELİK

#### BİRİNCİ BÖLÜM

#### Amaç, Kapsam, Dayanak ve Tanımlar

##### Amaç ve kapsam

**MADDE 1 –** (1) Bu Yönetmeliğin amacı, alışveriş merkezlerinin nitelikleri ile açılış, faaliyet ve denetimlerine ilişkin usul ve esasları düzenlemektir.

(2) Bu Yönetmelik, alışveriş merkezlerine ilişkin ilke ve kurallar ile alışveriş merkezi maliki ile yönetiminin, yetkili idarelerin ve diğer ilgili kurum ve kuruluşların alışveriş merkezlerine ilişkin görev ve sorumluluklarını kapsar.

##### Dayanak

**MADDE 2 –** (1) Bu Yönetmelik, 14/1/2015 tarihli ve 6585 sayılı Perakende Ticaretin Düzenlenmesi Hakkında Kanunun 3 üncü, 5 inci, 10 uncu, 11 inci, 12 nci, 16 ncı ve 17 nci maddelerine dayanılarak hazırlanmıştır.

##### Tanımlar

**MADDE 3 –** (1) Bu Yönetmeliğin uygulanmasında;

a) Alışveriş merkezi: 4 üncü maddede belirtilen niteliklere sahip perakende işletmeyi,

b) Alışveriş merkezi maliki: Alışveriş merkezinin mülkiyetine sahip gerçek ve/veya tüzel kişiyi,

c) Alışveriş merkezi yönetimi: Alışveriş merkezinin maliki tarafından alışveriş merkezinin yönetimi konusunda yetkilendirilen gerçek veya tüzel kişilerden oluşan birimi,

ç) Bakanlık: Gümrük ve Ticaret Bakanlığını,

d) Büyük mağaza: Hangi ad altında olursa olsun, tüketim mallarının kısmen veya tamamen perakende satışının yapıldığı, en az dört yüz metrekare satış alanına sahip işletmeyi,

e) Esnaf ve sanatkâr işletmesi: 7/6/2005 tarihli ve 5362 sayılı Esnaf ve Sanatkârlar Meslek Kuruluşları Kanununun 3 üncü maddesinin birinci fıkrasının (a) bendinde tanımlanan esnaf ve sanatkârlarca işletilen işletmeyi,

f) Kanun: Perakende Ticaretin Düzenlenmesi Hakkında Kanunu,

g) Perakende işletme: Alışveriş merkezi, büyük mağaza, zincir mağaza, bayi işletme, özel yetkili işletme, perakende ticaretle uğraşan diğer ticari işletmeler ile esnaf ve sanatkâr işletmelerini,

ğ) Satış alanı: Münhasıran büro amaçlı kullanılan işyerleri ile konaklama, depolama, üretim tesisleri/alanları ve ortak kullanım alanları hariç olmak üzere alışveriş merkezlerinde işyerlerinin toplam alanını,

h) Üst meslek kuruluşu: Türkiye Odalar ve Borsalar Birliği ile Türkiye Esnaf ve Sanatkârları Konfederasyonunu,

ı) Yetkili idare: İşyeri açma ve çalışma ruhsatını vermeye yetkili belediye veya il özel idareleri ile diğer idareleri,

ifade eder.

## İKİNCİ BÖLÜM

### **Alışveriş Merkezinin Nitelikleri ve Ruhsatlandırma Süreci**

#### **Alışveriş merkezinin nitelikleri**

#### **MADDE 4 – (1) Alışveriş merkezinin;**

a) Bir yapıya veya alan bütünlüğü içinde yapılar topluluğuna,

b) En az beş bin metrekare satış alanına,

c) İçinde en az biri büyük mağaza niteliğini taşımak şartıyla beslenme, giyinme, eğlenme, dinlenme, kültürel ve benzeri ihtiyaçların bir kısmının veya tamamının

karşılandığı en az on işyerine ya da büyük mağaza niteliği taşıyan işyeri bulunmasa dahi beslenme, giyinme, eğlenme, dinlenme, kültürel ve benzeri ihtiyaçların bir kısmının veya tamamının karşılandığı en az otuz işyerine,

- ç) Bu Yönetmelikte belirtilen ortak kullanım alanlarına,
  - d) Merkezi bir yönetime,
- sahip olması gerekir.

#### **Alışveriş merkezinin projelendirilmesi ve ruhsatlandırılması**

**MADDE 5 – (1)** Yapı ruhsatı başvurusunda, 4 üncü maddenin birinci fıkrasının (a), (b) ve (c) bentlerindeki nitelikleri taşıyan projeler alışveriş merkezi projesi kabul edilir. Bu projede alışveriş merkezi ile birlikte başka yapıların bulunması projenin niteliğini değiştirmez.

(2) Alışveriş merkezi projelerinde bu Yönetmelikte belirtilen ortak kullanım alanlarına yer verilir.

(3) Alışveriş merkezine yapı ruhsatı, yapı kullanma izin belgesi ve işyeri açma ve çalışma ruhsatını verme, değiştirme ve yenileme yetkisi büyükşehir olan yerlerde büyükşehir belediyesine; diğer yerlerde belediye sınırları ve mücavir alanlar içinde ilgili belediyelere, belediye sınırları ve mücavir alanlar dışında ise il özel idarelerine aittir.

(4) Alışveriş merkezi projesi için yapı ruhsatı verilirken, başvuru tarihinden itibaren üç iş günü içinde üst meslek kuruluşlarının yazılı görüşleri talep edilir.

(5) Üst meslek kuruluşları, talep yazısının kendilerine ulaştığı tarihten itibaren on beş iş günü içinde görüşlerini yazılı olarak gönderir. Bu görüşler tavsiye niteliğindedir. Görüş yazılarında; yapı ruhsatını vermeye yetkili idarenin sınırları içindeki alışveriş merkezi sayısı, bunların birbirine ve yerleşim yerlerine olan mesafesi, ulaşım imkânları, alışveriş merkezinin çevreye, altyapıya ve trafiğe getireceği yükler ile yaratacağı can ve mal güvenliği riski gibi ekonomik, sosyal, çevresel ve demografik unsurlara yer verilir. Süresi içinde görüş verilmemesi halinde görüşün olumlu olduğu kabul edilir.

(6) Büyükşehir belediyesi tarafından alışveriş merkezi projesi için yapı ruhsatı

verilirken ilgili ilçe belediyesinden de görüş alınabilir. Bu durumda, dördüncü ve beşinci fıkralardaki usul ve esaslar uygulanır.

(7) 4 üncü maddenin birinci fıkrasında belirtilen niteliklere sahip olan alışveriş merkezine yapı kullanma izin belgesi verilir. Kanunun uygulamasında bu belge işyeri açma ve çalışma ruhsatı yerine geçer.

## ÜÇÜNCÜ BÖLÜM

### Ortak Kullanım Alanlarına İlişkin İlke ve Kurallar

#### Ortak kullanım alanları

**MADDE 6** – (1) Alışveriş merkezinde kullanımı ücretsiz olacak şekilde; sosyal ve kültürel etkinlik alanı, acil tıbbi müdahale ünitesi, ibadet yeri, bebek bakım odası, çocuk oyun alanı ve dinlenme alanları ile ortaklaşa kullanma, korunma veya faydalanma için zorunlu olan diğer alanlar oluşturulur. Alışveriş merkezi otoparkının müşteriler ve alışveriş merkezi içindeki perakendeciler haricinde kullanımını sınırlandırmak amacıyla alışveriş merkezi yönetimi tarafından, süreli kullanıma bağlı ücretlendirme yapılabilir.

(2) Ortak kullanım alanları, engelliler ile yaşlı ve çocukların ihtiyaçları dikkate alınarak oluşturulur.

(3) Ortak kullanım alanlarının bu Yönetmeliğe ve Türk Standardları Enstitüsünün ilgili standartlarına uygun olarak oluşturulmasından alışveriş merkezi maliki, amacına uygun olarak kullanılmasından, bu alanlarda oluşabilecek kazalara karşı gerekli güvenlik tedbirlerinin alınmasından ve bu alanlara ilişkin diğer yükümlülüklerin yerine getirilmesinden alışveriş merkezi maliki ile yönetimi müştereken sorumludur.

#### Sosyal ve kültürel etkinlik alanı

**MADDE 7** – (1) Alışveriş merkezinde sergi, söyleşi, tanıtım ve imza günleri gibi sosyal ve kültürel etkinliklerin düzenlenmesi amacıyla satış alanının en az binde beşi oranında alan ayrılır. Bakanlık, bu oranı bir katına kadar artırmaya veya yarısına kadar azaltmaya yetkilidir.



(2) Sosyal ve kültürel etkinlikler, etkinlikten en az yedi gün önce alışveriş merkezinin görülebilir yerlerinde ve varsa internet sitesinde ilan edilir.

#### **Acil tıbbi müdahale ünitesi**

**MADDE 8** – (1) Acil tıbbi durumlarda ilk müdahalenin yapılabilmesi ve ihtiyaç halinde en yakın hastaneye sevkini sağlanabilmesi amacıyla, alışveriş merkezinin kolay ulaşılabilir bir yerinde en az yirmi metrekare büyüklüğünde acil tıbbi müdahale ünitesi oluşturulur.

(2) Acil tıbbi müdahale ünitesinin girişinde “Acil Tıbbi Müdahale Ünitesi” yazısı ve işareti yer alır. Acil tıbbi müdahale ünitesinin yeri yönlendirme levhalarıyla gösterilir.

(3) Satış alanı yirmi bin metrekarenin altında olan alışveriş merkezinde en az bir acil tıp teknisyeni veya acil tıp teknikeri, yirmi bin ila elli bin metrekare olan alışveriş merkezinde en az birer acil tıp teknisyeni ve acil tıp teknikeri veya acil tıp teknikeri bulunamayan hallerde en az iki acil tıp teknisyeni, satış alanı elli bin ila yüz bin metrekare olan alışveriş merkezinde en az birer acil tıp teknisyeni ve acil tıp teknikeri, satış alanı yüz bin metrekare ve üzerinde olan alışveriş merkezinde ise en az birer acil tıp teknisyeni ve tıp doktoru bulundurulur.

(4) Acil tıbbi müdahale ünitesinde Sağlık Bakanlığı tarafından belirlenen nitelik ve miktarda ilk yardım malzemesi ve ekipmanı bulundurulur.

(5) Alışveriş merkezindeki ortak kullanım alanlarının ve dört yüz metrekareden büyük perakende işletmelerin görünür kısımlarına acil tıbbi müdahale ünitesiyle iletişimi sağlamak amacıyla yeterli sayıda acil tıbbi durum butonu yerleştirilir.

(6) Bu maddede öngörülen hizmetler, özel sağlık hizmeti veren kuruluşlardan hizmet satın alınmak suretiyle de verilebilir.

#### **Bebek bakım odası ve çocuk oyun alanı**

**MADDE 9** – (1) Alışveriş merkezinde kolay ulaşılabilir yerlerde, her katta on metrekareden az olmamak üzere yeterli büyüklükte ve sayıda, içinde lavabosu, alt değiştirme ünitesi, emzirme koltuğu ve sehpa bulunan, yeterli iklimlendirme ve hijyen şartlarına sahip yeterli sayıda bebek bakım odası oluşturulur.

(2) Alışveriş merkezinde 0-10 yaş grubu çocukların oyun oynaması için yaş gruplarına göre ayrıştırılmış biçimde, ebeveynlerin çocuklarının gözetimini sağlayabileceği oturma yerleri bulunan, yaralanma ve kazalara karşı güvenlik tedbirleri alınmış, yeterli sayıda çocuk oyun alanı oluşturulur.

#### **Diğer ortak kullanım alanları**

**MADDE 10** –(1) Satış alanı yüz bin metrekarenin altında olan alışveriş merkezinde en az otuz metrekare, yüz bin metrekare ve üstünde olan alışveriş merkezinde ise en az elli metrekare büyüklüğünde, içinde lavabosu bulunan, yeterli iklimlendirmeye ve ihtiyacı karşılayacak diğer niteliklere sahip, kadın ve erkekler için ayrı ayrı olacak şekilde, otopark haricinde olmak üzere ve alışveriş merkezinin kolay ulaşılabilir bir yerinde ibadet yeri oluşturulur.

(2) Alışveriş merkezinde, ihtiyacı karşılayacak nitelik ve sayıda dinlenme yeri oluşturulur.

(3) Alışveriş merkezinde yaşlı ve engelliler, kadın, erkek ve çocuklar için ayrı ayrı olacak şekilde, gerekli hijyen şartlarına sahip ve yeterli sayıda alaturka ve alafranga tuvalet oluşturulur. Ebeveynlerin, çocuklarının tuvalet ihtiyaçlarını karşılamalarına yardımcı olmalarını sağlamak amacıyla en az bir adet bağımsız tuvalet oluşturulur.

#### **Ortak giderler**

**MADDE 11** –(1) Ortak kullanım alanlarına ilişkin elektrik, su, ısınma, yenileme niteliğinde olmayan bakım-onarım, güvenlik ve temizlik gibi belirli dönemlerde tekrarlanan ve alışveriş merkezinin aynına ilişkin olmayan ortak giderler, bu Yönetmelik ekindeki usul ve esaslara göre hesaplanarak paylaştırılır.

(2) Alışveriş merkezindeki perakende işletmelerden, birinci fıkradaki ortak giderler dışında kalan pazarlama ve yönetim gibi ortak faydaya yönelik hizmetler için katılım payı talep edilebilmesi, bu hususun, taraflar arasındaki sözleşmede belirtilmiş olmasına bağlıdır. Taraflar arasındaki sözleşmede aksi belirtilmedikçe bu giderler de bu Yönetmelik ekindeki usul ve esaslara göre hesaplanır.

(3) Kiracı olarak faaliyette bulunan perakende işletmelerden birinci ve ikinci

fikrada belirtilen nitelikteki giderler dışında ortak gider adı altında herhangi bir bedel talep edilemez.

(4) Birinci ve ikinci fıkra kapsamındaki giderler için, bir önceki yılın kesinleşen giderlerinin yeniden değerlendirme oranında artırılması suretiyle hesaplanacak muhtemel gider tutarı üzerinden avans talep edilebilir. Bu giderler için avans alınması halinde, avansın ait olduğu yılın sonuna kadar mahsup işlemi gerçekleştirilir.

(5) Ortak gider katılım payları Türk Lirası üzerinden hesaplanır ve ödenir.

(6) Ortak gider katılım payları perakende işletmelerden yazılı olarak talep edilir ve bu yazıda giderlerin tür ve tutarları ayrı ayrı belirtilir.

(7) Alışveriş merkezi yönetimince her yıl mart ayı sonuna kadar, bir önceki yılın ortak giderleri ile ortak kullanım alanı gelirlerine ilişkin rapor hazırlanarak alışveriş merkezindeki perakende işletmelere gönderilir. Bu raporda; bu Yönetmelik ekindeki usul ve esaslara göre her bir perakende işletmeden tahsil edilmesi gereken ve tahsil edilen ortak gider katılım paylarına, ortak kullanım alanlarından elde edilen gelirlere ve ortak gider katılım payından yapılan ödemelere ilişkin bilgiler ile her bir gider türü için ortak gider hesaplamalarına yer verilir. Perakende işletmelerce talep edilmesi halinde, ortak kullanım alanlarından elde edilen gelirler ile ortak gider katılım paylarından yapılan ödemelere ilişkin belgelerin birer örneği alışveriş merkezi yönetimince perakende işletmelere verilir.

(8) Ortak gider katılım payları tahsilat amacı dışında kullanılamaz. Ortak kullanım alanlarından elde edilen gelirler ortak giderlerin karşılanmasında kullanılır.

(9) Alışveriş merkezi içindeki perakende işletmeden, bu Yönetmelik ekindeki usul ve esaslara göre yapılan hesaplama sonucunda tahsil edilmesi gerekenden daha az ortak gider katılım payı tahsil edilmesi durumunda, tahsil edilmeyen kısım işyeri malikince karşılanır.

(10) Kiraya verilmemiş işyerlerine ait ortak gider katılım payları bu işyerlerinin maliklerince karşılanır.

(11) Bu maddenin uygulanmasından alışveriş merkezi maliki ile yönetimi müştereken sorumludur.

## **DÖRDÜNCÜ BÖLÜM**

### **Yer Tahsisine İlişkin İlke ve Kurallar**

#### **Yer tahsisi**

**MADDE 12** – (1) Alışveriş merkezinde;

a) Esnaf ve sanatkâr işletmecilerine rayiç bedel üzerinden kiraya verilmek üzere, toplam satış alanının en az yüzde beşi oranında,

b) Geleneksel, kültürel veya sanatsal değeri olan kaybolmaya yüz tutmuş meslekleri icra edenlere, en fazla rayiç bedelinin dörtte biri tutarında kiraya verilmek üzere, toplam satış alanının en az binde üçü oranında,

yer tahsis edilir.

(2) Bu maddenin uygulanmasından alışveriş merkezi maliki ile yönetimi müştereken sorumludur.

#### **Rayiç bedel tespiti**

**MADDE 13** – (1) Tahsis edilen işyerlerinin rayiç kira bedeli alışveriş merkezi malikince tespit edilir.

(2) Rayiç bedelin tespitinde, tahsis edilen işyerinin büyüklüğü ve alışveriş merkezi içindeki konumu, alışveriş merkezinin büyüklüğü ve bulunduğu yer, potansiyel iş hacmi ve ciro gibi hususlar dikkate alınır.

#### **Tahsis edilen işyerlerinin duyurulması**

**MADDE 14** – (1) Tahsis edilen işyerlerine ilişkin kiralama duyurusu, ilgili üst meslek kuruluşuna ve üyelerine duyurulmak üzere o ilin esnaf ve sanatkârlar odaları birliğine alışveriş merkezi yönetimince yazılı olarak gönderilir.

(2) Kiralama duyurusu, ilgili esnaf ve sanatkârlar odaları birliği ve ilgili üst meslek kuruluşu tarafından yazının kendilerine ulaştığı tarihte, alışveriş merkezi tarafından ise yazının gönderildiği tarihte kendi internet sitelerinde ilan edilir.

(3) Kiralama duyurusunda alışveriş merkezinin adı, adresi, kiraya verilecek işyerine ait bilgiler, rayiç kira bedeli, başvuru adresi ve son başvuru tarihi ile başvuru

iin gerekli belgeler belirtilir.

(4) Kiralama duyurusunun ilgili st meslek kuruluşuna ulaştığı tarih, duyuru tarihi kabul edilir.

(5) Birinci ve nc fıkranın uygulanmasından alışveriş merkezi ynetimi sorumludur.

### **Başvuru**

**MADDE 15** – (1) Tahsis edilen işyerlerinin kiralınmasına ilişkin başvurular yazılı olarak alışveriş merkezi ynetimine yapılır.

(2) Başvuru yazısına, esnaf ve sanatkâr siciline kayıtlı olduğuna dair belge ile kiralama duyurusunda belirtilen belgeler eklenir.

(3) Başvuru, alışveriş merkezi ynetimince kayıt altına alınır ve başvurunun yapıldığını gösterir bir belge dzenlenerek başvuru sahibine verilir. Bu belgede, başvurunun tarihi ile tarafların adı, soyadı, unvanı ve imzası yer alır.

(4) Başvuru kayıt ve belgeleri ile rayi bedel hesaplamaları alışveriş merkezi ynetimince, başvuru tarihinden itibaren beş yıl sreyle saklanır.

### **Kiraya verme**

**MADDE 16** – (1) Başvuruları deęerlendirmeye ve tahsis edilen işyerlerini kiraya vermeye alışveriş merkezi maliki yetkilidir. Bu işyerleri, usulne uygun başvuru yapan ve kiralama şartlarını kabul eden esnaf ve sanatkâr işletmecileri ile geleneksel, kltrel veya sanatsal deęeri olan kaybolmaya yz tutmuş meslekleri icra edenlere kiralanır.

(2) Esnaf ve sanatkâr işletmecilerine tahsis edilen işyerlerine yeteri kadar talep olmaması veya boşalan yerlerin, bu Ynetmeliğin 14 nc maddesine gre yapılan duyuru tarihinden itibaren yirmi gn iinde doldurulamaması hlinde, bu işyerleri dięer talep sahiplerine kiraya verilebilir.

(3) Bu maddenin uygulanmasından alışveriş merkezi maliki ile ynetimi mştereken sorumludur.

### **Kaybolmaya yüz tutmuş mesleklerin tespiti ve ilanı**

**MADDE 17** – (1) Geleneksel, kültürel veya sanatsal değeri olan kaybolmaya yüz tutmuş meslekler, ilgili üst meslek kuruluşunun görüşü alınmak suretiyle Bakanlıkça belirlenir.

(2) Birinci fıkraya göre belirlenen meslekler Bakanlığın internet sitesinde ilan edilir ve ilgili üst meslek kuruluşuna yazılı olarak bildirilir.

## **BEŞİNCİ BÖLÜM**

### **Çeşitli ve Son Hükümler**

#### **Alışveriş merkezinin sürekli indirimli satış ibaresini kullanması**

**MADDE 18** – (1) Sürekli indirimli satış türünü gösterir ya da çağrıştırır ibarelerin alışveriş merkezince kullanımı, içindeki perakende işletmelerin her birinin sürekli indirimli satış yapmasına bağlıdır. Bu ibarelere, alışveriş merkezinin ön cephesinde kolaylıkla görülebilir ve okunabilir bir şekilde yer verilir.

(2) Beslenme, eğlenme, dinlenme, kültürel ve benzeri hizmetlerin ve/veya hızlı tüketim mallarının satışını yapan lokanta, sinema, berber, terzi ve market gibi perakende işletmeler ile niteliği itibarıyla sürekli indirimli satış türüne uygun olmayan diğer perakende işletmeler birinci fıkranın uygulanmasında dikkate alınmaz.

(3) Alışveriş merkezince sürekli indirimli satış türünü gösterir ya da çağrıştırır ibarelerin usulüne uygun kullanılmasından alışveriş merkezi maliki ve yönetimi müştereken sorumludur.

#### **Güvenlik hizmeti**

**MADDE 19** – (1) Alışveriş merkezinin otopark dahil her türlü bağlantı ve eklentileri ile giriş ve çıkışlarında 10/6/2004 tarihli ve 5188 sayılı Özel Güvenlik Hizmetlerine Dair Kanun ve ilgili mevzuatı çerçevesinde özel güvenlik hizmeti sağlanır.

(2) Alışveriş merkezinde bebek bakım odası ve tuvalet gibi niteliği itibarıyla kayıt altına alınması uygun olmayan alanlar dışındaki ortak kullanım alanları kamera ile kayıt altına alınır ve bu kayıtlar en az otuz gün süreyle saklanır. Bu kayıtların

saklanmasıdan alışveriş merkezi yönetimi sorumludur.

#### **Denetim ve ceza hükümleri**

**MADDE 20** – (1) Bakanlık, bu Yönetmeliğin uygulanması, uygulamada ortaya çıkan sorunlar ve şikâyetlerle ilgili olarak alışveriş merkezleri nezdinde denetim yapmaya yetkilidir. Bakanlık bu yetkisini taşra teşkilatı aracılığıyla da kullanabilir.

(2) Yetkili idareler, Bakanlığın talebi üzerine bu Yönetmelik hükümleri çerçevesinde, alışveriş merkezleri nezdinde ön inceleme mahiyetinde denetim yapmakla görevlidir.

(3) Yetkili idareler tarafından ikinci fıkra kapsamında yapılan denetimin sonuçları, denetimin sonuçlandığı tarihten itibaren on beş gün içinde il müdürlüğüne bildirilir.

(4) Kanunun 18 inci maddesinin birinci fıkrasının (h) bendinde öngörülen idari para cezalarını Bakanlık, diğer bentlerinde öngörülenleri ise Bakanlığın talebi üzerine yetkili idareler uygulamaya yetkilidir. Bakanlık idari para cezası uygulama yetkisini, merkezde İç Ticaret Genel Müdürlüğüne, taşrada il müdürlüğüne devredebilir.

#### **Geçiş hükümleri**

**GEÇİCİ MADDE 1** – (1) Kanunun yürürlüğe girdiği 29/1/2015 tarihi itibarıyla faaliyette olan alışveriş merkezleri, 4 üncü maddenin (ç) ve (d) bentlerindeki nitelikleri bu Yönetmeliğin yürürlüğe girdiği tarihten itibaren bir yıl içinde sağlar. Bu fıkra gereğince alışveriş merkezlerinde yapılacak tadilatların yapı ruhsatının yenilenmesini gerektirmesi durumunda ruhsatlandırma, alışveriş merkezine yapı ruhsatını vermiş olan idare tarafından yapılır.

(2) Perakende Bilgi Sistemi uygulamaya geçinceye kadar yapı kullanma izin belgesi verilen alışveriş merkezlerine ilişkin gerekli bilgiler, yapı kullanma izin belgesinin düzenlendiği tarihten itibaren on beş gün içinde, hâlihazırda faaliyette olan alışveriş merkezlerine ilişkin gerekli bilgiler ise bu Yönetmeliğin yürürlük tarihinden itibaren üç ay içinde yetkili idare tarafından yazılı olarak Bakanlık İç Ticaret Genel Müdürlüğüne bildirilir.

(3) Bu Yönetmeliğin yürürlüğe girdiği tarihten itibaren alışveriş merkezlerinde boşalan satış alanları, esnaf ve sanatkâr işletmecilerine kiralanmak üzere tahsis edilmesi zorunlu orana ulaşana kadar, 12 nci, 13 üncü, 14 üncü, 15 inci ve 16 ncı maddelerde belirtilen usul ve esaslara uygun olarak esnaf ve sanatkâr işletmecilerine öncelik verilmek suretiyle kiralanır.

(4) Bu Yönetmeliğin yürürlüğe girdiği tarihten itibaren alışveriş merkezlerinde boşalan satış alanları, geleneksel, kültürel ve sanatsal değeri olan kaybolmaya yüz tutmuş meslekleri icra edenlere kiralanmak üzere tahsis edilmesi zorunlu orana ulaşana kadar, bu meslekleri icra edenlere 12 nci, 13 üncü, 14 üncü, 15 inci ve 16 ncı maddelerde belirtilen usul ve esaslara uygun olarak kiralanır.

#### **Yürürlük**

**MADDE 21 –** (1) Bu Yönetmelik yayımı tarihinde yürürlüğe girer.

#### **Yürütme**

**MADDE 22 –** (1) Bu Yönetmelik hükümlerini Gümrük ve Ticaret Bakanı yürütür.