

PHASE ONE: LOCATING THE PARCEL

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Although this phase does not involve the lawyer directly, this phase will directly impact all other phases since the due diligence performed during this phase will impact all other phases and will impact the ultimate configuration of the development.

The lawyer must probe his client to understand the reasons for selecting the site and the goals for the development. In this way, the lawyer can properly protect his client's interests in each phase of the development process, particularly during the phase of obtaining site plan approval.

Proper documentation is critical so that if a client decides that he must litigate in order to obtain site plan approval, he may do so after having created the best possible record at the administrative level.

Retail Site Criteria

1. Population density within trade area
2. Accessibility to the population - road network, traffic counts
3. Site access to roads, traffic controls (signals, medians, curb cuts, prohibited movements)
4. Parcel size, assemblages, existing land uses
5. Zoning, land use approved and permitting issues (site planning, signage, design)
6. Site topography; physical conditions, environmental, etc.
7. Cost (land and development)
8. Nearby commercial and retail uses
9. Retail competition
10. Title