

**PHASE ONE: EVALUATING THE PARCEL AND DUE
DILIGENCE**

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 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 when 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.

I. Site Criteria

- 1. Population density within adjacent 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 approval 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. Business competition**
- 10. Title**

II Municipal Site Plan Approval

A. Key Documents:

Zoning Ordinance

Zoning Map

Master Plan/Future Land Use Plan

B. The Players:

Zoning/Planning Department

Site Plan Committee

Planning Commission

Board/Council

Zoning Board of Appeal

C. Approval Processes

Permitted Uses

Rezoning

Text Amendment

Special Land Use

Variances

Planned Unit Development (PUD)

D. Site Plan Approval Process (Permitted Use)

Application (and Fee)

Informal Meetings

Building/Planning Department

Site Plan Committee/Planning Commission

More Fees

Planning Commission – Recommendation

Board/Council Approval

Zoning Board of Appeal (Quasi – Judicial)

Construction Plans/Building Permit (More Fees)

Project Construction

Inspections/Certificates of Occupancy

E. Additional Approvals

Road Commission

Curb Cuts

Road Improvements

(Fees)

Drain Commission

Sewer

(More Fees)

Michigan Department of Environmental Quality

Wetlands

(Even More Fees)

F. Site Plan Approval (Non-permitted use)

Good luck, the price of poker just went up

Who do you know?

Public Hearings

The “friendly” lawsuit and consent judgment

The unfriendly lawsuit