

Trends in Big Box Regulation

University of Connecticut
School of Law
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Dwight Merriam, FAICP, CRE



illustration by Doug Potter

Big-Box Retail Issue Is Contextual

- Location
 - Central city
 - Suburb
 - Rural



“A nuisance may be merely a right thing
in the wrong place, like a pig in the
parlor instead of the barnyard.”

VILLAGE OF EUCLID, OHIO v. AMBLER REALTY CO.

272 U.S. 365

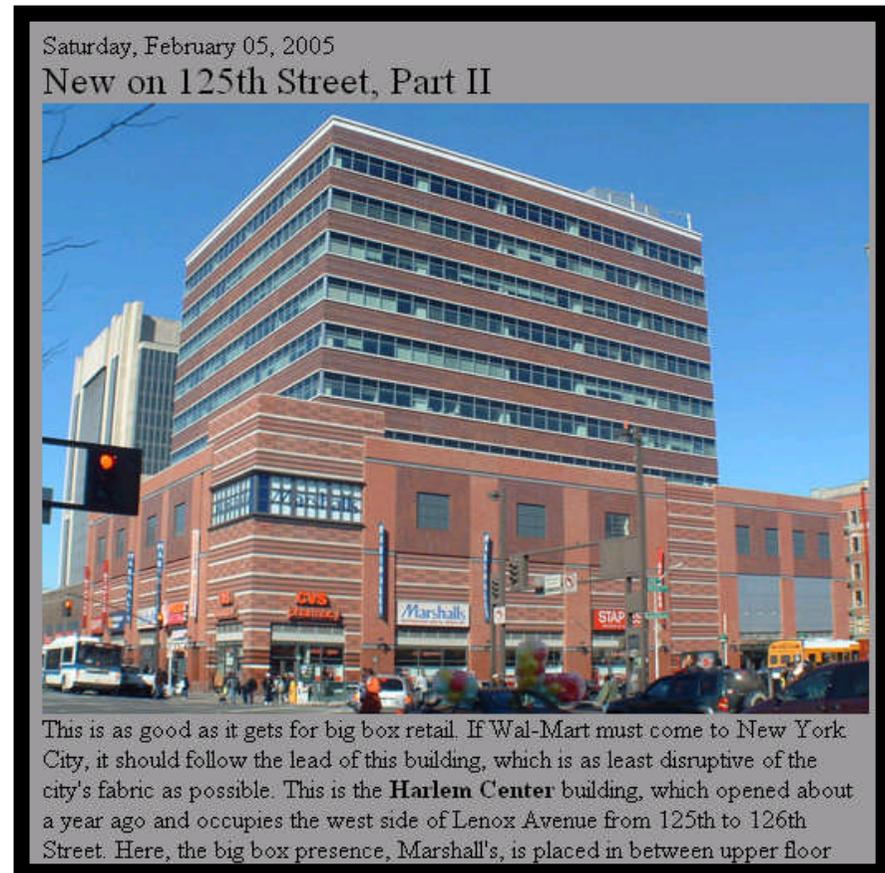
No. 31.

Reargued Oct. 12, 1926.

Decided Nov. 22, 1926.

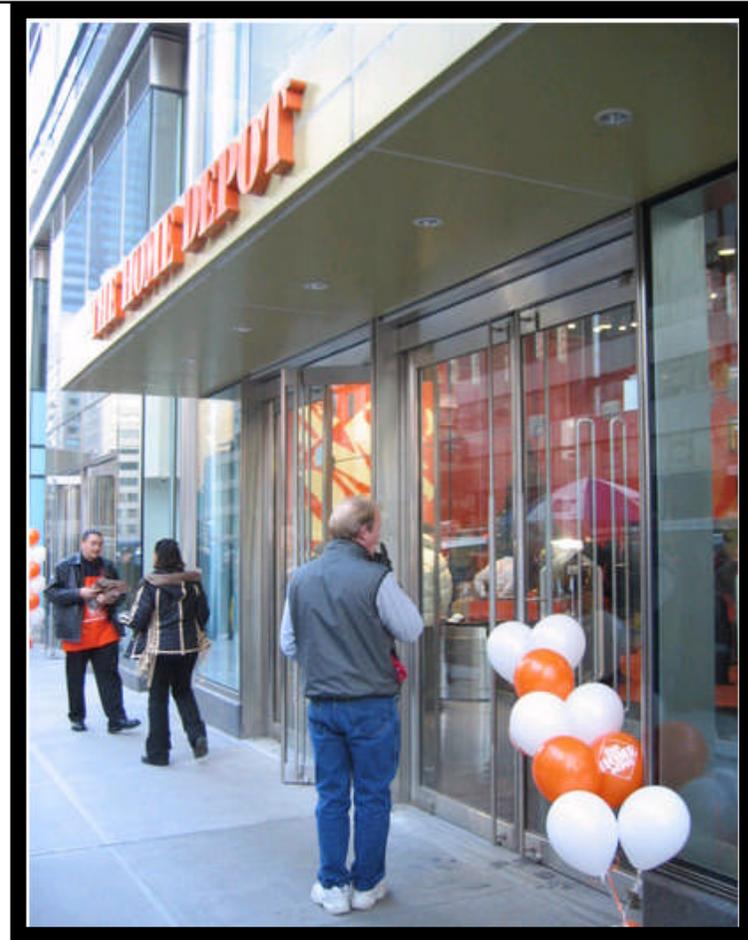
Some Big Boxes Are “Good”

- They can reduce sprawl
- Stimulate redevelopment
- Push smaller retailers to new efficiencies



They Can Work, If...

- Economics
- Regulation





Institutional Infrastructure Is Lacking

- At appropriate governmental level
 - State
 - Substate regional
 - Local
- Local planning and regulation
 - The least desired development will seek the weakest government



Confused Agendas

- ❑ Unionization
- ❑ Wage scales
- ❑ Benefits for workers
- ❑ Adverse impacts on existing retail uses
- ❑ Elitism

...questionable bases for land use regulation



Planning and Regulation Most Effective At Points of Market Failure

- Location
 - Infrastructure
 - Tax
 - Planning and regulation
- Off-site impacts (externalities)
- Appearance
- Reuse

...deflect, not destroy...



Acknowledge Power of the Market

- Most land use decisions market driven
- Roads, water and sewer often lead
 - Simple capital improvement programming could help
- Some locations are “worth” a lot more than others



Regulatory Approaches

- Impact assessment
- Incentive regulation
- Appearance
- Site design

...the economics of value retailing leave little room for exactions...think of the bean bag chair...

Appearance

Typical Super Wal Mart



Features of a Typical Big Box Development

- Massive One-Story Building
- No Landscaping in Parking Lot
- Prototype Exterior
 - Long Unbroken Expanse
 - Typically Concrete Block
 - Few Architectural Features
 - Devoid of Roof Features
 - Traditional Prototype Colors

Big changes for big boxes?

Here are three examples of requirements that Wal-Mart and any other store 75,000 square feet or larger might have to meet if the proposed guidelines by city-county planning staff are approved:

A pedestrian plaza at least 20 feet in depth would be required in front of the store's main entrance. The design standards encourage developers to provide enough space to plant trees.



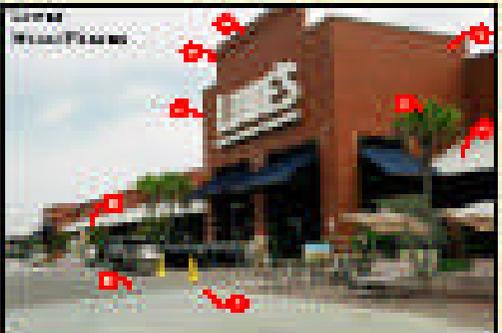
A store's façade could not be flat on any side viewable to the public. Each side would have to be broken up with windows or by a design that varies the building's shape, for example.



Parking lots would have to be broken up every 100 feet with tree islands, and there would have to be a public sidewalk from the lot running to the store's main entrance. The sidewalk would be separate from driving lanes.

Source: City-County Planning Department

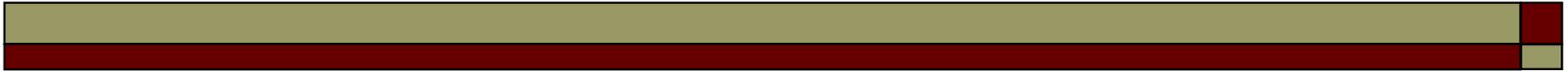
Big Box Development: We Have a Choice

	<p>Issues it's Typical Big Box Development</p> <ul style="list-style-type: none"> • Poor site planning • Poor site grading • Poor site drainage • Poor site lighting • Poor site landscaping • Poor site signage • Poor site security 		
<p>What You Get Without Local Design Standards</p>			
	<p>Minimum Design Standards</p> <ul style="list-style-type: none"> • Site plan • Site grading • Site drainage • Site lighting • Site landscaping • Site signage • Site security 		
			
<p>What You Can Get With Local Design Standards</p>			

Abandonment and Reuse

Abandoned Big Box Store







What To Do?

- Reuse plan
 - Flexible site plans
- Sinking fund
 - Money to design, market, convert



The exterior of the Grace Fellowship still resembles the building's origins as a grocery store. In big box renovations, the exterior is the last thing to be renovated, since function is the main priority for most institutions that are moving into these buildings.



When You Get Lemons, Make Lemonade...

- Central city development
- Greyfields
 - Dead malls
 - Failed open centers
- Get plans and regulation in place now
- Be flexible
- Assemble land and provide pre-approvals



Greyfield Landscape...

- 1,690 to 2,080 regional malls nationwide
- About 7% greyfields now: Between 114 and 140 greyfield regional malls nationally
- 12% more are vulnerable: Between 203 and 250 additional malls
- 12 New Urbanist redevelopments in 10 states

Greyfields

Dead mall redevelopment:

Malls built in the 1960s, 70s, and even 80s are already failing in cities and older suburbs. But with the help of new urbanists, some are being converted into real neighborhoods.



Shopping Malls Adopting New Strategies to Survive



Tim Shaffer for The New York Times

The Bahama Breeze restaurant outside the Cherry Hill Mall in a New Jersey suburb of Philadelphia. The mall, built in 1961 as the first fully enclosed mall in the eastern United States, is freshening its image.

Mashpee Commons





Mashpee Commons

- ❑ Built 1960
- ❑ 62,000 square feet
- ❑ Food store, a home furnishings/hardware store, a bank, restaurant and a theater



















Today

- Grided, walkable street pattern
- Street trees, on-street parking, pedestrian lighting, sidewalks, benches, plazas and plans ultimately for residential development
- Parking lots relocated to the rear of the buildings

- 
-
- Uses include a library, a church, a Boys and Girls Club, a post office, a six-screen movie theater, several restaurants, senior center and elderly housing
 - 278946 ft.² of commercial tenants
 - 40 residential units above the retail space



Seize the Opportunity...

And This Might Be Yours...

