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Bedford Twp. plans Wal-Mart vote
Action may clear path for store

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It's a classic growth, no-growth fight, with residents on both sides, politicians on both sides, and a lot of money at stake. The fight is being played out in Toledo's largest suburb, Bedford Township - a once rural, now suburban tract of land on Toledo's northern border.



Wal-Mart wants to build on a 51-acre parcel adjacent to Lewis Avenue in Bedford Township. (THE BLADE)

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Until now, township residents have been fairly successful in controlling commercial

growth, but a new crop of business-friendly township trustees are poised, opponents say, to approve a Wal-Mart Supercenter adjacent to one of the largest housing subdivisions in the township.

"This will change the whole feel of our community," said Dennis Rabb, who lives in the Indian Trails neighborhood that is about 200 feet west of the proposed big-box store's location. "It's important to look at our long-term needs and to maintain the quality of life here."

But some township officials said the store could provide the township with needed taxes and would keep money in Michigan that would otherwise filter to Toledo.

"There are a lot of things to look at. The taxes that would come in are one of those things," said Trustee Rick Steiner. "We are just hoping to move forward on this so that we can address other things that affect the community."

The contest is over a 51-acre parcel owned by the Whitman family on the northwest corner of West Stems Road and Lewis Avenue. The proposed Wal-Mart would sit on the northern section currently zoned residential, which abuts Monroe Community College's Whitman Center, named after the Whitmans for contributing the land.

The proposal that will be voted on tonight is the settlement of a

lawsuit Mr. Whitman filed after the township board blocked two rezoning requests - one in 2003 and another in 2004.

The board's reasoning was the same on both occasions. It said commercial zoning for the entire parcel - including the portion zoned residential - would be incompatible with neighboring residential zoning, and it would be in violation of the township's master plan.

After the second rejection, Mr. Whitman sued the township, claiming the rezoning denial was illegal. A nonjury trial is scheduled for Dec. 11 and 12 in Monroe County Circuit Court.

Farmington Hills attorney David Landry said the township has "no choice" but to settle. He believes the 204,000-square-foot store will be built one way or another.

Mr. Landry is representing the township in the lawsuit. The story gets complicated, however, because Mr. Landry was not hired by the township, nor is the township footing his bill.

He was hired by Midwest Claims, the adjusting arm for the township's insurance company, Township Participating Plan. The insurance company would have to continue to pay for the township's legal defense in the lawsuit if a settlement is not reached tonight. It would also have to pay damages if the township loses the suit. Opposition to Wal-Mart's development plans may play a role in the township board's decision.

A local citizens' group, Bedfordwatch.com, formed in 2001 to oppose Wal-Mart's plans to build on the Whitman land.

Under the township's zoning law and state law, a zoning change is subject to a referendum petition that - through the gathering of a sufficient number of signatures - would require a direct vote. But township attorney Phil Goldsmith says that if township trustees approve the settlement tonight the decision would not be put to a referendum because, technically, no zoning change is taking place.

The township's lawyer says a "yes" vote tonight would allow developers to build a Wal-Mart Supercenter on the 51 acres without changing the underlying zoning, which is largely residential.

Despite no referendum option, the citizen's group opposed to Wal-Mart is trying to sway the tide. Members have distributed yard signs to residents and asked them to sign petitions for the recall of township board members who approve the settlement.

Township Treasurer Sherri Meyer said "the tax dollars a \$20 million Wal-Mart would bring into the township would be pretty small"- \$33,697 - and the local Crary drugstore, the Food Town supermarket, and the Lambertville Do-It-Best hardware store would likely face massive losses or closure.

"My personal opinion is it will put a lot of local businesses out of business within about a year and a half of the Wal-Mart construction," she said.

The opposition group says that the cost of added crime and the deterioration of township roads that will result if Wal-Mart is allowed into the township will outweigh any small increase in tax revenue the retailer would bring.

Despite citizen concerns, members of the township board have been working to support Wal-Mart's bid.

Over the last several months, Mr. Whitman said he and his attorney have met with township Supervisor Walt Wilburn and trustees Dennis Steinman, Larry O'Dell, and Paul Francis. He said they have expressed a desire to "resolve this without a trial."

According to Mr. Whitman's account of the negotiations, Mr. Wilburn and Mr. Steinman attended these negotiations most frequently. He said that the four board members never met together at one time because Michigan's Open Meetings Act would have required the meeting to be open to the public.

One of the new trustees on the board, Paul Francis, is Mr. Whitman's cousin and has received election contributions from the Whitmans. Mr. Wilburn's 2004 campaign received \$1,000 from Mr. Whitman.

While Mr. Whitman would not comment on the exact sale price to Wal-Mart, the 8.49-acre Whitman Ford dealership has an assessed value of \$984,730, according to township property records. With commercial value typically running about twice assessed value, the 51-acre plat would be worth roughly \$12 million.

Board members would not comment on how they might vote tonight.

Mr. Francis said he is "a little conflicted" over his relation to Jon Whitman," and he said he is considering whether or not to vote on the issue.

Mr. Wilburn said he "wasn't for sale and never will be." He said, "people contributed to my campaign because they liked me. ... I didn't go out asking for any contributions."

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