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Judge backs Lockport on planned site for Wal-Mart

By Jody Paige
Special to the Tribune

A Will County judge Tuesday agreed with Lockport's plan for a giant Wal-Mart at Farrell Road and 163rd Street, near Lockport Township High School.

Some in a group of residents opposed to placing a big box store in the neighborhood fought back tears as Judge Herman Haase said the decision to allow the retailer to build a 24-hour, 203,000-square-foot building on 25 acres was not "arbitrary, capricious or unreasonable."

The city's public hearings on the matter were proper and extensive, he added. The City Council approved the concept in April 2005.

David Irace, president of REGAL, Responsible Economic Growth Around Lockport, said the decision leaves the group cold.

"It's disheartening to be railroaded by a city like that," he said. "It was a foregone conclusion what they did without any thought toward residents."

Residents said they feared a loss of property values, intrusions on their privacy and space, increased traffic with inadequate roads to handle it,



Tribune photo by José M. Osorio

Lockport plans to allow a Wal-Mart to be built on this vacant site at Farrell Road and 163rd Street.

LOCKPORT: Opponents can't afford to hire experts

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intrusive lighting around the store, liquor sales in close proximity to Lockport Township High School and insufficient parking.

The group also suggested the city had violated its comprehensive plan that originally had the land zoned as light industrial, but was changed to commercial.

But Haase said the city is not

bound by its comprehensive plan and nobody had stepped forward in many years with interest in industrial development of the land.

It's also unreasonable to think the agricultural uses that once dominated the area would return, he added.

Although Haase said he could understand that neighbors don't want to look out their windows at a mammoth store, he noted that opponents had not brought in outside experts to back up their opinions.

"Some things simply cannot be quantified," said Mark Daniel, attorney for REGAL. "It's called the use and enjoyment of their property."

Although REGAL raised between \$30,000 and \$40,000 to fight Wal-Mart, it was not enough for experts, Irace said. Plus, the city had at least a year

to research and prepare for hearings while residents only had a few months to mobilize after they learned of the plan.

The group has not decided if it will appeal Haase's ruling, Daniel said.

The city's attorney, Jim Murphy, said an appeal would face an "uphill battle" in higher courts.

Robert Gamrath, an attorney representing Wal-Mart, said he expects the company to apply soon for the proper permits and perhaps break ground by summer. If all goes as scheduled, the store would be open by mid-2007, he said.

That is a prospect Irace and many of his neighbors dread, as evidenced by for sale signs that have cropped up in the neighborhood.

"I'll be interested to see if there is a mass exodus," he said.