

Glen Carbon Residents Challenge Expansion Of Town's Wal-Mart

Last Tuesday, August 28, several citizens of Glen Carbon filed suit in the Circuit Court of Madison County to stop the proposed expansion of Wal-Mart in Glen Carbon.

The lawsuit asks the court to nullify the controversial vote to approve several variances related to the potential Wal-Mart expansion at the Cottonwood Mall on Route 159 in Glen Carbon.

In June, the Glen Carbon Village Board voted to approve the site plan and its attached variance requests.

More than 100 residents packed the village board meeting chambers to object to the vote, along with nearly 1,000 residents that signed petitions against the expansion.

Now, the village board's action is being challenged.

"Residents of Glen Carbon are not going to sit idly by while the laws that govern our community are tossed aside because our elected officials place a higher priority on tax revenue and corporate interests than the well-being of their constituents," said Karen Bracki O'Koniewski, spokeswoman for the GlenEd Citizens For Fair Growth, the community group leading the charge against the expansion.

"Elected officials in Glen Carbon should first consider the best interests of our residents and balance that against the corporation's request," O'Koniewski continued. "The THF/Wal-Mart request was invalid at best and the fact it was granted is illegal, irresponsible and unethical."

"I am disappointed that village taxpayers will have to pay to defend this meritless claim," said Glen Carbon Mayor Robert L. Jackstadt. "I believe in the judicial system and I believe that the court will uphold this village board's decision made on June 12."

The lawsuit asserts that the variances granted to THF Realty on behalf of Wal-Mart were done so illegally, as THF failed to state a hardship as to why they should be exempt from following existing requirements.

In order to have a variance granted, an applicant must file a variance request that states what

hardship it will suffer if the variance is not granted.

The claimed hardship must meet six requirements in order for a variance to be considered, let alone approved. In addition, the hardship cannot be of the applicant's own making.

"Wal-Mart, the largest retailer in the world today, would certainly have a hard time convincing anyone that it suffers any hardship," O'Koniewski stated. "Perhaps that is the reason that THF Realty left this section of the application blank. As such, there is no hardship facing THF/Wal-Mart. Furthermore, there can be absolutely no subsequent finding by Glen Carbon officials that such hardship has been established. Thus, a variance can not be granted legally by the Village of Glen Carbon."

"I spoke at the village board meeting where this application was improperly considered and illegally granted, and I told them then and there that they could not legally grant it based on several omissions in the application," said Penni Livingston, attorney for the plaintiffs in the lawsuit filed.

"I enlarged the application to a poster-board sized exhibit, showing the board and the rest of the village that THF/Wal-Mart failed to state a hardship," Livingston stated. "They should have played by the rules during this process. Instead, they decided that catering to Wal-Mart was more important than honoring the commitment they made to the citizens of Glen Carbon who trusted them to fairly exercise their public duties."

"As our village counsel - who is an experienced municipal lawyer - explained to the attorney that filed the suit on June 12, the Planning Commission was the proper panel to review the parking lot variance according to Illinois state statutes and Glen Carbon's own ordinances," Jackstadt continued.

Many Glen Carbon residents are disappointed in the recent actions by their elected officials.

Members of the GlenEd Citizens For Fair Growth see this lawsuit as

a necessary message to send to the current administration, according to O'Koniewski.

"Putting the desires of Corporate America above the safety and well-being of the Village of Glen Carbon is unacceptable," stated O'Koniewski.

O'Koniewski, Livingston and other concerned citizens made statements regarding this lawsuit outside of the Glen Carbon Village Hall last Tuesday night just prior to the village board's meeting.

Immediately following, several citizens attended the Glen Carbon Village Board meeting and formally presented the mayor and trustees with the lawsuit.

"Both the Glen Carbon Planning Commission members and village board members spent many hours reviewing the documents in order to make the votes each yes," Jackstadt said in conclusion. "The village board did take into consideration the 1,000 signatures opposing the Wal-Mart expansion and the approximately 3,000 signatures from persons supporting the Wal-Mart expansion. In the end, the elected officials followed their oath."

In response to the lawsuit, Jackstadt released a list of several items that he feels the public should be keep in mind regarding the THF/Wal-Mart proposal:

- Wal-Mart already exists in Glen Carbon at the same location of the redevelopment plan; thus, there is no elimination of green space or residences.

- Wal-Mart has been in Glen Carbon since 1979 and the proposed plan will improve and upgrade the appearance and increase the value of the property as well.

- The proposed plan complies with existing zoning ordinances for that property.

- Glen Carbon is not paying THF Realty or Wal-Mart any money to do this expansion or remodeling.

- Unlike the Lowe's development, the village will not be paying the developer \$4 million to tear down structures and to build a new facility.

- The Glen Carbon Village Board did not ask THF Realty or Wal-Mart to build a Supercenter in Glen Carbon or to remodel the shopping center.

- The Orchards subdivision was

built after the existing Wal-Mart and Cottonwood Mall was built.

- State Route 159 was recently expanded to five lanes and IDOT says that any impact to the existing intersections is considered to be minimal at best.
- The redevelopment plan will correct any existing deficient traffic or parking conditions.
- Additional landscaping islands will be installed to channel traffic and additional landscape enhancements to the site will be utilized in the parking lot, including 146 trees.
- Even with the variance, the new parking lot will have considerably more parking (4.47/ per 1000) than other municipalities require in the area, including Edwardsville (3.3 per 1000); Belleville (3.3 per 1000); Marion (3.3 per 1000); Webster Groves, Missouri (3.33 per 1000); and Creve Coeur, Missouri (4.0 per 1000).