

Attn: Planning Services Team

Subject: Case 17-1-93 & Case 17-1-94

Dear Erin Venard:

I am Gary Grant, property owner of the residence on Aero Drive, on the south end of the block containing the proposed 15,000+SF show room & fast food restaurant development on Rt. 59 & immediately adjoining the future proposed single lot depth commercial developments on Rt. 59.

I am *opposed* to the subject proposed rezoning & development for the following major reasons:

**The** location of these properties is in the unincorporated portion of Dupage County. We are very concerned that the petitioners are subverting the County's stance from a year & a half ago. Specifically, that a large scale business located in the middle of an established unique residential area is not a good idea. In addition, the petitioners are now going to a segment of government that is not accountable to any of the residents directly affected in this residential aviation community.

**The** petitioner is requesting a drive through variance against the residential sides of the proposed development indicating that the business vision is simply too big for the space available.

**Fifteen feet** from the property line? Blocking their own parking spaces?

**With** or without the variance, the traffic circulation plan is pushed to the very edges to accommodate the disproportionate commercial building. **Issues:** drainage, noise, lighting, restaurant odor, parking lot auto pollution, access to sunlight, security, privacy, traffic increased on Aero Drive. Its out of place.

**While** I/we have not been able to completely review the proposed drawings, I observe that the development will be several feet above the surrounding area. **Issues:** drainage/absorption/percolation in a neighborhood that is solely septic systems. No buffer. The proposed development is higher & shedding water into the surrounding area. The Ashley Furniture site was filled in several feet above the surrounding grade & as a consequence the trees along the north side of 79<sup>th</sup> St. are flooded & dying as local evidence of landfilling.

**Drainage** coupled with neighborhood well & septic systems is a serious problem.

**Other** small businesses in the area on Rt. 59 did not alter their buildings, maintaining a residential appearance.

**The** church is also unincorporated on 6 lots. Forcing annexation is simply wrong. Once rezoned as B2 the church will be forced out & replaced with more strip mall without neighborhood input.

**The** property values in the immediate surrounding area will decrease with any commercial development. The piecemeal approach *will guarantee* a loss of property value to the remaining residential properties. Case in point, the Penny Mustard area. In our general township area, the ratio of residential tax support is about 60% while the commercial contribution is 40%.

**Speculative** real estate purchases *must not* be supported by the surrounding property owners. We feel no obligation to contribute our hard earned property values to compensate for speculation & contingent purchases. Now, a drive through fast food restaurant, with no doubt extended hours if not 24/7 operation, with a more invasive variance is proposed. North bound Route 59 access only? How can this be a successful business plan? Yet another vacant strip mall. These proposed changes will negatively impact our residential aviation community forever. Many residents cannot afford to move. This letter is their voice.

*And why should we be forced from our land?*

**How** can this be justified? There is no shortage of commercial properties in the area ready for occupancy, remodel, or purchase. Showrooms are on the internet now, resulting in increased commercial vacancies. Not only is there is an increasing net outflow of people & businesses from IL, depressing property values by simple supply & demand but, we must endure battles in our own back yard with speculators further pushing values down. *We look to the government to watch out for us little guys* who may be somewhat disorganized & do not have funding nor a team of lawyers, engineers, architects, & political negotiators.

For me personally, I have lost over \$20k in just the past month in appraised property value.

**Piecemeal** development is not acceptable here.

**Written** comments are due before case information is made available on 12/1/17. The only documents available indicate an estimated 15,200 SF. While somewhat smaller than their proposal to DuPage County a year & a half ago, it still does not reflect our unique residential aviation community look or needs.

**Questions:**

**This** showroom is proposed in the middle of a residential area despite a large number of vacancies in the targeted Naperville area available for purchase, commercial move in, & development.

**We** select living here because it is cost effective for residences as well. We live in the unincorporated area for many reasons. Why is this developer forcing/coercing an annexation path to his new purchase? As property owners, we are *not interested* in annexation, the associated additional regulations & costs.

**From** the website, the proposed development is greater than twice the size of the existing showroom. What else is going in the proposed location? Replacing the church with more oversized commercial structures.

**In** the same shopping center that Best Buy Carpet is located, the old Sports Authority is vacant, close to Route 59 & ready for purchase/lease, remodel, occupancy, & signage.

**The** Naper Aero Club Home Owners Yearly Meeting had been published months ahead of time & is being held at the same time as the Planning & Zoning Public meeting, also during the Thanksgiving holiday.

**Coincidence? No**

The petitioners have been working & maneuvering on this for over a year since the County meetings.

**We were not given the luxury of time to respond. As a spokesman for & on behalf of the Aero Estates home owners, we request a continuance to a later date such that more understanding can be made by those directly affected. It is critical that the residential aviation community remains complete.**

  
Gary Grant

  
Naperville, IL 60564

City of Naperville  
400 S Eagle Street  
Naperville, IL 60540

Ref NVL 112917

12/4/2017

Dear Planning and Zoning,

I have lived at Aero Estate in Naperville for 9 years at [REDACTED]

With all the commercial development and traffic around Highway 59, the noise level and street dust is worrisome. I can no longer open my windows at night because the traffic noise keeps me up at night. I have noticed that drag racing is also prevalent in the wee hours of the morning.

In addition, crime has increased in our neighborhood. **Four weeks ago**, a window was directly pried off our building by an intruder to break in. I have since learned that several of my direct neighbors were also broken into. These were not high school pranks; heavy generators were stolen from the neighborhood. Regularly, someone in the neighborhood reports a burglary.

Our neighborhood is practically surrounded by commercial development. And with this development comes more crime since there are so many people loitering in the neighborhood. I now use my burglar alarm every day, even while I am in my home during the daylight hours.

Naperville is relatively crime free, **except in commercial areas**. I now read about armed robberies in Naperville, which used to be rare, but now seem to be commonplace near busy intersections. This is becoming a real danger to all citizens in the city. We cannot encourage outsiders wandering our streets in the guise of shopping but really scoping out targets to victimize.

Please do not allow more commercialization near my home. We all want peaceful neighborhoods-- that is why we all live here in Naperville. You know that if you lived in our neighborhood, you would be protesting commercial development just as I am doing now. This is my backyard! Please be empathetic to what is surrounding us.

Sincerely,

[REDACTED]  
Gina Kerwin

**Kerwin**

[REDACTED]  
Naperville, IL 60564

December 4, 2017

TO: City of Naperville Planning and Zoning Commission  
400 South Eagle Street  
Naperville, IL 60540

FROM: Christine Greenstreet  
[REDACTED]  
Naperville, IL 60564

RE: NVL 112917

This is just like Sexual Harassment. Doesn't "NO" mean "NO" anymore? Evidently not! What the City of Naperville and Mayor Chirico are trying to do is just as deviant and as hurtful as the effects of sexual harassment. One side is sending a clear message of "NO", but the other side is not listening perusing their own interests not caring about who gets hurt. It concerns one entity asserting power and money to get what they want, over another that clearly has said "NO". We said it a year ago, and we are saying it now "NO". Not just "NO" but "HELL NO". What does it take for you to listen?

The initiative, NVL112917, calls for annexation of two properties along Rt. 59 just south of 79<sup>th</sup> street adjacent to Naper Aero. This plan/initiative was rejected by Dupage County Planning and Zoning because the residents of our subdivision objected it. The County said "NO", so why reformulate and reintroduce the proposal? It's all about MONEY!

There are numerous vacant commercial properties and buildings along the Naperville side of Route 59 that could generate revenue for the City of Naperville and that could house proposed restaurants and retail sales establishments without destroying a well established residential subdivision.

Here's one solution I'd like to suggest. Why doesn't the City of Naperville give an incentive to already commercially zoned vacant building and land owners that if they fill those vacant spaces to generate revenue they will get some type of kickback or reduction in their taxes? This would be just like the incentive or kickback that was promised to the World Mission Society Church of God, although they don't generate revenue, if they caved in and agreed to annexation and rezoning. RIGHT? Wasn't their incentive free sewer and water hookup which would fix their costly septic system issues, although the residents of Aero Drive would be charged somewhere in the vicinity of \$10,000 upward to \$30,000 to connect to the same service we residents of Aero Drive would be forced to connect to due to annexation. Caring neighbor, now aren't they?

I live on Aero Drive. This initiative will directly impact my homes value, significantly increase traffic on Aero Drive, create elevation/drainage issues, invite wildlife and pests to venture from the forest preserve to my backyard, cost me money because I'd be forced to hook up to city water and sewer, and reduce the general quality of life for the airport community I call home.

Please take these objections into serious consideration when you vote for NVL 112917.

Regards,  
Christine Greenstreet

**From:** Erika [REDACTED]  
**Sent:** Friday, December 8, 2017 5:53 AM  
**To:** Martinez, Kamala; Hastings, Sean; Hansen, Carrie; Fessler, Brett; Hanson, Bruce; Losurdo, Anthony; Williams, Robert; Bansal, Krishna  
**Subject:** Re: Commercial Zoning B2 approval for Church @ Aero Estates

Hello-

We want to inform you that we are not going to agree to B2 Zoning if the church with your "special condition" as you wrote it. We will contest the B2 zoning and insist on church use only. We will never

allow the City of Naperville to build commercial on Aero Drive.

We will appeal and/or sue Mayor Chirico and the City of Naperville if you follow through with this B2 zoning for the church. The law is on our side on this one, and you can't re-write your own zoning codes that aren't legally applicable. B2 with whatever clause you wrote is NOT a valid zoning code, and you have broken your own municipal code. We can sue the City for doing this to us, and we will. Watch us.

Sent from my iPhone

On Dec 7, 2017, at 2:42 AM, Erika [REDACTED] wrote:

Additional questions:

1) If you are a Planning and Zoning Commission why do you expect the residents to do the planning with the developers for you? How is that supposed to work? It is your City's development take over project.

2) The fact that you want to divide a small community neighborhood between various jurisdictions is unacceptable. This is not good planning. You're trying to push your jobs off on residents who don't want development. This doesn't make you look good, collectively, FYI.

Bottom line: You can't split up Aero Estates between various communities. THIS is a huge issue our residents have with our ability to operate as a community. It is offensive that the City of Naperville thinks this is proper or at all acceptable.

Sent from my iPhone

On Dec 7, 2017, at 1:30 AM, EL Selig [REDACTED] wrote:

Hello -

I was at the meeting last night.

1) I am requesting clarification regarding your approval of the final petition of the evening. I don't understand how you can approve a petition for B2 status, which is "commercial use" and then make a note of some sort stating "for church use only". Isn't this a blatant contradiction? Legally speaking, it makes no sense. How does that work? Have you ever done that type of non-standard hasty "approval" of a petition, where you essentially re-write the petition for the flailing attorneys? Legally speaking, you should have told the developers and attorneys to go back and re-write the petition for "church use only" and you never should have conditionally approved the B2 status. This is very problematic for Aero Estates residents.

2) Do you understand that by approving the B2 status, you have essentially approved the building of ANY property on AERO DRIVE, a tiny residential street built in the 1960s, where blue collar workers and their children and grand-children play? And we are supposed to trust YOU people to "look out for us" if

they decide to tear down the church (which they already have decided will happen - they were lying)? Oh please.

3) It seems that most of you just wanted to push this through to City Council, as the Mayor told you to do, regardless of the lives of 100s of residents that will be adversely affected, regardless of following proper procedures and the law (the City did NOT follow proper notification procedure and this B2 zoning approval was a joke).

4) I appreciated Mr. Hastings support of Aero Estates, as he was the only member of your Planning and Zoning Commission that fully supported us and voted no on all the petitions.

5) Ms. Martinez, it is disturbing how ill-informed you are on the operations of an Airport Community that you plan to take over. You clearly do not understand the impact of commercialization in OUR specific neighborhood, and grouping us into the so-called "Highway 59 booming development" is negligent on ALL of your part. Our neighborhood never was meant for development, and to act like "oh get over it, development happens" is rude and insensitive.

6) You ALL also seemed to misunderstand the FACT that Highway 59 IS already approved for commercial development, but DuPage County approved a condition that the business must look like residences (like those on Washington). We were requesting that the commercial zoning REMAIN AS IS - no new construction, no tearing down of the church.

7) Residents are NOT against "commercial property" on Hwy 59 - we don't want the City or Developers to TOUCH Aero Drive and 79th, 81st streets that are 100% residential and should NEVER be commercial.

The most annoying part is that you people who know very little about our neighborhood or the flying community act as if the community IS inevitably at the mercy of "Highway 59 development" yet you act like you know what is "best" for residents? And then you say you are looking out for us?

FACTS you tried to ignore: There are 150 vacant stores along Highway 59. Your support of these developers' petitions is just going to add to the collective waste. You clearly haven't been down Highway 59 if you think it is "booming" - it's mess, and it's unsafe, and the crime you bring to our community with this development will be on your hands.

Also, you made some erroneous statements. You made a statement as if the residents have NO SAY - "you can't tell others what to do with their property" - yes that's what the CURRENT zoning regulations by DuPage County clearly do.

Here are the FACTS: The Martinez gang bought RESIDENTIAL HOMES in a neighborhood that they wanted to take over and destroy, with the specific intent to commercially develop right on top of residents. THEY DID NOT CARE ABOUT US. Unfortunately for Aero Estates residents, Mayor Pradel retired, and now this evil Chirico guy who has a vendetta against his ex-wife who lives in Aero Estates is in on it.

This is NOT "development as usual" and I hope if you learned anything to pass on to Chirico and the Council, it is that this will get very, very, messy, if it has to, and we will not just go away.

Student Veer Kaushnik - he was the smartest one on your panel. You should listen to him. He said,

"this will be the worst thing the City of Naperville has ever done, to destroy their community for development" - and he's right.

Thank you for your response to my questions.

**From:** David Groth [REDACTED]  
**Sent:** Monday, January 22, 2018 9:55 AM  
**To:** Naperville City Council <[Council@naperville.il.us](mailto:Council@naperville.il.us)>  
**Subject:** Naper Aero Rezoning and Annexation

Dear Councilmembers,

I am opposed to the proposed annexation and commercial rezoning of Aero Estates because of the negative effect it will have on the community. The initial



impact is that the property adjacent to the new businesses would be devalued as nobody wants to look at the back of a commercial building relative to living within a neighborhood. Increased traffic on Aero will also be a negative in both property values, safety and security of the airfield. Over time you can imagine that this commercialization will continue to progress as residents leave and the only entities interested in the properties are the commercial developers.

Naper Aero is a gem of the community and the city in fact, the Lima Lima flight team started here and has been embraced by the city as its own even though our community is not an official part of the municipality.

I ask that you protect our community and way of life by not voting for this annexation and rezoning.

Thank you for your time.

Sincerely,

David Groth

[REDACTED]

Naperville, IL 60564

[REDACTED]

-----Original Message-----

From: Beth Hazdra [REDACTED]

Sent: Friday, January 19, 2018 10:23 AM

To: Naperville City Council <[Council@naperville.il.us](mailto:Council@naperville.il.us)>

Subject: Annexation of aero estates

I am opposed to the proposed annexation of aero estates. The annexation would jeopardize the safety of our community and drastically reduce the value of our homes. Rt 59 has already become a sea of retail stores and restaurant. Further commercial development south of the mall is completely unnecessary. Please hear our voices and stand up for our community.

Sent from my iPhone

**From:** Donna Hollnagel [REDACTED]

**Sent:** Thursday, January 18, 2018 8:04 PM

**To:** Naperville City Council <[Council@naperville.il.us](mailto:Council@naperville.il.us)>

**Subject:** Rezoning of route 59

We are residents of Aero Estates and

vehemently oppose annexation to the City of Naperville and the commercial rezoning. We are concerned about property values.

Also, there are several tile and granite stores within a quarter of a mile to the proposed location.

It is totally ridiculous to even consider this proposal.

It a year this building could be sitting vacant like several other buildings along Route 59.

Donna Hollnagel  
this

**From:** Joseph Battoe [REDACTED]

[REDACTED] ry 18, 2018 6:23 PM

**To:** Naperville City Council <[Council@naperville.il.us](mailto:Council@naperville.il.us)>; Chirico, Steve <[ChiricoS@naperville.il.us](mailto:ChiricoS@naperville.il.us)>; Anderson, Becky <[AndersonB@naperville.il.us](mailto:AndersonB@naperville.il.us)>; Boyd-Obarski, Rebecca <[Boyd-ObarskiR@naperville.il.us](mailto:Boyd-ObarskiR@naperville.il.us)>; [broadheadj@naperville.il.us](mailto:broadheadj@naperville.il.us); Coyne, Kevin <[CoyneK@naperville.il.us](mailto:CoyneK@naperville.il.us)>; Gustin, Patty <[GustinP@naperville.il.us](mailto:GustinP@naperville.il.us)>; Hinterlong, Paul <[HinterlongP@naperville.il.us](mailto:HinterlongP@naperville.il.us)>; Krummen, John <[KrummenJ@naperville.il.us](mailto:KrummenJ@naperville.il.us)>; White, Benny <[WhiteB@naperville.il.us](mailto:WhiteB@naperville.il.us)>

**Subject:** Opposition to Route 59 (79th to 83rd) Annexation & Rezoning

**Importance:** High

Naperville City Council,

I would like to go on record expressing my strenuous opposition the proposed annexation and rezoning of properties along route 59 between 79<sup>th</sup> St and 83<sup>rd</sup> St. In full disclosure, I have been a resident of Naperville since 1987 and most recently in the unincorporated neighborhood of Aero Estates (approximately last five years).

In my 30+ years in Naperville, I have been very pleased with our city leaders' stewardship of our community. The Riverwalk and the way in which the city has managed to strike an appropriate balance of national and local businesses downtown has been nothing short of exemplary and could serve as an apt role model for any suburban community.

Speaking at the public hearing on this topic before the city's Planning and Zoning Commission was, to be generous, a less than encouraging experience. Many of my neighbors from Aero Estates passionately shared their opposition to this project for a multitude of reasons, mostly parochial, which one might expect to fall on deaf ears considering unincorporated residents are not voting constituents. While in complete alignment with those neighbors in their reasoning and opposition, I wanted to address an additional relevant point of view from my area of expertise.

The entire U.S. is struggling with excess retail space; vacancies are skyrocketing creating blight on many municipalities. The U.S. has historically offered over 30 sq. ft. of retail space per capital (50% more than Canada and almost 10 times that of Europe). E-commerce is growing at over 20% a year and same store sales for conventional retailers are declining. Price Waterhouse Coopers reports retail store visits in the

U.S. have declined from 35 billion in 2009 to less than 15 billion in 2016. During the recession of 2008, more than 6,100 chain stores were closed, shattering previous store closing records by a large margin. In 2017, approximately 9,000 stores closed and 12,000 are expected to close in 2018. Almost 4,000 have already been announced for this year and it's only mid January. It is widely recognized that the commercial real estate bubble will continue to deflate and could completely burst soon. <http://www.businessinsider.com/store-closures-in-2018-will-eclipse-2017-2018-1>

Transitioning from the national perspective to the local level, at their December 6, 2017 meeting, one Naperville Planning and Zoning Commissioner's response to the concerns I aired included (paraphrasing), "I don't believe that Baloney whatsoever", "I'm a Walmart stockholder", "I don't believe brick and mortar retail will be weak in the future. What future? A month from now? A year from now? A decade from now?" To that commissioner I would say, I'm not a Walmart stockholder, nor any other retailer including Amazon at this time. However, I have met with members of the board of directors at Walmart on multiple occasions. I have made many presentations to C-level executives at Walmart over the years and maintain contact with many current and former executive officers of that chain. I have addressed audiences of senior level retail executives and their suppliers on five continents throughout my career. If I were to address that commissioner with the same level of hubris and temerity he displayed that evening, I'd also point out that Walmart and Amazon traded at the exact same price per share in January of '15. Since then Walmart's shares have risen by 17% and Amazon's by 340%. Over the last three years Walmart has closed 344 stores and shifted its capital expenditure budget from physical stores to e-commerce. And on a local level with regard to your questions of the future being a month, a year or a decade from now... Walmart announced the closing of the Sam's Club on rt. 59 exactly five weeks from when you asked.

Naperville is an amazing city, with great prospects and plenty to be proud of. At the same time, it is not immune to the macro level changes taking place in our country. As it relates to brick and mortar retail versus e-commerce, I suspect that Naperville over-indexes on e-commerce due to our demographics. Multiple times throughout the Planning and Zoning Commission meeting that evening it was rotely repeated that commercialization of rt. 59 has long been a part of the city's master plan. That may very well be true; it may also be equally true that the time has come to revisit said master plan. With well over 100 vacant retail establishments in Naperville today, ([http://www.loopnet.com/illinois/naperville\\_retail-space-for-lease/](http://www.loopnet.com/illinois/naperville_retail-space-for-lease/)) one might ask if forward thinking leadership should prefer to focus on repurposing the vacant space over building more. The buildings contemplated in this development will certainly still be standing long after the bubble bursts – potentially along with many other vacant properties.

With all due respect, I believe we should not be planning Naperville's future based on yesterday's paradigms. Naperville enjoys its success today from some very thoughtful planning in the past. I support my neighbors' grievances and encourage the city council to begin to rethink how we're positioning/preparing our city for the future. I respectfully believe the old tactics have run their course and it's time for new strategies.

If you have indulged me, and read this far, I thank you for your consideration.

Sincerely,  
Joseph Battoe

██████████  
██████████████████

-----Original Message-----

From: JEFF STARR [REDACTED]  
Sent: Thursday, January 18, 2018 12:44 PM  
To: Naperville City Council <[Council@naperville.il.us](mailto:Council@naperville.il.us)>  
Subject: Aero Estates rte59 annexation

Council members,

As residents of Aero Estates, our household is opposed to the annexation and re-zoning of any property adjacent to the Aero Estates neighborhood.

We fail to see the need to re-zone any property for commercial reasons considering the amount of properties we notice that are vacant in and around the city of Naperville. To us, it appears there are several other vacant choices to relocate a business that would have better access and parking for their customers.

Traffic flow from a re-zoned property would also be an issue. As it is right now, there would be no easy way to access southbound route 59 without using Aero Drive. That would create an unacceptable amount of traffic using the residential Aero Drive street. Since there are no sidewalks, many residents on Aero Drive use the street as a walkway. This would create a hazard to the residents and their children on Aero Drive.

There has to be a better way to increase tax revenue for the city of Naperville without destroying the neighborhood charm that we enjoy here in the Aero Estates neighborhood. As the city says all the time; our community is unique in our neighborhoods, activities, residents, and downtown which gives our area a small town charm and feel.

Sincerely,

Jeff and Susie Starr  
[REDACTED]  
Aero Estates

**From:** EL Selig [<mailto:erikaselig@gmail.com>]  
**Sent:** Thursday, January 25, 2018 12:22 PM  
**To:** Naperville City Council <[Council@naperville.il.us](mailto:Council@naperville.il.us)>  
**Subject:** VOTE NO - Aero Estates - City of Naperville Annexation & Commercial Rezoning

PLEASE INCLUDE THIS LETTER IN THE AGENDA FOR NAPERVILLE CITY COUNCIL MEETING REGARDING ANNEXATION AND COMMERCIAL REZONING OF:

1) "World Missions Society Church of God" listed at location 29 W 771 79th Street to a B2 (Community Shopping Center District) *\*The Church's actual address, mailbox and entry/exit to the church parking lot is located on Aero Drive.*

2) 9 So. 065 Route 59, Naperville, IL; 9 So 080 Route 59, Naperville, IL; 9 So. 081 Route 59, Naperville, IL; Parcel Numbers: 07-34-100-027; 07-34-100-028; 07-34-100-029. (Best Buy Granite & Tile Store)

Dear Council Members -

I am writing to voice opposition to the proposed annexation and commercial rezoning by the City of Naperville of the above listed properties, located in the residential community of Aero Estates, unincorporated Naperville.

In December, the Naperville Planning & Zoning Commission held a public hearing, and hurriedly voted "yes" and passed this "piecemeal plan" (to quote your own Planning & Zoning Commission). This poorly planned development deal and petition was passed on to City Council, even though the attorneys for the Martinez Developers and the Church made a multitude of legal errors and lies in their petitions. In approving this petition rather than rejecting it, legally speaking, the Planning & Zoning Commission has created several causes of action Aero Estates residents will have against the City and Mr. Chirico in a court of law.

I'm not going to get in to all the legal causes of actions now, but there is one specific factor you as City Council members really need to consider: the Developers, their attorneys and Chirico have lied in stating the church is located on Hwy 59 and 79th Street. As evidence indicates, the Church property is a parcel of 8 lots, 4 of which are located on Aero Drive.

You have no legal authority to annex and commercially zone ANY part of Aero Drive. The Church can move their sign and mailbox (which has been on Aero Drive for 30+ years, as evidence shows) and falsely list their address on 79th Street all they want. ANY judge will look at evidence of the ACTUAL legal address and see that the Church is indeed legally located on Aero Drive.

Surely, your City Attorney must know that the City cannot LEGALLY just take property located on Aero Drive, a residential only zoned street, and attempt to annex it in order to zone part of Aero Drive "B2 commercial" for their development plan, without support and approval of the residents of Aero Drive in a "voluntary annexation" of Aero Drive. Mixing residential & commercial in a long standing RESIDENTIAL ONLY community is not something Illinois courts condone. So, they think they can just lie about the location of the church to overcome this fact? Think again!

You do not have unanimous support of the annexation and commercial rezoning of the majority of Aero Drive residents - not even close. In fact, as I'm sure you are hearing, you have 95% opposition, and almost no one in support of the City in this commercial take over of Aero Estates. You can lie about this to the Naperville Sun all you want, but the truth will prevail in court.

It seems that since this shady development plan has been going on since 2016, Chirico, the developers and the City seem to think they are above the laws of DuPage County and the State of Illinois.

You should read the minutes from the original June 30, 2016 hearing in DuPage County on this matter. Chairman Karthal gives much evidence supporting the fact that developers do not meet commercial rezoning requirements as required by law. Chirico's "solution" - also on record - to coerce the Church into allowing the City to annex them, was a bad move.

Additionally, the Church does not want to be zoned B2 commercial. They want "residential only" with church use acceptable only. Your clerk, at the Planning & Zoning commission on record stated "we don't have that zoning code". Interesting.

Furthermore, the City does not have jurisdiction or legal authority to force the Church into Chirico's development and annexation plan, as ample evidence on public record and elsewhere proves that Chirico and Developers have pressured, coerced, offered legally questionable incentives, and heavily influenced the Church to go along with this annexation plan. This is NOT "voluntary annexation" as the law defines it.

Finally, the City of Naperville promotes itself as a "family oriented" community. However, the actions of Chirico and the City in pushing this Aero Estates development deal through illegally and against residents' wishes indicates a very sad shift in the political atmosphere of Naperville.

This annexation and B2 commercial rezoning action makes Naperville look like they are operating as "big city bullies" who care more about asserting absolute authority over its residents without regard to the law, while compromising the safety, property value, lifestyle and property rights of residents - the very families you claim to care so much about as a "family oriented" community.

Mayor Pradel NEVER would have allowed this, and he would have stood up to these developers on our behalf, unlike Chirico who instead has been spending years trying to cut a deal with them.

The saddest part is, any revenue Chirico thinks he will get from this commercial rezoning will be overcome by legal costs the City will incur while defending this action in a long legal battle.

I urge you to vote NO against this annexation and commercial rezoning.

If you vote yes, you are ultimately costing the City of Naperville residents a great deal of money, in what it will cost the City to pay law firms like Ancel & Glink to defend the City. We have multiple actionable claims against the City if you vote this annexation through, and we will take legal action to the furthest extent possible, if Chirico, the Developers and the City plan to keep bullying Aero Estates' residents and ignoring the laws of annexation and rezoning.

The Developers bought those three properties on Hwy 59 at their own risk, knowing it was zoned "residential only" and that DuPage County only allows small businesses that remain looking like homes (doctors' offices mainly occupy the homes that have been converted to businesses along Hwy 59 in Aero Estates). The developers had specific intent to flip the entire RESIDENTIAL community commercial.

Evidence shows that contrary to Developers and Church lawyers lies, the development on 59 into Aero Estates is NOT "part of the master plan". Legal evidence shows the opposite to be true. The attorneys have made NO legal argument that ANY court in Illinois would listen to except for the OPINION that, "welp, this is just the natural progression of development down 59" and "it's time to progress". Absolute garbage, hack lawyering, that any judge would find laughable and completely ignorant to actual zoning and annexation laws.

The attorneys for the Developers and Church have stated on record that Chirico plans to put in gas stations, Starbucks' and other restaurants with drive-thrus - basically anything commercial he wants - all along Hwy 59 on the Aero Estates community subdivision plot. Oh really? Good luck with that, because obviously not one person from the City has ever visited or visually looked at the property, as there is NO SPACE for all the development - unless you take residents' homes.

The City is giving great deference to these developers who quite frankly, made a bad business deal. They erroneously listened to Chirico's recommendations to buy more properties, to coerce the Church in to annexation - when he never had jurisdiction or authority to make such recommendations. IF anything, the developers will have a cause of action against Chirico when this is all over and they lose to Aero Estates residents. The residents of Naper Aero community will NOT compromise our lifestyles, our property rights and property values to appease Chirico and his developers.

Planning & Zoning Commissioner Martinez misspoke at the meeting, telling residents "you can't tell people what they can and cannot do with their property". Really? This is the person in charge of your Planning & Zoning Commission? Tell her that is what zoning and annexation laws are exactly for - to tell people what they can and cannot do with their property.

It's up to you, City Council members, to stop this mess and vote against the annexation and commercial rezoning. We aren't walking away quietly and let the City ruin this airport community, as you have tried to do with the overdevelopment around our community through the years.

You are crossing a new line, stepping in to OUR community and trying to infiltrate it with a USELESS commercial warehouse ("showroom" - oh please). This Developer just wants to own the property of his Best Buy store instead of having to rent it. The Martinez' financial gain isn't a reason to ruin the lives and community of 100s of residents.

Do you care more about Developer Martinez and his profits, or 100s and 100s of Naperville residents who DO NOT WANT MORE DEVELOPMENT ON 59 in a RESIDENTIAL COMMUNITY. That's your ultimate decision.

I hope you take your jobs as public servants seriously, and stand up to Chirico on this one. Your reputations and future political careers are on the line with this matter, big time.

Additionally: I have tried to contact your City Attorney in an attempt to negotiate and come to terms before this goes to City Council, and he has ignored me entirely.

Thank you.  
-Erika

**From:** Fred Foss [REDACTED]  
**Date:** January 27, 2018 at 1:09:08 PM CST  
**To:** "[mayer@naperville.il.us](mailto:mayer@naperville.il.us)" <[mayer@naperville.il.us](mailto:mayer@naperville.il.us)>, "[andersonb@naperville.il.us](mailto:andersonb@naperville.il.us)" <[andersonb@naperville.il.us](mailto:andersonb@naperville.il.us)>, "[obarskir@naperville.il.us](mailto:obarskir@naperville.il.us)" <[obarskir@naperville.il.us](mailto:obarskir@naperville.il.us)>, "[broadheadj@naperville.il.us](mailto:broadheadj@naperville.il.us)" <[broadheadj@naperville.il.us](mailto:broadheadj@naperville.il.us)>, "[coyneke@naperville.il.us](mailto:coyneke@naperville.il.us)" <[coyneke@naperville.il.us](mailto:coyneke@naperville.il.us)>, "[gustinp@naperville.il.us](mailto:gustinp@naperville.il.us)" <[gustinp@naperville.il.us](mailto:gustinp@naperville.il.us)>, "[hinterlongp@naperville.il.us](mailto:hinterlongp@naperville.il.us)" <[hinterlongp@naperville.il.us](mailto:hinterlongp@naperville.il.us)>, "[krummenj@naperville.il.us](mailto:krummenj@naperville.il.us)" <[krummenj@naperville.il.us](mailto:krummenj@naperville.il.us)>, "[whiteb@naperville.il.us](mailto:whiteb@naperville.il.us)" <[whiteb@naperville.il.us](mailto:whiteb@naperville.il.us)>  
**Subject:** Annex and Zoning for World Mission Society Church of God  
**Reply-To:** Fred Foss [REDACTED]

Naperville City Council

Very disappointed in the Naperville zoning board recommendation to change church at 79th and Route 59 to B2 (Commercial Shopping, if annexation occurs), from its' current zoning of residential R2.

I understand and agree that Route 59 is a prime business location and should be allowed to have the right type of businesses in keeping with the surrounding area.

The World Mission Society Church of God property currently occupies 8 residential lots, 4 of them are on Aero drive, a totally residential street, one block east of Rt 59. The physical buildings for the church occupy 4 lots on Route 59, the church parking lot occupies 4 lots on Aero Drive.

My main complaint is changing the entire church property to commercial, for no apparent reason. The church parking lot on Aero Drive should not be changed to commercial when the entire remaining block is residential. The zoning board seemed to agree and their solution was to attach a memo requiring any future changes to the church would require the zoning board to re-evaluate. The fear is this memo is not binding and could result in additional B2 zoning along Aero drive mixing commercial with residential.

This change is unreasonable and not in the public interest, there is no need to change the church to B2 at this time. The zoning board stated it did not matter what the church was zoned in regards to the proposed flooring store (Best Buy Carpet and Granite Tops), being zoned B2 for their business, if annexed.

Information we received from a DuPage zoning guru says split zoning is an accepted zoning principle and could be used for the 4 lots on 59 (B2) and the 4 lots on Aero Drive (R2). All should remain Residential at this time if split zoning is not used. If, at some future time, the church sells, then the new proposed business should have no problem getting zoning changed

to B2 for the 4 lots along Rt59. What would be done with the 4 lots of current parking on Aero drive would be up for evaluation as the zoning board discussions and memo eluded to.

We live at [REDACTED] directly across from the church parking lot. After the zoning meeting in December, I spoke with the pastor and his wife from the church. They told me it did not matter to them if they were zoned Commercial or Residential as they have no plans on selling. They had no idea this change would cause such turmoil for our neighborhood and seem regretful they agreed to this change.

Would like this issue sent back to the zoning board for reconsideration due to this new material information, unless the City Council is willing to keep the church R2 conditional use.

Since the church zoning does not matter for annexation as zoning board stated why is it necessary to change the church to commercial at this time when actual determination can be done upon church sale.

The zoning board seemed to have a misunderstanding of the 2002 comprehensive plan for the Southwest Community Area. The zoning board stated Rt 59 in our section was planned for commercial, when in fact that plan actually shows Medium density residential (Town house type).

Do not want to quibble with the zoning board about making the lots along 59 commercial, even though it goes against the comprehensive plan. Think Aero drive should be made a dead end for many reasons not the least being keeping our street residential, and keeping the detrimental impact on my property and surrounding properties to a minimum.

To be included in the agenda for Naperville City Council Meeting regarding annexation and re-zoning of the World Mission Society Church of God.

Thank You

Fred and Elaine Foss  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] 64  
|  
|  
[REDACTED]

**Sent:** Monday, February 5, 2018 10:34 PM

**To:** Naperville City Council <[Council@naperville.il.us](mailto:Council@naperville.il.us)>; Chirico, Steve <[ChiricoS@naperville.il.us](mailto:ChiricoS@naperville.il.us)>

**Cc:** Anderson, Becky <[AndersonB@naperville.il.us](mailto:AndersonB@naperville.il.us)>; Boyd-Obarski, Rebecca <[Boyd-ObarskiR@naperville.il.us](mailto:Boyd-ObarskiR@naperville.il.us)>; [broadheadj@naperville.il.us](mailto:broadheadj@naperville.il.us); Coyne, Kevin <[CoyneK@naperville.il.us](mailto:CoyneK@naperville.il.us)>;

Gustin, Patty <[GustinP@naperville.il.us](mailto:GustinP@naperville.il.us)>; Hinterlong, Paul <[HinterlongP@naperville.il.us](mailto:HinterlongP@naperville.il.us)>; Krummen, John <[KrummenJ@naperville.il.us](mailto:KrummenJ@naperville.il.us)>; White, Benny <[WhiteB@naperville.il.us](mailto:WhiteB@naperville.il.us)>

**Subject:** Route 59 Annexation and Rezoning for Aero Estates

Naperville City Council:



We are opposed to the proposed annexation and commercial rezoning of Aero Estates. We have enough commercialization down Route 59 and enough traffic congestion due to commerce. We do not need any more stores. This change would devalue the properties immediately in the vicinity and the rest of the Aero Estates community.

The Naperville council should be an advocate for securing the uniqueness of the community here and showcase it as one of the many communities it takes pride in featuring as the assets and diversity of Naperville. This community has existed for many years and all the homeowner's real estate value within their property deserves to be protected and should be by your position to not annex and rezone. Just as you would preserve the Naperville downtown historic district, Aero Estates also deserves your attention in protecting the homeowners here and our unique community.

We can be reached at [REDACTED] if you would like to discuss this further.

Thank you so much for your consideration on this ruling against the annexation and rezoning and protecting us.

Sincerely,

Bruce and Carol Fisher

[REDACTED]

Naperville, IL 60564

**From:** EL Selig [REDACTED]  
**Sent:** Thursday, February 8, 2018 2:28 PM  
**To:** Naperville City Council <[Council@naperville.il.us](mailto:Council@naperville.il.us)>; Anderson, Becky <[AndersonB@naperville.il.us](mailto:AndersonB@naperville.il.us)>; Coyne, Kevin <[CoyneK@naperville.il.us](mailto:CoyneK@naperville.il.us)>; Gustin, Patty <[GustinP@naperville.il.us](mailto:GustinP@naperville.il.us)>; Hinterlong, Paul <[HinterlongP@naperville.il.us](mailto:HinterlongP@naperville.il.us)>; Krummen, John <[KrummenJ@naperville.il.us](mailto:KrummenJ@naperville.il.us)>; White, Benny <[WhiteB@naperville.il.us](mailto:WhiteB@naperville.il.us)>; Brodhead, Judy <[BrodheadJ@naperville.il.us](mailto:BrodheadJ@naperville.il.us)>  
**Subject:** Re: Aero Estates - petition in opposition to annexation & commercial rezoning

Dear Council Members -

It has come to the attention of my group of Aero Drive petitioners that several men in the community are making offers to the City to compromise and agree to the building of the Best Buy Store on 59 "with buffers" between the property and the homes on Aero Drive that abut 59.

I have tried to educate the community as best I can that as City Council members, you can only vote on the petition and "final package" that is presented to you prior to the City Council meeting regarding Aero Estates/ Best Buy/ Church annexation. I have tried to explain that the time to discuss zoning has passed, as the Planning and Zoning Commission hearing was held on Dec 6, 2017, and they already decided on the zoning recommendations.

I want to stress that Fred Foss, Stuart Glenn, and Mike Pastore are not representatives of our group, nor do they represent the feelings or ideas of our Aero Drive group as whole. In fact, the three of them signed the petition in opposition to the annexation which I submitted, but are now trying to make deals to create a "dead end street" on Aero Drive, and to "add buffers" between the Hwy 59 properties and the homes, and to change the zoning of the church.

I told them these points are not at issue when it comes time for the City Council to vote, as those ideas are not part of the petitioners' requests. The idea that "buffers" can be placed in between commercial properties on 59 and the homes on Aero Drive that abut the properties is not realistic.

If you have time, please take a drive to visually inspect the Hwy 59 properties, and you will see the space is so narrow, that "buffers" are not even possible. I'm not even sure what type of "buffers" they think they can put in to actually separate the homes on Aero from the commercial properties.

My group wanted me to communicate that those three men do not own properties that abut Highway 59, and one of them does not even live on Aero Drive. My group never voted for or agreed to have those three negotiate with the City on our behalf. They do not legally or informally represent us in any manner.

Thank you for your time-  
Erika