

# DEVELOPMENT PETITION FORM

DEVELOPMENT NAME (should be consistent with plat): Fox River Commons Planned Unit Development  
Guzman y Gomez Mexican Kitchen Parcel

ADDRESS OF SUBJECT PROPERTY: 844 S Route 59, Naperville, IL 60540

PARCEL IDENTIFICATION NUMBER (P.I.N.): Part of P.I.N.: 07-22-300-036

**I. PETITIONER:** Jason Trombley/Head of US Development - Guzman y Gomez Mexican Kitchen

PETITIONER'S ADDRESS: 795 East Golf Road

CITY: Schaumburg STATE: IL ZIP CODE: 60173

PHONE: 773-350-8438 EMAIL ADDRESS: jason.trombley@guzmanygomez.com

**II. OWNER(S):** CR Fox River, LLC, Kristin Perry, Leasing Manager, Agent for Owner

OWNER'S ADDRESS: 1427 Clarkview Road, Suite 500

CITY: Baltimore STATE: MD ZIP CODE: 21209

PHONE: 443-921-4377 EMAIL ADDRESS: kristin.perry@crcrealty.com

**III. PRIMARY CONTACT** (review comments sent to this contact): Michael Klingl/ Senior Development Manager -  
Agent to GYG Mexican Kitchen

RELATIONSHIP TO PETITIONER: Agent to GYG Mexican Kitchen

PHONE: 630-200-9219 EMAIL ADDRESS: Michael.klingl@jsdinc.com

## IV. OTHER STAFF

NAME: Whitney Schmidt / Senior Development Specialist - Agent to GYG Mexican Kitchen

RELATIONSHIP TO PETITIONER: Agent to GYG Mexican Kitchen

PHONE: 608-658-4939 EMAIL ADDRESS: whitney.schmidt@jsdinc.com

NAME: \_\_\_\_\_

RELATIONSHIP TO PETITIONER: \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

## V. PROPOSED DEVELOPMENT AND PROPERTY

(check applicable and provide responses to corresponding exhibits on separate sheet)

<b>PZC&amp;CC Processes</b>	<input type="checkbox"/> Annexation (Exhibit 3) <input type="checkbox"/> Rezoning (Exhibit 4) <input type="checkbox"/> Conditional Use (Exhibit 1) <input type="checkbox"/> Major Change to Conditional Use (Exhibit 1) <input type="checkbox"/> Planned Unit Development (PUD) (Exhibit 2) <input checked="" type="checkbox"/> Major Change to PUD (Exhibit 2) <input type="checkbox"/> Preliminary PUD Plat (Exhibit 2) <input checked="" type="checkbox"/> Preliminary/Final PUD Plat <input type="checkbox"/> PUD Deviation (Exhibit 6) <input type="checkbox"/> Zoning Variance (Exhibit 7) <input type="checkbox"/> Sign Variance (Exhibit 7) <input type="checkbox"/> Subdivision Variance to Section 7-4-4
<b>CC Only Process</b>	<input type="checkbox"/> Minor Change to Conditional Use (Exhibit 1) <input type="checkbox"/> Minor Change to PUD (Exhibit 2) <input type="checkbox"/> Deviation to Platted Setback (Exhibit 8) <input type="checkbox"/> Amendment to an Existing Annexation Agreement <input type="checkbox"/> Preliminary Subdivision Plat (creating new buildable lots) <input type="checkbox"/> Final Subdivision Plat (creating new buildable lots) <input type="checkbox"/> Preliminary/Final Subdivision Plat (creating new buildable lots) <input type="checkbox"/> Final PUD Plat (Exhibit 2) <input type="checkbox"/> Subdivision Deviation (Exhibit 8) <input type="checkbox"/> Plat of Right-of-Way Vacation
<b>Administrative Review</b> <b>Administrative Review</b>	<input type="checkbox"/> Administrative Subdivision Plat (no new buildable lots are being created) <input type="checkbox"/> Administrative Adjustment to Conditional Use <input type="checkbox"/> Administrative Adjustment to PUD <input checked="" type="checkbox"/> Plat of Easement Dedication/Vacation <input type="checkbox"/> Landscape Variance (Exhibit 5)
<b>Other</b>	<input type="checkbox"/> Please specify:

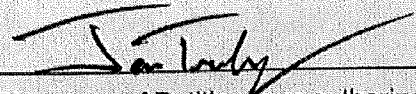
ACREAGE OF PROPERTY: 1.180 Acres

DESCRIPTION OF PROPOSAL/USE (use a separate sheet if necessary)

Guzman Y Gomez Mexican Kitchen proposed to redevelop the south portion of Parcel 1 of  
Fox River Commons with a 2,650 sf restaurant building, that will have a drive-through and  
covered outdoor patio for customer use, along with the necessary associated parking. The  
redevelopment will require the demolition of the existing +-5,800 sf vacant restaurant  
building in order to layout and locate the new development.

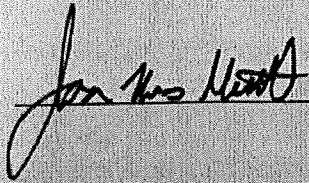
VIII. PETITIONER'S SIGNATURE

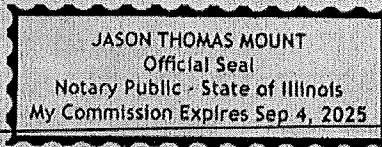
I, Jason Trambley - Head of US Development (Petitioner's Printed Name and Title), being duly sworn, declare that I am duly authorized to make this Petition, and the above information, to the best of my knowledge, is true and accurate.

  
(Signature of Petitioner or authorized agent)

3/21/2025  
(Date)

SUBSCRIBED AND SWORN TO before me this 21<sup>st</sup> day of MARCH, 2025






(Notary Public and Seal)

**IX. OWNER'S AUTHORIZATION LETTER<sup>1</sup>**

I/we hereby certify that I/we am/are the owner(s) of the above described Subject Property. I/we am/are respectfully requesting processing and approval of the request(s) referenced in this Petition. I/we hereby authorize the Petitioner listed on this Petition to act on my/our behalf during the processing and presentation of this request(s).

  
(Signature of 1<sup>st</sup> Owner or authorized agent)

\_\_\_\_\_  
(Signature of 2<sup>nd</sup> Owner or authorized agent)

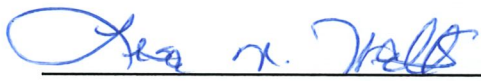
3/25/2025  
(Date)

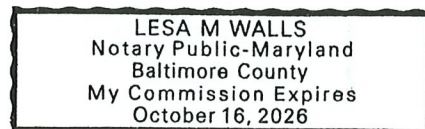
\_\_\_\_\_  
(Date)

Stephen Roenick, VP  
1<sup>st</sup> Owner's Printed Name and Title

\_\_\_\_\_  
2<sup>nd</sup> Owner Printed Name and Title

SUBSCRIBED AND SWORN TO before me this 25<sup>th</sup> day of March, 2025

  
(Notary Public and Seal)



<sup>1</sup> Please include additional pages if there are more than two owners.



*First American Title Insurance Company  
National Commercial Services*

250 W. Pratt Street, Suite 650

Baltimore, MD 21201

Phone: (410)783-0400 Fax: (866)314-2312

TRACT SEARCH

FILE NO.: NCS-1244045-MD61

DATE: 01/02/2025

TO:

Continental Realty Corporation  
1427 Clarkview Road, Suite 500  
Baltimore, MD 21209

PROPERTY ADDRESS :

704 - 944 Illinois Route 59  
Naperville, IL

EFFECTIVE DATE: December 12, 2024

GRANTEE IN THE LAST DEED OF RECORD: CR Fox River, LLC, an Illinois limited liability company

LEGAL DESCRIPTION:

Parcels 1 thru 8 in Fox River Commons Assessment Plat No. Three, being a Tax Division of Lot 1 in Fox River Commons Assessment Plat No. 2, being a Planned Unit Development of part of the Southwest Quarter of Section 22 and part of the Northwest Quarter of Section 27, all in Township 38 North, Range 9 East of the Third Principal Meridian, according to the plat thereof recorded September 18, 2024 as document number [R2024-054860](#), in DuPage County, Illinois.

Documents of Record after August 22, 2022:

1. Mortgage, Security Agreement and Financing Statement (and Fixture Filing) dated November 8, 2022 and recorded November 14, 2022 as [R2022-100998](#), made by CR Fox River, LLC, an Illinois limited liability company, to American National Insurance Company, to secure an indebtedness in the amount of \$74,487,616.00, and the terms and conditions thereof.

Modification Agreement recorded October 17, 2023 as document number [R2023-067224](#).

2. Absolute Assignment of Leases and Rents made by CR Fox River, LLC, an Illinois limited liability company to American National Insurance Company recorded November 14, 2022 as document [R2022-100999](#).

Modification Agreement recorded October 17, 2023 as document number [R2023-067224](#).

3. Ordinance No. 22-139, An Ordinance Approving Major Change to the Fox River Commons Resubdivision PUD for a Land Use Deviation to Allow a Religious Institution for the Property Located at 776 South Route 59 recorded January 9, 2023 as document number [R2023-001486](#).

4. Ordinance No. 23-115, An Ordinance Granting Signage Variances from Section 6-15-5:2.2 (Ground Signs) of the Naperville Municipal Code for the Property Located at 720-944 S Route 59 (Fox River Commons) recorded August 29, 2023 as document number [R2023-055588](#).
5. Termination of Declaration of Covenants, Conditions and Restrictions recorded December 6, 2024 as document number [R2024-072754](#).
6. Amended and Restated Easements with Covenants and Restrictions Affecting Land recorded December 6, 2024 as document number [R2024-072755](#).
7. Certificate of Correction recorded October 24, 2024 as document number [R2024-063403](#).

Limitation of Liability for Informational Report

**IMPORTANT - READ CAREFULLY:** THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.

This search reflects the "Grantee in Last Deed of Record" of the legal description provided to First American Title Insurance company as disclosed in Public Records established under state statutes and at the date shown. If requested by the applicant, it will also encompass general real estate taxes, mortgages, assignment, judgments and liens of record as shown in the Recorder's Office of the county where the subject property is located and which may constitute a lien on the described premises. It does not contain a search of any judicial proceedings in any court.

For your protection, please obtain a Title Commitment and subsequent Policy of Insurance.

*First American Title Insurance Company*

BY: Bethany Flanders