

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)

PZC&CC Processes	<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
CC Only Process	<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
Administrative Review Administrative Review	<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)
Other	<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.



EXHIBIT 2: Section 6-4-7:1: Standards for Granting or Amending a Planned Unit Development

1. The design of the planned unit development presents an innovative and creative approach to the development of land and living environments.

Response: The development of the new Guzman y Gomez Mexican Kitchen (GyG) project will involve the demolition of a vacant two-story restaurant and its associated parking field to make way for two (2) new restaurant concepts on the southern end of the Parcel 1 of the Fox River Commons Shopping Center. GyG believes that redeveloping this parcel of land and half of this new redeveloped area will assist in helping to revitalize this shopping center and improve the overall look, aesthetics and appearance of this section of Route 59 by building a fresh new structure and increasing the amount and variety of landscape materials across the property, helping this overall commercial area of Naperville to continue to be successful into the future.

2. The planned unit development meets the requirements and standards of the planned unit development regulations.

Response: The proposed redevelopment of this portion of Parcel 1 has been designed with the intent to meet the requirements and standards of the planned unit development regulations. The site layout, parking, building materials, landscaping, and lighting meet the PUD regulations and will complement the existing subdivision and surrounding uses in this commercial corridor of Route 59.

3. The physical design of the planned unit development efficiently utilizes the land and adequately provides for transportation and public facilities while preserving the natural features of the site.

Response: GyG's proposed redevelopment of 1.180 acres of Parcel 1 seeks to utilize land both efficiently and with forethought as to how the site would layout best to work with traffic patterns already existing on the greater site. The positioning of the site access and GyG drive-thru provides for sufficient stacking capacity, eliminates potential for congestion on-site, and locates drive access furthest from the main entry drive, minimizing any exiting issues from GyG's site while also assisting to prevent the same for overall circulation/traffic patterns. GyG also proposes an outdoor dining/patio area be located in the southeast corner of the front area of the restaurant. A sidewalk along Route 59 is being provided to continue the community's desire to have an uninterrupted pedestrian way. Additionally, the site has been handsomely landscaped, providing for the continuation of attractive views along the Route 59 corridor with the revitalization of these older properties.

4. Open space, outdoor common area, and recreational facilities are provided.

Response: The redesign of the south +/-1.180 acres of Parcel 1 was completed while trying to minimize loss of existing pervious area. Outside of providing the required pedestrian walk along the frontage of Route 59, which is intended to connect with and become part of Naperville's communitywide pedestrian/bicycle path system, there has been only minimal net loss of green

Guzman y Gomez Mexican Kitchen
Fox River Commons Shopping Center
Naperville, IL
JSD #24-14769

area. The proposed redevelopment will also provide a covered outdoor patio area located near the center of the store's front elevation, featuring twelve (12) tables and a combination of bench seating and fifteen (15) chairs for a total of twenty-four (24) seats. A rack for bicycle parking will also be provided near the southeast end of the front of the store.

5. The modifications in design standards from the subdivision control regulations and the waivers in bulk regulations from the zoning regulations fulfill the intent of those regulations.

Response: The proposed redevelopment to the best of our understanding, is no longer proposing to modify design standards from the subdivision control regulations or requesting waivers in any bulk regulation from the zoning regulations to fulfill the intent of those regulations. We believe that we are developing within the regulations provided us and no longer seeking any deviations.

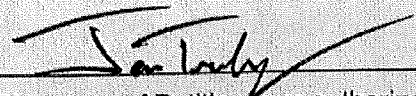
6. The planned unit development is compatible with the adjacent properties and nearby land uses.
Response: The redevelopment of the south +/-1.180 acres of Parcel 1 with a new fresh Guzman Y Gomez Mexican Kitchen concept will be completely compatible with all adjacent properties and nearby land uses. This site is part of the Fox River Commons Shopping Center and is surrounded by all commercial uses up and down the commercial corridor of Route 59 through the City of Naperville. This fresh new fast casual Mexican Restaurant will brighten a center that needs new growth and revitalization. The proposed GyG, with its new-look building construction, parking facilities and landscape, will brighten the overall property and complement the center as well as the surrounding area.

7. The planned unit development fulfills the objectives of the comprehensive plan and planning policies of the city.

Response: This PUD is part of the Regional Center land use group of the comprehensive plan that looks to provide access to a diverse mix of uses such as national/chain restaurants, entertainment, movie theaters, and big and mid-box shopping opportunities. This redevelopment assists in fulfilling objectives of the comprehensive plan and planning policies developed and supported by the City. This planned unit development is near major regional transportation routes such as interstates 88 and 55, and direct access to Routes 59 and 34. This development, like all developments along this corridor, draws visitors and employees to the area. By adding to the diversity and cultural style of fast casual dining available to the community, this development also makes it possible to generate both employment opportunities and tax revenue for the local economy.

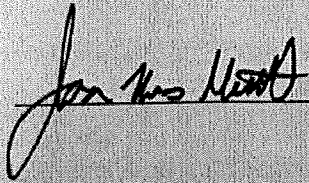
VIII. PETITIONER'S SIGNATURE

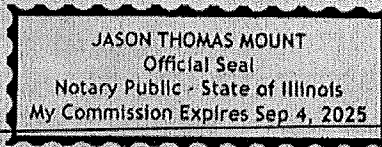
I, Jason Trambley - Head of US Development (Petitioner's Printed Name and Title), being duly sworn, declare that I am duly authorized to make this Petition, and the above information, to the best of my knowledge, is true and accurate.


(Signature of Petitioner or authorized agent)

3/21/2025
(Date)

SUBSCRIBED AND SWORN TO before me this 21st day of MARCH, 2025






(Notary Public and Seal)

IX. OWNER'S AUTHORIZATION LETTER¹

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 1st Owner or authorized agent)

(Signature of 2nd Owner or authorized agent)

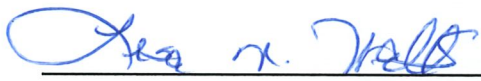
3/25/2025
(Date)

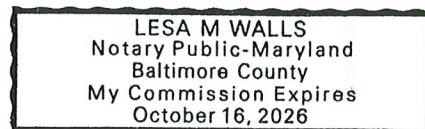
(Date)

Stephen Roenick, VP
1st Owner's Printed Name and Title

2nd Owner Printed Name and Title

SUBSCRIBED AND SWORN TO before me this 25th day of March, 2025


(Notary Public and Seal)



¹ 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