



City Council Work Session Memo

Crest Hill, IL

Meeting Date: June 9, 2025

Submitter: Community and Economic Development Director Patrick Ainsworth, AICP
Community and Economic Development Consultant, Ron Mentzer

Department: Community Development

Agenda Item: Request to Extend Validity Period of Ordinance #1990 - Granting a Special Use Permit and Setback Variations For A 150,000+/- sf. Office, Industrial, and Warehouse Building on Lot 17 in the Crest Hill Industrial Park

Background:

On July 15, 2024, the City Council passed City Ordinance #1990 to approve a special use permit, a front-yard building setback variation, and a rear yard parking setback variation that would allow MWI Property Group (MWI) to construct a 150,000+/- sf. office, industrial, and warehouse building on Lot 17 in the Crest Hill Industrial Park. A copy of this ordinance has been attached for reference as Exhibit A. MWI has been unable to consummate its purchase of this site or construct the approved project due to ongoing litigation and legal disputes between the owner of record of the site and the original developer of the Crest Hill Industrial Park and its business partners.

Section 12.7-9 of the Zoning Ordinance contains specific regulations and requirements regarding the validity period for special use approvals. This section of the Zoning Ordinance states:

In any case where a special use has been granted, and where no special use development has taken place within one (1) year of granting thereof, then without further action by either the Plan Commission or the City Council, said special use variation shall become null and void, unless the owner/applicant submits a formal request in writing seeking an extension. Written requests for extension must be submitted thirty (30) days prior to expiration date.

MWI has submitted the May 2, 2025, letter attached as Exhibit B to explain the challenges that have prevented it from acquiring this site, document its continuing strong desire to purchase this site and develop the project approved by Ordinance #1990, and formally request the City Council approve a 24 month extension to the validity period for Ordinance #1990. MWI representatives will be in attendance at the June 9 meeting to present this request and address questions from the City Council.

Staff Conclusion and Recommendation: Based on staff's ongoing interaction with MWI representatives over the past year, it is clear that the circumstances that have prevented them from acquiring this site are not the result of their action or inaction. Staff recognizes that MWI has successfully developed a similar high quality project in Crest Hill and remains fully committed to purchasing this site and developing the project approved by Ordinance #1990 once the seller's legal

City Council Meeting
June 9, 2024
Ordinance #1990 Extension Request

disputes are resolved. Based on this knowledge and experience, staff supports the City Council's approval of the requested 24 month extension to the validity period of Ordinance #1990.

Council Action Requested: If the Mayor and City Council are receptive to the requested extension, Staff recommends the City Council authorizes the City Attorney and staff to prepare an ordinance that would approve MWI's requested extension of the approvals granted in Ordinance #1990.

Financial Impact: Approval of this ordinance and the ultimate construction of this project would generate approximately \$150,000 in one-time building permit fee revenue, a one-time \$150,000 transportation network improvement contribution, and a yet to be determined amount of new reoccurring property tax revenue for the City.

Funding Source: N/A

Budgeted Amount: N/A

Attachments:

- Exhibit A – City of Crest Hill Ordinance #1990
- Exhibit B – May 2, 2025 Extension Request Letter from MWI Property Group

Exhibit A

ORDINANCE NO. 1990

AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND SETBACK VARIATIONS WITH RESPECT TO CERTAIN REAL PROPERTY LOCATED WITHIN THE CORPORATE BOUNDARIES OF CREST HILL [APPLICATION OF MIDWEST INDUSTRIAL FUNDS]

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-3.1.1 (the “Code”) authorizes the corporate authorities of any municipality to enact ordinances to provide for the classification of special uses, including, but not limited to, public and quasi-public uses affected with the public interest, uses which may have a unique, special, or unusual impact upon the use or enjoyment of neighboring property, and planned developments; and

WHEREAS, the Code states that a special use shall be permitted only upon evidence that such use meets standards, established for such classification in the ordinances, and the granting of permission may be subject to conditions reasonably necessary to meet such standards; and

WHEREAS, the City of Crest Hill (“City”) has enacted said ordinance in Section 12.7 of the Crest Hill Zoning Ordinance, specifying the requirements for special use permits; and

WHEREAS, Midwest Industrial Funds (“Applicant”), has properly filed and presented before the Crest Hill Plan Commission an application seeking the granting of a special use permit for the preliminary and final Planned Unit Development (PUD) plans along with a front-yard building setback variation and a rear yard parking setback variation (the “Application”) for certain property within the city limits of the City of Crest Hill, Will County, Illinois, and located at Lot 17 of the Crest Hill Business Park, Crest Hill, Illinois, PIN: 11-04-30-102-012-0000 (the “Property”), as legally described in Exhibit “A” with proper notice thereof given; and

WHEREAS, said Property is zoned M-1 under the Crest Hill Zoning Ordinance; and

WHEREAS, the Crest Hill Plan Commission, by formal vote taken June 27, 2024, following public hearing on June 27, 2024, recommended approval of the special use permit and variation sought in the Application, with certain conditions, after holding and closing said Public Hearing, with proper notice thereof given; and

WHEREAS, the City Council has examined the June 27, 2024, Findings and Decision of the Plan Commission hereto attached as Exhibits “B” and “C”, and has considered the presentations and arguments of the Applicant in a regularly scheduled open meeting; and

WHEREAS, the City Council finds that it is in the best interests of the City that the Recommendation of the Plan Commission be accepted, and the Application be granted.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Crest Hill, Will County, Illinois, as follows:

SECTION 1: The Preambles of this Ordinance are incorporated herein by reference.

SECTION 1: The Preambles of this Ordinance are incorporated herein by reference.

SECTION 2: That the City Council hereby accepts, adopts, and ratifies the Findings and Decision of the Plan Commission, attached hereto as “Exhibits B and C” and incorporated by reference herein, as the Findings and Decision of the City Council in relation to the Application for a special use permit and parking variation.

SECTION 3: That a special use permit is hereby granted to Midwest Industrial Funds, Inc. to allow an M-1 special use for a preliminary and final Planned Unit Development (PUD) plans and a front-yard setback variation and a rear yard parking setback variation for the property at Lot 17 of the Crest Hill Business Park in Crest Hill, Illinois PIN: 11-04-30-102-012-0000 (the “Property”), as legally described in Exhibit “A”, and in accordance with reviewed plans and the definitions of the zoning classifications currently in use in the Crest Hill Zoning Ordinance, hereinafter described and subject to the following conditions:

1. **Loading Dock Restriction:** The maximum number of loading docks permitted for the speculative industrial warehouse/office building shall not exceed 34 for the PUD. Any increase in the number of loading docks above 34 will require a new public hearing and approval of a PUD amendment.
2. **Truck Route Monetary Contribution:** Unless otherwise approved by the City Council, MIF shall make a monetary contribution to the City that the City can use for the design, construction, and/or land acquisition for the City’s planned future truck route extension to Weber Road. The details of this monetary contribution shall be finalized in a Development Agreement reviewed and approved by the City Council.
3. **Lidice Parkway Driveway Connection:** MIF shall make contact and have meaningful communications with TLC ownership regarding what MIF is prepared to do to obtain TLC’s approval for a driveway connection between the Subject Property and Lidice Parkway. MIF shall summarize the details of these communications in writing for the City Council’s reference during its consideration and potential approval of the Plan Commission’s recommendation on this Project.
4. **Final Design Documents Approval:** Approval of the requested Preliminary and Final PUD Special Use Permit is subject to final civil engineering design plan, photometric/electrical plan, and associated platting approval by City staff and consultants.
5. **Project Signage:** All sign proposals shall comply with applicable sign code regulations of the Crest Hill Sign Code Regulations.
6. **Compliance with Plans:** The development, maintenance, and operation of the Project shall be in substantial compliance with the plans and documents included in the Project Submittal Checklist dated 6/5/24 attached hereto as Exhibit D, as may be revised to address City staff, City Attorney, and City consultant review comments and City Council Special Use Permit approval conditions.

7. **Assignment:** The Applicant may assign the approvals and the aforementioned Development Agreement so long as such assignee shall agree in writing to carry out all of the foregoing obligations and conditions and to carry out and observe all of the Applicant's obligations and agreements contained in the Development Agreement.
8. **Property Acquisition:** In the event Applicant, or its assignee, does not acquire the Property within one year of the execution of this Ordinance, there shall be no obligation to move forward with the Project and the obligations and agreements with respect to the Special Use Permit for the PUD and the obligations in the Development Agreement shall terminate.

Territory Described. See attached legal description "Exhibit A."

SECTION 4. This Ordinance shall become effective only upon the attachment of a fully executed Exhibit "E" within 60 days of the passage of this Ordinance. In the event that Exhibit "E" is not executed within 60 days, this Ordinance shall have no force and effect, and shall be subject to repeal by the City Council without further notice or hearing due to the Owner or Applicant.

SECTION 5: This Ordinance shall take effect upon its passage and publication according to law.

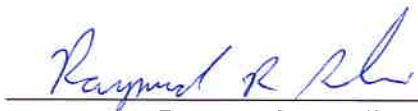
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PASSED THIS 15th DAY OF JULY, 2024.

	Aye	Nay	Absent	Abstain
Alderwoman Jennifer Methvin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderman Scott Dyke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderwoman Claudia Gazal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderman Darrell Jefferson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderperson Tina Oberlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderman Mark Cipiti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderman Nate Albert	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alderman Joe Kubal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Raymond R. Soliman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


Christine Vershay-Hall, City Clerk

APPROVED THIS 15th DAY OF JULY, 2024.


Raymond R. Soliman, Mayor

ATTEST:


Christine Vershay-Hall, City Clerk

“Exhibit A”

LEGAL DESCRIPTION

PERMANENT INDEX NO: 11-04-30-102-012-0000

LEGAL DESCRIPTION

LOT 17, IN CREST HILL INDUSTRIAL PARK PUD PHASE 8, BEING A SUBDIVISION OF PART OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 36 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 27, 2016 AS DOCUMENT R2016-103977, IN WILL COUNTY, ILLINOIS

“Exhibit B”

BEFORE THE PLAN COMMISSION
OF THE CITY OF CREST HILL, ILLINOIS

IN RE:)
)
The application Midwest Industrial Funds, Inc.) No. PUD-24-2-6-1
)
)
For a special use permit and front-yard setback)
variation and rear yard parking setback variation)

**FINDINGS AND DECISION OF THE
PLAN COMMISSION AS TO CASE NO. PUD-24-2-6-1
THE APPLICATION OF MIDWEST INDUSTRIAL FUNDS, INC. FOR A SPECIAL USE AT
LOT 17 OF THE CREST HILL BUSINESS PARK**

THIS APPLICATION, coming before for a decision by the Plan Commission, and the Plan Commission having heard the evidence in support and opposition to the application at a regularly scheduled meeting held on June 27, 2024 being fully advised in the premises, THE COMMISSION DOES MAKE THE FOLLOWING FINDINGS:

A. That the applicant, Midwest Industrial Funds, Inc., is the contract purchaser of the real estate, upon approval of the special use, as described in the application. The property owner has signed off on the application.

B. That the application seeks an M-1 special use for the property described in the application, at Lot 17 of the Crest Hill Business Park, PIN: 11-04-30-102-012-0000 (the “Property”), as legally described in Exhibit “A”

C. That the Property is currently zoned M-1;

D. That the application seeks approval of a special use to allow the preliminary and final Planned Unit Development (PUD) plans along with a front-yard building setback variation and a rear yard parking setback variation on the Property;

E. That the proposed use is not allowed on the Property as currently zoned;

F. That the Property described in the application is currently zoned as a industrial use, with industrial uses adjacent thereto;

G. That the application for the special use was properly submitted and notice of the application and the Public Hearing were properly published;

H. That no interested parties filed their appearances herein;

I. That the public hearing was opened and called to order on June 27, 2024, the applicant presented evidence and arguments in support of its application on that date. The public hearing was duly transcribed by a certified shorthand reporter of the State of Illinois;

J. That the rules adopted by the Plan Commission for the conduct of Public Hearings by the Plan Commission were duly followed and observed;

K. That the proposed special use, as considered under section 12.7 of the zoning code, meets the standards for the granting of the special use under section 12.7-6 as the proposed development meets all of the criteria set forth in subsections 10.6 and 12.7-6(1), (2), (3), (4), (5) and (6); the Plan Commission noting that subsection 12.7-6(7) is inapplicable.

THEREFORE, it is the decision of the Plan Commission of the City of Crest Hill, Illinois, based upon the evidence heard by same and arguments and suggestions heard at the public hearing, and having duly considered the mandates and standards as set forth in the City of Crest Hill, Illinois zoning ordinance for the granting of special uses, as follows:

1. That the application of Midwest Industrial Funds, Inc. ("MIF") to allow an M-1 special use for the preliminary and final Planned Unit Development (PUD) plans with the reviewed plans on the property at Lot 17 of the Crest Hill Business Park, Crest Hill, Illinois, PIN: 11-04-30-102-012-0000 (the "Property"), as legally described in Exhibit "A", in a M-1 zoning district was recommended to be approved and is supported by the evidence adduced;
2. The following conditions were placed on the special use permit:
 - **Loading Dock Restriction:** The maximum number of loading docks permitted for the speculative industrial warehouse/office building shall not exceed 34 for the PUD. Any increase in the number of loading docks above 34 will require a new public hearing and approval of a PUD amendment.
 - **Truck Route Monetary Contribution:** Unless otherwise approved by the City Council, MIF Shall make a monetary contribution the City that the City can use for the design, construction, and/or land acquisition for the City's planned future truck route extension to Weber Road. The details of this monetary contribution shall be finalized in a Development Agreement reviewed and approved by the City Council.
 - **Lidice Parkway Driveway Connection:** MIF shall make contact and have meaningful communications with TLC ownership regarding what MIF is prepared to do to obtain TLC's approval for a driveway connection between the Subject Property and Lidice Parkway. MIF shall summarize the details of these communications in writing for the City Council's reference during its consideration and potential approval of the Plan Commission's recommendation on this Project.
 - **Final Design Documents Approval:** Approval of the requested Preliminary and Final PUD Special Use Permit is subject to final civil engineering design plan, photometric/electrical plan, and associated platting approval by City staff and consultants.
 - **Project Signage:** All sign proposals shall comply with applicable sign code regulations of the Crest Hill Sign Code Regulations.


- **Compliance with Plans:** The development, maintenance, and operation of the Project shall be in substantial compliance with the plans and documents included in the Project Submittal Checklist dated 6/5/24, as may be revised to address City staff, City Attorney, and City consultant review comments and City Council Special Use Permit approval conditions.
3. It is therefore the recommendation of the City of Crest Hill Plan Commission that the application for the special use be granted.

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Adopted by the Plan Commission of the City of Crest Hill, Illinois, this 27th Day of June 2024 upon the following voice vote:


	Aye	Nay	Absent	Abstain
Commissioner Carol Slabozeski	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Commissioner John Stanton	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Commissioner Ken Carroll	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Commissioner Jan Plettau	<u> </u>	<u> </u>	<u>X</u>	<u> </u>
Commissioner Bill Thomas	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Commissioner Jeff Thomas	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Commissioner Angelo Deserio	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Approved:



Bill Thomas, Chairman

Attest:



Christine Vershay-Hall, City Clerk

“Exhibit C”

BEFORE THE PLAN COMMISSION
OF THE CITY OF CREST HILL, ILLINOIS

IN RE:)
)
The application Midwest Industrial Funds, Inc.) No. PUD-24-2-6-1
)
)
For a special use permit and front-yard setback)
variation and rear yard parking setback variation)

**FINDINGS AND DECISION OF THE
PLAN COMMISSION AS TO CASE NO. PUD-24-2-6-1
THE APPLICATION OF MIDWEST INDUSTRIAL FUNDS, INC. FOR A FRONT-YARD
SETBACK VARIATION AND REAR YARD PARKING VARIATION AT LOT 17 OF THE
CREST HILL BUSINESS PARK**

THIS APPLICATION, coming before for a decision by the Plan Commission, and the Plan Commission having heard the evidence in support and opposition to the application at a regularly scheduled meeting held on June 27, 2024 being fully advised in the premises, THE COMMISSION DOES MAKE THE FOLLOWING FINDINGS:

B. That the applicant, Midwest Industrial Funds, Inc., is the contract purchaser of the real estate, upon approval of the variation, as described in the application. The property owner has signed off on the application.

B. That the application seeks a variation for use for the property described in the application, at Lot 17 of the Crest Hill Business Park, Crest Hill PIN: 11-04-30-102-012-0000 (the “Property”), as legally described in Exhibit “A”

C. That the Property is currently zoned M-1;

D. That the application seeks approval a Front-Yard Building setback variation from Section 7.4, specifically the reduction of the required 30-foot front yard setback requirement to 15-feet;

E. That the application seeks approval of a Rear Yard Parking setback variation from Section 11.5-2, specifically the reduction of the required 5-foot rear yard setback requirement to 0-feet;

E. That the proposed uses would not be allowed without the variation;

F. That the Property described in the application is currently zoned as a industrial use, with industrial uses adjacent thereto;

G. That the application for the variations was properly submitted and notice of the application and the Public Hearing were properly published;

H. That no interested parties filed their appearances herein;

I. That the public hearing was opened and called to order on June 27, 2024, the applicant presented evidence and arguments in support of its application on June 27, 2024. The public hearing was duly transcribed by a certified shorthand reporter of the State of Illinois;

J. That the rules adopted by the Plan Commission for the conduct of Public Hearings by the Plan Commission were duly followed and observed;

K. That the proposed variation was considered under section 12.6 of the zoning code, meets the standards for the granting of the variation under Section 12.7-6 as the proposed development meets all of the criteria set forth in the code.


THEREFORE, it is the decision of the Plan Commission of the City of Crest Hill, Illinois, based upon the evidence heard by same and arguments and suggestions heard at the public hearing, and having duly considered the mandates and standards as set forth in the City of Crest Hill, Illinois zoning ordinance for the granting of variations, as follows:

1. That the application of Midwest Industrial Funds, Inc. for variations in accordance with the reviewed plans on the property at Lot 17 of the Crest Hill Business Park, Crest Hill Illinois, PIN: 11-04-30-102-012-0000 (the "Property"), as legally described in Exhibit "A", in a M-1 zoning district was recommended to be approved and is supported by the evidence adduced, subject to the conditions identified in the Findings and Decision of the Plan Commission with respect to the Special Use Application filed by the applicant, considered and approved contemporaneously with the application for the parking variance;
2. It is therefore the recommendation of the City of Crest Hill Plan Commission that the application for the front yard parking setback variance from 30-feet to 15-feet be granted along with a rear yard parking setback variation from the required 5-foot rear yard setback requirement to 0-feet.

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Adopted by the Plan Commission of the City of Crest Hill, Illinois, this 27th Day of June, 2024
upon the following voice vote:

	Aye	Nay	Absent	Abstain
Commissioner Carol Slabozeski	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Commissioner John Stanton	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Commissioner Ken Carroll	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Commissioner Jan Plettau	<u> </u>	<u> </u>	<u>X</u>	<u> </u>
Commissioner Bill Thomas	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Commissioner Jeff Thomas	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Commissioner Angelo Deserio	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Approved: 

Bill Thomas, Chairman

Attest: 

Christine Vershay-Hall, City Clerk

“Exhibit D”

MIF - CH 8.8 AC PROPOSED DEVELOPMENT

PC SUBMITTAL CHECKLIST

DATE: 06/05/24

#	REQUIRED	Dated
0	Application	5/14/2024
1	Project Narrative	5/20/2024
2	Final Architectural Plans	6/4/2024
3	Final Topography	5/7/2024
4	Final Plat of Survey	5/30/2024
5	Prelim Engineering Plans	6/4/2024
6	Prelim Storm Report	5/21/2024
7	Final PE Calculation	5/20/2024
8	Prelim Landscape Plan	6/5/2024
9	Final PUD Plan	6/4/2024
10	Final Traffic Report	3/25/2024
11	Final Truck Turn Analysis	6/4/2024
12	Final Photometric Plan	5/21/2024
13	PUD Comment Reponses	6/5/2024
14	PUD Engineering Comment Reponses	6/4/2024

Exhibit "E"

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The City of Crest Hill, Illinois ("City");

WHEREAS, MIDWEST INDUSTRIAL FUNDS, INC. (the "Applicant") is the contract purchaser of that certain real property commonly known as Lot 17 of the Crest Hill Business Park, Crest Hill, PIN: 11-04-30-102-012-0000 (the "Subject Property") for use in connection with a Planned Unit Development; and

WHEREAS, DIVISION-GAYLORD, LLC (the "Record Owner"), is the record owner of that certain real property commonly known as Lot 17 of the Crest Hill Business Park, Crest Hill, PIN: 11-04-30-102-012-0000 (the "Subject Property") and has authorized the Applicant's Application to the City of Crest Hill for an M-1 special use for a preliminary and final Planned Unit Development (PUD) plans and a front-yard setback variation and a rear yard parking setback variation for the property at Lot 17 of the Crest Hill Business Park in Crest Hill, Illinois PIN: 11-04-30-102-012-0000 (the "Property"), and in accordance with reviewed plans.

WHEREAS, Ordinance No. 1990, approved and passed by the Crest Hill City Council on July 15, 2024, (the "Ordinance"), approved an M-1 special use for a preliminary and final Planned Unit Development (PUD) plans and a front-yard setback variation and a rear yard parking setback variation for the property at Lot 17 of the Crest Hill Business Park in Crest Hill, Illinois PIN: 11-04-30-102-012-0000 (the "Property"), and in accordance with reviewed plans; and

WHEREAS, Section 4 of the Ordinance provides, among other things, that the Ordinance shall not take effect, and is subject to repeal unless and until this Exhibit "E", an Unconditional Agreement and Consent to accept and abide by all the terms, conditions and limitations set forth in the Ordinance is executed within 60 days following the passage of the Ordinance.

NOW, THEREFORE, the Applicant and Record Owner do hereby agree, and covenant as follows:


- 1. The Applicant and Record Owner hereby unconditionally agree to accept, consent to, and will abide by all terms, conditions, limitations, restrictions, and provisions of the Ordinance.**
- 2. The Applicant and Record Owner acknowledge that all required public notices and hearings have been properly given and held with respect to the application process and passage of the Ordinance, understand and have considered the possibility of revocation or repeal of the Ordinance as a result of violation of its terms or failure to abide by the conditions set forth in the Ordinance, and agree, covenant and warrant that they will not challenge any such revocation on the basis of any procedural infirmity or a denial of any procedural right, provided that the City will provide the Applicant and Record Owner with written notice of the City's intent to Repeal or Revoke the Ordinance.**
- 3. The Applicant and Record Owner acknowledge and agree that the City shall not be in any way liable for any damages or injuries that may be sustained as a result of the City's granting of the Special Use Permit, Planned Unit Development, setback variations, or its passage of the Ordinance, and that the City's approvals do not, and will not, in any way be deemed to insure the Applicant and Record Owner against damage or injury of any kind at any time.**

4. The Applicant and Record Owner hereby agree to release, defend, indemnify and hold harmless the City of Crest Hill, its corporate authorities, elected and appointed officials, officers, employees, agents, representatives, and attorneys from any and all claims that may, at any time, be asserted against them in connection with (a) the City's review and approval of any plans and issuance of any permits, (b) the City's passage of the Ordinance, and (c) the maintenance and use of the Property as authorized by the Ordinance.

5. The undersigned are authorized representatives of the Applicant and Record Owner duly authorized and empowered to execute this Unconditional Agreement and Consent on behalf of the Applicant and Record Owner.

[Signature page to follow]

APPLICANT: MIDWEST INDUSTRIAL FUNDS, INC.

By: 

Its: Michael J. Androwich, Authorized Signatory

RECORD OWNER: DIVISION-GAYLORD, LLC

By:  Douglas R. Duba

Its: Managing Member

Exhibit B



May 2nd, 2025

Mr. Ron Mentzer – Community & Economic Development Consultant
Mr. Patrick Ainsworth – Community & Economic Development Director
20600 City Center Blvd
Crest Hill, IL 60403

**Re: MIF – Crest Hill Business Park (Lot 17 – 8.8 Acres)
Formal PUD Extension Request**

Dear Ron & Patrick:

On behalf of MWI Property Group (“MWI”), we are submitting this formal request for an extension of the Planned Unit Development (PUD) ordinance No. 1990 associated with the above-referenced property.

We respectfully request a 24-month extension of the associated PUD ordinance.

We are requesting this extension due to unanticipated closing delays stemming from ongoing litigation and legal disputes between the owner of record of the subject property, the original developer of the business park and its business partners. These Seller legal matters are outside of our control, which thoroughly have impacted our ability to move forward with purchasing the property and pursuing our proposed 150,000 SF speculative industrial development.

MWI remains fully committed to advancing the project as previously approved by the City. We are continuing to track the progress of the Seller’s legal battles and believe that they will reach a resolution, and MWI can move forward with construction within the next 12 months. However in the event further Seller delays occur, we would like to have another 12 months if additional time is needed to reach this resolution.

MWI has spent a lot of time, money, and effort in securing this PUD ordinance with the City, and we would be very disappointed to lose this entitlement due to the Seller enduring legal disputes. Even with current economic uncertainty and constantly changing political dynamics, the immediate submarket remains strong, and tenant demand is still there for one of Chicagoland’s strongest submarkets. Our vision for this development remains just as strong as it was a year ago and we believe this will continue for years to come as this submarket has historically been one of the most desirable in the greater Midwest.

Please let us know if you have further questions and we look forward to your response. We appreciate your time, consideration, and the partnership that we have created over the years.

Sincerely,

MWI PROPERTY GROUP

A handwritten signature in black ink, appearing to read 'Michael Androwich'.

Michael Androwich
Principal

A handwritten signature in blue ink, appearing to read 'Patrick Swiszc'.

Patrick Swiszc
Development Manager