



**#2012-104**

**Switzer Center - 7109 Pingree Road**

**Project Review for Planning and Zoning Commission**

**Meeting Date:** November 7, 2012

**Requests:** Rezoning for Lot 3 of the Factory Plaza Subdivision from “M” Manufacturing to the “B-2” General Commercial district

**Location:** 7109 Pingree Road

**Acreage:** 1.76 acres

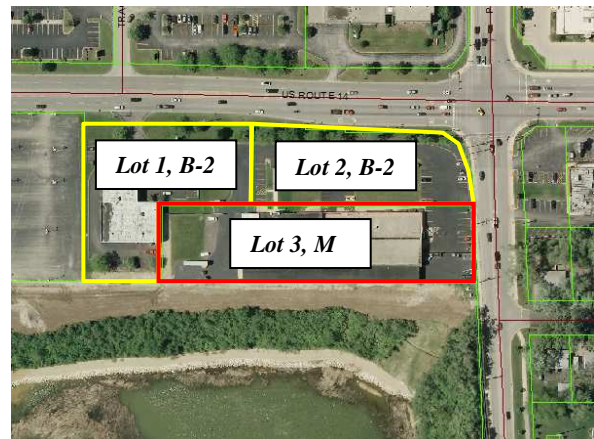
**Zoning:** M Manufacturing

**Surrounding Properties:** North: “B-2” General Commercial (Switzer Center)  
South: “M” Manufacturing (Three Oaks Recreation Area)  
East: “B-2” General Commercial & “B-2 PUD” General Commercial PUD (Around the Clock Restaurant)  
West: “B-2” General Commercial (NTB)

**Staff Contact:** Latika Bhide (815.356.3615)

**Background:**

- **Location:** 7109 Pingree Road (SWC of Pingree Road and Northwest Highway)
- **Zoning:** “M” Manufacturing
- **Existing Uses:** American Mattress, American Mattress Clearance Center, ReMax, Ferguson Plumbing
- **Request:** Map amendment to reclassify Lot 3 of the Factory Plaza Subdivision from the “M” Manufacturing to the “B-2” General Commercial district



**Land Use Analysis:**

- **History:** The property in question is Lot 3 of the Factory Plaza Subdivision, platted in 1989. Lots 1 and 2 of the Factory Plaza subdivision are zoned “B-2” General Commercial. The NTB store is located on Lot 1 whereas Lot 2 was developed as a parking lot for the center. A multi-tenant building, approximately 30,000 square feet in area is located on Lot 3.
- **Land Use:** The property is located at the intersection of Pingree Road and Northwest Highway - a heavily traversed intersection with average daily counts of 27,100 trips along Northwest Highway and 8,500 trips along Pingree Road. Most of the properties

along Northwest Highway are zoned for commercial uses. The Three Oaks Recreation Area, immediately to the south of this property is zoned 'M' Manufacturing, but the property is used for recreation purposes.

The Manufacturing district is intended as the primary location for heavy industries, serving uses that are visually obtrusive, generate nuisances such as noise and odors, or have excessive exterior operations or storage of equipment and materials. It is unlikely that heavy manufacturing uses would locate at this location. Other uses that are permitted in the 'B-2' district would have to seek a use variation to locate here.

- Future Land Use: The 2030 Comprehensive Land Use Plan delineates this property for Commerce. The proposed rezone would be in line with the future land use plan.

**Findings of Fact:**  
**REZONING**

Article 9, Administration of the Unified Development Ordinance spells out the specific standards for granting a rezoning. It is recommended that the Planning and Zoning Commission and City Council first determine and record its findings that the evidence justifies the conclusions that:

1. The existing uses and zoning of nearby property;  
 Meets  Does not meet
2. The extent to which property values are diminished by a particular zoning classification or restriction;  
 Meets  Does not meet
3. The extent to which property values are diminished by a particular zoning classification or restriction;  
 Meets  Does not meet
4. The extent to which the destruction of property value of a petitioning property owner promotes the health, safety, morals, or general welfare of the public;  
 Meets  Does not meet
5. The relative gain to the public as opposed to the hardship imposed on a petitioning property owner;  
 Meets  Does not meet
6. The suitability of the subject property for its zoned purposes;  
 Meets  Does not meet
7. The length of time the property has been vacant as zoned, considered in the context of land development in the area;  
 Meets  Does not meet
8. The Comprehensive Plan designation and the current applicability of that designation and  
 Meets  Does not meet

9. The evidence or lack of evidence, of community need for the use proposed.
- Meets  Does not meet

Where the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the rezoning be denied.

**Comprehensive Land Use Plan 2030 Vision Summary Review:**

The Comprehensive Land Use Plan designates the property in question as Commerce. Within the Commerce Land Use section of the Comprehensive Plan, the following goal and objectives are applicable to this request:

**Goal: Maintain a dynamic and sustainable base of commercial uses that provides a solid tax base, goods, services and jobs to the city as well as the surrounding region through coordination in the Unified Development Ordinance, Comprehensive Land Use Plan and Economic Development Strategic Plan.**

Supporting Action:

- Promote, retain and attract businesses that provide a diverse tax base.

**Action**

To be reviewed by the Planning and Zoning Commission and acted upon by the City Council.

5408

5220

5186

5150

5100

5016

HWY.

**RT 14/NORTHWEST HWY.**

5517

5505

5501

5417

5409

5213

5201

7107 7109

5011



5014

5013

**P.I.Q.**

7308

PINGREE RD

7414

7502

VULCAN LAKES

5013

**City of Crystal Lake  
Development Application**

Office Use Only  
File # \_\_\_\_\_

Project Title: SWITZER CENTER

RECEIVED  
OCT 01 2012  
BY: \_\_\_\_\_

**Action Requested**

- |   |  |
|---|--|
| <input type="checkbox"/> Annexation                   | <input type="checkbox"/> Preliminary PUD                 |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Preliminary Plat of Subdivision |
| <input type="checkbox"/> Conceptual PUD Review        | <input checked="" type="checkbox"/> Rezoning             |
| <input type="checkbox"/> Final PUD                    | <input type="checkbox"/> Special Use Permit              |
| <input type="checkbox"/> Final PUD Amendment          | <input type="checkbox"/> Variation                       |
| <input type="checkbox"/> Final Plat of Subdivision    | <input type="checkbox"/> Other                           |

**Petitioner Information**

**Owner Information (if different)**

Name: D+R DEVELOPERS  
Address: 2525 KNOB HILL RD  
JOHNSBURG IL 60051  
Phone: 815-953-2830  
Fax: - NO -  
E-mail: SWITZERCREFT@COMCAST.NET

Name: HOME STATE BANK TRUST # 484K  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

**Property Information**

Project Description: THE SOUTH EAST LOT #3 IN THE BROOKLYN PLAZA PLAT.

Project Address/Location: 7109 PINGREE RD CRYSTAL LAKE

PIN Number(s): 19-09-226-003

**Development Team**

Please include address, phone, fax and e-mail

Developer: DR Developer (owners) Anne + Robert Switzer

Architect: none

Attorney: Jim Milillo

Engineer: nm

Landscape Architect: nm

Planner: self

Surveyor: Robert Conway

Other: \_\_\_\_\_

**Signatures**

Barbara Burget Barbara Burget 10/1/12  
Assistant Trust Officer  
PETITIONER: Print and Sign name (if different from owner) Date

As owner of the property in question, I hereby authorize the seeking of the above requested action.

Robert Switzer mgr. Partner 10-1-12  
OWNER: Print and Sign name Date

NOTE: If the property is held in trust, the trust officer must sign this petition as owner. In addition, the trust officer must provide a letter that names all beneficiaries of the trust.

This instrument is executed by Home State Bank/National Association, Crystal Lake, IL, not personally but solely as Trustee as aforesaid. All the covenants and conditions to be performed hereunder by Home State Bank/National Association are undertaken by it solely as Trustee as aforesaid and not individually, and no personal liability shall be asserted or be enforceable against Home State Bank/National Association by reason of any of the covenants, statements, representations or warranties contained in this instrument.

## **PUBLIC NOTICE**

**BEFORE THE PLANNING AND  
ZONING COMMISSION OF THE  
CITY OF CRYSTAL LAKE,  
MCHENRY COUNTY, ILLINOIS**

**IN THE MATTER OF THE APPLICA-  
TION OF D & R DEVELOPERS**

### **LEGAL NOTICE**

Notice is hereby given in compliance with the Unified Development Ordinance (UDO) of the City of Crystal Lake, Illinois, that a public hearing upon the application of D & R Developers relating to the following described real estate commonly known as 7109 Pingree Road, Crystal Lake, Illinois 60014, PIN: 19-09-226-003

The petition has requested that the subject property, which consists of approximately 1.76 acres, more or less, be reclassified from "M" Manufacturing to "B-2" General Commercial, in accordance with Articles 1 and 9 of the UDO. This request includes any variations that may be necessary to allow the project as presented that will be disclosed at the public hearing, if necessary. Plans for this project can be viewed at the City of Crystal Lake Community Development Department at City Hall.

A public hearing before the Planning and Zoning Commission on the request will be held at 7:30 p.m. on Wednesday, November 7, 2012, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

Tom Hayden, Chairperson  
Planning and Zoning Commission  
City of Crystal Lake  
(Published in the Northwest Herald  
October 13, 2012)

FACTORY AREA

SUBDIVISION

A SUBDIVISION OF THE NORTH 330 FEET OF THE EAST 726 FEET OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 43 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCHENRY COUNTY, ILLINOIS.

Located in the City of Crystal Lake, Illinois.

COUNTY CLERK CERTIFICATE

State of Illinois )
) ss
County of McHenry )

I, County Clerk in McHenry County, Illinois, do hereby certify that there are no delinquent general taxes, no unpaid current general taxes, no unpaid forfeited taxes, and no redeemable tax against any of the land included in the annexed plat.

I further certify that I have received all statutory fees in connection with the annexed plat.

Given under my hand and seal of the County of McHenry at Woodstock, Illinois, this day of 19

County Clerk

CITY COUNCIL CERTIFICATE

State of Illinois )
) ss
County of McHenry )

Approved by the City of Crystal Lake, Illinois, at a meeting held this day of 19

PLANNING CERTIFICATE
Approved this day of 19
by the City of Crystal Lake Planning and Zoning Committee.

Mayor

Clerk

Certificate As To Special Assessments

State of Illinois )
) ss
County of McHenry )

I, City Treasurer of the City of Crystal Lake, Illinois, do hereby certify that there are no delinquent or unpaid current or forfeited special assessments or any deferred installments thereof that have been apportioned against any of the land included in the annexed plat.

Dated at Crystal Lake, McHenry County, Illinois, this day of 19

City Treasurer

OWNER CERTIFICATE

State of Illinois )
) ss
County of McHenry )

This is to certify that the undersigned are the legal owners of the land described on the plat hereon drawn and shown hereon as subdivided, and that they have caused said land to be surveyed, subdivided, staked and platted as shown hereon for the purpose of having this plat recorded as provided by law.

In witness whereof we have hereunto set our hands and seals this day of 19

NOTARY CERTIFICATE

State of Illinois )
) ss
County of McHenry )

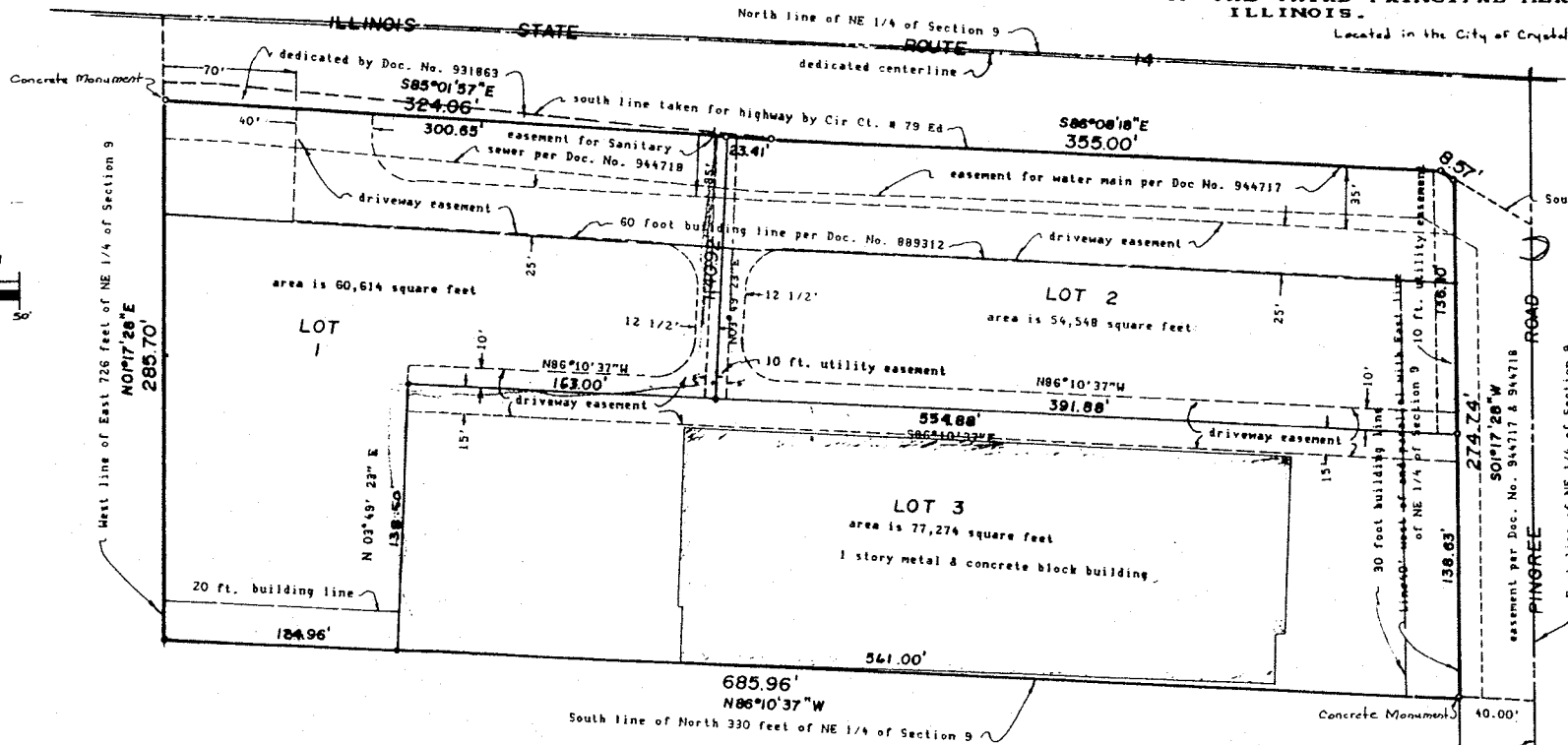
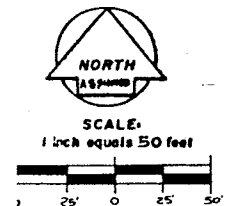
I, a Notary Public in and for said county and state aforesaid, do hereby certify that personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such owners appeared before me this day in person and acknowledge that they signed and delivered the annexed plat at their own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this day of 19, at Illinois.

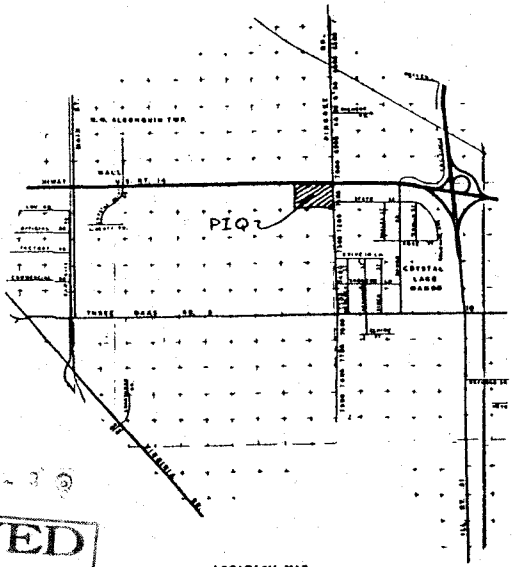
Notary Public

See Doc No. for covenants regarding driveway easements. Driveway easements are to allow road access between all lots and entrances.

There shall be sufficient parking for the existing net square



Designer: Robert J. Conway
Owner: David & Robert Switzer
Developer: D&R Development
McHenry, Illinois



UTILITY EASEMENT PROVISION
AN EASEMENT IS HEREBY RESERVED AND GRANTED TO THE NORTHERN ILLINOIS GAS COMPANY AND ITS SUCCESSORS AND ASSIGNS, IN ALL STREETS, ALLEYS AND OTHER PUBLIC WAYS AND PLACES SHOWN ON THIS PLAT, IF ANY, SAID EASEMENT TO BE FOR THE INSTALLATION, MAINTENANCE, RELOCATION AND REMOVAL OF GAS FACILITIES.

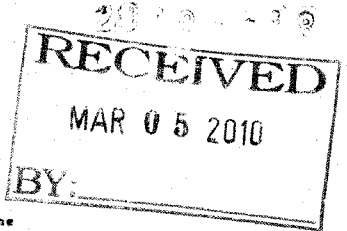
AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE ILLINOIS BELL TELEPHONE COMPANY AND COMMONWEALTH EDISON COMPANY, CATV COMPANIES AND OTHER UTILITY COMPANIES PROVIDING ELECTRIC OR COMMUNICATION SERVICES, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS WITHIN THE AREA AS SHOWN BY DOTTED LINES ON THE PLAT AND MARKED 'EASEMENT' IF ANY, TO INSTALL, LAY, CONSTRUCT, REPAIR, OPERATE AND MAINTAIN CONDUITS, CABLES, POLES AND WIRES, OVERHEAD AND UNDERGROUND, WITH ALL NECESSARY BRACES, GUYS, ANCHORS, AND OTHER EQUIPMENT, FOR THE PURPOSE OF SERVING THE SUBDIVISION AND OTHER PROPERTY WITH TELEPHONE AND ELECTRIC SERVICES; ALSO IS HEREBY GRANTED THE RIGHT TO USE THE STREETS FOR SAID PURPOSES, THE RIGHT TO OVERHANG ALL LOTS WITH AERIAL SERVICE WIRES TO SERVE ADJACENT LOTS, THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES TO INSTALL, LAY, CONSTRUCT, REPAIR, OPERATE AND MAINTAIN WITHIN SAID EASEMENT AREA SAID CONDUITS, CABLES, POLES, WIRES, BRACES, GUYS, ANCHORS, AND OTHER EQUIPMENT; AND FINALLY THE RIGHT IS HEREBY GRANTED TO CUT DOWN AND REMOVE OR TRIM AND KEEP TRIMMED ANY TREES, SHRUBS, OR SAPLINGS THAT INTERFERE WITH ANY OF THE SAID PUBLIC UTILITY EQUIPMENT. NO PERMANENT BUILDINGS OR TREES SHALL BE PLACED ON SAID EASEMENT, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR THE RIGHTS GRANTED HEREIN.

SURVEYOR CERTIFICATE

State of Illinois )
) ss
County of McHenry )

I, Robert J. Conway, do hereby certify that under my direction, I have caused the above described property to be surveyed, and that the plat hereon drawn is a correct representation of said survey. I further certify that the above described property falls entirely within Zone C area of minimal flooding, according to the Flood Insurance Rate Map of McHenry County, Illinois, Panel 325 of 325, Community Panel Number 170732 0335 B. Effective Date: September 30, 1981. All distances are given in feet and decimal parts thereof.

Dated at McHenry, this day of 19



RECORDER CERTIFICATE

State of Illinois )
) ss
County of McHenry )

This instrument filed for record in the Recorder's Office of McHenry County, Illinois, on this day of 19, A.D., at o'clock and recorded as Document No.