

**MINUTES**  
**KENDALL COUNTY**  
**ZONING BOARD OF APPEALS MEETING**  
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)  
YORKVILLE, IL 60560  
**October 31, 2022 – 7:00 p.m.**

**CALL TO ORDER**

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:02 p.m.

**ROLL CALL:**

Members Present: Cliff Fox, Tom LeCuyer, Randy Mohr, Dick Thompson, and Dick Whitfield

Members Absent: Scott Cherry and Jillian Prodehl

Staff Present: Matthew Asselmeier, AICP, CFM, Senior Planner

Others Present: Boyd Ingemunson, Seth Wormley, Eric Carlson, and Don Smith

**MINUTES:**

Member LeCuyer made a motion, seconded by Member Fox to approve the minutes of the October 3, 2022, hearing/meeting.

With a voice vote of five (5) ayes, the motion carried.

**PETITIONS**

The Zoning Board of Appeals started their review of Petition 22-20 at 7:03 p.m.

**Petition 22 – 20 – Stephanie Olson on Behalf of Sun Jelly Chicago RV LLC**

**Request:** Special Use Permit for a Recreational Camp and Recreational Vehicle Park, Variance to Section 7:01.D.46.g of the Kendall County Zoning Ordinance Pertaining to Fence Requirements, and Repealing the Development Agreement Dated September 24, 2008, Pertaining to the Development of the Yogi Bear Campground

**PINs:** 04-15-300-001, 04-15-100-005, and 04-16-276-001

**Location:** 8574 Millbrook Road, Newark, Inside the Village of Millbrook

**Purpose:** Petitioner Wishes to Replace Existing Development Plans and Replace with New Plans; Property is Zoned A-1 With a Court Ordered Special Use Permit

Mr. Asselmeier summarized the request.

The operators of Yogi Bear’s Jellystone Park Camp and Resort would like to make several changes to the layout of their existing facility.

The layout of the property and operations of the campground was governed by two (2) court orders that were incorporated into the annexation agreement with the Village of Millbrook in 2008 which were provided. In June 2022, the court relinquished jurisdiction of the land use and zoning of the property to the Village of Millbrook; the relinquishment document was provided. The County and Village of

Millbrook have an intergovernmental agreement by which Millbrook follows the Kendall County Zoning Ordinance and the County administers the Zoning Ordinance within Millbrook.

As described in the provided application materials and visually depicted on the proposed master plan, the proposed changes are follows:

1. Ranger station renovations – Welcome center and camp store renovations to upgrade cosmetics, add another office, relocate the restroom, add, and relocate snack bar appliances. Some exterior cosmetic improvements will also be a part of this renovation.
2. Amphitheater – A new band-shell style outdoor amphitheater will be built for multi-purpose use. The new AV system will enable movie watching during the day as well as at night, and the stage will be home to many skits, contests, and entertainment.
3. Garage – An approximate twenty-five by fifty (25x50) pole garage for storage of equipment and supplies.

Chairman Mohr requested to know if the buildings will be new or renovated. Mr. Asselmeier responded the garage is new and the amphitheater is new. The existing stage will be removed.

4. Pickleball courts – Two (2) pickleball courts will be added for an additional amenity. These will be enclosed by fencing and have lighting as well.
5. Playground – New playground will be installed in addition to the two (2) playsets already on site.
6. Pools – Pool #1 will be demolished for the raising of the Amphitheater. Pool #2 with spa and kiddie pool will be improved/repared for the 2023 season and then replaced with a new, larger pool and spa for the 2024 camping season.
7. Bathhouse – With the construction of the new pool for 2024, a new bath house will be built to service the pool and add more restroom facilities.
8. Ranger station patio improvements – With the change of the pool #2 layout will come changes in the patio design. It will extend to encompass a wider area of the amenity core to convey a more pedestrian friendly atmosphere and include a community fire pit.
9. Activity Center renovation – The renovation of the activity center will include cosmetic upgrades, both inside and out. A service window and roll up door will be installed for better guest/staff accessibility. A lean-to addition will also be built for storage purposes.
10. Court Sport Patio improvements – Cleanup of court sport areas in and around the amenity core.
11. Gaga Ball Pits – Will be relocated when amenity core changes take place.

12. Round Court - One (1) current basketball court will be replaced with a new and improved round court, and both courts receiving new poles, backboards, and nets.
13. Jump Pad – Amenity is being relocated to the old movie theater area.
14. Dog Park improvements – A new dog park will be added to the facilities. The dog park will be fenced in and offer seating and refuse receptacles.
15. Refuse collection points – Construction of four (4) refuse dumpster enclosures for guest trash disposal.
16. New septic systems – A projected addition of three (3) new septic systems to support the upgrade of all sites to allow sewer use.
17. Rustic Cabin Renovations – Cosmetic and minor mechanical renovations to the rustic cabins, may also include adding concrete sidewalks and patios with firepits.
18. Electrical Upgrades at Individual Sites – Upgrade all 30-amp service sites to 50-amp service sites.
19. Reconfiguration of sites – They intend to reconfigure sites, losing site numbers, but increasing the size of some sites to accommodate today's larger RV's. The estimated site number change will go from three hundred ninety-four (394) sites to approximately three hundred (300) sites. The reconfiguration will coincide with the electrical upgrades and septic installations.
20. Automatic gate – The installation of automatic gates for the security and safety of the guests. They propose to install six (6) gates within the park to allow for controlled access.
21. Site control fencing – Installation of fencing to control access and visibility to maintenance and refuse collection area.
22. Reconfigured parking area – The addition of parking spaces when designing the Ranger Station patio improvements in the amenity core.
23. Demolition of vacant residence and garage – Removal of vacant residence and garage for safety reasons and to allow and better maintenance access.
24. Demolition of Pool #1 and old comfort station to allow for the construction of the outdoor amphitheater.
25. Directional signage – Placement of directional and site marking signage.
26. Bridge – Install a bridge over the creek for pedestrian/cart access.

27. Small comfort station/playground – Addition of small comfort station and playground on far side of the creek for close guest access.

28. Installation of internet tower for better internet service. The tower is eighty feet (80') in height.

29. Add storm water detention site for new work.

As noted in the phasing plan contained in the master plan, improvements in the amenity core area and southwest of the amenity core area will occur in Phase I. Improvements in the area west of the amenity area will occur in Phase II. Improvements around the Internet Tower will occur in Phase III. No information was provided regarding the start or completion of the individual Phases.

In addition to the above changes, the Petitioners were requesting a variance to the requirement that the entire periphery of the park, with the exception of access roads be fenced. As noted on the landscaping plan contained in the master plan, the Petitioners do not want to place a fence along the front (west) side of the property.

The application materials, annexation agreement, court order relinquishing jurisdiction, proposed master plan, plat of the property, topographic survey and stormwater exhibit were provided.

The property is located at 8574 Millbrook Road inside the Village of Millbrook.

The property is approximately sixty-two (62) acres in size.

The existing use is wooded and a campground.

The property is zoned A-1 with a court ordered special use permit.

The adjacent land uses are agricultural, farmstead, and wooded.

The adjacent properties are zoned A-1 and A-1 BP in the County and A-1 inside the Village of Millbrook.

The County's Land Resource Management Plan calls for the area to be Rural Estate Residential, Countryside Residential, and Open Space. The Village of Millbrook's Plan calls for the area to be Commercial, Low Density Residential, and Open Space.

The properties within one half (1/2) mile are zoned A-1, A-1 SU, A-1 BP, and R-1 in the County. The A-1 SU to the east of the subject property is for a landscaping business. The Hollenback Sugarbush Forest Preserve is located near the subject property. Within one half (1/2) of a mile of this property, properties inside the Village of Millbrook are zoned A-1, R-3, B-2, B-3, and M-1.

EcoCat submitted and consultation was terminated.

The LESA Score was 150 indicating a low level of protection. The NRI was provided.

Fox Township was emailed information on September 23, 2022. No comments received.

As required by Section 7:01.D.46 of the Kendall County Zoning Ordinance, the Petitioner submitted an email to the Little Rock-Fox Fire Protection District on August 23, 2022, which was provided. Additional information was emailed on September 23, 2022. No comments received.

The Village of Millbrook was emailed information on September 23, 2022. It was Staff's understanding that the Village Board reviewed information related to the Petition prior to application submittal.

ZPAC reviewed the proposal at their meeting on October 4, 2022. The number of caretakers was set at two (2). The Kendall County Forest Preserve District agreed to work with the Petitioner regarding landscaping. The Kendall County Health Department discussed the Illinois Department of Public Health's role in licensing campgrounds. Discussion also occurred regarding securing appropriate permits for the planned upgrades to the septic systems and the concession area. Condition 18 was amended to replace the Planning, Building and Zoning Committee with the Millbrook Village Board. The number of employees mentioned in Condition 32 was deleted and replaced with the number of campground caretakers. ZPAC recommended approval of the proposal with the two (2) previously listed amendments by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on October 26, 2022. The Commission agreed to clarify Condition 11 to say that the submitted landscaping plan met the requirement outlined in the Zoning Ordinance. Several Commissioners commended the Petitioner for their work in improving the property and the overall quality of the proposal. Discussion occurred about the Village of Millbrook collecting hotel/motel tax and sales tax from the property; the Petitioner was open to discussing these items. Neighbor Gerard Dieter felt the proposal was good; he had concerns regarding litter that was visible from Budd Road. The Petitioner clarified that patrons would not stay at the property year-round, but recreational vehicles could be parked at the property year-round. The Commission decided not to regulate the hours of operation of the onsite swimming pools; the hours of operation had been regulated previously in one (1) of the court orders. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff and the previously listed amendment to Condition 11 by a vote of nine (9) in favor and zero (0) in opposition with 1 member absent. The minutes of the meeting were provided.

Per Section 7:01.D.46 of the Kendall County Zoning Ordinance, recreational camps and recreational parks can be special uses on A-1 zone property subject to the following conditions:

- a. All applications for a permit to operate a recreational vehicle park or campground shall contain the following:
  1. Name, address and telephone number of applicant.
  2. Percentage of interest of the applicant and/or owners in the proposed campground.
  3. Name and address of all persons holding an interest or having an interest in the proposed campground.
  4. Location, address and legal description of the entire proposed campground.
  5. Existing zoning of subject property and all adjacent properties.
  6. Complete engineering plans and specifications of the proposed campground showing:

- i. The area and dimensions of the entire tract of land;
  - ii. The number, location and size of all lots intended for use by recreational vehicles or tents;
  - iii. The number, location and size of all unimproved, partially improved and fully improved lots;
  - iv. The location, right-of-way and surfaced roadway width and surfacing materials of roadways and walkways;
  - v. The location of proposed interior vehicular and pedestrian circulation patterns;
  - vi. The location of service buildings, sanitary stations and any other existing or proposed structures;
  - vii. The location of water and sewer lines;
  - viii. Plans and specifications of all buildings constructed or to be constructed within the campground;
  - ix. Plans and specifications of the water supply, refuse and sewage disposal facilities, pet exercise and sanitation areas;
  - x. The location and details of lighting and electrical systems;
  - xi. The location of fire hydrants, if provided;
  - xii. Location of all drainage easements to comply with County drainage plans.
  - xiii. Quantity and point or area of departure of storm water runoff prior to and subsequent to construction of the proposed RV park.
  - xiv. Erosion control and landscaping plans;
  - xv. Kendall County Soil and Water Conservation District soils report;
  - xvi. The calendar months of the year during which the applicant will operate the proposed campground.
- b. Where a campground development is proposed for construction in a series of stages, a master plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.
- c. Every application for the construction, operation, maintenance and occupancy for a campground shall be accompanied with plans and specifications, fully setting out the trailer spaces, the position of each RV, motor vehicle parking spaces, the driveway giving access thereto and a plan of landscaping. Before any permit is issued for a campground and the use thereof, the plans and specifications shall first be approved by the PBZ Department and the Kendall County Health Department, taking into account all the provisions as set out herein, as well as such special conditions as may be imposed by the Kendall County Board or its specified subcommittee, and provided further that said plans and specifications are in accordance with State regulations governing campgrounds.
- d. After completing the necessary zoning requirements and when upon review of the application, the PBZ Department has determined that the proposed plan meets all requirements of this Ordinance, a permit shall be issued.
- e. The minimum parcel size must be twenty (20) acres.

- f. The park or campground must be screened from nearby agricultural and other land uses by a vegetative buffer other than multiflora rose or Honeysuckle. The width of the buffer should vary in proportion to the maximum campground or park population up to a maximum of three hundred feet (300').
- g. The periphery of the park or campground, except at designated access roads, must be completely enclosed and maintained by a fence which will not permit people or farm animals to pass through it;
- h. The park or campground must maintain litter control and refuse collection so as to prevent litter or refuse from blowing onto or otherwise being deposited on nearby lands.
- i. Traffic from the park or campground must not seriously impair the movement of or cause hazard to agricultural and vehicular traffic.
- j. All lands classified as floodplains shall remain in permanent open space.
- k. No more than twenty percent (20%) of any forest shall be cleared or developed and the remaining eighty percent (80%) shall be retained in permanent open space or a tree study with a tree mitigation plan approved by the PBZ Committee may be submitted. General maintenance shall be exempt from the requirements of this section and this provision does not apply to the clearing of invasive species. Invasive species shall be defined by the Illinois Department of Natural Resources.
- l. All ponds, wetlands, and watercourses shall be left in permanent open space and no dredging, filling, or diversion of water shall be permitted.
- m. Storm water runoff shall be limited to the rate which would occur under natural conditions.
- n. All ponds, wetlands, and watercourses are to be protected from erosion and sedimentation in accordance with the Kendall County Stormwater Management Ordinance.
- o. Areas with slopes greater than fifteen percent (15%) are to be retained in permanent open space.
- p. Scenic views from public highways or adjoining lands must be maintained.
- q. The park or campground should provide separate circulation systems for vehicles and pedestrians.
- r. Access to the park must be safe and convenient.
- s. To insure adequate open space and protection of resource areas, lots within the park or campground should be clustered.
- t. Internal roads, except one main collector road, should be one way and no wider than eighteen feet (18').

- u. Collector roads should be no wider than twenty-four feet (24').
- v. Recreation facilities within the park should be in proportion to the maximum park population.
- w. Recreational space within the park should be in proportion to the maximum park population and may include up to sixty percent (60%) of the park or campground.
- x. Water supply and waste disposal facilities shall be designed, constructed and maintained in accordance with Health Department regulations.
- y. The storage, collection and disposal of refuse shall be performed as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.
- z. No parking is permitted on interior roads.
- aa. All outdoor cooking facilities shall be located, constructed, and maintained to minimize fire hazard and smoke nuisance.
- bb. All accessory uses should be limited to park residents.
- cc. There shall be no indication of retail accessory uses visible from any public road or street.
- dd. Lots in the park or campground must be at least one thousand five hundred (1500) square feet and clearly marked on the ground with landmarks on the lot corners and lot signage approved by the local fire protection district.
- ee. Trailers and accessory structures must be separated from one another by at least ten feet (10') in all directions.
- ff. Traffic generated by the maximum park or campground population must not exceed capacities of the local traffic network or cause public funds to be used for traffic safety or control improvements.
- gg. Demands for public water or sanitary waste disposal must not overburden current facilities.
- hh. No recreational vehicle, tent, or location within a recreational vehicle park or campground shall be used as a permanent place of abode. If the address of the recreational vehicle park or campground is listed as a person's address on any government issued document, including, but not limited to, any government roll or registry (such as a voter roll or registry), or any application or enrollment information for a public, private, or parochial educational institution, the recreational vehicle park or campground shall be considered that person's permanent place of abode, regardless of the length of that person's occupancy. This provision shall not apply to campground caretakers.
- ii. Inspections
  - a. The PBZ Department and the Health Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory

compliance with this Ordinance, but in no case shall such inspection take place less than once per year.

- b. The PBZ Department and the Health Department shall have the power to enter at reasonable times and upon reasonable notice upon any private property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.
- c. The owner of the recreational vehicle park or campground, or his agent or employee, shall be required to maintain a register containing a record of all campers, picnickers, and visitors registered in the park or campground. The PBZ Department, Health Department, law enforcement agency with jurisdiction, and the local fire protection district shall have the power to inspect the register upon request. The register shall be updated daily at minimum.
- d. It shall be the duty of the park management to give the PBZ Department and the Health Department free access to all lots and other areas at reasonable times and upon reasonable notice for the purpose of inspection.
- e. It shall be the duty of every camper or picnicker in the park to give the owner thereof or his agent or employee access to any part of such recreational vehicle park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Ordinance and to facilitate inspections.

jj. All standards of the Health Department shall be met.

kk. Must seek approval from the fire and police departments at the time of application submittal for the special use permit.

ll. Adequate directional signage must be throughout the property, including street signs. All trails shall be marked at their beginnings and ends.

mm. A map of the recreational vehicle park or campground shall be supplied to KenCom. At minimum, the map shall show the location and names or numbers of all lots and trails in the recreational vehicle park or campground and the location and names of all streets and trails. Changes to the map or any identification information on the map shall be reported to KenCom within thirty (30) days of the change.

If the Village Board approves the variance related to fences, the other conditions have been met or could be included as conditions in the special use permit.

The Petitioner submitted the current layout of the property to KenCom; KenCom was satisfied with this map. KenCom's email was provided.

Per the information provided in the business overview, the camp has been at the subject property for approximately thirty (30) years. They are open for rentals from April 15<sup>th</sup> to October 31<sup>st</sup> yearly. They have three hundred ninety-four (394) sites. They offer space for personal recreational vehicles, trailers, tents, and onsite cabins. They offer standard water and electricity for tents and recreational vehicles and premium full hook-ups for recreational vehicles, deluxe cabin rentals, and rustic cabin rentals. Amenities include a swimming pool, jump pad, playgrounds, basketball court, recreational center, camp store, and other outdoor activities. During the operating season, the maximum number of employees is

thirty-six (36) and during the non-operating season, the maximum number of full-time employees is three (3).

The master plan calls for the construction of several new buildings and renovations to other facilities. Applicable building permits will be required as these structures are constructed and renovated.

Per the master plan, new construction will match existing design. All structures will be one (1) story. The bathhouses will have masonry exterior walls, wood truss hip roofs, asphalt shingles, and wood privacy fences at the openings. The garage, amphitheater, and other buildings will be wood frame structures with wood truss gable roofs, asphalt shingles, either vinyl or composite wood siding.

As noted previously, the Internet tower will be eighty feet (80') in height.

The structures shown for demolition would also require permits.

The subject property is served by well and septic. Information about the water system was provided in master plan. Information about the septic systems was also provided in the master plan.

The Petitioner has submitted a topographic survey and stormwater exhibit and a stormwater management permit application. As of the date of this hearing, these items are under review.

As shown on the master plan, the property has one (1) access point off of Millbrook Road. There are five (5) gates on the roads near the entrance of the property.

Per the master plan, there are thirteen (13) named streets within the property and several minor roads.

There are twenty-eight (28) parking spaces, including two (2) handicapped accessible spaces.

No information was provided regarding lights.

Several directional signs are presently located on the property. None of the existing signs are illuminated. One (1) identification sign is located on the west side of Millbrook Road across from the subject property; this sign was allowed per court order.

Per the master plan four (4) new direction signs are proposed for the property. Some of these signs might be illuminated.

Each camp site would also have its own sign.

Signs would be metal, vinyl, and painted wood.

Pictures and descriptions of signs can be found in the master plan.

The master plan shows five (5) gates near the entrance to the property. The landscaping portion of the master plan shows a weld wire mesh fence across the northern, eastern, and southern perimeter of the property. Numerous trees and scrub plantings also are located along the northern, eastern, and southern perimeter of the property.

The master plan also calls for a chain link fence around the dog park, pool deck, and owner's residence.

The landscaping portion of the master plan notes the number of existing trees on the property. No tree clearing outside of the amenity core area is planned except for maintenance purposes and the removal of invasive species. Native shrubs are planned in the landscaping beds. More specific landscaping plans will be submitted as the project progresses.

No information was provided regarding noise control.

No information was provided regarding odor control.

The master plan calls for four (4) refuse dumpster enclosures. Per the master plan, each refuse location will include two (2) dumpsters surrounded by a wood privacy fence on three (3) sides. The fences would be six feet (6') in height. The dumpsters would be on asphalt pads. The enclosures would be approximately fourteen feet (14') wide and slightly over six feet (6') in depth. Three (3) of the four (4) dumpster enclosures are planned in Phase I of the project.

As of the date of this hearing, there are four (4) active recreational camp and recreational park special use permits in unincorporated Kendall County. The above figure does not include the subject property. The property where Camp Quarryledge was previously located is pending annexation into the Village of Oswego.

The proposed Findings of Fact for the Special Use Permit were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation of the property as a recreational vehicle park and campground has occurred since the early 1980s. Restrictions, such as requiring the site to be developed in accordance to the submitted site plan, may be placed in the special use permit to ensure the public health, safety, moral, comfort, and general welfare are protected.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. No evidence exists showing that the use of the property has substantially injured the use to other properties or caused the diminishment of property values. The proposed site plan addressing buffering, screening, fencing, and open space preservation. Some of the negative impacts of the proposed use on properties in the immediate vicinity could be mitigated by restrictions related to season of operation and noise within the ordinance granting the special use permit.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, the Petitioner's master plan addresses utilities, access

roads, and other necessary facilities. A stormwater management permit will be required to implement some of the projects shown on the master plan.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided a variance is issued for the fence regulations along the west side of the property, this is true.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the Village of Millbrook's Comprehensive Plan identifies this property as a campground and as open space. Further, the Village Comprehensive Plan states on page 13, "Locate open space amenities such as parks and recreation activities along the Fox River and the Hollenback Creek corridor."

The proposed Findings of Fact for the variance were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. Millbrook Road creates a natural barrier which makes the requirement unnecessary. The property has been used as a campground since the mid-1980s and no such regulation was required when the campground was originally established.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Only four (4) other campgrounds presently operate in unincorporated Kendall County on A-1 zoned property. None of the other campgrounds have this requirement. It is unknown if future campgrounds will require a similar variance in the future.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The fencing requirement came into existence after the campground originally opened.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. As the campground has operated at the subject property since the 1980s and no evidence has been presented that the current use harmed the public welfare or other properties, the lack of fencing along Millbrook Road in the future will not be detrimental to the public or neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The requested variance will not impair light reaching other properties, cause congestion on any public street, or diminish or impair property values.

Staff recommended approval of the special use permit and variance subject to the following conditions and restrictions:

1. All previously approved development plans for subject property are repealed.
2. The site shall be developed substantially in accordance with the submitted master plan.
3. One (1) identification sign with a maximum thirteen feet (13') in width and twelve feet (12') feet in height may be placed on the property presently identified by parcel identification number 04-16-400-001 and located on the west side of Millbrook Road. This sign may not be illuminated.
4. Additional signage may be installed on the subject property as outlined and described in the submitted master plan. This signage may be illuminated. Adequate directional signage must be throughout the property, including street signs. All trails shall be marked at their beginnings and ends.
5. A variance to Section 7:01.D.46.g is granted to not require fencing along the west side of the property as shown in the submitted master plan.
6. The operating season shall be between April 15<sup>th</sup> and October 31<sup>st</sup> yearly. No campers may be on the property during the non-operating season. The Millbrook Village Board may extend the operating season upon request of the property owner and after notification to the Kendall County Planning, Building and Zoning Department regarding the extension.
7. None of the structures or signs placed on the subject property shall be considered agricultural structures and shall secure proper permits for construction, demolition, or renovation.
8. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
9. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
10. The minimum parcel size must be twenty (20) acres.
11. The park or campground must be screened from nearby agricultural and other land uses by a vegetative buffer other than multiflora rose or Honeysuckle. The width of the buffer should vary in proportion to the maximum campground or park population up to a maximum of three hundred feet (300'). The landscaping plan including in the submitted master plan meets this condition. (Amended at RPC).
12. The park or campground must maintain litter control and refuse collection so as to prevent litter or refuse from blowing onto or otherwise being deposited on nearby lands.
13. The storage, collection and disposal of refuse shall be performed as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.
14. Traffic from the park or campground must not seriously impair the movement of or cause hazard to agricultural and vehicular traffic.
15. Traffic generated by the maximum park or campground population must not exceed capacities of the local traffic network or cause public funds to be used for traffic safety or control improvements.
16. All lands classified as floodplains shall remain in permanent open space.

17. Areas with slopes greater than fifteen percent (15%) are to be retained in permanent open space.
18. No more than twenty percent (20%) of any forest shall be cleared or developed and the remaining eighty percent (80%) shall be retained in permanent open space or a tree study with a tree mitigation plan approved by the Millbrook Village Board may be submitted. General maintenance shall be exempt from the requirements of this section and this provision does not apply to the clearing of invasive species. Invasive species shall be defined by the Illinois Department of Natural Resources. (Amended at ZPAC).
19. All ponds, wetlands, and watercourses shall be left in permanent open space and no dredging, filling, or diversion of water shall be permitted.
20. Stormwater runoff shall be limited to the rate which would occur under natural conditions and shall be governed by the stormwater management permit.
21. The park or campground should provide separate circulation systems for vehicles and pedestrians.
22. Internal roads, except one (1) main collector road, should be one way and no wider than eighteen feet (18').
23. Collector roads should be no wider than twenty-four feet (24').
24. No parking is permitted on interior roads.
25. Recreational space within the park should be in proportion to the maximum park population and may include up to sixty percent (60%) of the park or campground.
26. All outdoor cooking facilities shall be located, constructed, and maintained to minimize fire hazard and smoke nuisance.
27. All accessory uses should be limited to park residents.
28. There shall be no indication of retail accessory uses visible from any public road or street.
29. Lots in the park or campground must be at least one thousand five hundred (1500) square feet and clearly marked on the ground with landmarks on the lot corners and lot signage approved by the local fire protection district.
30. Trailers and accessory structures must be separated from one another by at least ten feet (10') in all directions.
31. No recreational vehicle, tent, or location within a recreational vehicle park or campground shall be used as a permanent place of abode. If the address of the recreational vehicle park or campground is listed as a person's address on any government issued document, including, but not limited to, any government roll or registry (such as a voter roll or registry), or any application or enrollment information for a public, private, or parochial educational institution, the recreational vehicle park or campground shall be considered that person's permanent place of abode, regardless of the length of that person's occupancy. This provision shall not apply to campground caretakers or the immediate families of campground caretakers (Amended after ZPAC).
32. The maximum number of campground caretakers shall be two (2) (Amended at ZPAC).

### 33. Inspections

- a. The Planning, Building and Zoning Department and the Health Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance, but in no case shall such inspection take place less than once per year.
- b. The Planning, Building and Zoning Department and the Health Department shall have the power to enter at reasonable times and upon reasonable notice upon any private property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.
- c. The owner of the recreational vehicle park or campground, or his agent or employee, shall be required to maintain a register containing a record of all campers, picnickers, and visitors registered in the park or campground. The Planning, Building and Zoning Department, Health Department, law enforcement agency with jurisdiction, and the local fire protection district shall have the power to inspect the register upon request. The register shall be updated daily at minimum.
- d. It shall be the duty of the park management to give the Planning, Building and Zoning Department and the Health Department free access to all lots and other areas at reasonable times and upon reasonable notice for the purpose of inspection.
- e. It shall be the duty of every camper or picnicker in the park to give the owner thereof or his agent or employee access to any part of such recreational vehicle park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this special use permit and to facilitate inspections.

34. A map of the recreational vehicle park or campground shall be supplied to KenCom. At minimum, the map shall show the location and names or numbers of all lots and trails in the recreational vehicle park or campground and the location and names of all streets and trails. Changes to the map or any identification information on the map shall be reported to KenCom within thirty (30) days of the change.

35. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

36. The property owner and operators of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
37. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
38. Failure to comply with one or more of the above conditions could result in the amendment or revocation of the special use permit.
39. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
40. This special use permit and variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Chairman Mohr asked about the timing for the individual phases. Mr. Asselmeier responded that the start and concluding times for the individual phases would occur.

Chairman Mohr asked about the number of ingresses. Mr. Asselmeier responded that the property has one (1) main entrance and exit.

Chairman Mohr asked about fire protection. Mr. Asselmeier responded that the Little Rock-Fox Fire Protection District was notified about the proposal in August and sent updated information in September and, to date, no comments have been provided.

Member Thompson requested clarification on the number of campground caretakers. Mr. Asselmeier responded the maximum number of employees in the off-season is three (3) and the maximum number of campground caretakers is two (2). Staff would be open to increasing the number of campground caretakers.

Member Whitfield asked if the buildings were off of roadways. Mr. Asselmeier responded yes.

Member Whitfield noted that the Petitioner was required to notify KenCom. Mr. Asselmeier stated that KenCom has been provided the existing layout of the property and the Petitioner is required to notify KenCom of the new layout if the special use permit amendment is approved.

Chairman Mohr opened the public hearing at 7:29 p.m.

Chairman Mohr swore in Boyd Ingemunson, Seth Wormley, Eric Carlson, and Don Smith.

Chairman Mohr asked about the timing of the various phases.

Boyd Ingemunson, Attorney for the Petitioner, was not opposed to setting deadlines for the phases. He believed the Petitioner would work diligently to complete the phases.

Chairman Mohr asked if trucks had access to service the dumpsters. It was noted that the dumpsters were located along roads.

Chairman Mohr asked about uses at the amphitheater. Mr. Ingemunson responded the uses would be the same as events currently held at the property. It was noted that the noise regulations were included in the special use permit.

Chairman Mohr asked if the tower would be fenced. Mr. Ingemunson responded the tower would be fenced. Chairman Mohr was concerned about having only one (1) main road entrance. Member Whitfield said the area around the tower has access to Millbrook Road.

Chairman Mohr closed the public hearing at 7:33 p.m.

Member Whitfield made a motion, seconded by Member Thompson, to approve the Findings of Fact for the special use permit.

The votes were as follows:

Ayes (5): Fox, LeCuyer, Mohr, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (2): Cherry and Prodehl

The motion passed.

Chairman Mohr asked if any issues related to campgrounds had not been addressed. Mr. Asselmeier responded that the proposal followed the ordinance that was adopted to address concerns raised by another campground that was annexed to another municipality and everything seemed to be addressed. Member Whitfield noted that the proposal seemed thorough.

Member Thompson made a motion, seconded by Member Fox, to approve the Findings of Fact for the variance.

The votes were as follows:

Ayes (5): Fox, LeCuyer, Mohr, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (2): Cherry and Prodehl

The motion passed.

Member LeCuyer made a motion, seconded by Member Whitfield, to recommend approval of the special use permit and variance with the conditions proposed by Staff.

Member Fox asked if residents could stay all summer. Mr. Asselmeier responded yes. Residency was

not determined by number days. Discussion occurred regarding the operating season as outlined in Condition 6. The trailers can remain on the property.

The votes were as follows:

Ayes (5): Fox, LeCuyer, Mohr, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (2): Cherry and Prodehl

The motion passed.

The proposal goes to the Village of Millbrook on November 22, 2022.

The Zoning Board of Appeals completed their review of Petition 22-20 at 7:40 p.m.

The Zoning Board of Appeals started their review of Petition 22-21 at 7:40 p.m.

**Petition 22 – 21 – Donald Smith**

Request: Variance to Section 8:07.E.1 of the Kendall County Zoning Ordinance Reducing the Front Yard Setback from Fifty Feet to Thirty Feet  
PIN: 02-33-201-001  
Location: 505 E. Spring Street, Yorkville, Bristol Township  
Purpose: Petitioner Wishes to Construct an Addition Including an Attached Garage; Property is Zoned R-3

Mr. Asselmeier summarized the request.

The Petitioner would like to construct an approximately one thousand one hundred fifty-seven (1,157) square foot garage addition at the subject property. The garage would encroach twenty feet (20') into the front yard setback, thus reducing the setback from fifty feet (50') to thirty feet (30'). Per Section 8:07.E.1 of Kendall County Zoning Ordinance, the required front yard for this property is fifty feet (50').

The application materials, site plan, floor plan and elevations, a picture of the subject property, topographic survey of the property, aerial showing the zoning of properties inside the United City of Yorkville, and the aerial showing the zoning of properties in the unincorporated area were provided.

The subject property is approximately three quarters (3/4) of an acre in size.

The current land use is single-family residential.

The County's plan calls for the property to be Suburban Residential (1.00 DU/Acre Max). Yorkville's plan calls for the property to be Suburban Neighborhoods.

East Spring Street is maintained by Yorkville. There are no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses are single-family residential.

The adjacent properties are zoned R-3 in the County and R-2 inside Yorkville.

The County's plan calls for the area to be Suburban Residential (1.00 DU/Acre Max). Yorkville's plan calls for the area to be Suburban Neighborhoods.

The subject parcel was created in March 1967.

The subject parcel has been zoned R-3 since 1974. The subject parcel is less than the required forty-five thousand square (45,000) feet for R-3 zoned property.

The house on the property was constructed in 1974. The house is approximately one thousand three hundred five (1,305) square feet in size.

Per the site plan, the Petitioner plans to construct one (1) six hundred fifty (650) square foot addition on the west side of the house, one (1) one hundred thirty-six (136) square foot addition on the north side of the house, and one (1) one thousand one hundred fifty-seven (1,157) square foot addition on the east and south side of the house. Per the floor plans and elevations, the addition on the east and south sides of the house will consist of a mud room, one (1) two (2) car garage, additional storage, and one (1) one (1) car garage.

As noted in the picture of the house, the existing garage is located on the southeast corner of the house; the addition would be adjacent to the existing garage.

As noted in the site plan, the existing septic field is located on the north side of the house.

Per the United City of Yorkville, the properties to the south are zoned R-2. The front yard setback for R-2 zoned properties inside the United City of Yorkville is thirty feet (30').

Bristol Township was emailed this proposal on October 4, 2022. No comments were received.

The Bristol-Kendall Fire Protection District was emailed this proposal on October 4, 2022. No comments were received.

The United City of Yorkville was emailed this proposal on October 4, 2022. They will be reviewing the proposal in November.

The proposed Findings of Fact were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The subject parcel was platted in 1967 and the existing house was constructed in 1974. The existing septic field is located north of the house. The existing garage is located on the southeast corner of the house with an existing driveway between the garage and E. Spring Street. The proposed addition, including the two (2) new garage areas, is logically placed on the property. The proposed addition could not be constructed on the property in the size proposed without

encroaching into the front (south) yard property because of the configuration of the property and the location of the house on the property.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. The number of properties zoned R-3, platted in the 1960s, not meeting the current minimum lot square footage requirement, with the type of configuration of house location in relation to a septic system and an existing garage is unknown.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The current owner did not plat the lot, construct the existing house, or install the existing septic system. The current owner does wish to construct the proposed addition.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The requested variance will not impair light reaching other properties, cause congestion on any public street, or diminish or impair property values. Provided the addition is constructed following applicable building codes, the variance will not increase the danger of fire or negatively impact public safety.

Staff recommended approval of the requested variance subject to the following conditions:

1. The site shall be developed substantially in accordance with the site plan, proposed elevation, and no part of the primary structure shall encroach within thirty feet (30') of the front (south) property line.
2. The owner of the property shall comply with all applicable federal, state, and local laws with regards to constructing and/or renovating the structure(s) on the subject property.
3. This variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns.

Chairman Mohr noted that the request would be consistent with the area.

Chairman Mohr opened the public hearing at 7:45 p.m.

Eric Carlson, Petitioner's Architect, stated he was in attendance to answer questions.

No encroachment would occur into the side yard setback.

Discussion occurred regarding the size of the adjacent lot. No house would be located within two hundred feet (200') of the property.

Don Smith, Petitioner, said that he talked to almost all of the neighbors.

It was noted that the front yard setbacks for the properties inside Yorkville was thirty feet (30').

Chairman Mohr closed the public hearing at 7:47 p.m.

Member LeCuyer made a motion, seconded by Member Fox, to approve the Findings of Fact for the variance.

The votes were as follows:

Ayes (5): Fox, LeCuyer, Mohr, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (2): Cherry and Prodehl

The motion passed.

Member Whitfield made a motion, seconded by Member LeCuyer, to approve the variance with the conditions proposed by Staff.

The votes were as follows:

Ayes (5): Fox, LeCuyer, Mohr, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (2): Cherry and Prodehl

The motion passed.

The United City of Yorkville and Bristol Township will be notified of the results of the public hearing.

The Zoning Board of Appeals completed their review of Petition 22-21 at 7:48 p.m.

#### **NEW BUSINESS/OLD BUSINESS**

##### **October 21, 2022 Illinois Association of County Zoning Officials Training**

Mr. Asselmeier said the recording from the meeting is available. Member LeCuyer felt the meeting was informative.

Chairman Mohr discussed the possibility of amending the Zoning Ordinance pertaining to solar panels on properties larger than twenty (20) acres. Discussion occurred about taxes, services, and potential locations for solar panels.

Chairman Mohr discussed creating a new land use zone or classification for agricultural conservation residential development around the Aux Sable Creek in Seward Township. A new district or classification could apply to additional townships.

#### **REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD**

Mr. Asselmeier reported that Petition 22-01 was denied at the County Board.

## **PUBLIC COMMENTS**

None

## **ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

Member Fox made a motion, seconded by Member LeCuyer, to adjourn.

With a voice vote of five (5) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 8:04 p.m.

The next regularly scheduled hearing/meeting will be on December 19, 2022.

Respectfully submitted by,  
Matthew H. Asselmeier, AICP, CFM  
Senior Planner

### Exhibits

1. Memo on Petition 22-20 Dated October 28, 2022
2. Certificate of Publication and Certified Mail Receipts for Petition 22-20 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. Memo on Petition 22-21 Dated October 4, 2022
4. Certificate of Publication and Certified Mail Receipts for Petition 22-21 (Not Included with Report but on file in Planning, Building and Zoning Office)



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

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**Petition 22-20**

**Stephanie Olson on Behalf of Sun Jelly Chicago RV LLC  
8574 Millbrook Road Inside the Village of Millbrook  
Special Use Permit for a Recreational Camp and Recreational  
Park, Variance to Fence Requirements, and Repealing the  
Previously Approved Development Plan**

**INTRODUCTION**

The operators of Yogi Bear's Jellystone Park Camp and Resort would like to make several changes to the layout of their existing facility.

The layout of the property and operations of the campground was governed by two (2) court orders that were incorporated into the annexation agreement with the Village of Millbrook in 2008 (see Attachment 2). In June 2022, the court relinquished jurisdiction of the land use and zoning of the property to the Village of Millbrook (see Attachment 3). The County and Village of Millbrook have an intergovernmental agreement by which Millbrook follows the Kendall County Zoning Ordinance and the County administers the Zoning Ordinance within Millbrook.

As described in Attachment 1, Pages 3 and 4 and visually depicted on the proposed master plan (Attachment 4), the proposed changes are follows:

1. Ranger station renovations – Welcome center and camp store renovations to upgrade cosmetics, add another office, relocate the restroom, add, and relocate snack bar appliances. Some exterior cosmetic improvements will also be a part of this renovation.
2. Amphitheater – A new band-shell style outdoor amphitheater will be built for multi-purpose use. The new AV system will enable movie watching during the day as well as at night, and the stage will be home to many skits, contests, and entertainment.
3. Garage – An approximate twenty-five by fifty (25x50) pole garage for storage of equipment and supplies.
4. Pickleball courts – Two (2) pickleball courts will be added for an additional amenity. These will be enclosed by fencing and have lighting as well.
5. Playground – New playground will be installed in addition to the two (2) playsets already on site.
6. Pools – Pool #1 will be demolished for the raising of the Amphitheater. Pool #2 with spa and kiddie pool will be improved/repared for the 2023 season and then replaced with a new, larger pool and spa for the 2024 camping season.
7. Bathhouse – With the construction of the new pool for 2024, a new bath house will be built to service the pool and add more restroom facilities.
8. Ranger station patio improvements – With the change of the pool #2 layout will come changes in the patio design. It will extend to encompass a wider area of the amenity core to convey a more pedestrian friendly atmosphere and include a community fire pit.

9. Activity Center renovation – The renovation of the activity center will include cosmetic upgrades, both inside and out. A service window and roll up door will be installed for better guest/staff accessibility. A lean-to addition will also be built for storage purposes.
10. Court Sport Patio improvements – Cleanup of court sport areas in and around the amenity core.
11. Gaga Ball Pits – Will be relocated when amenity core changes take place.
12. Round Court - One (1) current basketball court will be replaced with a new and improved round court, and both courts receiving new poles, backboards, and nets.
13. Jump Pad – Amenity is being relocated to the old movie theater area.
14. Dog Park improvements – A new dog park will be added to the facilities. The dog park will be fenced in and offer seating and refuse receptacles.
15. Refuse collection points – Construction of four (4) refuse dumpster enclosures for guest trash disposal.
16. New septic systems – A projected addition of three (3) new septic systems to support the upgrade of all sites to allow sewer use.
17. Rustic Cabin Renovations – Cosmetic and minor mechanical renovations to the rustic cabins, may also include adding concrete sidewalks and patios with firepits.
18. Electrical Upgrades at Individual Sites – Upgrade all 30-amp service sites to 50-amp service sites.
19. Reconfiguration of sites – They intend to reconfigure sites, losing site numbers, but increasing the size of some sites to accommodate today's larger RV's. The estimated site number change will go from three hundred ninety-four (394) sites to approximately three hundred (300) sites. The reconfiguration will coincide with the electrical upgrades and septic installations.
20. Automatic gate – The installation of automatic gates for the security and safety of the guests. They propose to install six (6) gates within the park to allow for controlled access.
21. Site control fencing – Installation of fencing to control access and visibility to maintenance and refuse collection area.
22. Reconfigured parking area – The addition of parking spaces when designing the Ranger Station patio improvements in the amenity core.
23. Demolition of vacant residence and garage – Removal of vacant residence and garage for safety reasons and to allow and better maintenance access.
24. Demolition of Pool #1 and old comfort station to allow for the construction of the outdoor amphitheater.
25. Directional signage – Placement of directional and site marking signage.
26. Bridge – Install a bridge over the creek for pedestrian/cart access.
27. Small comfort station/playground – Addition of small comfort station and playground on far side of the creek for close guest access.

28. Installation of internet tower for better internet service. The tower is eighty feet (80') in height.

29. Add storm water detention site for new work.

As noted in the phasing plan contained in the master plan (Attachment 4, Page 9), improvements in the amenity core area and southwest of the amenity core area will occur in Phase I. Improvements in the area west of the amenity area will occur in Phase II. Improvements around the Internet Tower will occur in Phase III. No information was provided regarding the start or completion of the individual Phases.

In addition to the above changes, the Petitioners were requesting a variance to the requirement that the entire periphery of the park, with the exception of access roads be fenced. As noted on the landscaping plan contained in the master plan (Attachment 4, Page 8), the Petitioners do not want to place a fence along the front (west) side of the property.

The application materials are included as Attachment 1. The annexation agreement is included as Attachment 2. The court order relinquishing jurisdiction is included as Attachment 3. The proposed master plan is included as Attachment 4. The plat of the property is included as Attachment 5. The topographic survey is included as Attachment 6. The stormwater exhibit is included as Attachment 7.

#### **SITE INFORMATION**

PETITIONER Stephanie Olson on Behalf of Sunny Jelly Chicago RV LLC

ADDRESS 8574 Millbrook Road, Newark, Inside the Village of Millbrook

LOCATION Southeast Corner of the Intersection of Millbrook and Budd Roads



TOWNSHIP Fox

PARCEL #s 04-15-300-001, 04-15-100-005, and 04-16-276-001

LOT SIZE 62.3 +/- Acres

EXISTING LAND USE Wooded/Campground

ZONING A-1 Agricultural District with a Court Ordered Special Use Permit

LRMP	Current Land Use	Agricultural and Open Space
	Future Land Use	Low Density Residential and Open Space (Village of Millbrook)
	Roads	Millbrook Road is a County Highway Classified as a Major Collector.
	Trails	None
	Floodplain/ Wetlands	None; Hollenback Creek Runs Through the Property.

REQUESTED ACTION Special Use Permit for a Recreational Camp and Recreational Park  
Variance to Fence Requirements for Recreational Camps and Recreational Parks  
Repeal of Existing Plans Related to the Subject Property

APPLICABLE REGULATIONS Section 7:01 D.46 – A-1 Special Uses – Permits Recreational Vehicle Camps and Recreational Parks to be Located in the A-1 District with Approval of a Special Use Provided that the Facility Meets Certain Criteria

Section 13:04 – Variance Procedures

Section 13:08 – Special Use Procedures

Intergovernmental Agreement Between Kendall County and Village of Millbrook  
Dated August 1, 2022

**SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Wooded	A-1 (County)	Rural Estate Residential (Max 0.45 DU/Acre) and Countryside Residential (Max 0.33 DU/Acre) (County)	A-1 (County) Village of Millbrook
South	Agricultural/Farmstead	A-1 and A-1 BP (County)	Commercial, Open Space, and Low Density Residential (Millbrook)  Rural Residential (Max 0.65 DU/Acre), Countryside Residential, and Open Space (County)  Low Density Residential and Open Space	A-1, A-1 BP, and R-1 (County)

East	Wooded	A-1 and A-1 BP (County)	(Millbrook)	A-1, A-1 SU, and A-1 BP (County)
			Countryside Residential and Open Space (County)	
West	Agricultural/Farmstead	A-1 (Millbrook)	Open Space (Millbrook)	Village of Millbrook
			Low Density Residential (Millbrook)	

The A-1 SU to the east of the subject property is for a landscaping business.

The Hollenback Sugarbush Forest Preserve is located near the subject property.

Within one half (1/2) of a mile of this property, properties inside the Village of Millbrook are zoned A-1, R-3, B-2, B-3, and M-1.

#### **PHYSICAL DATA**

##### **ENDANGERED SPECIES REPORT**

EcoCat submitted and consultation was terminated (see Attachment 1, Page 29).

##### **NATURAL RESOURCES INVENTORY**

The LESA Score was 150 indicating a low level of protection (see Attachment 1, Pages 10-28)

#### **ACTION SUMMARY**

##### **FOX TOWNSHIP**

Fox Township was emailed information on September 23, 2022.

##### **LITTLE ROCK-FOX FIRE PROTECTION DISTRICT**

As required by Section 7:01.D.46 of the Kendall County Zoning Ordinance, the Petitioner submitted an email to the Little Rock-Fox Fire Protection District on August 23, 2022 (see Attachment 1, Page 33). Additional information was emailed on September 23, 2022.

##### **VILLAGE OF MILLBROOK**

The Village of Millbrook was emailed information on September 23, 2022. It was Staff's understanding that the Village Board reviewed information related to the Petition prior to application submittal.

##### **ZPAC**

ZPAC reviewed the proposal at their meeting on October 4, 2022. The number of caretakers was set at two (2). The Kendall County Forest Preserve District agreed to work with the Petitioner regarding landscaping. The Kendall County Health Department discussed the Illinois Department of Public Health's role in licensing campgrounds. Discussion also occurred regarding securing appropriate permits for the planned upgrades to the septic systems and the concession area. Condition 18 was amended to replace the Planning, Building and Zoning Committee with the Millbrook Village Board. The number of employees mentioned in Condition 32 was deleted and replaced with the number of campground caretakers. ZPAC recommended approval of the proposal with the two (2) previously listed amendments by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting are included as Attachment 8.

##### **RPC**

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on October 26, 2022. The Commission agreed to clarify Condition 11 to say that the submitted landscaping plan met the requirement outlined in the Zoning Ordinance. Several Commissioners commended the Petitioner for their work in improving the property and the overall quality of the

proposal. Discussion occurred about the Village of Millbrook collecting hotel/motel tax and sales tax from the property; the Petitioner was open to discussing these items. Neighbor Gerard Dieter felt the proposal was good; he had concerns regarding litter that was visible from Budd Road. The Petitioner clarified that patrons would not stay at the property year-round, but recreational vehicles could be parked at the property year-round. The Commission decided not to regulate the hours of operation of the onsite swimming pools; the hours of operation had been regulated previously in one (1) of the court orders. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff and the previously listed amendment to Condition 11 by a vote of nine (9) in favor and zero (0) in opposition with 1 member absent. The minutes of the meeting are included as Attachment 10.

## **GENERAL INFORMATION**

Per Section 7:01.D.46 of the Kendall County Zoning Ordinance, recreational camps and recreational parks can be special uses on A-1 zone property subject to the following conditions:

- a. All applications for a permit to operate a recreational vehicle park or campground shall contain the following:
  1. Name, address and telephone number of applicant.
  2. Percentage of interest of the applicant and/or owners in the proposed campground.
  3. Name and address of all persons holding an interest or having an interest in the proposed campground.
  4. Location, address and legal description of the entire proposed campground.
  5. Existing zoning of subject property and all adjacent properties.
  6. Complete engineering plans and specifications of the proposed campground showing:
    - i. The area and dimensions of the entire tract of land;
    - ii. The number, location and size of all lots intended for use by recreational vehicles or tents;
    - iii. The number, location and size of all unimproved, partially improved and fully improved lots;
    - iv. The location, right-of-way and surfaced roadway width and surfacing materials of roadways and walkways;
    - v. The location of proposed interior vehicular and pedestrian circulation patterns;
    - vi. The location of service buildings, sanitary stations and any other existing or proposed structures;
    - vii. The location of water and sewer lines;
    - viii. Plans and specifications of all buildings constructed or to be constructed within the campground;
    - ix. Plans and specifications of the water supply, refuse and sewage disposal facilities, pet exercise and sanitation areas;
    - x. The location and details of lighting and electrical systems;
    - xi. The location of fire hydrants, if provided;
    - xii. Location of all drainage easements to comply with County drainage plans.
    - xiii. Quantity and point or area of departure of storm water runoff prior to and subsequent to construction of the proposed RV park.
    - xiv. Erosion control and landscaping plans;
    - xv. Kendall County Soil and Water Conservation District soils report;
    - xvi. The calendar months of the year during which the applicant will operate the proposed campground.
- b. Where a campground development is proposed for construction in a series of stages, a master plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.
- c. Every application for the construction, operation, maintenance and occupancy for a campground shall be accompanied with plans and specifications, fully setting out the trailer spaces, the position of each RV, motor vehicle parking spaces, the driveway giving access thereto and a plan of landscaping. Before any permit is issued for a campground and the use thereof, the plans and specifications shall

first be approved by the PBZ Department and the Kendall County Health Department, taking into account all the provisions as set out herein, as well as such special conditions as may be imposed by the Kendall County Board or its specified subcommittee, and provided further that said plans and specifications are in accordance with State regulations governing campgrounds.

- d. After completing the necessary zoning requirements and when upon review of the application, the PBZ Department has determined that the proposed plan meets all requirements of this Ordinance, a permit shall be issued.
- e. The minimum parcel size must be twenty (20) acres.
- f. The park or campground must be screened from nearby agricultural and other land uses by a vegetative buffer other than multiflora rose or Honeysuckle. The width of the buffer should vary in proportion to the maximum campground or park population up to a maximum of three hundred feet (300').
- g. The periphery of the park or campground, except at designated access roads, must be completely enclosed and maintained by a fence which will not permit people or farm animals to pass through it;
- h. The park or campground must maintain litter control and refuse collection so as to prevent litter or refuse from blowing onto or otherwise being deposited on nearby lands.
- i. Traffic from the park or campground must not seriously impair the movement of or cause hazard to agricultural and vehicular traffic.
- j. All lands classified as floodplains shall remain in permanent open space.
- k. No more than twenty percent (20%) of any forest shall be cleared or developed and the remaining eighty percent (80%) shall be retained in permanent open space or a tree study with a tree mitigation plan approved by the PBZ Committee may be submitted. General maintenance shall be exempt from the requirements of this section and this provision does not apply to the clearing of invasive species. Invasive species shall be defined by the Illinois Department of Natural Resources.
- l. All ponds, wetlands, and watercourses shall be left in permanent open space and no dredging, filling, or diversion of water shall be permitted.
- m. Storm water runoff shall be limited to the rate which would occur under natural conditions.
- n. All ponds, wetlands, and watercourses are to be protected from erosion and sedimentation in accordance with the Kendall County Stormwater Management Ordinance.
- o. Areas with slopes greater than fifteen percent (15%) are to be retained in permanent open space.
- p. Scenic views from public highways or adjoining lands must be maintained.
- q. The park or campground should provide separate circulation systems for vehicles and pedestrians.
- r. Access to the park must be safe and convenient.
- s. To insure adequate open space and protection of resource areas, lots within the park or campground should be clustered.
- t. Internal roads, except one main collector road, should be one way and no wider than eighteen feet (18').
- u. Collector roads should be no wider than twenty-four feet (24').
- v. Recreation facilities within the park should be in proportion to the maximum park population.

- w. Recreational space within the park should be in proportion to the maximum park population and may include up to sixty percent (60%) of the park or campground.
- x. Water supply and waste disposal facilities shall be designed, constructed and maintained in accordance with Health Department regulations.
- y. The storage, collection and disposal of refuse shall be performed as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.
- z. No parking is permitted on interior roads.
- aa. All outdoor cooking facilities shall be located, constructed, and maintained to minimize fire hazard and smoke nuisance.
- bb. All accessory uses should be limited to park residents.
- cc. There shall be no indication of retail accessory uses visible from any public road or street.
- dd. Lots in the park or campground must be at least one thousand five hundred (1500) square feet and clearly marked on the ground with landmarks on the lot corners and lot signage approved by the local fire protection district.
- ee. Trailers and accessory structures must be separated from one another by at least ten feet (10') in all directions.
- ff. Traffic generated by the maximum park or campground population must not exceed capacities of the local traffic network or cause public funds to be used for traffic safety or control improvements.
- gg. Demands for public water or sanitary waste disposal must not overburden current facilities.
- hh. No recreational vehicle, tent, or location within a recreational vehicle park or campground shall be used as a permanent place of abode. If the address of the recreational vehicle park or campground is listed as a person's address on any government issued document, including, but not limited to, any government roll or registry (such as a voter roll or registry), or any application or enrollment information for a public, private, or parochial educational institution, the recreational vehicle park or campground shall be considered that person's permanent place of abode, regardless of the length of that person's occupancy. This provision shall not apply to campground caretakers.
- ii. Inspections
  - a. The PBZ Department and the Health Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance, but in no case shall such inspection take place less than once per year.
  - b. The PBZ Department and the Health Department shall have the power to enter at reasonable times and upon reasonable notice upon any private property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.
  - c. The owner of the recreational vehicle park or campground, or his agent or employee, shall be required to maintain a register containing a record of all campers, picnickers, and visitors registered in the park or campground. The PBZ Department, Health Department, law enforcement agency with jurisdiction, and the local fire protection district shall have the power to inspect the register upon request. The register shall be updated daily at minimum.
  - d. It shall be the duty of the park management to give the PBZ Department and the Health Department free access to all lots and other areas at reasonable times and upon reasonable notice for the purpose of inspection.
  - e. It shall be the duty of every camper or picnicker in the park to give the owner thereof or his agent or employee access to any part of such recreational vehicle park at reasonable

times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Ordinance and to facilitate inspections.

- jj. All standards of the Health Department shall be met.
- kk. Must seek approval from the fire and police departments at the time of application submittal for the special use permit.
- ll. Adequate directional signage must be throughout the property, including street signs. All trails shall be marked at their beginnings and ends.
- mm. A map of the recreational vehicle park or campground shall be supplied to KenCom. At minimum, the map shall show the location and names or numbers of all lots and trails in the recreational vehicle park or campground and the location and names of all streets and trails. Changes to the map or any identification information on the map shall be reported to KenCom within thirty (30) days of the change.

If the Village Board approves the variance related to fences, the other conditions have been met or could be included as conditions in the special use permit.

The Petitioner submitted the current layout of the property to KenCom; KenCom was satisfied with this map. KenCom's email is included as Attachment 9.

#### **BUSINESS OPERATIONS**

Per the information provided in the business overview (see Attachment 1, Page 2), the camp has been at the subject property for approximately thirty (30) years. They are open for rentals from April 15<sup>th</sup> to October 31<sup>st</sup> yearly. They have three hundred ninety-four (394) sites. They offer space for personal recreational vehicles, trailers, tents, and onsite cabins. They offer standard water and electricity for tents and recreational vehicles and premium full hook-ups for recreational vehicles, deluxe cabin rentals, and rustic cabin rentals. Amenities include a swimming pool, jump pad, playgrounds, basketball court, recreational center, camp store, and other outdoor activities. During the operating season, the maximum number of employees is thirty-six (36) and during the non-operating season, the maximum number of full-time employees is three (3).

#### **BUILDINGS AND BUILDING CODES**

The master plan (Attachment 4) calls for the construction of several new buildings and renovations to other facilities. Applicable building permits will be required as these structures are constructed and renovated.

Per the master plan (Attachment 4, Page 7), new construction will match existing design. All structures will be one (1) story. The bathhouses will have masonry exterior walls, wood truss hip roofs, asphalt shingles, and wood privacy fences at the openings. The garage, amphitheater, and other buildings will be wood frame structures with wood truss gable roofs, asphalt shingles, either vinyl or composite wood siding.

As noted previously, the Internet tower will be eighty feet (80') in height.

The structures shown for demolition would also require permits.

#### **ENVIRONMENTAL HEALTH**

The subject property is served by well and septic. Information about the water system was provided in master plan (see Attachment 4, Page 5). Information about the septic systems was also provided in the master plan (see Attachment 4, Page 6).

#### **STORMWATER**

The Petitioner has submitted a topographic survey and stormwater exhibit (Attachments 6 and 7) and a stormwater management permit application. As of the date of this memo, these items are under review.

#### **ACCESS**

As shown on the master plan (Attachment 4), the property has one (1) access point off of Millbrook Road. There are five (5) gates on the roads near the entrance of the property.

## **PARKING AND INTERNAL TRAFFIC CIRCULATION**

Per the master plan, there are thirteen (13) named streets within the property and several minor roads.

There are twenty-eight (28) parking spaces, including two (2) handicapped accessible spaces.

## **LIGHTING**

No information was provided regarding lights.

## **SIGNAGE**

Several directional signs are presently located on the property. None of the existing signs are illuminated. One (1) identification sign is located on the west side of Millbrook Road across from the subject property; this sign was allowed per court order.

Per the master plan (Attachment 4) four (4) new direction signs are proposed for the property. Some of these signs might be illuminated.

Each camp site would also have its own sign.

Signs would be metal, vinyl, and painted wood.

Pictures and descriptions of signs can be found in the master plan (Attachment 4, Page 10).

## **SECURITY**

The master plan (Attachment 4) shows five (5) gates near the entrance to the property. The landscaping portion of the master plan (Attachment 4, Page 8) shows a weld wire mesh fence across the northern, eastern, and southern perimeter of the property. Numerous trees and scrub plantings also are located along the northern, eastern, and southern perimeter of the property.

The master plan (Attachment 4, Page 7) also calls for a chain link fence around the dog park, pool deck, and owner's residence.

## **LANDSCAPING**

The landscaping portion of the master plan (Attachment 4, Page 8) notes the number of existing trees on the property. No tree clearing outside of the amenity core area is planned except for maintenance purposes and the removal of invasive species. Native shrubs are planned in the landscaping beds. More specific landscaping plans will be submitted as the project progresses.

## **NOISE CONTROL**

No information was provided regarding noise control.

## **ODORS**

No information was provided regarding odor control.

## **REFUSE**

The master plan (Attachment 4) calls for four (4) refuse dumpster enclosures. Per the master plan (Attachment 4, Page 7), each refuse locations will include two (2) dumpsters surrounded by a wood privacy fence on three (3) sides. The fences would be six feet (6') in height. The dumpsters would be on asphalt pads. The enclosures would be approximately fourteen feet (14') wide and slightly over six feet (6') in depth. Three (3) of the four (4) dumpster enclosures are planned in Phase I of the project.

## **RELATION TO OTHER SPECIAL USES**

As of the date of this memo, there are four (4) active recreational camp and recreational park special use permits in unincorporated Kendall County. The above figure does not include the subject property. The property where Camp Quarryledge was previously located is pending annexation into the Village of Oswego.

## **FINDINGS OF FACT-SPECIAL USE PERMIT**

§ 13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on special use permit applications. They are listed below in *italics*. Staff

has provided findings in **bold** below based on the recommendation:

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **The operation of the property as a recreational vehicle park and campground has occurred since the early 1980s. Restrictions, such as requiring the site to be developed in accordance to the submitted site plan, may be placed in the special use permit to ensure the public health, safety, moral, comfort, and general welfare are protected.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **No evidence exists showing that the use of the property has substantially injured the use to other properties or caused the diminishment of property values. The proposed site plan addressing buffering, screening, fencing, and open space preservation. Some of the negative impacts of the proposed use on properties in the immediate vicinity could be mitigated by restrictions related to season of operation and noise within the ordinance granting the special use permit.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **True, the Petitioner's master plan addresses utilities, access roads, and other necessary facilities. A stormwater management permit will be required to implement some of the projects shown on the master plan.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. **Provided a variance is issued for the fence regulations along the west side of the property, this is true.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **True, the Village of Millbrook's Comprehensive Plan identifies this property as a campground and as open space. Further, the Village Comprehensive Plan states on page 13, "Locate open space amenities such as parks and recreation activities along the Fox River and the Hollenback Creek corridor."***

#### **FINDINGS OF FACT-VARIANCE**

§ 13:04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. **Millbrook Road creates a natural barrier which makes the requirement unnecessary. The property has been used as a campground since the mid-1980s and no such regulation was required when the campground was originally established.***

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **Only four (4) other campgrounds presently operate in unincorporated Kendall County on A-1 zoned property. None of the other campgrounds have this requirement. It is unknown if future campgrounds will require a similar variance in the future.***

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The fencing requirement came into existence after the campground originally opened.***

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. As the campground has operated at the subject property since the 1980s and no evidence has been presented that the current use harmed the public welfare or other properties, the lack of fencing along Millbrook Road in the future will not be detrimental to the public or neighborhood.*

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The requested variance will not impair light reaching other properties, cause congestion on any public street, or diminish or impair property values.*

## **RECOMMENDATION**

Staff recommends approval of the special use permit and variance subject to the following conditions and restrictions:

1. All previously approved development plans for subject property are repealed.
2. The site shall be developed substantially in accordance with the attached master plan (Attachment 4).
3. One (1) identification sign with a maximum thirteen feet (13') in width and twelve feet (12') feet in height may be placed on the property presently identified by parcel identification number 04-16-400-001 and located on the west side of Millbrook Road. This sign may not be illuminated.
4. Additional signage may be installed on the subject property as outlined and described in the attached master plan (Attachment 4). This signage may be illuminated. Adequate directional signage must be throughout the property, including street signs. All trails shall be marked at their beginnings and ends.
5. A variance to Section 7:01.D.46.g is granted to not require fencing along the west side of the property as shown in the attached master plan (Attachment 4).
6. The operating season shall be between April 15<sup>th</sup> and October 31<sup>st</sup> yearly. No campers may be on the property during the non-operating season. The Millbrook Village Board may extend the operating season upon request of the property owner and after notification to the Kendall County Planning, Building and Zoning Department regarding the extension.
7. None of the structures or signs placed on the subject property shall be considered agricultural structures and shall secure proper permits for construction, demolition, or renovation.
8. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
9. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
10. The minimum parcel size must be twenty (20) acres.
11. The park or campground must be screened from nearby agricultural and other land uses by a vegetative buffer other than multiflora rose or Honeysuckle. The width of the buffer should vary in proportion to the maximum campground or park population up to a maximum of three hundred feet (300'). **The landscaping plan including in the attached master plan (Attachment 4, Page 8) meets this condition. (Amended at RPC).**
12. The park or campground must maintain litter control and refuse collection so as to prevent litter or refuse from blowing onto or otherwise being deposited on nearby lands.
13. The storage, collection and disposal of refuse shall be performed as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.
14. Traffic from the park or campground must not seriously impair the movement of or cause hazard to agricultural and vehicular traffic.

15. Traffic generated by the maximum park or campground population must not exceed capacities of the local traffic network or cause public funds to be used for traffic safety or control improvements.
16. All lands classified as floodplains shall remain in permanent open space.
17. Areas with slopes greater than fifteen percent (15%) are to be retained in permanent open space.
18. No more than twenty percent (20%) of any forest shall be cleared or developed and the remaining eighty percent (80%) shall be retained in permanent open space or a tree study with a tree mitigation plan approved by the **Millbrook Village Board** may be submitted. General maintenance shall be exempt from the requirements of this section and this provision does not apply to the clearing of invasive species. Invasive species shall be defined by the Illinois Department of Natural Resources. **(Amended at ZPAC).**
19. All ponds, wetlands, and watercourses shall be left in permanent open space and no dredging, filling, or diversion of water shall be permitted.
20. Stormwater runoff shall be limited to the rate which would occur under natural conditions and shall be governed by the stormwater management permit.
21. The park or campground should provide separate circulation systems for vehicles and pedestrians.
22. Internal roads, except one (1) main collector road, should be one way and no wider than eighteen feet (18').
23. Collector roads should be no wider than twenty-four feet (24').
24. No parking is permitted on interior roads.
25. Recreational space within the park should be in proportion to the maximum park population and may include up to sixty percent (60%) of the park or campground.
26. All outdoor cooking facilities shall be located, constructed, and maintained to minimize fire hazard and smoke nuisance.
27. All accessory uses should be limited to park residents.
28. There shall be no indication of retail accessory uses visible from any public road or street.
29. Lots in the park or campground must be at least one thousand five hundred (1500) square feet and clearly marked on the ground with landmarks on the lot corners and lot signage approved by the local fire protection district.
30. Trailers and accessory structures must be separated from one another by at least ten feet (10') in all directions.
31. No recreational vehicle, tent, or location within a recreational vehicle park or campground shall be used as a permanent place of abode. If the address of the recreational vehicle park or campground is listed as a person's address on any government issued document, including, but not limited to, any government roll or registry (such as a voter roll or registry), or any application or enrollment information for a public, private, or parochial educational institution, the recreational vehicle park or campground shall be considered that person's permanent place of abode, regardless of the length of that person's occupancy. **This provision shall not apply to campground caretakers or the immediate families of campground caretakers. (Amended after ZPAC).**
32. The maximum number of campground caretakers **shall be two (2).** **(Amended at ZPAC).**
33. Inspections
  - a. The Planning, Building and Zoning Department and the Health Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance, but in no case shall such inspection take place less than once per year.
  - b. The Planning, Building and Zoning Department and the Health Department shall have the power to enter at reasonable times and upon reasonable notice upon any private

property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.

- c. The owner of the recreational vehicle park or campground, or his agent or employee, shall be required to maintain a register containing a record of all campers, picnickers, and visitors registered in the park or campground. The Planning, Building and Zoning Department, Health Department, law enforcement agency with jurisdiction, and the local fire protection district shall have the power to inspect the register upon request. The register shall be updated daily at minimum.
- d. It shall be the duty of the park management to give the Planning, Building and Zoning Department and the Health Department free access to all lots and other areas at reasonable times and upon reasonable notice for the purpose of inspection.
- e. It shall be the duty of every camper or picnicker in the park to give the owner thereof or his agent or employee access to any part of such recreational vehicle park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this special use permit and to facilitate inspections.

34. A map of the recreational vehicle park or campground shall be supplied to KenCom. At minimum, the map shall show the location and names or numbers of all lots and trails in the recreational vehicle park or campground and the location and names of all streets and trails. Changes to the map or any identification information on the map shall be reported to KenCom within thirty (30) days of the change.

35. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

**EXEMPTION:** Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

36. The property owner and operators of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.

37. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.

38. Failure to comply with one or more of the above conditions could result in the amendment or revocation of the special use permit.

39. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

40. This special use permit and variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

## ATTACHMENTS

- 1. Application Materials
- 2. Annexation Agreement
- 3. Court Relinquishment Order
- 4. Master Plan

5. Plat
6. Topographic Survey
7. Stormwater Exhibit
8. October 4, 2022 ZPAC Meeting Minutes
9. October 21, 2022 KenCom Email
10. October 26, 2022 Kendall County Regional Planning Commission Minutes



# DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179

## APPLICATION

PROJECT NAME Jellystone RV Park FILE #: \_\_\_\_\_

### NAME OF APPLICANT

Sun Jelly Chicago RV LLC

### CURRENT LANDOWNER/NAME(s)

Sun Jelly Chicago RV LLC

### SITE INFORMATION

ACRES  
54.36

### SITE ADDRESS OR LOCATION

8574 Millbrook Rd, Millbrook, IL 60536

### ASSESSOR'S ID NUMBER (PIN)

04-15-300-001

### EXISTING LAND USE

Special Use

### CURRENT ZONING

A-1

### LAND CLASSIFICATION ON LRMP

A-1

### REQUESTED ACTION (Check All That Apply):

☒ SPECIAL USE

☐ MAP AMENDMENT (Rezone to \_\_\_\_\_)

☒ VARIANCE

☐ ADMINISTRATIVE VARIANCE

☐ A-1 CONDITIONAL USE for: \_\_\_\_\_

☐ SITE PLAN REVIEW

☐ TEXT AMENDMENT

☐ RPD ( ☐ Concept; ☐ Preliminary; ☐ Final)

☐ ADMINISTRATIVE APPEAL

☐ PRELIMINARY PLAT

☐ FINAL PLAT

☐ OTHER PLAT (Vacation, Dedication, etc.)

AMENDMENT TO A SPECIAL USE ( ☒ Major; ☐ Minor)

### 1 PRIMARY CONTACT

Stephanie Olson

### PRIMARY CONTACT MAILING ADDRESS

[REDACTED]

### PRIMARY CONTACT EMAIL

solson1@suncommunities.com

### PRIMARY CONTACT PHONE #

[REDACTED]

### PRIMARY CONTACT FAX #

[REDACTED]

### PRIMARY CONTACT OTHER #(Cell, etc.)

[REDACTED]

### 2 ENGINEER CONTACT

Kelly Schomer

### ENGINEER MAILING ADDRESS

[REDACTED]

### ENGINEER EMAIL

Kschomer@cordoganclark.com

### ENGINEER PHONE #

[REDACTED]

### ENGINEER FAX #

[REDACTED]

### ENGINEER OTHER #(Cell, etc.)

[REDACTED]

I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.

I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE DATE OF THE APPLICATION.

SIGNATURE OF APPLICANT

[REDACTED]

DATE

8/23/22

FEE PAID:\$ \_\_\_\_\_

CHECK #: \_\_\_\_\_

<sup>1</sup>Primary Contact will receive all correspondence from County

<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants



## **Business Overview**

Jellystone Park Chicago is a campground located at 8574 Millbrook Rd, Millbrook, IL 60536, in Kendall County. The park has been operating as a Jellystone Park Campground for 30 years. It is now owned and operated under the business name of Sun Jelly Chicago RV LLC.

Camping operation dates are from April 15-October 31 yearly, allowing guests to camp in personal RVs, trailers, tents, and on-site Vacation Rental Cabins. During the operation season staffing numbers range from 12-36 employees. During the off season, staff is 3 full-time employees.

Jellystone Park Chicago currently offers transient and seasonal camping and has 394 sites. We offer 4 types of accommodations. Standard water and electric sites for tents and RVs, Premium full hookup sites for RVs, Deluxe Cabin Vacation Rentals, and Rustic Cabin Vacation Rentals.

Jellystone Park Chicago aims to welcome guests of all ages to stay at our facility and enjoy our amenities and peaceful setting. Current amenities include a swimming pool, jump pad, playgrounds, basketball court, recreational center, camp store, and several other outdoor activities.

Sun Jelly Chicago RV LLC is affiliated with Sun Communities, Inc. which is a publicly traded company and as of June 30, 2022, owns, operates, and has an interest in 661 developed manufactured home, RV and marina properties, comprising more than 180,300 developed sites and over 45,900 wet slips and dry storage spaces in 39 U.S. states, Canada, Puerto Rico and the UK.



## Proposed Amenity Changes

1. Ranger station renovations – Welcome center and camp store renovations to upgrade cosmetics, add another office, relocate the restroom, add, and relocate snack bar appliances. Some exterior cosmetic improvements will also be a part of this renovation.
2. Amphitheater – A new band-shell style outdoor amphitheater will be built for multi-purpose use. The new AV system will enable movie watching during the day as well as at night, and the stage will be home to many skits, contests, and entertainment.
3. Garage – An approximate 25x50 pole garage for storage of equipment and supplies.
4. Pickleball courts – Two pickleball courts will be added for an additional amenity. These will be enclosed by fencing and have lighting as well.
5. Playground – New playground will be installed in addition to the 2 playsets already on site.
6. Pools – Pool #1 will be demolished for the raising of the Amphitheater. Pool #2 with spa and kiddie pool will be improved/repared for 2023 season and then replaced with a new, larger pool and spa for the 2024 camping season.
7. Bathhouse – With the construction of the new pool for 2024, a new bath house will be built to service the pool and add more restroom facilities.
8. Ranger station patio improvements – With the change of the pool #2 layout will come changes in the patio design. It will extend to encompass a wider area of the amenity core to convey a more pedestrian friendly atmosphere and include a community fire pit.
9. Activity Center Renovation – The renovation of the activity center will include cosmetic upgrades, both inside and out. A service window and roll up door will be installed for better guest/staff accessibility. A lean-to addition will also be built for storage purposes.
10. Court Sport Patio improvements – Cleanup of court sport areas in and around the amenity core.
11. Gaga Ball Pits – will be relocated when amenity core changes take place.
12. Round court - One current basketball court will be replaced with a new and improved round court, and both courts receiving new poles, backboards, and nets.
13. Jump Pad – Jump pad amenity is being relocated to the old movie theater area.
14. Dog Park improvements – A new dog park will be added to the facilities. The dog park will be fenced in and offer seating and refuse receptacles.
15. Refuse collection points – Construction of 4 refuse dumpster enclosures for guest trash disposal.



## **Proposed Infrastructure Changes**

1. New septic systems – A projected addition of 3 new septic systems to support the upgrade of all sites to allow sewer use.
2. Rustic Cabin Renovations – Cosmetic and minor mechanical renovations to the rustic cabins, may also include adding concrete sidewalks and patios with firepits.
3. Electrical Upgrades at individual sites. Our intention is to upgrade all 30-amp service sites to 50-amp service sites.
4. Reconfiguration of sites - We intend to reconfigure sites, losing site numbers, but increasing the size of some sites to accommodate today's larger RV's. The estimated site number change will go from 394 sites to approximately 300 sites. The reconfiguration will coincide with the electrical upgrades and septic installations.
5. Automatic gate – The installation of automatic gates for the security and safety of the guests. We propose to install 6 gates within the park to allow for controlled access.
6. Site control fencing – Installation of fencing to control access and visibility to maintenance and refuse collection area.
7. Reconfigured parking area – The addition of parking spaces when designing the Ranger Station patio improvements in the amenity core.
8. Demolition of vacant residence and garage – Removal of vacant residence and garage for safety reasons and to allow and better maintenance access.
9. Demolition of Pool #1 and old comfort station to allow for the construction of the outdoor amphitheater.
10. Directional signage – Placement of directional and site marking signage.
11. Bridge- Install a bridge over the creek for pedestrian/cart access.
12. Small comfort station/playground – Addition of small comfort station and playground on far side of the creek for close guest access.
13. Installation of internet tower for better internet service.
14. Add Storm water detention site for new work.



202100025695

**PREPARED BY:**

Keith A. Ross, Esq.  
Levenfeld Pearlstein, LLC  
2 North LaSalle Street, Suite 1300  
Chicago, Illinois 60602

**DEBBIE GILLETTE**  
RECORDER - KENDALL COUNTY, IL

RECORDED: 10/1/2021 11:44 AM  
WD: 57.00 RHSPS FEE: 10.00  
STATE TAX: 4,725.50  
COUNTY TAX: 2,362.75  
PAGES: 6

**WHEN RECORDED RETURN TO:**

Jaffee Raitt Heuer & Weiss, P.C.  
Attn: Matthew A. Chosid  
27777 Franklin Rd., Ste 2500  
Southfield, Michigan 48034

**SEND FUTURE TAX BILLS TO:**

Sun Jelly Chicago RV LLC  
27777 Franklin Road, Suite 200  
Southfield, Michigan 48034

(Above Space for Resorder's use only)

**AFFIX TRANSFER STAMPS HERE:**

**SPECIAL WARRANTY DEED**

On this 28<sup>th</sup> day of JULY, 2021, Chicago RV Resort LLC, an Illinois limited liability company ("**GRANTOR**") whose address is 6547 N. Avondale Ave., Suite 301, Chicago, Illinois 60631, for and in consideration of TEN AND 00/100 DOLLARS, and other good and valuable consideration in hand paid, CONVEYS AND WARRANTS to Sun Jelly Chicago RV LLC, a Michigan limited liability company, ("**GRANTEE**") whose address is 27777 Franklin Road, Suite 200 Southfield, Michigan 48034, all interest in the real estate legally described on Exhibit A attached hereto, together with all tenements, hereditaments, improvements and appurtenances, if any, belonging or in anywise appertaining thereto.

The Grantor will warrant and defend the real estate described above against all persons lawfully claiming by, through or under Grantor, subject to the liens, encumbrances, easements and other matters set forth on Exhibit B attached hereto and made a part hereof only (collectively, the "Permitted Exceptions").

PINs and Common Address(es): See Exhibit A

✓  
✗

IN WITNESS WHEREOF, Grantor has executed this Deed as of the date first set forth above.

GRANTOR:

CHICAGO RV RESORT LLC,  
an Illinois limited liability company

Name: Edward C. Zeman  
Its: Manager

STATE OF ILLINOIS )  
COUNTY OF Cook ) ss.

I, Kathleen A Price a Notary Public in and for said County, in the State aforesaid, do hereby certify that Edward C. Zeman, the manager of an Illinois, limited liability company, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument in such capacity, appeared before me this day in person and acknowledged that he/she signed and delivered the said instrument as his/her own free and voluntary act and as the free and voluntary act of said entity, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal, this 22 day of July, 2021.

[Redacted]  
Notary Public

My Commission Expires: 3/13/23



When Recorded Return to:  
Amrock LLC  
Commercial Team  
662 Woodward Avenue  
Detroit, MI 48226  
Amrock LLC # [Redacted]

**EXHIBIT A**

**LEGAL DESCRIPTION**

Common Address: 8574 Millbrook Road, Millbrook, Illinois 60536

PIN: 04-16-276-001, 04-15-300-001, and 04-15-100-005

Land situated in the City of Millbrook in the County of Kendall in the State of Illinois

**Parcel 1:**

That part of the West half of Section 15, and part of the East half of Section 16, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the center of said Section 15; thence North 0 degrees 03 minutes 33 seconds West along the East line of the Northwest quarter of said Section 15, 373.56 feet; thence North 65 degrees 38 minutes 27 seconds West, 641.94 feet; thence South 0 degrees 45 minutes 06 seconds West, 824.11 feet for the point of beginning; thence South 01 degrees 47 minutes 35 seconds East, 178.13 feet; thence North 88 degrees 59 minutes 45 seconds West, 482.76 feet; thence South 0 degrees 17 minutes 31 seconds East, 902.74 feet; thence North 83 degrees 22 minutes 40 seconds West, 1,171.50 feet; thence South 0 degrees 52 minutes 20 seconds West, 504.34 feet; thence South 73 degrees 37 minutes 20 seconds West, 99.26 feet to the center line of a road; thence North 17 degrees 44 minutes 01 seconds West along said center line, 342.95 feet; thence North 18 degrees 07 minutes 01 seconds West along said center line, 1,915.70 feet; thence North 42 degrees 47 minutes 01 seconds West along said center line, 205.0 feet to the intersection of said center line with the center line of a road running Easterly; thence North 83 degrees 53 minutes 59 seconds East along the center line of said road, 478.18 feet; thence North 75 degrees 54 minutes 23 seconds East along said center line, 26.26 feet to the West line of said Section 15; thence South 0 degrees 48 minutes 09 seconds East along said West line, 413.36 feet; thence South 83 degrees 36 minutes 15 seconds East, 1,336.54 feet; thence South 01 degree 33 minutes 46 seconds East, 126.87 feet; thence South 89 degrees 23 minutes 40 seconds East, 261.15 feet; thence South 0 degrees 17 minutes 31 seconds East, 181.20 feet; thence South 88 degrees 59 minutes 45 seconds East, 221.98 feet; thence South 88 degrees 03 minutes 23 seconds East, 256.24 feet to the point of beginning, in the Township of Fox, Kendall County, Illinois.

**Parcel 2:**

That part of the Northwest quarter of Section 15, Township 36 North, Range 6 East of the Third Principal Meridian, described as follows: Commencing at the Southwest corner of said Northwest quarter; thence North 0 degrees 48 minutes 09 seconds West along the West line of said Northwest quarter, 266.56 feet for the point of beginning; thence North 0 degrees 48 minutes 09 seconds West along said West line, 413.36 feet to the center line of Budd Road; thence North 75 degrees 54 minutes 23 seconds East along said center line, 200.89 feet to the line of a fence extended from the South; thence South 40 degrees 59 minutes 33 seconds East along said extended fence line and said fence line, 87.08 feet to an angle in said fence; thence South 14 degrees 06 minutes 31 seconds East, along said fence line, 449.97 feet to a line drawn South 83 degrees 36 minutes 15 seconds East from the point of beginning; thence North 83 degrees 36 minutes 15 seconds West, 358.10 feet to the point of beginning, in the Township of Fox, Kendall County, Illinois.

**EXHIBIT B**

**PERMITTED EXCEPTIONS**

1. 2021 taxes and assessments, a lien not yet due and payable.
2. Easement in favor of Illinois Bell Telephone Company for pole lines, conduits and maintenance purposes granted recorded as Document No. 133721, on April 12, 1961.
3. Rights of the public, the State of Illinois, County of Kendall and the Municipality in and to the part of the land taken or used for F.A.S. Route 276 as originally constituted and as altered by instruments recorded in Book 8 of Plats, Page 56 and in Book 9 of Plats, Pages 11, 20 and 21.
4. Terms, conditions and provisions of Ordinance No. 2008-0010 entitled An Ordinance Authorizing the Execution of the Annexation Agreement of Yogi Bear Campground Owned by Lakewood Trails Recreation, LLC recorded October 20, 2008 as Document No. 200800022921.
5. Terms, conditions and provisions of Ordinance No. 2008-0011 entitled An Ordinance Annexing the Territory and Approval of Zoning of Yogi Bear Campground Owned by Lakewood Trails Recreation, LLC to The Village of Millbrook, Kendall County, Illinois recorded October 20, 2008 as document 200800022922.
6. Village of Millbrook Annexation / Planned Unit Development Agreement for the Yogi Bear Campground Owned by Lakewood Trails Recreation, LLC with the Village of Millbrook recorded October 20, 2008 as Document No. 200800022923.
7. Rights of way for drainage tiles, ditches, feeders and laterals, if any.
8. Rights of the Public, the State of Illinois and the Municipality in and to that part of the land, if any, taken or used for road purposes for Millbrook Road or Budd Road.
9. Rights of the interested parties to the free and unobstructed flow of the waters of Hollenback Creek the creek which may flow on or through the land.
10. Any rights, interests or claim that may arise pursuant to the Perishable Agricultural Commodities Act of 1930, as amended, 7 USC §499a et seq., the Packers and Stockyard Act of 1921, as amended, 7 USC §181 et seq., or similar state laws.
11. Rights of the public and adjoining riparian owners in any part of subject property lying beneath the waters of Hollenback Creek.
12. Any adverse claim based on the assertion that the bed of Hollenback Creek has changed location as a result of other than natural causes.
13. Rights of parties in possession under unrecorded leases or otherwise with no rights of first refusal or options to purchase.
14. ALTA/NSPS Land Title Survey by Phillip D. Young, IL PLS No. 2678 on behalf of Phillip D. Young and Associates, Inc. dated June 24, 2021, last revised July 28, 2021 and designated Job. No. 18095C discloses:
  - a. Fence lines and fence corners extend over subject property line

- b. Storm drain sewer crosses the subject property without the benefit of an easement
- c. Northwesterly corner of the subject property extends over roadway

Unofficial



**Kendall County Soil & Water  
Conservation District**

June 14, 2022

Boyd Ingemunson  
[REDACTED]

Dear Mr. Ingemunson,

Enclosed please find a copy of the completed Natural Resource Information (NRI) Executive Summary Report #2204 for a Special Use Permit request to perform site renovations and updates at the Jellystone Park of Chicago Campground on one parcel (Parcel Index Numbers 04-15-300-001) in the NW and SW ¼ of Section 15 and the NE and SE ¼ of Section 16, Township 36N and Range 6E of Fox Township in Kendall County, Illinois.

This report was completed by the Kendall County Soil & Water Conservation District at the request of the petitioner, Sun Jelly Chicago RV, LLC.

Copies of the report have been provided to the Village of Millbrook and Fox Township.

Attached please find a payment receipt for \$1,275.00. We received payment from Ingemunson Law Offices, LTD on May 13, 2022. The fee for an NRI Executive Summary Report is reduced from the fee of a full report. As a result, a refund payment of \$975.00 was mailed to Ingemunson Law Offices, LTD on June 14, 2022.

If you have any questions, please contact our office at (630) 553-5821 extension 3 or email [Alyse.Olson@il.nacdnet.net](mailto:Alyse.Olson@il.nacdnet.net).

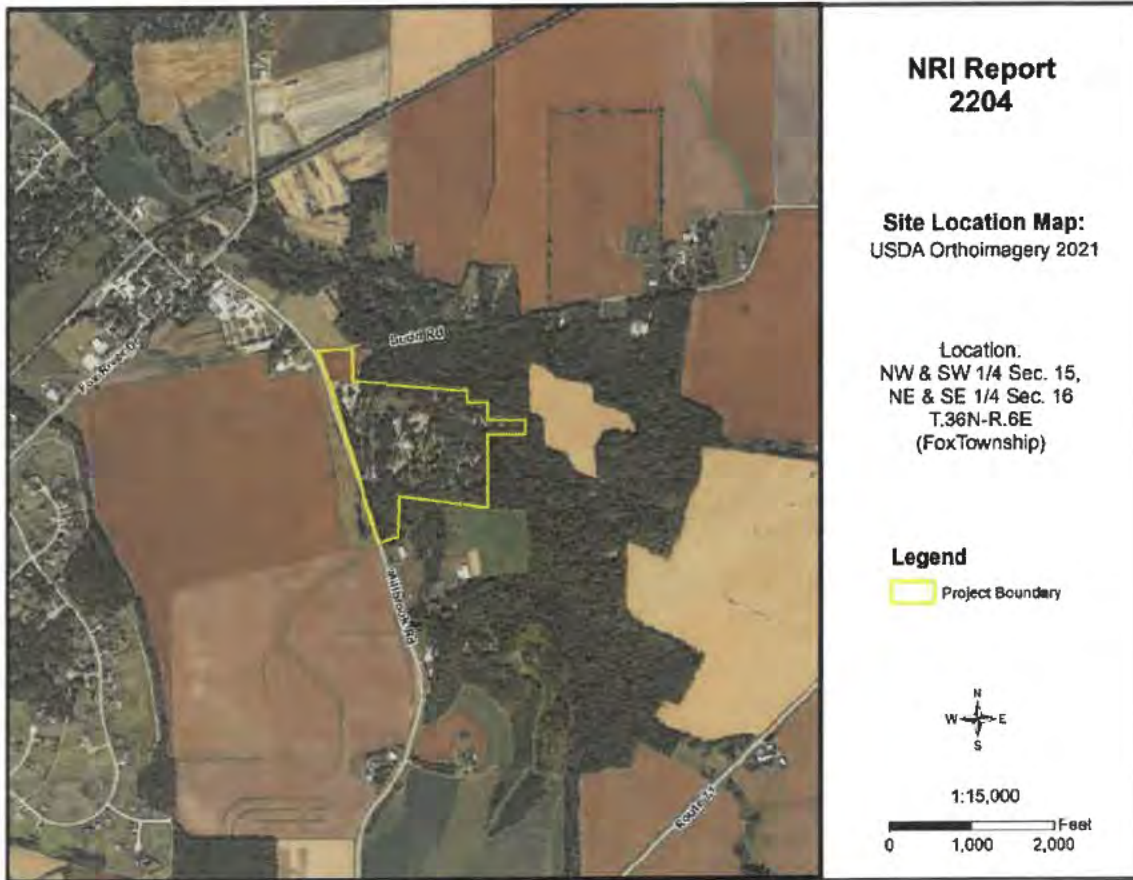
Sincerely,

[REDACTED]

Alyse Olson  
Resource Conservationist

Enclosures

# NATURAL RESOURCE INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: #2204



June  
2022

Petitioner: Sun Jelly Chicago RV, LLC  
Contact: Boyd Ingemunson

Prepared By:

  
**Kendall County Soil & Water  
Conservation District**

7775A Route 47  
Yorkville, Illinois 60560  
Phone: (630) 553-5821 x3  
[www.kendallswcd.org](http://www.kendallswcd.org)

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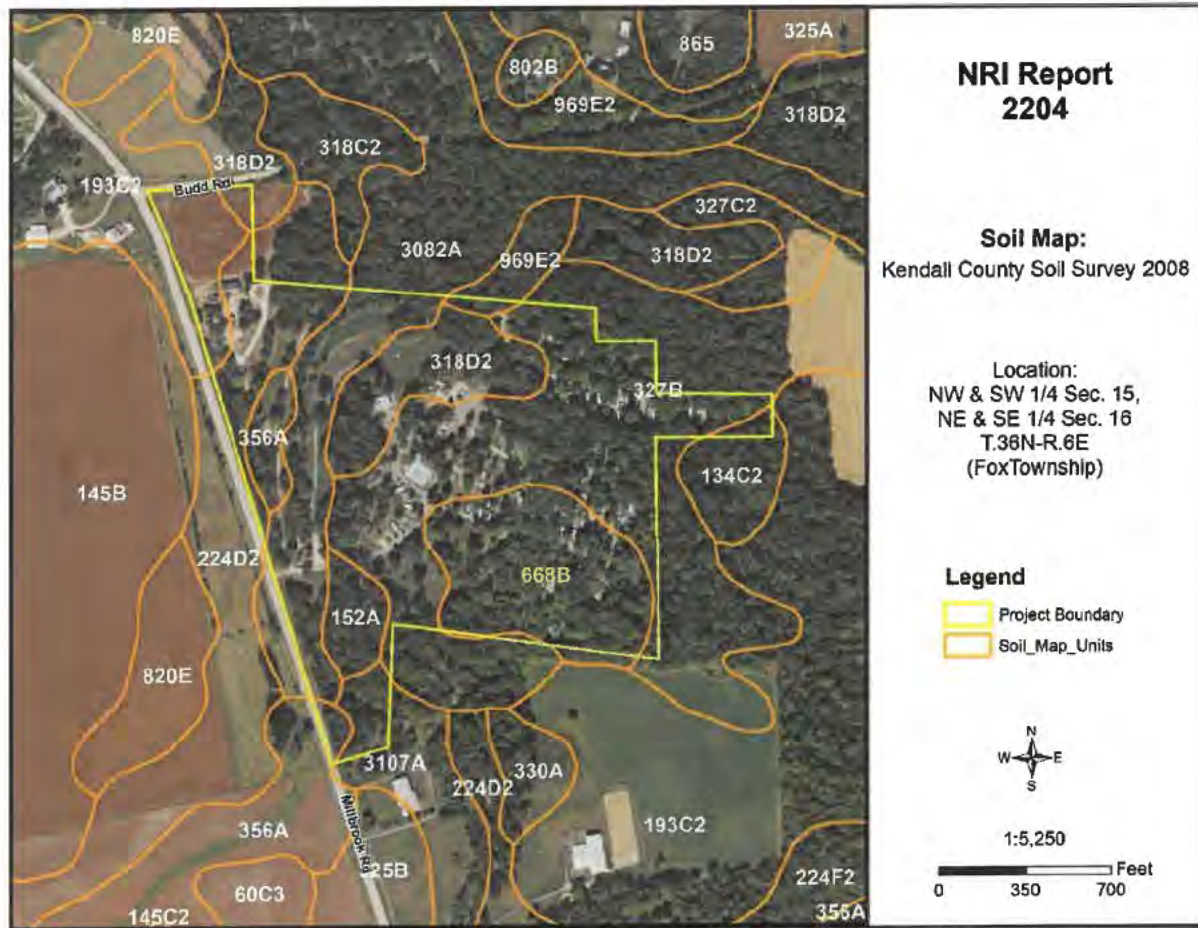
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## **EXECUTIVE SUMMARY**

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Natural Resource Information Report Number	#2204
Petitioner	Sun Jelly Chicago RV, LLC
Contact Person	Boyd Ingemunson
County or Municipality the Petition is Filed With	Village of Millbrook
Location of Parcel	NW & SW ¼ of Section 15 & NE & SE ¼ of Section 16, T.36N.-R.6E. (Fox Township) of the 3 <sup>rd</sup> Principal Meridian
Project or Subdivision Name	Jellystone Park Chicago RV
Existing Zoning & Land Use	A-1 SU Agricultural Special Use; Campground
Proposed Zoning & Land Use	A-1 SU Agricultural Special Use; Campground
Proposed Water Source	Two Wells
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	Natural drainage to Hollenback Creek
Size of Site	62.42 acres
Land Evaluation Site Assessment Score	150 (Land Evaluation: 78; Site Assessment: 72)

**NATURAL RESOURCE CONSIDERATIONS****Figure 1: Soil Map****SOIL INFORMATION**

Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2008 Kendall County Soil Survey, this parcel is shown to contain the following soil types (please note this does not replace the need for or results of onsite soil testing; if completed, please refer to onsite soil test results for planning/engineering purposes):

**Table 1: Soils Information**

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
134C2	Camden silt loam, 5-10% slopes, eroded	Well Drained	B	Non-Hydric	Farmland of Statewide Importance
152A	Drummer silty clay loam, 0-2% slopes	Poorly Drained	B/D	Hydric	Prime Farmland if Drained
193C2	Mayville silt loam, 5-10% slopes, eroded	Moderately Well Drained	C	Non-Hydric	Farmland of Statewide Importance
224D2	Strawn silt loam, 10-18% slopes, eroded	Moderately Well Drained	C	Non-Hydric	Farmland of Statewide Importance

318D2	Lorenzo loam, 6-12% slopes, eroded	Well Drained	B	Non-Hydric	Farmland of Statewide Importance
327B	Fox silt loam, 2-4% slopes	Well Drained	B	Non-Hydric	Prime Farmland
356A	Elpaso silty clay loam, 0-2% slopes	Poorly Drained	B/D	Hydric	Prime Farmland if Drained
668B	Somonauk silt loam, 2-5% slopes	Moderately Well Drained	C	Non-Hydric	Prime Farmland
969E2	Casco-Rodman complex, 12-20% slopes, eroded	Somewhat Excessively Drained	B	Non-Hydric	Not Prime Farmland
3082A	Millington silt loam, 0-2% slopes, frequently flooded	Poorly Drained	B/D	Hydric	Prime Farmland if drained and protected from flooding or not frequently flooded during growing season
3107A	Sawmill silty clay loam, heavy till plain, 0-2% slopes, frequently flooded	Poorly Drained	B/D	Hydric	Prime Farmland if drained and protected from flooding or not frequently flooded during growing season

**Hydrologic Soil Groups** – Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D), the first letter is for drained areas and the second letter is for undrained areas.

- **Hydrologic group A:** Soils have a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- **Hydrologic group B:** Soils have a moderate infiltration rate when thoroughly wet, consist chiefly of moderately deep to deep, moderately well drained to well drained soils that have a moderately fine to moderately coarse texture. These soils have a moderate rate of water transmission.
- **Hydrologic group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- **Hydrologic group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

**Hydric Soils** – A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, four are classified as hydric soil (152A Drummer silty clay loam, 356A Elpaso silty clay loam, 3082A Millington silt loam, and 3107A Sawmill silty clay loam).

**Prime Farmland** – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, only one is not classified as prime farmland (969E2 Casco-Rodman complex). The remaining soils are classified as prime farmland, prime farmland if drained, prime farmland if drained and protected, or farmland of statewide importance.

**Soil Water Features** – Table 2 gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

**Table 2:** Water Features

Map Unit	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
134C2	B	Medium	<u>January – December</u> Upper/Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
152A	B/D	Negligible	<u>January – May</u> Upper Limit: 0.0'-1.0' Lower Limit: 6.0' <u>June – December</u> Upper/Lower Limit: --	<u>January – May</u> Surface Water Depth: 0.0'-0.5' Duration: Brief (2 to 7 days) Frequency: Frequent <u>June – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
193C2	C	Medium	<u>January</u> Upper/Lower Limit: -- <u>February – April</u> Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.5' <u>May – December</u> Upper/Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
224D2	C	Medium	<u>January</u> Upper/Lower Limit: -- <u>February – April</u> Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.0' <u>May – December</u> Upper/Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
318D2	B	Medium	<u>January – December</u> Upper/Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
327B	B	Low	<u>January – December</u> Upper/Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None

356A	B/D	Negligible	<u>January – May</u> Upper Limit: 0.0'-1.0' Lower Limit: 6.0' <u>June – December</u> Upper/Lower Limit: --	<u>January – May</u> Surface Water Depth: 0.0'-0.5' Duration: Brief (2 to 7 days) Frequency: Frequent <u>June – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
668B	C	Low	<u>January</u> Upper/Lower Limit: -- <u>February – April</u> Upper Limit: 2.0'-3.5' Lower Limit: 6.0' <u>May – December</u> Upper/Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
969E2	B	Medium	<u>January – December</u> Upper/Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
3082A	B/D	Negligible	<u>January – May</u> Upper Limit: 0.0'-1.0 Lower Limit: 6.0 <u>June – December</u> Upper/Lower Limit: --	<u>January – May</u> Surface Water Depth: 0.0'-0.5' Duration: Brief (2 to 7 days) Frequency: Frequent <u>June – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: Brief (2 to 7 days) Frequency: Frequent
3107A	B/D	Negligible	<u>January – May</u> Upper Limit: 0.0'-1.0 Lower Limit: 6.0 <u>June – December</u> Upper/Lower Limit: --	<u>January – May</u> Surface Water Depth: 0.0'-0.5' Duration: Brief (2 to 7 days) Frequency: Frequent <u>June – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: Brief (2 to 7 days) Frequency: Frequent

**Surface Runoff** – Refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover and indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal). The surface runoff classes are identified as: negligible, very low, low, medium, high, and very high.

**Months** – The portion of the year in which a water table, ponding, and/or flooding is most likely to be a concern.

**Water Table** – Water table refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are

based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or mottles (redoximorphic features)) in the soil. Note: A saturated zone that lasts for less than a month is not considered a water table.

**Ponding** – Ponding is standing water in a closed depression. Unless a drainage system is installed, the water is removed only by percolation, transpiration, or evaporation. Duration is expressed as very brief (less than 2 days), brief (2 to 7 days), long (7 to 30 days), very long (more than 30 days). Frequency is expressed as none (ponding is not probable), rare (unlikely but possible under unusual weather conditions), occasional (occurs, on average, once or less in 2 years) and frequent (occurs, on average, more than once in 2 years).

**Flooding** – Temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding. Duration is expressed as brief (2 to 7 days) and frequent meaning that it is likely to occur often under normal weather conditions.

#### SOIL LIMITATIONS

According to the USDA-NRCS, soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction and maintenance. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features. Ratings are based on the soil in an undisturbed state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance.

- **Not Limited:** Indicates that the soil has features that are very favorable for the specified use; good performance and low maintenance can be expected.
- **Somewhat Limited:** Indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation; fair performance and moderate maintenance can be expected.
- **Very Limited:** Indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures; poor performance and high maintenance can be expected.

**Conventional Septic System Rating Criteria** – The factors considered for determining suitability include the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. Soils that are deemed unsuitable for installation of an on-site sewage disposal system, per the Kendall County Subdivision Control Ordinance, may necessitate the installation of a non-conventional onsite sewage disposal system. If the scope of the project may include the use of on-site septic systems please consult with the Kendall County Health

Department – Environmental Health Services located at 811 W. John Street, Yorkville, IL; (630) 553-9100 ext. 8026.

Limitations are listed below for shallow excavations (depth of 5-6 feet), small commercial buildings (structures less than 3 stories high and without basements), camp areas, picnic areas, playgrounds, and onsite conventional sewage disposal systems. Please note this information is based on soils in an undisturbed state as compiled for the USDA-NRCS 2008 Soil Survey of Kendall County, IL and the Kendall County Subdivision Control Ordinance; this does not replace the need for site specific soil testing or results of onsite soil testing.

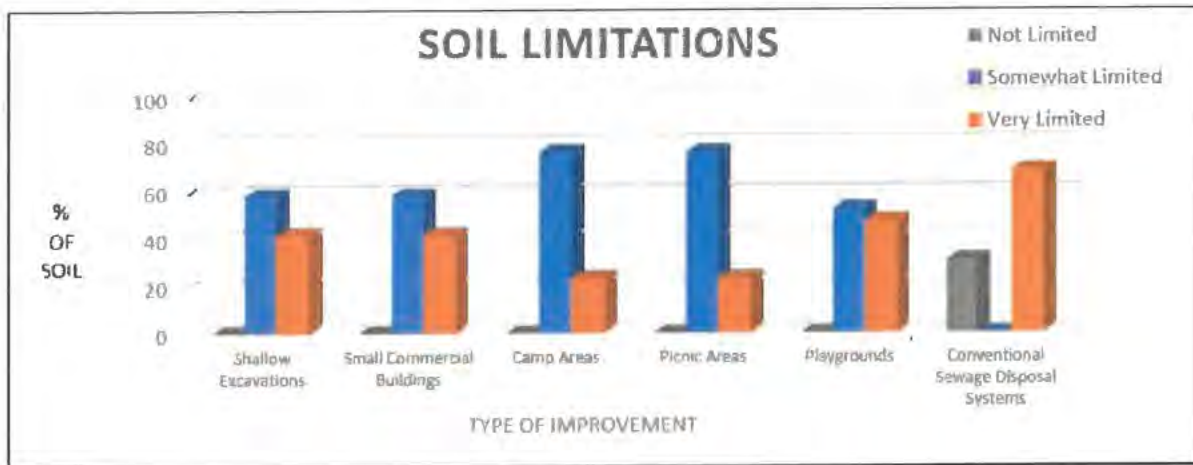


Figure 2: Soil Limitations

Table 3: Building Limitations

Soil Type	Shallow Excavations	Small Commercial Buildings	Camp Areas	Picnic Areas	Playgrounds	Onsite Conventional Sewage Systems	Acres	%
134C2	<b>Somewhat Limited:</b> Dusty Unstable excavation walls	<b>Somewhat Limited:</b> Slope Shrink-swell	<b>Somewhat Limited:</b> Dusty	<b>Somewhat Limited:</b> Dusty	<b>Very Limited:</b> Slope Dusty	<b>Suitable/Not Limited</b>	0.4	0.6%
152A	<b>Very Limited:</b> Ponding Depth to saturated zone Dusty Unstable excavation walls	<b>Very Limited:</b> Ponding Depth to saturated zone Shrink-swell	<b>Very Limited:</b> Depth to saturated zone Ponding Dusty	<b>Very Limited:</b> Ponding Depth to saturated zone Dusty	<b>Very Limited:</b> Depth to saturated zone Ponding Dusty	<b>Unsuitable/Very Limited:</b> Wet	2.3	3.7%
193C2	<b>Somewhat Limited:</b> Depth to saturated zone Dusty Unstable excavation walls	<b>Somewhat Limited:</b> Slope Shrink-swell	<b>Somewhat Limited:</b> Slow water movement Dusty	<b>Somewhat Limited:</b> Slow water movement Dusty	<b>Very Limited:</b> Slope Slow water movement Dusty	<b>Suitable/Not Limited</b>	3.4	5.4%
224D2	<b>Very Limited:</b> Depth to saturated zone Slope Dusty Unstable excavation walls	<b>Very Limited:</b> Slope Depth to saturated zone	<b>Somewhat Limited:</b> Slope Slow water movement Depth to saturated zone Dusty	<b>Somewhat Limited:</b> Slope Slow water movement Depth to saturated zone Dusty	<b>Very Limited:</b> Slope Slow water movement Depth to saturated zone Dusty	<b>Suitable/Not Limited</b>	4.7	7.5%
318D2	<b>Very Limited:</b> Unstable excavation walls Slope Dusty	<b>Very Limited:</b> Slope	<b>Somewhat Limited:</b> Slope Dusty	<b>Somewhat Limited:</b> Slope Dusty	<b>Very Limited:</b> Slope Gravel content Dusty	<b>Unsuitable/Very Limited:</b> Gravel	6.8	10.9%
327B	<b>Somewhat Limited:</b> Dusty Unstable excavation walls	<b>Somewhat Limited:</b> Shrink-swell	<b>Somewhat Limited:</b> Dusty	<b>Somewhat Limited:</b> Dusty	<b>Somewhat Limited:</b> Slope Dusty	<b>Unsuitable/Very Limited:</b> Gravel	21.8	35%
356A	<b>Very Limited:</b> Ponding Depth to saturated zone Dusty	<b>Very Limited:</b> Ponding Depth to saturated zone Shrink-swell	<b>Very Limited:</b> Depth to saturated zone Ponding Dusty	<b>Very Limited:</b> Ponding Depth to saturated zone Dusty	<b>Very Limited:</b> Depth to saturated zone Ponding Dusty	<b>Unsuitable/Very Limited:</b> Wet	2.3	3.7%

June 2022

[illegible]

**Please note:** This information is based on soils in an undisturbed state as compiled for the USDA-NRCS 2008 Soil Survey of Kendall County, IL and the Kendall County Subdivision Control Ordinance; this does not replace the need for site specific soil testing or results of onsite soil testing.

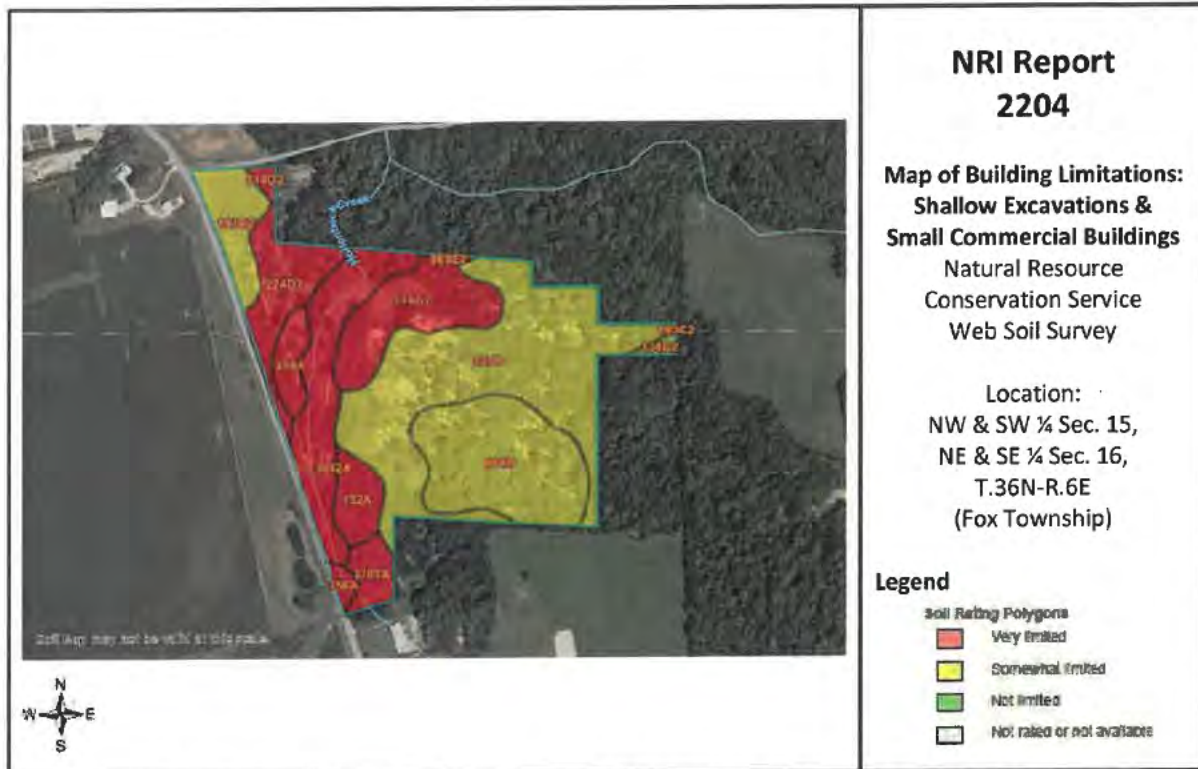


Figure 3A: Map of Building Limitations –Shallow Excavations and Small Commercial Buildings

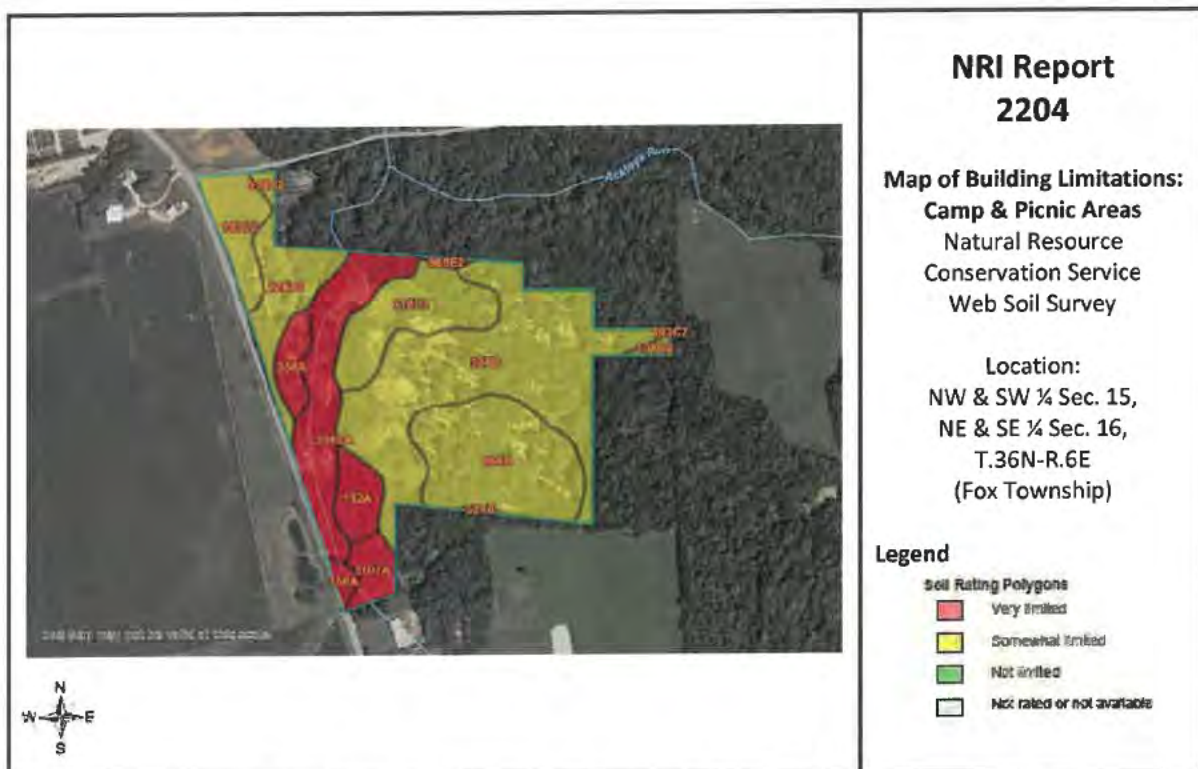


Figure 3B: Map of Building Limitations – Camp and Picnic Areas

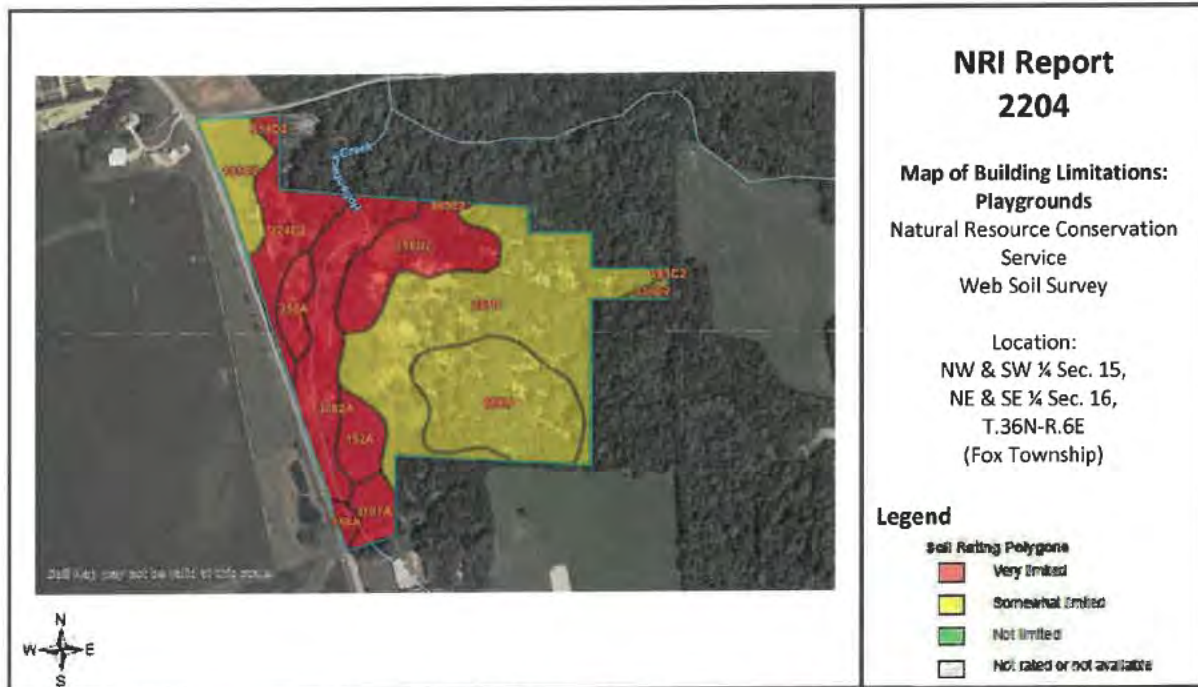


Figure 3C: Map of Building Limitations – Playgrounds

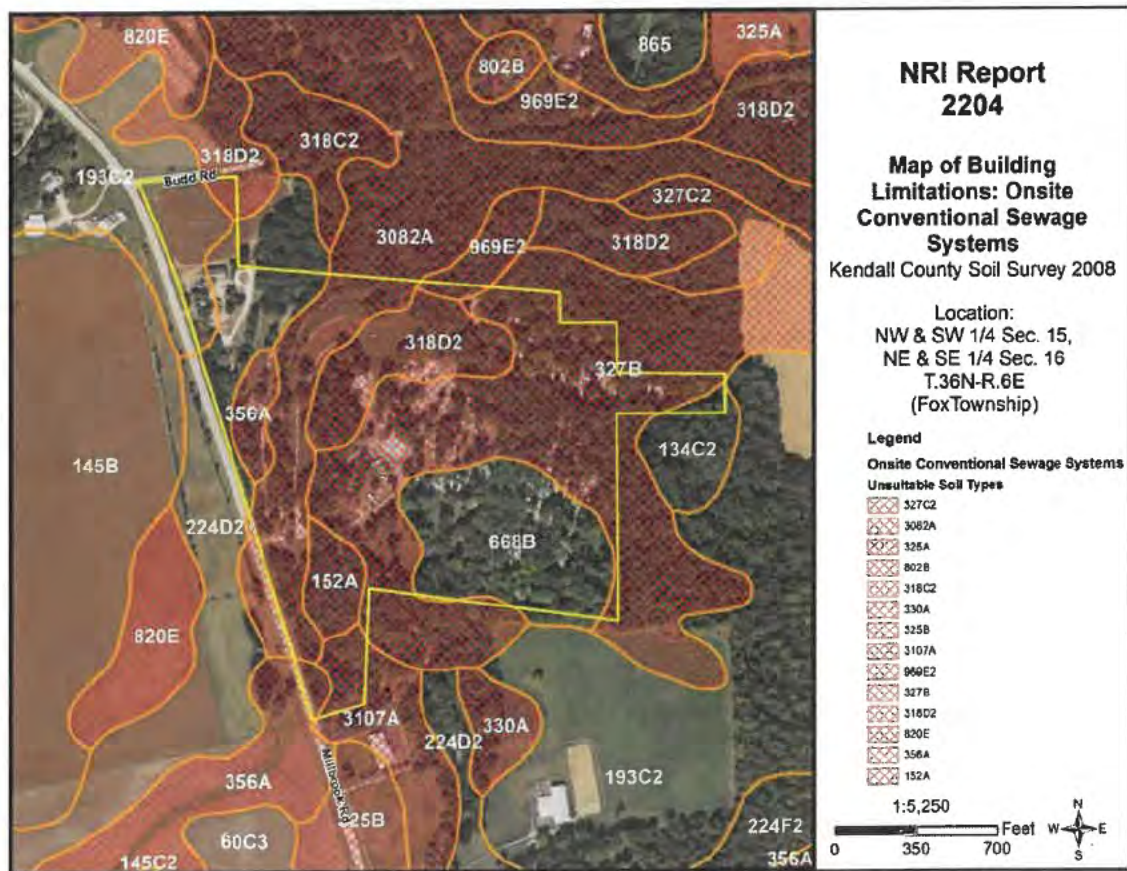


Figure 3D: Map of Building Limitations – Onsite Conventional Sewage System

**KENDALL COUNTY LAND EVALUATION AND SITE ASSESSMENT (LESA)**

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

- **Land Evaluation (LE):** The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation value accounts for 1/3 of the total score and is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
- **Site Assessment (SA):** The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Site Assessment value is based on a 200-point scale and accounts for 2/3 of the total score. The Kendall County LESA Committee is responsible for this portion of the LESA system.

**Please Note:** A land evaluation (LE) score will be compiled for every project parcel. However, when a parcel is located within municipal planning boundaries, a site assessment (SA) score is not compiled as the scoring factors are not applicable. As a result, only the LE score is available, and a full LESA score is unavailable for the parcel.

**Table 4A:** Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
134C2	5	82	0.4	32.8
152A	1	100	2.3	230
193C2	6	69	3.4	234.6
224D2	6	69	4.7	324.3
318D2	6	69	6.8	469.2
327B	4	79	21.8	1722.2
356A	1	100	2.3	230
668B	4	79	10.9	861.1
969E2	7	47	0.2	9.4
3082A	4	79	7.8	616.2
3107A	3	87	1.7	147.9
<b>Totals</b>			<b>62.3</b>	<b>4,877.7</b>
<b>LE Calculation</b>			(Product of relative value / Total Acres) $4,877.7 / 62.3 = 78.3$	
<b>LE Score</b>			<b>LE = 78</b>	

The Land Evaluation score for this site is 78, indicating that this site is currently designated as land that is not well suited for agricultural uses considering the Land Evaluation score is below 80.

**Table 4B: Site Assessment Computation**

<b>A.</b>	<b>Agricultural Land Uses</b>	<b>Points</b>
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	10
	2. Current land use adjacent to site. (30-20-15-10-0)	10
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	0
	4. Size of site. (30-15-10-0)	15
<b>B.</b>	<b>Compatibility / Impact on Uses</b>	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	0
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
<b>C.</b>	<b>Existence of Infrastructure</b>	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	10
	<b>Site Assessment Score:</b>	<b>72</b>

The Site Assessment score for this site is 72. The Land Evaluation value (78) is added to the Site Assessment value (72) to obtain a LESA Score of 150. The table below shows the level of protection for the proposed project site based on the LESA Score.

**Table 5: LESA Score Summary**

<b>LESA SCORE</b>	<b>LEVEL OF PROTECTION</b>
<b>0-200</b>	<b>Low</b>
201-225	Medium
226-250	High
251-300	Very High

**Land Evaluation Value: 78 + Site Assessment Value: 72 = LESA Score: 150**

The LESA Score for this site is 150 which indicates a low level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

## WETLANDS

The U.S. Fish & Wildlife Service's National Wetland Inventory map indicates the presence of a riverine wetland(s) (Hollenback Creek) on the proposed project site. To determine if a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

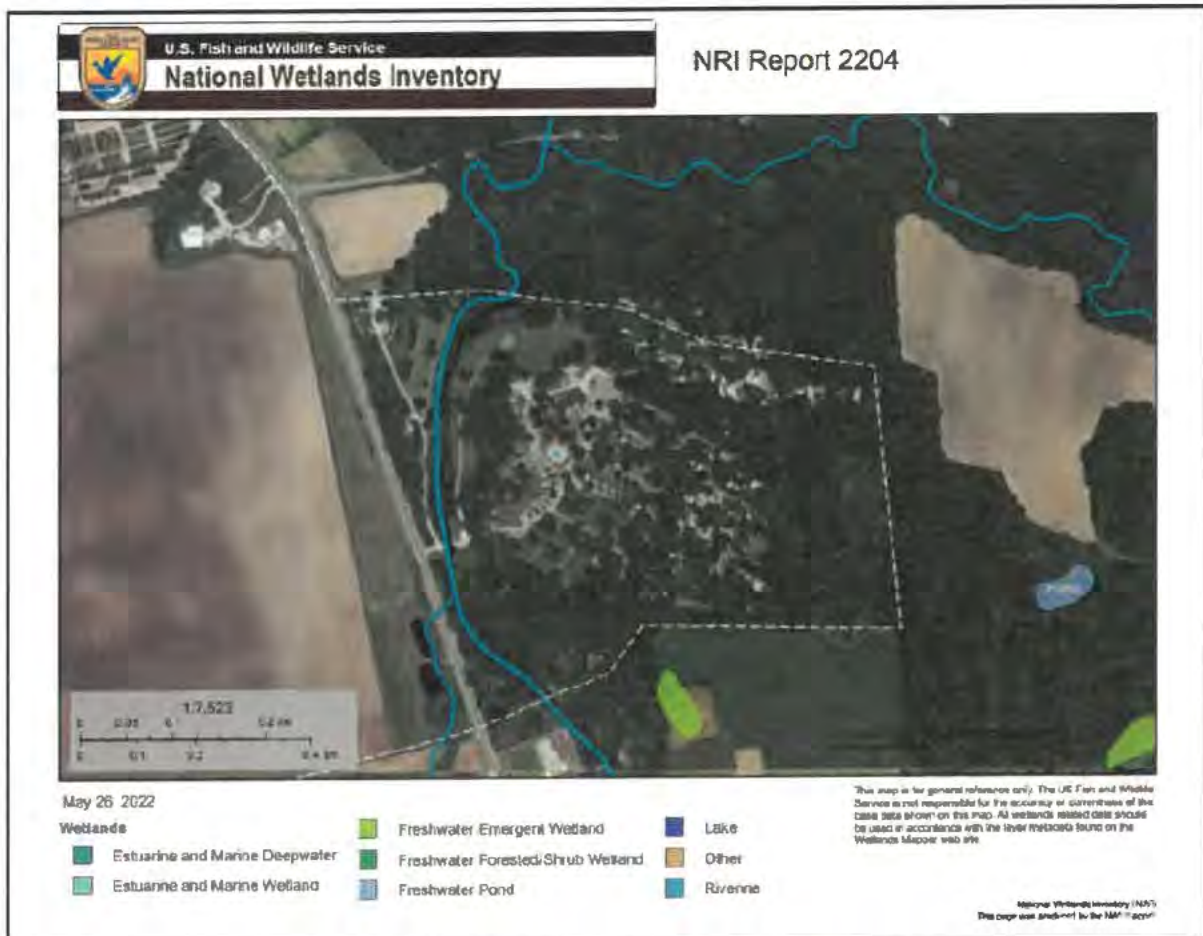


Figure 4: Wetland Map – USFWS National Wetland Inventory

## FLOODPLAIN

The Federal Emergency Management Agency's (FEMA) Digital Flood Insurance Rate Map (DFIRM) for Kendall County, Community Panel No. 17093C0100G (effective date February 4, 2009) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, the parcel is located within an area of minimal flood hazard (Zone X).

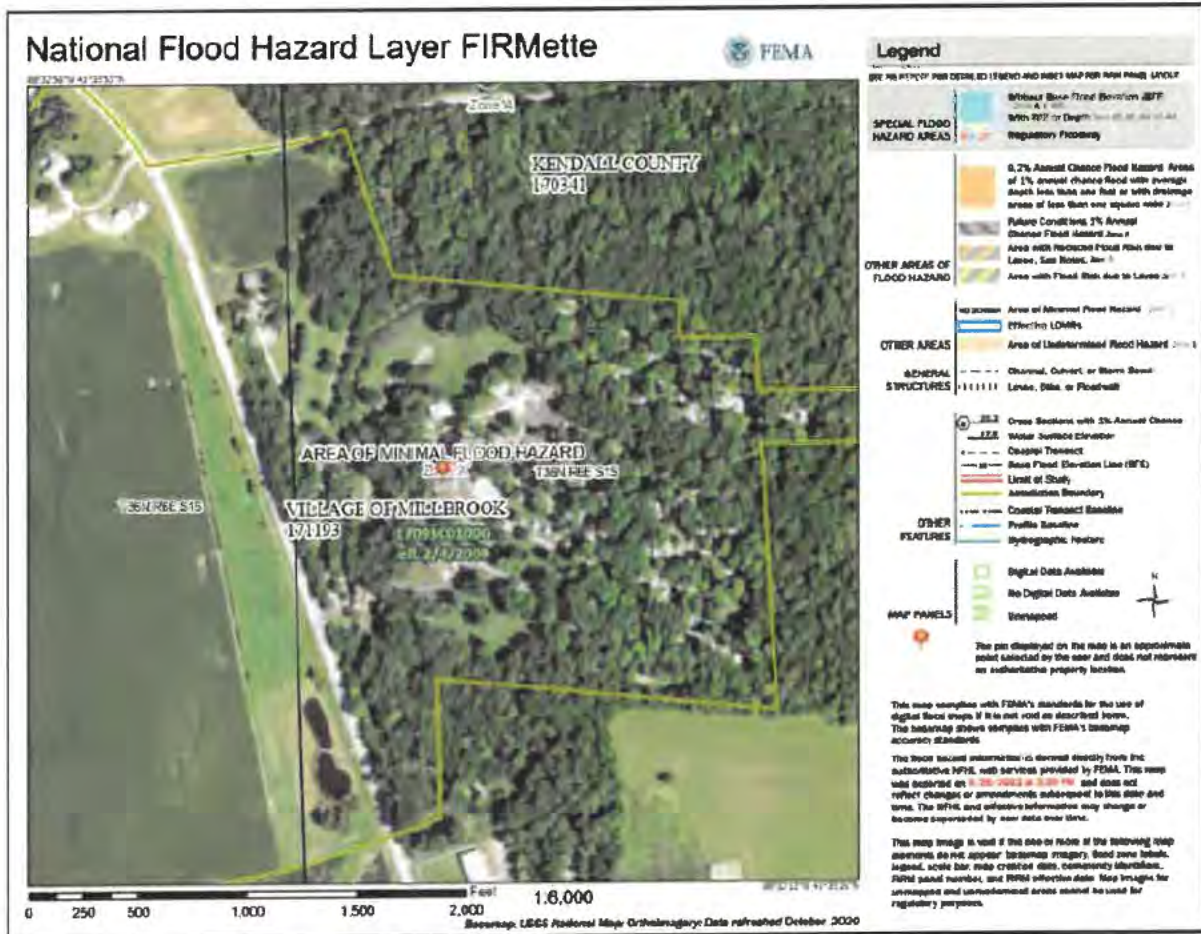


Figure 5: FEMA Floodplain Map

### SEDIMENT AND EROSION CONTROL

Development on this site should include an erosion and sediment control plan in accordance with local, state, and federal regulations. Soil erosion on construction sites is a resource concern because suspended sediment from areas undergoing development is a primary nonpoint source of water pollution. Please consult the *Illinois Urban Manual* (<https://illinoisurbanmanual.org/>) for appropriate best management practices.

NRI 2204

June 2022

### **LAND USE FINDINGS**

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed site plans for Petitioner Sun Jelly Chicago RV, LLC for the Special Use Permit request to perform site renovations and updates at the Jellystone Park Campground on one parcel (Parcel Index Number: 04-15-300-001) located in Fox Township of Kendall County in Sections 15 and 16, Township 36N, and Range 6E of the 3<sup>rd</sup> Principal Meridian. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. Of the soils found onsite, 99.6% are designated as prime farmland. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored a 78 out of a possible 100 points indicating that the soils are not well suited for agricultural uses. The total LESA Score for this site is 150 out of a possible 300, which indicates a low level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note the limitation that may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 47.5% are very limited for playgrounds, 41.5% are very limited for shallow excavations and small commercial buildings, and 23% are very limited for camp areas and picnic areas. The remaining land is considered somewhat limited for these types of developments/uses. Additionally, 69% of the soils appear to be unsuitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Lower Fox River Watershed and the Hollenback Creek sub watershed. If development should occur on this site, a soil erosion and sediment control plan should be implemented during construction. Sediment may become a primary non-point source of pollution; eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense use it is recommended that a drainage tile survey be completed on the parcel to locate subsurface drainage tile. That survey should be taken into consideration during the land use planning process. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

The information that is included in this Natural Resources Information Report is to assure that the Land Developers take into full consideration the limitations of the land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statutes, Ch. 70, Par 405/22.02a).

  
 SWCD Board Representative

Date

  
 6/13/2022



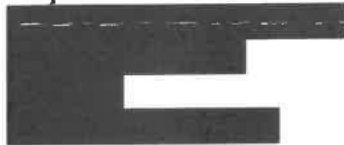
## Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
<http://dnr.state.il.us>

JB Pritzker, Governor  
Colleen Callahan, Director

May 05, 2022

Stephanie Olson



**RE: Special Use Application**  
**Project Number(s): 2212681**  
**County: Kendall**

Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.



Kyle Burkwald  
Division of Ecosystems and Environment  
217-785-5500

Please fill out the following findings of fact to the best of your capabilities. § 13:04 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall take into consideration the extent to which the following conditions have been established by the evidence:

The Petitioners are seeking a variance of 7:01.D.46.g requiring periphery of park to be enclosed by fence. All sides of the property are fenced which abut neighboring property owners. The only portion which is not fenced is the side which abuts Millbrook Rd. Fencing along Millbrook Rd. was not required under the current special use permit.

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.*

The application of the requirement to enclose the periphery of the park would result in practical difficulty and financial hardship due to the existing layout which encloses the entire park other than the portion which abuts Millbrook Road which acts as a natural boundary and has been in operation for several years under a court ordered special use permit.

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.*

The condition would not be applicable to other properties within the same zoning classification due to the property currently operating under a court ordered special use permit.

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.*

The existing special use which did not require a fence along Millbrook Rd. was done well before petitioner's acquired ownership of the property

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.*

The granting of the variance will not be detrimental to the public welfare or substantially injurious to other property in the neighborhood because the property has been operated for several years without the regulation

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.*

The variance will not impair light or air supply to adjacent property, will not increase congestion, will not increase danger of fire, will not endanger the public safety, or will not impair property values.

Please fill out the following findings of fact to the best of your capabilities. §13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare.

The Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

That the special use will not be substantially injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole.

The special use will not be substantially injurious to properties already permitted nor diminish and impair property values.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.

All necessary facilities have been provided

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals

The special use conforms to the applicable regulations of district in which it is located

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

Special Use is consistent with the purpose & objectives of LRMP

**Stephanie Olson**

---

**From:** Boyd Ingemunson <[REDACTED]>  
**Sent:** Monday, August 22, 2022 8:24 AM  
**To:** brichardson@co.kendall.il.us; Dwight Baird  
**Cc:** Stephanie Olson; Matt Asselmeier  
**Subject:** Jellystone RV Park

**EXTERNAL EMAIL - Verify sender before opening links or attachments!**

---

Bobby, wanted to follow up on our discussion about the proposed special use application for Jellystone RV Park outside of Millbrook. As part of the application the applicant must seek review from local law enforcement. If you have any questions of concerns let me know. Thanks

--  
Boyd Ingemunson  
**Ingemunson Law Offices Ltd.**  
**The Law Office Pub and Music Hall**  
**Rogue Barrister Productions**  
759 W. John St. Suite A  
Yorkville, IL 60560  
phone (630) 553-5622  
cell (630) 913-1950  
fax (630) 553-7958

**From:** Kelly Schomer  
**Sent:** Tuesday, August 23, 2022 12:58 PM  
**To:** Nathaniel Cox  
**Subject:** LRFFPD Receipt

I wasn't able to send drawings but I did ask how to get them drawings.

# LRFFPD

STATIONSNEWSCOMMUNITYGALLERYCONTACT US

[Home](#) - Contact Us

STATION 1

5 East North St.  
Plano, Illinois  
60545  
Phone: 630.552.3311  
Fax: 630.618.3800

STATION 2

31 Hudson St.  
Millbrook, Illinois  
60536  
Phone: 630.552.3311  
Fax: 630.618.3800

STATION 3

300 Mitchell Dr.  
Plano, Illinois  
60545  
Phone: 630.552.3311  
Fax: 630.618.3800

FIRE CHIEF

Gregory Wilek  
Phone: 630.552.3311 x 301

Name (required)

Email (required)

Phone (required)


Subject

Your Message

Please help us fight spam by answering the question below before sending your message.  
What color is the sky?

Send

Your message was sent successfully. Thanks



1



200800022923

STATE OF ILLINOIS     )  
                                  ) ss.  
COUNTY OF KENDALL    )

RENNETTA S  
MICKELSON  
KENDALL COUNTY, IL  
RECORDED: 10/20/2008 3:55 PM  
ANXA: 89.00 RHSPS FEE: 10.00  
PAGES: 32

September 24, 2008

**VILLAGE OF MILLBROOK  
ANNEXATION / PLANNED UNIT  
DEVELOPMENT AGREEMENT FOR  
THE YOGI BEAR CAMPGROUND  
OWNED BY LAKEWOOD TRAILS  
RECREATION, LLC**

Pin Numbers: 04-15-200-001, 04-15-100-005, 04-16-276-001

Prepared by and return to:

Law Offices of Daniel J. Kramer  
1107A S. Bridge Street  
Yorkville, IL 60560  
(630) 553-9500

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This Annexation / Planned Unit Development Agreement (the "Agreement") is made and entered into as of the ~~11th~~ day of ~~September~~, 2008, by and between the VILLAGE OF MILLBROOK, an Illinois municipal corporation (the "VILLAGE") and LAKEWOOD TRAILS RECREATION, LLC as OWNER that is the subject of this Agreement (hereinafter referred to as "OWNER"). (The VILLAGE and OWNER are collectively referred to as the "PARTIES" and individually referred to as a "PARTY").

### RECITALS

**WHEREAS**, OWNER owns 62.42± acres of real property located on the east side of Millbrook Road and east of Fox River Drive, Fox Township, Kendall County, Illinois, which is legally described on Exhibit "A" hereto (the "PROPERTY"); and **WHEREAS**, the Property is not currently located within the corporate limits of any municipality, but is contiguous to and may be annexed to the VILLAGE; and

**WHEREAS**, OWNER and VILLAGE desire (i) to annex the Property to the VILLAGE and (ii) to continue to operate the real property as a campground in accordance with this Agreement, and the conditions as outlined in the original Court Order of the Circuit Court of Kendall County entered in case #80-MR-9 dated June 30, 1983 a copy of which is attached hereto and incorporated herein by reference as Exhibit "B" and as further regulated by an Order Amending Court directed Special Use Zoning entered in the Circuit Court of Kendall County in case # 80-MR-9 entered on September 24, 1999, a copy of which is attached hereto and incorporated herein as Exhibit "C", and as further regulated by an Agreed Second Order Amending Court Directed Special Use Zoning entered in the Circuit Court of Kendall County in Case # 80-MR-9 entered on August 30, 2006 a copy of which is attached hereto and incorporated herein as Exhibit "D"; and

**WHEREAS**, annexation of the Property to the VILLAGE will be beneficial to OWNER in that OWNER'S Property will be afforded the benefit of VILLAGE'S services; and

**WHEREAS**, the operation and development of the Property, if undertaken within the corporate limits of the VILLAGE and in accordance with the terms of this Annexation Agreement, will be beneficial to the VILLAGE in that such operation of the campground will increase the tax base of the VILLAGE by adding thereto valuable real estate and substantial improvements, and will produce a significant increase in revenues to the VILLAGE; and

**WHEREAS**, by virtue of the annexation, the VILLAGE will extend its zoning, building, health and other municipal regulations in conjunction with the Kendall County Zoning and Subdivision Ordinances which it has adopted for purposes of zoning, platting and building regulations in the development of the Property in accordance with the terms of this Annexation Agreement and thereby prevent possible undesirable or inharmonious uses and development of the Property; and

**WHEREAS**, the operation and development of the Property in accordance with this Annexation Agreement will result in adherence to the standards of construction and development required by the ordinances of the VILLAGE; and

**WHEREAS**, the use of the Property as set forth herein will further the planning

objectives of the VILLAGE, and annexation of the Property to the VILLAGE will be of substantial benefit to the VILLAGE and its residents; and

**WHEREAS**, OWNER has submitted to the VILLAGE a proper Petition for Annexation signed by the OWNER of record of the Property and there are no electors residing on the Property together with a Plat of Annexation (Exhibit "D" which is attached hereto and incorporated herein by reference) for the Property, which Property is located in the unincorporated area of Kendall County and is contiguous to the VILLAGE. Such Petition requests annexation to the VILLAGE, and is subject to the adoption and execution of this Annexation Agreement by the VILLAGE and OWNER and to the provisions of this Annexation Agreement, as well as to the VILLAGE BOARD passing an Ordinance authorizing execution of this Annexation Agreement and an Ordinance Annexing the PROPERTY to the VILLAGE; and

**WHEREAS**, the corporate authorities of the VILLAGE have considered the annexation and development of the Property and have determined that the best interest of the VILLAGE require that the Property be annexed to the VILLAGE and developed in accordance with the ordinances, rules and regulations of the VILLAGE as modified by the provisions of this Annexation Agreement; and

**WHEREAS**, pursuant to proper notice and in accordance with all Applicable Law, the VILLAGE Board held a Public Hearing as to the Annexation Agreement (by Ordinance Duly Adopted) approved the Petition for Annexation and authorized the VILLAGE President to execute and the VILLAGE Clerk to attest this Agreement on behalf of the VILLAGE, thereby annexing the Property and the adjoining roads and/or streets into the VILLAGE with the zoning classification and modification set forth in this Agreement; and

**WHEREAS**, that all notices, publications, procedures, public hearing and other matters and actions required by Applicable Law in connection with the consideration and approval of this Agreement and the annexation and zoning of the Property as described herein have been properly given, made, held and performed by the VILLAGE; and

**NOW, THEREFORE**, in consideration of the foregoing recitals and the mutual covenants and agreements made herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, the Parties hereby agree as follows:

1. **Recitals and Exhibits.** The Parties acknowledge and agree that the statements and representations set forth in the foregoing recitals are true and correct, material to this Agreement, and are together with all Exhibits incorporated into this Agreement as if they were fully set out in this Paragraph 1. The exhibits attached hereto also form a material part of this Agreement and are incorporated herein as if fully set forth in this paragraph.
2. **Annexation of the Property.** Upon execution of this Agreement, the VILLAGE will simultaneously validly annex the Property and validly zone and classify the A-1 Agricultural District, Special Use permitting the operation of a campground and related facilities in accordance with and as contemplated by this

Agreement and all Exhibits attached hereto. All ordinances, resolutions, annexation plats, affidavits and other documents necessary to accomplish annexation shall be recorded by the VILLAGE at OWNER expense. No action will be taken by the VILLAGE to annex the Property to the VILLAGE unless this Agreement has been fully executed by all Parties and the Property is annexed to the VILLAGE, in its entirety, at one time as described herein.

### 3. Zoning and Development of the Property.

a. **VILLAGE to Enact Necessary Ordinances.** Contemporaneously with annexing the Property to the VILLAGE, the VILLAGE shall enact such ordinances, adopt such resolutions, and take such other actions as are necessary to immediately:

- i. Annex the territory to the Village of Millbrook.
- ii. Zone and classify the Property A-1 Agricultural District, Special Use permitting the operation of a campground and related facilities.
- iii. Authorize the Village President and the Village Clerk to execute the Annexation Agreement.

The zoning classification and permitted exceptions and modifications described in this Agreement (including the Preliminary Planned Unit Development Plan and Preliminary Landscape Plan ) shall remain in effect and shall not be changed throughout the entire term of this Agreement: (unless changed pursuant to agreement between the VILLAGE and OWNER).

b. **Continuation of Current Uses.** Notwithstanding anything contained herein to the contrary, all or any part of the Property may be used for farm or agricultural purposes as well as a campground and related purposes, and the VILLAGE shall not prohibit or unreasonably restrict OWNER or their tenants or licensees from continuing any current use on such Property

c. **Approval of Final Plats.**

- i. If annexed, OWNER may elect to Petition the Village to approve a plat of subdivision subject to compliance with the requirements of the VILLAGE'S ordinances. OWNER agrees that the intent of the parties in this subdivision paragraph is to permit the division of the personal residence located on said property without triggering the full development and platting process.
- ii. Procedures for Final Platting. No public hearing shall be required for the approval of any preliminary or final subdivision plat. A letter of credit for improvements will

need to be posted prior to approval and recording of final plat(s), provided the VILLAGE may require a letter of credit covering improvements on the platted property before such improvements (including grading) are constructed on the platted property. All fees, dedications and contributions under this Agreement or as to any future residential development shall be due and owing as they accrue within each phase on a "per-phase" or pro-rata basis per building permit. To the extent roadway and utility improvements are developed or installed in phases, the VILLAGE shall inspect and approve the same on a phase-by-phase basis. Owner may take no more than 2 years after a phase of the property has been final platted to complete construction of the public improvements and develop such phase.

- iii. OWNER and VILLAGE acknowledge that the VILLAGE having no full-time staff, and further pursuant to its Intergovernmental Agreement with Kendall County, OWNER shall apply for Subdivision Plat and Engineering approval with the County of Kendall. Approval of Final Plats and Engineering shall be reviewed by Kendall County Consultants and their recommendations reported to the VILLAGE for final approval by the Village Board. That at such time as the Village of Millbrook has sufficient staff, as determined by the Village, the OWNER or the Developer shall then apply for subdivision plat of engineering approval to the Village of Millbrook. The same shall apply in the event the Village of Millbrook at any time terminates its Intergovernmental Agreement for review purposes with the County of Kendall.

#### **4. Codes and Ordinances.**

**Governing Codes and Ordinances.** Throughout the term of this Agreement, the governing codes and ordinances, as from time to time amended, shall be applicable to the subject property, subject to conformity with State of Illinois law, rules, and regulations as to the operation of campgrounds.

#### **5. Fees, Donations and Contributions.**

- a. **Fees.** OWNER, its successors and assigns shall be required to pay all fees and contributions to the Village of Millbrook and such other governmental entities that are or shall be required by Village ordinance and/or intergovernmental agreement to be paid to the Village and such other applicable governmental entities in the event the territory is redeveloped for residential purposes. The above shall apply only in the event that a residential use is petitioned and granted by the Village Board

of the Village of Millbrook at some point in time within the term of this Agreement.

- b. **Consultant Fees.** The applicant for approval of annexation and zoning shall reimburse the Village of Millbrook and Kendall County, if applicable, for any reasonable fees incurred for consultants, publication, or otherwise incurred directly with respect to the passage of annexation agreement and zoning ordinance in regard to the subject property, and its future subdivision and development. Reimbursement shall be made within 30 days of the applicant receiving said bills from the Village of Millbrook and/or Kendall County, as the case may be.

## 6. Signage

- a. OWNER is hereby be granted permission to build a eight (8') foot by twelve (12) foot informational advertising sign at the front of its property adjacent to the east side of Millbrook Road.
- b. OWNER may install on its property permanent monuments near Millbrook Road entrances.
- c. OWNER may install up to four (4) directional signs on Fox River Drive or Millbrook Road in the Village of Millbrook, on private property, not exceeding four (4') foot by four (4') foot directing travelers and customers to Yogi Bear Campgrounds.

**7. Mutual Assistance and Cooperation.** The Parties shall do all things necessary or appropriate to carry out the terms and provisions of this Agreement and to aid, assist and cooperate with each other in carrying out the terms and objectives of this Agreement and the intentions of the Parties in annexing and developing the Property, including, without limitation, the giving of notices, the holding of public hearings, the enactment by the VILLAGE of resolutions and ordinances and the taking of other actions.

**8. Remedies.** Upon a breach of this Agreement, any of the Parties, in any court of competent jurisdiction, by an action or proceeding at law or in equity, may secure the specific performance of the covenants and agreements herein contained, and except as provided below may be awarded damages for failure of performance or both, or may obtain rescission and disconnection for material failure of performance. No action taken by any Party hereto pursuant to the provisions of this paragraph or pursuant to the provisions of any other paragraph of this Agreement shall be deemed to constitute an election of remedies, and all remedies set forth in this Agreement shall be cumulative and non-exclusive of any other remedy either set forth herein or available to any Party at law or in equity.

If any of the Parties shall fail to perform any of its obligations hereunder, and the Party affected by such default shall have given written notice of such default to the defaulting Party, and such defaulting Party shall have failed to cure such default within thirty (30)

days of such default notice (provided, however, that said thirty (30) day period shall be extended if the defaulting party has initiated the cure of said default and is diligently and in good faith proceeding to cure the same), in addition to any and all other remedies that may be available, either in law or equity, the Party affected by such default shall have the right (but not the obligation) to take such action as in its reasonable discretion and judgment shall be necessary to cure such default. In such event, the defaulting Party hereby agrees to pay and reimburse the Party affected by such default for all reasonable costs and expenses (including attorneys' fees and litigation expenses) incurred by it in connection with action taken to cure such default excepting that no attorney's fees may be charged to the Village.

The failure of the Parties to insist upon the strict and prompt performance of the terms, covenants, agreements, and conditions herein contained, or any of them, upon any other Party imposed, shall not constitute or be construed as a waiver or relinquishment of any Party's right thereafter to enforce any such term, covenant, agreement or condition, but the same shall continue in full force and effect.

If the performance of any term or covenant to be performed hereunder by a Party is delayed as a result of circumstances which are beyond the reasonable control of such Party (which circumstances may include acts of God (including adverse weather), war, acts of civil disobedience, strikes or similar acts), the time for such performance shall be extended by the amount of time of such delay. The parties agree that the Village will not be responsible for a monetary award of damages in the event of the breach of the Agreement

**9. Term.** This Agreement shall be binding upon the Parties and their respective successors and assigns for twenty (20) years, commencing as of the date hereof. Once any portion of the Property is developed, this Agreement shall be permanently effective.

## **10. Miscellaneous.**

a. **Notices.** Any notice required or permitted by the provisions of this Agreement shall be in writing and sent by certified mail, return receipt requested, or personally delivered (by overnight courier or otherwise), to the Parties at the following addresses, or at such other addresses as the Parties may, by notice, designate:

b.     **If to the VILLAGE:** VILLAGE of Millbrook  
PO Box 51  
Millbrook, IL 60536  
Attention: Judy Heim, VILLAGE President

with a copy to:  
Attorney Robert Britz  
303 N. Main Street

Elburn, IL 60119

If to OWNER: Michael Ciero  
Lakewood Trails, LLC  
8574 Millbrook Road  
PO Box 306  
Millbrook, IL 60536

With a copy to: Law Offices of Daniel J. Kramer  
1107A S. Bridge St.  
Yorkville, IL 60560  
(630) 553-9500

Notices to other Participating Landowner shall be given at the addresses set forth in Exhibit I hereto.

Notices shall be deemed given on the third (3rd) business day following deposit in the U.S. Mail, if given by certified mail as aforesaid, and upon receipt, if personally delivered.

- d. Severability. If any provision, covenant, agreement or portion of this Agreement or its application to any person, entity or property is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants or portions of this Agreement, and to that end, all provisions, covenants, agreements and portions of this Agreement are declared to be severable. If for any reason the annexation or rezoning of the Property is ruled invalid, in whole or in part, the VILLAGE and other corporate authorities, as soon as possible, shall take such actions (including the holding of such public hearings and the adoption of such ordinances and resolutions) as may be necessary to give effect to the spirit and intent of this Agreement and the objectives of the Parties, as disclosed by this Agreement.
- e. Survival. The provisions contained herein shall survive the annexation of the Property and shall not be merged or expunged by the annexation of the Property to the VILLAGE.
- f. Successors and Assigns. OWNER maintains the right to sell or convey all or any portion of the Property whether improved or unimproved. This Agreement shall inure to the benefit of, and be binding upon, successors of the OWNER and their successors, grantees, lessees, and assigns, and upon successor corporate authorities of the VILLAGE and successor municipalities, and shall constitute a covenant running with the land. This Agreement may be assigned without VILLAGE approval, and upon said assignment and acceptance by an assignee, the assignor shall have no

further obligations hereunder. If a portion of the Property is sold, the seller shall be deemed to have assigned to the purchaser any and all rights and obligations it may have under this Agreement (excluding rights of recapture) which affect the portion of the Property sold or conveyed and thereafter the seller shall have no further obligations under this Agreement as it relates to the portion of the Property conveyed.

- g. Time of Essence. Time is of the essence of this Agreement and of each and every provision hereof.
- h. Amendment. This Agreement, and the exhibits attached hereto, may be amended only by the mutual written consent of the OWNER and VILLAGE or their successors in interest.
- i. Consent; Approval. Wherever any approval or consent of a Party (or in the case of the VILLAGE, one of its departments, officials or employees) is called for under this Agreement, the same shall not be unreasonably withheld or delayed.
- j. Entire Agreement; Conflict. This Agreement sets forth all agreements, understandings and covenants between and among the Parties. This Agreement supersedes all prior agreements, negotiations and understandings, written and oral, and is a full integration of the entire agreement of the Parties. In the event of conflict between the terms of the body of this Agreement and the Exhibits attached hereto and incorporated herein, this Agreement shall control. To the extent of any conflict or inconsistency between the terms or standards of this Agreement and the terms or standards of any presently existing or hereafter adopted VILLAGE code, ordinance, rule or regulation, the terms and standards of this Agreement shall control.
- k. Corporate Authorities. The parties acknowledge and agree that the individuals who are members of the group that constitute the corporate authority of the VILLAGE (and their successors, heirs, and assigns) are entering into this Agreement on behalf of the VILLAGE in their corporate capacity as members of such group and shall have no personal liability for any judgment cause of action or action arising out of or alleged to have arisen out of a breach of this Agreement.
- l. Exoneration Clause USE: OWNER likely will not be the Developer of the PROPERTY. In the event all or any is transferred to the Developer for purposes of developing the property that party shall assume all liability under the terms of this Agreement assumed by the Developer excepting that no attorney's fees may be charged to the Village. The VILLAGE agrees to look to said Developer for performance of said Agreement. Owner/Developer maintains the right to sell or convey all or any portion of the Property whether improved or unimproved. This Agreement shall inure to the benefit of, and be binding upon, successors of the

Owner/Developer and its successors, grantees, lessees, and assigns, and upon successor corporate authorities of the VILLAGE and successor municipalities, and shall constitute a covenant running with the land. This agreement may be assigned without Village approval, and upon said assignment and acceptance by an assignee, the assignor shall have no further obligations hereunder except as specified above. If a portion of the Property is sold, the seller shall be deemed to have assigned to the purchaser any and all rights and obligations it may have under this Agreement (excluding rights or recapture) which affect the portion of the Property sold or conveyed and thereafter the seller shall have no further obligations under this Agreement as it relates to the portion of the Property conveyed. A sale or assignment, however, must meet the conditions/obligations set out in this Agreement.

**IN WITNESS WHEREOF**, the Parties have executed this Agreement as of the date first above written and, by so executing, each of the Parties warrants that it possesses full right and authority to enter into this Agreement.

VILLAGE OF MILLBROOK, an Illinois  
municipal corporation

By:

Judy Heim, VILLAGE President

Attest:

VILLAGE Clerk

OWNER: Lakewood Trails, LLC

By:

Michael Ciero, Manager

Prepared by and return to:

Law Offices of Daniel J. Kramer  
1107A S. Bridge Street  
Yorkville, IL 60560  
(630) 553-9500

## List of Exhibits

- Exhibit A: Legal Description of the Property
- Exhibit B: Court Order of June 30, 1983
- Exhibit C: Court Order of September 24, 1999
- Exhibit D: Court Order of August 30, 2006
- Exhibit E: Annexation Plat

Unofficial

**LEGAL DESCRIPTION****Parcel One:**

That part of the West Half of Section 15 and that part of the East Half of Section 16, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the center of said Section 15; thence North  $00^{\circ}03'33''$  West, along the East Line of the Northwest Quarter of said Section 15, a distance of 373.56 feet; thence North  $65^{\circ}38'27''$  West, 641.94 feet; thence North  $83^{\circ}22'40''$  West, 1171.50 feet; thence South  $00^{\circ}52'20''$  West, 504.34 feet; thence South  $73^{\circ}37'20''$  West, 99.26 feet to the original centerline of Millbrook Road; thence North  $17^{\circ}44'01''$  West, along said original centerline, 342.95 feet; thence North  $18^{\circ}07'01''$  West, along said original centerline, 1915.70 feet; thence North  $42^{\circ}47'01''$  West, along said original centerline, 205.0 feet to the intersection of said original centerline with the centerline of Budd Road; thence North  $83^{\circ}53'59''$  East, along said centerline of Budd Road, 478.18 feet; thence North  $75^{\circ}54'23''$  East, along said centerline, 26.26 feet to the West Line of said Section 15; thence South  $00^{\circ}48'09''$  East, along said West Line, 413.36 feet; thence South  $83^{\circ}36'15''$  East, 1336.54 feet; thence South  $01^{\circ}33'46''$  East, 126.87 feet; thence South  $89^{\circ}23'40''$  East, 261.15 feet; thence South  $00^{\circ}17'31''$  East, 181.20 feet; thence South  $88^{\circ}59'45''$  East, 221.98 feet; thence South  $88^{\circ}03'23''$  East, 256.24 feet to the point of beginning in Fox Township, Kendall County, Illinois and containing 59.314 acres.

**Parcel Two:**

That part of the Northwest Quarter of Section 15, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Southwest Corner of said Northwest Quarter; thence North  $00^{\circ}48'09''$  West, along the West Line of said Northwest Quarter, 266.56 feet for the point of beginning; thence North  $00^{\circ}48'09''$  West, along said West Line, 413.36 feet to the centerline of Budd Road; thence North  $75^{\circ}54'23''$  East along said centerline, 200.89 feet to the line of a fence extended from the South; thence South  $40^{\circ}59'33''$  East, along said extended fence line and said fence line, 87.08 feet to an angle in said fence; thence South  $14^{\circ}06'31''$  East, along said fence line, 449.97 feet to a line drawn South  $83^{\circ}36'15''$  East from the point of beginning; thence North  $83^{\circ}36'15''$  West, 358.10 feet to the point of beginning in Fox Township, Kendall County, Illinois and containing 3.106 acres.

**EXHIBIT "A"**

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT  
KENDALL COUNTY, ILLINOIS

CROOKED TREE, INC.,  
an Illinois corporation,

Plaintiff,

vs.

NO. 80 MR 9

THE COUNTY OF KENDALL,  
State of Illinois, a/k/a  
Kendall County, Illinois,

Defendant.

ORDER

THIS CAUSE coming to be heard on remand from the Appellate Court for the Second Judicial District to determine the appropriate conditions to be imposed upon the issuance of the special use permit directed to be issued by the Appellate Court's Order of June 1, 1982, the Court being fully advised in the premises, it is hereby ordered that the special use permit is hereby issued effective the date of this Order subject to the following conditions:

1. Density. The plaintiff shall be allowed to develop 267 recreational campsites which may be improved to accommodate use by recreational vehicles. Said campsites may be improved with water, sewer and electric facilities to service recreational vehicles. The aforementioned campsites shall be located in accordance with the site plan which is attached to this Order, marked as Exhibit A, and made a part hereof. At the option of the plaintiffs, the aforementioned campsites may be submitted to

Exhibit "B"

the provisions of the Condominium Property Act, 30 Ill.Rev.Stats. section 301, et seq. and sold according to the provisions therein set forth.

2. Perimeter Fence. Plaintiff shall repair existing fencing and construct and erect new fencing and maintain same in good condition so that the property will be surrounded by fence equivalent to 47 inches of woven wire plus two strands of barbed wire to an approximate height of 5 feet with posts at intervals of 14 to 16 feet. No fencing shall be required on any portion of the property abutting the public way commonly known as Millbrook Road. The fencing so required shall be completed on or before the 1st day of July, 1984.

3. Buffer Areas. The plaintiff shall maintain a buffer area around the perimeter of the campground property as shown in Exhibit A. The buffer area is intended to screen the plaintiff's property from adjoining properties and to inhibit trespass of campground residents or guests to adjoining properties and to inhibit trespass of parties from adjoining properties to the campground.

To achieve this purpose, plaintiff shall retain the area within the buffer in its natural condition. No clearing or removal of natural vegetation within this buffer zone is permitted. Nor shall any improvement, with the exception of the fence specified above, be allowed. In those areas within the buffer zones where vegetation has been removed or the understory cleared, plaintiff shall supplement the remaining natural cover with raspberry, wild rose and spirea. The supplement plantings

shall be completed on or before July 1, 1984. The plantings shall be of such density as required by a representative of the State of Illinois Agricultural Extension Service or Soil Conservation Service as selected by County of Kendall, providing that the density of said plantings shall at maturity cover the open ground area and impede the movement of people through it.

4. Screening. This Court hereby finds that the County has a legitimate interest in preserving the aesthetic characteristics of the subject property. Insofar as the development of this property as a campground has the potential to interrupt the aesthetic character of the surrounding property, the plaintiff shall construct a berm along the westerly edge of the site within 100 feet of the westerly fence line. Said berm shall commence at a point south of the existing farmhouse and continue in a southerly direction for a distance of 900 feet with a height varying from 2 to 9 feet depending upon the topography of the land. The berm, when completed, shall have an elevation equivalent to that of the existing paved surface of Millbrook Road plus 4 feet. The berm, when completed, shall be seeded with a ground cover and evergreen seedlings planted in a double row upon the crown, said seedlings to be of 1 to 3 feet in height when planted. It is the intention to create a visual barrier between the campsites developed within the property and all public roadways adjoining the subject property. At its crest, the berm must be wide enough to maintain 2 rows of mature coniferous trees. The coniferous trees are to be planted on the crest of the berm, and must follow for the entire length of the

berm. These trees are to be planted in 2 rows and at 16 foot intervals in each row. The plantings must be staggered so that as the trees reach a diameter of 8 feet, they will screen the campground entirely from view along Millbrook Road. Plaintiffs are required to maintain the natural cover and coniferous trees and may not remove coniferous trees except to replace diseased or dying ones.

5. Service Building and Accessory Uses. In addition to the campsite referred to herein, the plaintiff may construct on the property the following:

- a. A management office and repair shop for park equipment repair and storage.
- b. Permanent sanitary facilities including flush toilets and showers.
- c. A general recreational building for use as a picnic shelter or meeting area.
- d. An outdoor swimming pool.
- e. A store and game room for use by campers.
- f. Tennis and basketball courts.
- g. Ball fields.

All facilities constructed on the premises or now situated on the premises shall be for the exclusive use of campground users and shall not be publicly promoted and/or offered to the public at large.

6. Health and Sanitation. The water supply shall be designed, constructed and maintained in compliance with the State and County Health Department regulations. Sewage disposal facilities shall be provided and properly maintained in

accordance with State and County Health Department regulations. Plaintiff shall comply with all other health and sanitation orders or regulations promulgated by the State or County Health Departments.

7. Refuse Collection and Litter Control. The plaintiff shall be responsible for adopting a refuse collection system that will prevent the accumulation of refuse on the site. The plaintiff shall also maintain the site so that it shall be reasonably free from all litter and debris. Plaintiff shall be responsible for preventing any litter or debris originating from the subject property from accumulating on any adjacent public or private property, and shall further be responsible for removing any litter, or debris from said adjacent property which accumulates as a result of plaintiff's use of the subject property as a campground.

8. Rules and Regulations. The plaintiff shall adopt and enforce rules and regulations sufficient to protect all adjoining property owners from disturbance as a result of excessive noise, trespassing, emission of noxious odors, litter, rowdy or tumultuous behavior of campers while on the premises of the park or any other nuisance which would interfere with the use and enjoyment of said adjoining landowner's property. Such rules and regulations shall include the 26 items contained on a document entitled "Crooked Tree Campground Rules and Regulations" marked as Exhibit "B".

9. No recreational vehicle on said premises may be used as a permanent residence. It is the objective that the uses in the campground shall be temporary and that no person or persons maintain a dwelling on a regular basis thereon. Continuous occupancy for a period of three months is indicative of intention to reside permanently as well as any other factor which the Court may consider.

10. The Court to Retain Jurisdiction. The Court shall retain jurisdiction of this matter to enforce the conditions herein set forth and further to govern any alteration, modification, amendment, abridgment, or enlargement of the conditions herein set forth. Leave is hereby granted to all parties to withdraw trial court exhibits.

ENTERED: June 30, 1983

/s/ Rex Meilinger  
Judge

**FILED**

JUN 30 1982

*Shirley R. Lee*  
CLERK OF THE CIRCUIT COURT  
KENDALL COUNTY, ILLINOIS

1. Only one camper unit per campsite and no full time living in units.
2. No permanent structures added to the trailer.
3. Camper maintains own campsite, if not will be billed by the park.
4. Garbage must be placed in plastic bags, tied, and placed in dumpster.
5. Pets must be on leash and away from swimming, playground areas and inside of buildings.
6. Small children must be accompanied by an adult when swimming.
7. Positively no swimming after dark or when pool is closed or when the life-guard is not on duty.
8. Parents will be held responsible for their children's actions, primarily in the bath house, game room, store and from trespassing beyond the boundaries of the park.
9. No alcoholic beverages permitted under 21 years of age.
10. All children under 16 years of age are to be at their campsite by 10:00pm all others by 11:00pm.
11. Camp must remain quiet and undisturbed between the hours of 10:30pm and 8:00am.
12. Do not remove, destroy, or injure trees, shrubs, plants or flowers.
13. Absolutely NO chain saws, mini bikes, motorcycles, firearms, fireworks, bows and arrows, allowed in the park.
14. At all times, STOP at stop signs, you will be waved through when pass is seen.
15. No more than 10 MPH in the park.
16. Campfires will be permitted in established fire rings, no fire left unattended and must be extinguished before leaving.
17. All visitors and camping guests are to register when entering park.
18. Please inform the park when taking camper in or out of the park.
19. Household refrigerators must be in a shed.
20. Maximum shed size 8x10 only, one shed per campsite, see management before erecting shed.
21. Camping permits must be displayed in camper window, car passes must be on driver side of windshield of car.
22. If you change vehicles, remove car pass and bring to the office for a new one.
23. Restrooms are not to be used for household chores.
24. No camper or visitor will be allowed to trespass beyond boundary lines of the park.
25. Picnic tables are not to be used as BBQ grills or carved on.
26. Any infraction of the above rules could result in expulsion from the park.

THANK YOU ----- YOUR HOSTS

9/16/99

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL  
CIRCUIT KENDALL COUNTY, ILLINOIS

CROOKED TREE CAMPGROUNDS,  
n/k/a FITZPATRICK'S YOGI BEAR  
JELLYSTONE PARK CAMP RESORTS  
Plaintiff

v.

COUNTY OF KENDALL  
Defendant

FILED

SEP 24 1999

SHIRLEY R. LEE  
Circuit Clerk Kendall Co.

Gen No. 80-MR-9

ORDER AMENDING COURT DIRECTED SPECIAL USE ZONING

THIS CAUSE coming on to be heard, upon the Motion of Movant for modifications to the original Court Order Granting Special Use Permit entered herein and the Court having retained jurisdiction hereof by terms of said Court Order; and the Special Use having been authorized on the full acreage petitioned by the original Developer of said Campgrounds, and an expansion thereof being sought to take place pursuant to regulations imposed by the Illinois Department of Public Health, Division of Environmental Health, which pre-empts enforcement and regulation of campground facilities, over and above local zoning and siting requirements, and the Court being advised in these premises:

IT IS HEREBY ORDERED that Movant shall be allowed to amend the Special Use Zoning Order consistent with the following times and conditions:

- a. That swimming in the campground pools will be allowed and permitted from 9:00 a.m. through 11:00 p.m., with the Campground to provide lifeguards as per the terms of the existing Court Order and consistent with Illinois Department of Public Health Regulations.

EXHIBIT "C"

- b. That quiet hours from swimming shall be observed and quiet hours from any other activity that would cause inconvenience to campground patrons or adjoining owners shall be from 11:00 p.m. to 8:00 a.m., and shall be enforced pursuant to camp rules.
- c. That RV vehicles may not be occupied continuously for a period of in excess of the time-frame set out in the Kendall County Recreational Vehicle Park and Campground Regulations Ordinance #83-2 and any subsequent amendments thereto; except that a full-time on-site Camp Caretaker/Manager is required to be on site for the orderly management of said site and to prevent vandalism; that one on-site Camp Caretaker/Manager and immediate family may live on-site in a RV continuously for said management purposes: maintenance and vandalism prevention purposes.
- d. That permission be and is hereby granted for the addition for the following additional facilities pursuant to said Special Use Court Order for purposes for the orderly management of said facility, consisting of a management office, laundry facilities, game rooms and activity buildings, a snack bar, and that recreational activities such as volleyball courts, miniature golf, shuffleboard courts, horseshoe pits, tennis courts, three basketball courts, snack bar and activity building, Park equipment and Repair Shop, expansion of existing sales store, and the like be permitted to be constructed so long as they meet applicable County set-back lines, and area requirements of the facility under applicable Sections of Article 3.00 et. seq. of the Kendall County Recreational Campground Ordinance, and that any building structures be subject to Kendall County Building Permits and inspections, and State of Illinois Department of Public Health Permits.

- e. Movant may expand the maximum number of campsites and cabins in a number not to exceed 685 total campsites in conformance with all Illinois Department of Public Health Regulations, pursuant to section 800/20 of the Recreational Area Rules Act which governs the Regulations of Recreational Campgrounds, without further Court Order modification and without further review and approval by the Kendall County Board.
- f. This Court shall continue to reserve jurisdiction for the purpose of enforcing the terms of both the prior Order and order of Modification.
- g. The Kendall County Planning, Building, and Zoning Department shall continue to retain jurisdiction for purposes of issuing building permits, enforcing compliance with all applicable County Ordinances, not inconsistent with Illinois Department of Public Health Rules, and compliance with this Court Order.
- h. In all other respects the original Court Order entered in this cause shall remain in full force and effect.

Date: September 24, 1999

**THOMAS E. HOGAN**

Judge

Law Offices of Daniel J. Kramer  
1107A S. Bridge Street  
Yorkville, Illinois 60560  
630.553.9500

STATE OF ILLINOIS )  
COUNTY OF KENDALL )

FILED IN OPEN COURT

AUG 30 2006

BECKY MORGANEGG  
Circuit Clerk Kendall Co.

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL  
CIRCUIT KENDALL COUNTY ILLINOIS

CROOKED TREE CAMPGROUNDS,  
n/k/a FITZPATRICK'S YOGI BEAR  
JELLYSTONE PARK CAMP RESORTS

Plaintiff

v.

Gen No. 80-MR-9

COUNTY OF KENDALL

Defendant

**AGREED SECOND ORDER AMENDING COURT**  
**DIRECTED SPECIAL USE ZONING**

THIS CAUSE comes before the Court on the oral motion of LAKEWOOD TRAILS RECREATION, LLC, an Illinois Limited Liability Company, the successor in interest to the Plaintiff, by and through its Attorney, Thomas W. Grant, and the County Kendall, acting through its Planning, Building & Zoning Department, by and through its

EXHIBIT "D"

Attorney, Melissa Barnhart, the State's Attorney of Kendall County, Illinois, for modifications to the original Court Order Granting Special Use Permit and the Order Amending Court Directed Special Use Zoning;

The Court has examined the original Order entered in this case on June 30, 1983, granting special use zoning, and has reviewed the Order Amending Court Directed Special Use Zoning entered herein on September 24, 1999. The Court is fully advised in the premises.

IT IS ORDERED AS FOLLOWS:

1) Paragraph c of the Order Amending Court Directed Special Use Zoning is amended, in its entirety, to read as follows:

"c. i. That RV vehicles may not be occupied continuously for a period of in excess of the time-frame set out in the Kendall County Recreational Vehicle Park and Campground Regulations Ordinance #83-2 and any subsequent amendments thereto, except that a full-time on-site Camp Caretaker/Manager is required to be on-site for the orderly management of said site and to prevent vandalism and that one on-site Camp Caretaker/Manager and immediate family may live on-site in a RV continuously for said management purposes, maintenance and vandalism prevention purposes.

c. ii. Permission is hereby granted for the issuance of a building permit to allow the construction of a permanent single family residential home on the real estate (to replace the former residence situated on the real estate and now used as a work/storage shed) to provide a permanent residence for the Owner at the location set forth on the attached Site Development Plan and located at the location of Campsite 912. Said single

family residence shall be constructed in accordance with and subject to all of the rules and regulations of the County of Kendall regulating the construction of single family residences.

c. iii. Pending construction of the permanent residential home on the real estate, the recreational vehicle referenced in c.i which is now housing the Camp Caretaker/Manager, may be removed from its present location to an alternate location in the Campground and may continue to be used as the Camp Caretaker/Manager residence until such time as the permanent residential home is constructed and occupancy granted. Thereupon, the current recreational vehicle used as the residence of the on-site Camp Caretaker/Manager shall cease being used as the year round residence of the Camp Caretaker/Manager. Owner shall advise the Building, Planning and Zoning Department of the location of the re-located RV.

c. iv. Without further amendment to the Court Order, the ability to reinstitute the use of an RV vehicle to be used as an on-site Camp Caretaker/Manager shall be allowed in the event one of the following occurs:

a.) At such time as the Owner shall hire a full time Assistant on-site Camp Caretaker/Manager, who is not residing in the permanent residential home on the real estate, permission shall be granted, without further Court Order, to reinstitute the use of an RV vehicle to be used as the residence of a full-time on-site Camp Caretaker/Manager to assist in the orderly management of the Campground and to prevent vandalism. The Assistant on-site Camp Caretaker/Manager and immediate family shall be permitted to live on-site in said RV continuously, for such management purposes.

Prior to instituting the use of said RV, Owner shall provide to the Building, Planning and Zoning Department a Site Plan showing the location of the Caretaker RV." ;or,

b.) In the event the permanent residential home referenced in c.iii is sold independent of the campground facility, the ability to reinstitute the use of an RV vehicle as a residence for a full-time on-site Camp Caretaker/Manager and immediate family on a year round basis, shall be permitted. Prior to instituting the use of said RV for such purpose, Owner shall provide to the Building, Planning and Zoning Department a Site Plan showing the location of the Caretaker RV."

Under no circumstances shall more than one RV be permitted to be occupied on the real estate on a year round basis except for the purposes as specified above.

IT IS FURTHER ORDERED that in all other respects the original Court Order entered in this cause on June 30, 1983, and as amended by the Order of this Court entered on September 24, 1999, shall remain in full force and effect and that this Court shall continue to reserve jurisdiction for the purpose of enforcing the terms of this Order and the prior Orders of this Court.

APPROVED:

Plaintiff:

LAKEWOOD TRAILS RECREATION, LLC

BY: 

Its Attorney

COUNTY OF KENDALL

BY: [REDACTED]  
Director of Building, Planning and Zoning

ENTERED as an Agreed Order this 30<sup>th</sup> day of August, 2006.

[REDACTED]  
Judge

Thomas W. Grant  
Attorney at Law  
200 Hillcrest Ave.  
P.O. Box 326  
Yorkville, IL 60560  
(630) 553-0088  
C:\Shared 2006\ciero.amendedorder.doc

Unofficial



# Site Development Plan

MORRISON SURVEYING CO., INC.  
8081 Leban Road, Morris, Illinois 60450-3633  
Phone (815) 942-2620 FAX (815) 941-2620



Ciero residence - Lakewood Trails Recreation  
Common Address: 8574 Millbrook Rd. Millbrook, IL 60536  
being a 62.4 acre parcel in unincorporated Kendall County, Illinois

BUDD ROAD

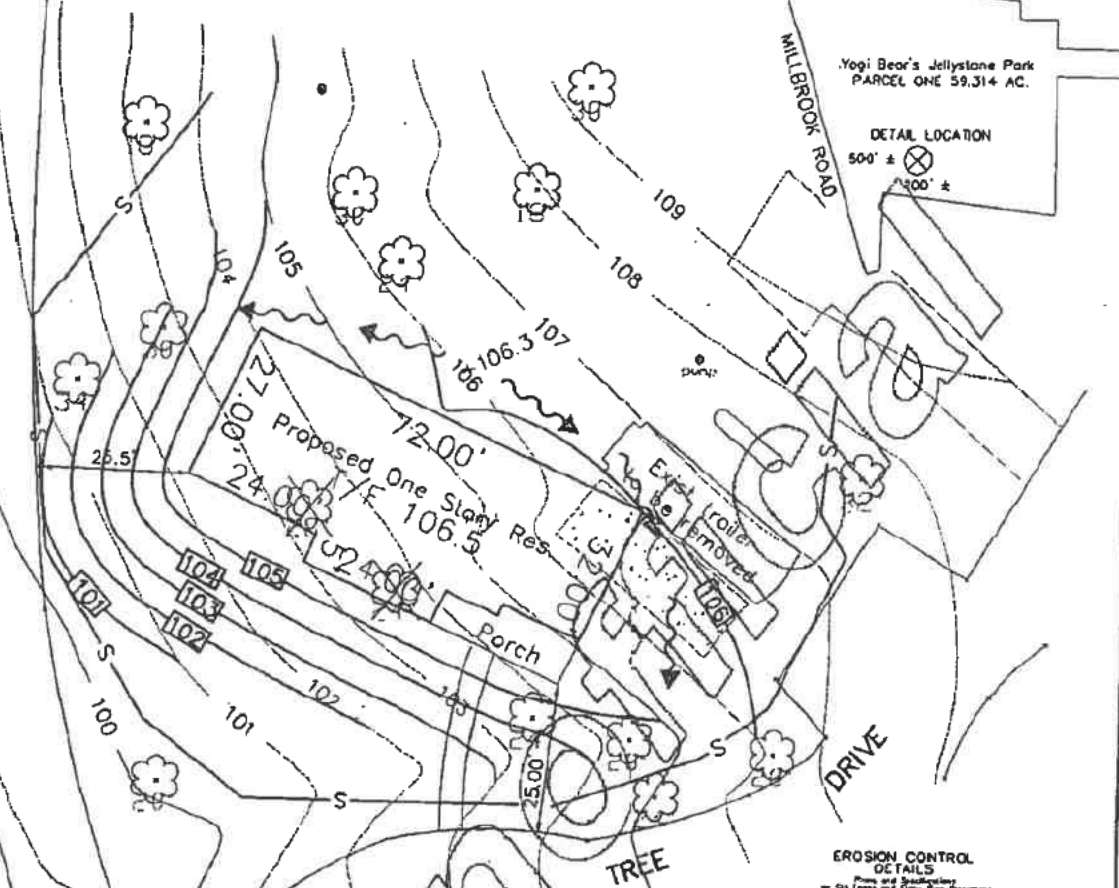
MILLBROOK ROAD

Yogi Bear's Jellystone Park  
PARCEL ONE 59.314 AC.

DETAIL LOCATION

500' ±

1000' ±



SITE BENCH MARK  
PK NAIL IN PAVEMENT  
ELEV 100.00

## LEGEND

WATER SERVICE

TREE

TREE to be removed

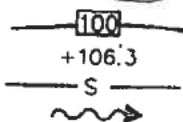
EXISTING CONTOUR LINE

PROPOSED CONTOUR LINE

PROPOSED SPOT ELEVATION

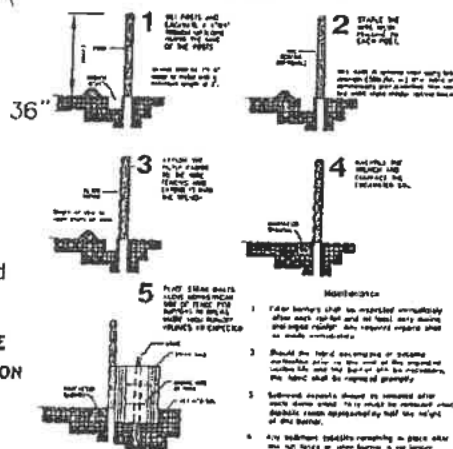
PROPOSED SILT FENCE

DRAINAGE FLOW



## EROSION CONTROL DETAILS

For Slopes and Gravel Run Retention



State of Illinois  
County of DuPage

We, MORRISON SURVEYING CO. INC., (P.C. License #121-003812) do hereby certify that a land survey has been made under our supervision of the above described property and that the plat herein shown is a correct representation of said survey. Distances are given in feet and decimal parts thereof.  
Given under my hand and seal at Morris, Illinois, this 6/19/06.

Date: 6/19/06



UPDATES:

IMPROVEMENTS LOCATED:

ORDERED BY: Lotimer Construction

SCALE: 1" = 20' ADDED N/A 2000

ILLINOIS PROFESSIONAL LAND SURVEYOR ACT

Compare All Dimensions Before Building And Report Any Discrepancies At Once.  
For Building Lines, Easements and other restrictions not shown herein refer to your Deed, Title Policy, Zoning ordinance, ETC...

TV STATIONS		DSS/TV SATELLITE LOCATOR		
ABC	7	DIRECT	ELEVATION 39°	AZIMUTH 200°
CBS	2			
NBC	5			
FOX	32	DISH	35	217
WGN	9			
WTTW	11			

### HOW FAR ARE YOU?

- 50 Mi. West of Chicago
- 14 Mi. South of I-88
- 12 Mi. Southwest of Aurora
- 19 Mi. North of I-80

### CHURCHES

**St. Anne's of Oswego Catholic Church-**  
551 Boulder Hill Pass • Oswego • 554-3331

**St. Mary's Church-**  
901 N. Center Ave. • Plano • 552-3448

**United Church of Christ-**  
409 Center Parkway • Yorkville • 553-7308

**Au-Sable Grove Presbyterian Church-**  
Grove & Wheeler Roads • Yorkville • 554-3507

**Millbrook Methodist Church-**  
Fox River Dr. • Millbrook • 553-7568

**Plano Christian Church-**  
9 Schomer Lane • Plano • 552-7646

**The Church of Jesus Christ of Latter-Day Saints-**  
Ottawa & Prestbury • 554-8324

**The Re-Organized Church of Jesus Christ of Latter-Day Saints-**  
320 S. Center Ave. • Plano

**First Baptist Church-**  
115 N. Hale • Plano • 552-3641

**First Lutheran Church of Plano-**  
Plano • 552-8263

**United Methodist Church of Plano-**  
Clark & Hale • Plano • 552-3700

**Yorkville United Methodist Church-**  
S. Main & W. Madison • Yorkville • 553-7645

Now Available within the  
**Camp Park Store**

**Delicious Meats for Grilling**

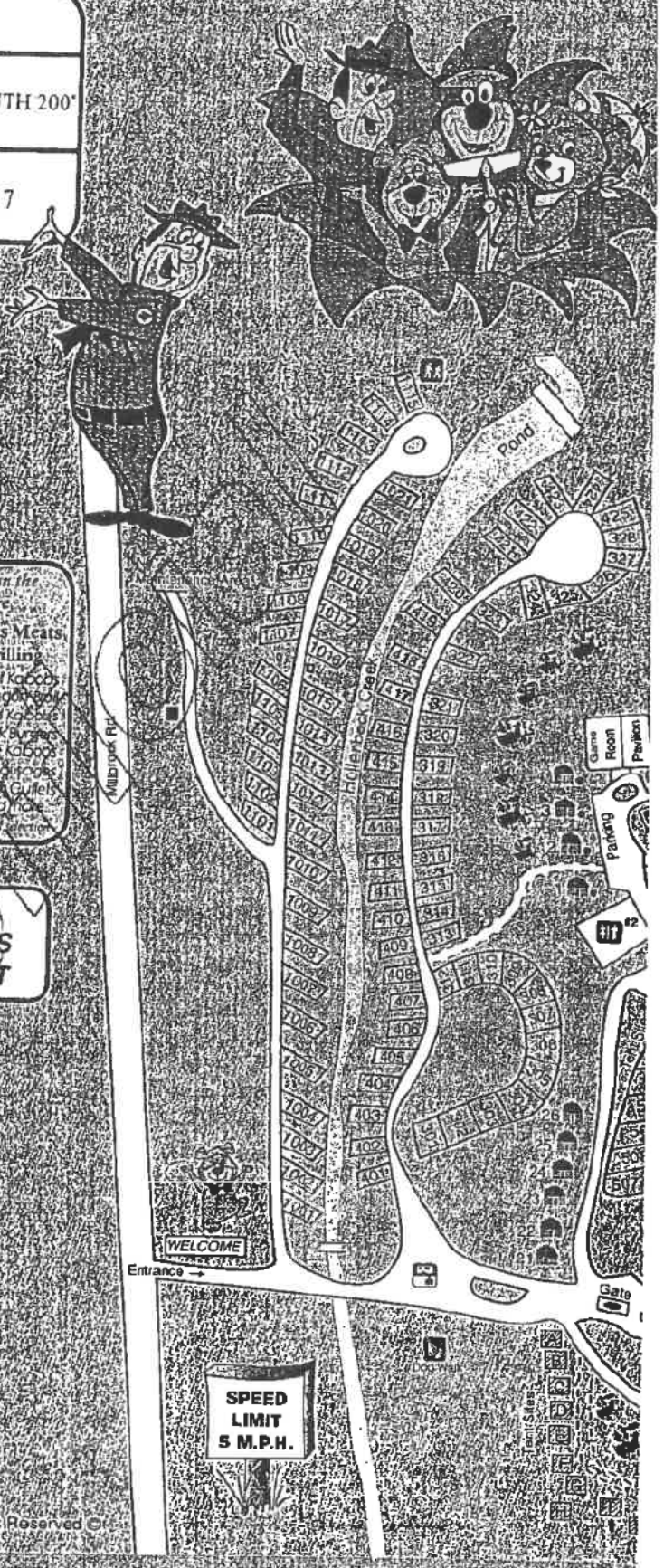
- Beef Kabobs (long & ready)
- Chicken Kabobs
- Lean Steak Burgers
- Sausage Kabobs
- Marinated Steaks
- Chicken Gizzards

Great Camping Food & More

Come into the store to see today's selection

**FREE WIRELESS INTERNET**

### SEVERE WEATHER COUNTY MAP



**SPEED LIMIT 5 M.P.H.**

A Most  
Cordial  
Welcome  
To...



CHICAGO - MILLBROOK

8574 Millbrook Rd. • P.O. Box 306

Millbrook, IL 60536

1-800-438-9644

1-800-GET YOGI

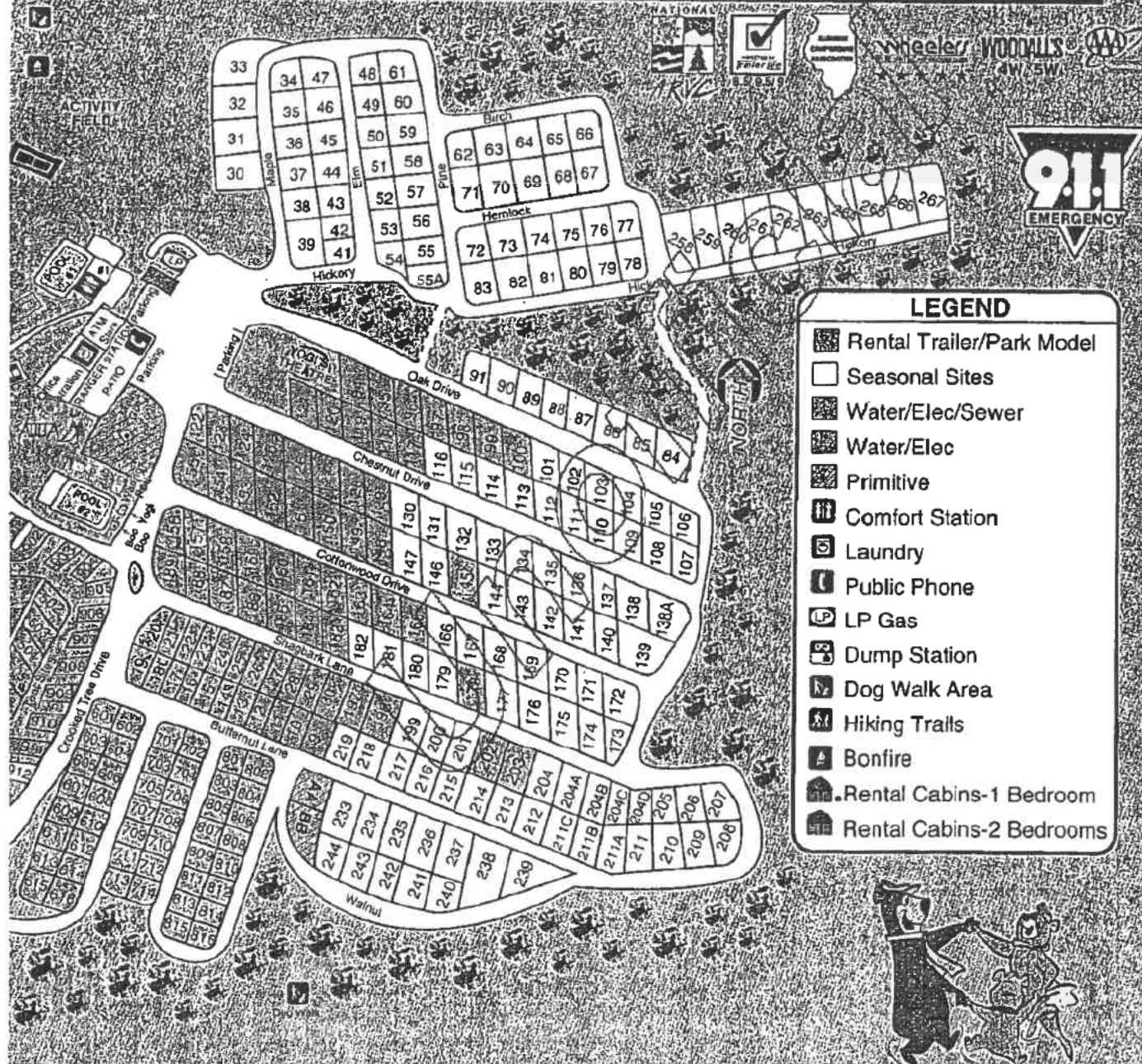
FAX 1-630-553-1411

website: [www.jellystonechicago.com](http://www.jellystonechicago.com)

ORGANIZED ACTIVITIES • APRIL-OCTOBER

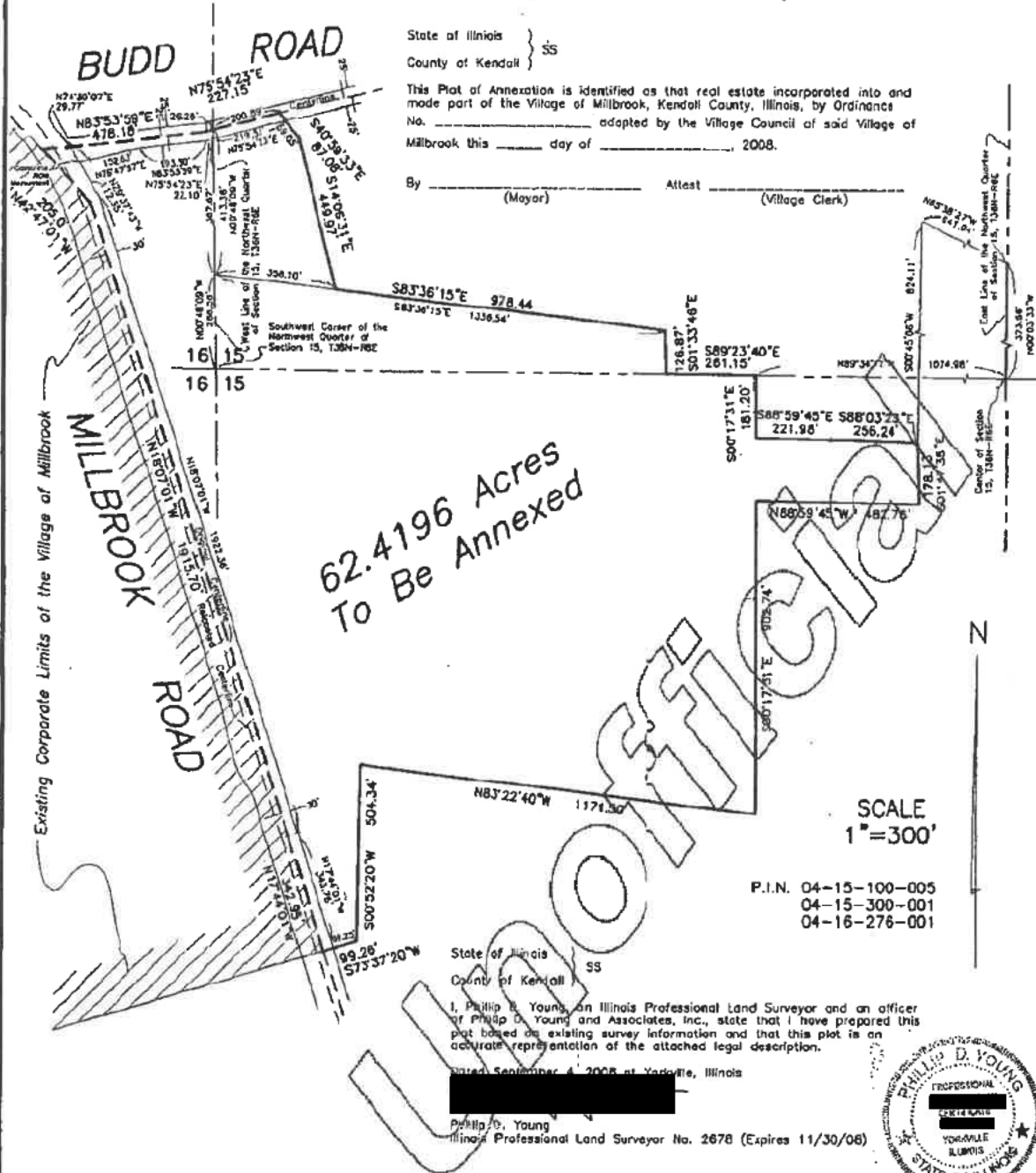
Located In Kendall County

**WHERE YOU CAMP WITH FRIENDS<sup>SM</sup>**



© 2008 Jellystone Park Bear's Yogi Camp-Resorts • 4360 Peters Rd. • Ft. Lauderdale, FL 33312 • (954) 581-8900 • 0265650545

# Accurate Map of Territory Annexed to THE VILLAGE OF MILLBROOK, KENDALL COUNTY, ILLINOIS



## LEGAL DESCRIPTION OF TRACT TO BE ANNEXED:

That part of the West Half of Section 15 and that Part of the East Half of Section 18, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the center of said Section 15; thence North 00°03'33" West, along the East Line of the Northwest Quarter of said Section 15, a distance of 373.56 feet; thence North 65°38'27" West, 641.94 feet; thence South 00°45'06" West, 824.11 feet for the point of beginning; thence South 01°47'36" East, 178.13 feet; thence North 88°59'45" West, 482.76 feet; thence South 00°17'31" East, 902.74 feet; thence North 83°22'40" West, 1171.50 feet; thence South 00°52'20" West, 504.34 feet; thence South 73°37'20" West, 99.26 feet to the original centerline of Millbrook Road; thence North 17°44'01" West, along said original centerline, 342.95 feet; thence North 18°07'01" West, along said original centerline, 1915.70 feet; thence North 42°47'01" West, along said original centerline, 205.0 feet to the intersection of said original centerline with the centerline of Budd Road; thence North 83°53'59" East, along said centerline of Budd Road, 478.18 feet; thence North 75°54'23" East, along said centerline, 28.26 feet to the West Line of said Section 15; thence South 00°48'09" East, along said West Line, 413.36 feet; thence South 83°36'15" East, 1336.54 feet; thence South 01°33'46" East, 126.67 feet; thence South 89°23'40" East, 261.15 feet; thence South 00°17'31" East, 181.20 feet; thence South 88°59'45" East, 221.98 feet; thence South 88°03'23" East, 256.24 feet to the point of beginning; AND ALSO that part of the Northwest Quarter of Section 15, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Southwest Corner of said Northwest Quarter; thence North 00°48'09" West, along the West Line of said Northwest Quarter, 266.56 feet for the point of beginning; thence North 00°48'09" West, along said West Line, 413.36 feet to the centerline of Budd Road; thence North 75°54'23" East, along said centerline, 200.89 feet to the line of a fence extended from the South; thence South 40°50'33" East, along said extended fence line and said fence line, 87.08 feet to an angle in said fence; thence South 14°06'31" East, along said fence line, 449.97 feet to a line drawn South 83°36'15" East from the point of beginning; thence North 83°36'15" West, 358.10 feet to the point of beginning; all in Fox Township, Kendall County, Illinois, and containing 62.4196 acres.

JOB NO. 08055  
JOB NAME ATTY. KRAMER  
DWG FILE 08055

Phillip D. Young and Associates, Inc.  
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

1107B South Bridge Street  
Yorkville, Illinois 60560  
Telephone (630) 553-1580

EVIDIT ICH

200800022923

32/32

FILED IN OPEN COURT

JUN 13 2022

MAITREY G. PRUCHASKA  
CIRCUIT CLERK KENDALL COUNTY

IN THE CIRCUIT COURT OF THE TWENTY-THIRD  
JUDICIAL CIRCUIT, KENDALL COUNTY, ILLINOIS

CROOKED TREE CAMPGROUNDS,	)	
n.k.a. JELLYSTONE PARK	)	
CHICAGO RV RESORT,	)	
Plaintiff,	)	
and	)	Gen. No. 1980 MR 9
COUNTY OF KENDALL,	)	
Defendant.	)	

AGREED ORDER


NOW COMES the Plaintiff, Jellystone Park Chicago RV Resort, by and through their attorneys, Ingemunson Law Offices Ltd., Defendant, and Kendall County, by and through the Kendall County State's Attorneys Office, and agree to the entry of the following order:

The Court finds as follows:

1. The Village of Millbrook and the former owners of the subject real estate entered into in an Annexation and Planned Unit Development Agreement which was recorded on October 20, 2008. A copy is attached as exhibit "A."
2. Based upon the entry of the Annexation Agreement zoning jurisdiction for the subject jurisdiction now falls under the Village of Millbrook's municipal authority.
3. Sun Communities, Inc. recently acquired ownership of the subject real estate.
4. Both Sun Communities, Inc. and the Village of Millbrook desire to remove authority for future land use and zoning issues from Kendall County Circuit Court and allow the Village of Millbrook to assume jurisdiction for any such issues.

It shall be ordered:


1. Kendall County Circuit Court shall relinquish the jurisdiction which was retained pursuant to the Court's order entered on June 30, 1983.
2. The Village of Millbrook shall assume jurisdiction for all land use and zoning issues related to the subject real estate.
3. All prior orders entered shall remain in full force and effect but shall be subject to change pursuant to any formal action taken by the Village of Millbrook.

  
Plaintiff's Attorney  
By: Marco Broggio  
Sun Communities, Inc.  
Regional Vice President

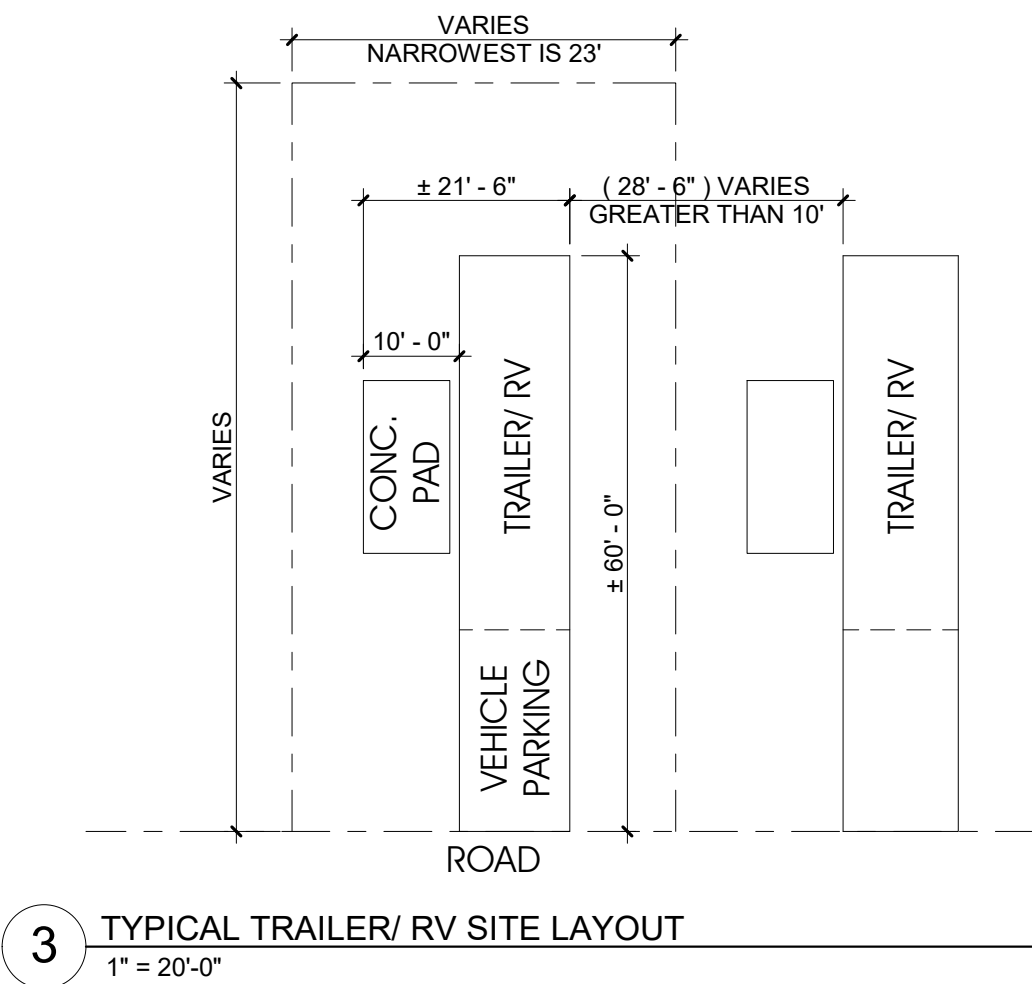
6/13/22  
Date

  
Defendant  
By: Kendall State's Attorneys Office

  
Judge

Boyd Ingemunson   
INGEMUNSON LAW OFFICES LTD.  
759 John St. Unit A  
Yorkville, IL 60560  
630/553-5622

Site #	Site Size (SF)	Site #	Site Size (SF)	Site #	Site Size (SF)	Site #	Site Size (SF)
9	3,623	96	3,986	175	2,859	326	3,751
10	3,640	97	4,287	176	3,308	328	3,047
11	3,757	98	3,824	177	3,497	401	1,990
12	3,676	99	3,065	178	3,536	402	3,459
13	3,732	100	3,004	179	3,220	404	2,657
14	3,710	101	3,207	180	3,049	406	2,770
15	6,775	102	3,320	181	3,081	408	2,951
16	3,360	103	3,238	182	3,178	410	3,100
17	3,715	104	2,947	183	3,269	412	3,357
18	3,815	105	3,157	184	3,164	414	3,648
19	3,564	106	3,748	185	2,841	416	4,293
20	3,550	107	2,971	186	2,568	418	4,770
21	3,562	108	3,404	187	2,813	420	4,732
30	4,172	109	3,352	188	3,248	422	3,672
31	4,053	110	3,359	189	3,446	424	3,507
32	3,770	111	3,405	198	5,467	601	4,859
33	3,790	112	3,488	199	2,745	602	4,272
34	2,816	113	3,577	200	2,581	603	4,367
35	3,039	114	3,577	201	2,300	604	4,925
36	2,825	115	3,546	202	2,296	605	5,254
37	2,801	116	3,311	203	2,296	701	4,870
38	2,847	117	3,087	203	2,413	702	4,932
39	6,150	118	2,863	204	2,507	703	5,334
40	3,583	119	2,705	204A	2,730	704	5,433
41	3,583	120	2,631	204B	2,975	705	5,477
42	3,000	121	2,565	204C	2,504	706	6,308
43	2,915	122	2,281	204D	2,634	801	6,525
44	2,910	123	3,420	205	2,882	802	5,874
45	2,933	124	3,658	206	2,879	803	4,646
46	2,985	125	3,758	207	2,513	804	4,511
47	2,896	126	3,709	208	2,731	805	4,517
48	3,242	127	3,599	209	3,186	806	6,635
49	3,460	128	3,460	210	3,100	807	8,315
50	3,405	129	3,238	211	2,993	901	2,902
51	3,448	130	2,976	211A	3,245	902	3,452
52	3,350	131	2,756	211B	3,350	903	3,595
53	3,231	132	2,688	212	3,179	904	3,517
54	3,142	133	2,745	213	3,168	905	3,832
55A	3,445	134	2,906	214	2,906	906	3,638
55	3,169	135	3,072	215	2,924	907	3,094
56	3,260	136	3,168	216	2,718	908	2,431
57	3,305	137	3,245	217	2,624	909	2,590
58	3,387	138	3,308	218	2,501	910	2,555
59	3,397	138A	3,101	219	2,973	911	2,107
60	3,268	139	1,842	223	3,535	1001	2,273
61	2,289	140	2,693	234	2,714	1002	2,587
62	3,176	141	2,926	235	2,322	1003	2,573
63	3,372	142	3,110	236	1,957	1004	2,828
64	3,504	143	3,257	237	1,659	1005	3,081
65	3,517	144	3,261	238	3,460	1006	2,909
66	2,612	145	3,519	239	3,602	1007	2,422
67	2,891	146	3,630	240	1,768	1008	3,148
68	3,222	147	3,535	241	2,340	1009	3,663
69	3,078	148	3,279	242	3,080	1010	2,681
70	3,083	149	3,090	243	2,422	1011	2,887
71	2,918	150	3,097	244	2,388	1012	2,801
72	2,188	151	3,110	245	2,388	1013	2,801
73	2,502	152	3,130	246	3,149	1014	2,801
74	2,753	153	3,157	258	3,861	1015	2,237
75	2,915	154	3,176	259	3,695	1016	2,158
76	2,872	155	3,749	260	3,695	1017	2,449
77	2,690	156	2,955	261	3,695	1018	2,278
78	3,017	157	5,080	262	3,613	1019	2,004
79	3,010	158	3,217	263	3,690	1020	1,635
80	2,845	159	3,159	264	3,658	1021	1,871
81	2,673	160	3,112	265	3,626	1101	1,921
82	2,641	161	3,082	266	3,592	1102	3,803
83	2,272	162	3,079	267	3,763	1104	4,112
84	3,310	163	2,968	302	3,244	1106	3,729
85	3,887	164	2,977	303	2,613	1108	3,328
86	3,909	165	2,491	304	2,613	1109	3,238
87	3,876	166	2,419	305	2,246	1110	3,251
88	3,817	167	2,336	306	2,666	1112	3,251
89	4,145	168	2,609	307	3,023	1114	3,219
90	4,183	169	2,236	308	2,666		
91	3,259	170	2,236	309	2,666		
92	3,259	171	2,236	310	2,666		
93	3,259	172	2,095	311	3,361		
94	3,326	173	2,055	312	3,361		
95	3,621	174	2,666	313	3,361		
				314	3,948		
				315	4,040		
				316	3,785		
				317	3,853		
				318	3,439		
				319	3,194		



**MASTER PLAN IMPROVEMENT LEGEND**

1. RANGER STATION RENOVATIONS
2. AMPHITHEATER
3. GARAGE
4. PICKLEBALL COURTS
5. PLAYGROUND
6. POOL
7. BATHHOUSE
8. RANGER STATION PATIO IMPROVEMENTS
9. ACTIVITY CENTER RENOVATION
10. COURT SPORT PATIO IMPROVEMENTS
11. GAGA BALL
12. ROUND COURT
13. JUMP PAD
14. DOG PARK IMPROVEMENTS
15. REFUSE COLLECTION POINT

A. NEW SEPTIC SYSTEM  
B. RUSTIC CABIN RENOVATIONS  
C. ELECTRICAL UPGRADE AT INDIVIDUAL SITES  
D. RECONFIGURE SITES IMPROVE ELECTRICAL  
E. RECONFIGURE, ADD SEPTIC, IMPROVE ELECTRICAL  
F. AUTOMATIC GATE  
G. SITE CONTROL FENCING  
H. RECONFIGURED PARKING AREA  
I. DEMOLITION OF VACANT RESIDENCE AND GARAGE  
J. DIRECTIONAL SIGNAGE  
K. NEW BRIDGE FOR PEDESTRIAN/ CART ACCESS  
L. STORM WATER DETENTION FOR NEW WORK

EXISTING PARKING: 28 SPACES  
PROPOSED PARKING: 28 SPACES

TOTAL LOT SIZE: 59.3 ACRES

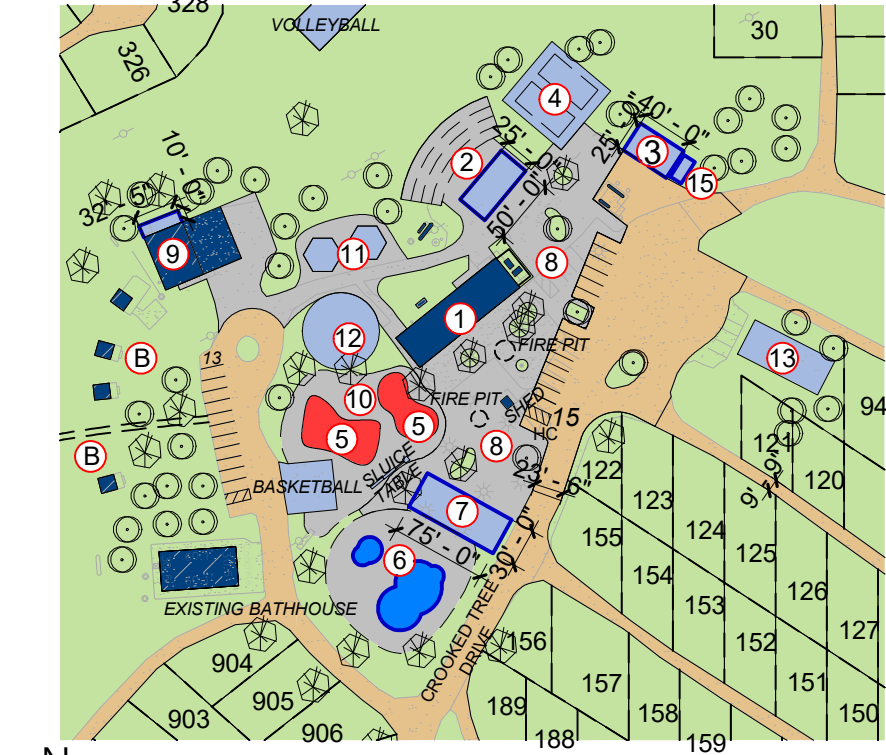




1 OVERALL MASTER PLAN  
1" = 250'-0"

MASTER PLAN IMPROVEMENT LEGEND

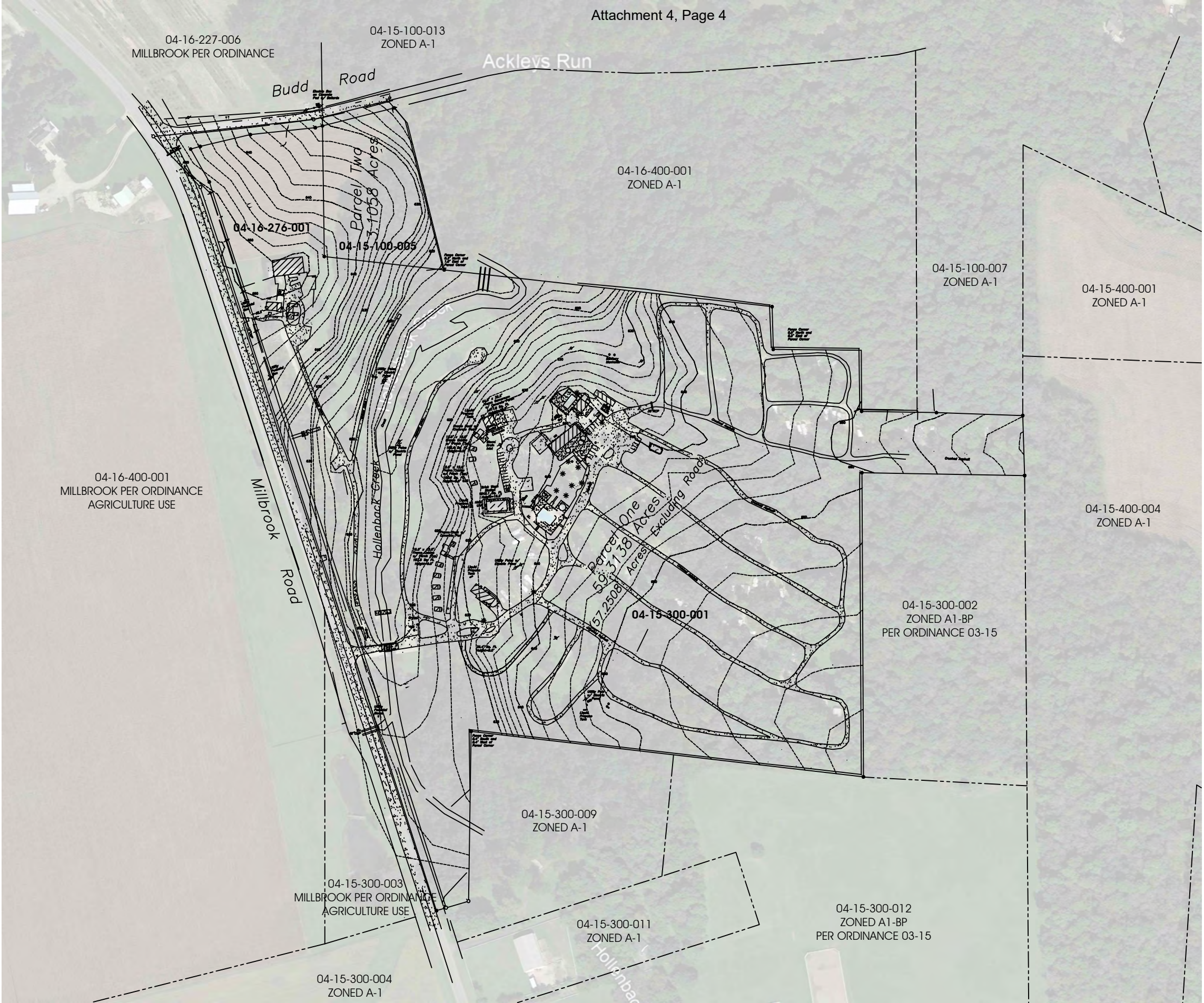
- 1. RANGER STATION RENOVATIONS
  - 2. AMPHITHEATER
  - 3. GARAGE
  - 4. PICKLEBALL COURTS
  - 5. PLAYGROUND
  - 6. POOL
  - 7. BATHHOUSE
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- 
- A. NEW SEPTIC SYSTEM
  - B. RUSTIC CABIN RENOVATIONS
  - C. ELECTRICAL UPGRADE AT INDIVIDUAL SITES
  - D. RECONFIGURE SITES IMPROVE ELECTRICAL
  - E. RECONFIGURE, ADD SEPTIC, IMPROVE ELECTRICAL
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  - G. SITE CONTROL FENCING
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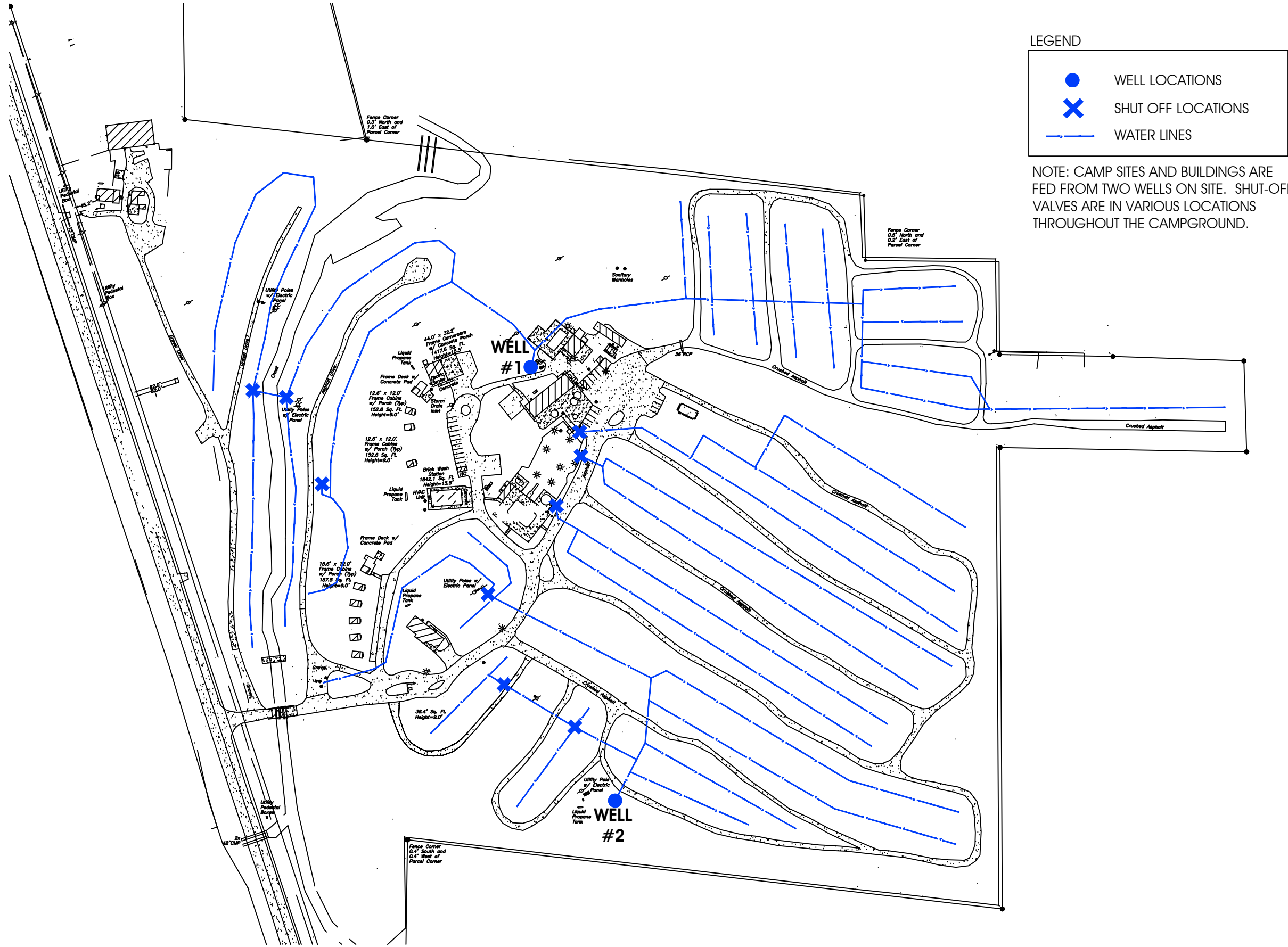


2 AMENITY CORE PLAN  
1" = 150'-0"



Site #	Site Size (SF)	Site #	Site Size (SF)	Site #	Site Size (SF)	Site #	Site Size (SF)	Site #	Site Size (SF)
9	3,623	96	3,986	175	2,859	326	3,751	601	4,859
10	3,640	97	4,287	176	3,308	328	3,047	602	4,272
11	3,757	98	3,824	177	3,497	401	1,990	603	4,367
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17	3,715	104	2,947	183	3,269	412	3,357		
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19	3,564	106	3,748	185	2,841	416	4,293		
20	3,550	107	2,971	186	2,568	418	4,770		
21	3,562	108	3,404	187	2,813	420	4,732		
		109	3,352	188	3,248	422	3,672		
		110	3,359	189	3,446	424	3,502		
30	4,172	111	3,405						
31	4,053	112	3,488	198	5,467	601	4,859		
32	3,770	113	3,577	199	2,745	602	4,272		
33	3,790	114	3,577	200	2,581	603	4,367		
34	2,816	115	3,546	201	2,300	604	4,925		
35	3,039	116	3,331	202	2,296	605	5,254		
36	2,825	117	3,087	203	2,413				
37	2,801	118	2,863	204	2,507	701	4,870		
38	2,847	119	2,705	204A	2,730	702	4,932		
39	5,150	120	2,631	204B	2,975	703	5,334		
41	3,563	121	2,565	204C	2,504	704	5,433		
42	3,000			204D	2,634	705	5,477		
43	2,915	122	2,281	205	2,882	706	6,308		
44	2,910	123	3,420	206	2,879				
45	2,933	124	3,656	207	2,513	801	6,525		
46	2,985	125	3,758	208	2,731	802	5,874		
47	2,896	126	3,709	209	3,186	803	4,646		
		127	3,599	210	3,100	804	4,511		
48	3,242	128	3,460	211	2,993	805	4,917		
49	3,260	129	3,238	211A	3,245	806	6,635		
50	3,405	130	2,976	211B	3,350	807	8,315		
51	3,448	131	2,756	211C	3,779				
52	3,350	132	2,688	212	3,186	901	2,902		
53	3,231	133	2,745	213	3,168	902	3,452		
54	3,142	134	2,906	214	3,057	903	3,595		
55A	3,445	135	3,072	215	2,924	904	3,517		
55	3,169	136	3,168	216	2,718	905	3,832		
56	3,260	137	3,245	217	2,524	906	3,638		
57	3,305	138	3,308	218	2,501	907	3,094		
58	3,387	138A	3,101	219	2,973	908	2,431		
59	3,397	139	1,842			909	2,590		
60	3,268	140	2,691	233	3,535	910	2,255		
61	2,289	141	2,926	234	2,714	911	2,107		
		142	3,110	235	2,322				
62	3,176	143	3,257	236	1,957	1001	2,273		
63	3,372	144	3,261	237	1,659	1002	2,587		
64	3,504	145	3,519	238	3,460	1003	2,573		
65	3,517	146	3,630	239	3,602	1004	2,828		
66	2,612	147	3,535	240	1,768	1005	3,081		
67	2,891	148	3,279	241	2,340	1006	2,909		
68	3,222	149	3,090	242	2,422	1007	2,801		
69	3,078	150	3,097	243	2,388	1008	3,148		
70	3,083	151	3,110	244	3,149	1009	3,663		
71	2,918	152	3,130			1010	3,281		
		153	3,157	258	3,861	1011	2,987		
72	2,188	154	3,126	259	3,695	1014	2,394		
73	2,502	155	3,749	260	3,695	1015	2,237		
74	2,753			261	3,695	1016	2,158		
75	2,919	156	2,955	262	3,613	1017	2,449		
76	2,872	157	5,080	263	3,690	1018	2,278		
77	2,690	158	3,247	264	3,658	1019	2,004		
78	3,017	159	3,159	265	3,626	1020	1,635		
79	3,010	160	3,112	266	3,592	1021	1,871		
80	2,845	161	3,082	267	3,763				
81	2,673	162	3,079			1101	1,921		
82	2,641	163	2,968	302	3,244	1102	3,803		
83	2,272	164	2,697	304	2,613	1104	4,112		
		165	2,491	306	2,246	1106	3,729		
84	3,310	166	2,419	308	2,666	1108	3,328		
85	3,887	167	2,518	310	3,023	1110	3,238		
86	3,903	168	2,609	312	3,361	1112	3,251		
87	3,876	169	2,236	314	3,948	1114	3,219		
88	3,817	170	2,336	316	4,040				
89	4,145	171	2,525	318	3,795				
90	4,183	172	2,095	320	3,853				
91	3,259	173	2,055	322	3,439				
94	3,326	174	2,666	324	3,194				
95	3,621								

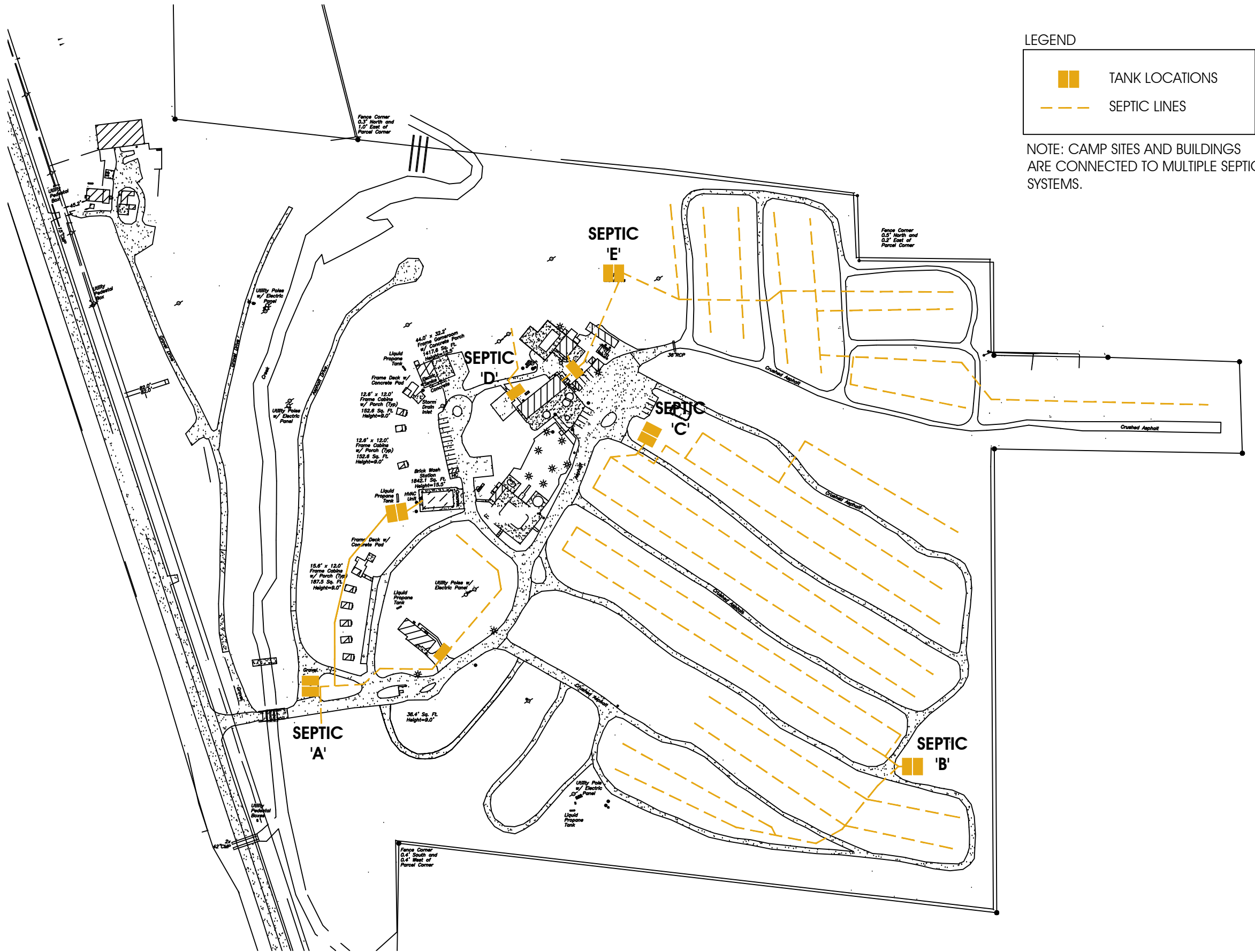




LEGEND

- WELL LOCATIONS
- ✕ SHUT OFF LOCATIONS
- WATER LINES

NOTE: CAMP SITES AND BUILDINGS ARE FED FROM TWO WELLS ON SITE. SHUT-OFF VALVES ARE IN VARIOUS LOCATIONS THROUGHOUT THE CAMPGROUND.



LEGEND

TANK LOCATIONS

SEPTIC LINES

NOTE: CAMP SITES AND BUILDINGS ARE CONNECTED TO MULTIPLE SEPTIC SYSTEMS.

INTERNET TOWER

INTERNET TOWER IS LOCATED AT NORTHWEST CORNER OF SITE AND IS INDICATED ON DRAWINGS NEAR LETTER 'I'. TOWER HEIGHT IS 80ft



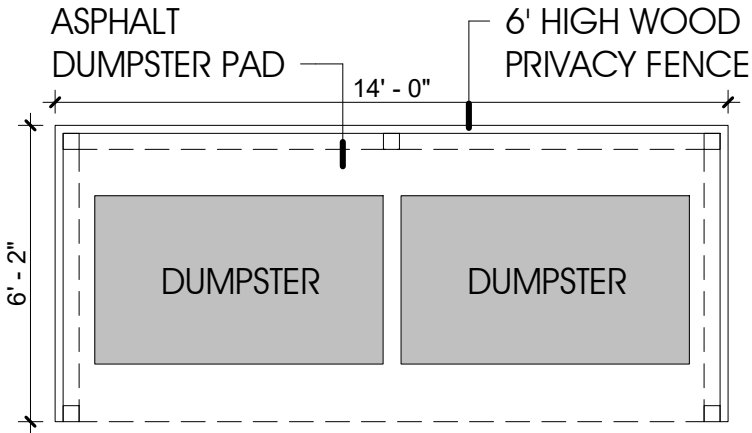
FENCING TYPES

- WELDED WIRE MESH (PROPERTY PERIMETER)
- OPEN RAIL (PROPERTY FRONTAGE)
- WOOD PRIVACY (REFUSE, EQUIPMENT ENCLOSURES, PRIVATE AREAS)
- CHAIN LINK (POOL DECK, DOG PARK, OWNER'S RESIDENCE)



REFUSE LOCATIONS

EACH REFUSE LOCATION INDICATED AS '1 5' ON THE MASTER PLAN WILL INCLUDE TWO DUMPSTERS SURROUNDED BY A WOOD PRIVACY FENCE ON THREE SIDES.



1 REFUSE LOCATIONS  
1/4" = 1'-0"

NEW BUILDING INFORMATION

PROPOSED BUILDING FOOTPRINTS ARE SHOWN ON MASTER PLAN.

NEW CONSTRUCTION TO MATCH EXISTING AND WILL MEET ALL CURRENT CODES AT TIME OF FINAL DESIGN. ALL PROPOSED STRUCTURES TO BE ONE STORY.

BATHHOUSE:

- MASONRY EXTERIOR WALLS
- WOOD TRUSS, HIP ROOF
- ASPHALT SHINGLES
- WOOD PRIVACY FENCE AT OPENINGS



GARAGE, AMPHITHEATER, BUILDING RENOVATIONS :

- WOOD FRAME STRUCTURE
- WOOD TRUSS, GABLE ROOF
- ASPHALT SHINGLES
- VINYL OR COMPOSITE WOOD SIDING





SITE LANDSCAPING

EXISTING FACILITY CONSISTS OF ESTABLISHED TREES AND SHRUBS.

- A LANDSCAPE PLAN WILL BE PROVIDED AT TIME OF PROJECT PERMIT APPLICATION.
- EXISTING TREES IN CLOSE PROXIMITY TO THE PROJECT SITE WILL BE INDICATED WITH CALIPER SIZES AT THAT TIME.
- FUTURE WORK WILL INCLUDE PERIMETER STONE OR MULCHED LANDSCAPE BEDS AROUND THE FOUNDATION PERIMETER UNLESS PEDESTRIAN OR VEHICULAR PATHS ARE DIRECTLY ADJACENT.
- NATIVE SHRUB PLANTINGS WILL BE PROVIDED AT LANDSCAPE BEDS.
- NO TREE CLEARING OUTSIDE OF THE AMENITY CORE WILL BE COMPLETED UNLESS DUE TO GENERAL MAINTENANCE OR INVASIVE SPECIES AS PER ILLINOIS DEPARTMENT OF NATURAL RESOURCES.



PHASING LEGEND

PHASE 1

PHASE 2

MASTER PLAN IMPROVEMENT LEGEND

1. RANGER STATION RENOVATIONS

2. AMPHITHEATER

3. GARAGE

4. PICKLEBALL COURTS

5. PLAYGROUND

6. POOL

7. BATHHOUSE

8. RANGER STATION PATIO IMPROVEMENTS

9. ACTIVITY CENTER RENOVATION

10. COURT SPORT PATIO IMPROVEMENTS

11. GAGA BALL

12. ROUND COURT

13. JUMP PAD

14. DOG PARK IMPROVEMENTS

15. REFUSE COLLECTION POINT

A. NEW SEPTIC SYSTEM

B. RUSTIC CABIN RENOVATIONS

C. ELECTRICAL UPGRADE AT INDIVIDUAL SITES

D. RECONFIGURE SITES IMPROVE ELECTRICAL

E. RECONFIGURE, ADD SEPTIC, IMPROVE ELECTRICAL

F. AUTOMATIC GATE

G. SITE CONTROL FENCING

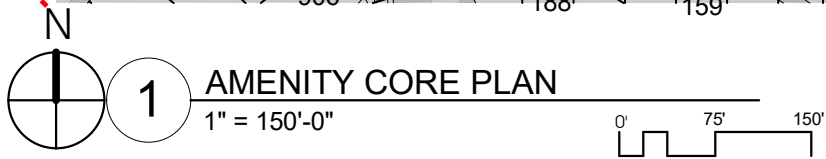
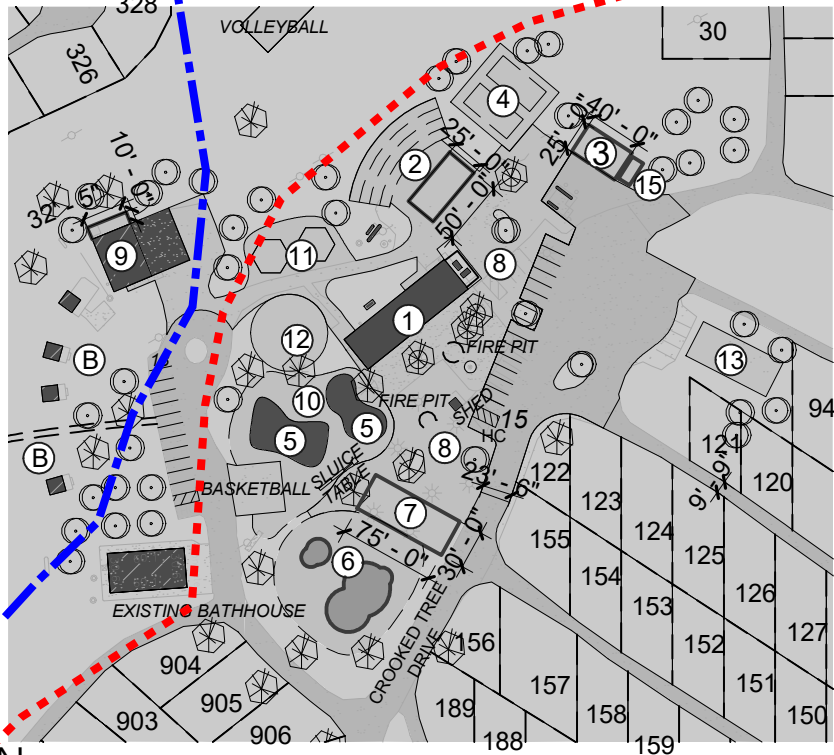
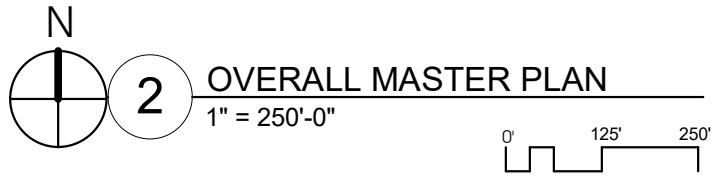
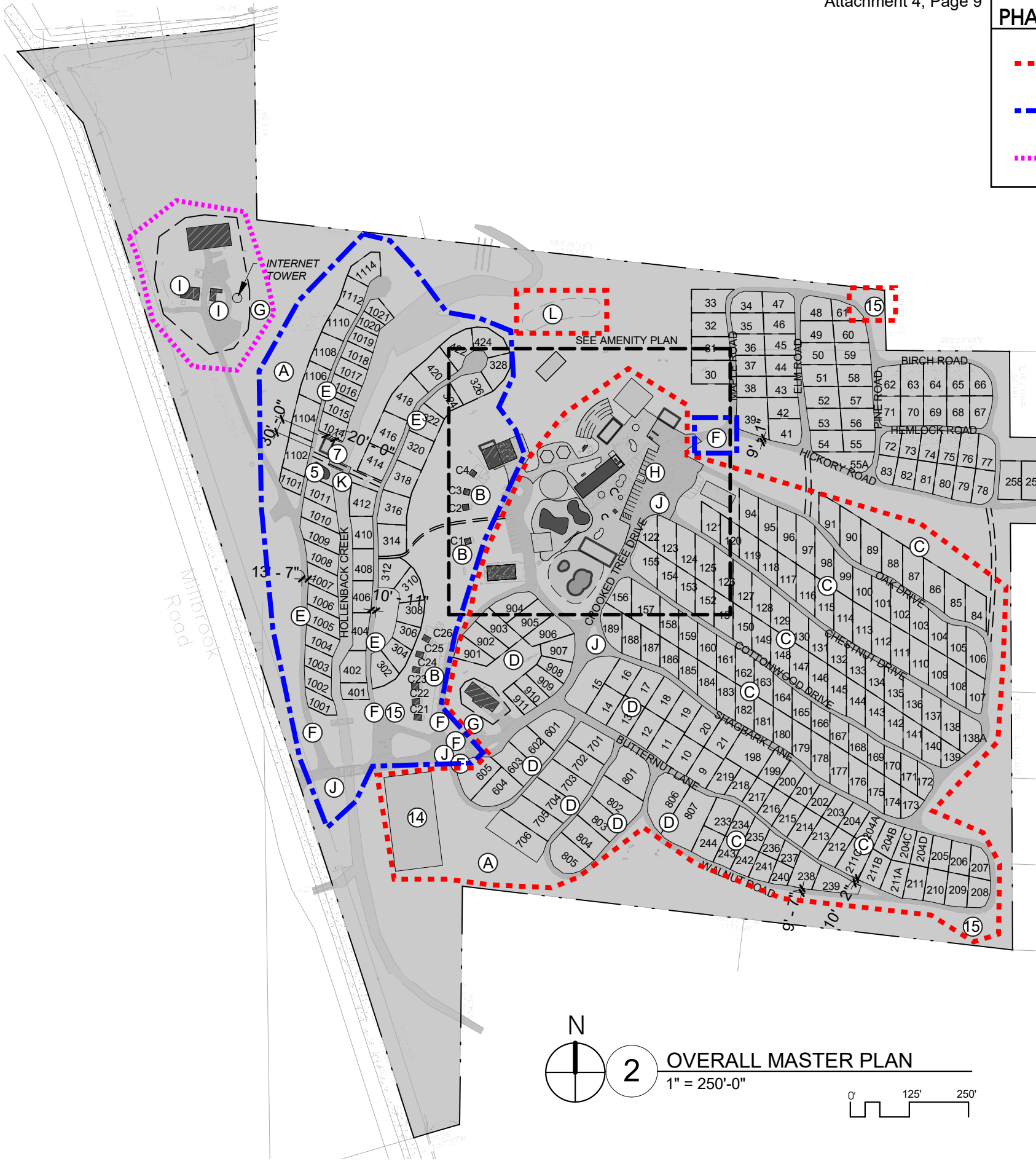
H. RECONFIGURED PARKING AREA

I. DEMOLITION OF VACANT RESIDENCE AND GARAGE

J. DIRECTIONAL SIGNAGE

K. NEW BRIDGE FOR PEDESTRIAN/ CART ACCESS

L. STORM WATER DETENTION FOR NEW WORK





IDENTIFICATION SIGN (APPROX. 13' W x 12' T)  
LOCATED ON WEST SIDE OF MILLBROOK ROAD, NOT ILLUMINATED



IDENTIFICATION SIGN (APPROX. 3' W x 9' T)  
LOCATED INSIDE ENTRANCE DRIVE



IDENTIFICATION AND DIRECTIONAL SIGN  
TYPICAL THROUGHOUT MAIN DRIVE



IDENTIFICATION SIGN  
LOCATED AT REGISTRATION AREA

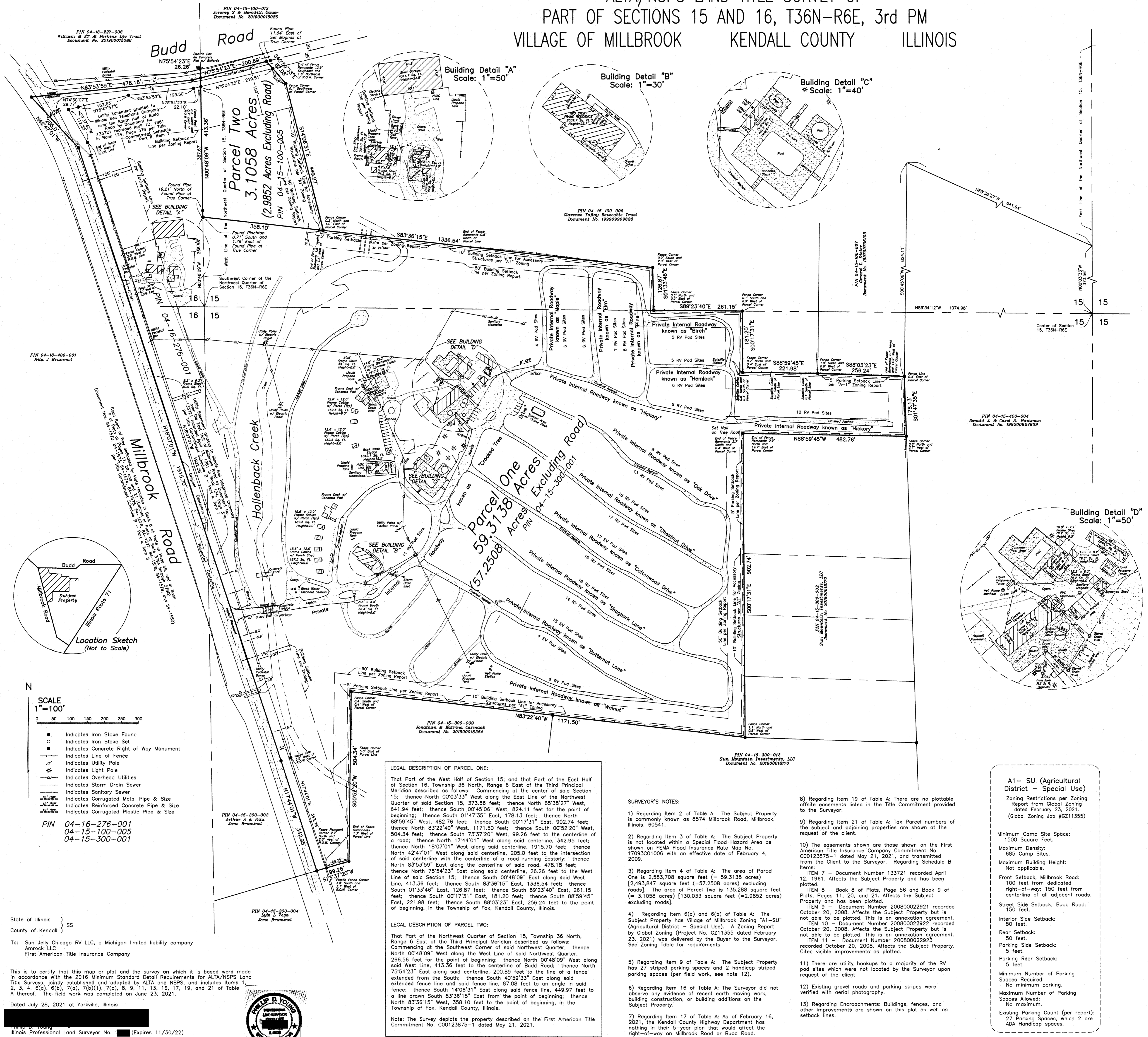


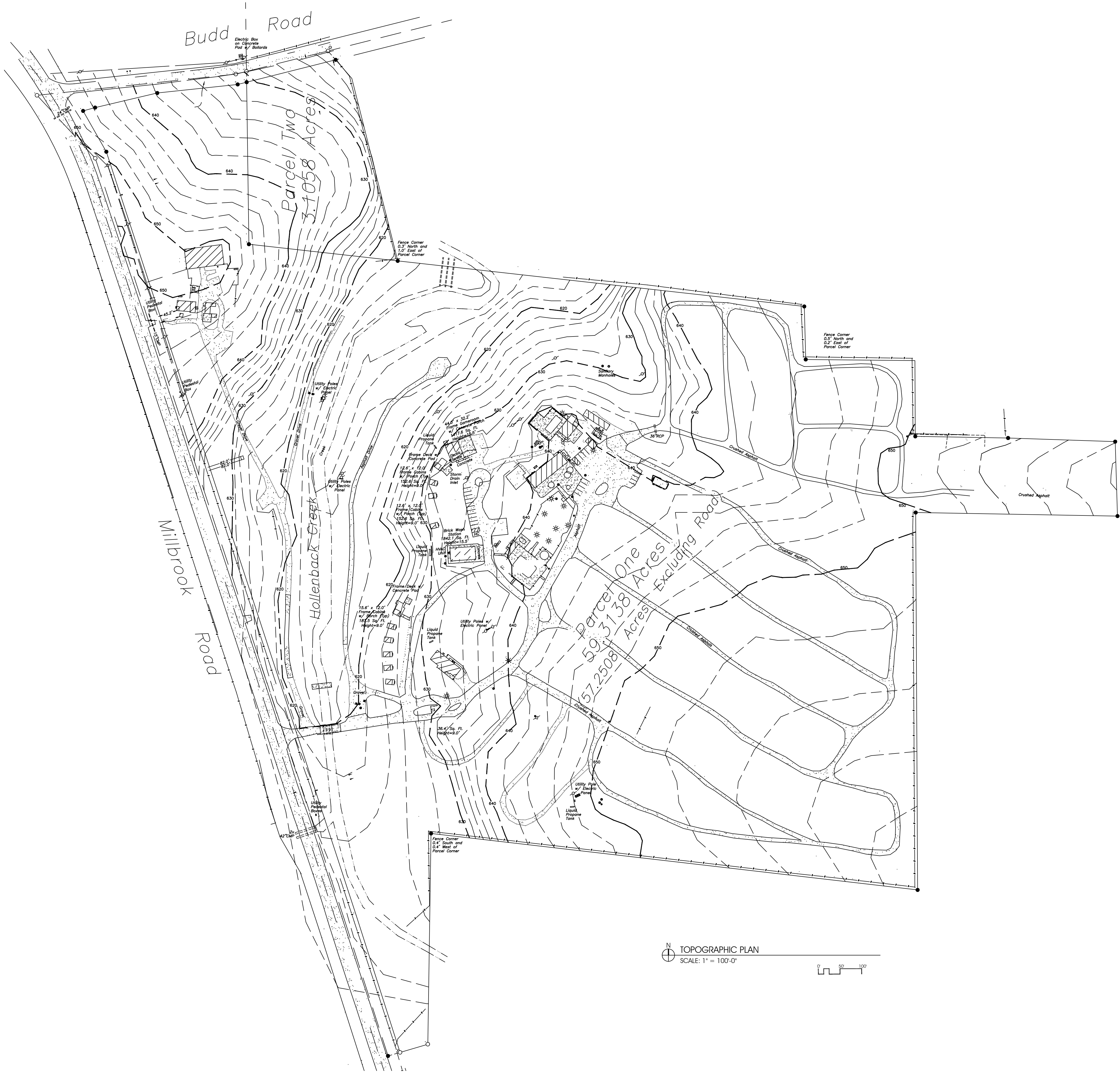
IDENTIFICATION SIGN (APPROX. 12" W x 14" T)  
LOCATED AT EACH CAMP SITE

SIGNAGE

- EXISTING FACILITY CONSISTS OF IDENTIFICATION AND DIRECTIONAL SIGNAGE THROUGHOUT SITE.
- SIGNAGE IS CURRENTLY DESIGNED PER YOGI BEAR'S JELLYSTONE CAMPGROUND STANDARDS.
- NO SIGNAGE IS CURRENTLY ILLUMINATED.
- DIRECTIONAL SIGN LOCATIONS ARE INDICATED ON THE MASTER PLAN BY THE LETTER 'J'.
- SIGN SIZES VARY PER TYPE AND INFORMATION PROVIDED.
- SIGN MATERIALS INCLUDE METAL, VINYL, AND PAINTED WOOD.
- FUTURE PHASE TO INCLUDE NEW IDENTIFICATION SIGN AT MAIN ROAD THAT WILL BE ILLUMINATED. DESIGN OF SIGN AND ILLUMINATION WILL MEET KENDALL COUNTY ZONING ORDINANCE SIGN REGULATIONS AND WILL BE SUBMITTED FOR APPROVAL.
- ANY INTERIOR SITE DIRECTIONAL AND IDENTIFICATION SIGN CHANGES AFFECTING LIFE SAFETY OR ASSISTING FIRST RESPONDERS WILL MEET KENDALL COUNTY ZONING ORDINANCE SIGN REGULATIONS AND WILL BE SUBMITTED FOR APPROVAL.

# ALTA/NSPS LAND TITLE SURVEY OF PART OF SECTIONS 15 AND 16, T36N-R6E, 3rd PM VILLAGE OF MILLBROOK KENDALL COUNTY ILLINOIS





EEA - X:\Jacqui\Projects\2022\Cordogan Clark - Jellystone Park Drawings\Jellystone - Site Plan Bld.dwg  
Plotted: 9/12/22 @ 1:06pm By: jgossard

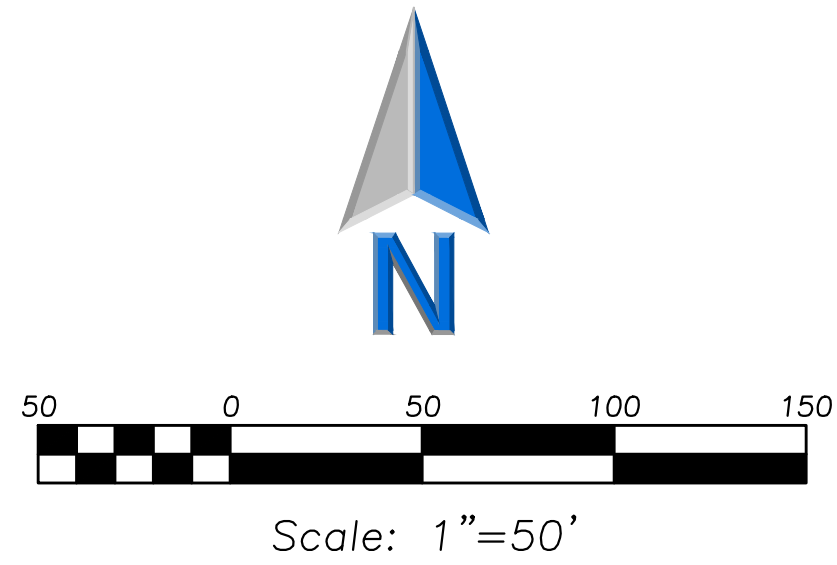


Jellystone Stage Storage Calculations  
Release Rate = 0.0 cfs

Contour Elevation	Contour Area (sq. ft.)	Incremental Volume Avg. End (cu. ft.)	Cumulative Volume Avg. End (cu. ft.)	Cumulative Volume Avg. End (ac-ft)
619.00	9,691.89	8757.44	8757.44	0.20
620.00	11,661.39	10676.64	19434.08	0.45
621.00	13,731.44	12696.42	32130.49	0.74
622.00 (H.W.L.)	15,902.06	14816.75	46947.24	1.08

Jellystone Stormwater Detention

Disturbed Area	Volume Required	Volume Provided
1.7 ac	1.0 ac-ft	1.08 ac-ft



LEGEND

EXISTING	PROPOSED

- The Location of Existing Underground Utilities, Such As Watermains, Sewers, Gas Lines, Etc., As Shown On The Plans, Has Been Determined From The Best Available Information and Is Given For the Convenience of The Contractor. However, The Owner and The Engineer Do Not Assume Responsibility In The Event That During Construction, Utilities Other Than Those Shown May Be Encountered, and That The Actual Location of Those Which Are Shown May Be Different From The Location As Shown On The Drawings. Contact Engineer Immediately If Surface and/or Subsurface Features Are Different Than Shown On The Drawings.
- Notify The Engineer Without Delay of Any Discrepancies Between the Drawings and Existing Field Conditions.
- Contractor Shall Provide Private Utility Locating Services for the Project Area.
- Notify The Owner, Engineer and The Village of Millbrook A Minimum of 48 Hours In Advance of Performing Any Work.
- All Areas, On or Off Site, Disturbed During Construction Operations and Not Part of the Work As Shown Hereon Shall Be Restored To Original Condition to the Satisfaction of the Owner at No Additional Cost to the Owner. It is Incumbent Upon Contractor to Show That Damaged Areas Were Not Disturbed By Construction Operations.
- These Drawings Assume That The Contractor Will Utilize An Electronic Drawing File (DWG) to Stake All Site Improvements Accordingly. Contractor Shall Re-Establish Horizontal Control. Horizontal Control Points Not Provided.
- No Person May Utilize The Information Contained Within These Drawings Without Written Approval From Eriksson Engineering Associates, Ltd.
- The Engineer Is Furnishing These Drawings For Construction Purposes As A Convenience To The Owner, Architect, Surveyor, or Contractor. Prior To The Use Of These Drawings For Construction Purposes, The User Of This Media Shall Verify All Dimensions And Locations Of Buildings With The Foundation Drawings And Architectural Site Plan, and Coordinate All Dimensions and Locations of All Site Items. If Conflicts Exist The User Of This Information Shall Contact The Engineer Immediately.
- Provide An As-built Survey Prepared By A Licensed Professional Land Surveyor In Accordance With The Authorities Having Jurisdiction Which Shall Include As a Minimum All Detention Basins and Best Management Practices, Include All Storm and Sanitary Sewers, Structure Locations, Sizes, Rim and Invert Elevations, Final Detention Volume Calculations For The Basin(s), Watermain and Valve and Appurtenance Locations.
- The Illinois Department Of Transportation Standard Specifications For Road And Bridge Construction Latest Edition, And All Addenda Thereto, Shall Govern The Earthwork And Paving Work Under This Contract Unless Noted Otherwise.

NOT FOR CONSTRUCTION



**ERIKSSON  
ENGINEERING  
ASSOCIATES, LTD.**

145 COMMERCE DRIVE, SUITE A  
GRAYSLAKE, ILLINOIS 60030  
PHONE (847) 223-4864  
FAX (847) 223-4864  
EMAIL INFO@EEA-LTD.COM  
PROFESSIONAL DESIGN FIRM  
LICENSE NO. 184-003220  
EXPIRES: 04/30/2023

**JELLYSTONE PARK  
8574 MILLBROOK RD  
MILLBROOK, ILLINOIS**

Reserved for Seal:

No.	Date	Description

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NO REPRODUCTION OF ANY PART OF THESE PLANS IS PERMITTED WITHOUT THE WRITTEN  
CONSENT OF ERIKSSON ENGINEERING ASSOCIATES, LTD.

Design By:	Approved By:	Date:
JLG	BJA	09/12/22

Sheet Title:

**STORMWATER  
BASIN EXHIBIT**

Sheet No:

**EX-1**

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
October 4, 2022 – Unapproved Meeting Minutes**

PBZ Chairman Scott Gengler called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department  
Scott Gengler – PBZ Committee Chair  
David Guritz – Forest Preserve (Arrived at 9:02 a.m.)  
Brian Holdiman – PBZ Department  
Fran Klaas – Highway Department  
Alyse Olson – Soil and Water Conservation District  
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS Department  
Greg Chismark – WBK Engineering, LLC  
Commander Jason Langston – Sheriff's Department

Audience:

Boyd Ingemunson, Stephanie Olson, and Jackie Kowalski

**AGENDA**

Mr. Rybski made a motion, seconded by Mr. Klaas, to approve the agenda as presented.

With a voice vote of six (6) ayes, the motion carried.

**MINUTES**

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the September 13, 2022, meeting minutes.

With a voice vote of six (6) ayes, the motion carried.

**PETITIONS**

**Petition 22–20 Stephanie Olson on Behalf of Sun Jelly Chicago RV LLC**

Mr. Asselmeier summarized the request.

Mr. Guritz arrived at this time (9:02 a.m.).

The operators of Yogi Bear's Jellystone Park Camp and Resort would like to make several changes to the layout of their existing facility.

The layout of the property and operations of the campground was governed by two (2) court orders that were incorporated into the annexation agreement with the Village of Millbrook in 2008 which were provided. In June 2022, the court relinquished jurisdiction of the land use and zoning of the property to the Village of Millbrook; the relinquishment document was provided. The County and Village of Millbrook have an intergovernmental agreement by which Millbrook follows the Kendall County Zoning Ordinance and the County administers the Zoning Ordinance within Millbrook.

As described in the provided application materials and visually depicted on the proposed master plan, the proposed changes are follows:

1. Ranger station renovations – Welcome center and camp store renovations to upgrade cosmetics, add another office, relocate the restroom, add, and relocate snack bar appliances. Some exterior cosmetic improvements will also be a part of this renovation.
2. Amphitheater – A new band-shell style outdoor amphitheater will be built for multi-purpose use. The new AV system will enable movie watching during the day as well as at night, and the stage will be home to many skits, contests, and entertainment.

3. Garage – An approximate twenty-five by fifty (25x50) pole garage for storage of equipment and supplies.
4. Pickleball courts – Two (2) pickleball courts will be added for an additional amenity. These will be enclosed by fencing and have lighting as well.
5. Playground – New playground will be installed in addition to the two (2) playsets already on site.
6. Pools – Pool #1 will be demolished for the raising of the Amphitheater. Pool #2 with spa and kiddie pool will be improved/repared for 2023 season and then replaced with a new, larger pool and spa for the 2024 camping season.
7. Bathhouse – With the construction of the new pool for 2024, a new bath house will be built to service the pool and add more restroom facilities.
8. Ranger station patio improvements – With the change of the pool #2 layout will come changes in the patio design. It will extend to encompass a wider area of the amenity core to convey a more pedestrian friendly atmosphere and include a community fire pit.
9. Activity Center renovation – The renovation of the activity center will include cosmetic upgrades, both inside and out. A service window and roll up door will be installed for better guest/staff accessibility. A lean-to addition will also be built for storage purposes.
10. Court Sport Patio improvements – Cleanup of court sport areas in and around the amenity core.
11. Gaga Ball Pits – Will be relocated when amenity core changes take place.
12. Round Court - One (1) current basketball court will be replaced with a new and improved round court, and both courts receiving new poles, backboards, and nets.
13. Jump Pad – Amenity is being relocated to the old movie theater area.
14. Dog Park improvements – A new dog park will be added to the facilities. The dog park will be fenced in and offer seating and refuse receptacles.
15. Refuse collection points – Construction of four (4) refuse dumpster enclosures for guest trash disposal.
16. New septic systems – A projected addition of three (3) new septic systems to support the upgrade of all sites to allow sewer use.
17. Rustic Cabin Renovations – Cosmetic and minor mechanical renovations to the rustic cabins, may also include adding concrete sidewalks and patios with firepits.
18. Electrical Upgrades at Individual Sites – Upgrade all 30-amp service sites to 50-amp service sites.
19. Reconfiguration of sites – They intend to reconfigure sites, losing site numbers, but increasing the size of some sites to accommodate today's larger RV's. The estimated site number change will go from three hundred ninety-four (394) sites to approximately three hundred (300) sites. The reconfiguration will coincide with the electrical upgrades and septic installations.
20. Automatic gate – The installation of automatic gates for the security and safety of the guests. They propose to install 6 gates within the park to allow for controlled access.
21. Site control fencing – Installation of fencing to control access and visibility to maintenance and refuse collection area.

22. Reconfigured parking area – The addition of parking spaces when designing the Ranger Station patio improvements in the amenity core.
23. Demolition of vacant residence and garage – Removal of vacant residence and garage for safety reasons and to allow and better maintenance access.
24. Demolition of Pool #1 and old comfort station to allow for the construction of the outdoor amphitheater.
25. Directional signage – Placement of directional and site marking signage.
26. Bridge – Install a bridge over the creek for pedestrian/cart access.
27. Small comfort station/playground – Addition of small comfort station and playground on far side of the creek for close guest access.
28. Installation of internet tower for better internet service. The tower is eighty feet (80') in height.
29. Add storm water detention site for new work.

As noted in the phasing plan contained in the master plan, improvements in the amenity core area and southwest of the amenity core area will occur in Phase I. Improvements in the area west of the amenity area will occur in Phase II. Improvements around the Internet Tower will occur in Phase III. No information was provided regarding the start or completion of the individual Phases.

In addition to the above changes, the Petitioners were requesting a variance to the requirement that the entire periphery of the park, with the exception of access roads be fenced. As noted on the landscaping plan contained in the master plan, the Petitioners do not want to place a fence along the front (west) side of the property.

The application materials, annexation agreement, court order relinquishing jurisdiction, proposed master plan, plat of the property, topographic survey and stormwater exhibit were provided.

The property is located at 8574 Millbrook Road inside the Village of Millbrook.

The property is approximately sixty-two (62) acres in size.

The existing use is wooded and a campground.

The property is zoned A-1 with a court ordered special use permit.

The adjacent land uses are agricultural, farmstead, and wooded.

The adjacent properties are zoned A-1 and A-1 BP in the County and A-1 inside the Village of Millbrook.

The County's Land Resource Management Plan calls for the area to be Rural Estate Resident, Countryside Residential, and Open Space. The Village of Millbrook's Plan calls for the area to Commercial, Low Density Residential, and Open Space.

The properties within one half (1/2) mile are zoned A-1, A-1 SU, A-1 BP, and R-1 in the County. The A-1 SU to the east of the subject property is for a landscaping business. The Hollenback Sugarbush Forest Preserve is located near the subject property. Within one half (1/2) of a mile of this property, properties inside the Village of Millbrook are zoned A-1, R-3, B-2, B-3, and M-1.

EcoCat submitted and consultation was terminated.

The LESA Score was 150 indicating a low level of protection. The NRI was provided.

Fox Township was emailed information on September 23, 2022.

As required by Section 7:01.D.46 of the Kendall County Zoning Ordinance, the Petitioner submitted an email to the Little Rock-Fox Fire Protection District on August 23, 2022, which was provided. Additional information was emailed on September 23, 2022.

The Village of Millbrook was emailed information on September 23, 2022. It was Staff's understanding that the Village Board reviewed information related to the Petition prior to application submittal.

Per Section 7:01.D.46 of the Kendall County Zoning Ordinance, recreational camps and recreational parks can be special uses on A-1 zone property subject to the following conditions:

- a. All applications for a permit to operate a recreational vehicle park or campground shall contain the following:
  1. Name, address and telephone number of applicant.
  2. Percentage of interest of the applicant and/or owners in the proposed campground.
  3. Name and address of all persons holding an interest or having an interest in the proposed campground.
  4. Location, address and legal description of the entire proposed campground.
  5. Existing zoning of subject property and all adjacent properties.
  6. Complete engineering plans and specifications of the proposed campground showing:
    - i. The area and dimensions of the entire tract of land;
    - ii. The number, location and size of all lots intended for use by recreational vehicles or tents;
    - iii. The number, location and size of all unimproved, partially improved and fully improved lots;
    - iv. The location, right-of-way and surfaced roadway width and surfacing materials of roadways and walkways;
    - v. The location of proposed interior vehicular and pedestrian circulation patterns;
    - vi. The location of service buildings, sanitary stations and any other existing or proposed structures;
    - vii. The location of water and sewer lines;
    - viii. Plans and specifications of all buildings constructed or to be constructed within the campground;
    - ix. Plans and specifications of the water supply, refuse and sewage disposal facilities, pet exercise and sanitation areas;
    - x. The location and details of lighting and electrical systems;
    - xi. The location of fire hydrants, if provided;
    - xii. Location of all drainage easements to comply with County drainage plans.
    - xiii. Quantity and point or area of departure of storm water runoff prior to and subsequent to construction of the proposed RV park.
    - xiv. Erosion control and landscaping plans;
    - xv. Kendall County Soil and Water Conservation District soils report;
    - xvi. The calendar months of the year during which the applicant will operate the proposed campground.
- b. Where a campground development is proposed for construction in a series of stages, a master plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.
- c. Every application for the construction, operation, maintenance and occupancy for a campground shall be accompanied with plans and specifications, fully setting out the trailer spaces, the position of each RV, motor vehicle parking spaces, the driveway giving access thereto and a plan of landscaping. Before any permit is issued for a campground and the use thereof, the plans and specifications shall first be approved by the PBZ Department and the Kendall County Health Department, taking into account all the provisions as set out herein, as well as such special conditions as may be imposed by the Kendall County Board or its specified subcommittee, and provided further that said plans and specifications are in accordance with State regulations governing campgrounds.
- d. After completing the necessary zoning requirements and when upon review of the application, the PBZ Department has determined that the proposed plan meets all requirements of this Ordinance, a permit shall be issued.
- e. The minimum parcel size must be twenty (20) acres.

- f. The park or campground must be screened from nearby agricultural and other land uses by a vegetative buffer other than multiflora rose or Honeysuckle. The width of the buffer should vary in proportion to the maximum campground or park population up to a maximum of three hundred feet (300').
- g. The periphery of the park or campground, except at designated access roads, must be completely enclosed and maintained by a fence which will not permit people or farm animals to pass through it;
- h. The park or campground must maintain litter control and refuse collection so as to prevent litter or refuse from blowing onto or otherwise being deposited on nearby lands.
- i. Traffic from the park or campground must not seriously impair the movement of or cause hazard to agricultural and vehicular traffic.
- j. All lands classified as floodplains shall remain in permanent open space.
- k. No more than twenty percent (20%) of any forest shall be cleared or developed and the remaining eighty percent (80%) shall be retained in permanent open space or a tree study with a tree mitigation plan approved by the PBZ Committee may be submitted. General maintenance shall be exempt from the requirements of this section and this provision does not apply to the clearing of invasive species. Invasive species shall be defined by the Illinois Department of Natural Resources.
- l. All ponds, wetlands, and watercourses shall be left in permanent open space and no dredging, filling, or diversion of water shall be permitted.
- m. Storm water runoff shall be limited to the rate which would occur under natural conditions.
- n. All ponds, wetlands, and watercourses are to be protected from erosion and sedimentation in accordance with the Kendall County Stormwater Management Ordinance.
- o. Areas with slopes greater than fifteen percent (15%) are to be retained in permanent open space.
- p. Scenic views from public highways or adjoining lands must be maintained.
- q. The park or campground should provide separate circulation systems for vehicles and pedestrians.
- r. Access to the park must be safe and convenient.
- s. To insure adequate open space and protection of resource areas, lots within the park or campground should be clustered.
- t. Internal roads, except one main collector road, should be one way and no wider than eighteen feet (18').
- u. Collector roads should be no wider than twenty-four feet (24').
- v. Recreation facilities within the park should be in proportion to the maximum park population.
- w. Recreational space within the park should be in proportion to the maximum park population and may include up to sixty percent (60%) of the park or campground.
- x. Water supply and waste disposal facilities shall be designed, constructed and maintained in accordance with Health Department regulations.
- y. The storage, collection and disposal of refuse shall be performed as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.
- z. No parking is permitted on interior roads.
- aa. All outdoor cooking facilities shall be located, constructed, and maintained to minimize fire hazard and smoke nuisance.

- bb. All accessory uses should be limited to park residents.
- cc. There shall be no indication of retail accessory uses visible from any public road or street.
- dd. Lots in the park or campground must be at least one thousand five hundred (1500) square feet and clearly marked on the ground with landmarks on the lot corners and lot signage approved by the local fire protection district.
- ee. Trailers and accessory structures must be separated from one another by at least ten feet (10') in all directions.
- ff. Traffic generated by the maximum park or campground population must not exceed capacities of the local traffic network or cause public funds to be used for traffic safety or control improvements.
- gg. Demands for public water or sanitary waste disposal must not overburden current facilities.
- hh. No recreational vehicle tent, or location within a recreational vehicle park or campground shall be used as a permanent place of abode. If the address of the recreational vehicle park or campground is listed as a person's address on any government issued document, including, but not limited to, any government roll or registry (such as a voter roll or registry), or any application or enrollment information for a public, private, or parochial educational institution, the recreational vehicle park or campground shall be considered that person's permanent place of abode, regardless of the length of that person's occupancy. This provision shall not apply to campground caretakers.
- ii. Inspections
  - a. The PBZ Department and the Health Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance, but in no case shall such inspection take place less than once per year.
  - b. The PBZ Department and the Health Department shall have the power to enter at reasonable times and upon reasonable notice upon any private property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.
  - c. The owner of the recreational vehicle park or campground, or his agent or employee, shall be required to maintain a register containing a record of all campers, picnickers, and visitors registered in the park or campground. The PBZ Department, Health Department, law enforcement agency with jurisdiction, and the local fire protection district shall have the power to inspect the register upon request. The register shall be updated daily at minimum.
  - d. It shall be the duty of the park management to give the PBZ Department and the Health Department free access to all lots and other areas at reasonable times and upon reasonable notice for the purpose of inspection.
  - e. It shall be the duty of every camper or picnicker in the park to give the owner thereof or his agent or employee access to any part of such recreational vehicle park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Ordinance and to facilitate inspections.
- jj. All standards of the Health Department shall be met.
- kk. Must seek approval from the fire and police departments at the time of application submittal for the special use permit.
- ll. Adequate directional signage must be throughout the property, including street signs. All trails shall be marked at their beginnings and ends.
- mm. A map of the recreational vehicle park or campground shall be supplied to KenCom. At minimum, the map shall show the location and names or numbers of all lots and trails in the recreational vehicle park or campground and the location and names of all streets and trails. Changes to the map or any identification information on the map shall be reported to KenCom within thirty (30) days of the change.

If the Village Board approves the variance related to fences, the other conditions have been met or could be included as conditions in the special use permit.

Per the information provided in the business overview, the camp has been at the subject property for approximately thirty (30) years. They are open for rentals from April 15<sup>th</sup> to October 31<sup>st</sup> yearly. They have three hundred ninety-four (394) sites. They offer space for personal recreational vehicles, trailers, tents, and onsite cabins. They offer standard water and electricity for tents and recreational vehicles and premium full hook-ups for recreational vehicles, deluxe cabin rentals, and rustic cabin rentals. Amenities include a swimming pool, jump pad, playgrounds, basketball court, recreational center, camp store, and other outdoor activities. During the operating season, the maximum number of employees is thirty-six (36) and during the non-operating season, the maximum number of full-time employees is three (3).

The master plan calls for the construction of several new buildings and renovations to other facilities. Applicable building permits will be required as these structures are constructed and renovated.

Per the master plan, new construction will match existing design. All structures will be one (1) story. The bathhouses will have masonry exterior walls, wood truss hip roofs, asphalt shingles, and wood privacy fences at the openings. The garage, amphitheater, and other buildings will be wood frame structures with wood truss gable roofs, asphalt shingles, either vinyl or composite wood siding.

As noted previously, the Internet tower will be eighty feet (80') in height.

The structures shown for demolition would also require permits.

The subject property is served by well and septic. Information about the water system was provided in master plan. Information about the septic systems was also provided in the master plan.

The Petitioner has submitted a topographic survey and stormwater exhibit and a stormwater management permit application. As of the date of this meeting, these items are under review.

As shown on the master plan, the property has one (1) access point off of Millbrook Road. There are five (5) gates on the roads near the entrance of the property.

Per the master plan, there are thirteen (13) named streets within the property and several minor roads.

There are twenty-eight (28) parking spaces, including two (2) handicapped accessible spaces.

No information was provided regarding lights.

Several directional signs are presently located on the property. None of the existing signs are illuminated. One (1) identification sign is located on the west side of Millbrook Road across from the subject property; this sign was allowed per court order.

Per the master plan four (4) new direction signs are proposed for the property. Some of these signs might be illuminated.

Each camp site would also have its own sign.

Signs would be metal, vinyl, and painted wood.

Pictures and descriptions of signs can be found in the master plan.

The master plan shows five (5) gates near the entrance to the property. The landscaping portion of the master plan shows a weld wire mesh fence across the northern, eastern, and southern perimeter of the property. Numerous trees and scrub plantings also are located along the northern, eastern, and southern perimeter of the property.

The master plan also calls for a chain link fence around the dog park, pool deck, and owner's residence.

The landscaping portion of the master plan notes the number of existing trees on the property. No tree clearing outside of the amenity core area is planned except for maintenance purposes and the removal of invasive species. Native shrubs are planned in the landscaping beds. More specific landscaping plans will be submitted as the project progresses.

No information was provided regarding noise control.

No information was provided regarding odor control.

The master plan calls for four (4) refuse dumpster enclosures. Per the master plan, each refuse locations will include two (2) dumpsters surrounded by a wood privacy fence on three (3) sides. The fences would be six feet (6') in height. The dumpsters would be on asphalt pads. The enclosures would be approximately fourteen feet (14') wide and slightly over six feet (6') in depth. Three (3) of the four (4) dumpster enclosures are planned in Phase I of the project.

As of the date of this meeting, there are four (4) active recreational camp and recreational park special use permits in unincorporated Kendall County. The above figure does not include the subject property. The property where Camp Quarryledge was previously located is pending annexation into the Village of Oswego.

The proposed Findings of Fact for the special use permit were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation of the property as a recreational vehicle park and campground has occurred since the early 1980s. Restrictions, such as requiring the site to be developed in accordance to the submitted site plan, may be placed in the special use permit to ensure the public health, safety, moral, comfort, and general welfare are protected.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. No evidence exists showing that the use of the property has substantially injured the use to other properties or caused the diminishment of property values. The proposed site plan addressing buffering, screening, fencing, and open space preservation. Some of the negative impacts of the proposed use on properties in the immediate vicinity could be mitigated by restrictions related to season of operation and noise within the ordinance granting the special use permit.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, the Petitioner's master plan addresses utilities, access roads, and other necessary facilities. A stormwater management permit will be required to implement some of the projects shown on the master plan.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided a variance is issued for the fence regulations along the west side of the property, this is true.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the Village of Millbrook's Comprehensive Plan identifies this property as a campground and as open space. Further, the Village Comprehensive Plan states on page 13, "Locate open space amenities such as parks and recreation activities along the Fox River and the Hollenback Creek corridor."

The proposed Findings of Fact for the variance were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. Millbrook Road creates a natural barrier which makes the requirement unnecessary. The property has been used as a campground since the mid-1980s and no such regulation was required when the campground was originally established.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Only four (4) other campgrounds presently operate in unincorporated Kendall County on A-1 zoned property. None of the other campgrounds have this requirement. It is unknown if future campgrounds will require a similar variance in the future.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The fencing requirement came into existence after the campground originally opened.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. As the campground has operated at the subject property since the 1980s and no evidence has been presented that the current use harmed the public welfare or other properties, the lack of fencing along Millbrook Road in the future will not be detrimental to the public or neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The requested variance will not impair light reaching other properties, cause congestion on any public street, or diminish or impair property values.

Pending comments from ZPAC Members, Little Rock-Fox Fire Protection District, and the Village of Millbrook, Staff recommended approval of the special use permit. As of the date of this meeting, the Petitioner has not agreed to these conditions and restrictions:

1. All previously approved development plans for subject property are repealed.
2. The site shall be developed substantially in accordance with the master plan.
3. One (1) identification sign with a maximum thirteen feet (13') in width and twelve feet (12') feet in height may be placed on the property presently identified by parcel identification number 04-16-400-001 and located on the west side of Millbrook Road. This sign may not be illuminated.
4. Additional signage may be installed on the subject property as outlined and described in the master plan. This signage may be illuminated. Adequate directional signage must be throughout the property, including street signs. All trails shall be marked at their beginnings and ends.
5. A variance to Section 7:01.D.46.g is granted to not require fencing along the west side of the property as shown in the master plan.
6. The operating season shall be between April 15<sup>th</sup> and October 31<sup>st</sup> yearly. No campers may be on the property during the non-operating season. The Millbrook Village Board may extend the operating season upon request of the property owner and after notification to the Kendall County Planning, Building and Zoning Department regarding the extension.
7. None of the structures or signs placed on the subject property shall be considered agricultural structures and shall secure proper permits for construction, demolition, or renovation.
8. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
9. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
10. The minimum parcel size must be twenty (20) acres.
11. The park or campground must be screened from nearby agricultural and other land uses by a vegetative buffer other than multiflora rose or Honeysuckle. The width of the buffer should vary in proportion to the maximum campground or park population up to a maximum of three hundred feet (300').
12. The park or campground must maintain litter control and refuse collection so as to prevent litter or refuse from blowing onto or otherwise being deposited on nearby lands.
13. The storage, collection and disposal of refuse shall be performed as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.
14. Traffic from the park or campground must not seriously impair the movement of or cause hazard to agricultural and vehicular traffic.
15. Traffic generated by the maximum park or campground population must not exceed capacities of the local traffic network or cause public funds to be used for traffic safety or control improvements.
16. All lands classified as floodplains shall remain in permanent open space.
17. Areas with slopes greater than fifteen percent (15%) are to be retained in permanent open space.
18. No more than twenty percent (20%) of any forest shall be cleared or developed and the remaining eighty percent

(80%) shall be retained in permanent open space or a tree study with a tree mitigation plan approved by the PBZ Committee may be submitted. General maintenance shall be exempt from the requirements of this section and this provision does not apply to the clearing of invasive species. Invasive species shall be defined by the Illinois Department of Natural Resources.

19. All ponds, wetlands, and watercourses shall be left in permanent open space and no dredging, filling, or diversion of water shall be permitted.
20. Stormwater runoff shall be limited to the rate which would occur under natural conditions and shall be governed by the stormwater management permit.
21. The park or campground should provide separate circulation systems for vehicles and pedestrians.
22. Internal roads, except one (1) main collector road, should be one way and no wider than eighteen feet (18').
23. Collector roads should be no wider than twenty-four feet (24').
24. No parking is permitted on interior roads.
25. Recreational space within the park should be in proportion to the maximum park population and may include up to sixty percent (60%) of the park or campground.
26. All outdoor cooking facilities shall be located, constructed, and maintained to minimize fire hazard and smoke nuisance.
27. All accessory uses should be limited to park residents.
28. There shall be no indication of retail accessory uses visible from any public road or street.
29. Lots in the park or campground must be at least one thousand five hundred (1500) square feet and clearly marked on the ground with landmarks on the lot corners and lot signage approved by the local fire protection district.
30. Trailers and accessory structures must be separated from one another by at least ten feet (10') in all directions.
31. No recreational vehicle tent, or location within a recreational vehicle park or campground shall be used as a permanent place of abode. If the address of the recreational vehicle park or campground is listed as a person's address on any government issued document, including, but not limited to, any government roll or registry (such as a voter roll or registry), or any application or enrollment information for a public, private, or parochial educational institution, the recreational vehicle park or campground shall be considered that person's permanent place of abode, regardless of the length of that person's occupancy. This provision shall not apply to campground caretakers.
32. The maximum number of campground caretakers during the operational season shall be thirty-six (36) and the maximum number of campground caretakers during the non-operational season shall be three (3). The above numbers do not include sub-contractors. Sub-contractors shall not be considered campground caretakers for the purposes of this special use permit. Mr. Asselmeier noted the Petitioners would like this condition removed.
33. Inspections
  - a. The Planning, Building and Zoning Department and the Health Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance, but in no case shall such inspection take place less than once per year.
  - b. The Planning, Building and Zoning Department and the Health Department shall have the power to enter at reasonable times and upon reasonable notice upon any private property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.
  - c. The owner of the recreational vehicle park or campground, or his agent or employee, shall be required to maintain a register containing a record of all campers, picnickers, and visitors registered in the park or campground. The Planning, Building and Zoning Department, Health Department, law enforcement agency with jurisdiction, and the local fire protection district shall have the power to inspect the register upon request. The register shall be updated daily at minimum.
  - d. It shall be the duty of the park management to give the Planning, Building and Zoning Department and the Health Department free access to all lots and other areas at reasonable times and upon reasonable notice for the purpose of inspection.
  - e. It shall be the duty of every camper or picnicker in the park to give the owner thereof or his agent or employee access to any part of such recreational vehicle park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this special use permit and to facilitate inspections.

34. A map of the recreational vehicle park or campground shall be supplied to KenCom. At minimum, the map shall show the location and names or numbers of all lots and trails in the recreational vehicle park or campground and the location and names of all streets and trails. Changes to the map or any identification information on the map shall be reported to KenCom within thirty (30) days of the change.
35. The noise regulations are as follows:
- Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.
- Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.
- EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
36. The property owner and operators of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
37. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
38. Failure to comply with one or more of the above conditions could result in the amendment or revocation of the special use permit.
39. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
40. This special use permit and variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Discussion occurred regarding striking the condition pertaining to the maximum number of employees. Discussion occurred regarding a distinction between number of employees and caretakers. Jackie Kowalski, Mayor of Millbrook, was agreeable to removing the condition. Boyd Ingemunson and Stephanie Olson agreed to set the maximum number of caretakers at two (2). The families of the caretakers could reside on the property as their permanent place of abode.

Mr. Guritz noted the beauty of the area of the County where the campground was located. He offered to assist the Petitioner on future landscaping plans of the property.

Mr. Rybski discussed the State Code related to septic systems and the use of the word "employee." The Petitioner was working with the Illinois Department of Public Health. Mr. Rybski discussed the Illinois Department of Public Health's role in licensing campgrounds. Some of the existing septic systems will be used and some of the systems will be new. The Petitioner was advised to reach out to the Kendall County Health Department and State regarding the concession areas at the property.

Mr. Klaas ask if any neighbors or anyone associated with the Village of Millbrook has expressed any objections or concerns regarding this proposal. Mayor Kowalski responded that the Village did not have any objections.

Mr. Klaas noted the windrow of trees along the perimeter of the property.

Chairman Gengler asked about the number of sites. The number of sites would be reduced to about three (300).

Mr. Asselmeier advised the Petitioner to let the Village of Millbrook know in advance if they needed to expand their season of operation. Also, he suggested removing the reference to the Planning, Building and Zoning Committee in condition 18 and replacing it with the Village of Millbrook's Village Board.

Mr. Guritz made a motion, seconded by Mr. Klaas, to recommend approval of the proposal with amendments to delete the present wording in condition 32 and replace it with setting a maximum of two (2) campground caretakers and their families may reside on the premises as their permanent place of abode and to replacing the Planning, Building and Zoning Committee with the Millbrook Village Board in condition 18.

Mr. Rybski discussed the licensing requirements of the Illinois Department of Public Health. Mr. Asselmeier responded that the Petitioner has to comply with all applicable State laws.

With a voice vote of seven (7) ayes, the motion carried.

The proposal goes to the Kendall County Regional Planning Commission on October 26, 2022.

#### **REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Asselmeier reported that Petition 22-14 and 22-16 were approved by the County Board.

#### **OLD BUSINESS/NEW BUSINESS**

##### **Recommendation of Fiscal Year 2022-2023 Meeting Calendar**

The consensus of the Committee was to approve the meeting calendar with an amendment to change the July meeting date to July 5<sup>th</sup>.

#### **CORRESPONDENCE**

None

#### **PUBLIC COMMENT**

None

#### **ADJOURNMENT**

Mr. Rybski made a motion, seconded by Mr. Klaas, to adjourn.

With a voice vote of seven (7) ayes, the motion carried.

The ZPAC, at 9:39 a.m., adjourned.

Respectfully Submitted,  
Matthew H. Asselmeier, AICP, CFM  
Senior Planner

Attachment 9

**From:** [Lynette Bergeron](#)  
**To:** [Boyd Ingemunson](#)  
**Cc:** [Matt Asselmeier](#)  
**Subject:** RE: [External]Fwd: Jellystone Master Plan - draft of documents  
**Date:** Friday, October 21, 2022 8:24:08 AM

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Good morning,

KenCom is good with the map that was provided. Thank you and have a great day.

**From:** Boyd Ingemunson <[REDACTED]>  
**Sent:** Wednesday, September 21, 2022 2:10 PM  
**To:** Lynette Bergeron <lbergeron@KenCom911.com>  
**Cc:** Matt Asselmeier <masselmeier@co.kendall.il.us>  
**Subject:** Fwd: [External]Fwd: Jellystone Master Plan - draft of documents

Lynette, see attached current site map for Jellystone campground we are submitting pursuant to pending request for Special Use Permit with Village of Millbrook

----- Forwarded message -----

**From:** **Stephanie Olson** <[REDACTED]>  
**Date:** Wed, Sep 21, 2022 at 10:44 AM  
**Subject:** RE: [External]Fwd: Jellystone Master Plan - draft of documents  
**To:** Boyd Ingemunson <[REDACTED]>

Apologies. I thought I had send this and it was in my drafts.

Attached is the current site map for kencom

---

**From:** Boyd Ingemunson <[REDACTED]>  
**Sent:** Tuesday, September 20, 2022 2:34 PM  
**To:** Stephanie Olson <[REDACTED]>  
**Subject:** Re: [External]Fwd: Jellystone Master Plan - draft of documents

**EXTERNAL EMAIL - Verify sender before opening links or attachments!**

---

can you send me a map of the existing layout

On Tue, Sep 20, 2022 at 2:34 PM Stephanie Olson <[REDACTED]> wrote:  
Not that I'm aware of.

---

**From:** Boyd Ingemunson <[REDACTED]>  
**Sent:** Tuesday, September 20, 2022 2:30 PM  
**To:** Stephanie Olson <[REDACTED]>  
**Subject:** Fwd: [External]Fwd: Jellystone Master Plan - draft of documents

Attachment 10, Page 1  
**KENDALL COUNTY**  
**REGIONAL PLANNING COMMISSION**

*Kendall County Office Building  
Rooms 209 and 210  
111 W. Fox Street, Yorkville, Illinois*

**Unapproved - Meeting Minutes of October 26, 2022 - 7:00 p.m.**

Chairman Ashton called the meeting to order at 7:05 p.m.

**ROLL CALL**

Members Present: Bill Ashton, Eric Bernacki, Tom Casey Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Claire Wilson, and Seth Wormley

Members Absent: Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Boyd Ingemunson, Stephanie Olson, and Gerard Dieter

**APPROVAL OF AGENDA**

Member Rodriguez made a motion, seconded by Member McCarthy-Lange, to approve the agenda. With a voice vote of nine (9) ayes, the motion carried.

**APPROVAL OF MINUTES**

Member Wilson made a motion, seconded by Member Rodriguez, to approve the minutes of the of the September 28, 2022, meeting. With a voice vote of nine (9) ayes, the motion carried.

**PETITION**

**Petition 22-20 Stephanie Olson on Behalf of Sun Jelly Chicago RV LLC**

Mr. Asselmeier summarized the request.

The operators of Yogi Bear's Jellystone Park Camp and Resort would like to make several changes to the layout of their existing facility.

The layout of the property and operations of the campground was governed by two (2) court orders that were incorporated into the annexation agreement with the Village of Millbrook in 2008 which were provided. In June 2022, the court relinquished jurisdiction of the land use and zoning of the property to the Village of Millbrook; the relinquishment document was provided. The County and Village of Millbrook have an intergovernmental agreement by which Millbrook follows the Kendall County Zoning Ordinance and the County administers the Zoning Ordinance within Millbrook.

As described in the provided application materials and visually depicted on the proposed master plan, the proposed changes are follows:

1. Ranger station renovations – Welcome center and camp store renovations to upgrade cosmetics, add another office, relocate the restroom, add, and relocate snack bar appliances. Some exterior cosmetic improvements will also be a part of this renovation.

2. Amphitheater – A new band-shell style outdoor amphitheater will be built for multi-purpose use. The new AV system will enable movie watching during the day as well as at night, and the stage will be home to many skits, contests, and entertainment.
3. Garage – An approximate twenty-five by fifty (25x50) pole garage for storage of equipment and supplies.
4. Pickleball courts – Two (2) pickleball courts will be added for an additional amenity. These will be enclosed by fencing and have lighting as well.
5. Playground – New playground will be installed in addition to the two (2) playsets already on site.
6. Pools – Pool #1 will be demolished for the raising of the Amphitheater. Pool #2 with spa and kiddie pool will be improved/repared for the 2023 season and then replaced with a new, larger pool and spa for the 2024 camping season.
7. Bathhouse – With the construction of the new pool for 2024, a new bath house will be built to service the pool and add more restroom facilities.
8. Ranger station patio improvements – With the change of the pool #2 layout will come changes in the patio design. It will extend to encompass a wider area of the amenity core to convey a more pedestrian friendly atmosphere and include a community fire pit.
9. Activity Center renovation – The renovation of the activity center will include cosmetic upgrades, both inside and out. A service window and roll up door will be installed for better guest/staff accessibility. A lean-to addition will also be built for storage purposes.
10. Court Sport Patio improvements – Cleanup of court sport areas in and around the amenity core.
11. Gaga Ball Pits – Will be relocated when amenity core changes take place.
12. Round Court - One (1) current basketball court will be replaced with a new and improved round court, and both courts receiving new poles, backboards, and nets.
13. Jump Pad – Amenity is being relocated to the old movie theater area.
14. Dog Park improvements – A new dog park will be added to the facilities. The dog park will be fenced in and offer seating and refuse receptacles.
15. Refuse collection points – Construction of four (4) refuse dumpster enclosures for guest trash disposal.
16. New septic systems – A projected addition of three (3) new septic systems to support the upgrade of all sites to allow sewer use.
17. Rustic Cabin Renovations – Cosmetic and minor mechanical renovations to the rustic cabins, may also include adding concrete sidewalks and patios with firepits.

18. Electrical Upgrades at Individual Sites – Upgrade all 30-amp service sites to 50-amp service sites.
19. Reconfiguration of sites – They intend to reconfigure sites, losing site numbers, but increasing the size of some sites to accommodate today's larger RV's. The estimated site number change will go from three hundred ninety-four (394) sites to approximately three hundred (300) sites. The reconfiguration will coincide with the electrical upgrades and septic installations.
20. Automatic gate – The installation of automatic gates for the security and safety of the guests. They propose to install six (6) gates within the park to allow for controlled access.
21. Site control fencing – Installation of fencing to control access and visibility to maintenance and refuse collection area.
22. Reconfigured parking area – The addition of parking spaces when designing the Ranger Station patio improvements in the amenity core.
23. Demolition of vacant residence and garage – Removal of vacant residence and garage for safety reasons and to allow and better maintenance access.
24. Demolition of Pool #1 and old comfort station to allow for the construction of the outdoor amphitheater.
25. Directional signage – Placement of directional and site marking signage.
26. Bridge – Install a bridge over the creek for pedestrian/cart access.
27. Small comfort station/playground – Addition of small comfort station and playground on far side of the creek for close guest access.
28. Installation of internet tower for better internet service. The tower is eighty feet (80') in height.
29. Add storm water detention site for new work.

As noted in the phasing plan contained in the master plan, improvements in the amenity core area and southwest of the amenity core area will occur in Phase I. Improvements in the area west of the amenity area will occur in Phase II. Improvements around the Internet Tower will occur in Phase III. No information was provided regarding the start or completion of the individual Phases.

In addition to the above changes, the Petitioners were requesting a variance to the requirement that the entire periphery of the park, with the exception of access roads be fenced. As noted on the landscaping plan contained in the master plan, the Petitioners do not want to place a fence along the front (west) side of the property.

The application materials, annexation agreement, court order relinquishing jurisdiction, proposed master plan, plat of the property, topographic survey and stormwater exhibit were provided.

The property is located at 8574 Millbrook Road inside the Village of Millbrook.

The property is approximately sixty-two (62) acres in size.

The existing use is wooded and a campground.

The property is zoned A-1 with a court ordered special use permit.

The adjacent land uses are agricultural, farmstead, and wooded.

The adjacent properties are zoned A-1 and A-1 BP in the County and A-1 inside the Village of Millbrook.

The County's Land Resource Management Plan calls for the area to be Rural Estate Residential, Countryside Residential, and Open Space. The Village of Millbrook's Plan calls for the area to Commercial, Low Density Residential, and Open Space.

The properties within one half (1/2) mile are zoned A-1, A-1 SU, A-1 BP, and R-1 in the County. The A-1 SU to the east of the subject property is for a landscaping business. The Hollenback Sugarbush Forest Preserve is located near the subject property. Within one half (1/2) of a mile of this property, properties inside the Village of Millbrook are zoned A-1, R-3, B-2, B-3, and M-1.

EcoCat submitted and consultation was terminated.

The LESA Score was 150 indicating a low level of protection. The NRI was provided.

Fox Township was emailed information on September 23, 2022. No comments received.

As required by Section 7:01.D.46 of the Kendall County Zoning Ordinance, the Petitioner submitted an email to the Little Rock-Fox Fire Protection District on August 23, 2022, which was provided. Additional information was emailed on September 23, 2022. No comments received.

The Village of Millbrook was emailed information on September 23, 2022. It was Staff's understanding that the Village Board reviewed information related to the Petition prior to application submittal.

ZPAC reviewed the proposal at their meeting on October 4, 2022. The number of caretakers was set at two (2). The Kendall County Forest Preserve District agreed to work with the Petitioner regarding landscaping. The Kendall County Health Department discussed the Illinois Department of Public Health's role in licensing campgrounds. Discussion also occurred regarding securing appropriate permits for the planned upgrades to the septic systems and the concession area. Condition 18 was amended to replace the Planning, Building and Zoning Committee with the Millbrook Village Board. The number of employees mentioned in Condition 32 was deleted and replaced with the number of campground caretakers. ZPAC recommended approval of the proposal with the two (2) previously listed amendments by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

Per Section 7:01.D.46 of the Kendall County Zoning Ordinance, recreational camps and recreational parks can be special uses on A-1 zone property subject to the following conditions:

- a. All applications for a permit to operate a recreational vehicle park or campground shall contain the following:
  1. Name, address and telephone number of applicant.
  2. Percentage of interest of the applicant and/or owners in the proposed campground.

3. Name and address of all persons holding an interest or having an interest in the proposed campground.
  4. Location, address and legal description of the entire proposed campground.
  5. Existing zoning of subject property and all adjacent properties.
  6. Complete engineering plans and specifications of the proposed campground showing:
    - i. The area and dimensions of the entire tract of land;
    - ii. The number, location and size of all lots intended for use by recreational vehicles or tents;
    - iii. The number, location and size of all unimproved, partially improved and fully improved lots;
    - iv. The location, right-of-way and surfaced roadway width and surfacing materials of roadways and walkways;
    - v. The location of proposed interior vehicular and pedestrian circulation patterns;
    - vi. The location of service buildings, sanitary stations and any other existing or proposed structures;
    - vii. The location of water and sewer lines;
    - viii. Plans and specifications of all buildings constructed or to be constructed within the campground;
    - ix. Plans and specifications of the water supply, refuse and sewage disposal facilities, pet exercise and sanitation areas;
    - x. The location and details of lighting and electrical systems;
    - xi. The location of fire hydrants, if provided;
    - xii. Location of all drainage easements to comply with County drainage plans.
    - xiii. Quantity and point or area of departure of storm water runoff prior to and subsequent to construction of the proposed RV park.
    - xiv. Erosion control and landscaping plans;
    - xv. Kendall County Soil and Water Conservation District soils report;
    - xvi. The calendar months of the year during which the applicant will operate the proposed campground.
- b. Where a campground development is proposed for construction in a series of stages, a master plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.
- c. Every application for the construction, operation, maintenance and occupancy for a campground shall be accompanied with plans and specifications, fully setting out the trailer spaces, the position of each RV, motor vehicle parking spaces, the driveway giving access thereto and a plan of landscaping. Before any permit is issued for a campground and the use thereof, the plans and specifications shall first be approved by the PBZ Department and the Kendall County Health Department, taking into account all the provisions as set out herein, as well as such special conditions as may be imposed by the Kendall County Board or its specified subcommittee, and provided further that said plans and specifications are in accordance with State regulations governing campgrounds.
- d. After completing the necessary zoning requirements and when upon review of the application, the PBZ Department has determined that the proposed plan meets all requirements of this Ordinance, a permit shall be issued.
- e. The minimum parcel size must be twenty (20) acres.

- f. The park or campground must be screened from nearby agricultural and other land uses by a vegetative buffer other than multiflora rose or Honeysuckle. The width of the buffer should vary in proportion to the maximum campground or park population up to a maximum of three hundred feet (300').
- g. The periphery of the park or campground, except at designated access roads, must be completely enclosed and maintained by a fence which will not permit people or farm animals to pass through it;
- h. The park or campground must maintain litter control and refuse collection so as to prevent litter or refuse from blowing onto or otherwise being deposited on nearby lands.
- i. Traffic from the park or campground must not seriously impair the movement of or cause hazard to agricultural and vehicular traffic.
- j. All lands classified as floodplains shall remain in permanent open space.
- k. No more than twenty percent (20%) of any forest shall be cleared or developed and the remaining eighty percent (80%) shall be retained in permanent open space or a tree study with a tree mitigation plan approved by the PBZ Committee may be submitted. General maintenance shall be exempt from the requirements of this section and this provision does not apply to the clearing of invasive species. Invasive species shall be defined by the Illinois Department of Natural Resources.
- l. All ponds, wetlands, and watercourses shall be left in permanent open space and no dredging, filling, or diversion of water shall be permitted.
- m. Storm water runoff shall be limited to the rate which would occur under natural conditions.
- n. All ponds, wetlands, and watercourses are to be protected from erosion and sedimentation in accordance with the Kendall County Stormwater Management Ordinance.
- o. Areas with slopes greater than fifteen percent (15%) are to be retained in permanent open space.
- p. Scenic views from public highways or adjoining lands must be maintained.
- q. The park or campground should provide separate circulation systems for vehicles and pedestrians.
- r. Access to the park must be safe and convenient.
- s. To insure adequate open space and protection of resource areas, lots within the park or campground should be clustered.
- t. Internal roads, except one main collector road, should be one way and no wider than eighteen feet (18').
- u. Collector roads should be no wider than twenty-four feet (24').
- v. Recreation facilities within the park should be in proportion to the maximum park population.
- w. Recreational space within the park should be in proportion to the maximum park population and may include up to sixty percent (60%) of the park or campground.
- x. Water supply and waste disposal facilities shall be designed, constructed and maintained in accordance with Health Department regulations.

- y. The storage, collection and disposal of refuse shall be performed as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.
- z. No parking is permitted on interior roads.
- aa. All outdoor cooking facilities shall be located, constructed, and maintained to minimize fire hazard and smoke nuisance.
- bb. All accessory uses should be limited to park residents.
- cc. There shall be no indication of retail accessory uses visible from any public road or street.
- dd. Lots in the park or campground must be at least one thousand five hundred (1500) square feet and clearly marked on the ground with landmarks on the lot corners and lot signage approved by the local fire protection district.
- ee. Trailers and accessory structures must be separated from one another by at least ten feet (10') in all directions.
- ff. Traffic generated by the maximum park or campground population must not exceed capacities of the local traffic network or cause public funds to be used for traffic safety or control improvements.
- gg. Demands for public water or sanitary waste disposal must not overburden current facilities.
- hh. No recreational vehicle, tent, or location within a recreational vehicle park or campground shall be used as a permanent place of abode. If the address of the recreational vehicle park or campground is listed as a person's address on any government issued document, including, but not limited to, any government roll or registry (such as a voter roll or registry), or any application or enrollment information for a public, private, or parochial educational institution, the recreational vehicle park or campground shall be considered that person's permanent place of abode, regardless of the length of that person's occupancy. This provision shall not apply to campground caretakers.
- ii. Inspections
  - a. The PBZ Department and the Health Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance, but in no case shall such inspection take place less than once per year.
  - b. The PBZ Department and the Health Department shall have the power to enter at reasonable times and upon reasonable notice upon any private property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.
  - c. The owner of the recreational vehicle park or campground, or his agent or employee, shall be required to maintain a register containing a record of all campers, picnickers, and visitors registered in the park or campground. The PBZ Department, Health Department, law enforcement agency with jurisdiction, and the local fire protection district shall have the power to inspect the register upon request. The register shall be updated daily at minimum.
  - d. It shall be the duty of the park management to give the PBZ Department and the Health Department free access to all lots and other areas at reasonable times and upon reasonable notice for the purpose of inspection.
  - e. It shall be the duty of every camper or picnicker in the park to give the owner thereof or his agent or employee access to any part of such recreational vehicle park at reasonable times for

the purpose of making such repairs or alterations as are necessary to effect compliance with this Ordinance and to facilitate inspections.

jj. All standards of the Health Department shall be met.

kk. Must seek approval from the fire and police departments at the time of application submittal for the special use permit.

ll. Adequate directional signage must be throughout the property, including street signs. All trails shall be marked at their beginnings and ends.

mm. A map of the recreational vehicle park or campground shall be supplied to KenCom. At minimum, the map shall show the location and names or numbers of all lots and trails in the recreational vehicle park or campground and the location and names of all streets and trails. Changes to the map or any identification information on the map shall be reported to KenCom within thirty (30) days of the change.

If the Village Board approves the variance related to fences, the other conditions have been met or could be included as conditions in the special use permit.

Per the information provided in the business overview, the camp has been at the subject property for approximately thirty (30) years. They are open for rentals from April 15<sup>th</sup> to October 31<sup>st</sup> yearly. They have three hundred ninety-four (394) sites. They offer space for personal recreational vehicles, trailers, tents, and onsite cabins. They offer standard water and electricity for tents and recreational vehicles and premium full hook-ups for recreational vehicles, deluxe cabin rentals, and rustic cabin rentals. Amenities include a swimming pool, jump pad, playgrounds, basketball court, recreational center, camp store, and other outdoor activities. During the operating season, the maximum number of employees is thirty-six (36) and during the non-operating season, the maximum number of full-time employees is three (3).

The master plan calls for the construction of several new buildings and renovations to other facilities. Applicable building permits will be required as these structures are constructed and renovated.

Per the master plan, new construction will match existing design. All structures will be one (1) story. The bathhouses will have masonry exterior walls, wood truss hip roofs, asphalt shingles, and wood privacy fences at the openings. The garage, amphitheater, and other buildings will be wood frame structures with wood truss gable roofs, asphalt shingles, either vinyl or composite wood siding.

As noted previously, the Internet tower will be eighty feet (80') in height.

The structures shown for demolition would also require permits.

The subject property is served by well and septic. Information about the water system was provided in master plan. Information about the septic systems was also provided in the master plan.

The Petitioner has submitted a topographic survey and stormwater exhibit and a stormwater management permit application. As of the date of this meeting, these items are under review.

As shown on the master plan, the property has one (1) access point off of Millbrook Road. There are five (5) gates on the roads near the entrance of the property.

Per the master plan, there are thirteen (13) named streets within the property and several minor roads.

There are twenty-eight (28) parking spaces, including two (2) handicapped accessible spaces.

No information was provided regarding lights.

Several directional signs are presently located on the property. None of the existing signs are illuminated. One (1) identification sign is located on the west side of Millbrook Road across from the subject property; this sign was allowed per court order.

Per the master plan four (4) new direction signs are proposed for the property. Some of these signs might be illuminated.

Each camp site would also have its own sign.

Signs would be metal, vinyl, and painted wood.

Pictures and descriptions of signs can be found in the master plan.

The master plan shows five (5) gates near the entrance to the property. The landscaping portion of the master plan shows a weld wire mesh fence across the northern, eastern, and southern perimeter of the property. Numerous trees and scrub plantings also are located along the northern, eastern, and southern perimeter of the property.

The master plan also calls for a chain link fence around the dog park, pool deck, and owner's residence.

The landscaping portion of the master plan notes the number of existing trees on the property. No tree clearing outside of the amenity core area is planned except for maintenance purposes and the removal of invasive species. Native shrubs are planned in the landscaping beds. More specific landscaping plans will be submitted as the project progresses.

No information was provided regarding noise control.

No information was provided regarding odor control.

The master plan calls for four (4) refuse dumpster enclosures. Per the master plan, each refuse locations will include two (2) dumpsters surrounded by a wood privacy fence on three (3) sides. The fences would be six feet (6') in height. The dumpsters would be on asphalt pads. The enclosures would be approximately fourteen feet (14') wide and slightly over six feet (6') in depth. Three (3) of the four (4) dumpster enclosures are planned in Phase I of the project.

As of the date of this meeting, there are four (4) active recreational camp and recreational park special use permits in unincorporated Kendall County. The above figure does not include the subject property. The property where Camp Quarryledge was previously located is pending annexation into the Village of Oswego.

The proposed Findings of Fact for the Special Use Permit were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation of the property as a recreational vehicle park and campground has occurred since the early 1980s. Restrictions, such as requiring the site to be

developed in accordance to the submitted site plan, may be placed in the special use permit to ensure the public health, safety, moral, comfort, and general welfare are protected.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. No evidence exists showing that the use of the property has substantially injured the use to other properties or caused the diminishment of property values. The proposed site plan addressing buffering, screening, fencing, and open space preservation. Some of the negative impacts of the proposed use on properties in the immediate vicinity could be mitigated by restrictions related to season of operation and noise within the ordinance granting the special use permit.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, the Petitioner's master plan addresses utilities, access roads, and other necessary facilities. A stormwater management permit will be required to implement some of the projects shown on the master plan.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided a variance is issued for the fence regulations along the west side of the property, this is true.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the Village of Millbrook's Comprehensive Plan identifies this property as a campground and as open space. Further, the Village Comprehensive Plan states on page 13, "Locate open space amenities such as parks and recreation activities along the Fox River and the Hollenback Creek corridor."

The proposed Findings of Fact for the variance were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. Millbrook Road creates a natural barrier which makes the requirement unnecessary. The property has been used as a campground since the mid-1980s and no such regulation was required when the campground was originally established.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Only four (4) other campgrounds presently operate in unincorporated Kendall County on A-1 zoned property. None of the other campgrounds have this requirement. It is unknown if future campgrounds will require a similar variance in the future.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The fencing requirement came into existence after the campground originally opened.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. As the campground has operated at the subject property since the 1980s and no evidence has been presented that the current use harmed the public welfare or other properties, the lack of fencing along Millbrook Road in the future will not be detrimental to the public or neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The requested variance will not impair light reaching other properties, cause congestion on any public street, or diminish or impair property values.

Staff recommended approval of the special use permit and variance subject to the following conditions and restrictions:

1. All previously approved development plans for subject property are repealed.
2. The site shall be developed substantially in accordance with the submitted master plan.
3. One (1) identification sign with a maximum thirteen feet (13') in width and twelve feet (12') feet in height may be placed on the property presently identified by parcel identification number 04-16-400-001 and located on the west side of Millbrook Road. This sign may not be illuminated.
4. Additional signage may be installed on the subject property as outlined and described in the submitted master plan. This signage may be illuminated. Adequate directional signage must be throughout the property, including street signs. All trails shall be marked at their beginnings and ends.
5. A variance to Section 7:01.D.46.g is granted to not require fencing along the west side of the property as shown in the submitted master plan.
6. The operating season shall be between April 15<sup>th</sup> and October 31<sup>st</sup> yearly. No campers may be on the property during the non-operating season. The Millbrook Village Board may extend the operating season upon request of the property owner and after notification to the Kendall County Planning, Building and Zoning Department regarding the extension.
7. None of the structures or signs placed on the subject property shall be considered agricultural structures and shall secure proper permits for construction, demolition, or renovation.
8. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
9. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
10. The minimum parcel size must be twenty (20) acres.
11. The park or campground must be screened from nearby agricultural and other land uses by a vegetative buffer other than multiflora rose or Honeysuckle. The width of the buffer should vary in proportion to the maximum campground or park population up to a maximum of three hundred feet (300').
12. The park or campground must maintain litter control and refuse collection so as to prevent litter or refuse from blowing onto or otherwise being deposited on nearby lands.
13. The storage, collection and disposal of refuse shall be performed as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.

14. Traffic from the park or campground must not seriously impair the movement of or cause hazard to agricultural and vehicular traffic.
15. Traffic generated by the maximum park or campground population must not exceed capacities of the local traffic network or cause public funds to be used for traffic safety or control improvements.
16. All lands classified as floodplains shall remain in permanent open space.
17. Areas with slopes greater than fifteen percent (15%) are to be retained in permanent open space.
18. No more than twenty percent (20%) of any forest shall be cleared or developed and the remaining eighty percent (80%) shall be retained in permanent open space or a tree study with a tree mitigation plan approved by the Millbrook Village Board may be submitted. General maintenance shall be exempt from the requirements of this section and this provision does not apply to the clearing of invasive species. Invasive species shall be defined by the Illinois Department of Natural Resources. (Amended at ZPAC).
19. All ponds, wetlands, and watercourses shall be left in permanent open space and no dredging, filling, or diversion of water shall be permitted.
20. Stormwater runoff shall be limited to the rate which would occur under natural conditions and shall be governed by the stormwater management permit.
21. The park or campground should provide separate circulation systems for vehicles and pedestrians.
22. Internal roads, except one (1) main collector road, should be one way and no wider than eighteen feet (18').
23. Collector roads should be no wider than twenty-four feet (24').
24. No parking is permitted on interior roads.
25. Recreational space within the park should be in proportion to the maximum park population and may include up to sixty percent (60%) of the park or campground.
26. All outdoor cooking facilities shall be located, constructed, and maintained to minimize fire hazard and smoke nuisance.
27. All accessory uses should be limited to park residents.
28. There shall be no indication of retail accessory uses visible from any public road or street.
29. Lots in the park or campground must be at least one thousand five hundred (1500) square feet and clearly marked on the ground with landmarks on the lot corners and lot signage approved by the local fire protection district.
30. Trailers and accessory structures must be separated from one another by at least ten feet (10') in all directions.
31. No recreational vehicle, tent, or location within a recreational vehicle park or campground shall be used as a permanent place of abode. If the address of the recreational vehicle park or campground is listed as a person's address on any government issued document, including, but not limited to, any government roll or registry (such as a voter roll or registry), or any application or enrollment information for a public, private, or parochial educational institution, the recreational vehicle park or campground shall be considered that person's permanent place of abode, regardless of the length of that person's occupancy. This provision shall not apply to campground caretakers or the immediate families of campground caretakers (Amended after ZPAC).
32. The maximum number of campground caretakers shall be two (2) (Amended at ZPAC).

## 33. Inspections

- a. The Planning, Building and Zoning Department and the Health Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance, but in no case shall such inspection take place less than once per year.
- b. The Planning, Building and Zoning Department and the Health Department shall have the power to enter at reasonable times and upon reasonable notice upon any private property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.
- c. The owner of the recreational vehicle park or campground, or his agent or employee, shall be required to maintain a register containing a record of all campers, picnickers, and visitors registered in the park or campground. The Planning, Building and Zoning Department, Health Department, law enforcement agency with jurisdiction, and the local fire protection district shall have the power to inspect the register upon request. The register shall be updated daily at minimum.
- d. It shall be the duty of the park management to give the Planning, Building and Zoning Department and the Health Department free access to all lots and other areas at reasonable times and upon reasonable notice for the purpose of inspection.
- e. It shall be the duty of every camper or picnicker in the park to give the owner thereof or his agent or employee access to any part of such recreational vehicle park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this special use permit and to facilitate inspections.

34. A map of the recreational vehicle park or campground shall be supplied to KenCom. At minimum, the map shall show the location and names or numbers of all lots and trails in the recreational vehicle park or campground and the location and names of all streets and trails. Changes to the map or any identification information on the map shall be reported to KenCom within thirty (30) days of the change.

35. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

36. The property owner and operators of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.

37. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.

38. Failure to comply with one or more of the above conditions could result in the amendment or revocation of the special use permit.
39. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
40. This special use permit and variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Member Wilson requested clarification on the meaning of condition 11 pertaining to the screening and buffering requirements. Mr. Asselmeier explained that this requirement came from the Zoning Ordinance and the Petitioner's landscaping plan met the requirements of this condition. The consensus of the Commission was to add a sentence to condition 11 stating that the submitted landscaping plan met the requirement.

Member Wilson felt that the proposal was excellent.

Member Rodriguez discussed his visits to the campground. He felt the campground was kid friendly and amazing. He noted that the campground brings people from out of state and other locations. He praised the work of the staff of the campground.

Member Rodriguez asked about the role of the Forest Preserve. The response was the Forest Preserve offered to assist with guidance regarding landscaping.

Member Nelson felt the campground has come a long way. He felt the proposal was a great improvement. He was glad to see that people living their year-round will not occur.

Member Wilson asked how two (2) caretakers would maintain the property. Boyd Ingemunson, Attorney for the Petitioner, said the campground has additional employees.

Member Nelson asked if the Petitioner would be open to Millbrook adopting a tourist tax. Mr. Ingemunson responded that idea had not been discussed. Member Wormley discussed the possibility of Millbrook generating sales tax from the sales of used campers. Mr. Ingemunson said that he was unaware of how sales tax was recorded with the Petitioner's corporate office.

Member Rodriguez asked about trash collection. Patrons can drop off trash at the enclosures.

Discussion occurred regarding the layout and expansion of the septic system. The Petitioner is working with the Health Department on this matter.

Gerard Dieter, neighbor, asked if campers would be left at the property year-round. The response was that recreational vehicles would stay at the property year-round. He felt the proposal was good. He said there was garbage visible near the creek from Budd Road because the leaves were off of the trees; he discussed the matter with the Fox Township Highway Commissioner. He would like the litter removed.

Member Bernacki asked if the hours of the swimming pools should be set the special use permit. Mr. Asselmeier responded the hours of the swimming pools could be set. The court order managed several aspects of the operation of the property. The consensus of the Commission was not to set hours for swimming pools.

Member Rodriguez made a motion, seconded by Member Nelson, to recommend approval of the special use permit and variances with the conditions proposed by Staff and the amendment to condition 11 stating the Petitioner's landscaping plan was sufficient.

The votes on were as follows:

Ayes (9): Ashton, Bernacki, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley  
Nays (0): None  
Absent (1): Stewart  
Abstain (0): None

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on October 31, 2022.

**CITIZENS TO BE HEARD/PUBLIC COMMENT**

None

**NEW BUSINESS**

None

**OLD BUSINESS**

None

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Asselmeier reported that Petition 22-01 was denied at the County Board.

**OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Asselmeier reported that the County received a request for the voluntary revocation of a special use permit for a small animal and small poultry processing plant on Lisbon Center Road. The business never commenced operations.

Mr. Asselmeier said the application deadline for the December meeting had not passed. If there was no meeting in December, Mr. Asselmeier would email Commissioners the invitee list for the Annual Meeting to ensure everyone that should be on the list was included on the list.

Member Casey asked about construction in the Highgrove Subdivision. Mr. Asselmeier said a permit had either been applied for or had been issued for the property.

Member Wilson asked about a landscaping business near Grove Road and Route 126. Mr. Asselmeier responded the property was under investigation, a warning letter has been sent, and they have until sometime in November to either apply for a special use permit or cease operations.

**ADJOURNMENT**

Member Rodriguez made a motion, seconded by Member Hamman, to adjourn. With a voice vote of nine (9) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 7:53 p.m.

Respectfully submitted by,  
Matthew H. Asselmeier, AICP, CFM  
Senior Planner



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**Petition 22-21****Donald Smith****Side Yard Setback Variance****INTRODUCTION**

The Petitioner would like to construct an approximately one thousand one hundred fifty-seven (1,157) square foot garage addition at the subject property. The garage would encroach twenty feet (20') into the front yard setback, thus reducing the setback from fifty feet (50') to thirty feet (30'). Per Section 8:07.E.1 of Kendall County Zoning Ordinance, the required front yard for this property is fifty feet (50').

The application materials are included as Attachment 1. The site plan is included as Attachment 2. The floor plan and elevations are included as Attachment 3. A picture of the subject property is included as Attachment 4. The topographic survey of the property is included Attachment 5. The aerial showing the zoning of properties inside the United City of Yorkville is included as Attachment 6. The aerial showing the zoning of properties in the unincorporated area is included as Attachment 7.

**SITE INFORMATION**

PETITIONER Donald Smith

ADDRESS 505 E. Spring Street, Yorkville

LOCATION North of the T-Intersection Created by Woodworth and E. Spring Street

TOWNSHIP Bristol

PARCEL #S 02-33-201-001

LOT SIZE 0.76 +/- Acres

EXITING LAND USE Single-Family Residential

ZONING R-3 One Family Residential District

LRMP	Current Land Use	Single Family Residential
	Future Land Use	Suburban Residential (1.00 DU/Acre Max) (County) Suburban Neighborhoods (Yorkville)
	Roads	E. Spring is maintained by the United City of Yorkville.
	Trails	None
	Floodplain/ Wetlands	None



**REQUESTED ACTION** Variance to allow an attached garage to encroach approximately twenty feet (20') into the front yard setback, thus reducing the front yard setback from the required fifty feet (50') to thirty feet (30')

**APPLICABLE REGULATIONS** § 8:07.E.1. – Primary Structure Front Yard Setbacks on R-3 Zoned Property  
§13:04 – Variation Procedures and Requirements

#### **SURROUNDING LAND USE**

<b>Location</b>	<b>Adjacent Land Use</b>	<b>Adjacent Zoning</b>	<b>LRMP</b>	<b>Zoning within ½ Mile</b>
North	Single-Family Residential	R-3 (County)	Suburban Residential (1.00 Max DU/Acre) (County) Suburban Neighborhoods (Yorkville)	N/A
South	Single-Family Residential	R-2 (Yorkville)	Suburban Neighborhoods (Yorkville)	N/A
East	Single-Family Residential	R-3 (County)	Suburban Residential (County) Suburban Neighborhoods (Yorkville)	N/A
West	Single-Family Residential	R-3 (County)	Suburban Residential (County) Suburban Neighborhoods (Yorkville)	N/A

## GENERAL INFORMATION

The subject parcel was created in March 1967.

The subject parcel has been zoned R-3 since 1974. The subject parcel is less than the required forty-five thousand square (45,000) feet for R-3 zoned property.

The house on the property was constructed in 1974. The house is approximately one thousand three hundred five (1,305) square feet in size.

Per the site plan (Attachment 2), the Petitioner plans to construct one (1) six hundred fifty (650) square foot addition on the west side of the house, one (1) one hundred thirty-six (136) square foot addition on the north side of the house, and one (1) one thousand one hundred fifty-seven (1,157) square foot addition on the east and south side of the house. Per the floor plans and elevations (Attachment 3), the addition on the east and south sides of the house will consist of a mud room, one (1) two (2) car garage, additional storage, and one (1) one (1) car garage.

As noted in the picture of the house (Attachment 4), the existing garage is located on the southeast corner of the house; the addition would be adjacent to the existing garage.

As noted in the site plan (Attachment 2), the existing septic field is located on the north side of the house.

Per the United City of Yorkville, the properties to the south are zoned R-2. The front yard setback for R-2 zoned properties inside the United City of Yorkville is thirty feet (30').

## BRISTOL TOWNSHIP

Bristol Township was emailed this proposal on October 4, 2022.

## BRISTOL-KENDALL FIRE PROTECTION DISTRICT

The Bristol-Kendall Fire Protection District was emailed this proposal on October 4, 2022.

## UNITED CITY OF YORKVILLE

The United City of Yorkville was emailed this proposal on October 4, 2022.

## FINDINGS OF FACT

§ 13:04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The subject parcel was platted in 1967 and the existing house was constructed in 1974. The existing septic field is located north of the house. The existing garage is located on the southeast corner of the house with an existing driveway between the garage and E. Spring Street. The proposed addition, including the two (2) new garage areas, is logically placed on the property. The proposed addition could not be constructed on the property in the size proposed without encroaching into the front (south) yard property because of the configuration of the property and the location of the house on the property.*

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. The number of properties zoned R-3, platted in the 1960s, not meeting the current minimum lot square footage requirement, with the type of configuration of house location in relation to a septic system and an existing garage is unknown.*

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The current owner did not plat the lot, construct the existing house, or install the existing septic system. The current owner does wish to construct the proposed addition.*

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.***

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. **The requested variance will not impair light reaching other properties, cause congestion on any public street, or diminish or impair property values. Provided the addition is constructed following applicable building codes, the variance will not increase the danger of fire or negatively impact public safety.***

#### **RECOMMENDATION**

Staff recommends approval of the requested variance subject to the following conditions:

1. The site shall be developed substantially in accordance with the site plan (Attachment 2), proposed elevation (Attachment 3, Page 3), and no part of the primary structure shall encroach within thirty feet (30') of the front (south) property line.
2. The owner of the property shall comply with all applicable federal, state, and local laws with regards to constructing and/or renovating the structure(s) on the subject property.
3. This variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns.

#### **ATTACHMENTS**

1. Application (Including Petitioner's Findings of Fact)
2. Site Plan
3. Floor Plan and Elevations
4. House Picture
5. Topographic Survey
6. Yorkville Zoning Aerial
7. Kendall County Zoning Aerial



# DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179

## APPLICATION

PROJECT NAME Smith/Clark Residence FILE #: \_\_\_\_\_

<b>NAME OF APPLICANT</b> ECA Architects & Planners		
<b>CURRENT LANDOWNER/NAME(s)</b> Donald Smith		
<b>SITE INFORMATION</b> ACRES 0.76	<b>SITE ADDRESS OR LOCATION</b> 505 E Spring St	<b>ASSESSOR'S ID NUMBER (PIN)</b> 02-33-201-001
<b>EXISTING LAND USE</b> Single Family Residence	<b>CURRENT ZONING</b> R3	<b>LAND CLASSIFICATION ON LRMP</b> Suburban Residential
<b>REQUESTED ACTION (Check All That Apply):</b>		
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input checked="" type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD ( <input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
<input type="checkbox"/> AMENDMENT TO A SPECIAL USE ( <input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
<b>PRIMARY CONTACT</b> ECA Architects & Planners	<b>PRIMARY CONTACT MAILING ADDRESS</b> [REDACTED]	<b>PRIMARY CONTACT EMAIL</b> [REDACTED]
<b>PRIMARY CONTACT PHONE #</b> [REDACTED]	<b>PRIMARY CONTACT FAX #</b>	<b>PRIMARY CONTACT OTHER #(Cell, etc.)</b>
<b>ENGINEER CONTACT</b>	<b>ENGINEER MAILING ADDRESS</b>	<b>ENGINEER EMAIL</b>
<b>ENGINEER PHONE #</b>	<b>ENGINEER FAX #</b>	<b>ENGINEER OTHER # (Cell, etc.)</b>
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. <b>THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE APPLICATION DATE.</b>		
<b>SIGNATURE OF APPLICANT</b> [REDACTED]		<b>DATE</b> 9/29/22

FEE PAID:\$ \_\_\_\_\_  
CHECK #: \_\_\_\_\_

<sup>1</sup>Primary Contact will receive all correspondence from County

<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants

Please fill out the following findings of fact to the best of your capabilities. § 13:04 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall take into consideration the extent to which the following conditions have been established by the evidence:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.*

The existing septic field is located at the rear of the house preventing any sizable addition from occurring at the rear without a complete reworking of the septic system.

The existing front yard setback doesn't allow for an addition at the front of the house either.

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.*

The location of the septic field in relation to the residence is specific to the subject property.

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.*

The post COVID climate of "work from home", the homeowners are in need of larger spaces and the creation of an "at-home" office. At the time of original construction, the septic field was placed in the most convenient place without thought of possible future expansion. The hardship exists of the expense to relocate the septic field. Construction costs are still significantly elevated and adding the significant costs of relocating the septic cannot be absorbed.

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.*

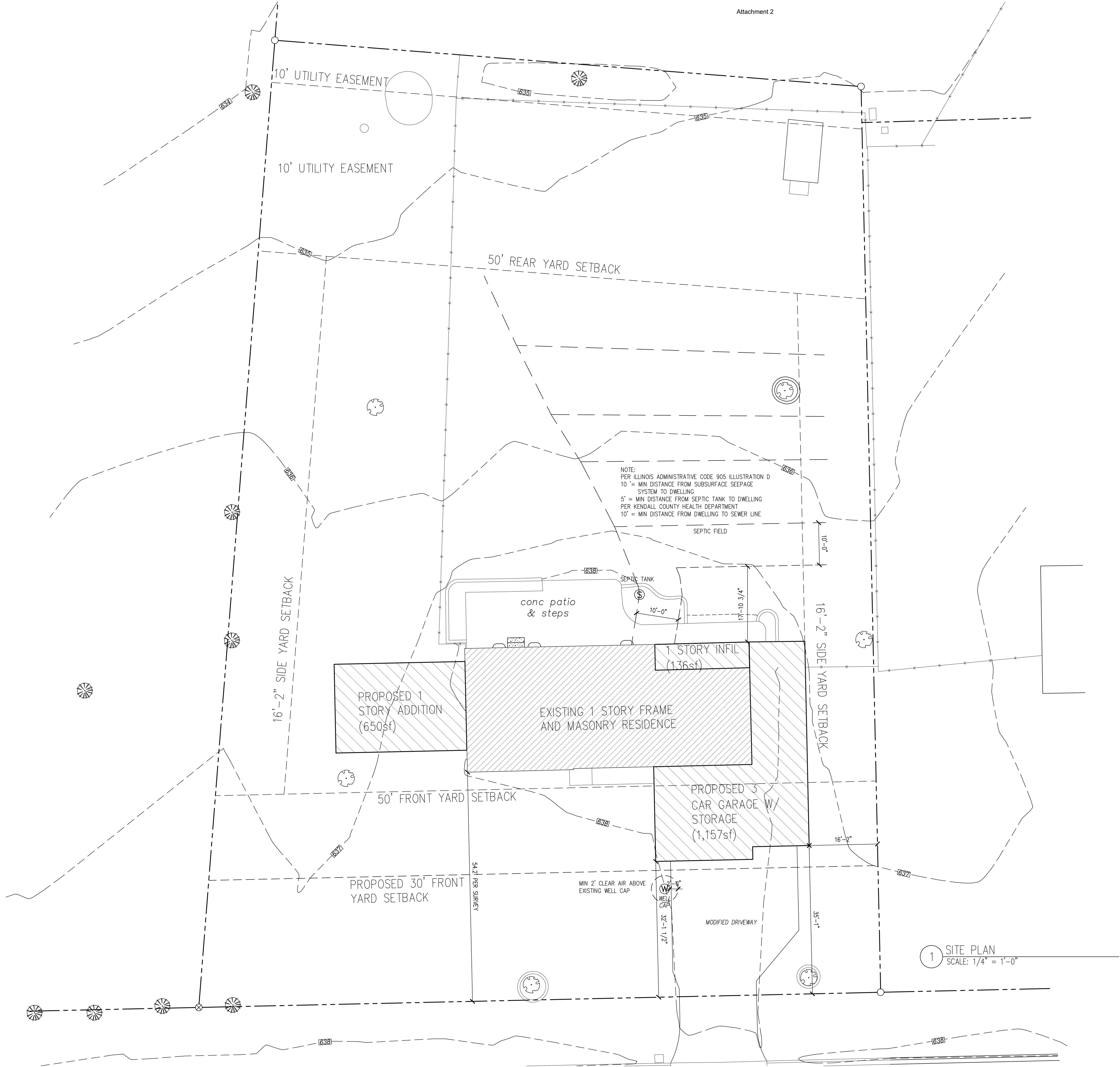
Allowing for a 30' front yard setback would bring the setback in line with Yorkville R-2 zoning that is present in the surrounding area.

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.*

-The proposed variation will not decrease the side yard setback and thus preserve the current distance between adjacent structures. This in turn will maintain the current supply of light and air along with maintain the current danger of fire.

-Given this is a single family residence no increase to congestion in public streets will occur.

-The proposed variation will not substantially diminish or impair property values within the neighborhood.



ARCHITECT:



24 N. BENNETT ST.  
GENEVA, IL 60134  
PHONE 630 608 0500  
FAX 630 786 3132

PROFESSIONAL DESIGN FIRM  
NO. 184 005766

CLIENT:

Renovation and Addition For:  
**The Clark Family**  
505 E. Spring St.  
Yorkville, IL 60560

REVISIONS:

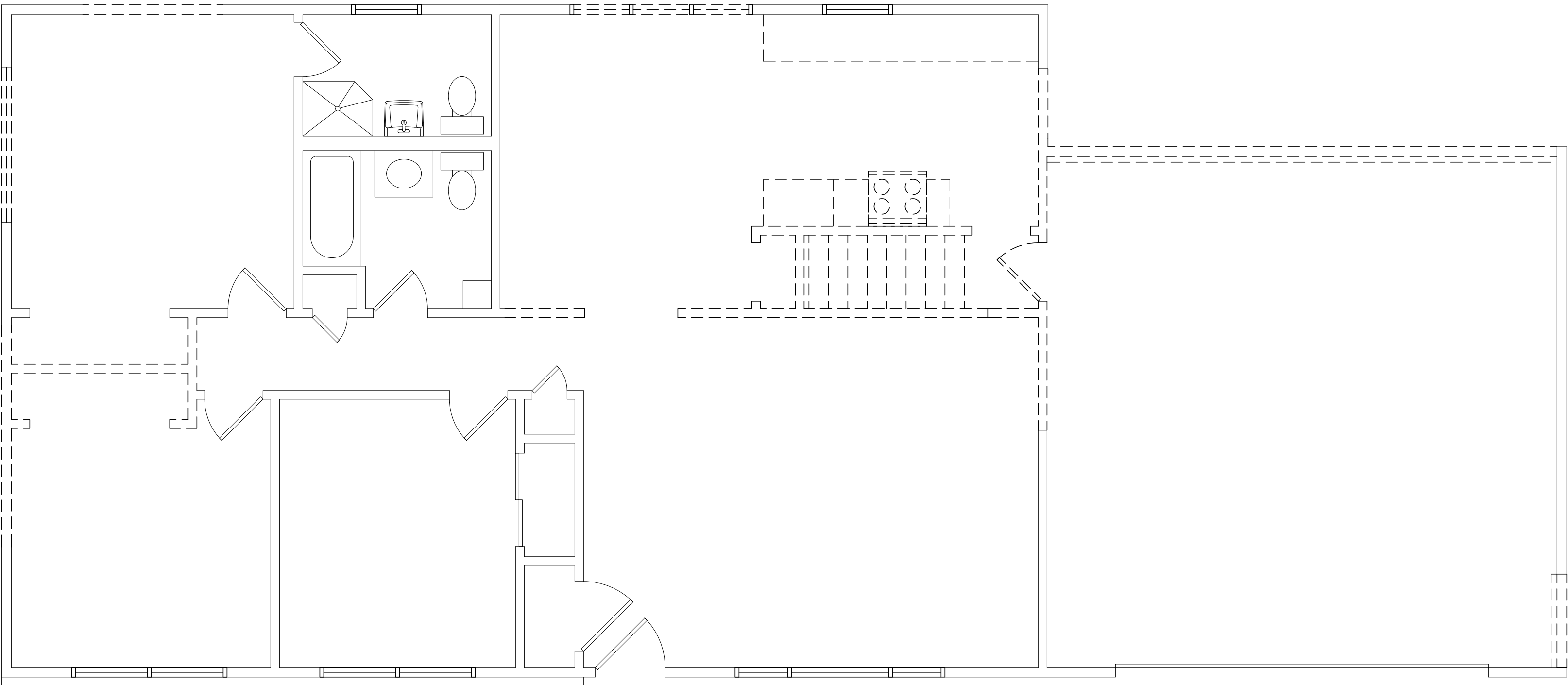
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1	VARIANCE SUBMITTAL	09-29-22
2		
3		
4		
5		
6		
7		
8		

FILE NAME: 21319\_ClarK Res  
DRAWN BY: WBK REVIEWED BY: ERC 09-29-22

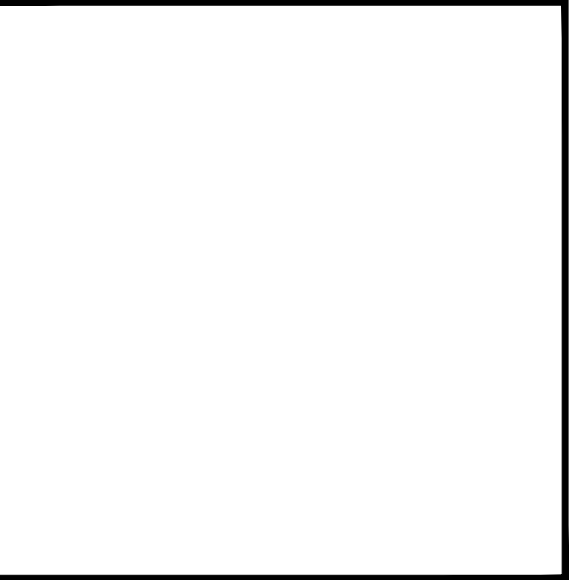
SHEET TITLE:

SITE PLAN  
SHEET NO.

A000



1 EXISTING FLOOR PLAN  
SCALE: 1/4" = 1'-0"



ARCHITECT:

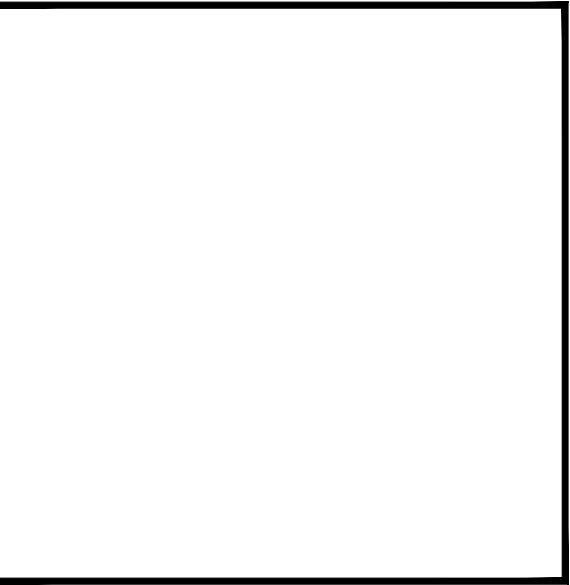
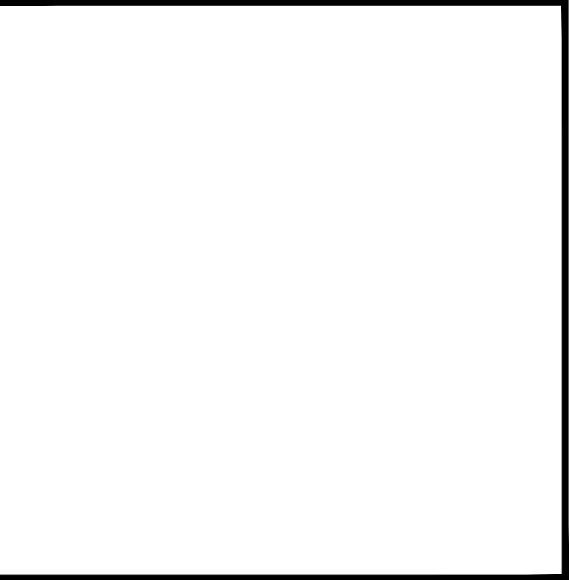
ECA

ARCHITECTS

PLANNERS

24 N. BENNETT ST.  
GENEVA, IL 60134  
PHONE 630 608 0500  
FAX 630 786 3132

PROFESSIONAL DESIGN FIRM  
NO. 184 005766



CLIENT:

Renovation and Addition For:

The Clark Family

505 E. Spring St.  
Yorkville, IL 60560

REVISIONS:		
#	DESCRIPTION	DATE
	VARIANCE SUBMITTAL	09-29-22
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.		.

FILE NAME: 21319\_Clark Res

DRAWN BY: WBK      REVIEWED BY: ERC      09-29-22

SHEET TITLE:

EXISTING FLOOR PLAN

SHEET NO.

A100

IF PRINTED TO SCALE, BOTH THESE BARS WILL MEASURE 1" 123456789



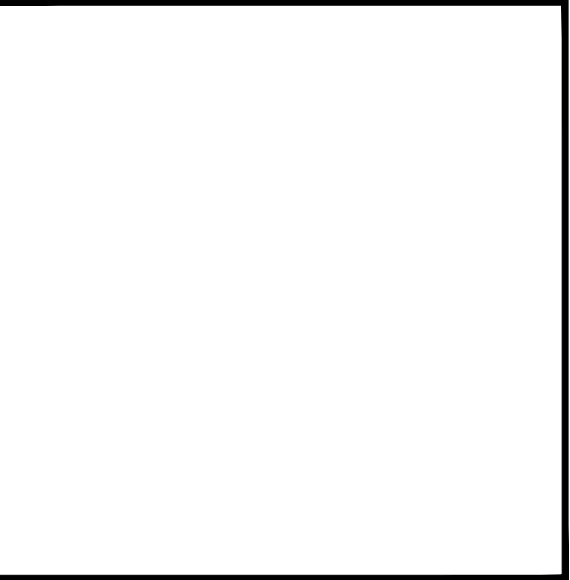
A101



1 EXISTING ELEVATION  
SCALE: 1/4" = 1'-0"



2 PROPOSED ELEVATION  
SCALE: 1/4" = 1'-0"



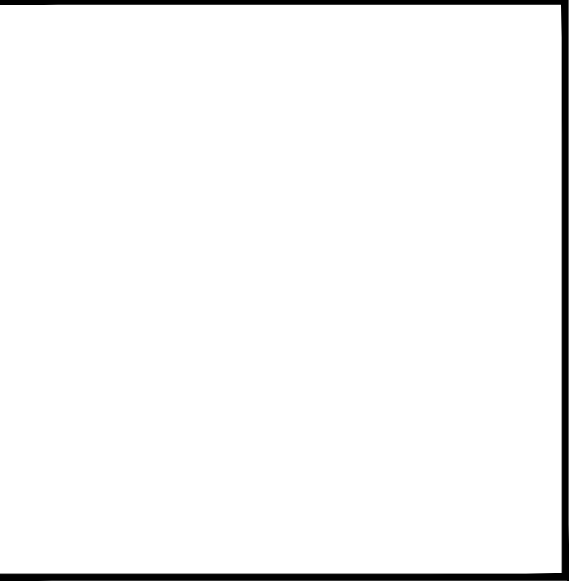
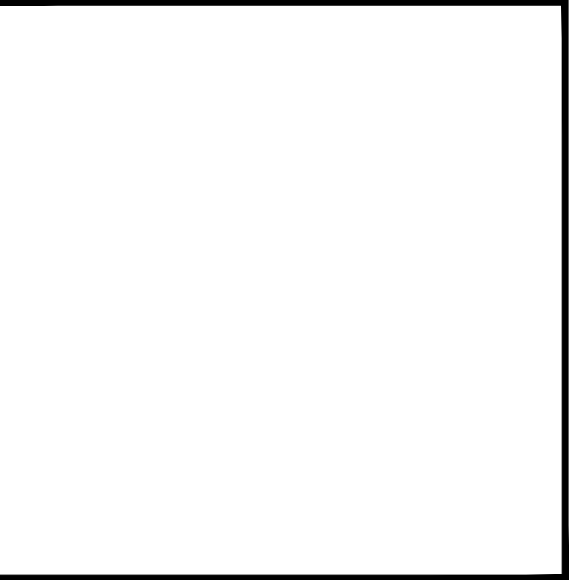
ARCHITECT:



**ECA**  
ARCHITECTS  
PLANNERS


24 N. BENNETT ST.  
GENEVA, IL 60134  
PHONE 630 608 0500  
FAX 630 786 3132

PROFESSIONAL DESIGN FIRM  
NO. 184 005766



CLIENT:

Renovation and Addition For:  
**The Clark Family**  
505 E. Spring St.  
Yorkville, IL 60560

REVISIONS: 		
#	DESCRIPTION	DATE
1	VARIANCE SUBMITTAL	09-29-22

FILE NAME: 21319\_ClarK Res

DRAWN BY: WBK

REVIEWED BY: ERC

09-29-22

SHEET TITLE:

EXIST ELEVATION  
PROPOSED ELEVATION

SHEET NO.

A200



09/30/2022 09:57

# TOPOGRAPHIC EXHIBIT

LOT 2 OF DECKER'S SUBDIVISION, IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 505 EAST SPRING STREET, YORKVILLE, ILLINOIS.

PROPERTY CONTAINS: 33,268.5 SQUARE FEET, MORE OR LESS.

Source Benchmark:

City of Yorkville

Survey Control Monument #8  
Elevation=629.66 (NAVD 88)

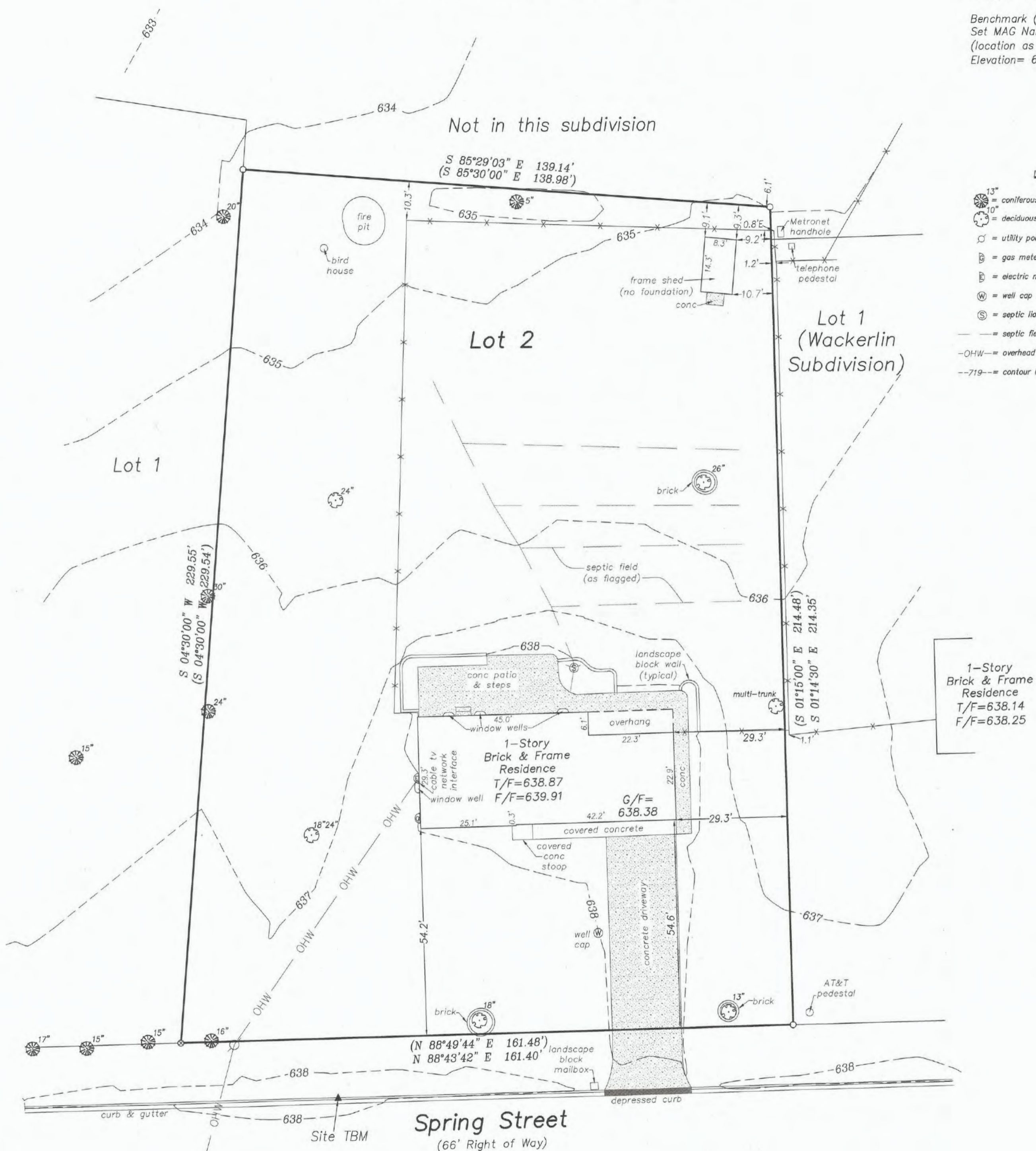
Benchmark (Site TBM):

Set MAG Nail in top of curb.  
(location as noted)

Elevation= 638.62 (NAVD 88)

## Legend

- 13" = coniferous tree and tree size
- 20" = deciduous tree and tree size
- = utility pole
- ⊗ = gas meter
- ⊕ = electric meter
- ⊙ = well cap
- ⊞ = septic lid
- = septic field
- OHW- = overhead wires
- 719- = contour line



STATE OF ILLINOIS )  
COUNTY OF KENDALL ) SS

WE, CORNERSTONE SURVEYING, P.C., AN ILLINOIS PROFESSIONAL DESIGN FIRM LAND SURVEYOR CORPORATION NO. 184.006522, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

DATED AT YORKVILLE, ILLINOIS ON SEPTEMBER 26, 2022.



Michel C. Ensalaco, P.L.S. 2768, Exp. 11/30/2022  
Eric C. Pokorny, P.L.S. 3818, Exp. 11/30/2022

**TODD SURVEYING**

Professional Land Surveying Services  
"Cornerstone Surveying PC"  
759 John Street, Suite D  
Yorkville, IL 60560  
Phone: 630-892-1309 Fax: 630-892-5544

Survey is only valid if original seal is shown in red.

Client: Don Smith

Book #2407/sh Drawn By: ECP Plot # 4272

Reference: 2008-0961-2011

Field Work Completed: 9/23/2022

Rev. Date | Rev. Description

Project Number:

2022-1037 TOPO

Scale: 1" = 20'

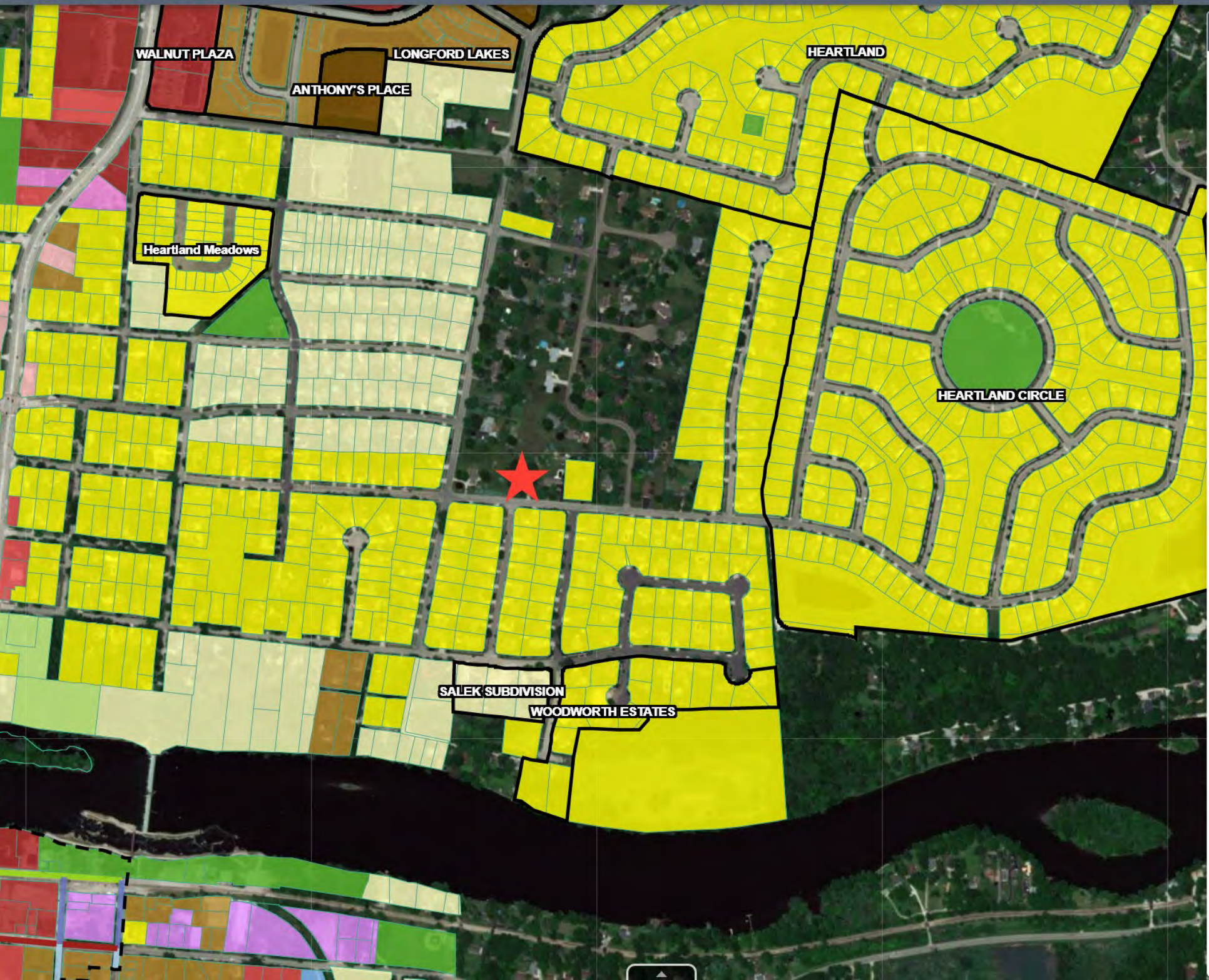
○ = Found 3/4" Dia. Iron Pipe  
⊗ = Found 1/2" Dia. Iron Pipe

(XX.XX)' = Record Distance  
XX.XX' = Measured Distance

N = North E = East  
S = South W = West

--- = Fence

■ = Concrete/Asphalt



### Layer List

Layers

- ☒ Develop
- ☒ Downto
- ☒ Downto
- ☒ Zoning

- A-1 AG
- B-1 LO
- B-2 RET
- B-3 GE
- DISTRICT
- E-1 EST
- FOREST
- M-1 LIM
- M-2 GE
- N/A
- O OFFI
- OS-1 O
- OS-2 O
- PLANN
- R-1 SIN
- DISTRICT
- R-2 SIN
- RESIDE
- R-2D TV
- DISTRICT
- R-2D TV
- DISTRICT
- R-3 MU
- DISTRICT
- R-4 GE
- DISTRICT
- others

Search PIN, Address, etc.

