

COUNTY OF KANE

**DEVELOPMENT & COMMUNITY
SERVICES DEPARTMENT**
Mark D. VanKerkhoff, AIA, Director
Building Officer
Zoning Enforcing Officer



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October 3, 2019 via email and hand delivered on October 4, 2019

Ed Romero and Bruce Oehlerking
Tianguis LLC
14N630 State Route 25
East Dundee IL, 60118

Re: Zoning Petition 4514 and recent events and scheduled event in violation of various sections of the Kane County Code

Dear Mr. Romero and Mr. Oehlerking,

Your petition for rezoning for the above property under Petition 4514 is currently in process. It is scheduled to be on the agenda for the County Development Committee on October 15, 2019.

The County has been made aware of recent events and activities which are violations of various sections of the Kane County Code, including, but not limited to, the sections that pertain to liquor, zoning and building regulations. We are also aware that another event is publicized to be held on October 6, 2019.

Your submitted petition stated that the area labeled "weddings and parties" on the original site plan and labeled "Events Center" on the revised site plan dated 8/9/2019 would be "an outdoor area to accommodate various entertainment venues". In Mr. Oehlerking's subsequent testimony at the public hearings conducted by the Zoning Board of Appeals, he stated; "Back in 1990 we were doing just very, very well with picnics. The Dot-combust came, everybody couldn't have -- the corporations couldn't do it anymore. My belief is we can resurrect that again. So that's part of it and make that into --it's somewhat of a -- not recreating but something we want to do going into next season. This will enable large groups of corporation people to have team building events mostly during the daylight hours, and we shut them down at 9:00. That's by our choice." He later stated this in response to a question about the use of the outdoor area; "Some of that is to be determined yet how it's all going to be because we don't have vendors lined up and have the zoning lined up." (quotes from Transcript of Public Hearing - Petition 4514, Volume II Conducted on September 10, 2019)

The County has received noise and other complaints about events held in the area of your property currently fenced in to the south and west of the building used for banquets. Picnics and parties are permitted uses under the current zoning, but B-4 zoning is required in order to serve alcohol in the fenced in area. The County has evidence that outdoor concerts with an unpermitted stage, an unpermitted outdoor food/bar counter and an unpermitted rodeo have been held in the fenced in area. These types of events are not permitted under the current zoning. If you want to propose these uses in your current petition, you will need to specifically stipulate what uses and related details (such as number and types events, number of attendees, hours, etc.) you propose. In addition, since outdoor concert venues and rodeo are not defined and listed as permitted or special uses in the Zoning Ordinance, you will either need to revised the zoning petition to a Planned Unit Development (PUD) and include these proposed uses or work with County staff to develop a corresponding text amendment to the Zoning Ordinance for these uses.

In addition, be reminded that serving alcohol in this area is not permitted under the current zoning and subsequently not permitted in this area as part of the current liquor license. The County has evidence that patrons have been served and/or consumed alcoholic beverages at events in the fenced in area currently not zoned or licensed for alcohol to be served.

In terms of the event publicized to be held on October 6, 2019, this letter is official notice that holding this event would be a violation of the Kane County Code. In the event you decide to proceed with the event you would be in violation of the Kane County Code which could result in court costs and fines. Please also note that serving or selling of alcoholic beverages, charging a cover fee, or otherwise taking money in exchange for alcoholic beverages in areas not zoned for such uses are violations of the State and County liquor codes.

If you have any questions regarding this letter please give me a call at my office 630-232-3451.

Sincerely,



Mark D. VanKerkhoff, AIA
Zoning Enforcing Officer and Building Officer

Cc: Marzenia Vandeburgt, KC States Attorney Office
Barbara Garza, KC Liquor Commission
Christopher Collins, KC Sheriff's Office
Kane County Board Office