

1                   BEFORE THE DU PAGE COUNTY  
2                   ZONING BOARD OF APPEALS  
3

4           Conditional Use to allow a video) Z24-068  
5           gaming cafe in a B-1 District. ) Penny's Place

6                               November 21, 2024

  6:00 p.m.

7                               PROCEEDINGS HAD and testimony  
8           taken before the DU PAGE COUNTY ZONING BOARD OF  
9           APPEALS, taken at the DuPage County  
10          Administration Building, 421 North County Farm  
11          Road, Wheaton, Illinois, before LINDA M.  
12          CIOSEK, C.S.R. a Notary Public qualified and  
13          commissioned for the State of Illinois.

14          BOARD MEMBERS PRESENT:

15                   MR. ROBERT KARTHOLL, Chairman.

16                   MR. DENNIS MORAN, Commissioner.

17                   MR. BARRY KETTER, Commissioner.

18                   MR. JACK MURPHY, Commissioner.

19                   MR. ZAIN RAHMAN, Commissioner.

20                   MR. JIM JAROG, Commissioner.

21                   MR. CARL SCHULTZ, Commissioner.

22          ALSO PRESENT:

23                   MS. JESSICA INFELISE DATZMAN, Planning &  
24

Page 2

1 Zoning.  
 2 MR. PAUL HOSS, Planning & Zoning.  
 3 MR. PAUL LAURICELLA, Planning &  
 4 Zoning.  
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Page 4

1 CHAIRMAN KARTHOLL: This is the DuPage  
 2 County Zoning Board of Appeals. We're here  
 3 this evening November 21 to conduct our  
 4 meeting, which includes a zoning petition.  
 5 First I'll call the meeting  
 6 to order and note that we have a full board  
 7 present. There's no public comment to be  
 8 offered unrelated to the public hearing which  
 9 we'll have in a moment or two. And we have no  
 10 minutes to be approved, so I'll turn to the  
 11 continuation of the Penny's Place petition,  
 12 that's 24-068 Penny's Place which is a request  
 13 for conditional use to allow a video gaming  
 14 cafe restaurant in a B-1 Local Business Zoning  
 15 District.  
 16 Sir, can I ask you to be  
 17 sworn in.  
 18 (Whereupon, the oath was  
 19 duly administered by the  
 20 Notary.)  
 21 THE COURT REPORTER: And can you state  
 22 your name again, please.  
 23 MR. THIESSEN: Mike Thiessen,  
 24 T-h-i-e-s-s-e-n.

Page 3

1 EXHIBITS  
 2 Page No.  
 3  
 4 Petitioner's Exhibit 3 5  
 5 Petitioner's Group Exhibit 4 5  
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 8 (No exhibits retained)  
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1 THE COURT REPORTER: Thank you.  
 2 CHAIRMAN KARTHOLL: Okay, Mr. Thiessen,  
 3 we already have Exhibits 1 survey, and 2 site  
 4 plan. Do you have additional exhibits tonight  
 5 as we requested?  
 6 MR. THIESSEN: Yeah, Mr. Chairman, you  
 7 wanted a survey that was more relevant than  
 8 that one, so that is a survey from last year  
 9 when the property closed. It also shows the  
 10 enclosure of the dumpster that you requested on  
 11 the last meeting, so I wanted to give you that.  
 12 CHAIRMAN KARTHOLL: Great. We'll take  
 13 this as Petitioner's Exhibit 3 dated 11/21.  
 14 (Whereupon, Petitioner's  
 15 Exhibit 3 was marked for  
 16 identification.)  
 17 MR. THIESSEN: Then you had asked for a  
 18 space allocation and roster of all of the  
 19 tenants, which I've done here with this. I'm  
 20 going to give you another one.  
 21 CHAIRMAN KARTHOLL: Okay, that's Exhibit  
 22 4.  
 23 (Whereupon, Petitioner's  
 24 Group Exhibit 4 was marked

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1 for identification.)

2 MR. THIESSEN: So these are labeled.

3 This one is -- 13 is currently empty, according

4 to the landlord today, but those are numbered

5 by the space that they're in on the following

6 page.

7 CHAIRMAN KARTHOLL: Great, thank you.

8 Petitioner's Exhibit 4 is two pages.

9 Okay, have you handed out

10 the new survey to everybody or just me?

11 MR. THIESSEN: Everybody will have a

12 copy.

13 CHAIRMAN KARTHOLL: Okay, I'll see if I

14 can read it.

15 You know this isn't the most

16 critical issue that we have to face, but it's a

17 custom to delineate the dumpster, which is why

18 I asked for this. But having asked for it, I

19 can't see it on this. This is a faint -- I

20 mean, maybe my glasses aren't strong enough,

21 but where is the dumpster located?

22 MR. THIESSEN: This is the dumpster

23 right here, sir.

24 CHAIRMAN KARTHOLL: Oh, I see. Okay,

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1 great, thanks.

2 MR. THIESSEN: You're welcome.

3 COMMISSIONER KETTER: That one here?

4 CHAIRMAN KARTHOLL: Yeah, right here.

5 For everybody else, it's kind of right here.

6 All right, so then why don't

7 you just -- how did you determine the Exhibit

8 4? Did you go to the landlord and ask him for

9 a tenant list?

10 MR. THIESSEN: Yes, I asked him for a

11 tenant list. Currently there is one spot open,

12 I believe it's 10, the nail salon.

13 CHAIRMAN KARTHOLL: Okay.

14 MR. THIESSEN: 9 or 10 is currently

15 available, and it's being listed on Loop Net,

16 so I know that it's empty.

17 CHAIRMAN KARTHOLL: So you have a Thai

18 restaurant. What's massage?

19 MR. THIESSEN: I think that's a massage

20 place. That's next to us, I know that much,

21 and then we have two units, we have 4 and 5 on

22 the map.

23 CHAIRMAN KARTHOLL: Okay.

24 MR. THIESSEN: And there's a jewelry

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1 store, a vape store.

2 CHAIRMAN KARTHOLL: The Gem is a jewelry

3 store?

4 MR. THIESSEN: I believe so, yes.

5 CHAIRMAN KARTHOLL: Vape shop, a pizza

6 place, a deli, a nail salon vacant, Mexican

7 restaurant for two --

8 MR. THIESSEN: That's on the corner.

9 It's on the elbow right there.

10 CHAIRMAN KARTHOLL: Oh, all right. Oh,

11 yeah, I see it. And then -- okay.

12 MR. THIESSEN: And then the liquor store

13 is on the far end of the L.

14 CHAIRMAN KARTHOLL: And still -- I think

15 I asked you last time, there's no designated

16 parking for any of these units?

17 MR. THIESSEN: No, we all share.

18 CHAIRMAN KARTHOLL: Okay.

19 MR. THIESSEN: I submitted an affidavit

20 with our liquor license permit to that effect

21 that had been signed off by the landlord.

22 CHAIRMAN KARTHOLL: Okay. Do you have

23 anything else that you want to offer tonight?

24 MR. THIESSEN: No, that we've been a

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1 business in good standing for I think almost

2 four years with no complaints to my knowledge,

3 no violations, no Health Department issues, no

4 business license issues, no liquor license

5 issues, no public service requirements of

6 police or fire, so I believe we're -- I don't

7 believe, I know we're current on all of our

8 state taxes, local taxes and licensing fees.

9 CHAIRMAN KARTHOLL: Okay. Well, the

10 reason for the comparison of tenants is to

11 determine whether you fit here as a video

12 gaming cafe and to deal with any parking

13 issues. So we'll have to kind of look through

14 this a little bit.

15 With that having been said,

16 are there any questions from any member of the

17 Board?

18 COMMISSIONER MORAN: I do have one.

19 Operations, time of operations?

20 MR. THIESSEN: We are 8:00 to midnight

21 or 8:00 to 1:00. Whatever the liquor license

22 is for the County, that's what we operate

23 under.

24 COMMISSIONER MORAN: Okay.

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|---|--|
| <p style="text-align: right;">Page 10</p> <p>1 MR. THIESSEN: If I'm wrong, I'll be<br/> 2 wrong on the morning, not on the evening,<br/> 3 meaning that if I'm wrong, I'll be wrong on the<br/> 4 morning, not on the evening. Meaning that if<br/> 5 we don't have demand at 8:00, we won't open<br/> 6 until 9:00.<br/> 7 CHAIRMAN KARTHOLL: Well, it's B-1 so<br/> 8 your hours -- unless we impose a limit, your<br/> 9 hours would not be restricted.<br/> 10 Any other questions?<br/> 11 COMMISSIONER KETTER: I think we went<br/> 12 through all of this at the first hearing,<br/> 13 questions and facts.<br/> 14 CHAIRMAN KARTHOLL: We did, I just<br/> 15 wondered whether these additional exhibits<br/> 16 would cause any additional questions.<br/> 17 Just, are you familiar with<br/> 18 this operation of this center at all on a<br/> 19 regular day-to-day basis?<br/> 20 MR. THIESSEN: I mean I don't go there<br/> 21 every day, but I probably go there once a<br/> 22 month.<br/> 23 CHAIRMAN KARTHOLL: What's the parking<br/> 24 lot look like? Is it --</p>                       | <p style="text-align: right;">Page 12</p> <p>1 payer, I know we're a good tax generator, and<br/> 2 we're a very small public service, so I would<br/> 3 hope you could grant us this request knowing<br/> 4 that we were there prior to the change in<br/> 5 zoning. We didn't have any issues then, so I<br/> 6 don't know why we would have any issues moving<br/> 7 forward.<br/> 8 CHAIRMAN KARTHOLL: Okay. Could you<br/> 9 give us a schedule, Jessica?<br/> 10 MS. INFELISE DATZMAN: The next<br/> 11 recommendation meeting is December 5th.<br/> 12 CHAIRMAN KARTHOLL: Okay, we'll adjourn<br/> 13 this evening, close the record and consider<br/> 14 this case on December 5 at 5:30 in this room,<br/> 15 along with other cases that have come before<br/> 16 us. And then our recommendation goes<br/> 17 ultimately to the Development Committee and<br/> 18 finally the County Board, and that schedule is<br/> 19 a little bit interrupted because of the holiday<br/> 20 circumstance. So this probably won't be fully<br/> 21 resolved until the middle of January.<br/> 22 MR. THIESSEN: Okay. Would you like my<br/> 23 attendance on the 5th, Your Honor?<br/> 24 CHAIRMAN KARTHOLL: You don't have to be</p> |
| <p style="text-align: right;">Page 11</p> <p>1 MR. THIESSEN: It's busier like on<br/> 2 Thursday, Friday, Saturday. We get a little<br/> 3 bit busy with the restaurant mix. It's a good<br/> 4 restaurant, we eat there as a staff. And then<br/> 5 the liquor store is a little busier, but not an<br/> 6 everyday thing. It's ebb and flow.<br/> 7 CHAIRMAN KARTHOLL: How long has the<br/> 8 nail salon been vacant?<br/> 9 MR. THIESSEN: I don't know, sir, I<br/> 10 would just be guessing. I mean as a tenant I<br/> 11 just don't know. And that's not a company<br/> 12 that's close enough to us that we would realize<br/> 13 that there's now less people walking by our<br/> 14 store.<br/> 15 CHAIRMAN KARTHOLL: Well, I don't have<br/> 16 any other questions. No questions from<br/> 17 anybody?<br/> 18 (No response.)<br/> 19 CHAIRMAN KARTHOLL: Short meeting.<br/> 20 All right, do you have any<br/> 21 concluding remarks?<br/> 22 MR. THIESSEN: No. I mean we just hope<br/> 23 to keep doing business, I think we're a good<br/> 24 corporate citizen, I know we're a good rent</p> | <p style="text-align: right;">Page 13</p> <p>1 here. Number one, there's no testimony, no<br/> 2 further testimony to be taken. And number two,<br/> 3 if you would like to attend, you can attend by<br/> 4 Zoom.<br/> 5 MR. THIESSEN: Okay. I don't want to<br/> 6 not be here if there's a question.<br/> 7 CHAIRMAN KARTHOLL: Well, then maybe<br/> 8 Zoom is most convenient for you.<br/> 9 MR. THIESSEN: It's not an<br/> 10 inconvenience, I just need to know. I would<br/> 11 rather be safe. As long as there's not like<br/> 12 Monday night football or something, I'm in.<br/> 13 I'm here.<br/> 14 CHAIRMAN KARTHOLL: You know, the world<br/> 15 is a topsy-turvy place, but Monday night<br/> 16 football doesn't, in my experience, occur on<br/> 17 Thursday nights.<br/> 18 MR. THIESSEN: There is Thursday night.<br/> 19 I was being a little bit of a smart aleck.<br/> 20 CHAIRMAN KARTHOLL: I was, too,<br/> 21 actually.<br/> 22 All right, well we're good.<br/> 23 Thank you very much for providing the<br/> 24 additional information that we requested and</p>  |

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1 we'll consider it, and as I say, make our  
 2 recommendation on whatever it is, December 5th.  
 3 MR. THIESSEN: I didn't realize we had  
 4 to go then to the Development Committee and  
 5 then the full Board?  
 6 CHAIRMAN KARTHOLL: Yeah, that's how  
 7 this proceeds, but I mean you're welcome to  
 8 attend those. You can make a statement if you  
 9 care to, but it's not customarily done and it's  
 10 not required.  
 11 MR. THIESSEN: Okay.  
 12 CHAIRMAN KARTHOLL: So whatever you  
 13 choose. But you might, you know, take a cue  
 14 from Jessica who will monitor this case as it  
 15 proceeds and present it at the Development  
 16 Committee.  
 17 MR. THIESSEN: Okay, great. Thank you  
 18 very much.  
 19 CHAIRMAN KARTHOLL: Great, thank you.  
 20 We are closed.  
 21 I'm sorry, there's no old  
 22 business to consider, no new business to  
 23 consider, and so therefore we will adjourn for  
 24 the evening.  
 (Which were all the

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1  
 2 proceedings had and  
 3 testimony taken in the  
 4 above-entitled cause.)  
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1 STATE OF ILLINOIS )  
 ) SS.  
 2 COUNTY OF DU PAGE )  
 3 I, LINDA M. CIOSEK, C.S.R.  
 4 No. 084-2892, duly qualified and commissioned  
 5 for the State of Illinois, County of DuPage, do  
 6 hereby certify that at the request of the DU  
 7 PAGE COUNTY ZONING BOARD OF APPEALS, subject to  
 8 the usual terms and conditions of Veritext,  
 9 reported in shorthand the proceedings had and  
 10 testimony taken at the public hearing of the  
 11 above-entitled cause, and that the foregoing  
 12 transcript is a true, correct and complete  
 13 report of the testimony so taken at the time  
 14 and place hereinabove set forth.  
 15  
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 17  
 18 *Linda M. Ciosek*  
 19  
 20 CERTIFIED SHORTHAND REPORTER  
 21  
 22 My Commission Expires:  
 23 July 26, 2026.  
 24

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|-------------------------|------------------------|-------------------------|------------------------|
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