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BEFORE THE DU PAGE COUNTY
ZONING BOARD OF APPEALS

Conditional Use and variations for)
video gaming terminal establishment) Z25-044

October 15, 2025

6:36 p.m.

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

BOARD MEMBERS PRESENT:

MR. ROBERT KARTHOLL, Chairman.

MR. JACK MURPHY, Commissioner.

MR. CARL SCHULTZ, Commissioner.

MR. DENNIS MORAN, Commissioner.

MR. JIM JAROG, Commissioner.

ALSO PRESENT:

MS. ASHLYN KIRBY, Zoning
Administration Coordinator.

<p style="text-align: right;">Page 2</p> <p style="text-align: center;">E X H I B I T S</p> <p style="text-align: center;">Page No.</p> <p>Petitioner's Exhibit 1 5</p> <p>Petitioner's Group Exhibit 2 6</p> <p>Petitioner's Group Exhibit 3 9</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 4</p> <p>1 testify.</p> <p>2 MR. LIPPNER: Yes, and Mr. Chirag</p> <p>3 Patel.</p> <p>4 (Whereupon, the oath was</p> <p>5 duly administered by the</p> <p>6 Notary.)</p> <p>7 CHAIRMAN KARTHOLL: Mr. Patel, I'll</p> <p>8 ask you to identify yourself at the time that</p> <p>9 you make your presentation.</p> <p>10 MR. PATEL: Sure.</p> <p>11 MR. LIPPNER: This is Exhibit 1, the</p> <p>12 plat of survey.</p> <p>13 CHAIRMAN KARTHOLL: That's the survey,</p> <p>14 okay, great.</p> <p>15 MR. PATEL: Sorry, I found it.</p> <p>16 CHAIRMAN KARTHOLL: That's okay with</p> <p>17 me. This can't be a survey.</p> <p>18 MR. PATEL: No, that's not.</p> <p>19 CHAIRMAN KARTHOLL: Okay.</p> <p>20 MR. PATEL: Sorry.</p> <p>21 CHAIRMAN KARTHOLL: How big is this</p> <p>22 site, a third of an acre? Well, okay, maybe</p> <p>23 it's a copy of a portion of a survey, I don't</p> <p>24 know.</p>
<p style="text-align: right;">Page 3</p> <p>1 CHAIRMAN KARTHOLL: My next case on</p> <p>2 the agenda is the Lloyd Avenue case. That's</p> <p>3 25-044, 7-Eleven, 34077 Lloyd Avenue, and</p> <p>4 this is a request for a conditional use to</p> <p>5 allow a video gaming terminal establishment</p> <p>6 in a B-1 Local Business Zoning District with</p> <p>7 a variation to allow a video gaming terminal</p> <p>8 establishment within a thousand feet of a</p> <p>9 school and daycare.</p> <p>10 The matter was published</p> <p>11 in the Daily Herald September 30, 2025. And</p> <p>12 we have, let's see, objections from the</p> <p>13 Village of Downers Grove, objections from the</p> <p>14 Village of Lombard, and no other comments</p> <p>15 from any of the various authorities.</p> <p>16 Same situation with</p> <p>17 respect to the survey?</p> <p>18 MR. LIPPNER: Yes. Wait, Mr. Chirag</p> <p>19 Patel --</p> <p>20 CHAIRMAN KARTHOLL: Well, we'll figure</p> <p>21 that out later. But let's assume that we</p> <p>22 need a survey, and that will be No. 1, but</p> <p>23 then would you be sworn in in this case,</p> <p>24 please, and anybody else that wants to</p>	<p style="text-align: right;">Page 5</p> <p>1 MR. PATEL: This was in my franchise</p> <p>2 agreement, so I was going through it.</p> <p>3 CHAIRMAN KARTHOLL: Okay. Well, we'll</p> <p>4 take it as -- we still need a valid survey,</p> <p>5 but I'll take this as the preferred exhibit</p> <p>6 to be substituted with a proper survey unless</p> <p>7 we resolve this survey issue.</p> <p>8 (Whereupon, Petitioner's</p> <p>9 Exhibit 1 was marked for</p> <p>10 identification.)</p> <p>11 CHAIRMAN KARTHOLL: Okay, next?</p> <p>12 MR. LIPPNER: Good evening again,</p> <p>13 members of the Board, my name is Jonathan</p> <p>14 Lippner. I represent the subject property at</p> <p>15 2S651 Lloyd Avenue, Lombard, Illinois, where</p> <p>16 there is another 7-Eleven store operated by</p> <p>17 the store owner Mr. Chirag Patel who is here</p> <p>18 with me this evening.</p> <p>19 The store seeks a zoning</p> <p>20 variance to operate video gaming with less</p> <p>21 than a thousand foot distance from a school</p> <p>22 and daycare. And it also seeks a conditional</p> <p>23 use to operate video gaming in a B-1 Local</p> <p>24 Business District.</p>

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1 If you can turn to the
 2 second packet I provided you this evening,
 3 it's the larger one. This will give you a
 4 lay of the land of the 7-Eleven store and the
 5 nearby daycare and school near the
 6 intersection of Butterfield and Lloyd Avenue.
 7 And the preschool and the Next Generation
 8 Child Care, they're both across the street.
 9 If we can mark pages 1 and 2 of this packet
 10 as Group Exhibit 2.
 11 (Whereupon, Petitioner's
 12 Group Exhibit 2 was marked
 13 for identification.)
 14 MR. LIPPNER: We have a relatively
 15 close distance door-to-door between the
 16 7-Eleven and the Monarch Montessori Preschool
 17 is about 194 feet.
 18 Turn to page 2, this is
 19 between the 7-Eleven store and the Next
 20 Generation Child Care is about 201 feet.
 21 And, again, this store is zoned in a B-1
 22 Local Business District, and B-1 District is
 23 intended to provide areas for retail or
 24 service establishments supplying convenience

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1 items or personal services for the daily
 2 needs of residents within the neighborhood.
 3 So, the background for the
 4 store: This store has been operating video
 5 gaming since about February 12th, 2022. Is
 6 that correct, Mr. Patel?
 7 MR. PATEL: Yes.
 8 MR. LIPPNER: I would like to show you
 9 a number of exhibits.
 10 CHAIRMAN KARTHOLL: Can I suggest,
 11 you've given a fair bit of factual testimony
 12 with respect to the first case and it looks
 13 like you're going to make some
 14 representations in that regard and you just
 15 turned to Mr. Patel to confirm one, why don't
 16 you give your full testimony and then ask him
 17 like an offer of proof if he heard it and if
 18 he agrees at the end.
 19 MR. LIPPNER: Makes sense.
 20 CHAIRMAN KARTHOLL: Does that make
 21 sense? It will speed things up a little.
 22 MR. LIPPNER: I am very in favor of
 23 that. In the interest of speed, we can flip
 24 through this packet here. I just want to

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1 make a clean record of the documents
 2 supporting that this store has been operating
 3 video gaming since February of 2022. It's
 4 been issued all -- the liquor license by the
 5 County since 2021, and then the Class G-2
 6 liquor license since 2024, and it's received
 7 the required Illinois Gaming Board licenses.
 8 And it has the valid use agreement with
 9 Excel, which is required by Illinois Gaming
 10 Board rules and regulations.
 11 Does the Board have any
 12 preference on entering like a Group Exhibit
 13 No. 3 into the record? That's the remaining
 14 pages of this packet.
 15 CHAIRMAN KARTHOLL: Well, if you think
 16 it's material, you know. I don't think
 17 there's a dispute about these things. If the
 18 exhibits are offered to show dates, et
 19 cetera, then that's fine.
 20 MR. LIPPNER: I just want to show
 21 dates and it's been in full compliance. The
 22 licenses have been issued by the County. The
 23 Illinois Gaming Board has issued the
 24 establishment licenses.

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1 CHAIRMAN KARTHOLL: What's page 4?
 2 MR. LIPPNER: First you have page --
 3 beginning on page 3, you have the initial
 4 liquor license by the state. This is what
 5 the state issued as a blank second page.
 6 CHAIRMAN KARTHOLL: Oh, I see.
 7 (Whereupon, Petitioner's
 8 Group Exhibit 3 was marked
 9 for identification.)
 10 MR. LIPPNER: Yeah. I can walk you
 11 through this. Pages 3 and 4, it's a state
 12 liquor license, including -- in addition
 13 pages 5 and 6, so it's above all state rules.
 14 Page 7 seven is the 2021
 15 Class B liquor license issued by the County.
 16 Page 8 is the 2022 Class B
 17 liquor license issued by the County.
 18 Page 9 is the Class B 2023
 19 liquor license issued by the County. And
 20 this one includes the Certificate of
 21 Liability of Insurance, page 10.
 22 Page -- bear with me -- 11
 23 is a much smaller print in the top right is
 24 the 2025 Class G-2 liquor license. This is

<p style="text-align: right;">Page 10</p> <p>1 the only G-2 license I have available this 2 evening. And page 12, this is the liquor 3 license renewal application, just shows the 4 required information that the store was 5 required to provide to the County to be 6 issued.</p> <p>7 Page 15 is the -- oh, 8 wait, that's part of that same exhibit. Page 9 17 is the Illinois Gaming Board Video Gaming 10 Establishment License that was issued on 11 January of 2022.</p> <p>12 Page 19 is the 2023 Video 13 Gaming Establishment License issued by the 14 Gaming Board.</p> <p>15 And then page 20 is the 16 Use Agreement between the location and Excel, 17 which is the terminal operator which is 18 required by the Illinois Gaming Board to 19 operate video gaming.</p> <p>20 So, again, we have a 21 similar situation with this store, video 22 gaming operations have been in effect since 23 February of 2022. And after two years of 24 operations, the County informed the store</p>	<p style="text-align: right;">Page 12</p> <p>1 standards for conditional use. Again, this 2 is the same presentation as before.</p> <p>3 CHAIRMAN KARTHOLL: Do you want to 4 adopt that record?</p> <p>5 MR. LIPPNER: I can adopt that record.</p> <p>6 CHAIRMAN KARTHOLL: Or that portion of 7 that record?</p> <p>8 MR. LIPPNER: That portion of the 9 record, and I do want to talk about there is 10 some differences with the store location. 11 Again, very similar operations, you have -- 12 these are barricaded off, customers must show 13 a valid I.D. which is checked by the store 14 clerk, and if the I.D. is valid, the store 15 clerk will buzz the patron in and they can 16 enter the barricaded-off video gaming area.</p> <p>17 This store has, you know, 18 does receive more traffic, but it's less than 19 50 customers play video gaming per day on 20 average. It's an estimate, but it does 21 average about 550 convenience store customers 22 per day. Again, less than 50 convenience 23 store video gaming patrons. It's negligible 24 in comparison to the traffic that comes in</p>
<p style="text-align: right;">Page 11</p> <p>1 that it should not have been issued the Class 2 B liquor license in the first place because 3 it operated, again, a dual purpose 4 convenience store and a restaurant. And 5 subsequently the County amended its 6 Ordinances to issue the new Class G-2 liquor 7 license to 7-Eleven which went into effect in 8 2024, and the County renewed the liquor 9 license, video gaming operations continued.</p> <p>10 Again, we reached 2025, 11 this year, it's the first time the issue of 12 the 1,000 foot distance requirements were 13 raised with the store by the County, and the 14 County did issue the Class G-2 liquor 15 license.</p> <p>16 Again, there have been 17 talks with one County official about the 18 issues that were arisen, and the County 19 agreed to issue this G license in 2025. And, 20 again, it was requested and made known -- 21 requested by the County and made known to the 22 County that the store would be submitting its 23 zoning relief application petitions.</p> <p>24 Again, I'll start with the</p>	<p style="text-align: right;">Page 13</p> <p>1 for the convenience store. Generally these 2 customers can stay about 20 to 30 minutes 3 maximum. Less than 5 percent of these 4 customers will play for an hour or two. 5 That's generally the most, but it's not 6 common. Most of these clients for this store 7 for video gaming, they generally come in the 8 late afternoon early evening about 4:00 or 9 5:00. This is generally an after-work crowd 10 that comes after the businesses. I know we 11 have a nearby school and daycare, but there's 12 only a few children that will come by. 13 They're dropped off in the morning. These 14 children are about 2 to 4 years old, they're 15 dropped off, they're supervised, they don't 16 enter the store by themselves, they're 17 supervised and they leave. And generally the 18 most video gaming customers come in after.</p> <p>19 So, Mr. Patel, do you 20 agree with that presentation?</p> <p>21 MR. PATEL: Yes.</p> <p>22 MR. LIPPNER: And I guess that will 23 conclude my presentation.</p> <p>24 CHAIRMAN KARTHOLL: Okay. Anything</p>

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1 from Mr. Patel in addition?
 2 MR. PATEL: Just to the question that
 3 he had about how do we control drinking.
 4 It's only one drink you can take with you.
 5 We monitor it. They are not allowed to take
 6 anything extra. Even if they want, they are
 7 not allowed to. So, we regulate all of the
 8 drinking, just like a bar does, just like a
 9 restaurant does. And similar thing, we have
 10 been selling alcohol as a package liquor. If
 11 we see somebody that is not -- that is
 12 intoxicated, we refuse to sell. We will
 13 never, you know, do this because we've been
 14 doing it for 17 years at this location and
 15 I've owned it. I have owned businesses and
 16 worked in liquor stores since 2001, so I
 17 regulate that to my employees and I hold them
 18 to it. So, we don't want any consequences.
 19 And those customers that come in to play the
 20 video gamings, I would say 20 percent not
 21 even are there to drink. They're only there
 22 to play. Most of them are taking sodas,
 23 energy drink. And they're just like, okay, I
 24 can take this with me. And the drinks cannot

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1 leave the premises. If it's an alcoholic
 2 drink, they have to leave it there. If they
 3 are leaving, they have to leave it. So most
 4 of the time those customers know that. So
 5 that's why they will get like a soda or, you
 6 know, a fountain drink or slurpee or
 7 something like that to drink because they can
 8 take that with them.
 9 So, and we do watch them.
 10 We make sure that nobody is causing the
 11 nuisance outside.
 12 CHAIRMAN KARTHOLL: Okay, good
 13 information. Thank you.
 14 Okay. I don't have any
 15 questions. Any questions from the Board
 16 members?
 17 (No response.)
 18 CHAIRMAN KARTHOLL: Are there any
 19 people in the audience that want to make a
 20 comment about this case?
 21 (No response.)
 22 CHAIRMAN KARTHOLL: Okay, I don't see
 23 any.
 24 Mr. Lippner, do you have

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1 any wrap-up comments?
 2 MR. LIPPNER: Again, my final comment
 3 is the store has been reliant on the issuance
 4 of the licenses as received from the County
 5 and the Gaming Board over the last -- since
 6 they've been in operations they've been
 7 reliant on these. This is the first time
 8 there's been enforcement on the County's end
 9 for raising objections or not in compliance
 10 with the Ordinances. So, you know, they have
 11 been reliant on that, and that's the only
 12 comment here.
 13 CHAIRMAN KARTHOLL: Okay, thank you
 14 very much. Well, do you want me to hold the
 15 record open? There's nothing else to submit
 16 on this case; right, so I can close this
 17 record?
 18 MR. LIPPNER: Yes.
 19 CHAIRMAN KARTHOLL: Okay. The record
 20 in this case will be closed, the matter will
 21 be heard December 4th at 5:30 at our regular
 22 December recommendation meeting with the
 23 series of other cases.
 24 That closes the testimony

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1 and record in the case, 25-044.
 2 I'll indicate there's no
 3 old business to be considered, no new
 4 business to be considered, so we are ready to
 5 adjourn the meeting for this evening and we
 6 are so adjourned. Thank you.
 7 (Which were all the
 8 proceedings had and
 9 testimony taken in the
 10 above-entitled cause.)
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1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF DU PAGE)
4 I, LINDA M. CIOSEK, C.S.R.
5 No. 084-2892, duly qualified and commissioned
6 for the State of Illinois, County of DuPage,
7 do hereby certify that at the request of the
8 DU PAGE COUNTY ZONING BOARD OF APPEALS,
9 subject to the usual terms and conditions of
10 Veritext, reported in shorthand the
11 proceedings had and testimony taken at the
12 public hearing of the above-entitled cause,
13 and that the foregoing transcript is a true,
14 correct and complete report of the testimony
15 so taken at the time and place hereinabove
16 set forth.
17
18
19 
20
21 CERTIFIED SHORTHAND REPORTER
22
23 My Commission Expires:
24 July 26, 2026.

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