

BEFORE THE DU PAGE COUNTY
ZONING BOARD OF APPEALS

Conditional Use and variation) No. Z25-035
For a video gaming cafe.) Hanna's Wheaton

June 24, 2025

6:00 p.m.

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

15 | BOARD MEMBERS PRESENT:

MR. ROBERT KARTHOLL, Chairman.

MR. CARL SCHULTZ, Commissioner.

MR. JACK MURPHY, Commissioner.

MR. ZAIN RAHMAN, Commissioner.

MR. DENNIS MORAN, Commissioner.

MR. JAMES JAROG, Commissioner.

<p>1 ALSO PRESENT: 2 MS. JESSICA INFELISE DATZMAN, Planning 3 & Zoning. 4 MR. PAUL HOSS, Planning & Zoning. 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	Page 2	<p>1 CHAIRMAN KARTHOLL: We're here this 2 evening June 24th for a meeting of the DuPage 3 County Zoning Board of Appeals. I'll call the 4 meeting to order and I'll note that all 5 members are present in person. We are one 6 member short, so there are six of us, and I 7 will avoid calling the roll. 8 I'll indicate also no 9 public comment to be heard and no comments to 10 be approved, which takes us to our public 11 zoning hearing. The only item on the agenda 12 is Z25-035, it's Hanna's Wheaton, LLC 13 petition. This is a conditional use to allow 14 a video gaming cafe restaurant in a B-1 Local 15 Business Zoning District. And, secondly, a 16 variation to allow a video gaming cafe 17 restaurant to be located less than 1,000 feet 18 from a place of assembly. 19 The matter was published in 20 the Daily Herald on June 9, 2025. We have a 21 Milton Township case here, and we have no 22 objections or comments from any of the 23 authorities to whom we've circulated the 24 petition, with the exception of the City of</p>
<p>1 EXHIBITS 2 MARKED ADMITTED 3 Petitioner's Exhibit 1 5 4 Petitioner's Exhibits 2 - 10 6 5 Petitioner's Exhibits 1 - 10 25 6 Itano Exhibit 1 34 7 Doyle Exhibit 1 39 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	Page 3	<p>1 Wheaton who has filed a letter in objection, 2 but I'm told that that is not -- that does not 3 constitute a formal objection. Nonetheless, 4 it's an objection from the City of Wheaton. 5 And I have the survey as 6 Petitioner's Exhibit 1, and I'll let the 7 petitioner introduce the remaining exhibits as 8 the case proceeds. 9 (Whereupon, Petitioner's 10 Exhibit 1 was marked for 11 identification.) 12 CHAIRMAN KARTHOLL: I will now 13 recognize Mr. Luetkehans on behalf of the 14 petitioner, and then can you identify any 15 witnesses and then everybody will be sworn in. 16 MR. LUETKEHANS: Yeah, Phil Luetkehans. 17 (Whereupon, the oath was 18 duly administered by the 19 Notary.). 20 MR. LUETKEHANS: I'll try to be very 21 loud. 22 CHAIRMAN KARTHOLL: Well, go ahead. 23 Speak up if you can. 24 MR. LUETKEHANS: For the record, Phil</p>

2 (Pages 2 - 5)

<p>1 Luetkehans on behalf of the applicant Hanna's 2 Wheaton, LLC. You have in front of you a 3 number of exhibits which I'll talk about real 4 quickly, just for the record.</p> <p>5 Number 1 is the plat of 6 survey.</p> <p>7 Number 2 is a tax bill just 8 showing ownership.</p> <p>9 Three is the authorization 10 letter from the owner.</p> <p>11 Four is a lease.</p> <p>12 Five is an aerial, which I 13 have a larger copy which we'll talk about.</p> <p>14 Six is a municipal map, 15 we'll talk about that as well.</p> <p>16 Seven is a form of the plat 17 of survey, we'll talk about.</p> <p>18 Eight and nine are 19 photographs.</p> <p>20 And ten is the narrative, 21 which I will not go through word-for-word, but 22 kind of summarize to the best I can here.</p> <p>23 (Whereupon, Petitioner's 24 Exhibits 2 through 10 were</p>	Page 6	<p>1 Walgreens. That used to be, for some of you 2 who are as old as I am that lived in the 3 neighborhood, growing up that was Pleasant 4 Hill School, and that got moved probably 20 5 years ago.</p> <p>6 So, other than those uses 7 -- and, I'm sorry, and here is the church 8 further to the west on Geneva Road.</p> <p>9 Other than that, it's 10 primarily a residential neighborhood, no doubt 11 about it, it's unincorporated all around it.</p> <p>12 It is -- at least around it is as far as I 13 should say the stuff on the north side of the 14 road, the commercial stuff, is in Winfield.</p> <p>15 If you look to Exhibit 6, you will see the 16 zoning map, and this will be a little more 17 important as it comes to Wheaton, but Exhibit 18 6 you'll see an X which is the location of the 19 strip center. The blue is Winfield city 20 limits, and I guess that's pink, I'm not 21 really sure because Wheaton you can see the 22 labels and the color, and then Carol Stream 23 kind of comes in a bit more hued. We'll talk 24 about that more, but Wheaton is like --</p>	Page 8
<p>1 marked for identification.)</p> <p>2 MR. LUETKEHANS: This project is 3 proposed to be located in a B-1 Local Business 4 District in an existing retail center. You 5 don't have an easel so I apologize, we'll do 6 this the best we can. You have this all in 7 front of you. The aerial is Exhibit 5. It's 8 on the southwest corner of Pleasant Hill and 9 Geneva Road in unincorporated Wheaton.</p> <p>10 Hanna's is proposing a 11 conditional use for a video gaming cafe 12 restaurant on the subject property. A single 13 variation is sought to allow it to be located 14 less than a thousand feet from a place of 15 assembly. In this case, the place of assembly 16 is the Pleasant Hill Community Church.</p> <p>17 The subject property 18 currently has ten existing users and was 19 anchored by a liquor store on the east side of 20 the property. So, right here is the shopping 21 strip center, this is Pleasant Hill, Geneva, 22 you have a strip center here, strip center 23 there, another strip center, and on the 24 northeast -- northwest corner you have a</p>	Page 7	<p>1 Wheaton is, while they are objecting, they are 2 over half a mile away from the actual 3 location. So, while they object, and it shows 4 it.</p> <p>5 So the subject property, as 6 I said, currently has ten users, this space 7 seeking to be utilized is at the far west end 8 and is approximately 2455 square feet. That 9 space previously was occupied by a dry 10 cleaner, and it's been vacant for about five 11 years.</p> <p>12 Across the street besides 13 the Walgreens, the other kind of more intense 14 use is there is a restaurant, an Italian 15 restaurant, right across the street. So it's 16 an area that's kind of changed over the years, 17 we'll talk about that as well.</p> <p>18 The subject property will 19 remain in compliance with the parking 20 requirements and other requirements in the 21 DuPage County Zoning Ordinance. The 22 applicants are experienced gaming operators 23 and have two similar existing cafes, one in 24 Glendale Heights and one, I believe, in</p>	Page 9

<p>1 Melrose Park.</p> <p>2 The cafe would be open from 3 approximately 9:00 a.m. until midnight and 4 only has six video gaming units. So it will 5 generate less traffic than the other possible 6 permitted commercial B-1 uses such as retail 7 sales, restaurant, food stores, office supply 8 stores, paint stores, beauty parlors, dry 9 cleaning, currency exchange, repair shops, all 10 those and many more intense uses from a 11 traffic and number of people standpoint coming 12 into this.</p> <p>13 The cafe would serve food 14 and liquor. I know we're going to hear that 15 is one of the concerns is liquor sales; 16 however, it's important to note that alcohol 17 sales at these types of places are very 18 limited. It's not like -- you're not sitting 19 there for hours drinking or eating. It's 20 mostly beer and wine. The average sales at 21 the other two stores range between 50 to 22 \$100.00 a day. So we're talking about, you 23 know, 10 to 20 drinks between a 12- and 24 14-hour period. This is not a heavily -- this</p>	<p>Page 10</p> <p>1 you turn right onto Delano, you'd go straight 2 to. If you turn left, you go through the 3 residential neighborhood.</p> <p>4 The applicant, however, to 5 avoid that, to avoid someone coming left out 6 of the retail, out of the strip center and 7 going through this neighborhood directly, 8 we're proposing a no-left turn to restrict 9 access so you cannot go south onto Delano and 10 into this neighborhood directly. Now, if 11 anybody wants to go into the neighborhood, 12 they obviously can, but that could at least 13 would limit the amount of people coming out of 14 the establishment directly into that 15 neighborhood to go south.</p> <p>16 There's really not a lot of 17 reason for anyone to go south into that 18 neighborhood, so it's easier to go out to 19 Geneva or Pleasant Hill. Those are much more 20 direct thoroughfares into this neighborhood 21 than is Delano. Delano, as I'm sure you'll 22 hear, is an older residential subdivision, 23 goes into that area. There are no -- for the 24 most part I don't believe there's any</p>
<p>1 isn't somewhere -- that's not the kind of 2 clientele you have. If you want to do that, 3 you would go to a bar and sit at the video 4 games and drink. That's not what we are 5 looking at here. As we know, all these places 6 have -- a lot of the unincorporated bars now 7 have video games, as do the incorporated ones 8 in the county now. The majority of the 9 customers are not drinking alcoholic 10 beverages, and it's not the kind of use where 11 people sit in the cafe for hours on end.</p> <p>12 The main ingress and 13 egress, and it's probably better on the 14 survey, it shows up a little better on the 15 survey, you will see that the main ingress and 16 egress is obviously on Geneva Road. That is 17 the main thoroughfare in this area.</p> <p>18 On the east side of the 19 road is Pleasant Hill Road. It's relatively 20 busy, not as busy as Geneva, Geneva's five 21 lanes throughout this area, and on the west 22 side you have a little street called Delano, 23 D-e-l-a-n-o, which you can turn right or left 24 out of both there or onto Pleasant Hill. If</p>	<p>Page 11</p> <p>1 sidewalks. I'm sure there are kids playing in 2 the street, I'm not going to deny that. I 3 grew up three blocks from there, and I can 4 promise you I was playing in the street. In 5 fact, I walked down Pleasant Hill Road every 6 day to go to school in that area. The school 7 now is about probably a half a mile to the 8 north of the prior location, it's across from 9 the Kline Creek entrance to the golf course.</p> <p>10 This proposed conditional 11 use meets the standards in the DuPage County 12 Zoning Ordinance as we'll talk about in a 13 second. Again, this is -- at least we have 14 both conditional use and a variation. The 15 conditional use is driven by the Living Word 16 case. We've talked about that a number of 17 times over the years with this Board, I don't 18 need to bore you with it again. I have a 19 small analysis in the narrative which is 20 Exhibit 10.</p> <p>21 That presumption that the 22 Living Word can only be overcome by a clear 23 and convincing evidence standard, that the 24 granting of the special use will result in</p>

4 (Pages 10 - 13)

<p style="text-align: right;">Page 14</p> <p>1 real or substantial harm to the public health, 2 safety, morals or welfare. Here I submit 3 there cannot be any clear and convincing 4 evidence in that regard to overcome the 5 presumption.</p> <p>6 Conditional use standards. 7 One is in harmony with the general purpose and 8 intent of the chapter, will not be injurious 9 to the neighborhood, detrimental to the public 10 welfare or in conflict with the County's 11 comprehensive plan for development.</p> <p>12 As you can see on the 13 aerial you have in front of you down here, 14 Exhibit 5, the proposed -- as I said, the 15 proposed use is B-1 Local Business District in 16 the DuPage Zoning Ordinances and is supported 17 as an appropriate use for the area under 18 Living Word.</p> <p>19 I've already talked about 20 what's in the neighborhood. And the Pleasant 21 Hill Community Church itself is approximately 22 700 feet from our use, from the proposed use. 23 The standard is a thousand feet, and we talked 24 about that.</p>	<p>1 streets and highways. As discussed earlier, 2 this is not a high-intensity use, especially 3 compared to the other permitted uses in the 4 B-1 Local Business District. A restriction 5 not allowing left turns onto Delano will also 6 push traffic onto main traffic aerials of 7 geneva and Pleasant Hill Roads and keep people 8 leaving all of the uses on the subject 9 property, not just the video gaming cafe, 10 turning into the residential area directly to 11 the south. People who are coming and living 12 in that area to the south who are using this 13 facility, they're really not going to have to 14 go very far out of their way to get back to 15 their homes if that's where they're coming 16 from because Pleasant Hill is right there, and 17 it's only -- if it's 200 yards between them I 18 would be shocked. It's not very much distance 19 between them.</p> <p>20 Number five, will not 21 increase the potential for flood damages to 22 adjacent property. Obviously already this is 23 existing. The impervious surface is not 24 changing. There will be no additional</p>
<p style="text-align: right;">Page 15</p> <p>1 Two, it will not impair an 2 adequate supply of light and air to the 3 adjacent property. The existing height of the 4 building is not changing, it's an existing 5 one-story building, it's been around 25, 30 6 years at least, so there's no way this use, an 7 existing building, will impair the light and 8 air to the adjacent property.</p> <p>9 The question next is will 10 it diminish the value of land and buildings in 11 the vicinity of the proposed conditional use. 12 This proposed development is already on a 13 major roadway, it's a County road and it's 14 shown by the fact that the County includes 15 restaurants and video cafe games to be 16 conditional -- or video gaming cafes to be 17 conditional uses. The County has determined 18 that this use is consistent with the 19 surrounding neighborhood/uses. Accordingly, 20 because it is consistent with those uses, 21 there will be no diminution of value of land 22 to the surrounding properties.</p> <p>23 Four, will not unduly 24 increase traffic congestion in the public</p>	<p>1 stormwater, and this will not create any 2 additional flooding in the area.</p> <p>3 Six, will not incur 4 additional public expense for fire protection, 5 rescue or relief. The use shall not create 6 the additional burden for fire protection, 7 rescue or relief, and that it will comply with 8 all building fire codes and I'm assuming 9 correctly that they will have to sprinkle this 10 particular space once it's used.</p> <p>11 So, finally, number seven 12 it will not otherwise impair the public 13 health, safety, comfort, morals or general 14 welfare of the inhabitants of DuPage County. 15 Actions will be undertaken to ensure that the 16 subject property shall not impair the public 17 health, safety, comfort. This is -- I know 18 some people have problems with the morals of 19 gaming. I know that this county has 20 determined that is not a concern anymore. 21 Eight years ago or seven years, however long 22 ago it was they changed that so this -- and 23 there's no public health concerns here. The 24 only concern -- I know one concern is people</p>

<p style="text-align: right;">Page 18</p> <p>1 coming out of this facility turning left onto 2 Delano and into the neighborhood after a few 3 cocktails. That's what we're trying to avoid 4 to the extent possible by limiting turns so 5 that people have to go out the other direction 6 and not go through the neighborhood.</p> <p>7 In sum, this project meets 8 the standards for a conditional use under the 9 Ordinance and is presumably acceptable under 10 Living Word.</p> <p>11 As I said earlier, and as 12 Mr. Kartholl said in open hearing, this 13 project also needs a variation and is not one 14 thousand feet from a place of assembly. The 15 building itself is approximately 700 feet from 16 the Pleasant Hill Community Church building. 17 As you know, variation and conditional use 18 standards in the Ordinance are similar, except 19 for the need to show hardship or special 20 circumstances for variations. So all the 21 things we showed as a conditional use are 22 pretty much the same standard for variation 23 except we have to show hardship or 24 special circumstances.</p>	<p style="text-align: right;">Page 20</p> <p>1 purely residential neighborhood to a more 2 retail oriented use. If you look at Exhibit 3 6, you will see that Winfield has kind of 4 expanded down Pleasant Hill from the north to 5 take in this area and commercial uses 6 surrounding. All three uses I believe on the 7 north side at Pleasant Hill and -- northeast 8 side -- northwest side, excuse me, Pleasant 9 Hill and Geneva or are all in Winfield. And 10 the building directly to the west of us which 11 contains a workout facility and I think a 12 dental place and a few other places, those 13 have also been built in Winfield policing 14 district. Those are all newer buildings.</p> <p>15 As I said, 50 years ago 16 this area was almost completely residential. 17 The only thing, there was a very small, very 18 small neighborhood store, probably 400 square 19 feet, and a school. That school has now moved 20 and Winfield has kind of moved in with more 21 commercial uses.</p> <p>22 Also those areas, those 23 areas with a stoplight near here, County Farm 24 and Geneva, obviously much commercial, there's</p>
<p style="text-align: right;">Page 19</p> <p>1 While Pleasant Hill 2 Community Church is clearly a place of 3 assembly in the DuPage County Zoning 4 Ordinance, it's a relatively modest church as 5 to its size and use. And I made a mistake, I 6 made a mistake because I misspoke because my 7 notes are not now what they once were, but I 8 spoke with the pastor and I think he said 75 9 families are members of this church. If I'm 10 wrong, I'm sure I'll be corrected.</p> <p>11 It also appears that there 12 are two -- at least a main church which 13 Pleasant Hill Community Church, the one that's 14 got the name on the sign. It appears that 15 there are two churches that share this 16 building. The Church of the Savior meets on 17 Saturday evenings, and the Pleasant Hill 18 Community Church also normally has one service 19 a week which is at 10:00 a.m. Sunday mornings. 20 It does not have a school, it appears that 21 neither congregation has a lot of parishioners 22 and neither uses the building for the school.</p> <p>23 The Geneva Road corridor in 24 this area has been slowly changing from a</p>	<p style="text-align: right;">Page 21</p> <p>1 a much larger strip mall in that area and an 2 office building on the northeast corner. You 3 have -- to the east you have Geneva and Gary 4 Avenue, which is clearly all commercial. At 5 the corner you have strip malls -- in essence, 6 you have two gas stations at that corner and 7 retail/service buildings and the other 8 sections.</p> <p>9 The City of Wheaton has 10 filed at least a letter objecting. And the 11 city seems to base its specific objection, 12 other than general objections as to any 13 variation and, quote, morals, public health, 14 safety, welfare, but no specifics, on the fact 15 that there will be two gaming establishments 16 on the subject property as the liquor store at 17 the far east end appears to also want to seek 18 approval for video gaming. I would, however, 19 -- first of all, that would then create -- if 20 this one was granted they will need a 21 variation to put two in the same area having 22 one 50 or 100 feet away.</p> <p>23 Secondly, if you look -- 24 now this is not something you really want to</p>

<p>1 get involved in, but if you look at the lease 2 addendum you will see that we have an 3 exclusive for video gaming terminals. So 4 that's why we submitted the lease, so add 5 that. So this has to be looked at on its own, 6 not what may come in the future. That seemed 7 to be Wheaton's biggest complaint is we're 8 granting a variation and now we're looking at 9 two on the same property. That's not what's 10 before you today, it's just a single one that 11 you have to deal with at this point.</p> <p>12 The issue of the lease, 13 that's something that the owners, if they're 14 granted, the applicants will have to deal 15 with.</p> <p>16 CHAIRMAN KARTHOLL: What section is 17 that?</p> <p>18 MR. LUETKEHANS: It's the lease 19 addendum, right at the end, or like two pages 20 from the back.</p> <p>21 CHAIRMAN KARTHOLL: I see. All right, 22 I don't mean to hold you up.</p> <p>23 MR. LUETKEHANS: No, that's okay, I'm 24 just trying to find. I'm almost done. It's</p>	Page 22	<p>1 anything because of the tree, so I couldn't 2 have gotten you a picture that shows the whole 3 thing better.</p> <p>4 And then Exhibit 9 is a 5 narrow view just showing the cleaners and the 6 use nextdoor which is NV Massage, or what used 7 to be the cleaners. That's the current space 8 we're moving to utilize this video gaming 9 cafe.</p> <p>10 Given the over five-year 11 period this portion of the strip center has 12 been vacant, the relatively moderate use of a 13 church approximately 700 feet away, the 14 neighborhood changing to have more 15 business-type uses, and lack of any additional 16 effect on the neighborhood, special 17 circumstances in our opinion exist in this 18 case to grant a variation.</p> <p>19 That's the end of my 20 presentation at this time. Thank you. If 21 there's questions, I obviously here to answer 22 them.</p> <p>23 CHAIRMAN KARTHOLL: Okay, let me first 24 indicate that we'll admit all of your exhibits</p>	Page 24
<p>1 the second from the last page. [Reading] 2 exclusive video gaming rights, the tenant 3 shall have the exclusive right to operate 4 video gaming terminals within the shopping 5 center. The landlord agrees that no other 6 tenant, occupant or third party within the 7 shopping center and under landlord's ownership 8 or control shall operate video gaming 9 terminals.</p> <p>10 Given the -- and, honestly, 11 that's a private dispute if it becomes an 12 issue. I just did want to mention that at 13 least.</p> <p>14 Also you have in front of 15 you, just to identify them a little better 16 than I did, Exhibit 7 shows you in highlighted 17 -- it's the plat of survey, but it's got an 18 area highlighted in yellow. That shows the 19 actual location, approximate size of the 20 proposed use so you have that in front of you.</p> <p>21 Exhibits 8 and 9, Exhibit 8 22 is a picture taken this morning of the entire 23 shopping mall. I apologize for the angle, but 24 if you went straight on you couldn't see</p>	Page 23	<p>1 as part of the hearing record. 2 (Whereupon, Petitioner's 3 Exhibits 1 through 10 were 4 admitted into the record.)</p> <p>5 CHAIRMAN KARTHOLL: And you testified 6 that the hours of operation are 9:00 to 7 midnight?</p> <p>8 MR. LUETKEHANS: It may go to 1:00. 9 CHAIRMAN KARTHOLL: Seven days a week, 10 12 months a year?</p> <p>11 MR. LUETKEHANS: Yes, and on Saturdays 12 it may go to 1:00 a.m. It kind of depends on 13 what the County liquor license would advise.</p> <p>14 CHAIRMAN KARTHOLL: Okay. All right. 15 Interesting thoughts about the hardship/unique 16 circumstance/practical difficulty support for 17 the variation that's going to require some 18 thought.</p> <p>19 Okay, any questions from 20 any member of the Board?</p> <p>21 (No response.)</p> <p>22 COMMISSIONER SCHULTZ: Just real 23 briefly, you have a no-left turn out of the 24 Delano. How are you going to do that, just</p>	Page 25

<p>1 going to be signage or are you going to 2 restructure that drive so it kind turns you 3 around to Geneva?</p> <p>4 MR. LUETKEHANS: At this point we're 5 planning on signage. I will say that if -- I 6 don't understand what happened, but if you 7 come the other direction out of the strip mall 8 to the west, at least until recently there was 9 a sign that said no right turn out of that one 10 for the exact same reason, I assume. But the 11 last several weeks I have noticed that that is 12 gone; however, I can tell you I know it was 13 there several months ago.</p> <p>14 CHAIRMAN KARTHOLL: Okay. Anything 15 else from the Board?</p> <p>16 (No response.)</p> <p>17 CHAIRMAN KARTHOLL: We'll take -- 18 nothing else from you?</p> <p>19 MR. LUETKEHANS: No, sir. Thank you.</p> <p>20 CHAIRMAN KARTHOLL: We'll take comments 21 from the audience. I'll recognize each of you 22 once. You're permitted to make a statement in 23 support of or in opposition to the petition or 24 ask questions. Anybody that wants to make</p>	Page 26	<p>1 MR. HOWINGTON: My name is Scott 2 Howington, I live in the neighborhood at 0N -- 3 CHAIRMAN KARTHOLL: Spell your last 4 name.</p> <p>5 MR. HOWINGTON: H-o-w-i-n-g-t-o-n, an I 6 live in the neighborhood in question at 0N764 7 Peter Road and I have been the pastor of 8 Pleasant Hill Community Church, the church in 9 question for nearly 29 years.</p> <p>10 My objection to the 11 variance is two-fold. First, as is mentioned, 12 it's our church, and as I understand the 13 Ordinance size doesn't matter, it's location. 14 And we do have a second church that meets. 15 There is not a school, but there are times 16 where there are vacation bible schools, 17 children's programs, youth programs, et 18 cetera. So that's my first objection is just 19 the location to our church.</p> <p>20 But secondly we've talked 21 about the safety of the neighborhood, and that 22 is very important. Our neighborhood is a very 23 safe neighborhood, we do have children playing 24 in the streets riding their bikes, families</p>	Page 28
<p>1 such a statement needs to be sworn in, so I'll 2 swear everybody in at the same time. Will you 3 raise your hand, those of you that wish to 4 speak? That's four. Would you each stand and 5 be sworn in.</p> <p>6 (Whereupon, the oath was 7 duly administered by the 8 Notary.)</p> <p>9 CHAIRMAN KARTHOLL: Are any of you 10 lawyers representing a group?</p> <p>11 (No response.)</p> <p>12 CHAIRMAN KARTHOLL: Are you members of 13 any homeowners' association or township?</p> <p>14 (No response.)</p> <p>15 CHAIRMAN KARTHOLL: Everybody is here 16 as an individual neighbor?</p> <p>17 MR. HOWINGTON: I am the pastor of the 18 church.</p> <p>19 CHAIRMAN KARTHOLL: Would you like to 20 go first?</p> <p>21 MR. HOWINGTON: Sure.</p> <p>22 CHAIRMAN KARTHOLL: You must be 23 somewhat accustomed to public speaking. Tell 24 us your name and your address.</p>	Page 27	<p>1 taking strolls, people walking their babies, 2 walking their pets. And, because we're 3 unincorporated as you well know, there are no 4 sidewalks, there are no street lights, and so 5 as residents we've become very accustomed to 6 that and we do look out for one another. And 7 I am very concerned -- in fact I think in my 8 conversation with the attorney I brought up 9 the left-hand turn. Putting a sign that will 10 inconvenience an entire neighborhood, making 11 me a scofflaw when I want to come out of the 12 parking lot from my Jin's China \$5.95 lunch 13 special and go home and eat it and have to go 14 around the block I think is just an 15 inconvenience. And there is no way any 16 authority can enforce that, and there's no way 17 authority can stop an individual who's maybe a 18 little bit impaired from drinking and now is 19 maybe a little bit angry that they've lost 20 some money to a video machine and they turn 21 left and go piling through our neighborhood, 22 there is no way you can stop that so that 23 family taking a stroll or that friend walking 24 home from their friend's house at night, or</p>	Page 29

<p>1 that person walking their dog for the last 2 time that evening to turn in are all 3 potentially at risk.</p> <p>4 So, because of the location 5 that involves two congregations and the 6 potential safety concerns in an unincorporated 7 residential neighborhood, I believe the 8 proposed site is not the best location for 9 this business. And so I would respectfully 10 ask that you deny the variance.</p> <p>11 CHAIRMAN KARTHOLL: All right, thank 12 you, Pastor. Who would like to be next?</p> <p>13 I think I said this, but the limit on public 14 speaking is three minutes each. I'm not real 15 tight on that. Go right ahead.</p> <p>16 MS. ITANO: My name is Lori Itano, and 17 I'm a resident of the neighborhood. I live 18 two doors just south of the proposed location 19 for this at 0N753 Delano Street. And we've 20 been there for 25 years, so the amount of 21 business that has occurred there has really 22 not changed a lot in the 25 years. There 23 wasn't much there when we moved in and there's 24 a tiny bit more now. Not much, so that's</p>	Page 30	<p>1 neighborhood. So, I'm obviously concerned 2 about traffic coming out. I don't think the 3 left-turn -- no left turn is not adequate, 4 particularly if someone is somewhat impaired 5 or not really paying attention, maybe just 6 doesn't care.</p> <p>7 In order to access the 8 plaza the children will often walk through 9 that area and cross into the plaza or cross 10 Pleasant Hill at the light there. So there's 11 a lot of foot traffic that is actually going 12 to the plaza, across the plaza as well.</p> <p>13 So, there are at least two 14 other gambling locations within a ten-minute 15 drive of the strip mall. Some of you may be 16 aware of the surveys done after gambling of 17 home prices. Surveys done of home prices 18 before and after gambling establishments have 19 opened consistently showed a drop in home 20 prices.</p> <p>21 THE COURT REPORTER: Can you speak up a 22 little bit, please.</p> <p>23 MS. ITANO: I'm sorry. Surveys done of 24 home prices before and after gambling</p>	Page 32
<p>1 interesting.</p> <p>2 Anyway, I have petitions 3 here signed by residents of the adjacent 4 neighborhood, 224 residents, and also people 5 who attend Pleasant Hill Community Church. 6 All of them are against allowing the 7 conditional use permit. This does follow the 8 guidelines for that, and I will submit as soon 9 as I am done speaking.</p> <p>10 I do not believe this bar 11 gambling is appropriate in this location. 12 It's within a quarter mile of the elementary 13 school. There are children who come walking 14 from the elementary school on a regular basis. 15 They officially are supposed to take the bus, 16 but very often they don't.</p> <p>17 We have two churches and a 18 community park as well as 281 residents a 19 quarter mile from there. And it's not an 20 industrial area as was mentioned. Our 21 neighborhood does not have sidewalks, we have 22 lots of kids who play, we have a lot of 23 traffic of just walkers and even people who 24 come to work out will run through the</p>	Page 31	<p>1 establishments have opened consistently showed 2 a drop in home prices. Needless to say that 3 is also a concern to residents, but honestly 4 as a parent who has nine kids in the 5 neighborhood, there are a lot of home 6 schoolers, we're home during the day, and 7 there's just a lot of people who work from 8 home. It's just a lot of people who are there 9 who are walking, and this is just not a good 10 location for that.</p> <p>11 CHAIRMAN KARTHOLL: Okay.</p> <p>12 MS. ITANO: Thank you.</p> <p>13 CHAIRMAN KARTHOLL: Can I see your 14 petition?</p> <p>15 MS. ITANO: Yes.</p> <p>16 CHAIRMAN KARTHOLL: Can you spell your 17 last name.</p> <p>18 MS. ITANO: Itano, I-t-a-n-o.</p> <p>19 CHAIRMAN KARTHOLL: Who helped you with 20 you the form? Usually we have to correct it.</p> <p>21 MS. ITANO: THE WITNESS: Well, I did 22 it wrong the last time I came through five 23 years ago so I learned how to do it right this 24 time.</p>	Page 33

<p style="text-align: right;">Page 34</p> <p>1 CHAIRMAN KARTHOLL: Sounds good to me. 2 (Whereupon, Itano Exhibit 1 3 was marked for 4 identification.)</p> <p>5 CHAIRMAN KARTHOLL: Would you like to 6 be next, sir?</p> <p>7 MR. DOYLE: Yes. Could we hold my 8 three minutes until I ask this guy?</p> <p>9 CHAIRMAN KARTHOLL: No, but you can 10 ask.</p> <p>11 MR. DOYLE: I will ask questions.</p> <p>12 THE COURT REPORTER: Can you tell me 13 what your name is, first of all?</p> <p>14 MR. DOYLE: John Doyle, D-o-y-l-e, I 15 live at 0N771 Delano immediately to the south 16 of the shopping center.</p> <p>17 So the question is you told 18 us who's not at this establishment, that they 19 don't drink all day, it's not like going to a 20 bar. Well, who is your customer there? 21 What's the demographic? So we don't know 22 that.</p> <p>23 MR. LUETKEHANS: What we know is from 24 other places the amount of time they spend and</p>	<p>1 that all of a sudden these are people who are 2 coming out of this place that you can't 3 control, they can't control. A friend of mine 4 just recently lost her 21-year-old son to a 5 motorcycle accident, and I don't know if he 6 was on drugs or not, but these things happen 7 at any time. So, the unfortunate thing is not 8 only did he die, the 16-year-old girl who was 9 driving the car died. So I can't forget those 10 things.</p> <p>11 Anyway, the proposed 12 amendment, a thousand feet. Some grateful 13 business owners may provide financial support 14 for cooperating elected officials. That's the 15 only benefit I can see out of this. The 16 people who vote positive, I vote for it, well 17 eventually I'm thinking, well, maybe they'll 18 donate to my campaign. What else could there 19 be at this point? I don't know. I look to 20 say what's going to be better after this is 21 approved? Are we going to have a better 22 community? Is my value of my house going to 23 go up? I wager no. I would wager it goes the 24 other way, just as previously mentioned.</p>
<p style="text-align: right;">Page 35</p> <p>1 the amount of alcohol they drink.</p> <p>2 MR. DOYLE: We really don't know who's 3 coming here but we might assume that because 4 we're here tonight there's a risky behavior 5 that we're concerned about. So I put together 6 a letter here which I'll read to you and I'll 7 try to make it under the three minutes. I 8 guess I must be behind the times because I 9 thought that the thousand foot mark was 10 already violated so that wasn't in there, but 11 apparently it is.</p> <p>12 [Reading] So, the proposed 13 amendment will change the minimum separation 14 for video gaming. Now isn't it to be called 15 video gambling?</p> <p>16 MR. LUETKEHANS: Under the Ordinance 17 it's called a video gaming cafe.</p> <p>18 CHAIRMAN KARTHOLL: But isn't it video 19 gambling? You people must know, because I see 20 an lot of white hair around here, people who 21 have been addicted to gambling. We also have 22 seen people who are addicted to alcohol, and 23 it's not a pretty thing. Now it doesn't 24 happen all the time, but it happens enough</p>	<p>1 The proponents of change 2 suggest that a 100-foot separation from 3 churches, blah, blah, blah -- protection from 4 possible negative effects of these activities 5 on children, the disabled, those who are prone 6 to addiction, church goers and property 7 owners. The property owners may not 8 experience a lowered property value until they 9 sell their property. But I don't hear anybody 10 saying you know what, we're going to put a 11 risky business in your neighborhood, we're 12 going to cut your taxes by a thousand dollars. 13 I don't see that happening. So, the people 14 who are taking the burden of this use is us, 15 the property owners, not these guys.</p> <p>16 Now, are you telling me 17 they can't find other tenants for this? You 18 mentioned that there's two other strip 19 shopping centers that just went up not too 20 long ago. How come you didn't get those 21 tenants before they got them? I mean, this is 22 a real estate game, you're the big guys, you 23 ought to know what you're doing. So I got no 24 sympathy for people who can't rent out their</p>

<p>1 spaces and say that, oh, we got to have video 2 gambling. 3 That's all I got to say. 4 Now the loss of character for the community is 5 what we've seen in Chicago, San Francisco, Los 6 Angeles, all these other places where all of a 7 sudden you've got a homeless population. I've 8 seen people over there, they had the health 9 club and the old Dominick's location and two 10 people camping out there and another person 11 camping out at the Bank of America building 12 that they had up there on whatever it was. 13 So, the people who are I'll 14 say attracted to this, who are happy to drink 15 and gamble are not the people that we think we 16 want to be neighbors with. 17 So, for the moment that's 18 all I've got to say. 19 CHAIRMAN KARTHOLL: Okay, thank you 20 very much, sir. Did you want to make your 21 writeup an exhibit? 22 MR. DOYLE: Sure, there's enough copies 23 for everybody plus. 24 CHAIRMAN KARTHOLL: We'll take that as</p>	Page 38	<p>1 easy to say you know it's not my neighborhood 2 so it's not my problem, but we are asking you 3 to empathize with us, the residents of the 4 immediate area, and just understand our 5 concerns that we have just as if it were in 6 your own neighborhood and it were an 7 establishment -- a drinking and gambling 8 establishment that was going in two doors down 9 from you as well, or in John's case, one door 10 down. 11 I guess the other question 12 that I have is I guess are we saying that 13 there is some undue you hardship of having to 14 drive an extra seven minutes to go to the next 15 closest gaming establishment, which is like I 16 said, only seven minutes away. 17 And thank you for listening 18 and also for your service to the DuPage 19 community. 20 CHAIRMAN KARTHOLL: Great, thank you, 21 sir. 22 Mr. Luetkehans, do you want 23 to -- do the remarks from any of the neighbors 24 suggest any additional questions from the</p>	Page 40
<p>1 Doyle Exhibit No. 1. Thank you. 2 (Whereupon, Doyle Exhibit 1 3 was marked for 4 identification.) 5 CHAIRMAN KARTHOLL: And then the last 6 speaker? 7 MR. ITANO: Hello, everyone, my name is 8 Toby Itano, I live at ON753 Delano, two houses 9 down from this property. My comments are 10 going to be brief, really, and just a couple 11 things I wanted to say, and that is I'm a 12 50-year resident of DuPage, happy resident of 13 DuPage. I worked at that Pleasant Hill School 14 that was on the corner that the attorney 15 previously mentioned and a former trustee of 16 the church, of Pleasant Hill Community Church 17 as well. 18 And I guess I would just 19 ask that you please respect the clear wishes 20 in the survey or in the questionnaire or, I'm 21 sorry, the petition that those residents and 22 the members of the church signed. I know 23 there's the lure of potential tax revenue that 24 could be a part of this, and I know it's also</p>	Page 39	<p>1 Board? 2 (No response.) 3 CHAIRMAN KARTHOLL: If not, I would ask 4 Mr. Luetkehans to summarize. 5 MR. LUETKEHANS: Honestly I don't have 6 much of a summary. 7 CHAIRMAN KARTHOLL: That's fine with 8 me. 9 MR. LUETKEHANS: I figured it would be. 10 We believe we meet the standards for a 11 conditional use and variation. I don't think 12 anything we've heard from the residents 13 changes any of that and we would ask at your 14 recommendation meeting you would vote to 15 recommend approval of this application. 16 Thank you for your time. 17 CHAIRMAN KARTHOLL: Thank you very 18 much. 19 The next step -- so the 20 record is closed now on this case. A decision 21 will be made exclusively on the basis of the 22 record that was made and various documents 23 that have been submitted. And the next step 24 in the process is that this Board will meet to</p>	Page 41

<p style="text-align: right;">Page 42</p> <p>1 render a vote and have some debated discussion 2 about the case, and that's July 10th at 5:30 3 and we'll probably meet in this room. 4 MR. INFELISE DATZMAN: Upstairs. 5 CHAIRMAN KARTHOLL: Upstairs at 3500-B. 6 So 3500-B, 5:30, no public comment will be 7 permitted at that stage, it's just a 8 deliberation, a public deliberation of the 9 Board about this case and probably a couple of 10 other cases. 11 And then our recommendation 12 goes to the County Development Committee which 13 will go through a similar deliberation. The 14 dates for the Development Committee you can 15 obtain from our staff representative. The 16 Development Committee will then make its 17 similar recommendation to the full County 18 Board that makes the final administrative 19 decision on the case. 20 That's it, thank you very 21 much, folks. I appreciate your comments, and 22 I particularly appreciate having an 23 opportunity to put a time limit on a pastor. 24 No old business, no new</p>	<p style="text-align: right;">Page 44</p> <p>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, 6 do hereby certify that at the request of the 7 DU PAGE COUNTY ZONING BOARD OF APPEALS, 8 subject to the usual terms and conditions of 9 Veritext, reported in shorthand the 10 proceedings had and testimony taken at the 11 public hearing of the above-entitled cause, 12 and that the foregoing transcript is a true, 13 correct and complete report of the testimony 14 so taken at the time and place hereinabove set 15 forth. 16 17 18 19 <i>Linda M. Ciosek</i> 20 21 CERTIFIED SHORTHAND REPORTER 22 23 My Commission Expires: 24 July 26, 2026.</p>
<p style="text-align: right;">Page 43</p> <p>1 business, and we're adjourned. 2 (Which were all the 3 proceedings 4 had and testimony taken in 5 the above-entitled cause.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	

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