CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
MAY 8, 2012, 5:00 P.M., COUNCIL CHAMBERS
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Chairman Robert Walls led the Pledge of Allegiance.
Chairman Robert Walls called the Meeting to order at 5:05 p.m.

MEMBERS PRESENT: Walls, White, Centilli, Burge, Spose, Ellenburg and Bertram.

MEMBERS ABSENT: None.

OTHERS PRESENT: A. Frost, Deputy Planning Official and M. Snow, Clerk's Office.

Bertram moved and Ellenburg seconded to approve the Regular Planning Commission Minutes of April 10, 2012 at 5:00 p.m. Motion carried 7-0.

AUDIENCE PARTICIPATION: None.

SPECIAL USE:

1. BCPC #12-15

BY: JC Sweepstakes Inc.
2955 Pineda Plaza Way #119
Melbourne, FL 32940

RE: 4507 Fenton Ave.
Parcel # 59-31-300-004

FOR: Internet Café / Sweepstakes Room in a C-1 Zoning.

John Cofhlin, 2955 Pineda Plaza Way #119, Melbourne, FL 32940 said the majority of his business is from the retail sale of phone cards. He stated many companies do sweepstakes, even McDonalds. He said a couple hundred are open in Michigan. People play the games for entertainment. There are no games of chance because there are already predetermined winners.

Ms. Frost said the Board is not here to determine whether or not his business is legal, but whether this type of business is appropriate for a C-1 zoning. Don McGee said the Attorney General's Office is considering shutting down all sweepstakes cafes. The only reason sweepstakes are legal is because it is occasional. Burton's zoning ordinance does not state whether it is allowed or not. She has never seen anything like this before.

Mr. Cofhlin said they would have twenty-two parking spaces. He has spoken to Hungry Howies next door about using part of their parking lot.

Ms. Frost said he has enough parking.

BOARD DISCUSSION:

Mr. Bertram said he visited a sweepstakes café in Mundy Township and it looked like a mini-casino.

Mr. Cofhlin said there are different games and software. He said it is strictly for entertainment. He explained that a person purchases a phone card at $.3 per minute and receives sweepstakes points that can be swiped and redeemed for cash. A server predetermines all prizes.

Mrs. Ellenburg said the cash exchange is the problem. She asked from where the majority of his income will come.

Mr. Cofhlin said the phone cards are their primary business.

Mr. Walls said they are not here to determine whether his business is legal or not.

Mr. Bertram said if the board allows it they could be sponsoring an illegal activity.

Ms. Frost said the Attorney General never gave an opinion stating they are illegal.

Mr. Centilli said the Attorney General wants to shut all of them down and make them get gambling licenses. He said the board doesn't even know how they operate.

Mr. Walls said as far as they know it is a legal activity.

Mr. Burge said they are trying to determine if it meets the C-1 requirements.

Mr. Walls asked if they would have any alcohol on site and what the age restrictions will be.

Mr. Cofhlin replied there would not be alcohol on site and the age limit would be twenty-one years old.

Mr. Walls asked about the hours of operation and whether or not there will be a speaker system on site.

Mr. Cofhlin replied there might be a microphone but nothing that would disturb the neighbors and nothing outside.

Mr. Spose asked if taxes would be paid on the winnings.

Mr. Cofhlin said taxes must be paid on any winnings of $600 or more.

Mrs. Walls asked if he would have security on site.

Mr. Cofhlin said he would have security on site as the safety of his staff and patrons are very important to him.

Mr. Walls asked if they could approve for a certain time period.

Ms. Frost stated they could approve it for any amount of time they specify.

BOARD RECOMMENDATIONS AND/OR ACTION:

Bertram moved and Burge seconded to approve BCPC #12-15. Motion carried 4-3 with Bertram, White and Centilli voting no.

SITE PLAN REVIEW:

1. SPR #12-16

BY: Timothy Powell
18916 Bishop Rd.
Chesaning, MI 48616

RE: 3189 Kleinpell St.
Parcel # 59-28-502-107

FOR: Change of use without construction.

Timothy Powell, 18916 Bishop Rd., Chesaning, MI 48616 said he wants to open up a steel business and make a living.

Ms. Frost said the building was originally built for cold storage. There has been a business there but the City has no record, which is why he had to come in front of the Board. She said it is a change of use and the zoning is appropriate. She recommends approval.

BOARD DISCUSSION:

Mr. Burge asked if he would have employees.

Mr. Powell replied he would have a few employees.

Mr. Walls asked what their hours of operation would be.

Mr. Powell said they would be open from 7:00 a.m. to 4:30 p.m.

BOARD RECOMMENDATIONS AND/OR ACTION:

Bertram moved and Burge seconded to approve SPR #12-16. Motion carried 7-0.
ADMINISTRATIVE SITE PLAN REVIEW:

1. SPR #12-14

BY: Karanvir Singh
7426 Peppermill Dr.

Swartz Creek, MI 48473

RE: G-3509 S. Dort Hwy.
Parcel # 59-28-300-006

FOR: Change of ownership

BOARD DISCUSSION:

Mr. Bertram said in the past the Board has never approved something without knowing all the details. He said they shouldn’t have approved something that was not in the Zoning Ordinance.

Ms. Frost said new businesses come in all the time.

Mrs. Ellenburg said the applicant is taking a risk of going to jail.

Mr. Spose said new types of businesses are always in the gray area. There wasn’t any zoning for or against it and if the Board says no to everything they could miss potential opportunities. If the applicant wants to put up the money it is on him.

Mr. Bertram said that everyone knows what will happen.

Mrs. White said she was concerned that if they wanted to tighten up the zoning this business is grandfathered in.

Mr. Bertram said it is the responsibility of the Planning Commission to protect the City and its citizens.

The next regularly scheduled meeting will be held on **Tuesday, June 12, 2012, at 5:00 P.M.**

Meeting adjourned at 6:10 p.m.

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