

MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, October 2, 2008
7:00 p.m. -Council Chambers, City Hall, 70 Maple Street,
Manistee, Michigan

AGENDA

I Call to Order

II Roll Call

III Approval of Agenda

At this time the Planing Commission can take action to approve the October 2, 2008 Agenda.

IV Approval of Minutes

At this time Planning Commission can take action to approve the September 4, 2008 meeting Minutes.

V Public Hearing

None

VI New Business

Meeting/Worksession Dates 2009

The Planning Commission will review the meeting and worksession dates recommended by Staff for the year 2009

At this time the Planning Commission will take action to schedule meeting/worksession dates for 2009.

H.H.H. Investing Company - Special Use Permit

The Planning Commission approved a Special Use Permit for H.H.H. Investing Company for a Planned Unit Development in 2005. Due to a sewer moratorium they were unable to apply for necessary permits until October 6, 2006. In July of 2007 the Planning Commission granted a one year extension for the Special Use Permit for a Planned Unit development until October 6, 2008. We have received a letter from the Developer requesting a one year extension.

At this time the Planning Commission will take action to either approve an extension or direct staff to close out the Special Use Permit for H.H.H. Investing Company for a Planned Unit Development.

VII Old Business

Review status of proposed ordinance Amendments.

At this time the Planning Commission will discuss proposed Ordinance Amendments.

VIII Public Comments and Communications

At this time the Chair will ask if there are any public comments.

IX Correspondence

A letter was received from City Manager Mitch Deisch to the Planning Commission.

A letter from Jon Rose to Kate Wickstrom regarding the status of the Narconon Stone Hawk Special Use Permit.

X Staff Reports

At this time the Chair will ask Staff for their report.

XI Members Discussion

At this time the Chair will ask members of the Planning Commission if they have any items they want to discuss.

XII Adjournment



MEMORANDUM

TO: Planning Commissioners
FROM: Denise Blakeslee 
DATE: September 25, 2008
RE: October 2, 2008 Meeting

Commissioners, Enclosed is your packet for the October Planning Commission Meeting. We have the following items on the Agenda:

Meeting/Worksession Dates 2009

The Planning Commission will review the meeting and worksession dates recommended by Staff for the year 2009

H.H.H. Investing Company - Special Use Permit

The Planning Commission approved a Special Use Permit for H.H.H. Investing Company for a Planned Unit Development in 2005. Due to a sewer moratorium they were unable to apply for necessary permits until October 6, 2006. In July of 2007 the Planning Commission granted a one year extension for the Special Use Permit for a Planned Unit development until October 6, 2008. We have received a letter from the Developer requesting a one year extension.

We will also be reviewing the status of proposed ordinance amendments. I will compile all of the information we have received from Williams and Works and hand it out at the meeting.

See you Thursday! Please call me if you are unable to attend the meeting.

:djb

**Planning Commission Meeting - Worksession
Dates/Times
Proposed for 2009**

MEETINGS

WORKSESSIONS

January 8, 2009 (due to holiday on January 1st)
Moved to 2nd Thursday

January 22, 2009
Moved to 4th Thursday

February 5, 2009

February 19, 2009

March 5, 2009

March 19, 2009

April 2, 2009

April 16, 2009

May 7, 2009

May 21, 2009

June 4, 2009

No Worksession

July 9, 2009 (due to Holiday on July 4th)
Moved to 2nd Thursday

No Worksession

August 6, 2009

No Worksession

September 3, 2009

September 17, 2009

October 1, 2009

October 15, 2009

November 5, 2009

November 19, 2009

December 3, 2009

No Worksession

Meetings and Worksessions will be held at 7:00 p.m. in the Council Chambers at City Hall, 70 Maple Street, Manistee, Michigan.

MOORE & BRUGGINK, INC.

Consulting Engineers
2020 Monroe Avenue, N.W.
Grand Rapids, Michigan 49505-6298

September 25, 2008

Re: Hunting - Manistee
Project 980036.1

Mr. Jon Rose, Community Development Director
City of Manistee
70 Maple Street
Manistee, MI 49660

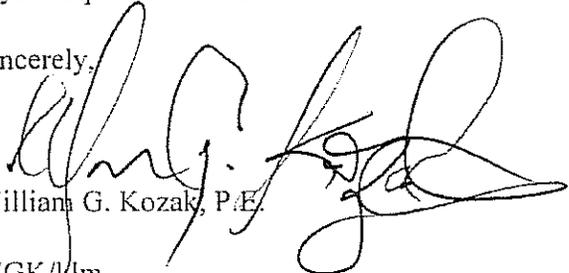
Dear Mr. Rose:

We are writing on behalf of our client, H.H.H. Investing Co., the owner of Permanent Parcel #51-51-314-225-01 located northwest of the intersection of Cherry and Merkey, City of Manistee, Manistee County, Michigan.

The property has a Special Use Permit in force until October 6, 2007 as noted in your letter of October 12, 2006. The purpose of this letter is to request the extension of the Special Use Permit to October 6, 2009. The reason for this request is due to the economic conditions that currently exist in the state of Michigan. As conditions improve, this development will become doable.

If you require additional information or want me to attend a meeting, please call me.

Sincerely,



William G. Kozak, P.E.

WGK/klm

cc: Mr. Allen Hunting, Jr.

H.H.H. Investing Company - request for extension of Special Use Permit.

A Special Use Permit was granted to H.H.H. Investing Company for a Planned Unit Development. At the time the permit was issued a moratorium was in place that would not allow the extension of sewer to the development. Since that time the moratorium has been lifted. The Developer is requesting an extension until October 6, 2009 on the expiration of the Special Use Permit citing the current economic conditions of the State of Michigan.

MOTION by Ray Foriter, seconded by Tony Slawinski to approve the request from H.H.H. Investing Company for an extension of their Special Use Permit until October 6, 2009.

MOTION TO AMEND THE MOTION by Ben Bifoss, Seconded by Dave Crockett that the Special Use Permit be extended only one year until October 6, 2008.

With a roll call vote the motion to AMEND the motion passed 9 to 0.

Yes: Bifoss, Crockett, Haines, Slawinski, Albee, Gustad, Barry Fortier, Yoder
No: None

With a Roll call vote the motion (to approve the request from H.H.H. Investing Company for an extension of their Special Use Permit until October 6, 2008) passed 9 to 0.

Yes: Crockett, Slawinski, Albee, Bifoss, Gustad, Haines, Fortier, Barry, Yoder
No: None

The Planning Commission approved an extension to H.H.H. Investing Company of their Special Use Permit until October 6, 2008

West Coast LLC (Joslin Cove Development) - Request for PUD Modification.

The Planning Commission received a request from West Coast LLC (Joslin Cove Development) to allow the relocation of the sign for the project. The original Planned Unit Development showed a single pedestal sign, the owners would now like to change the signage to a pair of landscaped cultured-stone fences at the entrance.

Jim Nordlund Jr., Nordlund and Associates spoke on behalf of West Coast LLC (Joslin Cove Development) they are asking the Planning Commission if the change from a single pole sign to two landscaped cultured-stone fences at the entrance to the development can be handled administratively or if it requires a Public Hearing.

Commissioners discussed the request with Mr. Nordland. The signs will be metal/bronze on the walls and will be externally lit. The lighting will be low wattage. Jon Rose noted that they must comply with the lighting requirements of the ordinance.



City of Manistee

P. O. Box 358 • Manistee, Michigan 49660 • Phone: 231.723.2600 • Fax: 231.723.2600

CITY HALL
70 Maple Street

CITY MANAGER
231.723.2601

CITY ASSESSOR
231.723.2602

BUILDING INSPECTOR
231.723.2606

**PLANNING, ZONING &
COMMUNITY DEV.**
231.723.2603

CITY CLERK
231.723.2605

CITY TREASURER
231.723.2604

WATER BILLING
231.723.2607

ADMINISTRATION
231.723.2608

CLERK/TREASURER
231.723.2610

POLICE DEPARTMENT
70 Maple Street
231.723.2633
Fax: 231.723.2612

FIRE DEPARTMENT
281 First Street
231.723.1549
Fax: 231.723.3519

PUBLIC WORKS
280 Washington St.
231.723.7132
Fax: 231.723.1803

PARKS DEPARTMENT
231.723.4951

WATER MAINTENANCE
231.723.3641

WASTEWATER PLANT
50 Ninth St.
231.723.1553

September 18, 2008

Roger Yoder, Chairman
Manistee City Planning Commission
P. O. Box 358
Manistee, Michigan 49660

Dear Chairman Yoder:

I wanted to take the opportunity to draft the Planning Commission a letter in response to the concern expressed at your last meeting that a Planning Commission representative was not included on the Beach Master Plan Steering Committee.

First off, let me apologize for this oversight. From the start of this project it was of utmost importance to be inclusive of the various service clubs, boards and commissions, citizens at large and area students. I believe this is illustrated by the list of those who served on the committee, which included the Lions, Rotary, Jaycees, City Council, Beautification Committee, Parks Commission, students representing MCC, MAPS, and Casman Academy, as well as several City staff members. Whereas my intent was to be inclusive, clearly it was an oversight to have not asked the Planning Commission for a representative. As the Council appointed planners for the City of Manistee, you should have been involved in the steering committee.

Based upon this recent event, I am going to be working with Community Development Officer Jon Rose to establish a protocol to ensure that when Planning Commission involvement is required that it not be overlooked as it was with the Beach Master Plan Steering Committee.

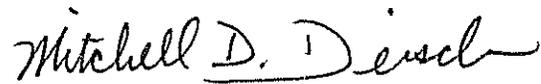
The next step is to present the Beach Master Plans to the City Parks Commission in October 2008. Once the Parks Commission reviews and endorses the Master Plan, it will be presented again to the Planning Commission for formal review and endorsement to City Council.



I look forward to working with the Planning Commission on future projects that will benefit our entire community.

Sincerely,

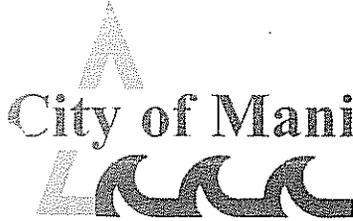
CITY OF MANISTEE

A handwritten signature in black ink that reads "Mitchell D. Deisch". The signature is written in a cursive style with a prominent "D" and "D" in the last name.

Mitchell D. Deisch, City Manager
mdeisch@ci.manistee.mi.us

MDD:cl

cc. Manistee City Council



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ADMINISTRATION
Fax: 231.723.1546

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Fax: 231.723.3519

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September 18, 2008

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Manistee City Planning Commission
P. O. Box 358
Manistee, Michigan 49660

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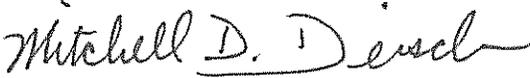


Letter to Planning Commission
Page 2

I look forward to working with the Planning Commission on future projects that will benefit our entire community.

Sincerely,

CITY OF MANISTEE

A handwritten signature in black ink that reads "Mitchell D. Deisch". The signature is written in a cursive style with a horizontal line underlining the name.

Mitchell D. Deisch, City Manager
mdeisch@ci.manistee.mi.us

MDD:cl

cc. Manistee City Council



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September 17, 2008

Kate Wickstrom
11333 Bluff Road
Traverse City, MI 49686

RE: Special Use Permit
Narconon Stone Hawk

Dear Ms. Wickstrom:

While a Special Use Permit was issued to Narconon Stone Hawk there are several issues that need to be resolved to continue the Special Use Permit.

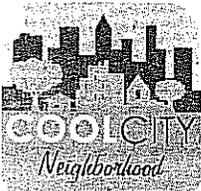
Review of the letter from Mr. Ironside dated April 8, 2008 (included with your fax) indicates that you are considering putting an addition on the facility. If the proposed changes to the original site plan are made it will be necessary to apply for a new Special Use Permit.

Given the complexity of the issues surrounding the existing Special Use Permit, it may be easier to apply for a new permit in your name rather than trying to address all of the following issues.

The following is a synopsis of the history relating to the Special Use Permit:

The City of Manistee Planning Commission issued a Special Use Permit to Narconon Stone Hawk on October 5, 2006. Included within the Special Use Permit is the reference to Article 18, Section 1801.I of the Zoning Ordinance "Expiration of Permit" item A.4 reads "If the use is abandoned, moved or vacated for a period of one year".

In October 2007 I phoned you to explain the process to prevent expiration of the Special Use Permit issued to Narconon Stone Hawk. You confirmed our conversation in a fax received by our office on October 5, 2007. The letter from you indicated we were to receive the necessary documents (bids) on October 8, 2007.



September 17, 2008
Page 2

On November 16, 2007 I sent you a letter indicating that we had not received copies of the bids. In addition an outstanding invoice for copies ordered by Per Wickstrom in the amount of \$93.00 was still due. This letter asked for a response by December 6, 2007 to answer inquiries from the Planning Commission.

On January 4, 2008 I sent you a letter stating this was our last attempt to allow you to validate that you had not abandoned your Special Use Permit and the invoice was still outstanding. A response was needed from you by January 18, 2008.

On January 10, 2008 you faxed a copy of a General Contractor Agreement and Proposal with General Contractor /KM Diversified Contractors dated April 10, 2007.

The fax included a copy of a personal check from you in the amount of \$93.00 payable to the City of Manistee for the outstanding invoice.

You indicated when you were in the office this past spring that Narconon Stone Hawk belongs to your former partner Per Wickstrom. At that time we discussed the need for you to provide documentation that demonstrates the Special Use Permit has been transferred from Narconon Stone Hawk to you. **This information is needed.**

On April 8, 2008 you faxed us a letter that said that Charles Ironside, Progressive Associates, Inc. Architect has been working on your project. You said you were going to speak with him the next day and he was to e-mail us PDF's of the plan. **No Plans have been received**

In the event that the items listed in bold above **are not received by October 17, 2008 the Special Use Permit will be considered abandoned** and application for a new Special Use Permit will be required.

If you have any questions, please call me at 231.398.2805.

Sincerely,

CITY OF MANISTEE



Jon R. Rose
Community Development Director

JRR:djb

cc: Planning Commission
Bruce Gockerman, City Attorney

**Request to Amend
Planning Commission Agenda
October 2, 2008**

MOTION to amend the October 2, 2008 agenda to include under New Business MasTech - Mariah Power Windspire and Narconon Stone Hawk - Transfer of Special Use Permit.

Add under New Business:

MasTech - Mariah Power Windspire

MasTech, 100 S. Glocheski Drive has entered into a contract to manufacture Mariah Power Windspires. This is a new method of Clean Renewable Energy that could be used for both Residential and Commercial developments. These Windspires are low profile at 30 feet in height. This is a drastic difference from the large windmills that have been constructed in parts of Michigan on wind farms. Section 1892 Windmill (Wind Energy Conversion System) of our Zoning Ordinance does not address this type of wind energy system.

MasTech would like to install a unit at their facility as a display (may or may not be operational) to depict this new type of Clean Renewable Energy system. Without adequate language in the ordinance to provide for these Windspires the Planning Commission is being asked for their input on this issue.

At this time the Planning Commission will discussion option for MasTech-Maria Power Windspire.

Narconon Stone Hawk - Transfer of Special Use Permit

A Special Use Permit was issued to Narconon Stone Hawk on October 5, 2006 for a Drug Education and Rehabilitation Facility. Since that time the business partnership between Per Wickstrom and Kathleen Wickstrom has dissolved. Kathleen Wickstrom retained ownership of the property at 300 Care Center Drive under the corporate name of Bellasam, Inc. Per Wickstrom retained ownership of the Narconon Stone Hawk corporate name.

The Special Use Permit was issued to Narconon Stone Hawk and since the facility has not been operational a transfer of the Permit is required for Bellasam, Inc./Kathleen Wickstrom to proceed with the necessary renovations needed to open the facility. Under Section 1801.H of the Ordinance Ms. Wickstrom is requesting a transfer of the Special Use Permit from Narconon Stone Hawk to Bellasam, Inc.

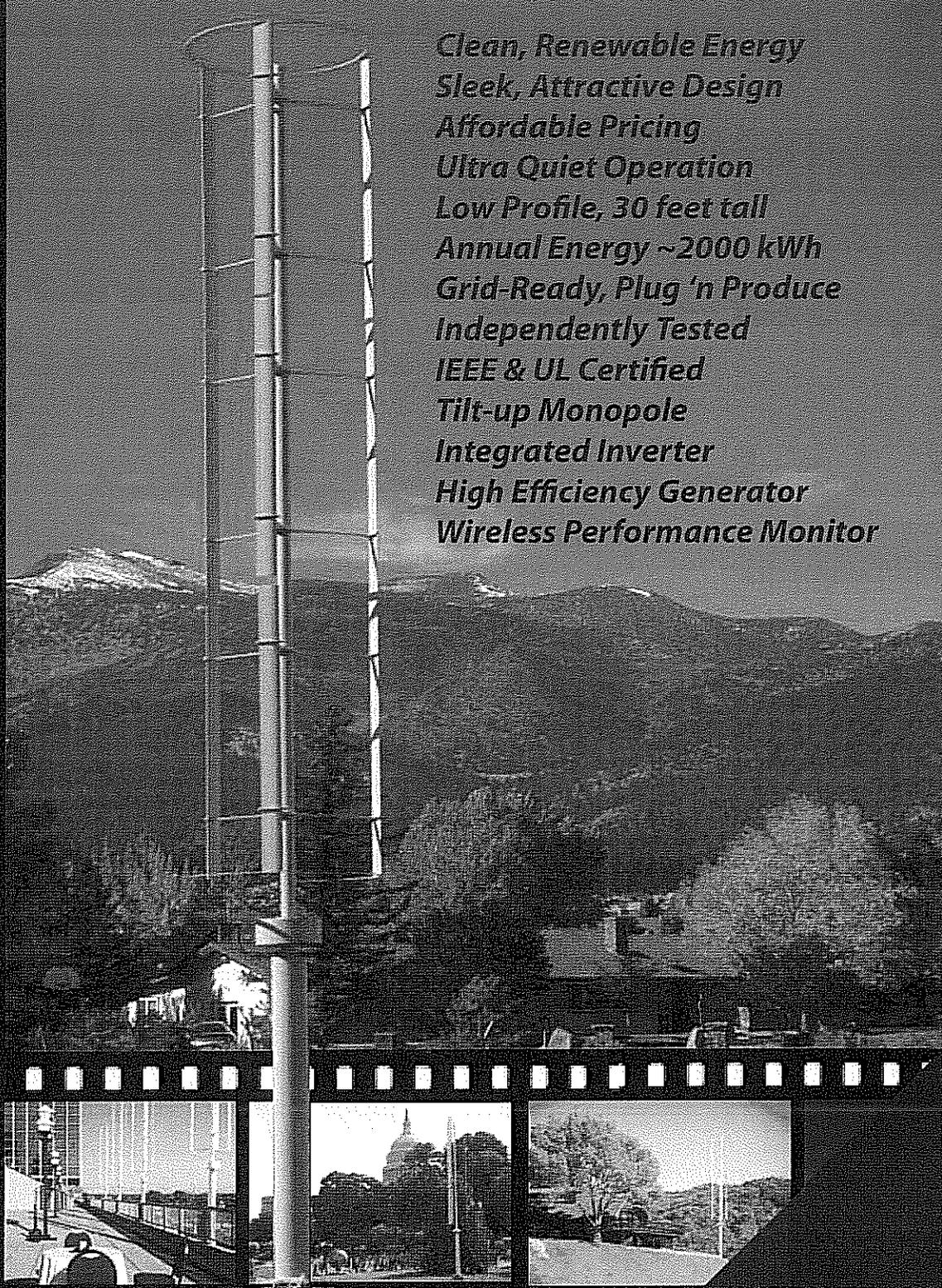
At this time Planning Commission can take action to approve/deny the request to transfer Narconon Stone Hawk Special Use Permit for a Drug Education and Rehabilitation Facility to Bellasam, Inc./Kathleen Wickstrom.



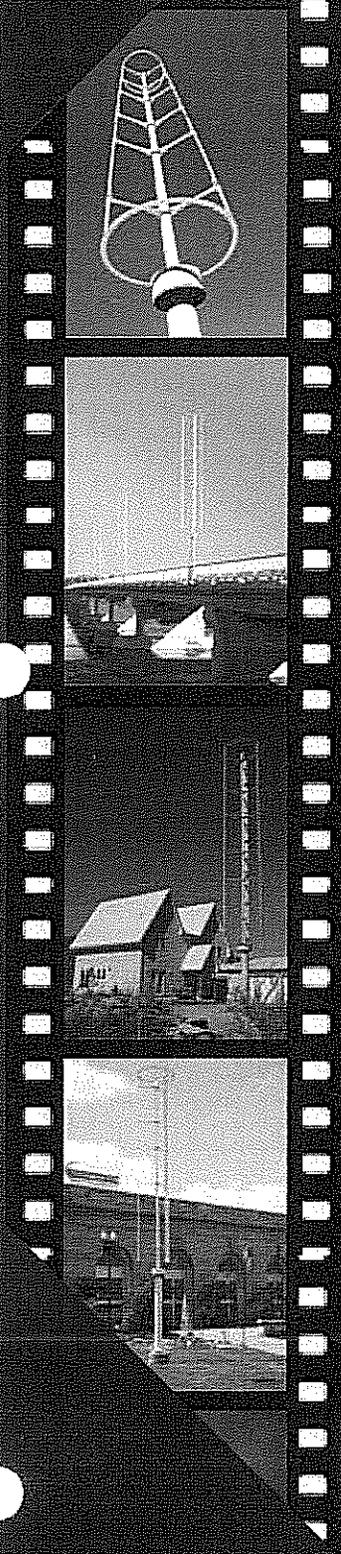
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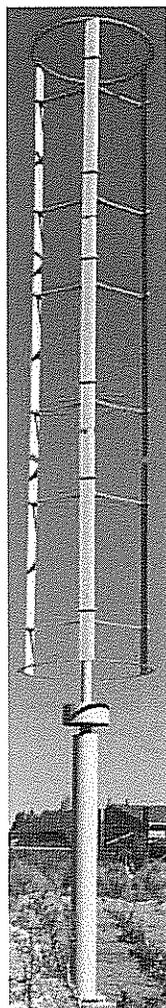


Wind to Power Power to Inspire



- Customers ▶
- Dealers ▶
- Installers ▶
- Media ▶
- Investors ▶
- Architects ▶

Windspire Overview



The Windspire is a low cost, attractive, plug-n-produce wind power appliance that provides a safe and attractive method for harnessing power from the wind. At only 30 feet tall and 2 feet in radius, Windspire is distinguished by its sleek propeller-free design, ultra quiet operation, rugged construction, and affordable pricing. Designed for operation where we live and work, it sells for \$4,995 and comes complete with a high efficiency generator, integrated inverter, hinged monopole, and wireless performance monitor.

Attractive - Manufactured with corrosion-resistant soft silver paint that can be re-painted in any color, Windspire provides a truly aesthetically-inspiring renewable wind power option. It is appropriate for rural, suburban, and some urban residential environments alike, and at 30 feet, it is below typical residential and urban zoning restrictions. Several Windspires placed artistically in arrays can form an interesting display of kinetic art in front of small businesses, commercial buildings, resorts, etc.

Extremely Quiet - Our uniquely slender vertical axis design allows Windspire to operate with a low tip speed ratio (the edges of the rotor spin just 2 to 3 times the speed of the wind), which makes it virtually silent.

Durable, Simple Installation, Low Maintenance - Rugged yet simple construction means durability - Windspire is rated for winds up to 100 mph - and low maintenance for customers. Installation is simple, and can be completed by a professional installer in a matter of hours. The Windspire kit comes complete with everything you will typically need, except the concrete, so installers do not need to source numerous other components. Once installed, you can "plug 'n produce" - plug it into your outlet to begin drawing power from the wind. Alternatively you can have it hard-wired into your building. Regular maintenance is limited to a couple of minutes a year to oil the bearings, located 9 feet above the ground.

Power from Advanced Technology - Mariah Power's patented technology includes a rotor, generator, and inverter designed as a complete system to optimize the conversion of wind energy into electricity. The 1.2 kW (1.2 kilowatt, or 1200 watts) Windspire will produce approximately 2000* kilowatt hours per year in 12 mile per hour average winds. The Windspire also includes an internal wireless modem that can continuously transmit power production information directly to your computer so you can check your power production at any time.

With so many advantages, and priced well below other renewable energy products, Windspire is the natural choice.

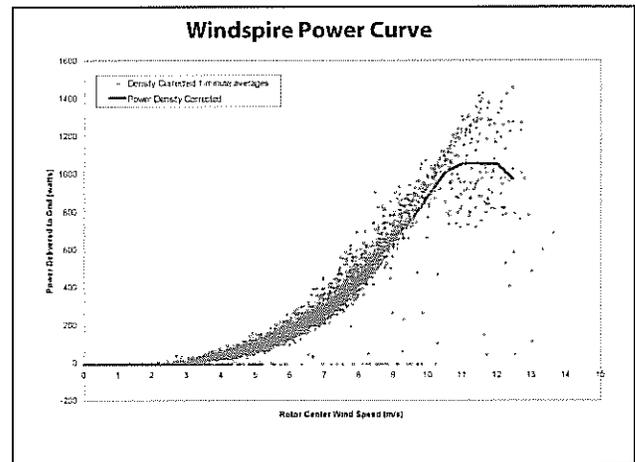
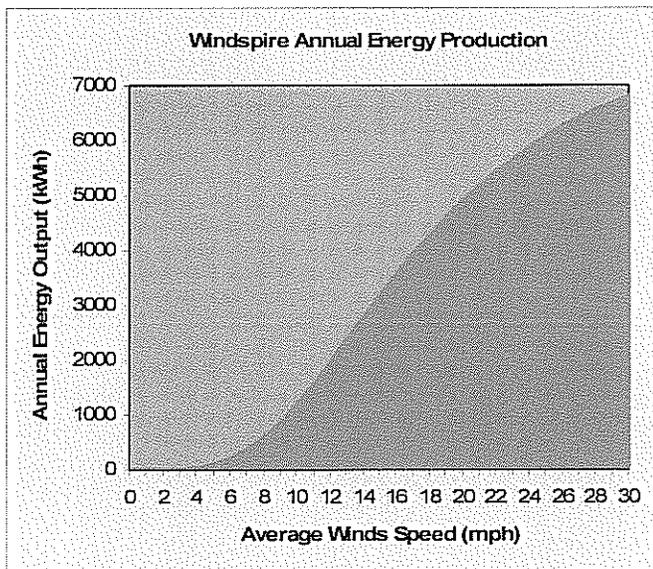
*annual energy production is estimated based on initial test data.



Windspire® Specifications

	Standard Specification	Options	
General	Annual Energy Production (AEP)	2000 kWh*	
	Instantaneous Power Rating (IPR)	1.2 kW*	
	Standard Unit Height	30 ft 9.1 m	35, 40, or 50 ft 10.5, 12, or 15 m
	Total Weight	600 lb 273 kg	
	Color	Soft Silver	Custom Color
Rotor	Sound	20 decibels @ 40 ft 12 m	
	Warranty	5 year limited warranty	
	Rotor Type	Vertical Axis - Low Speed Giromill	
	Rotor Height; Radius	20 ft 6.1m; 2 ft radius 1.2 m	
	Swept Area	80 ft ² 7.43 m ²	
	Max Rotor Speed	500 RPM*	
	Peak Tip Speed Ratio	2.8	
Electronics	Speed Control	Dual Redundant: passive aerodynamic; electronic	
	Wind Tracking	Instantaneous	
	Generator	High Efficiency Brushless Permanent Magnet	
	Inverter	Custom Integrated Grid Tie 120 VAC 60 Hz	International Autotransformer Kit
	Inverter Certification	ETL: Meets IEEE 1547.1; UL 1741	
Wind	Performance Monitor	Integrated Wireless Zigbee Modem	Performance Monitoring Kit
	Cut-in Wind Speed	9 mph 4 m/s	
	AEP Average Wind Speed	12 mph 5.4 m/s	
	IPR Rated Wind Speed	25 mph 11 m/s	
Construction	Survival Wind Speed	100 mph 45 m/s	
	Foundation	Poured Concrete	
	Foundation Size	2 ft diameter by 6 ft base*	Custom for certain soil conditions
	Rotor Material	Aircraft Grade Extruded Aluminum	
	Monopole/Structure Material	Recycled High Grade Steel	
Coatings	Corrosion-resistant industrial grade paint	Snow & Ice Shedding Coating	

*Notes: Performance data is based on initial test data and expected final test results. Final testing is currently underway. AEP is based on assumptions, including a Rayleigh wind speed distribution and sea level air density. Foundation size may vary for non-standard soil conditions or non-standard heights.



Note: This initial data was provided by Windward Engineering, an independent test facility, using an in-ground installation in real world wind conditions, and scientific 1-minute average binned data. Final data will be released once all electronic settings have been calibrated for optimal performance. We expect final data to be even more impressive.

accordance with Section 2208 may be made to an existing Special Use permit with the approval of the Zoning Administrator.

- H. **Transfers.** Prior to completion of construction related to a special use, the special Use permit, with any and all associated benefits, conditions and required security may be transferred to a new owner only upon the sale or transfer of the property in question and only upon the approval of the Planning Commission. Such approval shall not be unreasonably withheld if the Planning Commission is satisfied that the proposed owner has similar qualifications and capabilities as the approved owner. The responsibility for affecting the transfer shall be the original owner. The original owner, upon transferring the Special Use permit, shall advise the Zoning Administrator of said transfer in order to insure the continued validity of the permit, compliance with security, and other conditions. Following completion of construction and commencement of the special use, the special use permit shall run with the land, subject to Section 1801, I, 4, pertaining to abandonment.
- I. **Expiration.** A Special Use permit shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The Special Use permit will expire on the occurrence of one or more of the following conditions:
1. If replaced or superseded by a subsequent permitted use or Special Use permit.
 2. If the applicant requests the rescinding of the Special Use permit.
 3. If a condition of approval included stipulation to expire the Special Use permit by a certain date.
 4. If the use is abandoned, moved or vacated for a period of one year.
- J. **Violations.** Any violation of the terms, conditions or limitations of a Special Use permit shall be cause for revocation or suspension of the permit. The Planning Commission may either revoke or suspend, pending correction of the violation, any Special Use permit. The act to revoke or suspend the permit shall occur after giving notice to the permit holder, specifying the alleged violation(s) and disclosing when a hearing will be held on the matter. The notice shall be delivered by registered mail. Any interested party may appear in person or by attorney at the hearing. The act to revoke or suspend the permit shall occur after or at the hearing on the matter. Before revoking or suspending the permit, the Planning Commission shall make a finding that a material violation of the Special Use permit exists. The permit holder shall be given reasonable opportunity to correct the violation(s).

SECTION 1802 SPECIAL USE REVIEW STANDARDS

- A. **General Review Standards.** The Planning Commission, before acting on a Special Use permit application, shall employ and be guided by standards which shall be consistent with and promote the intent and purpose of this Zoning Ordinance, and ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The Planning Commission shall review each application and take action to approve a special use application only if it finds that such Special Use meets each of the following standards, together with any

ASSIGNMENT OF SPECIAL USE PERMIT

NARCONON STONE HAWK REHABILITATION CENTER, INC., a Michigan non-profit corporation ("Assignor") hereby assigns, transfers and conveys to BELLASAM, INC., a Michigan corporation ("Assignee"), for valuable consideration, the receipt and adequacy of which is acknowledged, all of Assignor's right, title and interest in and to that certain Special Use Permit (Application #PC-2006-13) dated October 17, 2006 issued by the City of Manistee and recorded on November 15, 2006 in Liber 1002, Page 480, Manistee County Register of Deeds (the "Permit"). The Permit is being transferred in connection with the acquisition by Assignee of the property to which the Permit pertains.

Dated: September __, 2008

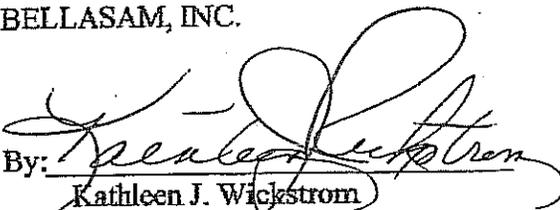
ASSIGNEE

ASSIGNOR

BELLASAM, INC.

NARCONON STONE HAWK
REHABILITATION CENTER, INC.

By:


Kathleen J. Wickstrom

Its: President

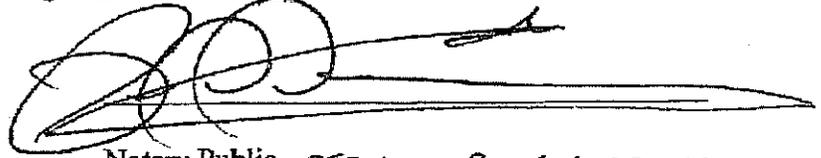
By:


Tress

Its:

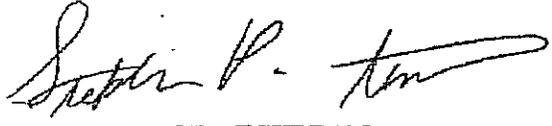
STATE OF MICHIGAN)
)ss
COUNTY OF CALHOUN)

On this 29 day of September, 2008, before me, a Notary Public, in and for said County, personally appeared PER Wickstrom, the President of NARCONON STONE HAWK REHABILITATION CENTER, INC., to me known to be the same person described in and who executed the foregoing instrument and who acknowledged the same to be their free act and deed.



STEPHEN P. ANDERSON
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Sept 3, 2013
ACTING IN COUNTY OF Calhoun

Notary Public STEPHEN P. ANDERSON
State of Michigan, County of WAYNE
My commission expires: SEPT 3, 2013
Acting in the County of CALHOUN



STATE OF MICHIGAN)
)ss
COUNTY OF GRAND TRAVERSE)

On this ____ day of September, 2008, before me, a Notary Public, in and for said County, personally appeared Kathleen J. Wickstrom, the President of Bellasam, Inc., to me known to be the same person described in and who executed the foregoing instrument and who acknowledged the same to be her free act and deed.

Notary Public
State of Michigan, County of _____
My commission expires: _____
Acting in the County of _____

Prepared By and When Recorded Return to:
Gregory J. Donahue, Esq.
Zimmerman, Kuhn, Darling, Boyd,
Quandt and Phelps, PLC
412 South Union Street, PO Box 987
Traverse City, MI 49685-0987
(231) 947-7900

SPECIAL USE PERMIT

CITY OF MANISTEE
70 Maple Street, P.O. Box 358
Manistee, Michigan 49660

Penny A. Pepera
Register of Deeds
Manistee, Michigan 49660

This SPECIAL USE PERMIT, herein after referred to as the permit, is granted pursuant to the authority granted in Article 18: Standards and Requirements for Special Uses, of the Manistee City Zoning Ordinance, effective March 27, 2006.

Name of Permit Holder: Narconon Stone Hawk
Mailing Address: 237 N. Avenue
Battle Creek, MI 49017

Name of Property Owner: Tendercare Inc. Manistee Heights Care Center Inc.
Mailing Address: 209 East Portage Ave 290 East Portage Ave
Sault Ste Marie, MI 49783 Sault Ste Marie, MI 49783

Description of Property affected by Special Use Permit: See Attachment A (Legal Descriptions)
Tax Parcel Number: 51-51-713-125-00, 51-51-713-125-01, 51-51-713-125-03

Description of Special Use Granted, as Permitted in Article #18, Section #1866 Uses Similar to Uses Permitted as Special Land Uses

Special Use Permit Application #PC-2006-13 as Approved by the Planning Commission on October 5, 2006, Site Plan and Landscape Plan (Job No 61606247 prepared by Mansfield & Associates)

PERMIT CONDITIONS AND REQUIREMENTS:

This permit is issued, subject to the following conditions and/or requirements as contained in Article 18, Section 1802:

CONDITIONS See Attachment B (Resolution of Approval)

TRANSFER OF PERMIT

This permit is transferable only in accordance with Article 18, Section 1801.H of the ordinance.

EXPIRATION OF PERMIT (as per Article 18 Section 1801.I):

A Special Use permit shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The Special Use permit will expire on the occurrence of one or more of the following conditions:

- 1. If replaced or superseded by a subsequent permitted use or Special Use permit.
2. If the applicant requests the rescinding of the Special Use permit.
3. If a condition of approval included stipulation to expire the Special Use permit by a certain date.
4. If the use is abandoned, moved or vacated for a period of one year.

VIOLATIONS OF PERMIT (see Article 18 Section 1801.J):

Any violation of the terms, conditions or limitations of a Special Use permit shall be cause for revocation or suspension of the permit. The Planning Commission may either revoke or suspend, pending correction of the violation, any Special Use permit. The act to revoke or suspend the permit shall occur after giving notice to the permit holder, specifying the alleged violation(s) and disclosing when a hearing will be held on the matter. The notice shall be delivered by registered mail. Any interested party may appear in person or by attorney at the hearing. The act to revoke or suspend the permit shall occur after or at the hearing on the matter. Before revoking or suspending the permit, the Planning Commission shall make a finding that a material violation of the Special Use permit exists. The permit holder shall be given reasonable opportunity to correct the violation(s).

CERTIFICATION OF PERMIT

The above SPECIAL USE PERMIT was granted by the Manistee City Planning Commission pursuant to the requirements of the Manistee City Zoning Ordinance.

DATE OF APPROVAL: October 5, 2006

CITY OF MANISTEE

STATE OF MICHIGAN)
) SS.
COUNTY OF MANISTEE)



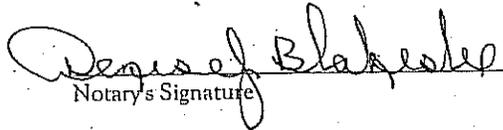
Jon R. Rose Dated 10.17.06
Zoning Administrator

On October 17, 2006, before me, a Notary Public in and for said County, personally appeared Jon R. Rose, to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be his free act and deed.

Notary's Stamp

DENISE J. BLAKESLEE Notary Public, Manistee Co., MI My Comm. Expires April 2, 2007

(Notary's name, county, acting in County, and Date Commission expires)

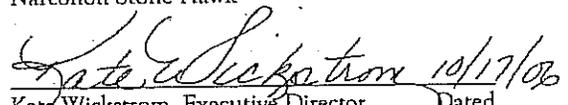


Notary's Signature

ACKNOWLEDGMENT & RECEIPT OF PERMIT

I (we) the undersign do hereby certify that I am (we are) the person(s) listed above as the special use permit holders of their authorized legal representative. I (we) do further certify that I (we) have read, understand and agree to comply with all of the requirements and conditions of this permit, as listed above and in the Manistee City Zoning Ordinance.

STATE OF MICHIGAN)
) SS.
COUNTY OF MANISTEE)

Narconon Stone Hawk


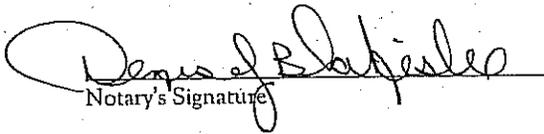
Kate Wickstrom, Executive Director Dated 10/17/06

On October 17, 2006, before me, a Notary Public in and for said County, personally appeared Kate Wickstrom, to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be his/her free act and deed.

Notary's Stamp

DENISE J. BLAKESLEE Notary Public, Manistee Co., MI My Comm. Expires April 2, 2007

(Notary's name, county, acting in County, and Date Commission expires)



Notary's Signature

Prepared by:
JON R. ROSE
ZONING ADMINISTRATOR
CITY OF MANISTEE
70 Maple Street, P.O. Box 358
Manistee, MI 49660
231.398-2805

RECEIVED
NOV 13 2006
MANISTEE COUN
REGISTER OF DEEDS

ANTHONY M. SLAWINSKI

Sheet 2 of 2 sheets

REGISTERED LAND SURVEYOR No. 13597

384 SEVENTH STREET

MANISTEE, MICHIGAN 49660

JULY 16, 1990

LEGAL DESCRIPTIONS:

PARCEL A:

A part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of sec 13 T21N R17W, commencing at the N $\frac{1}{4}$ cor of said sec 13; thence S 89°51'16"E 688.91 feet; thence S 1°03'47"E 33.00 feet for a P.O.B.; thence S 89°52'38"E 378.12 feet; thence N 0°40'45"W 32.90; thence S 89°48'57"E 314.44 feet; thence S 0°50'38"E 192.83 feet; thence N 89°50'52"W 692.04 feet; thence N 1°03'47"W 159.92 feet to the P.O.B. Parcel containing 2.781 acres more or less. The above described parcel being subject to any rights-of-way or easements of record.

PARCEL B:

A part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of sec 13 T21N R17W, commencing at the N $\frac{1}{4}$ cor of said sec 13; thence S 89°51'16"E 688.91 feet; thence S 1°03'47"E 192.92 feet thence S 89°50'52"E ~~392.04~~ 392.04 feet for a P.O.B.; thence continuing S 89°50'52"E 300.00 feet; thence S 0°50'38"E 338.58 feet; thence N 88°53'31"W 212.68 feet; thence N 82°34'47"W 88.33 feet; thence N 0°49'47"W 323.87 feet to the P.O.B. Parcel containing 2.304 acres more or less. The above described parcel being subject to any rights-of-way or easements of record.

PARCEL C:

A part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of sec 13 T21N R17W, commencing at the N $\frac{1}{4}$ cor of said sec 13; thence S 89°51'16"E 688.91 feet; thence S 1°03'47"E 192.92 feet for a P.O.B.; thence S 89°50'52"E 392.04 feet; thence S 0°49'47"E 323.87 feet; thence S 82°34'47"E 88.33 feet; thence S 88°53'31"E 212.68 feet; thence S 0°50'38"E 793.81 feet; thence S 88°06'30"W 33.01 feet; thence N 0°50'38"W 762.52 feet; thence N 88°53'31"W 170.08 feet; thence S 55°29'30"W 951.12 feet; thence N 22°53'30"W 67.36 feet; thence N 55°29'30"E 396.83 feet; thence N 1°03'47"W 621.57 feet to the P.O.B. Parcel containing 6.563 acres more or less. The above described parcel being subject to any rights-of-way or easements of record.

FOR:

Tender Care (Michigan) Inc.
209 E. Portage Ave.
Sault Ste Marie, Michigan 49783

BY:

Anthony M. Slawinski
Anthony M. Slawinski
R.L.S. # 13597

City of Manistee
Planning Commission Resolution of Approval
Special Use Permit, Case Number PC-2006-13
Narconon Stone Hawk

At a regularly scheduled meeting of the City of Manistee Planning Commission held on (Date of Meeting), the following resolution was adopted pertaining to the request for a Special Use Permit for Narconon Stone Hawk for a Drug Education and Rehabilitation Facility as shown on Site Plan and Landscape Plan (Job No 61606247 prepared by Mansfield & Associates)

Planning Commissioner Ben Bifoss moved, supported by Planning Commissioner Tamra Buswinka, the adoption of the following resolution.

WHEREAS, the City of Manistee received an application for a Special Use Permit from Narconon Stone Hawk for a Special Use Permit for a Drug Education and Rehabilitation Facility on August 28, 2006, and

WHEREAS, proper notice was posted at City Hall, a letter was mailed to all owners and occupants with 300 feet of the proposed site on September 11, 2006, and an ad was placed in the Manistee News Advocate on September 13, 2006 inviting the public to the worksession on September 21, 2006 and the Public Hearing on October 5, 2006 in response to the request, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the proposed development on October 5, 2006, and

WHEREAS, a Drug Education and Rehabilitation Facility is not classified in the City of Manistee Zoning Ordinance, and

WHEREAS, the Zoning Administrator made a recommendation that the request be considered under Section 1866 Uses Similar to Uses Permitted as Special Land Uses of the Zoning Ordinance, and

WHEREAS, The City of Manistee Planning Commission concurred with the recommendation of the Zoning Administrator that the requested use is a Use Similar to Uses Permitted as Special Land Use in the R-3 Zoning District at their meeting of October 5, 2006, and

WHEREAS, the Planning Commission has received written comment, reviewed the Site Plan, and has completed review of the application, and considered input from the applicant and the public at the public hearing, now therefore, be it

RESOLVED, that the Planning Commission has reached the following determination regarding Special Use Permit Standards (Section 1802.A):

1. The Special Use is consistent with the adopted City of Manistee Master Plan.
2. The Special Use is designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity and such use will not change the essential character of the area in which it is proposed.
3. The Special Use will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
4. The Special Use is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.
5. The Special Use does not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
6. The Special Use does not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, toxic emissions, fumes, glare, or odors.
7. The Special Use meets the intent and purpose of the Zoning Ordinance; is related to the standards established in the Ordinance for the land use or activity under consideration; and is in compliance with these standards.

and, be it further

RESOLVED, that the Special Use Permit for the project as proposed by the Applicant be, and is hereby, approved, subject to the following Requirements and Conditions are established by the Planning Commission for a Drug Education and Rehabilitation Facility:

1. The use shall be established and maintained in accordance with all applicable Local, State and Federal laws. As a condition of Special Use approval, at all times the Rehabilitation Facility shall maintain all valid state and local licenses.
2. A Drug Education and Rehabilitation Facility shall not be located within fifteen hundred (1,500) feet of any other nursing home or Drug Education and Rehabilitation Facility .
3. All exterior lighting shall be in accordance with Section 525 hereof.
4. The Planning Commission has determined that a Drug Education and Rehabilitation Facility in the R-3 Zoning District is allowed 4 sq. ft. of Cumulative Sign Area, Wall or Ground Sign with External Lighting.
5. All off-street parking shall be in compliance with Section 514 of this Ordinance.

6. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.
7. The facility is limited to 120 beds.

CITY OF MANISTEE PLANNING COMMISSION:

AYES: Buswinka, Fortier, Bifoss, Slawinski, Crockett, Yoder, Haines

ABSTAINING: None

NAYS: Barry

ABSENT: Ferguson

MOTION: X CARRIED NOT CARRIED

CERTIFICATION:

I, Maureen Barry, Secretary of the City of Manistee Planning Commission certify that the foregoing is a true and complete record of action taken by the Planning Commission at their regular meeting of October 5, 2006.

Maureen Barry 11/2/06
Maureen Barry, Secretary Dated

September 24, 2008

Jon Rose, Community Development Director
City of Manistee
70 Maple Street
Manistee, MI 49660

Dear Jon,

I am writing this letter in support of Kate Wickstrom's proposed plan to open a residential treatment facility in Manistee at the former Medical Care facility. As you are aware, I am a supervisor of adult and crisis service for Manistee-Benzie Community Mental Health. I am also chairman of the workgroup that designed and helped implement services to treat individuals with co-occurring substance and mental health disorders. I am also designated by our agency to be a "Change Agent Leader" which is a State initiative to help coordinate the eventual blending of funding streams for both mental health and substance abuse and move to see that services improve. As a Certified Advanced Addictions Counselor, I have 25 years working with people with severe substance abuse problems.

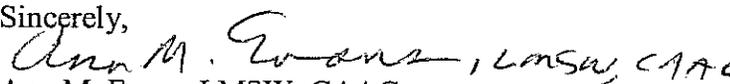
Alcoholism and addiction touch a least one out of every 4 people and Manistee is no exception. One out of every 4 people knows someone or is related to someone with a serious problem with alcohol, prescription drugs and illegal drugs. This issue causes employment, health, family, social, legal and housing problems. We are finding that substance abuse problems are the expectation, not the exception in our mentally ill clients. The same holds true for the majority of men and women incarcerated in our county jail as well as those presenting at our local hospital emergency room.

Treatment is known to be effective but most addicts and alcoholics do not receive needed treatment. The nearest beds for detoxification are 60 miles away and these are often full. The waiting list for residential treatment and difficulty accessing timely inpatient substance abuse treatment have resulted in people not getting the help they need and some have died as a result.

Having a local residential treatment center would make access to treatment easier for local residents. The availability of a detoxification unit would greatly relieve some of the burden of our emergency room, emergency mental health services and law enforcement demands in addressing intoxicated individuals in a humane and safe manner. The program would also create some jobs and help strengthen our local Recovery community.

I hope the overall health needs of our community are considered in this request. I feel this facility would be beneficial to our area and the citizens of Manistee

Sincerely,


Ann M. Evans, LMSW, CAAC

RECOVERY CONSULTING

"Helping Communities Build Recovery Supports"

October 1, 2008

**Jon Rose
Planning and Community Development
Administrator**

Jon,

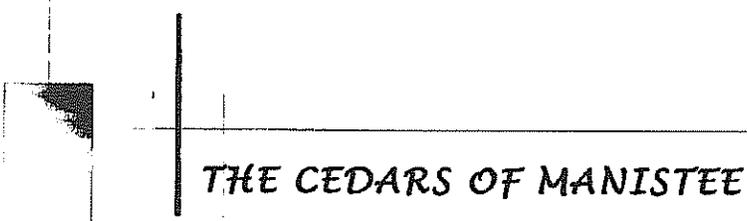
I greatly appreciate the time and direction you gave us at our last meeting. I am working with Kate in creating a rehabilitation center that will not only provide treatment to individuals from across the state, but to provide needed services for the residents of Manistee. We have already discussed some of these community services with CMH, and I believe they are just as excited as we are over the possibilities our cooperative efforts can produce for the people we serve. You know how I have always tried to put a "local" emphasis on whatever I am involved in.

We look to create anywhere between 40-50 jobs which will include professional treatment staff, maintenance, security, food service, recovery role models, office staff, marketing and financial services.

The Cedars will be a much more holistic program than the one specified in the original special use permit. We will be incorporating the best of "evidence based practices" into all our services. Our goal is to make The Cedars a top notch treatment center that Manistee can be proud of.

Looking forward working with you and the Manistee community.

**Thank you,
Greg**



THE CEDARS OF MANISTEE

Jon R. Rose, Community Development Director
Planning Commission
City of Manistee
P.O. Box 358
Manistee, Michigan 49660-0358

October 2, 2008

Dear Mr. Rose and Members of the Planning Commission:

After receipt of your letter requesting the type of renovations to the building and transfer of the SUP from Narconon Stone Hawk to my company, (as was the property) and after our discussion, I am requesting approval of the SUP remaining in force so that I may move forward.

As I had stated, the facility will remain a drug and alcohol rehabilitation center, as well as working closely with CMH to further meet the needs of the residents of Manistee and Benzie County. The program will not be a Narconon program, but instead will feature a traditional, faith-based program using a Cognitive Behavior Therapy approach.

The program, which will be known as The Cedars (of Manistee) Rehabilitation Center, is planning to complete the necessary renovations in a short time period and begin operations in December of this year. This will allow us to employ between 40 - 50 local people before the end of the year.

Should you have any questions, please feel free to speak with me.

Sincerely,

Kate Wickstrom

*300 Care Center Drive
Manistee, MI 49660
231.218.6870 cell
231.668.7131 fax
kwickstrom2073@charter.
net*

THE CEDARS (of Manistee) REHABILITATION CENTER

The philosophy of The Cedars is to view chemical dependency as a primary affliction, chronic in nature. It is progressive and can lead to premature death unless the chemical intake is permanently eliminated. The progressive nature of chemical dependency adversely affects the physical, mental, emotional, psychological, spiritual and family aspects of the individual's life.

At The Cedars, we recognize that chemical dependency is treatable and that recovery is possible. To intervene, stop the progression and help everyone involved toward a meaningful recovery, a caring, professionally trained staff is essential to create a therapeutic environment.

Addiction touches the lives of all of us. Only through personal and professional commitment and involvement can we fulfill our responsibilities as people and as members of the helping profession.

The Treatment Components The Cedars will use are:

- Cognitive Behavior Therapy
- Dual Diagnosis
- Recreational Therapy
- Extensive assessments and treatment planning
- Educational lectures and visual aids
- Professional one on one and group therapy
- Relapse prevention training
- Spiritual counseling
- Aftercare planning and counseling

Additional and optional services include medically supervised sub-acute detox services; sober living housing for graduates from the Manistee/Benzie Counties; family therapy during a persons stay; and, appropriate referral services.

Average length of stay is 60 days. The treatment stages are:

- Stabilization – restricted period of assessment
- Discovery – extensive therapy
- Transition – moving into social structure with new behaviors

Various Treatment Methods:

- Reinforce self esteem/self worth/spirituality
- The Twelve Step process
- Confront issues from dysfunctional pasts

- Destructive behavior patterns confronted

The greatest asset of The Cedars will be its highly trained and certified professionals in the field of substance abuse treatment.

The Cedars, will be licensed by the State of Michigan, Department of Consumer Industry Services, and Bureau of Health Systems Substance Abuse Program. It will also obtain national accrediting.