

STATE OF WISCONSIN

VILLAGE OF OCONOMOWOC LAKE

WAUKESHA COUNTY

RESOLUTION # 40

A RESOLUTION DENYING THE REQUEST OF
KETTLE MORaine HOSPITAL FOR AN AMENDMENT
TO THEIR CONDITIONAL USE PERMIT

WHEREAS, the Village of Oconomowoc Lake, ("THE VILLAGE"), having granted a conditional use to the Kettle Moraine Hospital, Inc., a Wisconsin non-profit corporation, ("KETTLE MORaine"), owner of certain premises located within the Village of Oconomowoc Lake subject to certain terms and conditions; and

WHEREAS, KETTLE MORaine approved the conditional use and prescribed conditions therein on December 12, 1989; and

WHEREAS, pursuant to Section 6 of the conditional use permit, KETTLE MORaine agreed that the premises and facilities would only be utilized for in-patient treatment of chemical dependency and other associated purposes and uses including an intoxication emergency detention facility provided that the premises and facilities shall cease to be used for any intoxication emergency detention on or prior to December 31, 1991; and

WHEREAS, KETTLE MORaine applied for an amendment to their present conditional use in THE VILLAGE requesting modification of the aforementioned section requiring termination of the intoxication emergency detention facility on or prior to December 31, 1991; and

WHEREAS, a public hearing, duly noticed pursuant to Village requirements, was held before the Plan Commission for THE VILLAGE on December 2, 1991, at the Village Hall in the Village of Oconomowoc Lake; and

WHEREAS, the Plan Commission for THE VILLAGE recommended to the Village Board that the request of KETTLE MORaine for modification of their present conditional use as applied for be denied for the reasons as expressed at the Plan Commission meeting held on December 2, 1991;

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Oconomowoc Lake after having carefully reviewed the recommendation of the Village Plan Commission, having given the matter due consideration, having based its determination on the effect of granting of such amendment to the conditional use on the health, safety and welfare of the community and the immediate neighborhood in which said use would be located, having given due consideration to municipal problems involved, as well as the impact on the surrounding properties, and being aware of the site and fully advised as to the operations at the same, hereby determines that the amendment to the conditional use allowing the intoxication emergency detention facility to continue after December 31, 1991 with yearly approvals by THE VILLAGE is hereby denied for the following reasons:

1. The proposed amendment is not consistent with the spirit and intent of the VILLAGE; and
2. The proposed amendment is not in conformity with the general character of the VILLAGE; and
3. The proposed amendment would be contrary to the general welfare and economic prosperity of the VILLAGE and the immediate neighborhood; and
4. The benefits derived from the proposed amendment do not justify a variation from the normal requirements of the zoning chapter; and
5. The proposed amendment would have a substantial adverse affect on the property values and general desirability of the neighborhood; and
6. The original conditional use permit granted to KETTLE MORaine was the product of extensive negotiations which specifically included termination of the intoxication emergency detention facility on or prior to December 31, 1991; and
7. In the original conditional use permit granted to KETTLE MORaine, all parties agreed to ceasation of the intoxication emergency detention facility on or prior to December 31, 1991; and

8. An amendment to the present conditional use allowing the intoxicification emergency detention facility to continue would be a total deviation from the negotiated conditional use permit; and
9. Neighbors surrounding the KETTLE MORaine premise and facilities object to amending the present conditional use to allow the intoxicification emergency detention facility to continue; and
10. The intoxicification emergency detention facility is deemed to be not appropriate in a residential neighborhood; and
11. The nature of an intoxicification emergency detention facility is not consistent with the residential neighborhood in that it is a 24-hour operation; and
12. The nature of an intoxicification emergency detention facility is not consistent with the residential neighborhood in that the operation includes involuntary forced restraint of the patients; and
13. The nature of an intoxicification emergency detention facility is not consistent with the residential neighborhood in that the potential exists for a disturbance to the residential neighborhood; and
14. Historically, prior to the issuance of the present conditional use permit, the use of the premises and facilities as an intoxicification emergency detention facility had been prohibited; and
15. The only reason KETTLE MORaine was granted a limited period of time to operate an intoxicification emergency detention facility was as a consideration to KETTLE MORaine in order that it might meet its previous contractual obligations and be given a reasonable period of time to cease said operations; and
16. Although the intoxicification emergency detention facility generally deals with intoxicated cliental, KETTLE MORaine admitted during the course of the previous negotiations that the cliental served could be involved with other drugs; and
17. It was at the time of the issuance of the original conditional use, and still is, in the best interest of the VILLAGE and

Village residents that the intoxication emergency detention facility cease to operate on or prior to December 31, 1991.

Let copies of this resolution be filed in the permanent records of the Village Board and copies sent to the proper Village authorities and the applicant.

VILLAGE OF OCONOMOWOC LAKE

By: *Edmund O. Templeton*
Edmund O. Templeton, Village President

ATTEST:

Cheryl Wierdsma
Cheryl Wierdsma, Village Clerk

12-16-91