



November 20, 2020

DELIVERED BY MESSENGER

Steve Sokolowski, Manager of Planning and Zoning
City of Sheboygan
828 Center Avenue
Sheboygan, WI 53081

Dear Mr. Sokolowski:

Re: Application for Conditional Use Permit
submitted by Kohler Co.

Kohler Co. is submitting an application for conditional use permit and supporting materials. Five copies of the application, the complete application and the \$250 application fee are enclosed.

As its application is processed, Kohler wants to address specifically “Time Limits on the Development of Conditional Use” under City Code section 15.905(9). While that section requires start of construction within 365 days after approval and being operational 730 days after approval, the section also provides that “the applicant may request an extension of this period” and that the Plan Commission may approve the extension “based upon a showing of acceptable justification.”

Unfortunately, various aspects of Kohler’s proposed golf course project have been challenged in six different lawsuits. Kohler remains committed to resolving those lawsuits and to developing its golf course. However, since lawsuits take time to resolve, Kohler needs to seek the necessary conditional use permit from the City to avoid further time delays—aiming to be poised to commence construction when all lawsuits are resolved.

At this point, only one of the lawsuits relating to Kohler’s golf course project has been resolved, and the other five remain at various stages of litigation. The concluded lawsuit was Town of Wilson v. City of Sheboygan, 390 Wis. 2d 266, 938 N.W.2d 493 (2020), in which the Wisconsin Supreme Court unanimously upheld the City’s annexation of Kohler’s property. Due to the successful conclusion of that lawsuit, the City clearly has the authority to process Kohler’s conditional use permit application.



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However, we also expect that the outstanding five lawsuits may take more than an additional year to resolve. In our view, five active lawsuits is ample showing of acceptable justification for the City to extend the time limits under City Code Section 15.905(9).

This letter (a copy of which is included with the conditional use permit application submitted by Kohler) is Kohler's formal request that the time limits set forth in City Code section 15.905(9) be tolled for the duration of any lawsuits relating to its golf course project. We respectfully request the Plan Commission to consider our extension request together with our conditional use permit application.

Please do not hesitate to contact me with any questions or concerns.

Yours very truly,

A handwritten signature in black ink, appearing to read "Dirk Willis".

Dirk Willis, Vice President-Golf,
Landscape & Retail