

CITY OF SHEBOYGAN

CONDITIONAL USE APPROVAL AND REQUIREMENTS

WRITTEN DESCRIPTION: On November 20, 2020, Kohler Co. submitted a complete application, including 17 exhibits, for a Conditional Use Permit to construct a new golf course on Kohler Co. property north of Kohler-Andrae State Park between Black River and Lake Michigan. The Property is legally described on the attached Exhibit A, and the approved site plan is included at Exhibit B attached hereto. All documents associated with the written description, the approved site plan, all related plans, and the specific requirements of approval, as well as all 17 submitted exhibits, are on file in the City of Sheboygan Department of City Development.

CONDITIONAL USE WAS APPROVED BY CITY PLAN COMMISSION AT MEETING DATE: December 15, 2020

BACKGROUND/ ANALYSIS:

Construction of new golf course:

Kohler Co. seeks to develop an 18-hole championship-caliber public golf course, a clubhouse, and support amenities on approximately 250 acres of private land owned by Kohler. The project creates a unique opportunity to open private property for public enjoyment and recreational use, enhance Sheboygan County's reputation as one of the world's premier golf destinations, create jobs and benefit the local economy, and at the same time preserve and enhance many of the Property's environmental features and attributes for the long term. The goal of the project is to develop a golf course that is rated in the top 50 golf courses in the world.

The Property is located between the Black River and Lake Michigan, north and east of the John Michael Kohler and Terry Andrae State Parks (State Park) in the City of Sheboygan, Sheboygan County, Wisconsin. Kohler acquired a total of approximately 468 acres in the vicinity during the 1930's. In 1965, Kohler donated 221 acres to the State of Wisconsin for the creation of the John Michael Kohler State Park. The remaining 250-acre parcel retained by Kohler has remained in private ownership and is uniquely suited for a premier 18-hole golf course. The Property is made up of the following numbered Tax Parcels:

| Current Parcel No. | 2019 Parcel No. (if different) |
|--------------------|--------------------------------|
| 59281328012 | |
| 59281328027 | 59281328011 |
| 59281328028 | 59281328014 |
| 59281328029 | |
| 59281328015 | |
| 59281328017 | |
| 59281328016 | |
| 59281328018 | |

In addition to the course and amenities directly related to the course, the site will also include drainageway, wetland, lakeshore, woodland and steep slope overlays. The clubhouse and other amenities are centrally located. Cart paths will be constructed in conjunction with the golf holes to provide course access. A caddie/cart barn and two on-course rest stations will also be constructed on the Property as required golf course amenities. A practice range is planned to be built in the south portion. A pond is planned in the northern portion of the Property.

Kohler representatives have pointed out in their application and in public discussions surrounding the proposed course that development will secure benefits accruing beyond the golfing community to the community as a whole. Among those features of the development that appear to secure those benefits is the creation of corridors for golf holes that will open the site to sunlight and provide views of Lake Michigan, the removal of invasive species, and the maintenance of approximately half of the trees on the Property. The natural features and contours on the Property are designed to enhance the course design. As such, many of these features and contours will be preserved.

Club House:

A multi-level clubhouse will be erected on the Property that encompasses minimalist design elements and concepts. The first-floor level will be approximately 8,800sf and include the pro shop, restaurant/bar, banquet room, and locker rooms. The banquet facility will be capable of hosting indoor/outdoor special events and weddings. The lower level basement will be approximately 7,900sf and contain administrative offices, receiving areas, mechanical equipment, and kitchen/bar storage areas. The clubhouse will be designed to be eligible for Leadership in Energy and Environmental Design (LEED) certification and include the use of timber and canvas materials as architectural features.

Observation Tower

A Lake Michigan observation tower will be located adjacent to the clubhouse and contain a viewing platform approximately 60 feet above the surrounding grade and with an overall height of 80 feet to the top of the structure. An open wood frame stair with multiple landings will provide access to the platform. The viewing platform is anticipated to be covered by a gable roof structure with seamed metal roofing. Per Section 15.406(1)(c) of the City of Sheboygan Zoning Ordinance ("SZO"), a height exceedance was requested and granted in conjunction with this conditional use application to authorize the taller observation tower.

Maintenance Buildings

Maintenance needs of the golf course will be served from two (2) buildings located on the south side of the Property and adjacent to the existing State Park maintenance facility. The primary maintenance building will be approximately 15,000 square feet and contain offices, heated storage and heated repair facilities. The secondary building is approximately 7,600 square feet in size and contains an equipment wash facility, storage, mixing, and unheated equipment spaces. An approximately 8' high buffering wooden fence is being proposed around the perimeter of the proposed maintenance buildings and pavement areas. The maintenance buildings would be screened with vegetation from the entrance road.

Caddy/Cart Storage Building and Rest Stations:

A caddy/cart storage building, approximately 7,500 square feet in size, is proposed to be located west of the clubhouse. The building is the staging location for caddies along with storage of guest/service golf carts. The caddy/cart storage building would be screened by vegetation from guest areas.

Two (2) on-course rest stations will be constructed to provide rest room facilities along with food and beverage service.

Facility Entrance and Parking:

Access to the Property is being proposed through the existing State Park entrance on Beach Park Lane located along County Hwy V.

The primary guest and associate parking will be accommodated in a paved parking lot containing approximately 181 stalls located near the clubhouse, with an additional 32 stalls dedicated for maintenance staff adjacent to the maintenance buildings. Parking lot lighting will be energy efficient LED lighting and use full cut-off fixtures to prevent light pollution.

Hour of Operation:

The golfing season begins in spring and extends through the fall depending upon local weather conditions. The daily hours for golf play vary with the seasons but typically begin at dawn and end at dusk. The in-season restaurant hours are daily from 6am to 10pm with extended bar service as is common. At the close of golf season until the New Year's Holiday, the restaurant/bar is currently planned to be open Thursday through Saturday with hours of operation from 11 am to 9 pm. The restaurant/bar along with the pro shop is currently planned to be closed during the off-season from January to the start of golf season.

The proposed golf course is anticipated to attract approximately 380 daily visitors for golf and non-golf activities during peak times. Approximately 102 employees during peak times are anticipated including caddies, golf course maintenance, food & beverage, retail, golf operations and support staff.

Traffic Impact Analysis:

Access to the Property is being proposed through the existing State Park entrance on Beach Park Lane located along County Hwy V. Numerous alternative entrance routes to the Property were evaluated resulting in a proposed route that has the least impact on both the neighbors and environment. Access through residential neighborhoods to the north was investigated but not recommended due to traffic impacts to area residents. Multiple routes originating off 12th Street through the State Park were also investigated but determined more environmentally impactful than the route being proposed. A traffic study was completed and concludes that the studied intersections are currently built to significantly exceed accepted Institute of Transportation Engineers' Level of Service (LOS) standards. (The traffic study is included at Exhibit 5 of the application). While no traffic improvements are required, Kohler is proposing to modify the State Park entrance area by adding a roundabout, east of the existing bridge spanning the Black River, to further improve circulation. The roundabout design includes three (3) dedicated lanes for entering State Park visitors while golf course

traffic and exiting State Park visitors would utilize the roundabout. A plan showing the proposed entrance improvements is included at Exhibit 6 of the application.

Excel Engineer Traffic Impact Analysis findings state:

- Excel Engineering has completed an updated traffic analysis to reflect the proposed roundabout entrance to Kohler-Andrae State Park and the Kohler Golf Course. The updated analysis is a supplement to the 2015 Traffic Impact Analysis (TIA) which modeled the entrance to the State Park and the Kohler Golf Course as a two-way stop. The updated analysis is limited to the proposed entrance changes. It does not include movements at the intersection of County Highway V and Beach Park Lane which were demonstrated in the original TIA to operate at a Level of Service (LOS) B or better after development.
- Analysis using the traffic information above, the LOS for the proposed roundabout was calculated assuming the peak hour for the state park occurs at the same time as the peak hour for the golf course. This is a very conservative approach that will represent a worst case scenario. The LOS ratings range from LOS A (very good) to LOS F (very poor) with LOS D being the minimum acceptable level during the peak hour. Based upon the analysis, the overall LOS for the roundabout during the combined peak hour is LOS A. All individual movements within the roundabout are also rated at LOS A. This is the best rating possible.
- In addition to the LOS analysis for the proposed roundabout, the queuing provided for the DNR Station in the proposed configuration was compared with queuing provided in the existing intersection. The existing intersection has two lanes that provide 516 feet of total vehicle queuing length. The proposed intersection includes four lanes. One lane is dedicated for golf course traffic. The three remaining lanes are dedicated to the state park entrance. The combined queuing length of the three lanes provided for the state park entrance is 711 feet. This is a 38% increase over the existing condition that, when combined with new automated sticker dispensers proposed by the DNR, will significantly improve access to the state park.

Landscaping:

The project will place high value on the landscape integrity and aesthetics: landscape variation and interspersed native vegetation, long views within the Property and to the lakeshore vista, and natural-appearing topography. Incorporating these landscape features will enhance visual and aesthetic features of the Property. Screening of the maintenance facility, caddy/cart barn and guest parking lot will be accomplished primarily with vegetation. As paved/parking areas will not be visible from public rights-of-way, an exception is being requested to avoid the use of curb adjacent to landscaped areas, maintaining the existing rural setting in the adjacent State Park.

The lakeshore and its views will be integrated into the golf course design. The project will create gaps in the forest canopy and increase sight distances throughout the Property. Greater variations in the landscape (open areas contrasted with forested areas) will add scenic interest to the current forested landscape. The distinctive undulating dune topography largely will be retained. The project will introduce several sustainable and aesthetically appealing structures to the Property and increase access to and on the Property via roads

and cart paths. By removing invasive species and actively preserving the natural, native flora, the aesthetic quality of the Property will be improved. The majority of the dunes will be retained for distinctive scenic attractiveness and high scenic integrity. The aesthetics associated with the existing forested landscape will be modified but enhanced by picturesque golf views. The viewshed associated with adjacent lands will remain largely unchanged, since the project will be screened on three sides by woody vegetation, either original to the site or planted. The enhanced views of the Property would be visible from Lake Michigan.

Architecture:

The proposed exterior building materials for the clubhouse walls consist of decorative timber columns, canvas materials, and a cordwood wall on a portion of the East Elevation. The Caddy/Cart Barn is anticipated to consist of metal wall panel and metal roof panels. The proposed maintenance buildings include a mix of decorative concrete block, metal wall panels, and metal roof panels. The Caddy/Cart Barn and maintenance buildings will both be extensively screened with a mix of new and existing vegetation to minimize views from guests/public areas. Landscaping plans showing proposed vegetation screening are included at Exhibit 13 of the application. Colored renderings of the clubhouse along with elevations of all proposed structures are included at Exhibit 14 of the application. An 8' high fence is being proposed around the maintenance facility. The fence will be wood and decorative in nature. Per Section 15.720, SZO, the conditional use permit includes the height exceedance of the proposed fencing.

Infrastructure:

Based upon preliminary discussions with utility providers (gas, electric, communications), it is anticipated that service connections will be extended from existing facilities located along the County Trunk Highway V (CTH V) right of way, approximately one-half mile west of the Property. To minimize impacts, the new services will be bored beneath State Park wetlands and the Black River. The utilities will then largely follow the entrance road to the various buildings and service connection points. Kohler will install a watermain lateral from S. 12th Street at Stahl Road to the clubhouse, caddy/cart barn, and northern pond. To minimize impacts, the lateral will be bored beneath the Black River and associated wetlands.

Upon completion of the water main extension on S. 12th Street by the City of Sheboygan, the lateral will be connected to the municipal water system. This will avoid the need for a high capacity well, thereby mitigating neighbors' concerns that such a well could have negative environmental impacts and reduce the capacity of existing private wells in areas that do not yet have the benefits of municipal water. An existing well on the Kohler property will be utilized during initial construction for irrigation until the water main improvements are completed. The clubhouse and caddy/cart barn will connect to the municipal sewer system currently located on Timberlake Drive to the North. The maintenance buildings will include specially designed closed systems to prevent pesticides and herbicides from entering the public sanitary system. On-course rest stations will have a private septic system and/or on-site holding tank to serve their sanitary sewer needs along with private wells for potable water. A Utility plan is included at Exhibit 7 of the application. The City's annexation of the Property and Kohler's development of its golf course significantly accelerate opportunities to extend public services, not just to the Property, but to points north, south and west.

The projected average water usage is anticipated to be 200,000GPD during the golfing season with peak values of approximately 340,000GPD. Sanitary sewer/septic loadings are anticipated to be approximately 3,200 GPD on average with a peak of 6,300GPD.

Natural Resources Site Evaluation:

Kohler Co. has been granted a conditional use permit for an outdoor institutional use (per Section 15.206(3)(d), SZO), and more specifically for a privately owned golf course and for clear cutting per Section 15.206(2)(g), SZO. In connection with its conditional use application, Kohler also has submitted a detailed site analysis under Section 15.509, SZO, to identify permanently protected green space areas in its proposed golf course development. Kohler's detailed site analysis includes the Natural Resources Site Evaluation Worksheet as required under Section 15.303(3), SZO, (at Exhibit 8 of the application) and the detailed maps consistent with Section 15.509(2), SZO, (at Exhibits 7 and 9 of the application).

The report issued to the Plan Commission constitutes the written evaluation of City staff related to the submitted detailed site analysis. Kohler's Natural Resources Site Evaluation Worksheet and detailed maps have been accepted by City staff and discussed with Kohler as the applicant. The detailed site analysis included with Kohler's golf course conditional use application also may be submitted for any subsequent development activity on the site. However, any modifications to the approved detailed site analysis and additional review and approval by City staff consistent with Section 15.509, SZO, shall be required if Kohler's analysis is no longer accurate for the site.

Golf course use is specifically listed as a conditional use in Table 15.204 (found under the same section in the SZO) for the Drainageway, Lakeshore, Woodland and Steep Slope Overlay Districts. Pursuant to Section 15.504(3)(c), SZO, public and private parks and recreation areas are conditional uses in the Wetland Overlay District. Similarly, under subsections 3.32 and 3.33 of the City's Shoreland Wetland Zoning Ordinance (Appendix B to the Sheboygan Municipal Code), permitted uses which may involve wetland alterations include walkways, observation decks, roads, nonresidential buildings, public and private parks and recreation areas and utility lines. City staff recognizes that Kohler proposes to comply not only with the City's 50 foot building setback as required by Subsection 3.0(1)(a) of the City's Shoreland Wetland Ordinance, but also to voluntarily comply with the 75 foot structure setback found in Sheboygan County's Shoreline Zoning Ordinance for unincorporated areas, found at Section 72.15(1)(a) of the Sheboygan County Code of Ordinances.

All natural resource areas protected under the City's Zoning Code have been accurately outlined and clearly labeled in the exhibits included with Kohler's application, including areas where different resource types overlap with one another.

All site disruption, including tree cutting, shall be limited to construction and development as generally depicted on the plans submitted with Kohler's conditional use application or any changed plans subsequently approved by City staff.

WDNR, Army Corps of Engineers and Other Jurisdictional Approvals:

As set forth in Section 15.502, SZO, natural resource protection regulations in subchapter 15-5 of the SZO "are intended to supplement those of the City of Sheboygan, Sheboygan County, the State of Wisconsin and the Federal Government of the United States which pertain to natural resource protection." Recognizing that the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers have specialized expertise and jurisdiction over permitting relating to various natural resources, the City's application of its natural resource protection regulations shall be subject to, conditioned upon, and automatically adjusted to conform to, any and all permits required from, and as issued by, those State and Federal authorities with jurisdiction over the property.

How Proposed Golf Course Meets City of Sheboygan Zoning Ordinance:

The SZO identifies the purpose of the SR-5 zoning district as intended to permit development which has a moderate density, suburban community character. A single-family housing development with minimum 6,000 sf lots and maximum gross density of 5 dwelling units per acre is permitted by right. The proposed golf course is a land use allowed as a conditional use within SR-5 but has many advantages over a single-family development including increased green space, opening the Property for public use and enjoyment, promoting tourism, spurring economic development, job creation, and preservation of natural resources.

The SZO contains regulations including minimum setbacks, buffer yards, minimum landscape ratio, parking, access, and landscaping. Below is a table summarizing the applicable regulations along with the proposed values.

Zoning Ordinance Regulation Description (SR-5/Outdoor Institutional):

| | <u>Regulation</u> | <u>Proposed golf course</u> |
|-------------------------------------|-------------------|-----------------------------|
| Minimum landscape ratio | 0.55 | 0.94 |
| Minimum lot area | 0.14 acres | 251.6 acres |
| Number of off-street parking spaces | 209 | 213 |
| Required landscaping points | 6,862 | 15,255 |

As evidenced in the table above, the proposed conditional use in its proposed location significantly exceeds each of the applicable regulations included in the SZO. By these metrics, the golf course use is far superior when compared to a single-family housing development with minimum 6,000sf lots and maximum gross density of five (5) dwelling units per acre, which is permitted by right. Kohler's proposed golf course will permanently protect much more green space than would be protected if the site were developed for permitted single-family housing.

Kohler's proposed golf course use appears to be far superior to the permitted housing uses, not just due to the preservation of more permanently protected green space, but also for consistency with the City's Comprehensive Plan. Specifically, the Plan calls for improving

the "Sheboygan" brand and improving residents' perception of their City. The Plan also encourages the enhancement of lakefront and riverfront properties to attract new development, appeal to residents and facilitate a healthy community.

The future land use map included with the City's 2011 Comprehensive Plan and its Outdoor Recreation Plan classifies the property as "Public Parks and Open Space." The Public Parks and Open Space category includes public golf courses. It bears noting that many parks, including Peninsula State Park, several Brown County, Racine County, Dane County, Milwaukee County, Waukesha County and Kenosha County Parks and City of Madison parks include golf courses. It also bears noting that another public golf course, Riverdale Country Club, is located approximately one-half mile from the Property and has co-existed in the neighborhood for decades.

The frequent location of golf courses in parks which are rich in protected natural resource areas, as well as the location of Riverdale Country Club within one-half mile of this Property, demonstrates the appropriateness of Kohler's proposed golf course use on this Property. In fact, Riverdale Country Club, located approximately one-half mile from the Property, has co-existed in the neighborhood for decades.

Conversely, the proposed conditional use would provide additional amenities, not just to golfers, but to the City of Sheboygan and visitors to the adjacent State Park. The golf course would provide an additional recreational opportunity and open the Property for public use for access to the restaurant, clubhouse, observation tower and events as well as for golf. The existing State Park entrance area will be significantly enhanced, at Kohler's expense, in connection with development of the golf course. In addition, the Pre-Annexation and Development Agreement made August 7, 2017 (Agreement) between Kohler and the City specifically calls for Kohler to provide appropriate levels of public access to unique ecosystems and to burial mounds during daylight hours. That Agreement also bars Kohler from constructing any barriers on the Property to prohibit access to Lake Michigan in violation of Wisconsin's public trust doctrine.

How Proposed Golf Course Meets City of Sheboygan Natural Resource Protection Regulations:

Kohler obtained a conditional use permit for an outdoor institutional use in the SR-5 and in any applicable overlay districts as well as a conditional use permit for clear cutting more than 50% of the woodlands on the Property.

In connection with its conditional use application, Kohler submitted a detailed site analysis per Section 15.509, SZO, to identify permanently protected green space areas in its proposed golf course development. Kohler's detailed site analysis includes the Natural Resources Site Evaluation Worksheet required under Section 15.303(3), SZO, (Exhibit 8 of the application) and the detailed maps consistent with Section 15.509(2), SZO, (Exhibits 7 and 9 of the application).

Kohler's Natural Resources Site Evaluation Worksheet and detailed site analysis have been accepted by City staff and discussed with Kohler; no further analysis work is required at this time. City staff has determined that the detailed site analysis maps and Natural Resources Site Evaluation Worksheet comply with the following data sources:

- (1) Sheet 2 of the Official Zoning Map which has not been officially adopted, such that the maps prepared by Kohler and approved by City staff constitute Sheet 2 of the Official Zoning Map as defined in Sections 15.034, 15.505(3), 15.506(3), 15.507(3) and 15.508(3), SZO; Kohler's maps at Exhibit 7 and 9 of its application are a result of data gathered from the sources listed in 15.509(3)(b)2-8, SZO;
- (2) Applicable City of Sheboygan and Regional Environmental Corridor Maps;
- (3) Air photos of the Property;
- (4) USGS Quads and other sources of topographic information;
- (5) Applicable FEMA and related floodplain maps;
- (6) Applicable Federal and State Wetland Inventory Maps;
- (7) City of Sheboygan Comprehensive Master Plan; and
- (8) A site visit on November 12, 2020 by the Manager of Planning and Zoning.

As set forth in Section 15.502, SZO, natural resource protection regulations in subchapter 15-5 "are intended to supplement those of the City of Sheboygan, Sheboygan County, the State of Wisconsin and the Federal Government of the United States which pertain to natural resource protection." Recognizing that the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers have specialized expertise and jurisdiction over permitting relating to various natural resources, the City's application of its natural resource protection regulations shall be subject to, conditioned upon, and automatically adjusted to conform to, any and all permits required from, and as issued by, those State and Federal authorities with jurisdiction over the Property.

Golf course use is specifically listed as a conditional use in Table 15.204 (found under the same Section in the SZO) for the Drainageway, Lakeshore, Woodland and Steep Slope Overlay Districts. Pursuant to Section 15.504(3)(c), SZO, public and private parks and recreation areas are conditional uses in the Wetland Overlay District. Similarly, under Subsections 3.32 and 3.33 of the City's Shoreland Wetland Zoning Ordinance (Appendix B to the Sheboygan Municipal Code), permitted uses which may involve wetland alterations include walkways, observation decks, roads, nonresidential buildings, public and private parks and recreation areas and utility lines. City staff recognizes that Kohler proposes to comply not only with the City's 50 foot building setback as required by Subsection 3.0(1)(a) of the City's Shoreland Wetland Ordinance, but also to voluntarily comply with the 75 foot structure setback found in Sheboygan County's Shoreline Zoning Ordinance for unincorporated areas, found at Section 72.15(1)(a) of the Sheboygan County Code of Ordinances.

The frequent location of golf courses in parks which are rich in protected natural resource areas, as well as the location of Riverdale Country Club within one-half mile of this Property, demonstrates the appropriateness of Kohler's proposed golf course use on this Property.

Golf courses in and of themselves are permanently protected green spaces and an appropriate means to preserve natural resources and promote recreation. The appropriateness of golf courses to preserve various natural resource areas is codified in Table 15.204 and Section 15.504(3)(c), SZO.

Summary of Exemptions:

Per Section 15.905.(5).(d), SZO, any exception to, or exceedance of any nonresidential bulk or dimensional standards authorized by the Plan Commission shall not be considered a variance, provided that the exception or exceedance and the justification for the exception or exceedance are specifically stated in the Conditional Use Permit. The following exemptions (also listed in Exhibit 17 of the application) have been requested and granted:

| Description | Relevant Zoning Ordinance(s) | Detailed Description in CUP Application | Justification |
|--|--|---|--|
| Observation Tower Height Exceedance | 15.406.(1).(c) 15.105.(2).(c).4.b.K | Page 2 | Additional height needed to raise viewing platform above existing tree canopy. |
| Curb Adjacent to Landscaping Areas Exception | 15.607.(3) | Page 4 | Paved/ parking areas not visible from public rights-of-way and maintaining existing rural setting in the adjacent State Park |
| Fence Height Exceedance at Proposed Maintenance Facilities | 15.720 | Page 9 | Security/ safety/ screening measure |
| Maintenance Building Setback Exceedance | 15.206.(3).(d).3.c | Page 10 | Proposed usage is consistent and complimentary to actual usage (State Park maintenance facility) |
| Exceedance for outdoor recreational area setback | 15.205.(3).(d).3.c | Page 10 | |
| Pavement Setback at Access Points | 15.105.(2).(c).4.b.l | Page 10 | Exception to pavement setback required for property access points |

The viewing platform is anticipated to be covered by a gable roof structure with seamed metal roofing. Per Section 15.406(1)(c), SZO, a height exceedance was requested and granted in conjunction with the conditional use application to authorize the taller observation tower.

Paved/parking areas will not be visible from public rights-of-way. Per Section 15.607(3), an exception was requested and granted to avoid the use of curb adjacent to landscaped areas, maintaining the existing rural setting in the adjacent State Park.

An eight (8) foot high fence is being proposed around the maintenance facility. The fence will be wood and decorative in nature. Per Section 17.720, SZO, a height exceedance for the proposed fencing was requested and granted for security, safety and screening.

An exceedance was requested and granted for required setbacks of the maintenance building from a residentially zoned property. The property adjacent to the proposed maintenance buildings is the Kohler-Andrae State Park and is also residentially zoned, however the actual use is for maintenance activities and includes the State Park maintenance building, making the proposed golf course maintenance facility ideally located next to an identical land use. The minimum setback for the maintenance building will be 25' in lieu of 50' per Section 15.206.(3).(d).3.c, SZO.

An exceedance also was requested and granted for the #7 Tees located within 50' of the adjacent Kohler-Andrae State Park. Section 15.206.(3).(d).3.c, SZO, stipulates a 50' setback

for actively used outdoor recreational areas from any residentially zoned property. As mentioned above, although the adjacent State Park is residentially zoned, the actual use in that area is for maintenance activities.

An exception was requested and granted from the pavement setback requirement (15.105.(2).(c).4.b.i, SZO), to allow two access points: the point where the entrance road first enters Kohler Co. property near the proposed maintenance buildings and the proposed access drive to the existing State Park maintenance facility.

To accommodate the initial golf course construction, a conditional use permit also was granted for removal of more than 50% of woodlands on the Property. The SR-5 District permits, by right, selective cutting of up to 50 percent of the woodlands on the Property under Section 15.206(2)(f), SZO. While Kohler may need to cut more than 50 percent of the existing woodlands on the Property to develop its golf course (and constituting clear cutting under Section 15.206(2)(g), SZO), when developed, Kohler's golf course will permanently preserve 94 percent of the Property or approximately 238 acres as green space and will provide 222% of the landscaping points required under Sections 15.603-15.612, SZO. For these reasons, Kohler has demonstrated that its proposed golf course project and necessary construction activities associated with such project will improve the level of environmental protection on the Property consistent with Section 15.206(2)(g)(3), SZO, and will maintain native vegetation consistent with City Code Section 15.206(10)(f) SZO.

How Proposed Golf Course Meets Goals and Objectives of the City of Sheboygan Comprehensive Plan:

The priorities of the City's Comprehensive Plan include sustainable economic growth and job creation as well as enhancing quality of life within the City. The Plan's key initiatives range from enhancing the lakefront and riverfront to continuing to provide high quality public services to continuing to advance its tradition of rich arts, cultural facilities and events. The Plan calls for improving the "Sheboygan" brand and improving residents' perception of their City. The Plan also encourages the enhancement of lakefront and riverfront properties to attract new development, appeal to residents and facilitate a healthy community. The Plan's guiding principles include building a self-sustaining economy, capitalizing on Lake Michigan and cultivating cultural assets. The project proposed by Kohler advances many of the priorities, initiatives and guiding principles in the City's Comprehensive Plan. Economic growth and job creation will occur. Indeed, the Supreme Court noted in Town of Wilson (at 6) that annexation was a means "for the City to achieve its goal of economic growth." In addition, new high-quality recreational amenity will be provided with this conditional use permit. And, for the first time, one of the County's premier golf courses will actually be located within the borders of the City, improving the "Sheboygan" brand.

With its Lake Michigan vistas, rolling topography, and unique natural features, the Property offers an unparalleled setting for a spectacular forest and lakefront golf experience. The layout of this golf course will incorporate existing trees and dunes as well as the natural topography into the design to minimize site disturbance. The proposed course, together with Kohler's other championship golf courses in the area, will maintain and build the reputation of Sheboygan County as one of the premier golf destinations in the world. The future land use map included in the City's 2011 Comprehensive Plan and its Comprehensive Outdoor Recreation Plan classify the Property as Public Parks and Open Space. The Public Parks

and Open Space category includes public golf courses, making the Property the ideal location for a golf course, as it relates to the City's comprehensive planning.

The opportunity to open approximately 250 acres of private property for public enjoyment and recreational use adjacent to an existing State Park provides a tremendous benefit, similar to the Peninsula State Park located in Door County, WI. At Peninsula State Park a full size 18 hole golf course and a 6-hole short course along Green Bay are made available as recreational opportunities to the general public, and the Wisconsin Department of Natural Resources entered into a lease agreement with the Peninsula Golf Association to operate the courses. Here, private land will become accessible to the general public, not just for golf, but also to the practice facilities, clubhouse, restaurant, and bar.

The 2011 Comprehensive Plan states: "The lakefront community of Sheboygan, Wisconsin, is an attractive tourism destination and historic manufacturing town in the heart of the upper Midwest. The community has earned name recognition for its enviable location within the chain of Wisconsin's lakeshore communities, and for the area's high quality of life, offering an excellent education system, reasonable cost of living, and amenities such as art and cultural events, restaurants, resorts, and golf courses."

The City's Comprehensive Plan also classifies the Property as Public Parks and Open Space. The Public Parks and Open Space category includes public golf courses, making the Property the ideal location for a golf course, and will enhance the City as an attractive tourism destination with a world class golf course—with a "Sheboygan" moniker.

Applicant States the following about the Benefits of the Project:

An economic impact study by S.B. Friedman Development Advisors estimates the new golf course will generate nearly \$21 Million in annual economic output for the State of Wisconsin and create 227 FTE jobs within the State (124 in City of Sheboygan) once operational. Construction itself over a three-year period will create 95 full-time equivalent jobs in Sheboygan County (68 in City of Sheboygan). More specifically, the following annual increases in City, County and State tax revenue were estimated:

- \$87,000 in City of Sheboygan non-school property tax revenue
- \$117,000 in school property tax revenue (Sheboygan Area school District & Lakeshore Technical College)
- \$88,000 in new room tax revenue to the City of Sheboygan
- \$54,000 in non-school property tax revenues for Sheboygan County and the State
- \$495,000 in state sales tax revenue
- \$152,000 new state personal income taxes
- \$40,000 in new motor vehicle fuel tax revenue to the State

In addition, in the Agreement, Kohler agreed that, once the project is complete, the assessed valuation of the Property should be an aggregate assessed value of \$9,200,000 or greater.

Conclusion:

The City of Sheboygan annexed the Property by adopting Ordinance No. 6-17-18 on August 7, 2017, and, in the unanimous decision of *Town of Wilson v. City of Sheboygan*, 390 Wis.2d 266, 938 N.W.2d 493, 2018AP2162 (filed February 14, 2020), the Wisconsin Supreme Court

upheld the annexation. The Supreme Court found in *Town of Wilson* (at 22) that "the City had planned for years to develop and expand and Kohler's proposal provide[s] the opportunity to do so."

The City zoned the Property Suburban Residential-5 (SR -5) by adopting Ordinance No. 43-17-18 on August 7, 2017. The application is requesting a conditional use permit for an outdoor institutional land use, and more specifically a privately-owned public golf course, clear cutting and associated ancillary land uses described in the application.

The Wisconsin Legislature created Wis. Stat. sec. 62.23(7)(de) in 2017. The new statute provides that "If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance. . .the city SHALL grant the conditional use permit." [Emphasis added.] In a legal note interpreting the new statute, the League of Wisconsin Municipalities has advised that the conditional use decision process is "rigid" and limits the City's ability to reject any conditional use. Similarly, the City committed in the Agreement not to oppose any necessary governmental approvals for Kohler's golf course project.

The proposed golf course fulfills priorities, initiatives and guiding principles of the City's Comprehensive Plan and balances growth and density allowed in the SR-5 District. The density and intensity of the golf course, which is allowed as a conditional use, should be compared to the density and intensity of the five (5) dwelling units per gross acre allowed in SR-5 as of right. However, Kohler invested pain-staking effort to design its course to maximize area benefits and minimize ancillary impacts. During the due diligence and design phases of the project, 16 course layouts and seven (7) entrance route alternatives were identified, characterized, and evaluated. The proposed course layout and entrance route were determined to be the least impactful to both the environment and neighbors. Investigations that were completed for the analysis included wetland delineations, storm water management analysis, rare species surveys, botanical surveys, traffic studies, and archaeological surveys. Initial project planning for the proposed golf course began in early 2014. The various processes involved with Local, State, and Federal approvals have included many opportunities for Kohler to gain public feedback and address many of the concerns that have been raised. Over 20 forums, including public comment periods and public hearings/meetings, have been held to date to solicit community feedback. Modifications to the plans have been made based upon that feedback. Kohler's construction and operation of the golf course will be subject to a complicated and comprehensive regulatory framework. All necessary permits and regulations, administered by the appropriate regulatory agencies having jurisdiction and expertise will be deemed conditions to any conditional use permit issued by the City.

The opportunity to open approximately 250 acres of private property for public enjoyment and recreational use adjacent to an existing State Park provides a tremendous benefit, similar to the Peninsula State Park located in Door County, WI, which hosts two public courses as recreational opportunities to visitors. Park users and the general public will also have access to the practice facilities, clubhouse, restaurant, and bar. The economic benefits of a new public golf course are measured in more than just recreation and business travel dollars. Benefits begin with millions of dollars of planning, design and construction work. Once constructed, a course creates jobs along with state and local income including sales and property taxes. In addition, a new public golf course, and a championship-caliber course in particular, has a "multiplier effect," infusing wages and benefits to circulate through the local

economy, increasing property values and ancillary public and private benefits. An economic impact study by S.B. Friedman Development Advisors estimates the course will generate nearly \$21 Million in annual economic output for the State of Wisconsin along with the creation of 227 FTE jobs within the State. Wisconsin is recognized as a golf mecca. In its October 2017 edition, Golf magazine ranked Wisconsin as the #3 golf destination in the world behind Scotland and Ireland. The proposed golf course will enhance the State of Wisconsin, Sheboygan County, and the City of Sheboygan as one of the world's premier golf destination.

STAFF COMMENTS:

The applicant states the following about the site improvements:

- The multi-level clubhouse will be approximately 16,700sf. The first-floor level will be approximately 8,800sf and include the pro shop, restaurant/bar, banquet room, and locker rooms. The lower level basement will be approximately 7,900sf and contain administrative offices, receiving areas, mechanical equipment, and kitchen/bar storage areas.
- A Lake Michigan observation tower will be approximately 60 feet above the surrounding grade with an overall height of 80 feet to the top of the structure.
- The primary maintenance building will be approximately 15,000 square feet and contain offices, heated storage and heated repair facilities.
- The secondary building is approximately 7,600 square feet in size and contains an equipment wash facility, storage, mixing, and unheated equipment spaces.
- A caddy/cart storage building approximately 7,500 square feet in size, is proposed to be located west of the clubhouse.
- The new parking lot will accommodate parking for 213 cars - 181 stalls located near the clubhouse with an additional 32 stalls dedicated for maintenance staff adjacent to the maintenance buildings.
- The main access will be from CTH V into Kohler-Andrae State Park and once inside the park will lead to a newly constructed roundabout and a new private road will lead to the golf course to the north.
- New landscaping will be installed throughout the site.
- New storm drainage facilities will be located in several areas of the site.

The applicant's conditional use permit application requested and was granted the following exceptions:

The viewing platform will be covered by a gable roof structure with seamed metal roofing. Per Section 15.406(1)(c), SZO, a height exceedance was requested and granted in conjunction with the conditional use application to authorize the taller observation tower. A Lake Michigan observation tower will be approximately 60 feet above the surrounding grade with an overall height of 80 feet to the top of the structure.

Paved/parking areas will not be visible from public rights-of-way; per Section 15.607(3), SZO, an exception was requested and granted to avoid the use of curb adjacent to landscaped areas, maintaining the existing rural setting in the adjacent State Park.

An eight (8) foot high fence is being proposed around the maintenance facility. The fence will be wood and decorative in nature. Per Section 15.720, SZO, a height exceedance was requested and granted for the proposed fencing for security, safety and screening purposes.

An exceedance was requested and granted for required setbacks of the maintenance building from a residentially zoned property. The property adjacent to the proposed maintenance buildings is the Kohler-Andrae State Park and is also residentially zoned, however the actual use is for maintenance activities and includes the State Park maintenance building, making the proposed golf course maintenance facility ideally located next to an identical land use. The minimum setback for the maintenance building will be 25' in lieu of 50' per 15.206.(3).(d).3.c, SZO.

An exceedance also was requested and granted for the #7 Tees located within 50' of the adjacent Kohler-Andrae State Park. Section 15.206.(3).(d).3.c, SZO, stipulates a 50' setback for actively used outdoor recreational areas from any residentially zoned property. As mentioned above, although the adjacent State Park is residentially zoned, the actual use in that area is for maintenance activities.

An exception was requested and granted from the pavement setback requirement (15.105.(2).(c).4.b.i, SZO) to allow two access points: the point where the entrance road first enters Kohler Co. property near the proposed maintenance buildings and the proposed access drive to the existing State Park maintenance facility.

Kohler Co. applied for and was granted a conditional use permit for an outdoor institutional use (per Section 15.206(3)(d), SZO), and more specifically for a privately owned golf course and for clear cutting per Section 15.206(2)(g), SZO, for removal of more than 50% of woodlands on the Property. In connection with its conditional use application, Kohler also submitted a detailed site analysis under Section 15.509, SZO, to identify permanently protected green space areas in its proposed golf course development. Kohler's detailed site analysis includes the Natural Resources Site Evaluation Worksheet as required under Section 15.303(3), SZO (at Exhibit 8 of the application) and the detailed maps consistent with Section 15.509(2), SZO (at Exhibits 7 and 9 of the application).

This detailed site analysis maps and Natural Resources Site Evaluation Worksheet submitted by Kohler have been provided to City staff, and City staff has accepted Kohler's site analysis. Those areas depicted on Kohler's site analysis and plans as permanently protected green space areas shall be preserved as such unless Kohler submits any modified detailed site analysis maps accepted by City staff. City staff recognizes golf courses as areas that permanently protect green spaces and are appropriate ways to preserve natural resources and promote recreation.

The City of Sheboygan has not adopted a map depicting the boundaries of natural resource protection overlay zoning districts. (In our zoning ordinance, this potential map is referred to as "Sheet 2 of Official Zoning Map.") Pursuant to Section 15.034, SZO, the City requires property owners to compile the data related to natural resource protection overlay zoning districts from other applicable source maps and on-site analysis. The property owner must then submit the data, including applicable source maps and on-site analysis materials for staff review/approval as outlined in Subchapter 15-5 ("Natural Resource Protection Regulations") of the Zoning Ordinance.

Comments concerning Traffic Impact:

- Excel Engineering has completed an updated traffic analysis to reflect the proposed roundabout entrance to Kohler-Andrae State Park and the Kohler Golf Course. The updated analysis is a supplement to the 2015 Traffic Impact Analysis (TIA) which modeled the entrance to the State Park and the Kohler Golf Course as a two-way stop. The updated analysis is limited to the proposed entrance changes. It does not include movements at the intersection of County Highway V and Beach Park Lane which were demonstrated in the original TIA to operate at a Level of Service (LOS) B or better after development.
- Analysis using the traffic information above, the LOS for the proposed roundabout was calculated assuming the peak hour for the state park occurs at the same time as the peak hour for the golf course. This is a very conservative approach that will represent a worst case scenario. The LOS ratings range from LOS A (very good) to LOS F (very poor) with LOS D being the minimum acceptable level during the peak hour. Based upon the analysis, the overall LOS for the roundabout during the combined peak hour is LOS A. All individual movements within the roundabout are also rated at LOS A. This is the best rating possible.
- In addition to the LOS analysis for the proposed roundabout, the queuing provided for the DNR Station in the proposed configuration was compared with queuing provided in the existing intersection. The existing intersection has two lanes that provide 516 feet of total vehicle queuing length. The proposed intersection includes four lanes. One lane is dedicated for golf course traffic. The three remaining lanes are dedicated to the state park entrance. The combined queuing length of the three lanes provided for the state park entrance is 711 feet. This is a 38% increase over the existing condition that, when combined with new automated sticker dispensers proposed by the DNR, will significantly improve access to the state park.

Kohler Co. owns several parcels that make up the proposed golf course lot. A condition of approval will require the Kohler to consolidate these parcels into one (1) parcel.

As part of the hearing notice process, City staff encouraged those members of the public who were concerned about appearing at a public hearing given the seriousness of the coronavirus pandemic to submit written comments in advance of the hearing for consideration and/or to attend and comment virtually during the hearing. Comments received in advance were placed on the City's BoardDocs site in the section reserved for the hearing, and all hearing attendees were provided an opportunity to speak at the hearing.

GRANT OF APPROVAL AND REQUIREMENTS:

Kohler Co. submitted an application that appropriately addresses the requirements of the conditional use permit and provides the justifications for the exceptions requested. In addition, the application addresses many of the City of Sheboygan Comprehensive Plan goals, objectives and its vision to be a "Diverse and prosperous costal community." Based on that, City staff favorably recommended, and Plan Commission unanimously approved, the conditional use permit and requested exceptions subject to the following conditions and requirements:

1. Prior to issuance of a building permit, the applicant shall obtain all licenses/permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, water, sewer, storm drainage, alcohol, food, health, Federal, State of Wisconsin DNR, etc. (Applicant shall be in contact with building inspection, fire, police, etc.) An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. The applicant has submitted a proposed landscape plan included as Exhibit 13 of its application. That submittal has not yet been reviewed. If the plan is approved by the Manager of Planning and Zoning, the applicant shall comply with the plan. If the plan is not approved, the applicant shall resubmit a plan that is acceptable to the Manager of Planning and Zoning. In any case, applicant shall comply with the provisions of Subchapter 15-6 of the SZO and shall comply with the terms of an approved landscape plan.
3. The applicant's operations shall comply with Section 15.206(3)(b)(2)(a), SZO ("Active Outdoor Public Recreation"), which requires facilities using night lighting and adjoining a residentially zoned property to install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line adjacent to said residentially zoned property (except for approved exceptions and except that the bufferyard and fencing between the golf course and state park maintenance facilities shown on Landscape Plan 7A in Exhibit 13 of the application are approved). If the staff has concerns about the proposed lighting or landscaping, the photometric and/or landscape plans can be brought back to the Plan Commission for review.
4. Dumpster(s) shall be screened/enclosed and constructed of like materials and colors as the building served and shall be completed prior to issuance of an occupancy permit for such building.
5. The applicant shall properly submit to and receive approval from the Director of Public Works for a stormwater management plan in compliance with the City's Post-Construction Stormwater Management Zoning Ordinance (Appendix E to the Sheboygan Municipal Code) prior to issuance of a building permit.
6. Outdoor storage of materials, products or equipment shall be prohibited or completely screened from public view by fencing and landscaping.
7. Fencing/retaining wall shall be installed per Section 15.720(3)(c), SZO, except those granted an exception. Applicant shall work with staff with regard to constructing appropriate and well-designed fence/retaining wall and shall obtain the necessary permits prior to installation. If staff has any concerns with proposed fencing/retaining wall design, the matter may be brought back to the Plan Commission for their consideration.
8. Maximum height of fence is eight (8) feet high (peak of fence to grade).
9. Fence shall be located on the Kohler property. It is the applicant's responsibility to know where their lot lines are and to insure the fence meets the required setbacks.
10. All ground level and rooftop mechanicals shall be screened and/or enclosed and constructed of like materials and colors of the nearest building.
11. All new lighting shall be installed per Section 15.707, SZO.
12. The uses shall meet all performance standards under Subchapter 15-7, SZO, including but not limited to noise, lighting, vibration, etc., and except for exceptions specifically set forth in the application.
13. All areas used for parking or maneuvering of licensed vehicles shall be paved. Golf course operation and maintenance vehicles may traverse on gravel or grass throughout the course.
14. All parking areas that are not required to be paved shall be landscaped with grass and/or landscaping consistent with the landscape plans included in Exhibit 13 of the application.

15. Absolutely no portion of the new building and/or site improvements shall cross the exterior property line (buildings, parking, retaining walls, signs, landscaping, etc.), except those granted an exception.
16. Applicant shall meet Section 15.206(3)(b)(2)(b), SZO, Active Outdoor Public Recreation, which states all structures and active recreational areas shall be located a minimum of 50 feet from any residentially zoned property, except those granted an exception.
17. Applicant shall obtain the necessary sign permits prior to installation.
18. Applicant shall work with staff with regard to appropriate signage. Only at such time as the sign package has been reviewed, all necessary variances approved as provided in the SZO and finally approved by the Manager of Planning and Zoning may the applicant obtain sign permits to install the proposed signage. If staff has any concerns with proposed signage design, the signs may be brought back to the Plan Commission for their consideration.
19. Applicant shall install individual letter signs - no cabinet or flat panel signs.
20. Applicant shall be permitted a freestanding monument sign for the site. The minimum setback of a monument sign is 12 feet. The maximum height of the monument sign is 8 feet. The sign shall comply with Chapter 98 of the Sheboygan Municipal Code, be approved by the Manager of Planning and Zoning and be located outside of the 15 foot vision triangle.
21. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets.
22. All vehicles, equipment, materials, products, etc. shall be located on the Kohler property (no storage on public rights-of-way).
23. City Development staff will issue a building permit only if the applicant has adequately satisfied all applicable municipal regulations and terms of the Agreement related to the Sheboygan Water Utility.
24. City Development staff will issue a building permit only if the applicant has adequately installed fire protection measures approved by the Sheboygan Fire Department, including but not limited to fire lane access at the site, sprinkler systems, hydrants, water pressures, etc. consistent with Exhibit 7 of the application.
25. Applicant will provide adequate public access along all public streets and will take all appropriate actions to minimize the time period that these streets will be closed/affected, unless otherwise approved by the Director of Public Works.
26. Applicant is responsible for constructing all required public infrastructure improvements to properly service the site prior to occupancy (including, but not limited to, new street improvements, new and/or closed ingress/egress driveway openings, curb, gutter, sidewalk, pavement, utilities, retaining walls, street trees, street lights, street signs, etc.) as described in the Agreement. Any work within City of Sheboygan Public rights-of-way shall be discussed with the City Engineering Department and constructed to standard City specifications.
27. Applicant is responsible for all costs associated with the construction/installation of all required public infrastructure improvements for the project as set forth in the Agreement.
28. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant.
29. It will be the applicant's responsibility to work with all private and public utilities in order to provide easements and/or relocate utilities as necessary.
30. Applicant will take all appropriate actions to minimize the time period that adjacent properties are impacted by the development (utilities, streets, etc.).

31. Building permits shall be issued only at such time as the applicant has obtained all necessary permits from the Wisconsin Department of Natural Resources.
32. Applicant shall meet the 50 foot building setback under Subsection 3.0(1) of the City of Sheboygan Shoreline Zoning Ordinance and the 75 foot structure setback Section 72.15(1)(a) of the Sheboygan County Code.
33. It is the applicant's responsibility to insure all construction takes place outside of the areas designated wetlands. Applicant may only impact areas designated as wetlands if and only if they have written documentation (license, permit, etc.) from the DNR permitting them to do so.
34. Building permits shall be issued only at such time as the applicant has obtained official approval documentation/permits from the required governmental authorities including but not limited to the Army Corps of Engineers (ACOE), US Fish and Wildlife Service (USFWS), National Park Service (NPS), Wisconsin Department of Natural Resources (WDNR), Wisconsin State Historical Society (WHS), Wisconsin Public Service Commission (WPSC), Sheboygan County, etc.
35. Building permits shall be issued only at such time as the applicant can provide documentation that the golf course lots have been combined into one (1) parcel which has been officially recorded by Sheboygan County.
36. Prior to issuance of a building permit, the applicant is responsible for providing all shared agreements/easements necessary for golf course development and operation between the Kohler Co. and adjoining properties including but not limited to ingress/egress, shared access, utilities, etc.
37. The applicant shall submit plans to the City of Sheboygan Architectural Review Board for review. Building permits shall be issued only at such time as the Architectural Review Board has approved the proposed architectural plans.
38. The conditional use permit time limits under Section 15.905(10), SZO, shall be tolled for the duration of any lawsuits relating to the golf course project provided the applicant proceeds to develop the property consistent with the approved conditional use permit and site plan. At such times as all lawsuits are completed, the conditional use permit time limits shall begin.
39. Applicant shall comply with the terms of the Agreement.
40. If there are any amendments to the approved conditional use permit, site plan, etc., the applicant will be required to submit a new conditional use application reflecting those amendments.

Exceptions granted:

1. To authorize a taller observation tower, the Lake Michigan observation tower will be approximately 60 feet above the surrounding grade with an overall height of 80 feet to the top of the structure.
2. To avoid the use of curb adjacent to landscaped areas, maintaining the existing rural setting in the adjacent State Park.
3. To install an eight (8) foot tall fence around the maintenance facility for security, safety and screening purposes.
4. To have 25-foot setbacks for the maintenance building from residentially zoned property.
5. To locate the #7 tees within the 50-foot setback for actively used outdoor recreational areas from any residentially zoned property.

6. To the paving setback to allow two (2) access points: the point where the entrance road first enters Kohler Co. property near the proposed maintenance buildings and the proposed access drive to the existing State Park maintenance facility.

Drafted by: Steve Sokolowski, Manager of Planning and Zoning
City of Sheboygan
828 Center Avenue, Suite 208
Sheboygan, WI 53081-4442

LIST OF EXHIBITS

Exhibit A - Legal Description of Property

Exhibit B - Approved Site Plan

Exhibit A

Tax Parcel Number 59281328012

That part of the South 1/2 of Government Lot 4 in Section 11, Township 14 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin, which is West of Timberlake Subdivision and West of a 50' wide strip of land adjacent to Lot 27, Timberlake Subdivision.

Tax Parcel Number 59281328011

The South 1/2 of the SE 1/4 of the SW 1/4 of Section 11, Township 14 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin, except that part now platted as River Trails, the common boundary of which is the centerline of the Black River.

Tax Parcel Number 59281328014

All that part of the NE 1/4 of the NW 1/4 of Section 14, Township 14 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin, lying East of the center line of the Black River.

Pursuant to Certified Survey Map registered in the Office of the Register of Deeds, Sheboygan County, Wisconsin, document 2078329, vol. 29, pages 138-140 establishing Outlot 1, part of Tax Key Numbers 59281328011 and 59281328014.

Tax Parcel Number 59281328015

Government Lot 1 in Section 14, Township 14 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin

Tax Parcel Number 59281328017

Government Lot 2 in Section 14, Township 14 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin

Tax Parcel Number 59281328016

All that part of the S 1/2 of the NW 1/4 of Section 14, Township 14 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin, lying East of the center line of the Black River.

Tax Parcel Number 59281328018

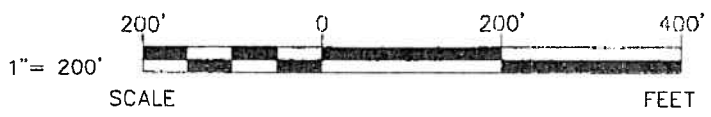
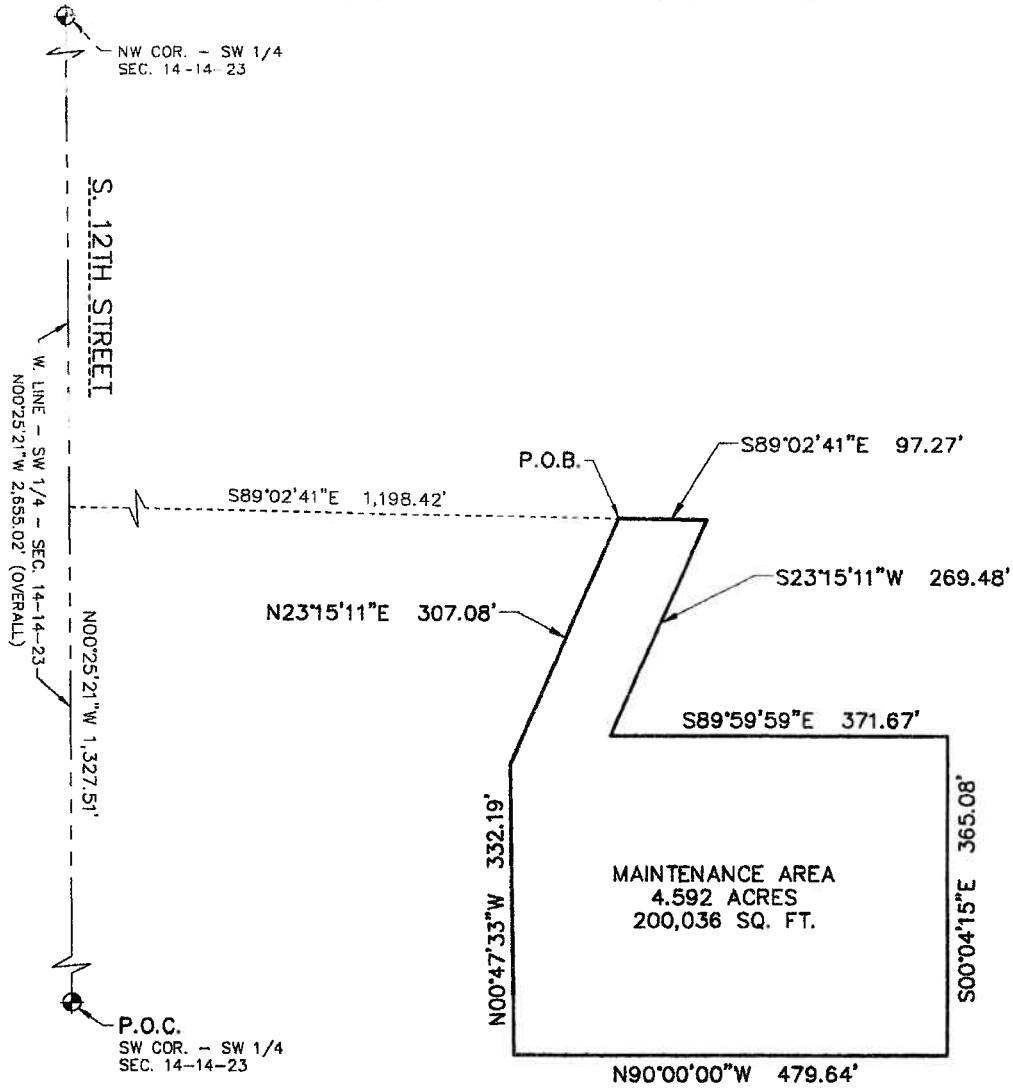
All that part of Government Lot 3 in Section 14, Township 14 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin lying east of the center line of the Black River.
Also, all that part of the NW 1/4 of the SW 1/4 of Section 14, Township 14 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin, lying East of the center line of the Black River.

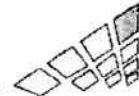
Maintenance Area Legal Description

Part of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 14, Township 14 North, Range 23 East, Town of Wilson, Sheboygan County, Wisconsin being more particularly described as follows:

Commencing at the Southwest corner of the Southwest 1/4, said Section 14; thence North 00°-25'-21" West along the West line of said Southwest 1/4, a distance of 1,327.51 feet; thence South 89°-02'-41" East, a distance of 1,198.42 feet to the point of beginning; thence continuing South 89°-02'-41" East, a distance of 97.27 feet; thence South 23°-15'-11" West, a distance of 269.48 feet; thence South 89°-59'-59" East, a distance of 371.67 feet; thence South 00°-04'-15" East, a distance of 365.08 feet; thence North 90°-00'-00" West, a distance of 479.64 feet; thence North 00°-47'-33" West, a distance of 332.19 feet; thence North 23°-15'-11" East, a distance of 307.08 feet to the point of beginning and containing 4.592 acres (200,036 sq. ft.) or land more or less.

MAINTENANCE AREA EXHIBIT





EXCEL
ENGINEERING^{INC.}
SURVEYING GROUP

Always a Better Plan

100 CAMELOT DRIVE
FOND DU LAC, WI 54935
PHONE: (920) 926-9800
FAX: (920) 926-9801

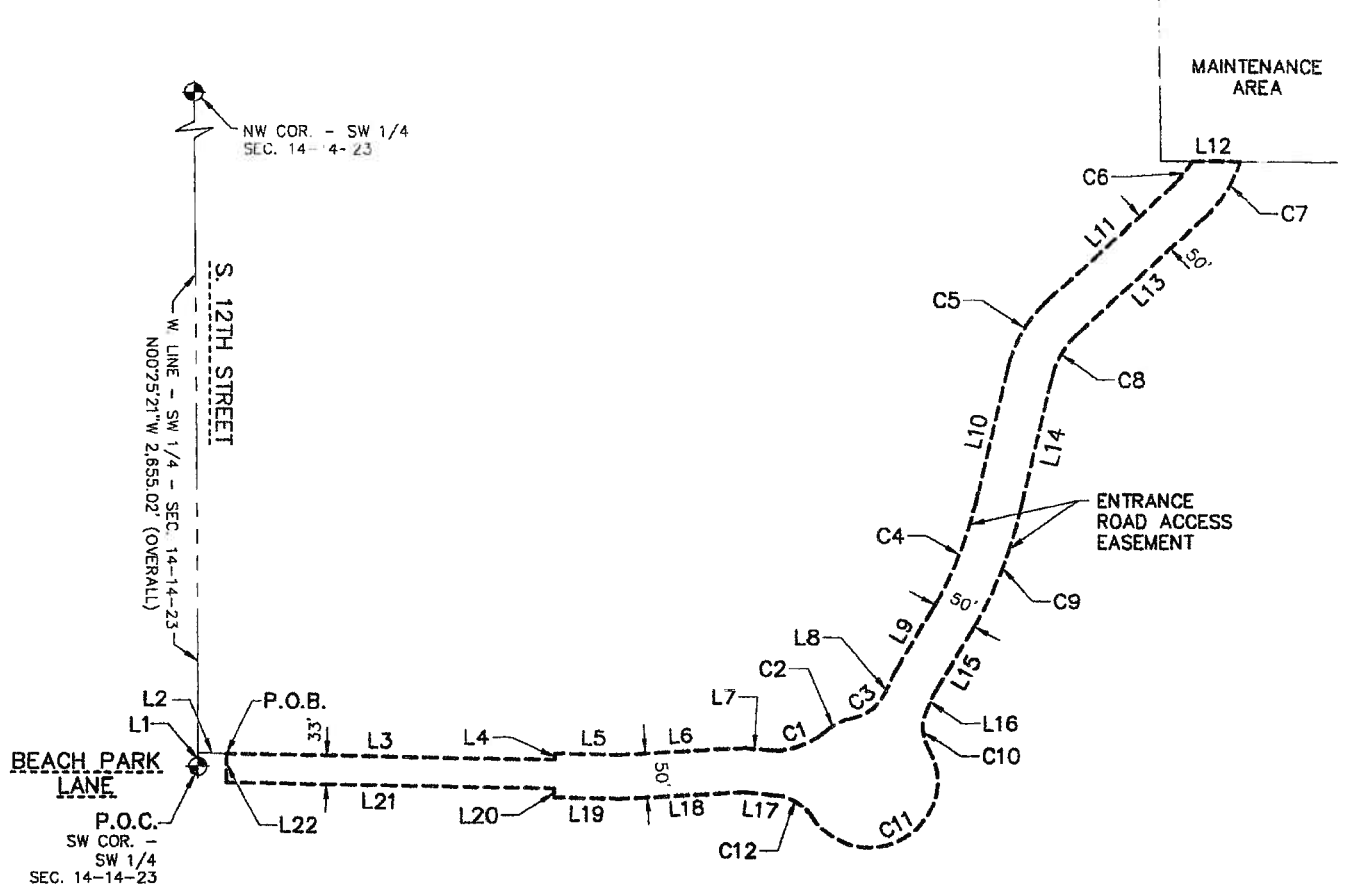
PROJECT NO. 1639740

Entrance Road Access Easement Legal Description

Part of the Southwest 1/4 of the Southwest 1/4 of Section 14 and part of the Northwest 1/4 of the Northwest 1/4 of Section 23, all being part of Township 14 North, Range 23 East, Town of Wilson, Sheboygan County, Wisconsin being more particularly described as follows:

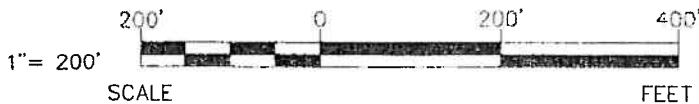
Commencing at the Southwest corner of the Southwest 1/4, said Section 14; thence North 00°-25'-21" West along the West line of said Southwest 1/4, a distance of 15.81 feet; thence South 89°-05'-12" East, a distance of 32.56 feet to the point of beginning; thence continuing South 89°-05'-12" East, a distance of 365.48 feet; thence North 01°-00'-27" East, a distance of 7.38 feet; thence South 88°-59'-33" East, a distance of 72.77 feet; thence North 86°-47'-18" East, a distance of 141.16 feet; thence South 84°-38'-51" East, a distance of 28.23 feet; thence Northeasterly 63.08 feet on a curve to the left having a radius of 75.00 feet, the chord of said curve bears North 71°-15'-28" East, a chord distance of 61.24 feet; thence Northeasterly 38.44 feet on a curve to the right having a radius of 75.00 feet, the chord of said curve bears North 61°-50'-43" East, a chord distance of 38.02 feet; thence Northeasterly 46.36 feet on a curve to the left having a radius of 50.00 feet, the chord of said curve bears North 49°-57'-46" East, a chord distance of 44.72 feet; thence North 23°-23'-52" East, a distance of 25.74 feet; thence North 29°-51'-40" East, a distance of 88.91 feet; thence Northeasterly 131.94 feet on a curve to the left having a radius of 475.00 feet, the chord of said curve bears North 20°-50'-10" East, a chord distance of 131.51 feet; thence North 12°-52'-44" East, a distance of 152.20 feet; thence Northeasterly 89.47 feet on a curve to the right having a radius of 150.00 feet, the chord of said curve bears North 29°-58'-01" East, a chord distance of 88.15 feet; thence North 47°-03'-19" East, a distance of 194.48 feet; thence Northeasterly 31.96 feet on a curve to the left having a radius of 100.00 feet, the chord of said curve bears North 37°-53'-56" East, a chord distance of 31.83 feet; thence North 90°-00'-00" East, a distance of 54.40 feet; thence Southwesterly 74.24 feet on a curve to the right having a radius of 150.00 feet, the chord of said curve bears South 32°-52'-36" West, a chord distance of 73.48 feet; thence South 47°-03'-19" West, a distance of 194.48 feet; thence Southwesterly 59.65 feet on a curve to the left having a radius of 100.00 feet, the chord of said curve bears South 29°-58'-01" West, a chord distance of 58.77 feet; thence South 12°-52'-44" West, a distance of 152.20 feet; thence Southwesterly 145.82 feet on a curve to the right having a radius of 525.00 feet, the chord of said curve bears South 20°-50'-10" West, a chord distance of 145.36 feet; thence South 29°-51'-19" West, a distance of 87.01 feet; thence South 23°-23'-52" West, a distance of 22.92 feet; thence Southeasterly 46.36 feet on a curve to the left having a radius of 50.00 feet, the chord of said curve bears South 03°-10'-03" East, a chord distance of 44.72 feet; thence Southwesterly 233.28 feet on a curve to the right having a radius of 75.00 feet, the chord of said curve bears South 59°-22'-30" West, a chord distance of 149.98 feet; thence Northwesterly 46.36 feet on a curve to the left having a radius of 50.00 feet, the chord of said curve bears North 58°-04'-57" West, a chord distance of 44.72 feet; thence North 84°-38'-51" West, a distance of 36.29 feet; thence South 86°-47'-18" West, a distance of 139.26 feet; thence North 88°-59'-33" West, a distance of 74.61 feet; thence North 01°-00'-27" East, a distance of 9.62 feet; thence North 89°-05'-12" West, a distance of 365.42 feet; thence North 00°-54'-48" East, a distance of 33.00 feet to the point of beginning.


ENTRANCE ROAD ACCESS EASEMENT EXHIBIT



| Line Table | | | | | |
|------------|-------------|---------|--------|-------------|---------|
| Line # | Direction | Length | Line # | Direction | Length |
| L1 | N00°25'21"W | 15.81' | L12 | N90°00'00"E | 54.40' |
| L2 | S89°05'12"E | 32.56' | L13 | S47°03'19"W | 194.48' |
| L3 | S89°05'12"E | 365.48' | L14 | S12°52'44"W | 152.20' |
| L4 | N01°00'27"E | 7.38' | L15 | S29°51'19"W | 87.01' |
| L5 | S88°58'33"E | 72.77' | L16 | S23°23'52"W | 22.92' |
| L6 | N86°47'18"E | 141.16' | L17 | N84°38'51"W | 36.29' |
| L7 | S84°38'51"E | 28.23' | L18 | S86°47'18"W | 139.26' |
| L8 | N23°23'52"E | 25.74' | L19 | N88°59'33"W | 74.61' |
| L9 | N29°51'40"E | 88.91' | L20 | N01°00'27"E | 8.62' |
| L10 | N12°52'44"E | 152.20' | L21 | N89°05'12"W | 365.42' |
| L11 | N47°03'19"E | 194.48' | L22 | N00°54'48"E | 33.00' |

| Curve Table | | | | | |
|-------------|---------|---------|-----------------|--------------|------------|
| Curve # | Length | Radius | Chord Direction | Chord Length | Delta |
| C1 | 63.08' | 75.00' | N71°15'28"E | 61.24' | 048°11'23" |
| C2 | 38.44' | 75.00' | N61°50'43"E | 38.02' | 029°21'54" |
| C3 | 46.36' | 50.00' | N49°57'46"E | 44.72' | 053°07'48" |
| C4 | 131.94' | 475.00' | N20°50'10"E | 131.51' | 015°54'52" |
| C5 | 89.47' | 150.00' | N29°58'01"E | 88.15' | 034°10'35" |
| C6 | 31.96' | 100.00' | N37°53'56"E | 31.83' | 018°18'45" |
| C7 | 74.24' | 150.00' | S32°52'36"W | 73.48' | 028°21'25" |
| C8 | 59.65' | 100.00' | S29°58'01"W | 58.77' | 034°10'35" |
| C9 | 145.82' | 525.00' | S20°50'10"W | 145.36' | 015°54'52" |
| C10 | 46.36' | 50.00' | S03°10'03"E | 44.72' | 053°07'48" |
| C11 | 233.28' | 75.00' | S59°22'30"W | 149.98' | 178°12'54" |
| C12 | 46.36' | 50.00' | N58°04'57"W | 44.72' | 053°07'48" |





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PROJECT NO. 1639740

Exhibit B

