

May 17, 2024

Charlie Griffith, Senior Planner  
City of Waukesha  
201 Delafield Street  
Waukesha, Wisconsin 53188-3633  
[cgriffith@waukesha-wi.gov](mailto:cgriffith@waukesha-wi.gov)

Re: Alleged Illegal Car Sales at 1352 Ellis St. – City of Waukesha Expired Conditional Use Permit. Case #CE24-00218

This letter is a response to your email. We hope you can appreciate we made an honest mistake regarding the permit. The County and the State send notices when renewals are due, but we did not receive anything about the renewal from the City. Diane, who originally worked with you to complete the application, filled the paperwork out as soon as we learned it was late. She has been our rock as far as handling the paperwork for Freeland. We all apologize for the filing mistake to permit us to run Freeland.

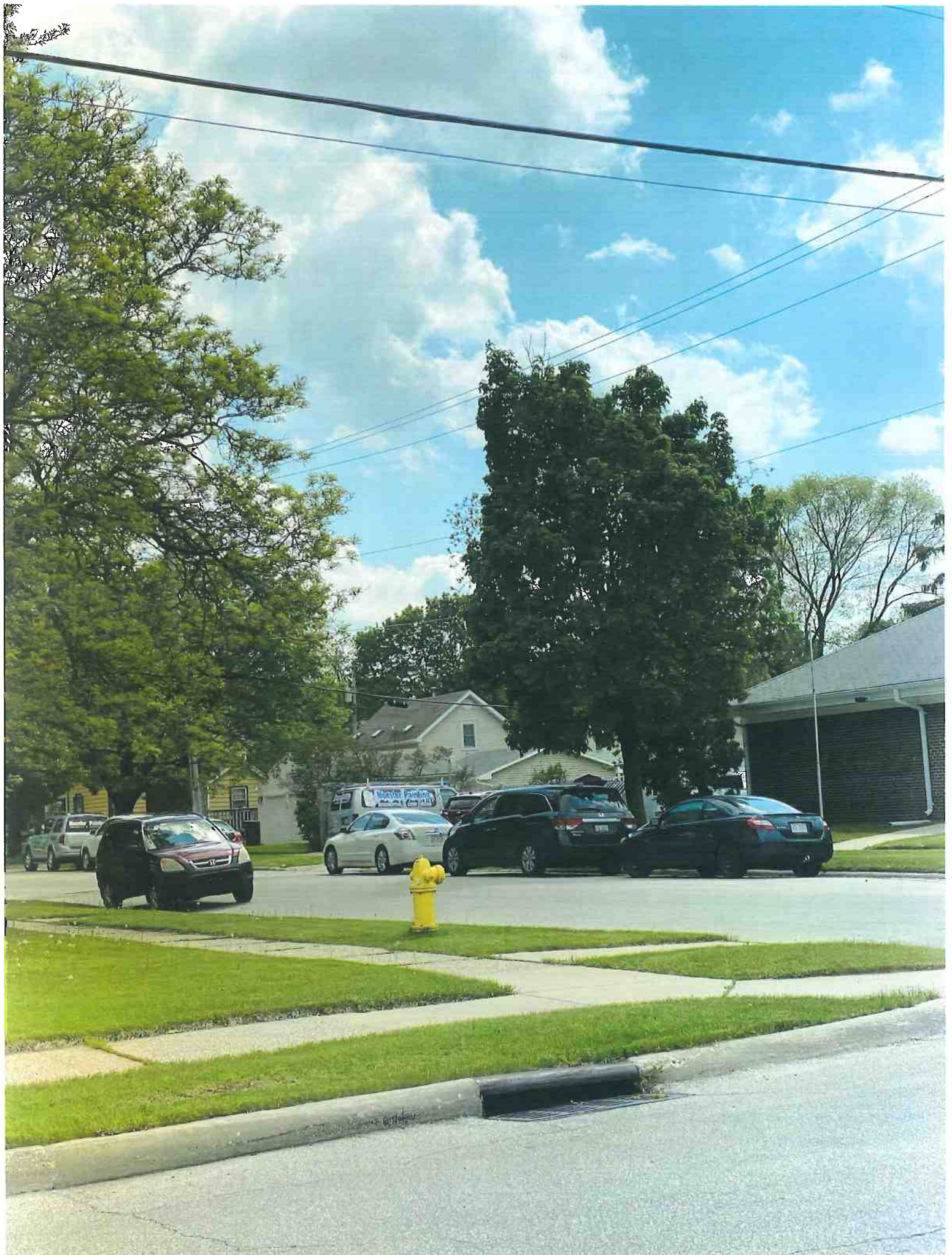
We apologize for being late in marking our parking last year, but accomplished it by July 1st. We do our best to keep our 36 Picasso employees busy with work and the Freeland business is our top customer. It is very hectic to run a business and we feel a deep sense of responsibility for our employees. Refurbishing used cars Freeland finds has supported Picasso's business since the economy changed with the pandemic. We believed this was acceptable to the City and made adjustments as requested. We lease space from our neighbor, Tom Barger for \$500 a month plus utilities (payments report and agreement attached). Last year, after speaking with the Fire Inspector, we thought Picasso could continue to use a lift at his building. As we understood, we have permission to bring cars up to the front of our building when customers have appointments with Freeland or to take photos. We are good neighbors to the businesses around us. You said no one has complained about us.

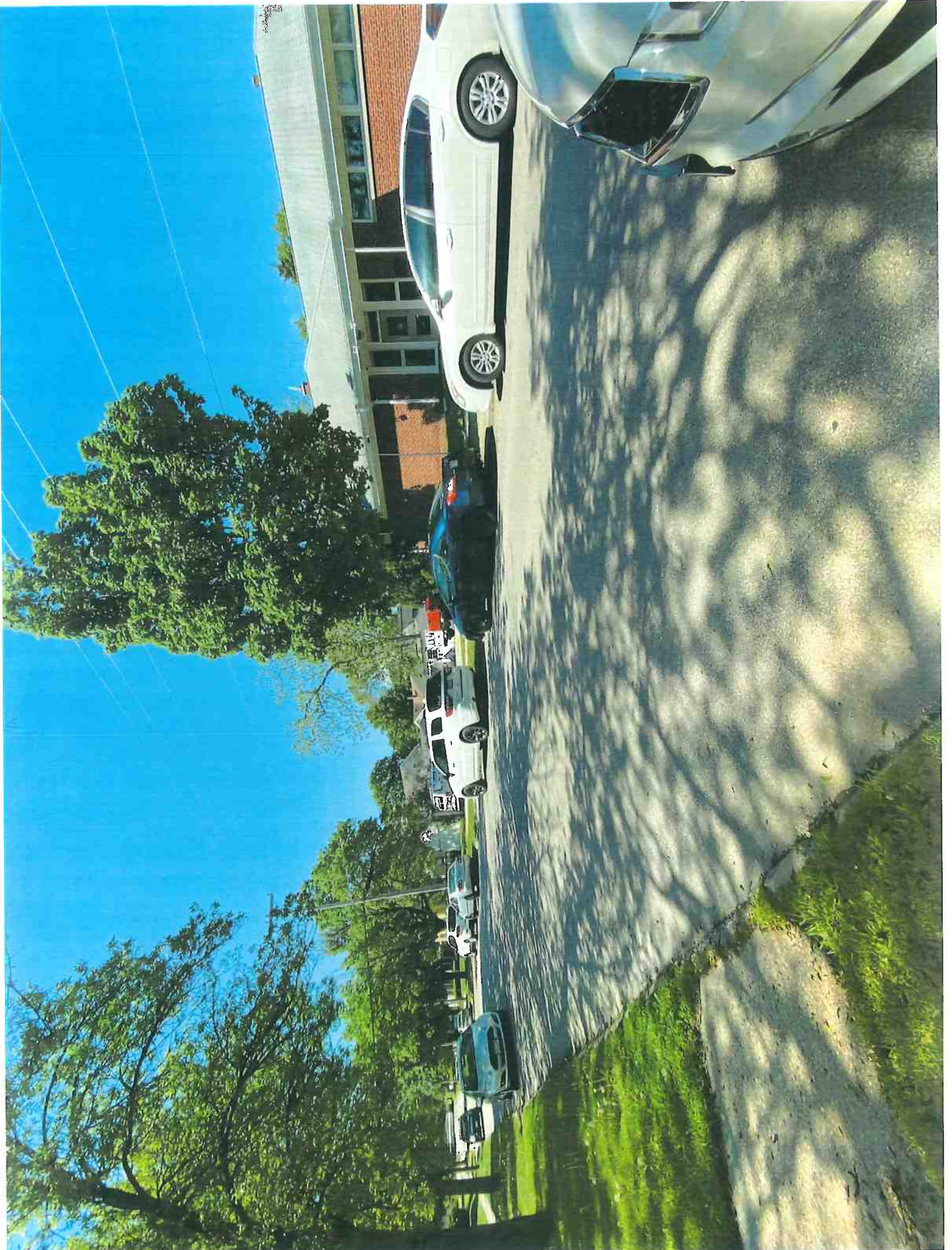
Your email states you plan to recommend denial, but we hope that you will reconsider. We made a mistake, but that is not a surprise when you are running two businesses trying to coordinate enough work for our employees. We thought we had until Summer based on the timing of our last meeting, which was clearly wrong based on your email. We have rectified the situation so we can continue to support our employees. You have physically been outside our business, but did not notify us there was a problem until you sent the email dated the day after you notified the State. You wrote you would fine us for selling cars, but when you met with us Thursday, you said you would not fine us. The July meeting video says the City wishes us success, but your email states that City employees clearly do not.

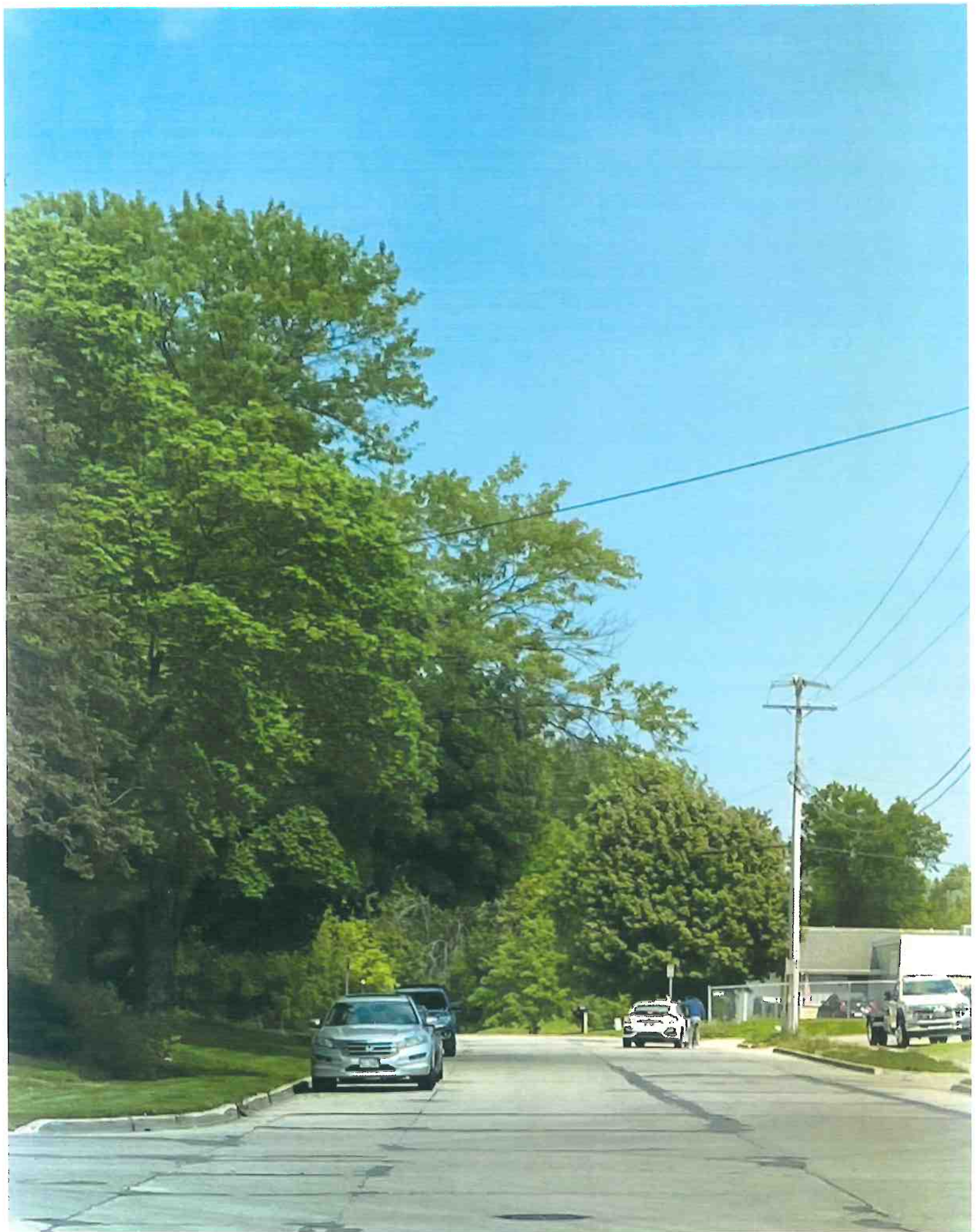
As we understand it, parking is allowed on the streets of Waukesha unless marked otherwise, and we do not force our employees to use the lot if they are already parked where it is legal. Since you know the area, you are aware that there are multiple businesses in the direct area with employees parked on the street even when there is lot parking available with a company on Lincoln overhanging the street as well (photos included). There are companies on Main Street that park items for sale in areas where you would say it is illegal. We do not block traffic and we have not had complaints. If the laws have changed,

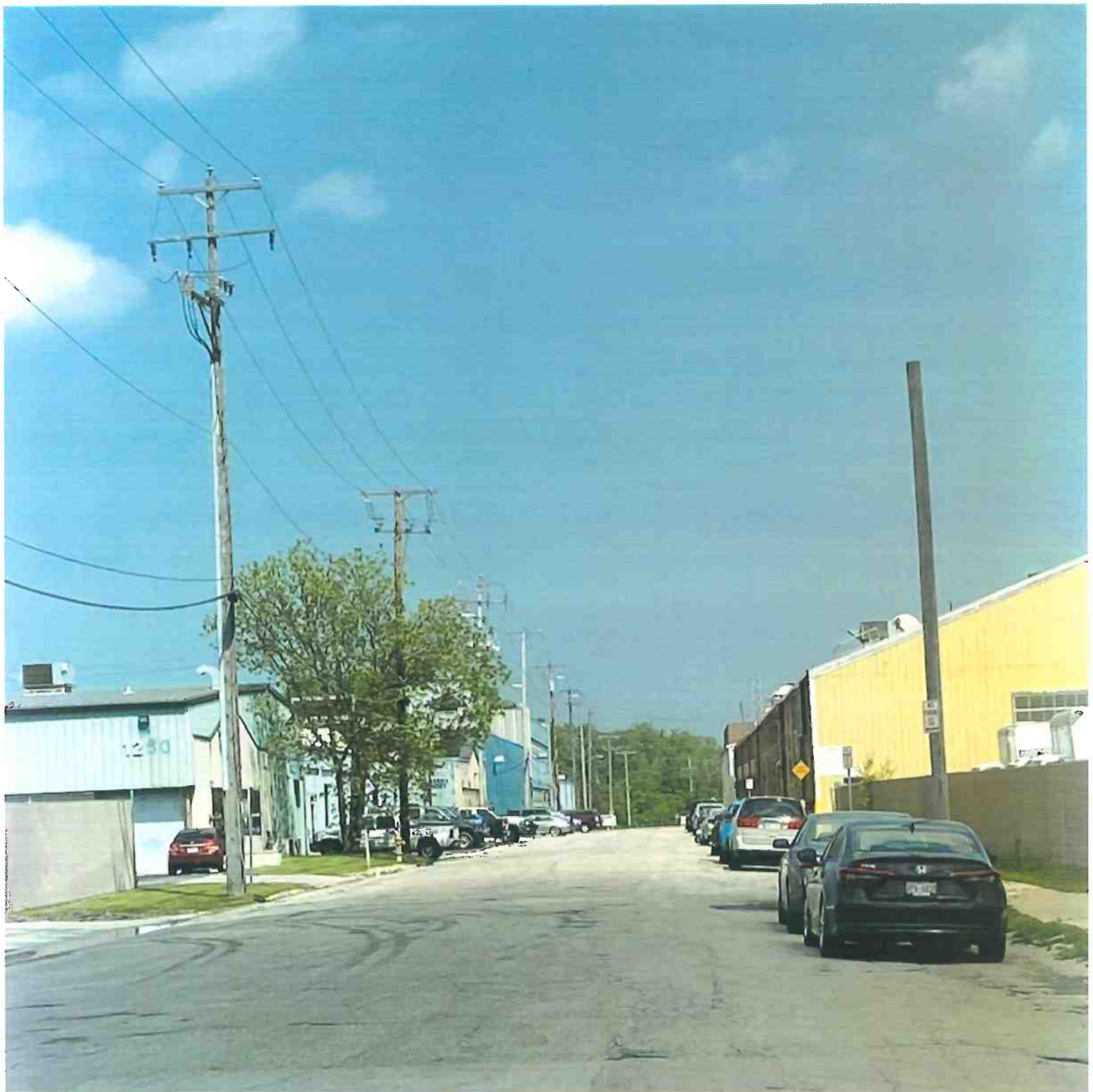
### January 24, 2023 Approval Conditions:

- Conditional Use Permit approved for one year only. Possible permanent renewal January 2024.
- Vehicles for sale must be parked in the rear lot, behind or to the side of the building. All advertisement must happen online or through methods which do not impact the neighborhood.
- **No vehicles, whether for sale or not, may be parked in the street terrace.**
- No vehicles for sale may be parked on Ellis St.
- **Adequate off-street parking must be available for all customers and employees. If employee parking will be at an adjacent property, written permission must be obtained from the property owner.**
- Front parking area must be striped to 150 feet back from the Ellis St. property line, and at least five customer parking spaces must be designated and signed in the front of the office area. Striping must be complete by June 1<sup>st</sup>.





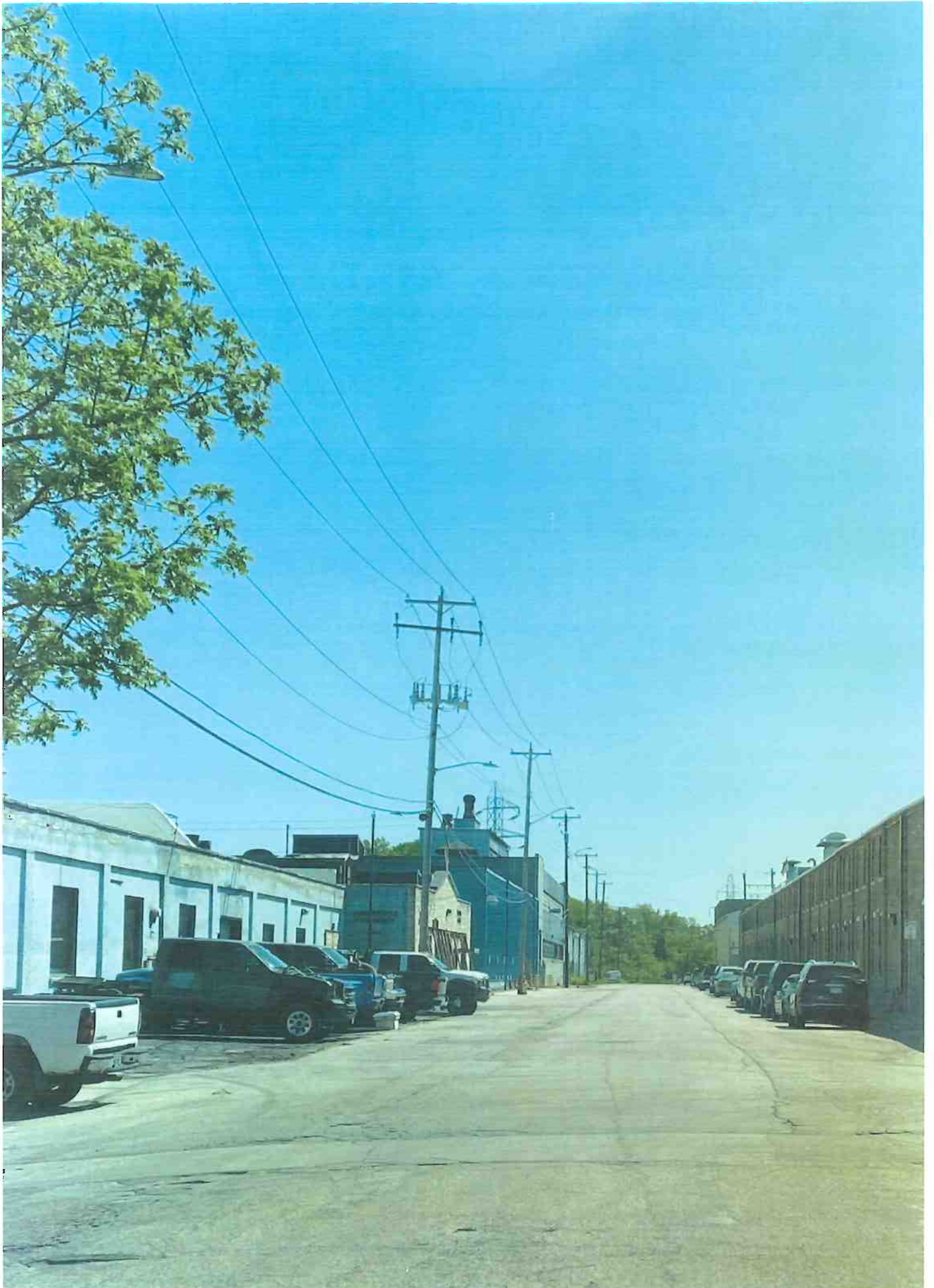


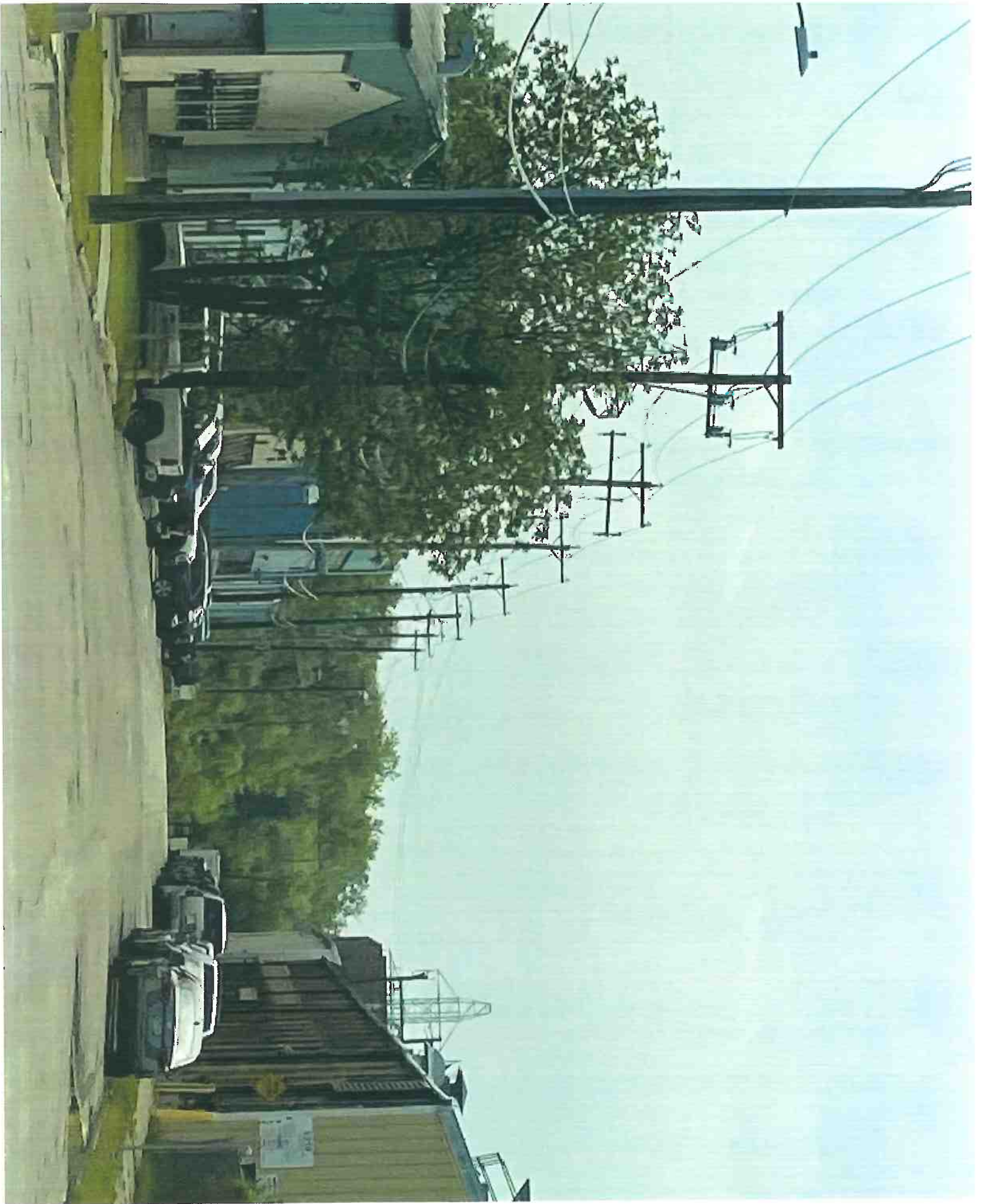


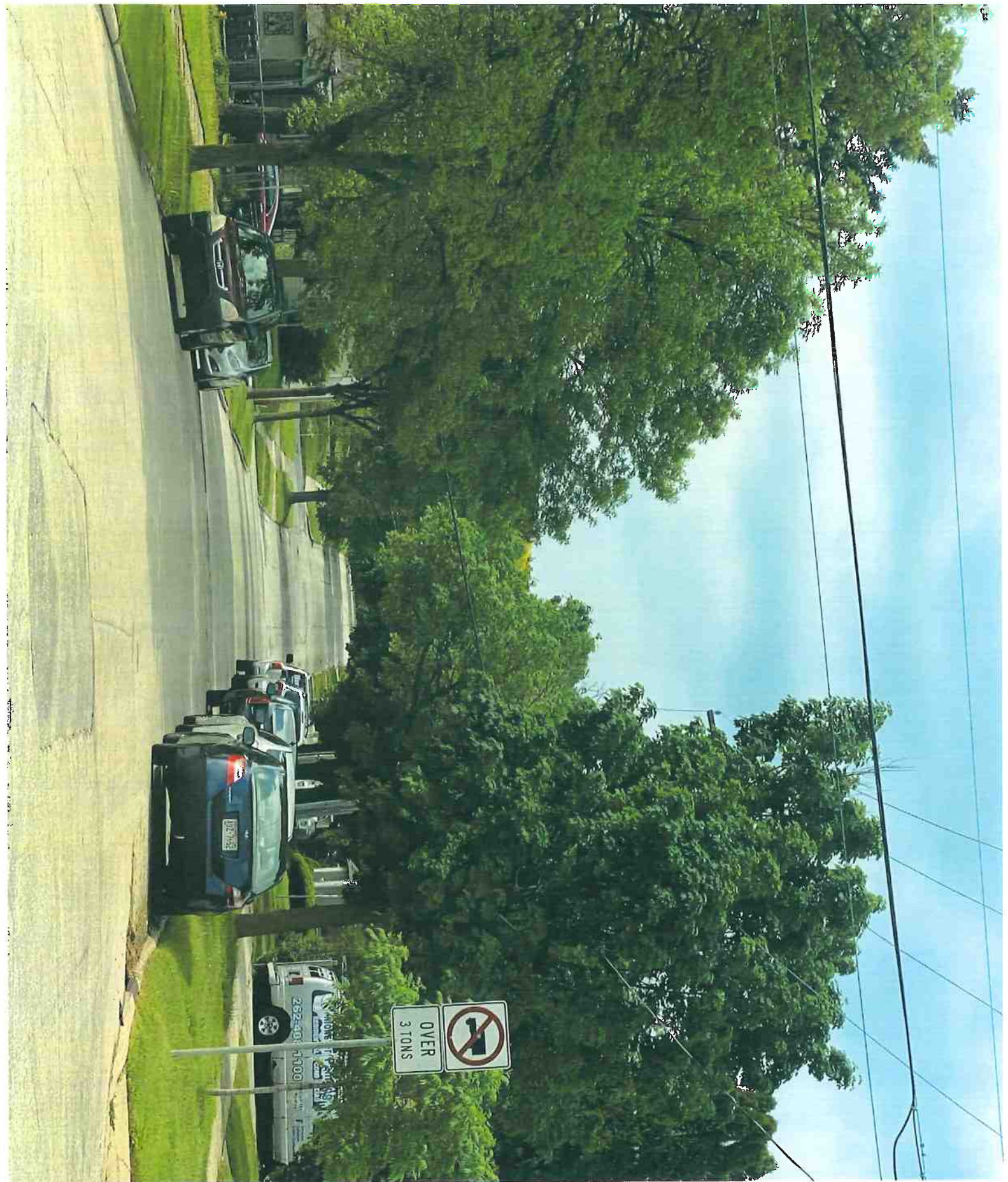












OVER  
3 TONS



Home Inspection  
262-401-1100









**Lease Agreement between Tom Barger and Freeland Cars**

Tom Barger, owner of property located at 1350 Ellis Street, gives Freeland Cars permission to park as many cars as can fit in the front of the building \$500 per month plus heating and cooling. The use of the interior shop space is permitted on a day-to-day basis.

Signed:   
Tom Barger

Signed:   
Dwight Rusch

Freeland LLC  
Find Report  
All Transactions

Type	Date	Num	Name	Memo	Credit	Balance
Check	04/25/2024	3403	T Barger	For 04.24	740.00	-740.00
Check	03/28/2024	3362	T Barger	For 03.24	940.00	-1,680.00
Check	02/14/2024	3293	T Barger	For 02.24	1,040.00	-2,720.00
Check	02/05/2024	3283	T Barger	For 01.24	890.00	-3,610.00
Check	12/22/2023	3245	T Barger	For 12.23	892.00	-4,502.00
Check	12/11/2023	3230	T Barger	For 11.23 Utilities	563.00	-5,065.00
Check	12/04/2023	3226	T Barger	For 10.23	516.00	-5,581.00
Check	11/03/2023	3176	T Barger	Services for 09.23	620.00	-6,201.00
Check	09/07/2023	3087	T Barger	Services for 08.23	526.00	-6,727.00
Check	07/28/2023	3018	T Barger		472.00	-7,199.00
Check	07/07/2023	2979	T Barger	Services for 06.23	475.00	-7,674.00
Check	05/05/2023	2910	T Barger	Utilities for 05/2023	575.00	-8,249.00
Check	04/19/2023	2866	T Barger	Utilities for April 2023	840.00	-9,089.00
Check	03/17/2023	2816	T Barger	Utilities for March 2023	895.00	-9,984.00
Check	02/07/2023	2781	T Barger	Utilities for February 2023	1,050.00	-11,034.00
Check	01/20/2023	2739	T Barger	Utilities for January 2023	1,030.00	-12,064.00
Check	12/20/2022	2694	T Barger	Rent & Utilities	900.00	-12,964.00
Check	11/16/2022	2641	T Barger	Freeland Rent	400.00	-13,364.00
<b>Total</b>					<b>13,364.00</b>	<b>-13,364.00</b>



## Freeland Cars Conditional Use Permit expired

Charlie Griffith <CGriffith@waukesha-wi.gov>

Thu 5/16/2024 9:02 AM

To: Picasso Automotive Paint Specialists <picasso.auto@att.net>

📎 2 attachments (262 KB)

1352 Ellis St - Freeland Cars 2024 1st NOV.pdf; PC Approval Letter - Freeland Cars.pdf;

The attached letter regarding automobile sales at 1352 Ellis St. A copy of the letter and a copy of your Plan Commission approval notice from January of 2023 is attached.

Please let me know if you have any questions about this matter.



Charlie Griffith, AICP  
City of Waukesha  
Senior Planner

P: 1-262-524-3529

E: [cgriffith@waukesha-wi.gov](mailto:cgriffith@waukesha-wi.gov)  
[waukesha-wi.gov](http://waukesha-wi.gov)

201 Oakfield St., Waukesha, WI 53190



Please be aware that email sent to or received from the City of Waukesha is presumed to be a public record, that it will be released by the City of Waukesha to the public under Wisconsin's public records law. If you do not wish your email to be released to the public, please do not read it or forward it to another person or entity. The City of Waukesha is not responsible for any consequences that may result from the release of your email.



## COMMUNITY DEVELOPMENT

201 DELAFIELD STREET  
WAUKESHA, WISCONSIN 53188-3633  
TELEPHONE 262-524-3750

Jennifer Andrews, Director

[jandrews@waukesha-wi.gov](mailto:jandrews@waukesha-wi.gov)

May 15, 2024

DWIGHT RUSCH  
FREELAND HOLDINGS LLC  
1352 ELLIS STREET  
WAUKESHA, WI 53188

Re: Illegal Car Sales at 1352 Ellis St. - Expired Conditional Use Permit. Case # CE24-00218

Dear Property Owner(s):

As you know, the Waukesha Plan Commission approved a Conditional Use Permit for limited automobile sales at 1352 Ellis Street on January 24, 2023. The Conditional Use Permit was approved for a period of one year only. It expired on January 24, 2024. Since you have not applied to have it renewed, you no longer have approval to sell cars at 1352 Ellis St. You are hereby ordered to cease car sales there immediately.

Since the Conditional Use Permit was approved, your operations were observed to be in violation of the conditions of approval in the following ways:

- You did not complete the striping of your parking lot by June 1<sup>st</sup>, as the approval required, but only completed it in July after you were contacted by City staff.
- Vehicles have been observed parked in the street terrace on many occasions. The Conditional Use Permit stated that this is not allowed.
- Vehicles have recently been observed displayed for sale in the area facing Ellis Street, with advertisements in the windows, when they were required to be parked in the rear of the building.
- Numerous vehicles have been parked on Ellis St. at all times during business hours. You were required to provide adequate off-street parking for both customers and employees.
- You have not provided evidence of a written agreement for use of the adjacent property at 1350 Ellis St. as required. On November 7<sup>th</sup>, 2023 a Freeland employee stated that there was no written agreement at that time.
- As of November 7<sup>th</sup>, 2023, Freeland employees were working in a space at 1350 Ellis St. for which you do not have an Occupancy Permit, and which you did not mention in your Conditional Use Permit application. As a result of the City inspection on November 7<sup>th</sup> the space was declared to be unsafe and you were ordered to vacate the building. Based on recent observations it appears that you are still using the space.

If you would like to apply for a renewed Conditional Use Permit you may do so. However, City staff will recommend denial as a result of the above violations. In the meantime, you must cease all car sale operations at the property. Failure to comply will result in citations to the property owner. Citation

amounts range from \$187.00 for the first offense up to \$439.00 for the third and any subsequent offenses. Each and every day the violation continues is considered to be a separate offense.

We have also contacted the Wisconsin Department of Motor Vehicles to inform them that you no longer have zoning approval to sell cars at the Ellis Street location and to request that they revoke any dealership license which may have been approved there.

Please feel free to contact me if you have any questions about the Conditional Use Permit or about this order. Your cooperation and promptness will be appreciated.

Sincerely,



Charlie Griffith  
Senior Planner  
City of Waukesha  
Phone: 262-524-3529  
cgriffith@waukesha-wi.gov



## COMMUNITY DEVELOPMENT

201 DELAFIELD STREET  
WAUKESHA, WISCONSIN 53188-3633  
TELEPHONE 262-524-3750

Jennifer Andrews, Director

[jandrews@waukesha-wi.gov](mailto:jandrews@waukesha-wi.gov)

January 31, 2023

Dwight Rusch  
Picasso Automotive/Freeland Cars  
1352 Ellis St.  
Waukesha, WI 53186

Re: Conditional Use Permit Approval, Freeland Cars – 1352 Ellis St.

Dear Property Owner(s):

This is to inform you that the Plan Commission approved your application at its January 25<sup>th</sup>, 2023 meeting for a Conditional Use Permit and Final Site Plan and Architectural Review for car sales at 1352 Ellis St. The Plan Commission approved your application with the following conditions:

- Vehicles for sale must be parked in the rear lot, behind or to the side of the building. No vehicles may be displayed and no large "For Sale" signs or other displays typical of a car dealership are permitted. All advertisement must happen online or through methods which do not impact the neighborhood.
- No vehicles, whether for sale or not, may be parked in the street terrace.
- No vehicles for sale may be parked on Ellis St.
- Adequate off-street parking must be available for all employees and customers. If employee parking will be at an adjacent property, written permission must be obtained from the property owner.
- Front parking area must be striped to 150 feet back from the Ellis St. property line, and at least five customer parking spaces must be designated and signed in the front of the office area. Striping must be completed by June 1<sup>st</sup>.
- This Conditional Use Permit will be for a period of one year only and will be reviewed for renewal on a permanent basis in January of 2024.
- This Conditional Use Permit applies only to the Freeland Cars business. If Freeland Cars relocates in the future, any new property owner would need to return for additional approval prior to operating a similar business.

The Plan Commission also requested a report from Planning Department staff on the status of the Conditional Use Permit at its June 28<sup>th</sup>, 2023 meeting. We will contact you ahead of that meeting to ensure that you have adequate notice. Please let me know when you have the striping scheduled, so we can ensure that it is done in such a way that will meet the Plan Commission's standards.

Let me know if you have any questions or concerns about this approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Charlie Griffith".

Charlie Griffith  
Associate Planner  
City of Waukesha  
Phone: 262-524-3529  
[cgriffith@waukesha-wi.gov](mailto:cgriffith@waukesha-wi.gov)