



City of Waukesha
 201 Delafield St. Waukesha, WI 53188
 Tel: 262.542.3700
 waukesha-wi.gov

Committee: Plan Commission	Date: 12/18/2024
Common Council Item Number: PC24-0639	Date: 12/18/2024
Submitted By: Doug Koehler, Principal Planner	City Administrator Approval: Click here to enter text.
Finance Department Review: Click here to enter text.	City Attorney's Office Review: Click here to enter text.
Conditional Use Permit – 1352 Ellis St., Freeland Cars. – A request for a conditional use permit to operate an auto sales business at 1352 Ellis Street in the M-2 General Manufacturing District for a time not to exceed 4 months.	

Details: The applicant has been operating a car dealership on Ellis Street in the M-1 Light Manufacturing District since 2020. The dealership was originally approved by the Plan Commission on a limited basis. It outgrew the conditions of the original approval, and in June of this year the Plan Commission denied an application to continue operating the dealership in the manufacturing district with its current expanded capacity.

Since then the applicants have been searching for a new location to operate the dealership. With the understanding that they are making a good faith effort to bring their business into compliance, staff has held off on taking enforcement action. It is our understanding that the car sale business has continued to operate. Staff has stated in communication with the applicant that this leniency will not continue after January 1st, 2025. By that point, they will need to cease sales operations at the Ellis St. location or face code enforcement action.

The applicants have found a new location to operate the car sales business, at 2000 Davidson Road. That location is currently operating as a car dealership, Waukesha's Best Used Cars. The owner, Dave Jensen, plans to relocate to a smaller property at 1023 N. Hartwell, and operate there at a reduced capacity. He received Conditional Use Permit approval in November for operations there.

Freeland Cars has a purchase agreement for the 2000 Davidson Road property and fully intends to move sales operations there on a permanent basis as soon as possible. However, Mr. Jensen would like to continue car sales operations at the Davidson Road property for several months while he transitions to the smaller location. He still has a large amount of inventory at 2000 Davidson Road, and he believes he will need as much as four months to sell enough of it to fit on the lot at the new Hartwell location. He has asked Freeland to find out if they can continue sales on Ellis St. on a temporary basis, to allow a transition to take place.

Freeland is requesting that the Plan Commission approve a temporary Conditional Use Permit for a period of four months, through the end of April 2025, to allow car sales to continue under the conditions of their January 2022 approval. Cars are advertised online and stored in a lot behind the building. Four designated customer parking spaces are available in the front office area and cars are brought to the front of the building during sales transactions. The applicant also stores cars which are not for sale on the lot, and on the adjacent lot. The

adjacent property is in a state of disrepair and is the subject of major code enforcement action including a recently opened complex forfeitures case with the Waukesha County Circuit Court. In the past Freeland Cars and its associated body repair business, Picasso Automotive, have had problems with cars parked in street terrace areas and employee vehicles parked on Ellis Street. Picasso Automotive is a permitted use.

Staff cannot recommend approval of a Conditional Use Permit for continued car sales in the manufacturing district, even on a temporary basis, given the history of this case. The only option which might possibly comply with the intention of the zoning code on Ellis St. is to drastically restrict the volume of sales, to a maximum of four or five cars for sale at a time, or to wholesale sales only. Staff has asked the applicants to try to work out an arrangement with Mr. Jensen to allow both businesses to conduct sales on a limited basis at the Davidson Road location while the transition is ongoing. If necessary, staff would recommend that the Plan Commission consider some flexibility with the conditions of approval for that Conditional Use Permit during the transition period.

Options & Alternatives:

[Click here to enter text.](#)

Financial Remarks:

No financial impact to the City.

Staff Recommendation: Staff recommends denial of a temporary Conditional Use Permit for auto sales at 1352 Ellis St. unless the applicant agrees to significant restrictions in sales volume. Staff encourages the Plan Commission to exercise flexibility with the conditions of the Davidson Road approval during the transition from Waukesha's Best Used Cars to Freeland Cars in that location.