



City of Waukesha
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Committee: Plan Commission	Date: 1/25/2023
Common Council Item Number: PC22-0349	Date: 1/25/2023
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.
Subject: Conditional Use Permit – Freeland Cars, 1352 Ellis Street – A request for a conditional use permit to operate car sales along with an auto painting and dent repair business at 1352 Ellis St.	

Details: In July of 2020 Picasso Automotive received a Conditional Use Permit to allow limited car sales at it's 1352 Ellis St. body shop. Picasso does body work for several local car dealers. The applicant, Dwight Rusch, stated that he would like to be able to purchase damaged vehicles, have his technicians do the repair work, and then sell them, primarily to keep the employees working during the slow period. One of the conditions of the 2020 approval was that no vehicle sales would take place on the property and all sales would be done online.

In December staff received a complaint that numerous vehicles were displayed for sale on the property and some of them are parked in the public right of way. When contacted, the applicant explained that state regulation does not allow him to conduct sales remotely, and that some of the vehicles which appear to be displayed for sale actually belong to local dealerships and are just in for repairs.

Since the sales business has grown beyond what was initially approved in 2020, and since it has been split from Picasso Automotive into a separate entity called Freeland Cars, the applicant needs to come back for a modified Conditional Use Permit. The applicant would like to be able to sell vehicles on the property at 1352 Ellis St. They have agreed to store all for-sale vehicles in the rear lot, behind the building, and not to display any vehicles for sale on the street. They will bring vehicles to the front for inspection and sale only. They do not wish to bring customers into the back lot due to safety and liability issues.

The applicant has stated that while the sales business is larger than anticipated when it was initially approved, it is still secondary to the body repair business, and it has not grown to a level that would support relocating to a commercially zoned property where it would be a Permitted Use.

Options & Alternatives:

The Plan Commission may limit

Financial Remarks:

No financial impact to the City.

Staff Recommendation:

Staff recommends approval of a Conditional Use Permit for a new carwash facility at 300 W. Sunset Drive 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.
- Vehicles may not be parked on Ellis St. unless they are licensed and operable.
- If vehicles for sale are to be stored at the adjacent property, the applicant must obtain written permission from the property owner and be able to provide a copy of it upon request.