Written by Ozaukee Press
Wednesday, 26 December 2012 19:14

The Common Council's declaration that a tavern business is incompatible with redevelopment plans is a detrimental intrusion into downtown investment

In an assertion of power rarely if ever seen before in the city, the Port Washington Common Council last week used its tavern licensing authority to override the city zoning code.

The council's denial of a license for a tavern in the 200 block of Franklin Street on grounds that it would be incompatible with redevelopment plans was an unwarranted intrusion by the city government into the realm of downtown investment and business.

It had been clear for some time that city officials were not happy with plans for a new bar business in the space occupied for a number of years by Foxy's tavern. Police considered Foxy's a trouble spot. Aldermen and other officials indicated they were not convinced things would be different under the new operator.

The council has ample authority to refuse to issue a license on those grounds, yet in denying the license it not only cited concerns about bad behavior by bar patrons but also suggested that a tavern is not a desirable business to be near a development such as the Boerner Mercantile Building.

The aldermen didn't specify which school of urban planning they consulted in determining that taverns, even though they are allowed by zoning, are somehow not a proper use of downtown property. The guess here is that the answer is none, for this is an absurdly narrow view that conflicts with the well understood need for diversity in downtown development.

It also sows uncertainly among downtown investors. What is the council's message, for example, to the owner of the Schooner Pub? This has been a mainstay downtown business through thick and thin, for years a bright spot of commercial vitality amid empty storefronts, vacant restaurants and a deteriorating bank building and now thriving as a popular place of enjoyment for residents and visitors alike. The owner has steadily improved the property and pays a hefty tax bill that includes a levy that helps fund the Port Washington Main Street program.

But this, after all, is a tavern, and it happens to be located squarely between two of the stars of downtown redevelopment, the Duluth Trading Co. and the building soon to be the Port Washington Historical Society's museum. What's more, it's just one door away from a proposed gentrification project that will create 18 residential units.

Does the Schooner Pub have to fear for its license because it is incompatible with redevelopment plans?

The owner of the Pier 6 tavern at the north end of the business district, another solid business that has invested in the downtown and contributes to the city economy, might ask the same question.

And what about the owners of the building whose tenant was denied a liquor license? The street-level of this structure has always been a tavern; it was built expressly for that use and for decades was the home of a much respected downtown business, the Bodega tavern. Telling the owners who put their money in that property that their building can't be used for the purpose for which it was designed is an odd way to encourage downtown investment.

The taverns mentioned here have been part of the downtown for most of a century. They were there when downtown Port Washington was a thriving commercial center, adding to the diversity of a business district that was replete with bakeries, drug stores, a high-end restaurant and shops catering to families. No one called them incompatible.

Ald. Jim Vollmar voted against the license denial on the solid ground that the action would create another downtown vacancy.

Ald. Paul Neumyer voted with the majority to deny the liquor permit, but explained that he did so because he thinks the city should make its tavern regulations more stringent.

Good point. Taxpayers expect their elected officials to apply ordinances to prevent public nuisances. If that's what's needed here, do it. But setting a precedent that taverns are unsuitable enterprises to be near other downtown businesses is an overreach the council should hasten to take back.