

**To:** City of the Village of Douglas Planning Commission  
**Date:** February 14, 2025  
**From:** Sean Homyen, Planning & Zoning Administrator  
**RE:** **453 Center St – Rezone Request from R-5 Multiple Family District to C-1 Village Commercial District**



*The Village of Friendliness – Since 1870*

Andrea Johnson-Wardynski is requesting to rezone 453 W Center St, from R-5 Multiple Family District to C-1 Village Commercial District. The purpose of this memorandum is to review the rezoning request pursuant to Article 28, Amendments, of the City of the Village of Douglas Zoning Ordinance

**Background and Request.** The property at 453 Center Street is currently occupied by a two-story single-family home, currently zoned R-5, Multiple Family. Based on the assessing records, the home was constructed in 1873. The applicant has inquired about converting a portion of the home facing Center Street to a commercial storefront for the purpose of selling Italian shaved ice.

**Procedure.** The Planning Commission is tasked with reviewing the request to rezone the subject parcel and making a recommendation to the City Council to approve, deny, or table the request. If the City Council approves the rezoning request, the applicant can then apply for a site plan approval. At this stage, a site plan is not required to be submitted in conjunction with the request to rezone the property.



*Parcel Ariel View*

**Review.**

**Application Completeness.** Section 28.05 outlines the required information that must be submitted by the petitioner. Staff has determined that the application is complete enough for review

**Rezoning Criteria.** Section 28.06, Planning Commission Recommendations lists several factors which must be taken into consideration by the Planning Commission when reviewing a request to rezone. New and old Zoning Maps, along with the Zoning Districts are included with the packet to assist with the review. These factors are listed below, along with the analysis of each.

1. *In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application and shall report its findings in full along with its recommendations for disposition of the application, to the City Council within a reasonable period. The matters to be considered by the Planning Commission shall include, but shall not be limited to the following:*

a. *What, if any, identifiable conditions related to the application have changed since the existing zoning district was established that justify the proposed amendment?*

**Remarks:** Since the existing zoning district was established, several identifiable conditions have changed that justify the proposed amendment. Looking at the 1986 Zoning Map, we see that the area north of Center St consisted of a mix of industrial, vacant, and single-family residential parcels, while the south side had industrial, multi-family residential, vacant, and single-family residential parcels. However, by 1998, significant zoning changes occurred. North of Center St, parcels were rezoned to the C-1 Village Commercial District, while the south side was rezoned to the R-5 Multiple Family District, which remains in place today.

Over time, there has been a notable shift from residential to more commercial uses, especially on the north side of Center St. This transition is supported by infrastructure changes such as the addition of the Root Beer Barrel, a commercial establishment that has attracted more people to the area, and the completion of the Beach to Bayou Trail, which brings pedestrians and cyclists through the area, further supporting the area's growth as a commercial hub.

These developments and shifts in land use, including the movement towards more commercial activities and the improvement of transportation and pedestrian infrastructure, demonstrate the evolving character of the area and justify the proposed zoning amendment. The changes in land use, infrastructure, and the shift from residential to commercial uses make this amendment aligned with the current and future needs of the community.

b. *What are the precedents and the possible effects of such precedents that might result from the approval or denial of the petition?*

**Remarks:** The approval of the petition would not create a precedent, as it involves a zoning change that is permitted under the current zoning ordinance and is supported by the 2016 master plan. While there are examples, such as the Kirby House and 420 Satori, where commercial properties were historically used as homes, these instances do not establish a pattern of undesirable or unintended consequences. In this case, the rezone is consistent with the zoning framework, and thus, it would not set a negative precedent.

However, while this change may encourage other similar rezoning requests, it would not lead to a pattern of adverse impacts or unintended consequences. The potential effect of approving the petition would be part of a broader development pattern that aligns with the City's planning goals, rather than creating negative precedents. Denial of the petition, on the other hand, would likely limit potential development opportunities that are in line with the City's growth strategies, but it wouldn't create a harmful pattern either.

- c. *What is the impact of the amendment on the ability of the City and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?*

**Remarks:** The amendment is not anticipated to negatively impact the City's ability to provide utilities or other public services such as fire and police services. There is, however, likely to be a higher demand for on-street parking. Any plans for the City to improve the Center Street right of way for the purpose of on-street parking may be considered sooner rather than later if the rezoning is approved.

- d. *Does the petitioned district change adversely affect environmental conditions or the rights of a neighboring property owner?*

**Remarks:** The petitioned district change does not adversely affect environmental conditions or the rights of neighboring property owners. There are no indications that the proposed rezone would impact property access or hinder the ability of adjacent property owners to use or sell their property. While the potential for increased traffic and noise due to future development is a possibility, this is not expected to interfere with property rights. Overall, the change does not present negative environmental or property rights impacts for neighboring landowners.

- e. *Is the class of uses permitted in the district appropriate for the location proposed to be rezoned?*

**Remarks:** The class of uses permitted in the proposed district appears to be appropriate for the location in question, particularly when considering the intent of the C-1 zoning district, which is designed to allow a mix of commercial and residential uses. Upon reviewing the list of permitted uses, none of the uses by right stand out as being wildly incompatible with the surrounding area. However, while the special land uses may require more careful consideration on a case-by-case basis, this is why they are categorized as such, allowing for flexibility and review by the City to ensure compatibility. In general, the uses permitted in C-1 seem suitable for the location, and there are no immediate concerns regarding major incompatibilities. The primary objective should be to ensure that land uses are compatible with the surrounding environment, and from this perspective, the proposed rezoning seems appropriate.

- f. *Does the petitioned district change generally comply with the Tri-Community Comprehensive Plan or a subsequent document that guides land use and development decisions in the City of the Village of Douglas?*

**Remarks:** The 2016 Master plan provides compatible and potentially compatible zoning districts for parcels. The future land use designation is currently R-5 Multiple Family District and the potentially compatible zoning district would be C-1 Village Commercial District.

Future Land Use Designation	Primary Compatible Zoning District(s)	Potentially Compatible Zoning District
Suburban Residential	R1	R1, R2
Compact Residential	R3	R1, R2
Urban Residential	R2	C1
City Center	C1	None*
Residential Mix	R5	C1
Waterfront Residential	R4	R5
Corridor Commercial	C2	C1
Light Industrial	L1	C2
Existing Parks and Open Space	Any	Any

\* A zoning district which completely supports the vision of these land use categories does not currently exist; and should be included in a future form based code.

*Future Land Use Designation from the 2016 Master Plan*

- g. *What is the ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located?*

**Remarks:** The property at 453 Center St, currently zoned R-5, can still be used as a single-family home, which is in line with the current zoning. However, the applicant's request to convert the property into a storefront could provide a more viable economic option, especially if the home isn't being fully utilized. Changing the zoning to allow for mixed-use could offer the opportunity for the property owner to generate income through retail, which wouldn't be possible under the current zoning.

**RECOMMENDATION.** At the upcoming public hearing, the Planning Commission should carefully consider any comments from the public, any new information provided by the applicant, and the analysis provided in this report. At this time, staff is recommending that the Planning Commission forward a favorable recommendation to the City Council for the approval of the request to rezone the parcel located at 453 W. Center Street from R-5, Multiple Family to C-1, Village Commercial, based on the findings listed in this report. A draft ordinance to amend the zoning ordinance and map is provided for reference, as well as a suggested motion below.

### **SUGGESTED MOTION**

*I move to recommend [approval / denial / tabling] the request made by Andrea Johnson-Wardynski for the amendment to the zoning ordinance and map in reference to a parcel of land located at 453 West Center Street (PPN 59-350-001-00), from R-5, Multiple Family District to C-1, Village Commercial District, based on the findings outlined in the staff report dated February 14, 2025.*

Please feel free to reach out with any questions.