



PUBLIC HEARING & REGULAR MEETING AGENDA

Planning & Zoning Commission

Thursday, February 06, 2024, at or after 5:30 p.m.

City Hall Council Chambers

425 E. 10th Street

1. Call to Order
2. Roll Call
3. Persons wishing to address the Commission in writing or verbally on any items not on the agenda.
4. Staff Communications
 - Minutes of Meeting for September 19, 2024
 - Minutes of Meeting for October 3, 2024
 - Minutes of Meeting for November 7, 2024
5. Presentation of Staff Report for Public Hearing:
 - a. **On ZCA-2025-01 Zoning Code Amendment** – Text Amendment to Title 15 Chapter 15.08 of the City of Douglas Municipal Code. To allow for a Waiver or Reimbursement of Building Permit and Inspection Fees for Nonprofit Organizations Impacted by criminal conduct.
6. PUBLIC HEARING
7. REGULAR MEETING - ACTIONS
 - a. **Discussion/Decision on ZCA-2025-01 Zoning Code Amendment** – Text Amendment to Title 15 Chapter 15.08 of the City of Douglas Municipal Code. To allow for a Waiver or Reimbursement of Building Permit and Inspection Fees for Nonprofit Organizations Impacted by criminal conduct.
8. WORKING SESSION
9. ADJOURNMENT

If authorized by a majority vote of the City of Douglas Planning and Zoning Commission, the Commission may adjourn the meeting at any time and move into Executive Session for legal advice on any agenda item, pursuant to A.R.S. § 38-431.03. The Executive Session will be held immediately after the vote to go into Executive Session and will not be open to the public.

Posted at City Hall on February 3, 2025 at 12:00 a.m. by Casandra Gomez, City Planner

PURSUANT TO THE AMERICANS WITH DISABILITIES ACT (ADA), THE CITY OF DOUGLAS DOES NOT, BY REASON OF A DISABILITY, EXCLUDE FROM PARTICIPATION IN OR DENY BENEFITS OF SERVICES, PROGRAMS OR ACTIVITIES OR DISCRIMINATE AGAINST ANY QUALIFIED PERSON WITH A DISABILITY. INQUIRIES REGARDING COMPLIANCE WITH ADA PROVISION, ACCESSIBILITY OR ACCOMMODATION CAN BE DIRECTED TO LUIS PERALTA AT (520) 417-7329 AS EARLY AS POSSIBLE TO COORDINATE NEEDED ARRANGEMENTS.

Meeting Minutes
Planning & Zoning Commission
Thursday, September 19, 2024, 5:30 p.m.
City Hall Council Chambers
425 E. 10th Street

1. Call to Order

The meeting was called to order at 5:35 p.m. by Chairman Louie Garcia

2. Roll Call

	<u>Present</u>	<u>Absent</u>
Elizabeth Sanchez	X	
Sheila Ayrom	X	
Frank Rivera	X	
Abraham Villarreal	X	
Greg Abrigo		X (excused)
Jeremy Godoy		X (absent)
Louie Garcia	X	

3. Persons wishing to address the Commission in writing or verbally on any items not on the agenda.

No public comments were submitted in writing or presented verbally.

4. Staff Communications

- Second Reading for Ordinance No.24-1197, ZMA 2024-01

Ordinance No. 24-1197 (Novoa Rezone) was passed by Mayor and Council and will become effective October 11, 2024.

- First Reading for Ordinance No.24-XXXX, ZMA 2024-02

Zoning Map Amendment 2024-02 (General Commercial to Multi-Family Residential on 14th Street) passed its first reading and is scheduled for its second reading on October 9, 2024 before the Mayor and Council.

5. Presentation of Staff Report for Public Hearing:

- a. **Special Use Sign Permit for Free Standing Sign located on 1200 E 14th St, Loretto Catholic School.** The applicant is requesting approval for a Special Use Permit to authorize the placement of a free-standing sign at 1200 E 14th St. This permit is necessary to allow the sign, which would otherwise be restricted by existing municipal codes. Assessor's Parcel Number (APN) 409-20-13

Presented by Casandra Gomez, the applicant has requested a special use permit for a freestanding sign at Loretto Catholic School. The proposed sign exceeds the municipal code limits, with a size of 42.2 square feet compared to the allowed 32 square feet and

a height of 15.1 feet instead of the permitted 10 feet. Additionally, the sign will feature an electronic display equipped with an ambient light sensor to adjust brightness. Before a building permit can be issued, further engineering and electrical plans are required.

6. PUBLIC HEARING

During the public hearing, the applicant emphasized that the sign is essential for school communication and is designed to match other school marquees within the district. Additionally, the higher placement was justified as necessary due to the presence of the existing school fence.

7. REGULAR MEETING - ACTIONS

- a. **Discussion/Decision on Special Use Permit for Free Standing Sign located on 1200 E 14th St, Loretto Catholic School.** The applicant is requesting approval for a Special Use Permit to authorize the placement of a free-standing sign at 1200 E 14th St. This permit is necessary to allow the sign, which would otherwise be restricted by existing municipal codes. Assessor's Parcel Number (APN) 409-20-13

During the discussion, commissioners noted that the sign would be located along 14th Street inside the school's fence. The height increase was considered necessary due to the school's existing 9-foot wall. However, they acknowledged that the engineering and electrical details still required further revisions. Despite this, the design and specifications were found to be consistent with signage at other schools.

Commissioner Villarreal made a motion to approve the special use permit for the freestanding sign, which was seconded by Commissioner Sanchez. **The motion passed unanimously with a 5-0 vote.**

8. WORKING SESSION

9. ADJOURNMENT

Commissioner Sanchez made a motion to adjourn the meeting, which was seconded by Commissioner Villarreal. The meeting was officially adjourned at 5:53 PM.

Meeting Minutes
Planning & Zoning Commission
Thursday, October 3, 2024, 5:30 p.m.
City Hall Council Chambers
425 E. 10th Street

1. Call to Order

The meeting was called to order at 5:31 p.m. by Chairman Louie Garcia

2. Roll Call

	<u>Present</u>	<u>Absent</u>
Elizabeth Sanchez	X	
Sheila Ayrom	X	
Frank Rivera	X	
Abraham Villarreal		X (excused)
Greg Abrigo	X	
Jeremy Godoy		X (excused)
Louie Garcia	X	

3. Persons wishing to address the Commission in writing or verbally on any items not on the agenda.

No public comments were submitted in writing or presented verbally.

4. Staff Communications

- Text Amendment to Title 18 of the City of Douglas Zoning Code to implement Historic Preservation regulations.

Staff provided an update regarding the recent Mayor and Council meeting, where Title 18 was approved, implementing new Historic Preservation regulations. This approval includes amendments to the zoning code and the creation of a Historic Preservation Board. The regulations apply citywide, allowing property owners to nominate their homes for designation if they meet the criteria for the National Register of Historic Places.

5. Presentation of Staff Report for Public Hearing:

- a. **On ZCA-2024-02: Zoning Code Amendment – Text Amendment to Title 6, Section 6.16.015 of the City of Douglas Code of Ordinances** to increase the limit on keeping fowl to six, in accordance with House Bill 2325, for properties one-half acre or less in size.

Presented by Casandra Gomez, a proposed zoning code amendment to align with House Bill 2225, which permits residents of single-family detached homes on properties of 1.5 acres or less to keep up to six fowl. Key provisions of the amendment include requirements that enclosures be located at least 20 feet from neighboring properties and be situated in backyards. Additionally, enclosures must not exceed 200 square feet

in size or eight feet in height. Residents are responsible for maintaining sanitary conditions and properly disposing of waste. The City reserves the right to impose penalties for violations, including fines and the confiscation of any fowl found at large.

- b. **On ZCA-2024-03: Zoning Code Amendment – Text Amendment to Article 5 of the City of Douglas Zoning Code to align with House Bill 2720**, which prohibits municipalities from restricting the use or advertisement of single-family dwellings or accessory dwelling units (ADUs), imposing additional parking requirements, mandating design standards for ADUs, enforcing stricter regulations for ADUs compared to single-family dwellings, setting excessive setbacks, or requiring public street improvements related to ADUs.

Presented by Casandra Gomez, a proposed amendment to Article 5 of the zoning code to align with House Bill 2720, aiming to provide greater flexibility for Accessory Dwelling Units (ADUs). The amendment includes provisions allowing both attached and detached ADUs, prohibiting municipalities from requiring separate leases for ADUs and the main dwelling, eliminating parking and design consistency requirements, and establishing a maximum 5-foot setback for ADUs from the main structure.

6. PUBLIC HEARING

7. REGULAR MEETING - ACTIONS

- a. **Discussion/Decision on ZCA-2024-02: Zoning Code Amendment – Text Amendment to Title 6, Section 6.16.015 of the City of Douglas Code of Ordinances** to increase the limit on keeping fowl to six, in accordance with House Bill 2325, for properties one-half acre or less in size.

The Commission discussed potential restrictions on roosters and penalties for violations, with staff noting that the current code does not specify limits on roosters and that enforcement remains minimal. Following the discussion, Commissioner Sanchez moved to approve ZCA 2024-02, with the motion seconded by Commissioner Ayrom. The motion passed unanimously with a 5-0 vote.

- b. **Discussion/Decision on ZCA-2024-03: Zoning Code Amendment – Text Amendment to Article 5 of the City of Douglas Zoning Code to align with House Bill 2720**, which prohibits municipalities from restricting the use or advertisement of single-family dwellings or accessory dwelling units (ADUs), imposing additional parking requirements, mandating design standards for ADUs, enforcing stricter regulations for ADUs compared to single-family dwellings, setting excessive setbacks, or requiring public street improvements related to ADUs.

Commission discussed potential conflicts with existing setback regulations, particularly the city's prior requirement for a 3-foot side setback for accessory structures. Following the discussion, Commissioner Sanchez moved to approve ZCA 2024-03, with the motion seconded by Commissioner Abrigo. **The motion passed unanimously with a 5-0 vote.**

8. WORKING SESSION

9. ADJOURNMENT

Commissioner Ayrom made a motion to adjourn the meeting, which was seconded by Commissioner Sanchez. The meeting was officially adjourned at 6:02 PM.

Meeting Minutes

Planning & Zoning Commission

Thursday, November 7th, 2024, 5: 30p.m

City Hall Council Chambers

425 E. 10th Street

1. Call to Order

The meeting was called to order at 5:32 p.m. by Chairman Louie Garcia

2. Roll Call

	<u>Present</u>	<u>Absent</u>
Elizabeth Sanchez	X	
Sheila Ayrom	X	
Frank Rivera		X (excused)
Abraham Villarreal	X	
Greg Abrigo	X	
Jeremy Godoy		X (absent)
Louie Garcia	X	

3. Persons wishing to address the Commission in writing or verbally on any items not on the agenda.

No public comments were submitted in writing or presented verbally.

4. Staff Communications

The 2024 General Plan was approved in the recent election. As of November 6, 2024, at 5:00 AM, the unofficial vote count showed 649 votes in favor and 442 votes against. The final official count is expected soon, pending certification.

5. Presentation of Staff Report for Public Hearing:

- a. **ZMA-2024-03 Zoning Districts Map Amendment from MFR to GC.** The applicant seeks to rezone a 2.66-acre parcel from Multi-Family Residential (MFR) to General Commercial (GC) to facilitate its continued use. The request for a permanent zoning change to General Commercial (GC) supports the current use of the property. (Assessor's Parcel Number 41017001).

Presented by Casandra Gomez, The Chiricahua Community Health Centers has requested a zoning change from Multifamily Residential (MFR) to General Commercial (GC) for a 2.6-acre property currently operating as a pediatric clinic. The property, which is being purchased from the Douglas Unified School District, is expected to finalize the transaction by the end of the year.

Key considerations for the zoning map amendment include alignment with the General Plan for mixed-use land and economic development, as well as its location within a designated commercial corridor. The area is served by major roadways such as State Hwy 80, Pan American Ave, Chino Road, and North Ave, and the proposed change is consistent with the city's plan for sustainable and vibrant commercial development.

- b. **ZMA-2024-04 Zoning Districts Map Amendment from GC to MFR.** The applicant seeks to rezone a 0.15-acre parcel from General Commercial (GC) to Multi-Family Residential (MFR). (Assessor's Parcel Number 40903090).

Presented by Casandra Gomez, a zoning change from General Commercial (GC) to Multifamily Residential (MFR) for a 0.5-acre property that has not been used for commercial purposes in 14 years. The applicant currently resides in the rear of the building and seeks rezoning primarily to qualify for residential utility rates, as the commercial rates have become a financial burden.

Key considerations for the zoning map amendment include the property's location within the Central Business District, which allows for mixed-use development. Surrounding properties are a combination of general commercial and multifamily residential uses. The property also has a historical overlay and a mixed-use designation, permitting both residential and commercial use. The applicant does not intend to use the property for commercial purposes in the near future.

6. PUBLIC HEARING

During the public hearing, Mary Pat Keel provided testimony explaining the historical use of the property and the financial impact of commercial utility rates. No additional public comments were received.

7. REGULAR MEETING - ACTIONS

- a. **Discussion/Decision on ZMA-2024-03.** Zoning Districts Map Amendment from MFR to GC.

The Commission discussed the proposal and voted to approve ZMA 2024-03. The motion was made by Commissioner Sanchez and seconded by Commissioner Ayrom. **The motion passed unanimously with a 5-0 vote.**

- b. **Discussion/Decision on ZMA-2024-04.** Zoning Districts Map Amendment from GC to MFR.

The Commission discussed the proposal and voted to approve ZMA 2024-04. Commissioner Villarreal made a motion to approve ZMA 2024-04, which was

seconded by Commissioner Sanchez. **The motion passed unanimously with a 5-0 vote.**

8. WORKING SESSION

9. ADJOURNMENT

Commissioner Ayrom made a motion to adjourn the meeting, which was seconded by Commissioner Sanchez. The meeting was officially adjourned at 5:59 PM.

ZCA-2025-01

Zoning District Map Amendment

February 06, 2025

Planning and Zoning Commission

Staff Report

To: Planning & Zoning Commission

From: Casandra Gomez

Date: Thursday, February 06, 2025, 5:30 p.m.

Subject ZCA-2025-01 Zoning Code Amendment – Text Amendment to Title 15 Chapter 15.08 of the City of Douglas Municipal Code.

INTRODUCTION

This report provides information regarding a proposed amendment to the zoning code of the City of Douglas. The amendment seeks to revise Title 15, Chapter 15.08 of the City's Municipal Code, as outlined in ZCA-2025-01. This text amendment is being considered to address potentially eligible properties within the city that may qualify for assistance through fee waivers. Notably, the amendment will also establish a policy for waiving or reimbursing fees for nonprofit organizations impacted by certain criminal acts, such as hate crimes or arson.

BACKGROUND

The City of Douglas currently operates under the zoning regulations set forth in Title 15, Chapter 15.08 of the Municipal Code. This chapter includes provisions for building permits, inspections, plan reviews, and associated fees. The current fee structure is outlined in Section 15.08.010, which includes specific calculations for project valuation, a schedule of building permit and inspection fees, as well as fixed fees for various services. Notably, the City lacks a formal policy for refunding or waiving fees for nonprofit organizations that experience significant damage due to acts of hate crimes or arson.

The existing fee schedule for building permits and inspections is as follows:

Project Valuation (per square foot or linear foot basis):

Porches, ramadas, carports: \$13.21

Garages: \$28.70

Storage sheds: \$23.30

Residential living spaces: \$52.00

New signs: \$40.00

Fences and block walls (per linear foot): \$11.66

Building Permit and Inspection Fees (based on valuation):

[Details as per original report, including all fee structures and filing charges]

Fixed Fees:

Work begun without a permit: \$125.00

Certificate of occupancy (residential): \$25.00, (commercial): \$50.00

Maps: \$5.00 to \$35.00

Right-of-way inspections: Varies from \$20.00 to \$50.00, depending on the scope of the inspection

Other Inspections and Fees:

Varies based on specific services (e.g., plumbing, electrical, mechanical)

\$1.00 to \$500.00	\$23.50, plus \$10.00 filing fee
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00, plus \$10.00 filing fee
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00, plus \$15.00 filing fee
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00, plus \$15.00 filing fee
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$5.70 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00, plus \$20.00 filing fee
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00, plus \$30.00 filing fee
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00, plus \$40.00 filing fee
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof, plus \$40.00 filing fee

PROPOSAL

The proposed text amendment to Title 15, Chapter 15.08 includes a new section, Section 15.08.010(G), which would allow the City to waive or reimburse fees for building permits, inspections, and plan reviews for nonprofit organizations exempt from taxation under Section 501 of the United States Internal Revenue Code. This provision would apply in cases where construction is necessitated by significant acts of criminal conduct, including hate crimes or arson. Additionally, the organization must demonstrate that insurance proceeds are insufficient to cover the total reconstruction costs.

This amendment aims to provide financial relief to nonprofit organizations that are adversely impacted by these criminal acts, recognizing that insurance may not fully cover the recovery costs.

Key aspects of the proposed amendment include:

Waiver/Reimbursement Provision: Allows the City to waive or reimburse fees for qualifying nonprofit organizations.

Eligibility: Nonprofit organizations exempt from taxation under Section 501 of the Internal Revenue Code.

Qualifying Incidents: Acts of criminal conduct such as hate crimes or arson.

Insurance Coverage: Organizations must demonstrate that insurance proceeds do not fully cover the costs of construction.

The establishment of this policy fills a gap in current City practices by providing support to nonprofits during times of crisis, which can help them recover more swiftly and continue their vital community work.