

Pegasus Airpark Runway Conversion to Permanent status

February 2018

Summary

- Pegasus Airpark is currently zoned as a PAD (Planned Area Development) as shown on the Town website:
<http://qcgis.maps.arcgis.com/apps/SimpleMapView/index.html?appid=63d9a10bcaa54994b1ceb17ec7f4f96f>
- The Runway is zoned under a CUP (Conditional Use Permit) SU 97-04 as explained in the attached documents from the Town of Queen Creek. See Appendix 1
- In a review of the Airport Stipulations with the Town, it was recommended by Planning and Zoning that it would be beneficial to Pegasus Airpark to convert the CUP to be part of the PAD and that would take the airport to a permanent status protecting the Pegasus Airpark homeowners and hangar owners' investments.
- The Flight Board agrees that getting the runway to a permanent status would be good for home and hangar values long term
- This **DOES NOT** change the way the airport is operated.
- This **DOES NOT** convert or make Pegasus a "**PUBLIC**" airport.
- The Flight Board would like the community to support this action to enhance the future of Pegasus Airpark.
- The Flight Board believes that this course of action is the future of Pegasus Air Park our Security and our Future.

Additional history and background information follows.

Pegasus Airpark Zoning information

This document is to provide information to support the re-zoning of the Airport area of Pegasus to be part of the PAD (Planned Area Development) of Pegasus.

A map of the zoning for Queen Creek can be view here:

<http://qcgis.maps.arcgis.com/apps/SimpleMapView/index.html?appid=63d9a10bcaa54994b1ceb17ec7f4f96f>

Currently Pegasus is zoned as:

Zoning: R1-43

Category: Rural Residential

Description: 1 acre per dwelling unit

Ordinance Date: May 31, 1990

**Part of a Planned
Area Development (PAD):**

What is the Town of Queen Creek definition of R1-43:

R1-43 One (1) Acre Per Dwelling Unit To provide areas for low intensity agricultural operations and to provide areas for very and low density single family uses in the Rural Preservation Tier, Property zoned R1-43 should include only those tracts which abut or are in close proximity to existing large-lot single family development, making R1-43 an appropriate transition district between rural and urban uses, This zoning district implements the Very Low Density Residential and Low Density Residential future land use classification of the Queen Creek General Plan.

Pegasus History 1994 - 2011

Pegasus Airpark project was making its way through the process at Queen Creek as Williams AFB was closing down and beginning the transition to Williams Gateway Airport. Aircraft noise was a huge issue to be overcome and that was a primary concern of the town in 1994. Minutes from the Town Council meeting in July of 1994 specifically mention aircraft noise as a reason to deny or revoke the requested Special Use Permit as it was called in 1994. (Reference SU07-94)

The FAA approved the location for Pegasus in March 1994, Airspace case # 93-AWP-208-NRA. Pegasus airpark was approved as a VFR airpark only, no IFR activity approved.

Much of what was worked through in Queen Creek was directly copied from work done in Carefree, with Carefree Sky Ranch Airpark. The main concerns were around noise and many of the stipulations came directly from documents from Carefree. The airpark was to be operated as a Private Airpark with no services available to pilots from other airports. Specifically no restaurants, no flight training, no aircraft sales, no helicopters or rotating beacon. All of this came directly from the Town of Carefree documents (Ordinance 85-22).

The other example used for Pegasus was Stellar Airpark in Chandler and much of the original design came from the layout of Stellar Airpark.

The housing portion of the community was completed under a "Master Plan" as it was called in 1994, today the terminology is PAD or Planned Area Development.

The Airport component of the development is covered under a CUP (Conditional Use Permit) dating back to June 20, 1994.

Pegasus 2012 - 2018

The latest revision of the use permit is attached, along with the latest revision of the permit stipulations from March 14, 2012. In meeting with Queen Creek Planning and Zoning (in Jan 2018) to review changing some of the stipulations, it was suggested by P&Z that the owners of Pegasus apply for a re-zoning of the airport component of Pegasus to become an inclusive part of the PAD. By re-zoning the airport part of Pegasus it removes the CUP and would ensure that the existing CUP cannot be revoked in the future by a Town Council or Town Manager that is not friendly to the airpark.

- This **DOES NOT** change the way the airport is operated.
- This **DOES NOT** convert or make Pegasus a "**PUBLIC**" airport.

In short Pegasus Airpark will continue to operate just as we have for the past 24 years, except that the runway will be protected just as all home & personal property is protected from outside influence.

Since the last update of the Pegasus CUP (2012) the population of Queen Creek has increased from 12,000 to 45,000 in January 2018. P&Z noted that the planned growth around Pegasus is of much higher density housing, and waiting to apply for the PAD or continuing under a CUP for the runway is not in our best interest.

All around Pegasus the density of housing is increasing significantly. This will only serve to apply additional pressure on Pegasus and more and more future neighbors will likely have issues with

airplane noise that they may view as offensive. In order to preserve the runway and the values of the development in Pegasus, it was suggested that the owners pursue the zoning change to include the runway as part of the existing PAD.

In addition to increased housing density we have to deal with ever increasing aircraft traffic in the area. Williams Gateway now has multiple flight schools, along with the left base traffic for runways 30 entering Gateway airspace traveling right over the runway at Pegasus. Major airline traffic for the Southeast arrival into Phoenix also travels overhead Queen Creek just west of Pegasus.

Removing the Conditional use Permit and Leaving the R1-43 PAD in place

The process to convert is the same as any rezone effort. Below is the PAD rezone list from Queen Creek:

Project Narrative— The Project Narrative should include at a minimum the following:

- 1) Name and address of recorded landowner, architect/ engineer/ surveyor and contractor;
- 2) Date, north arrow, and scale;
- 3) Vicinity map at a scale of not less than 1" = 2,000 ft.;
- 4) A complete (surveyed) written legal description of the aggregate property boundaries and each individual sub land use parcel or properties under application for approval that includes all of the following: a. Metes and bounds description of the property including total gross acreage, sealed and signed by a Registered Engineer or Surveyor (8.5" x 11"); b. Boundary Closure Report, sealed and signed by a Registered Engineer or Surveyor (8.5" x 11"); and c. Legal Description Exhibit including County rights-of-way and roadways, sealed and signed by a Registered Engineer or Surveyor (legible scale);
- 5) A Survey Map noting the property boundaries and legal description, topography with a maximum contour interval of two feet (2') where existing ground is on a slope of less than two percent (2%), then either one foot (1') contours or spot elevation shall be provided where necessary, existing structures, adjacent streets (location, name and width) and significant natural features;
- 6) Maps indicating the land use parcel sizes and zoning categories. Said map shall be accurately measured and described, indicating acreage of land uses and zoning districts proposed specifying the number of units proposed for each parcel, with gross and net densities as defined by the General Plan or this Ordinance. Provide a description and justification for any proposed modifications to the underlying zoning districts with respect to overall density, dimensional standards and use;
- 7) A plan with notes specifying the intended land uses, types of structures and intensity of use, proposed underlying zoning, primary points of access and major interior street alignments; off-street parking and loading, site perimeter setbacks, typical landscaping and screening treatments; total area in open space and drainage information;
- 8) The survey map and conceptual plan should be combined into one (1) plan and may include other data as requested by the Planning Department to assure compliance with this Section; and,
- 9) Availability of roads, parks, open space, sewer, water, and storm water facilities at, or exceeding the levels of service established in the Queen Creek General Plan and land development regulations.

- 10) Describe how the PAD application proposes substantial land use planning standards and principles over and beyond the minimum standards required in this Ordinance or any development ordinance adopted by the Town;
- 11) Describe how the development application for PAD approval exceeds the minimum intent of the underlying zoning district(s) creating neighborhoods and sustainable communities over and above the criteria established in this Ordinance;
- 12) Describe how the PAD application's specific goals exceed the General Plan's goals and demonstrate how the overall goal of the General Plan is exceeded by the proposed development; and,
- 13) Describe how the development is compatible with the immediate environment of the site and neighborhood relative to architectural design, scale, bulk and building height; historical character and disposition and orientation of buildings on the lot;
- 14) Describe how buildings, transportation improvements and open space areas are:
 - 1) Arranged on the site so that activities are compatible with the neighborhood and consistent with adopted ordinances and generally accepted planning principles;
 - 2) Designed and arranged to produce an efficient, functionally organized and cohesive development;
 - 3) In favorable relationship to the existing natural topography, natural water bodies, and water courses, exposure to sunlight and wind and long views. Planned building sites are located and designed to minimize their impact on long views; and,
 - 4) Designed and arranged to maximize quality of life of the project and surrounding areas.
- 15) Demonstrate that adequate facilities including water, sewer, storm water, and streets are provided, all of which shall be constructed to the levels of service established in these regulations, the Town of Queen Creek General Plan or other Town ordinance and planning policy documents.

While much of this exists in the original documents submitted to Queen Creek, much will need to be brought up to date for the Engineering and Development departments.

In addition it is likely that many of the stipulations we currently operate under will go away upon the completion of the PAD process. However it is likely that several stipulation will remain. These are likely to be no commercial operations, no flight schools, and that continue operating in the same manner as we have previously. It may be helpful for Pegasus to provide a list of stipulations that we will continue to abide by for the Town to have and record.

Thank you for your support in this process to secure the future continued operation of Pegasus Airpark.

Pegasus Flight Board

Appendix 1



Requesting Department:
Development Services

TO: HONORABLE MAYOR AND TOWN COUNCIL

**THROUGH: CHRIS ANARADIAN, DEVELOPMENT SERVICES DIRECTOR,
WAYNE BALMER, PLANNING ADMINISTRATOR**

FROM: BRETT BURNINGHAM, PRINCIPAL PLANNER

RE: PUBLIC HEARING AND POSSIBLE ACTION ON SP13-033 / SD13-032 "Hangars at the Pegasus", A request by Premium Hanger Investments, LLC for Site Plan approval and Preliminary Plat approval for three new hangar buildings to accommodate small aircraft storage and aircraft parking. This project is located on the north side of Empire Boulevard and the Crismon Road alignment.

DATE: DECEMBER 4, 2013

PLANNING & ZONING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of cases SP13-033 / SD13-032 "Hangars at the Pegasus" subject to the Conditions of Approval outlined in this report.

The Planning Commission provided a unanimous recommendation of approval with a vote of 6 to 0 (Chairman Ingram was absent), subject to the Conditions of approval in the staff report.

STAFF RECOMMENDATION

Staff concurs with the Planning Commission's recommendation.

PROPOSED MOTION

Move to approve cases SP13-033 / SD13-032, Site Plan, Preliminary Subdivision Plat for the Hangars at the Pegasus, subject to the Conditions of Approval outlined in this report.

RELEVANT COUNCIL GOALS

- KRA 8, Objective 8: Enhance the opportunities for Queen Creek businesses to be successful.

- General Plan Growth Areas Element, Goal 5, Policy 5b: Encourage the use of available infrastructure capacity to accommodate new development consistent with the land use goals and provisions of the General Plan.

SUMMARY

This proposal consists of a request from Premium Hangar Investments, LLC for the approval of a Site Plan and Preliminary Subdivision Plat to facilitate the development of three new hangar buildings to accommodate small aircraft storage and aircraft parking. Each hangar will be of metal/steel construction to match the existing hangar buildings on the site.

HISTORY

- March 14, 2012: Town Council approves cases CU12-001 and SP12-002, authorizing the use of very light jets (VLJ's) and other similar aircraft as well as the future installation of a facility for the storage and sale of Jet-A fuel at the Pegasus Airport, with conditions including requiring the Flight Association to complete a noise study every 5 years to verify compliance with the Council approved 65 DNL noise standards.
- October 15, 2008: Town Council denied a request to allow very light jets and helicopters at Pegasus Airpark (CU08-020).
- June 6, 2007: Town Council approves Pegasus Airpark, Phase 5 Amended Plat (SD07-013) which reduced the number of aviation lots to 82.
- March 18, 1998: Town Council approves an amendment to the Special Use Permit (SU 01-97) for the Fixed Base Operations which limited the number of aircraft to 225 and allowed for a 100 low lead aviation fuel tank.
- May 3, 1995: Town Council approves the Preliminary Plat for Pegasus Airpark Development, subject to conditions. The Preliminary Plat consists of 159 lots on 320 acres.
- June 20, 1994: Town Council approves the Special Use Permit (now called Conditional Use Permit, SU 07-94) for the airstrip at the Pegasus Airpark development, subject to conditions.

DISCUSSION

The applicant is requesting approval of a Site Plan and Preliminary Subdivision Plat to facilitate the development of three additional hangar buildings to accommodate small aircraft storage and aircraft parking. The Special Use Permit approved by Council allowed a total of 225 planes in the subdivision with a maximum of 92 allowed in the

Fixed Based Operations. This subdivision plat proposes a total of 31 new individual hanger units in three buildings. Each hangar will be of metal/steel construction and is proposed to match the existing hangars on the site. Building 1 is proposed to have 6 individual hangars; each hangar will be approximately 2,995 square feet in size. Building 2 will have 9 hangars; each hangar will be approximately 2,995 square feet in size. Building 3 will have 16 hangars; each hangar will be approximately 1,624 square feet in size.

The development will gain access from the existing airport entrance on Empire Boulevard. Access to the site is through a gated entrance. The development will connect to the existing airport system through paved connections to the taxiway to the north and adjacent airport hangars west of the site.

Planning Commission

During the Planning Commission meeting the applicant noted that the subject property had always been planned for hangar buildings. The applicant also noted that the occupancy rate throughout the hangars buildings is currently at 100% and that the plan has been updated to accommodate requests for larger hangar spaces.

The Planning Commission provided a unanimous recommendation of approval with a vote of 6 to 0 (Chairman Ingram was absent), subject to the Conditions of approval in the staff report.

Project Information	
Project Name	Hangars at the Pegasus
Site Location	North of Empire Boulevard at the Crismon Road alignment
Current Zoning	R1-43
General Plan Designation	Very Low Density Residential (VLDR 0-1 DU/AC)
Surrounding Zoning Designations:	
North	Pegasus Airpark runway and Pegasus Airpark Unit 2 (zoned R1-43)
South	Pegasus Airpark Unit 5 (zoned R1-43)
East	Pegasus Airpark Unit 3 (zoned R1-43)
West	Existing hangars and Pegasus Airpark Units 3 and 4 (zoned R1-43)
Site Area	4.7 acres

ANALYSIS

General Plan Review: The project is located in the Very Low Density Residential (VLDR 0-1 DU/AC) designation on the General Plan. Pegasus Airpark and its associated residential development are consistent with this land use designation.

Zoning Review: The Pegasus Airpark is zoned R1-43 (Single Family Residential) and no zoning change is proposed in this request.

Preliminary Subdivision Plat Review: Since the hangars may be sold or rented similar to a condominium, a preliminary condominium plat is needed. This plat proposes a total of 31 hangar lots.

Site Plan Review: Access to the hangar site will be through a gated entry off of Empire Boulevard. There is an existing 30-foot private road that provides gated access to the runway. A frontage road (Diana Way) was been constructed in front of the hangar parcel in conjunction with the construction of the remaining subdivision phases.

Building Elevation Review: The proposed building elevations match the three existing hangars existing on the site. The proposed hangar buildings will be approximately 23 feet in height.

PUBLIC COMMENTS

The applicant conducted a Neighborhood Meeting on Wednesday, October 30, 2013 after notifying all property owners within 900 feet of the perimeter of the Pegasus Airpark. One resident attended the neighborhood meeting and the resident was supportive of the request. To date, staff has received no comments from the public.

CONDITIONS OF APPROVAL

1. The new hangar buildings shall match the existing hangar buildings on the site, including building materials and color.
2. Development shall conform to the Site Plan. Minor Modifications may be approved by staff to accommodate the specific development requirements of the proposed uses at the time of building permit issuance. For the purpose of this stipulation, Minor Modifications are defined as a less than 10 percent change in areas and /or quantities, of design elements.

ATTACHMENTS

1. Location Map
2. Project Narrative
3. Overall Site Plan Exhibit
4. Site Plan Exhibit
5. Conceptual Grading and Drainage Exhibit
6. Preliminary Plat Exhibit
7. Building Elevation Exhibit
8. Pictures of Existing Hangars
9. October 30, 2013 Neighborhood Meeting Minutes

**Complete list of Conditions of Approval for Pegasus Airpark
from Case SU01-97 and Cases CU12-001/SP12-002**

1. The total quantity of planes allowed on the entire Pegasus Airpark Development shall not exceed 225; this shall include both the residential area and the FBO. The maximum quantity of planes allowed on the FBO shall not exceed 92 planes. This provision allows for there to be a lesser quantity of planes than 92 at the FBO, with a greater quantity of planes allowed in the residential area, provided that the total quantity of planes does not exceed 225 for the entire Pegasus Airpark Development.
2. Prior to seeking plat approval or any pre-development site activity, any required State and Federal Aviation Administration authorization of the aviation use must be obtained; and, further, there shall be no runway or other aviation lighting other than the minimum required for fixed wing or day or night operation. Aviation lighting shall only consist of pilot-controlled or activated lighting. No continuous lighting shall occur except for pilot-activated beacon lighting. However, this shall not prohibit the standard FAA approved light, illuminating a windsock for wind speed direction.
3. Residential lots shall be not less than one acre in area, exclusive of rights-of-way and taxiway easements; with overall density not exceeding .75 dwelling units per gross acre.
4. This Special Use approval specifically does not constitute plat or plan of development approval (noting, in particular, access problems on the schematic plan) and it is noted that separate, direct vehicular access to the fixed base operations, runway and other aviation-related common facilities is required. Prior to any building permits or zoning clearances being issued for the FBO developer shall receive site plan (plan of development) approval from the Town Council.
5. The following commercial uses are prohibited: charter, courier, commercial flight schools, scheduled air service and crop dusting.
6. The development shall adopt, and shall enforce by means of effective sanctions, rules prohibiting (except where violations are necessary for safety reasons) "touch and goes." Developer shall establish normal and recommended procedures for general aviation including approach and departure patterns that attempt to minimize noise over residential areas.
7. All aviation-related buildings (including, but not limited to, hangars and service buildings) are required to be screened from perimeter street view by an approved landscape plan and installation.
8. Required street, drainage and other dedications shall be completed prior to

seeking plan of development approval.

9. Aircraft noise shall not exceed a level of **65 DNL** at any boundary of the site. Pegasus Airpark shall be required to submit annual noise reports to the Town. Violation of this noise level will result in the Town issuing a warning to the Airpark. If the Airpark fails to take action against the violator(s) or the noise level is continued to be violated within the next 12 months by any airpark user then within three (3) months after the warning is received then this may be cause for the Town Council to conduct a Public Hearing(s) and consider revoking the Special Use Permit for the airpark. In any event the Special Use Permit shall not be revoked for violation of 65 DNL standard if the Airpark is exercising due diligence in bringing legal action in a court of competent jurisdiction to enjoin the violation.
10. The Town shall have the right to review Airpark operation performance to ensure compliance with the special use permit. Review of airpark performance shall include, but not be limited to, review of all FBO and flight association operations, such as investigation of books, accounts, reports, correspondence and audits
11. Hangar and tie-down construction at the FBO site may be allowed prior to residential house construction in accordance with the following: up to 50% of the total planes allowed on the f.b.o (46 planes of the 92 allowed). Once hangar or tie-down construction is completed to allow 46 planes, then one additional hangar may be allowed for every house constructed and a certificate of occupancy (c of o) issued by the town for the house. In general FBO development should be phased to coincide with residential occupancy in the subdivision.
12. Aircraft allowed to operate from Pegasus Airpark shall be limited to fixed-wing aircraft powered by piston (both gas and diesel engines), turbine, turbo fan, jet engines, as well as potential future equivalent propulsion technologies (i.e., electric powered, hydrogen, etc.) with a maximum take-off weight of 12,500 pounds or less and approach speed of less than 121 knots and wing span of less than 79 feet. Aircraft which are not fully Stage 3 noise compliant as defined by the FAA or which do not comply with the operational limits above related to weight, approach speed and wingspan are prohibited, as are ultra-light aircraft and powered parachutes. Light Sport category aircraft, as defined by the FAA, are not included in this prohibition. The specifications for this airpark shall be published and maintained in the CC and R's for the property, the Flight Association and the FAA airport facilities directory.
13. That the airpark shall be operated solely as a private airpark for use by residents of the Pegasus Airpark Development and members of the flight association. Guests may be allowed of either residents of the airpark development or flight association members provided that guests have

express prior permission from the airpark development or flight association members. Guests will not be allowed by those persons who own or lease hangars or own or lease tie-downs and do not reside on permanent basis at Pegasus Airpark. The exception to this requirement shall be for emergency landings. Such prior permission shall be granted only to persons having a bona fide reason for landing at the airpark, such as persons staying overnight or longer with Pegasus Airpark residents or flight association members who also reside at Pegasus Airpark. No person other than those defined herein shall be permitted to use the airpark, including by way of example and not limitation, those persons visiting for the sole purpose of refueling. This requirement shall be so stated in the appropriate C, C, and R's and the Federal Aviation Administration's Airport Facilities Directory. This in no way shall prohibit bonafide potential buyers to land at the airpark, nor prohibit special lot sales promotions during the initial phases of development of the airpark.

14. 100 Low Lead and Jet-A aircraft fuel is to be sold to members of the Flight Association and their authorized parties only.
15. Developer shall be required to meet all applicable Federal Aviation Administration fuel storage requirements and report to the Town that applicable fuel storage facilities are in compliance. Reporting mechanism to the Town shall, at a minimum, is via a copy of the notice of approval by the appropriate regulatory agency.
16. Any fuel system allowed on the property shall be designed as a private card-lock system for members of the HOA or flight association only.
17. The Developer shall submit a new "Notice of Proposed Landing Area" to the FAA for airspace approval. Documentation of this approval shall be submitted to the Town prior to issuance of any building permits.
18. Within 30-days of the date of Council's decision on this Special Use Permit, the applicant/developer shall pay to the Town of Queen Creek for all airport consulting costs up to \$1,500. **NOTE:** This condition was completed in 1998.
19. Location and design of a Jet-A aviation fuel tank shall be approved by staff.
20. Medical, police and similar emergency service aircraft, regardless of type may utilize Pegasus Airpark at any time as needed for public safety purposes.
21. The Conditional Use Permit approved in case number CU12-001 is effective upon signature by the property owner of the Prop 207 waiver and filing of the waiver with the Town of Queen Creek Planning Division. Failure to sign and return the waiver to the Planning Division within 5 working days of the date of

approval shall render this conditional approval null and void.

22. The Pegasus Flight Association shall complete a third party independent noise study on or before April 18, 2017, and every five years thereafter, and submit the results of the study to the Town to verify the Airpark has not exceeded the 65DNL noise level standard established by the Town Council.