



**MINUTES OF THE REGULAR SESSION MEETING OF THE QUEEN CREEK
PLANNING AND ZONING COMMISSION**

Wednesday, September 10, 2008 7:00 P.M.

Council Chambers, 22350 S. Ellsworth Road, Queen Creek, AZ 85242

THESE ARE DRAFT MINUTES WHICH HAVE NOT YET BEEN APPROVED.

1. **CALL TO ORDER** The meeting was called to order at 7:03 p.m.

2. **ROLL CALL**

Present

Chairman Ingram
Vice-Chairman Trapp-Jackson
Commissioner Sossaman
Commissioner Perry
Commissioner Atkinson
Commissioner Fehlan
Commissioner Moore

Absent

Staff

Present

Community Development Director Condit
Planning Manager Balmer
Principal Planner Brittingham
Principal Planner McCauley
Planner Williams
Community Development Assistant Moats

Absent

3. **PUBLIC COMMENT**

Members of the public may address the Commission on items not on the printed agenda. Please observe the time limit of three minutes. Speakers' cards are available at the door, and may be delivered to staff prior to the commencement of the meeting.

4. **Consent Agenda:** Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. Public Hearing items are designated with an asterisk (*). Prior to consideration of the Consent Agenda, the Chairman will ask whether any member of the public wishes to remove a Public Hearing item for separate consideration. Members of the Commission and/or staff may remove any item for separate consideration.
- a. Consideration and Possible Approval of August 13, 2008 Work Study and Regular Session Minutes;
 - b. ***Public Hearing, Consideration and Possible Approval of CU08-101/SP08-100, Alltel Wireless**, A request by Michael J. Campbell for approval of a Conditional Use Permit and Site Plan to locate a wireless communication tower in the vicinity of the northwest corner of Rittenhouse and Riggs roads.

Motion: Commissioner Sossaman

To approve the Consent Agenda as presented.

2nd: Commissioner Moore

Vote: All ayes. Motion carried 7-0

5. **Public Hearing, Discussion and Possible Action on RZ06-002/SD06-003, Circle G at The Church Farm**, A request by Greg Davis of IPlan Consulting to rezone approximately 885 acres from Rural 43 Single Family Residential to Planned Area Development (PAD) with underlying zoning districts of R1-43, R1-18, R1-12, R1-7, R-2 and C-2. The applicant is also requesting approval of a preliminary subdivision plat consisting of 1745 units with an overall density of 2.17 dwelling units per acre. The project is located at the southeast corner of Signal Butte and Ocotillo roads.

Planner Williams presented the staff report, stating this is a relatively large project, which incorporates multiple zoning districts outside the Town limits. The proposed annexation is being processed concurrently with the Rezoning and Subdivision applications. The proposals are scheduled on the Town Council's October 1 Regular Session meeting.

Mr. Williams noted this project is consistent with the Town's General Plan. It includes 200 acres of open space, with a 12-acre elementary school site and wash being donated to the Town. The project includes a total of 18 parcels. Mr. Williams showed the landscape plan and a detailed illustration of the equestrian park, including an arena and horse trailers. Mr. Williams stated the wall plan meets all requirements of the fence ordinance.

Staff is recommending approval of this proposal, subject to the Conditions of Approval set forth in the staff report.

Commissioner Atkinson asked if the equestrian area will be open to the public. Mr. Williams responded, "yes", stating the equestrian area will be donated to the Town.

Greg Davis of IPlan Consulting, 4684 S. Star Canyon Drive, Gilbert, addressed the Commission on behalf of the applicant. Mr. Davis noted this project was brought before the Planning & Zoning Commission in 2004 as a major General Plan Amendment, which was later approved by Town Council. The project is modeled after the Hastings Farms project. Circle G at the Church Farm was originally scheduled to go before the Commission in November, 2006, however it was postponed due to legal issues concerning the stipulations. These issues are not yet entirely worked out, but are expected to be finalized by the time this goes to Council. Mr. Davis illustrated an aerial photograph of the site, pointing out a mile-long strip of land in the center of the site, which is comprised of 12 County lots. Over the course of the last four years, the applicant has worked with these property owners and has reached an agreement to relocate them to Church Farm Acres.

Mr. Davis stated diversity is the goal of this project, which the applicant feels provides a benefit to families. He illustrated the density map, stating there is a challenge in balancing the densities. The bulk of densities is located in the R-2 district because the visual and negative effects are alleviated by locating this in the center of the project. Secondly, because the homes and yards are smaller in this district, it more important that they be centrally located. The larger 8,000 sf -10,000 sf lots surround this district. The largest lots are located on the outside perimeter of the project.

Mr. Davis pointed out the key elements of plan:

- 1) Element of 4-H lots – brought to them by former mayor Feldman-Kerr – will have separate set of CC&Rs allowing agricultural uses.
- 2) Southeast area of project will be 2-3 acre lots; providing this in a master-planned community is an asset to the project.
- 3) 45-acre wash and trail will be dedicated to the Town.
- 4) Project includes an 18-acre school/park site.
- 5) Six-acre park on the east side of Meridian primarily because Meridian will be majorly traveled at build-out.
- 6) 50-foot wide trail corridor that connects to Signal Butte Road.
- 7) 50-foot to 100-foot wide area that includes equestrian trail – This provides a north/south linkage as well as maintaining a connection of the Munoz area to the wash.
- 8) 50- foot wide buffer/equestrian trail on north side.
- 9) 75-foot wide buffer/equestrian trail on east side.
- 10) 5-acre equestrian facility will be built by the developer but owned and maintained by the Town.

Mr. Davis pointed out the similarities and contrasts of this project to Hastings Farms.

QUESTIONS FROM THE COMMISSION

Commissioner Sossaman asked why the applicant has requested a deviation from the Zoning Ordinance for front and rear yard setbacks in the R-2 zoning district. Mr. Davis replied these setbacks were carried over from the Hastings Farms project. By changing the setbacks, the homes will be closer to the street for a more neo-traditional flavor. The rear setback is being changed in order to provide larger patio areas and still maintain the size of the house and lot.

Commissioner Sossaman responded these lots are quite a bit deeper than standard, and usually these types of deviations are looked at when the product is presented. Mr. Davis stated he should have brought product examples, however, pages 24-25 of the narrative booklets address this issue.

Commissioner Fehlan asked if the school is K-8. Mr. Davis responded, 'yes', and added that the applicant has been working with the Queen Creek Unified School District. Everything east of Meridian Road is in the J.O. Combs School District.

Public Hearing

Chairman Ingram opened the Public Hearing 7:24 p.m. There were no public comments, and the Public Hearing was closed.

Commissioner Sossaman asked if staff had any comments to provide the Commission on the request for Zoning Code modifications, which was presented in the narrative. Mr. Williams responded staff is in agreement with these requested modifications.

Commissioner Moore asked if anything was included showing products in the R-2 district, concerning the setbacks. He added he likes the front setback; but the lot coverage, which will take away from the backyard, could be a potential problem. He requested an illustration of the footprint to show what the lot would look like with the requested setbacks.

Mr. Williams responded there are no specific elevations or plot plans included, and that this is typically reviewed during the Design Review process.

Chairman Ingram asked what the benefits to approving the setbacks now would be. Mr. Williams replied approving the setbacks at this stage will enable a clean design review process. At this point it is more appropriate to review the request in this context, rather than through Design Review plus a Planned Area Development (PAD).

Motion: **Commissioner Perry**

To approve RZ06-002/SD06-003 Circle G at the Church Farm subject to the Conditions of Approval as outlined in the staff report.

2nd: **Commissioner Atkinson**
Vote: **All ayes. Motion carried (7-0).**

6. **Public Hearing, Discussion and Possible Action on CU08-020, Pegasus Airpark Helicopters and Jets**, A request by the Pegasus Airpark Flight Association to amend Stipulations #12 and #14 of Conditional Use Permit 01-97 to allow the operation of helicopters and very light jets (under 12,500 pounds) and a request for an additional fuel tank to be used for Jet-A aircraft fuel. The property is located approximately ¼ mile east of Ellsworth Road, north of Empire Road.

Planner Williams presented the staff report, noting there are currently two airports within the vicinity of Queen Creek, one of which is Phoenix-Mesa Gateway, which is located north of Pegasus Airpark and is a publically owned air cargo, air taxi, air carrier facility. Mr. Williams stated Pegasus is a private airpark, located in the Very Low Density Residential zoning district. The airpark was approved by Town Council in 1994. The approval was modified in 1998 to limit the number of planes to 225. No changes to the zoning designation are being requested. The current approval allows piston powered aircraft only, less than 12,400 pounds. Noise is restricted to 65 DNL (day/night average). The airpark is currently approved for a Low-lead fuel tank, and aircraft which is currently permitted includes: single engine; twin engine; and piston. Mr. Williams listed the prohibited activities as any commercial activities including crop dusting, air carrier, air cargo or air taxi. The application requests approval of:

- Small Helicopters
- Very Light Jets (VLJ) – turbo prop and turbo engines
- Jet-A fuel tank

Staff is recommending approval of the fixed-wing portion of request only, maintaining the 12,500 pound limitation. Staff is also supporting the additional request for a Jet-A fuel tank.

QUESTIONS FROM THE COMMISSION

Commissioner Perry stated he had several questions which he raised during the Work Study Session, which the applicant will address after his presentation.

Mr. Ron Serafinowicz, 956 W. Juanita Avenue, Gilbert, Vice-President of the Pegasus Airpark Flight Association, Pegasus lot owner and developer of Pegasus, addressed the Commission. Mr. Serafinowicz stated since the July Commission Meeting, a second neighborhood meeting with flight demonstration occurred on August 9. This demonstration included two jets: a Citation and an Eclipse 500 with 7 different helicopters ranging in size from a one-seater to a MediVac.

Mr. Serafinowicz turned the presentation over to Aviation Consultant Mike Tragarz, 143 W. Iris Drive, Gilbert. Mr. Tragarz addressed the Commission, showing a Power Point presentation, which included tracks/path of aircrafts which were monitored by Phoenix-Mesa Gateway on August 9, 2008. This was an experiment to track aircraft and test new flight patterns which were all recorded on radar over a period of a few hours. The air traffic that was tracked included traffic from Phoenix-Mesa Gateway and Chandler Airports. The results of this experiment were shown on the Power Point presentation, and pointed to the fact that a lot of the traffic was not related to Pegasus, but to Surrounding airports. Mr. Tragarz stated an additional demonstration/meeting was held for Town Council Members who were not able to attend the first demonstration.

Mr. Tragarz stated Phoenix-Mesa Gateway is undertaking a review of the airspace to facilitate airspace not yet protected over Pegasus Airpark. This provides the opportunity to work with TRACON and the Tower Chief at PMG to control this airspace.

Mr. Tragarz's overview included what's been done to date, what's been learned, and flight patterns for the airspace at Pegasus. Mr. Tragarz stated the Flight Association is attempting to put all air traffic on the south side of Pegasus during daylight hours. The proposed flight plan also keeps aircraft 3000 feet above ground for PMG traffic, allowing Pegasus aircraft to use the airspace under this. This will keep other air traffic from flying over the Orchard Ranch and Pegasus communities.

Mr. Tragarz also illustrated aircraft operations, currently landing from north day or night, and a Letter of Agreement which will allow air traffic to use a small airspace to drive pattern to the north at night. The path for night time flights totally eliminates landings or takeoffs over Orchard Ranch.

Mr. Tragarz addressed day and night helicopter operations, stating that residents hear these aircraft because they are commercial operations, i.e. flight schools, which have patterns of taking off and flying several times a day. He stated Pegasus is nothing like that in that it is a residential community with no commercial operations permitted. He stated helicopters will fly 3,000 feet over ground. There is a significant difference in safety and noise for higher level flying helicopters. The descent takes place over the runway at 700 feet, giving a 300-foot buffer between aircrafts.

Mr. Tragarz illustrated the current departure paths that include traffic conflicts with PMG. The proposed traffic patterns provide safer, non-conflicting air traffic.

Mr. Tragarz then addressed questions raised by the Commission during the Work Study Session:

- 1) Stage 3 vs. Stage 4 compliance – Stage 3 has a specific maximum DB level at points recognized where they measure aircraft performance at different locations; Stage 3 has maximum decibel level at which multiple snapshots are taken. Stage 4 is an international criteria. To meet this requirement, aircraft must be certified to be 10 decibels less than the Stage 3 measurement level.
- 2) Turbo jet vs. turbo prop vs. fan jet vs. pure jet – Mr. Tragarz identified the differences between turbo jets, which are older jets and are very loud, and fan jets which incorporate new technology which is like a turbo prop, but different in that the fans do not create thrust; they just direct air through the compressor, creating a sound barrier around the jet engine which makes it quieter. The turbines are not turning and are not constructed the same way as a turbo jet. What makes a jet a turbo prop is a matter of what kind of gas is put in the aircraft. The propeller is driven on a shaft. The turbine wheel goes around, instead of up and down. This is contained and sound proof. A pure jet is the name given to aircraft with no propeller.
- 3) Was the second Neighborhood Meeting published? Mr. Tragarz stated that Dennis Bryerton hand-delivered notifications to Orchard Ranch residents. He is not sure of the exact distance

specifications, but it included the 1,200 foot radius.

- 4) Are there 108 lots with 111 hangar capability? There are 140 potential home lots at build-out. Some include individual hangars, and some are horse property.

Mr. Tragarz reiterated that the applicant is hearing a lot of discussion about noise and it's important to understand the nature of this request, and to separate commercially operated airports from those in residential communities. No commercial activities are allowed at this airport. This is a hobbyist airport, and one where someone might use operations to commute to work.

QUESTIONS FROM THE COMMISSION

Commissioner Atkinson asked what the timeframe is for getting the Operations Flight Plan approved. Mr. Tragarz replied this is part of the Pegasus approval process. The agreement will be in place when the approval of this request is finalized.

Vice-Chairman Trapp-Jackson asked what that applicant has in place to ensure the flight pathway is not encroaching on the rural community surrounding Pegasus in the event an agreement is not reached. Mr. Tragarz responded that failure to getting this passed has not been addressed. The applicant's time has been spent addressing noise studies and responding to questions from the last meeting. The applicant will address this issue if it becomes necessary.

Vice-Chairman Trapp-Jackson stated that with respect to enforcement, the narrative talks about sanctions being applied. She asked what happens if someone does not comply with the flight paths.

Mr. Tragarz responded the flight association will make an internal determination according to the residents in the community. There is no way to enforce anything until the operational flight plan is published and implemented. Before that happens, there is no recourse because the pilot is allowed to fly in that airspace and would not be doing anything illegal. However, once the plan is published, it becomes a different issue because pilots are responsible for adhering to NOTAM (Notices to Airmen). This is something they can act on in conjunction with the FAA.

Chairman Ingram stated that regardless of these proceedings, it would be responsible to publish the flight plans whether or not the request is ultimately approved. Mr. Tragarz agreed, but stated he is not part of the HOA. He added the applicant has learned quite a bit through this process.

Commissioner Moore asked if there are rules regulating the amount of time a helicopter can hover. Mr. Tragarz responded that from an FAA standpoint, there are no regulations. Safe operation is key. Blowing debris is regulated; for helicopter operations, *Fly Friendly* is a published policy for steep approaches and minimum hover techniques (500 ft approaches) to alleviate dust and dirt being up-draft.

Commissioner Moore then asked if the Association could sanction members if they violated hovering requests/policies. Mr. Tragarz stated this is possible to explore, however, pilots always follow Good Operating Practices. They try to do the best they can to minimize the impact to

communities.

Commissioner Atkinson questioned how many jets, turbo props and helicopters are anticipated. Mr. Tragarz provided some information using other states, such as Florida, as examples. He stated that based on the number of people who have looked at Pegasus, but were turned away because helicopters are not permitted, he would anticipate approximately 5 jets and possibly 7 helicopters.

Commissioner Fehlan stated she sees safety advantages to this proposal. She asked what's to stop people from buying a hangar, but not developing a lot, and just using this for flying?

Mr. Tragarz stated there are most likely stipulations to ownership in this subdivision, however, he is unaware. He deferred to Mr. Serafinowicz.

Mr. Serafinowicz stated as far as hangars, there is a specific percentage available only to residents; but a larger percentage is open to the public and the community as a whole. Mr. Tragarz stated this will provide an opportunity for people who do not live in Pegasus to have a hangar.

Commissioner Sossaman asked if there is a property owner requirement to belonging to the Flight Association. Mr. Tragarz responded there is not an ownership requirement. Use of the airport can be to association members or guests of association members, or to hangar owners who do not own property. There is, however, a limited number permitted.

Chairman Ingram asked in relation to all the flights over Pegasus and the surrounding area, how many are Pegasus flights. Mr. Tragarz responded it is a tiny number.

Chairman Ingram asked if aircraft will be required to maintain published flight altitudes if and when regulations are published.

Mr. Tragarz responded the amount of Pegasus traffic is very small. The Operations Flight Manual will reduce over flight not belonging to Pegasus owners. Most helicopters will not raise their altitude to go over Pegasus. They will go around. Mr. Tragarz added that the timing of publishing the flight path manual, in the best case, would be 30-45 days after Council approval.

Chairman Ingram asked what would keep this from being published, regardless of the outcome of these proceedings. Mr. Tragarz stated the Flight Association will not be able to restrict airspace over Pegasus if this application is not approved because it is currently open airspace. Establishing these traffic patterns will enable better flight paths to be implemented. Currently, any altitude from 1000 feet to ground level is open air space as long as there are no published air patterns.

Chairman Ingram asked how many planes currently exist at Pegasus that will not meet the Stage 3 or Stage 4 noise compliance standards. Mr. Tragarz responded there are currently no very light jets at Pegasus, and there are only approximately 2-3 manufactured and deliverable. All very light jets

that are being requested meet the Stage 3 noise compliance standard.

PUBLIC HEARING

Chairman Ingram asked anyone who wishes to speak to please fill out a Request to Speak Card. He requested people do not speak if they do not have something new to add to the record, as all previous comments have been recorded, reviewed, and read by Town Staff and the Commission. He also asked that the public please maintain courteous public hearing manners.

Chairman Ingram opened the Public Hearing at 8:22 P.M.

Chairman Ingram read the "Request to Speak Cards" for those people not wishing to speak, as follows:

1. Joyce Coury (no address provided); **In favor** – "I believe helicopters and light jets SHOULD be permitted in Pegasus Airpark. This allowance will enable aviation enthusiasts access to owning a home with the advantages Stellar Airpark in Chandler already offers."
2. Tom Henkel (no address provided); **Opposed** – "The community at large will pay the price of living with the negative impact of jets and helicopters, not outside Pegasus investors. Equal time should be allowed for opposing views when they represent large numbers of area residents."
3. Carol Alexander (no address provided); **Opposed** - "I met a man whom(sic) built his helicopter in his backyard. I do not want this in my backyard."
4. Karen Ott (Orchard Ranch, Queen Creek); **Opposed** – "Pegasus seems to get to say a lot and others don't seem to get the same input. I don't want this over or near my neighborhood."
5. Tiffany Morrissey-Gollem (20534 E. Excelsior Court, Queen Creek); **Opposed** – "The use permit to allow jet(sic) and helicopters will negatively affect the rural character of Queen Creek and would only benefit speculating investors at the cost of communities(sic) quality of life."

SPEAKING:

6. Sylvia Centoz: (26226 S. Hawes Road, unincorporated Queen Creek); **Opposed**: Ms. Centoz believes the original application went through Maricopa County. She sat through hearings in 1994. At that time 188 signatures in opposition to Pegasus in its original form were presented, but she was told because she was outside the 300-foot area, most people would not be heard. Now with the flight patterns being thrust south, this affects more people. She has several hundred signatures in opposition (within Town's planning area). She is concerned that from the original time that Cornoyer Hedrick gave the presentation, they were told DNL would be 65 or under – but this was not done by the FAA and it was not certified. It was only done by the firm Cornoyer Hedrick. She asked for a noise device to be installed on her 16-foot high barn to prove these noise levels were louder. She noted the developer is not here tonight, it is the Flight Association. She stated no one opposes the occasional use of public safety/EMS operations. She received a return phone call from Planning Manager Wayne Balmer, at which time there was a jet flying 200 feet over her home. Mr. Balmer informed her it was a transient jet. She stated she isn't sure that this term exists (transient), as she's never heard it before. She stated

the fly overs concern people within town limits and those in the equestrian community.

7. Sonny S. Pisiak; (21310 E. Orion Way-owner; currently lives in Gilbert); **In favor** – Ms. Pisiak is not currently living in Pegasus but hopes to build there soon. She stated motorcycles in the area produce greater noise levels than planes, and they have no restrictions. “Should we bend the rules for motorcycles too?”
8. Russ Brandt (1837 S. 141st Place, Gilbert); **In favor** – Mr. Brandt stated he is the broker for Circle G and Pegasus and that the developer is here in audience, contrary to what Ms. Centoz had stated in her public comment. He stated there are just two issues. The applicant is not asking to expand the number of airplanes being flown over the airpark. They are not processing this request as a marketing strategy because there are only six unsold lots. He stated the purpose of jets and helicopters is to help current owners to upgrade to new technology or to sell homes to people looking for new technology. He stated people are no longer buying VCRs – they are now buying blue-rays. People are not buying 15-year old cell phones – they are upgrading to smaller phones with better technology. This is a matter of technology, and this is a hobby. There are no businesses. He stated if every plane in Pegasus were a jet plane it would be quieter, safer and better for the community. The decision has to be with the new technology, and whether this will develop into a Class A area attracting people in the aviation industry. Sales have been lost to vets coming back from the war who are helicopter-trained. Jet owners are very few. New planes are able to be seen at PMG Airport. Don’t look at the noise, because the noise is already permitted. “The question is will it be better to have safer, quieter airplanes and move into the future?”
9. David Canfield (owns lot in Pegasus Airpark); **In Favor**. Mr. Canfield was at the flight demonstration and was amazed at how quiet the jet was in flight. On the ramp it was noisy, but “That’s the airpark’s problem.” He had concerns at first, but none anymore. He feels this is much ado about nothing.
10. Mike Goodman (resident in northwest Queen Creek, owns lots in Pegasus and is currently building); **In favor**. Mr. Goodman’s lot is located at the very end of the runway, so he feels it is probably the noisiest lot. He attended the demo and was very impressed. He went to his lot before the jet took off. He is not a pilot. He had no issue with the noise. He will have horses on his property. He thinks this will be good for the community. He would like to see it approved.
11. Dan Coury (21211 E. Pegasus Parkway); native of Arizona. **In favor**. Mr. Coury stated he wants to live in Pegasus the rest of his life. He pointed out he does not fly a jet or plan on flying a helicopter. He knows some people have left since there is controversy over not being able to have a helicopter. Safety-wise, he feels jet engines are safer than turbo props. Noise-wise, these are less noisy. Helicopters will stop some heavy air traffic. When helicopters go over, others will be moved around and away from Pegasus. As far as moving flight patterns, he stated the Flight Association is proposing this because they are good neighbors. This will make it safer and quieter.

12. Sylvia Barret (19807 E. Happy Road, unincorporated Queen Creek); **Opposed**. Ms. Barret read a letter from a neighbor who was not present at the meeting. She stated she lives in an unincorporated area that will be impacted by this. She has no privacy with the planes overhead. She asked the Commission to please reconsider the request and say no. She addressed the flight demonstrations stating the meetings were not for Orchard Ranch and that unincorporated areas were never notified.

Read into public record: letter from Sheryl Babyak, 26712 S. 198th Place. (handed in by Sylvia Barret) **Opposed**. "Please enter into your record that I, Sheryl Babyak of 26712 S. 198th Place, and(sic) against allowing light jets and helicopters to land/take off at Pegasus Air Park. The flight path is directly over my house and will disrupt the quality of my life here in Queen Creek. Please do not allow light jets and helicopters to come and go out of Pegasus Air Park."

13. Tom Gollem 20534 E. Excelsior Court, unincorporated Maricopa County); **Opposed**, Mr. Gollem addressed the Commission on the effects of noise. He distributed a hand-out prior to the meeting. He spoke about the mathematics of what a DB really is.
14. Gary Cohrt (no address provided); **Opposed**. Mr. Cohrt stated he does not understand the rationale of looking at the economic effects of this. Nothing in the proposal attaches revenue to this. He feels it is tied to property tax. The marketable property left to be sold at Pegasus includes two lots. There is no tremendous benefit or value to this. As an Orchard Ranch resident, he is glad he is not in the County because there is no consideration into the impact of flight paths upon County residents. He would like the Commission to deny the application entirely.
15. Greg Clark (21151 E. Mewes Road); **Opposed**. Mr. Clark went over safety issues. He stated that in listening to the presentation there is a major safety issue with flights coming out of PMG Airport and asked why this wasn't addressed sooner, He proposed that the safety issue may be a reason why some of the houses haven't been developed. He thinks the applicant is using this as a crutch to say if they don't have helicopters and jets, they cannot fix the safety issue. These are two separate issues. He does not think any additional aircraft should be allowed until the safety issue is resolved. The Commission needs to address more important safety issues before looking at approving additional types of aircraft. Additional types of aircraft will cause more problems (he has heard this from personal and commercial pilots). He stated the Town needs to get clarification from Pegasus on other issues, such as publishing the flight path and working with Gateway. He also wants to see Gateway's perspective on this. He feels there are too many loopholes that have not been addressed and nothing to solidify the proposal.

16. Nancy Henkel (21510 E. Mewes Road, Queen Creek) **Opposed**. Ms. Henkel stated she wanted to get time from Commission in one large segment, rather than just three minutes. She stated the Commission should take helicopters off the proposed amendment completely. She continued by reading a prepared statement in opposition. The statement cautioned the Commission to approve a safety plan and additional security prior to taking positive action on the request.

There being no further public comment, Chairman Ingram closed the Public Hearing at 8:52 P.M.

Commissioner Perry questioned if the original 1994 approval of Pegasus included stipulations prohibiting hangar rentals to non-Pegasus residents, and noted that through Council action over a period of time individual ownership of a hangar could occur without ownership of a hangar lot. Mr. Williams checked his records to see if hangar rental to non-residents was approved in 1994.

Secondly, Commissioner Perry asked staff if approval of the proposed amendment can be tied to approval of the airspace proposed by the applicant, TRACON and PMG Airport. Mr. Williams responded, 'yes', stipulations could be put in place for this.

Planning Manager Balmer added that given the fact this needs to go through a Federal process, through the TRACON office, the stipulation might have to include a longer period of time. Commissioner Perry understood and clarified he just wants to ensure that if the Flight Plan is not approved, the motion to approve the amendment would be rescinded.

Mr. Balmer responded the motion would not be rescinded, but failure to put the flight plan in place would be reason to go back to Council for reconsideration. Mr. Balmer stated Council can withdraw or nullify an ordinance, but not rescind a motion.

Commissioner Perry asked staff why they had changed their recommendation presented at the July public hearing from approval of helicopters to denial of helicopters. He referred to a handout, dated 1994, which shows Stipulation #10 of the SUP permitting helicopters, and asked if staff realized helicopters were permitted in 1994.

Planning Manager Balmer responded staff had not looked back to minutes in 1994; but had used the 1998 minutes, which were more comprehensive. Commissioner Perry asked if the 1998 action specifically prohibited helicopters. Mr. Balmer stated the report in 1998 is silent regarding helicopters. Mr. Balmer read the stipulation shown on the March, 1998 minutes in full.

Commissioner Sossaman questioned the applicant in order to clarify what the exact request is, stating the applicant is not requesting additional aircraft, therefore, there will be no more traffic. Pegasus is already limited as it was in 1998 to 225 aircraft. The applicant clarified that is correct.

Commissioner Sossaman then clarified that currently, aircraft is permitted to fly at varying elevations, along with transient aircraft. Commissioner Sossaman explained that transient

aircraft is a legal term for aircraft that is flying through an area, not landing at a particular destination. Commissioner Sossaman asked for more information on the 1994 Council language that anticipated helicopters would be at Pegasus. Mr. Tragarz illustrated a copy of page 2 of the July 20, 1994 Town Council Minutes, which included Stipulation #10 of a motion, as follows:

10. *Types of aircraft specifically prohibited are ultra-lights and pre-jet aircraft. But, allowing light planes, helicopters, gliders, and sailplanes.*

The motion was unanimously approved.

Mr. Tragarz illustrated both the Work Study and Regular Session Town Council minutes.

Mr. Balmer referred to Stipulation #12 of the 1998 Town Council minutes: *Pegasus airport shall be designed in conformance with FAA design criteria for a B-II Airport Reference Code. The airport runway strength shall be designed to accommodate only those permitted aircraft that are propeller-driven, fixed-wing aircraft 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; types of aircraft specifically prohibited are jets of any kind, ultra-lights, turbo-jets and helicopters. The specifications for this airpark shall be published and maintained in the C, C and R's to the property, the Flight Association and the FAA airport facilities directory.*

Commissioner Atkinson stated it appears that approval of this request would affect about only 4% of the aircraft at Pegasus. He added that with all the public opposition and noise issues, he has a problem with doing this for 4% of the aircraft at Pegasus.

Commissioner Moore stated he attended the presentation/demonstration. He was impressed that everyone was able to see what these aircraft were, and what they looked like and sounded like. His experience was different from those of the Orchard Ranch residents. For him, the prop plane was the loudest. He was present and apparently did not experience the same noise level that Orchard Ranch residents are complaining about. He asked if the applicant did the same presentation/demonstration for the Commission as they did for neighbors.

Mr. Tragarz stated they did the exact same presentation and pointed to the idea that noise is a perception. It is experienced differently by everyone. He said Pegasus has never been obligated to apply the 65 DNL because that is a standard for *commercial* airports. However, they complied to show this would not be an issue. The airpark is now 20-30 points lower than the standard.

Commissioner Moore stated at the time of the demonstration, all flights coming out of PMG were measured. Commissioner Moore asked if they could track the typical flight height. Mr. Tragarz responded they can see the tag which shows the ground speed and altitude.

Discussion took place about open airspace. Commissioner Moore asked what would be the open window if this request is not approved. Mr. Tragarz responded anything 200-500 feet would be open if helicopter operations are not permitted.

Commissioner Sossaman referred to the new flight plan proposal, which shows flight operations and heights, and directions and areas to fly within with respect to the PMG Airport operational area. He asked if the applicant will continue to push the plan forward no matter the outcome of this proposal.

Mr. Tragarz responded he feels there will be changes made by the Flight Association regardless of the outcome of the request, however, airspace to the north cannot be penetrated without the entire operation going into affect. There are two frequencies over Orchard Ranch that will not go away.

Commissioner Sossaman asked if the proposed plan would be a benefit to the current operations at Pegasus? Mr. Tragarz responded, "absolutely".

Chairman Ingram reiterated if the plan is implemented without helicopters being approved, there will be space to fly in legally. Mr. Tragarz repeated that it will be legal to fly between 200 and 500 feet.

Additional discussion took place on implementation of the new flight plan, and the affect of approving this request on that plan. Mr. Tragarz clarified that the plan includes Gateway airspace, and without approval of the Pegasus request, the plan to close the airspace between 200-500 feet will not be implemented.

With this approval the applicant can have an affect on how transient aircraft travels around Pegasus, rather than through and over Pegasus and Orchard Ranch.

Vice-Chairman Trapp-Jackson asked what sanctions would be put in place if helicopter pilots did not obey the flight plan. Tragarz responded it would be a violation of NOTAM (Notice to Airmen). At this point the FAA would get involved, as they would have jurisdiction.

Chairman Ingram asked, "Do you have to have tail numbers to report violators? Or is that misconception?" Mr. Tragarz responded this is the best way to get perpetrators, but it is not required. There is a 30-mile transponder vale, meaning that while operating within 30 miles of Sky Harbor, that transponder is trackable. If the exact time is given, the data can be obtained from TRACON who records all flights all day every day. There are people with transponders and no encoding altimeters. Those people don't have transponders on, so they would not be able to be tracked.

Commissioner Sossaman thanked the people who spoke. He addressed Miss Centoz's comments and stated he appreciated her comments on historical events. He thanked Mr. Bryant for the pragmatic discussion on technology and how times change and we change with that. He reiterated the issue is not more traffic. He feels strongly about somehow tying the new flight plan into the approval of this process. Commissioner Sossaman's recommendation is to approve the request, however, that approval only takes affect once the flight plan is in place. Approval of the plan is more important than what type of plane; this will cover everyone: owners, operators, transients, entire venue of pilots flying through Queen Creek. This is more important.

Commissioner Atkinson stated he would like to deny the request until the applicant returns with the flight plan.

Commissioner Moore clarified the applicant cannot get the plan in place without approval because they need approval to be able to acquire the airspaces. Commissioner Moore's concern centers around hovering helicopters because this would generate the most noise. He agreed nothing is completely enforceable, but within the Fly Friendly regulations, if they could add something that was specific to amount of time hovering over ground, this would bring peace of mind.

Chairman Ingram responded the steep approach policies address this issue. Mr. Tragarz added the Association does have a restriction/direction that addresses this operation specifically.

Mr. Serafinowicz provided additional information explaining no owner is allowed to create undue dust, hazards or nuisances to its neighbor. These things will still apply to helicopters and additional safety regulations will be put into the CC&Rs and safety regulations, specifically about hovering, dust, etc.

Commissioner Perry stated he agrees with Commissioner Sossaman in that this approval needs to be tied into the operational flight plan and publication of that plan. As far as jet aircraft, in applications like this, when the SUP was approved in 1994, there is a level of expectations that additional amendments over several periods of time will not happen. However, the expectations are different with advances in technology. The issue becomes keeping up with technology, not increasing the number of flights or number of aircraft. Faster, quieter or safer aircraft is not beyond the expectations of what was approved in 1994. Therefore, Commissioner Perry does not have a problem with this part of the request. He added he is not totally sold on the helicopters, especially since it was prohibited by stipulation in 1998.

Chairman Ingram stated he agree with both Commissioners Sossaman and Perry. He feels a lot of speculation is still being done on both sides of the issue. He cautioned Orchard Ranch about their opposition, stating right now helicopters are allowed to take off and land anywhere in the Town. Chairman Ingram also clarified the Planning & Zoning Commission is an advisory board that makes recommendations to Council. Action taken at the Commission is not binding. Chairman Ingram stated he is not completely in agreement to allowing helicopters, however, the fact remains that if the helicopters are not approved, the airspace will remain open.

Motion **Commissioner Sossaman**

To recommend Council approval of CU08-020 as recommended by staff with the additional stipulation #23 to state "THE CONDITIONS OF THIS APPROVAL WILL TAKE PLACE WHEN THE AIRPARK OPERATIONAL FLIGHT PLAN HAS BEEN APPROVED BY THE FAA AND IMPLEMENTED BY THE FLIGHT ASSOCIATION."

Commissioner Sossaman provided an explanation for his motion, stating if the request is approved by Council, he wants it contingent on this operational flight plan. This does NOT include helicopters, per staff's recommendation.

2nd: Perry

Discussion on the motion: Commissioner Perry commented that he agreed with Commissioner Sossaman's comments. He likes aviation but does not fly. He lives in an F16 flight path. Is exciting to see them, even though they're noisy. If the helicopters hadn't been in the 1998 Council Stipulations, he may not have a problem with them. He appreciates everyone coming out twice to this meeting to voice their concerns, and appreciates the applicant's comments and presentation. He addressed the public's comments made regarding not having enough time to speak, and asked if one person could be a spokesperson for a group of 15-20. Chairman Ingram responded that is not the Town's policy.

Mr. Balmer added staff may want to get the Town Attorney involved in the wording of the stipulation to make sure it's enforceable.

Commissioner Sossaman stated he understands, however for purposes of wording the motion, and including the conversation in the minutes, he feels the Council will understand the Commission's intent.

Motion to amend the original motion: Chairman Ingram

To add helicopters in the motion to recommend approval.

2nd: Moore

Vote on the amendment: Aye: Ingram and Moore.

Nay: Perry, Trapp-Jackson, Atkinson, Fehlan, Sossaman.

Motion failed (2-5)

The original motion was put back on the floor:

Call for the question.

Voting on the original motion: Aye: Moore, Perry, Fehlan, Sossaman.

Nay: Ingram, Atkinson, Trapp-Jackson

Motion carried (4-3).

Chairman Ingram notified the public this issue is scheduled on the Council's October 15, 2008 agenda.

Mr. Balmer asked the Commission for comments on who voted “Nay” so Council knows why they voted the way they did.

Chairman Ingram stated he voted “nay” because he wants to see helicopters included to protect the airspace below 700 feet, and not allowing transient air traffic to go through.

Vice-Chairman Trapp-Jackson stated she voted “nay” because she’s trying to stay with the original intent of the Council in not allowing helicopters. She agreed with Commissioner Sossaman on the addition of a flight plan, but wanted separation of where the flight plan would be continued so something could be in place to mitigate noise.

Commissioner Atkinson stated he voted “nay” because he saw no public benefit to the Town in approving the entire request, however, he still loves helicopters and jets.

Commissioner Sossaman stated this will hopefully get some dialogue going with Town Attorney to see if what the Commission is trying to do is feasible. He stated if this cannot be tied to implementation of the flight plan, then he would probably have a different motion.

Mr. Balmer stated that between now and the Council meeting, staff will have opportunity to get additional information, and compile additional stipulations.

Commissioner Sossaman noted this is something the Town and Commission does not do everyday. This is new territory and the Commission is trying to do the best they can. Perception or not, it is a huge change on noise and operations when aircraft is moved from 500 to 1,500 feet.

Commissioner Moore added that he was in favor of having the entire plan approved, including helicopters, but wants to see this going forward as an approval in some form, because having even part of it is better than none of it. He feels the mere fact that he can go out and have a hangar mitigates disadvantages. He thinks it is an advantage that the community can lease a hangar and have a plane.

ADMINISTRATIVE ITEMS (if not done during Work Study)

7. **Review** of next month’s agenda items.
8. **Report** on Town Council Action
9. **Communication** from members of the Commission and Staff.

All Administrative Items were discussed during Work Study Session.

10. **ADJOURNMENT**

Motion to adjourn: **Commissioner Atkinson**

2nd: **Commissioner Fehlan**

Vote: **All ayes. Motion carried (7-0).**

The meeting adjourned at 9:50 P.M.

PLANNING AND ZONING COMMISSION

By: _____
Steve Ingram, Chairman

ATTEST:

Laura Moats, Community Development Assistant

I, Laura Moats, do hereby certify that, to the best of my knowledge and belief, the foregoing Minutes are a true and correct copy of the Minutes of the September 10, 2008 Regular Session Meeting of the Planning and Zoning Commission. I further certify that the meeting was duly called and that a quorum was present.

Dated this 11th day September, 2008.

Passed and Approved this 8th day of October, 2008.