



Requesting Department:  
Development Services

**TO:** Planning and Zoning Commission

**THRU:** Brett Burningham, Development Services Director

**FROM:** Erik Swanson, Planning Administrator  
Sarah Clark, Senior Planner/Project Manager

**RE:** **Public Hearing and Possible Action on P21-0037 Barney Farms North Orphan Rezone**, a request by Greg Davis (Iplan Consulting) to rezone a 2-acre triangular site from EMP-A to HDR, located approximately 1,500 feet southwest of the southwest corner of Germann and Signal Butte roads.

**DATE:** May 12, 2021

**STAFF RECOMMENDATION**

Staff recommends approval of P21-0037 Barney Farms North Orphan Rezone, subject to the Conditions of Approval outlined in this report.

**PROPOSED MOTION**

Move to recommend approval of P21-0037 Barney Farms North Orphan Rezone, subject to the Conditions of Approval outlined in this report.

**RELEVANT COUNCIL GOALS**



Secure Future



Effective Government

**SUMMARY**

This proposal consists of a request by Greg Davis (Iplan Consulting) to rezone a 2-acre triangular site from EMP-A (Employment Type-A) to HDR (High Density Residential). The project site is located approximately 1,500 feet southwest of the southwest corner of Germann and Signal Butte roads.

## HISTORY

Sept. 16, 2015	Town Council approved the North Specific Area Plan.
Dec. 16, 2015	Town Council approved the North Specific Area Plan Major General Plan Amendment (Resolution 1076-15) and Rezone (Ordinance 582-15).

## PROJECT INFORMATION

Project Name:	Barney Farms North Orphan Rezone
Site Location:	Approximately 1,500 feet southwest of the southwest corner of Germann and Signal Butte roads.
Current Zoning:	EMP-A (Employment Type-A)
Proposed Zoning:	HDR (High Density Residential)
General Plan Designation:	Industrial
Surrounding Zoning:	
North	C-2 (General Commercial) HDR (High Density Residential)
South	EMP-A (Employment Type-A)
East	HDR (High Density Residential)
West	EMP-B (Employment Type-B)
Gross Acreage:	2.0 acres
Net Acreage:	2.0 acres
Density:	Up to 25 du/acre

## DISCUSSION

In 2015, the Town Council approved the North Specific Area Plan (NSAP) Rezone (Case RZ15-039, Ord 582-15), which rezoned 3-square miles of property west of Ellsworth Road, south of Germann Road, east of Meridian Road, and north of Queen Creek Road. At the time of the NSAP, the subject site was zoned to an employment zoning district as it was located beneath the Phoenix Mesa Gateway Airport (PMGA) 60 noise contour line (DNL) which discourages and prohibits residential development in that area. Since the NSAP was approved, PMGA updated their Land Use Compatibility Study, which significantly reduced the size of the 60-DNL, removing the subject property out of the noise contour area, eliminating the restriction on residential development of the property. An exhibit demonstrating the previous and current PMGA noise contour lines in relation to the subject property is attached to this report.

The 2-acre subject site is part of a larger 20-acre site, where the remaining 18-acres are zoned HDR for High Density Residential. The subject site is also adjacent to a larger 40-acre EMP-A parcel to the south. The proposed rezoning request would create a rectangular HDR parcel and a rectangular EMP-A parcel to the south, which are more attractive configurations for sale and development than irregularly shaped parcels.

As part of this request, the applicant prepared a conceptual site plan exhibit, demonstrating the 2-acre triangular site as developing under the HDR zoning district as part of the adjacent HDR property and a conceptual site plan, demonstrating the size and shape of the proposed parcel being developed under the current EMP-A zoning classification. The conceptual site plans are

included as an attachment to this report. These site plans provided are purely conceptual in nature used to demonstrate the justification for the proposed request and are not being approved as part of this application. A Site Plan will be provided for review and approval at a later date.

Additionally, the applicant provided a letter from a commercial land broker discussing the viability of the development of the 2-acre site under the current EMP-A zoning classification. This letter is included as an attachment to this report.

This case was reviewed by the Economic Development Department which has provided the following statement regarding the request: *Economic Development staff recognizes that industrial users prefer uniform, regular site dimensions for developing industrial properties; the site in question would provide an irregular site that would not likely be as appealing or suitable for an industrial user. The request would create a uniform industrial site and a uniform multi-family more suitable and attractive to development.*

## ANALYSIS

**General Plan Review:** The current 2018 General Plan designation for this property is Industrial, however, the General Plan allows for rezoning requests that are not in conformance with the Industrial Land Use Category that are under 20-acres in size to be requested through the rezone process. Given the 2-acre size and shape of the project site, the request is not in conflict with the vision and goals defined in the General Plan.

**Zoning Review:** The current zoning designation of the property is EMP-A. The applicant is requesting HDR zoning, as set forth within the Town of Queen Creek Zoning Ordinance. Deviations to the Zoning Ordinance and Design Standards are not being requested, therefore future development would be required to adhere to the current HDR development standards and under the North Specific Area Plan standards. The allowed density in the HDR zoning district is up to 25 du/acre.

**Adequate Public Facilities:** In accordance with Article 5.1 (Adequate Public Facilities) provision of the Zoning Ordinance, the subject property is within the Town's water and wastewater service areas.

**Engineering, Utilities and Transportation Review:** The project has been reviewed by the Engineering, Utilities and Transportation departments.

## PUBLIC PARTICIPATION

With the outbreak of COVID-19, in-person Neighborhood Meetings have been temporarily suspended. A virtual Neighborhood Meeting was held on April 8, 2021. No members of the public were in attendance and staff has not received any questions, comments, or input from the public regarding the request.

## CONDITIONS OF APPROVAL

1. The development shall meet all conditions of approval as provided in Ordinance 582-15.
2. This project shall be developed in accordance with the plans and exhibits attached to this case and all the provisions of the zoning ordinance applicable to this case.

3. A Site Plan Application is required to be submitted for approval prior to the issuance of a building permit. The Site Plan will demonstrate compliance with the HDR General Commercial zoning regulations and all applicable provisions of the Town's Zoning Ordinance, Design Standards, and the North Specific Area Plan.
4. A fair disclosure agreement and covenant, which would include the following disclosure, should be recorded as a condition of development approval: "This property, due to its proximity to Phoenix- Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals. The mix of aviation activities and types of aircraft expected to be located and operate at the Airport now and in the future include: scheduled and unscheduled commercial charters, commercial air carriers and commercial air cargo operations, all of which are expected to use large commercial aircraft; general aviation activity using corporate and executive jets, helicopters, and propeller aircraft; aviation flight training schools using training aircraft; and military activity using high performance military jets. The size of air craft and frequency of use of such aircraft may change over time depending on market and technology changes."

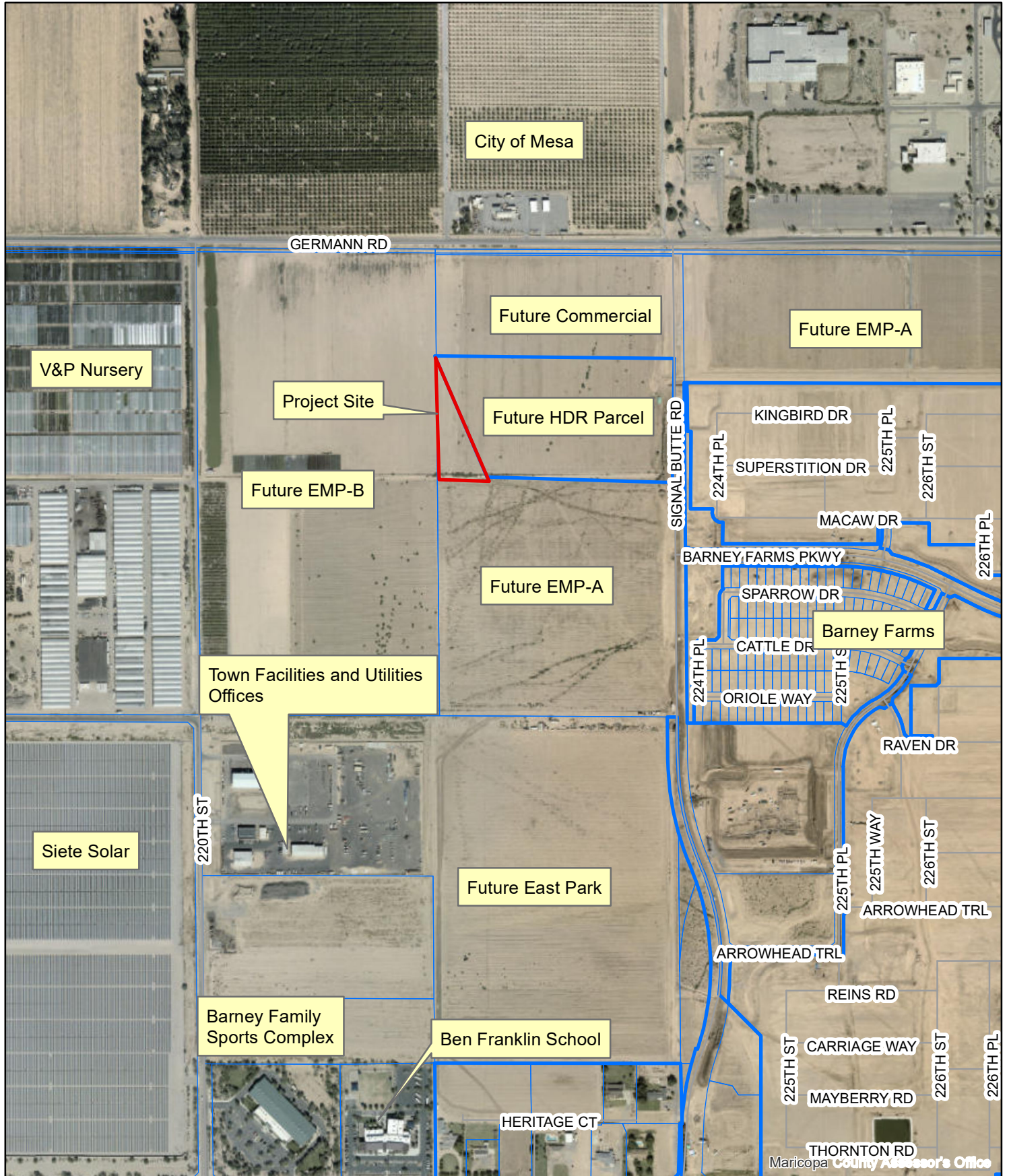
#### **ATTACHMENTS**

1. Aerial Exhibit
2. General Plan Exhibit
3. Current Zoning Map Exhibit
4. Proposed Zoning Map Exhibit
5. Project Narrative
6. Conceptual Site Plans
7. Letter from Commercial Broker
8. Previous and Current PMGA Noise Contour Exhibit
9. Letter from PMGA

**Project Name: Barney Farms North Orphan Rezone Aerial Exhibit**

**Case Number: P21-0037**

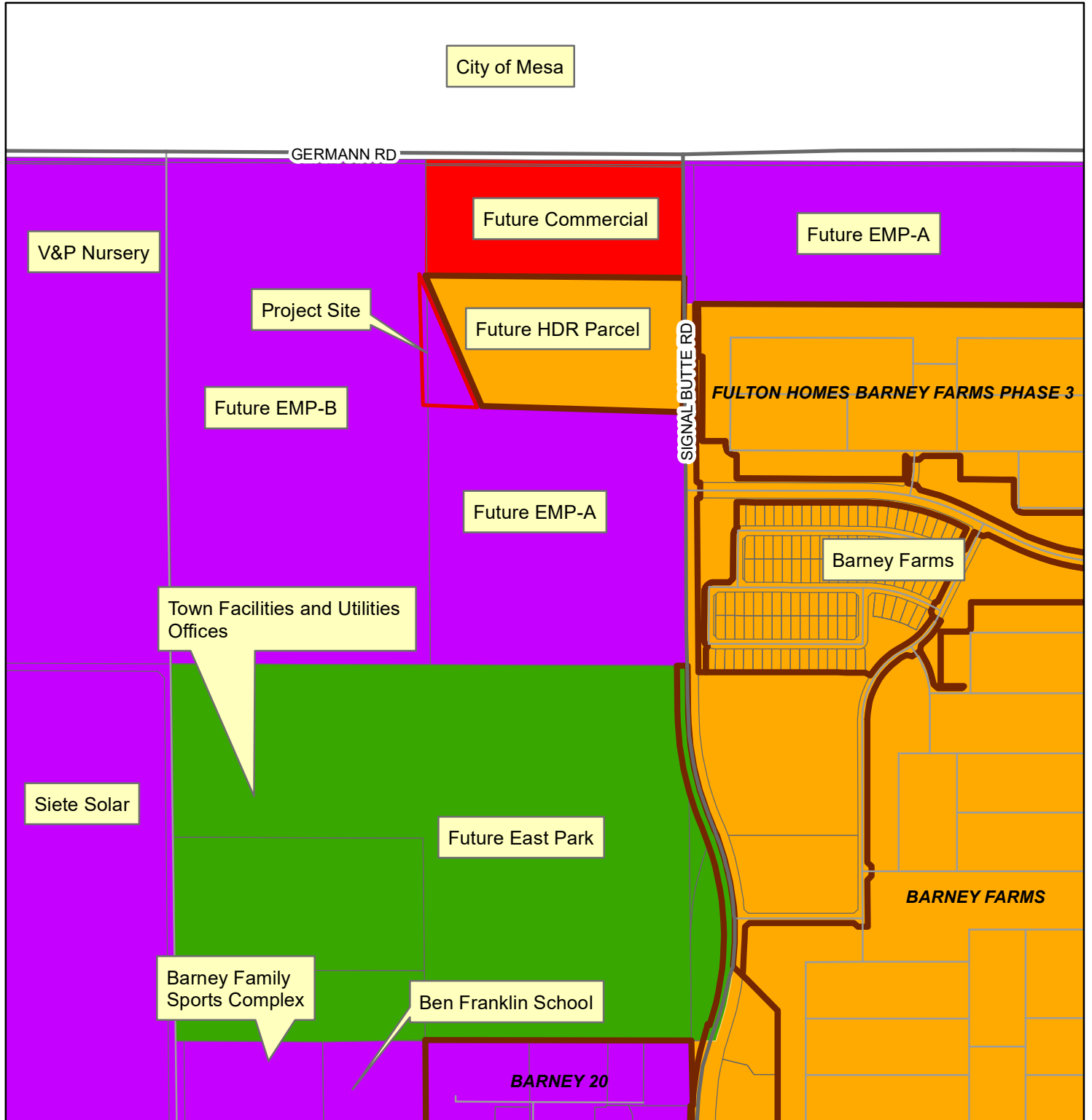
**Hearing Date: May 12, 2021 (Planning Commission) June 2, 2021 (Town Council)**



**Project Name: Barney Farms North Orphan Rezone General Plan Exhibit**

**Case Number: P21-0037**

**Hearing Date: May 12, 2021 (Planning Commission) June 2, 2021 (Town Council)**



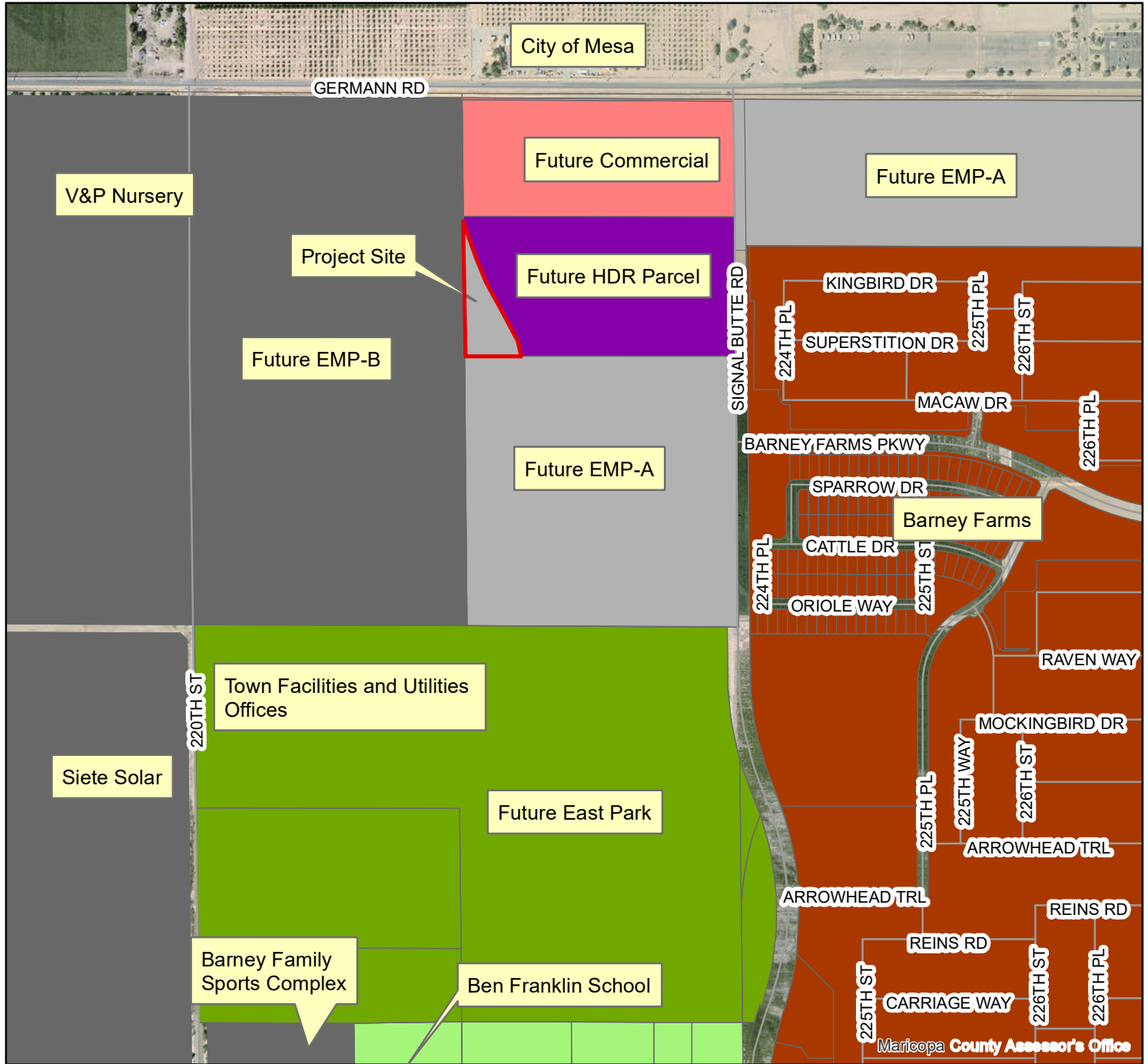
**General Plan Land Use**

- |              |            |                    |                    |
|--------------|------------|--------------------|--------------------|
| Rural        | Commercial | Special District 1 | Special District 4 |
| Neighborhood | Industrial | Special District 2 |                    |
| Urban        | Open Space | Special District 3 |                    |

**Project Name: Barney Farms North Orphan Rezone Existing Zoning Exhibit**

**Case Number: P21-0037**

**Hearing Date: May 12, 2021 (Planning Commission) June 2, 2021 (Town Council)**



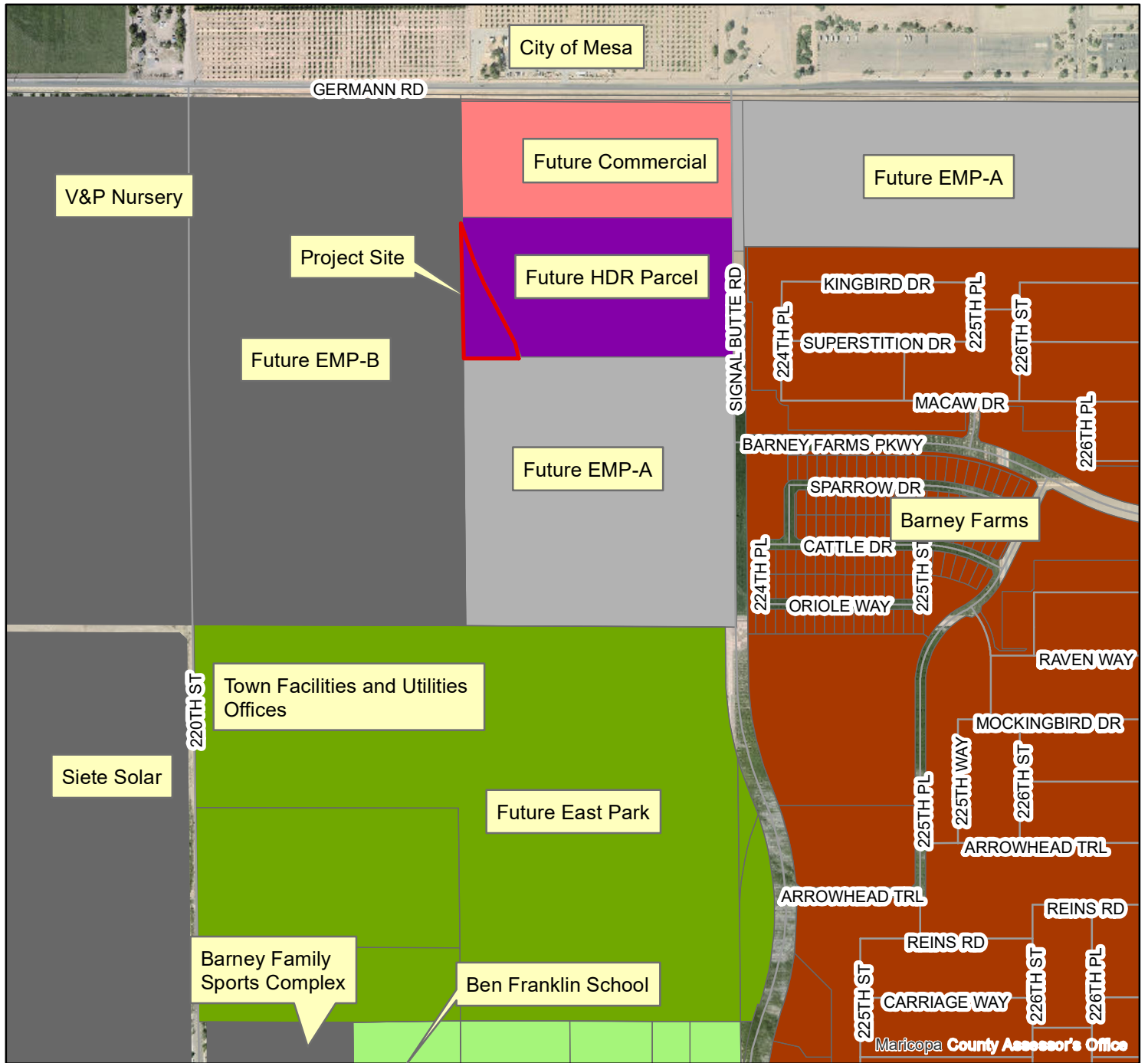
**Zoning Districts**

C-1 - Commercial	RC - Recreation/Conservation	R1-6 - Residential	R1-18 - Residential
C-2 - Commercial	PQP - Public/Quasi-Public	R1-7 - Residential	R1-35 - Residential
C-3 - Commercial	HDR	R1-8 - Residential	R1-43 - Residential
TC - Commercial	MDR - Residential	R1-9 - Residential	R1-54 - Residential
EMP A - Office/Industrial Park	R1-4 - Residential	R1-12 - Residential	R1-190 - Residential
EMP B - General Industrial	R1-5 - Residential	R1-15 - Residential	PCD - Planned Community
			AT - Agritainment


























**Project Name: Barney Farms North Orphan Rezone Proposed Zoning Exhibit**

**Case Number: P21-0037**

**Hearing Date: May 12, 2021 (Planning Commission) June 2, 2021 (Town Council)**



**Zoning Districts**

 C-1 - Commercial	 RC - Recreation/Conservation	 R1-6 - Residential	 R1-18 - Residential
 C-2 - Commercial	 PQP - Public/Quasi-Public	 R1-7 - Residential	 R1-35 - Residential
 C-3 - Commercial	 HDR	 R1-8 - Residential	 R1-43 - Residential
 TC - Commercial	 MDR - Residential	 R1-9 - Residential	 R1-54 - Residential
 EMP A - Office/Industrial Park	 R1-4 - Residential	 R1-12 - Residential	 R1-190 - Residential
 EMP B - General Industrial	 R1-5 - Residential	 R1-15 - Residential	 PCD - Planned Community
			 AT - Agritainment

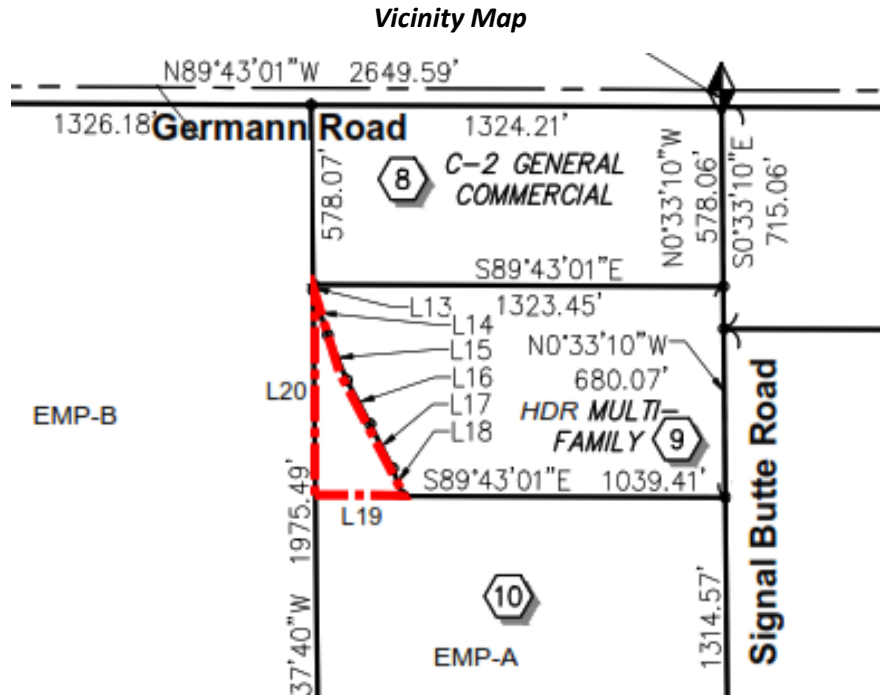




## Barney Farms North – Orphan Parcel

### Rezoning Narrative

This narrative accompanies a Rezoning request to discuss a proposed change in the entitlements of a 2-acre parcel located about ¼ mile west of Signal Butte Road about ¼ mile south of Germann Road in the north area of Queen Creek.



The subject property is currently in agricultural use and is surrounded by similar farmland properties. The subject site has a current land use classification of Industrial and is zoned EMP-A and is proposed to be rezoned to HDR (High Density Residential).

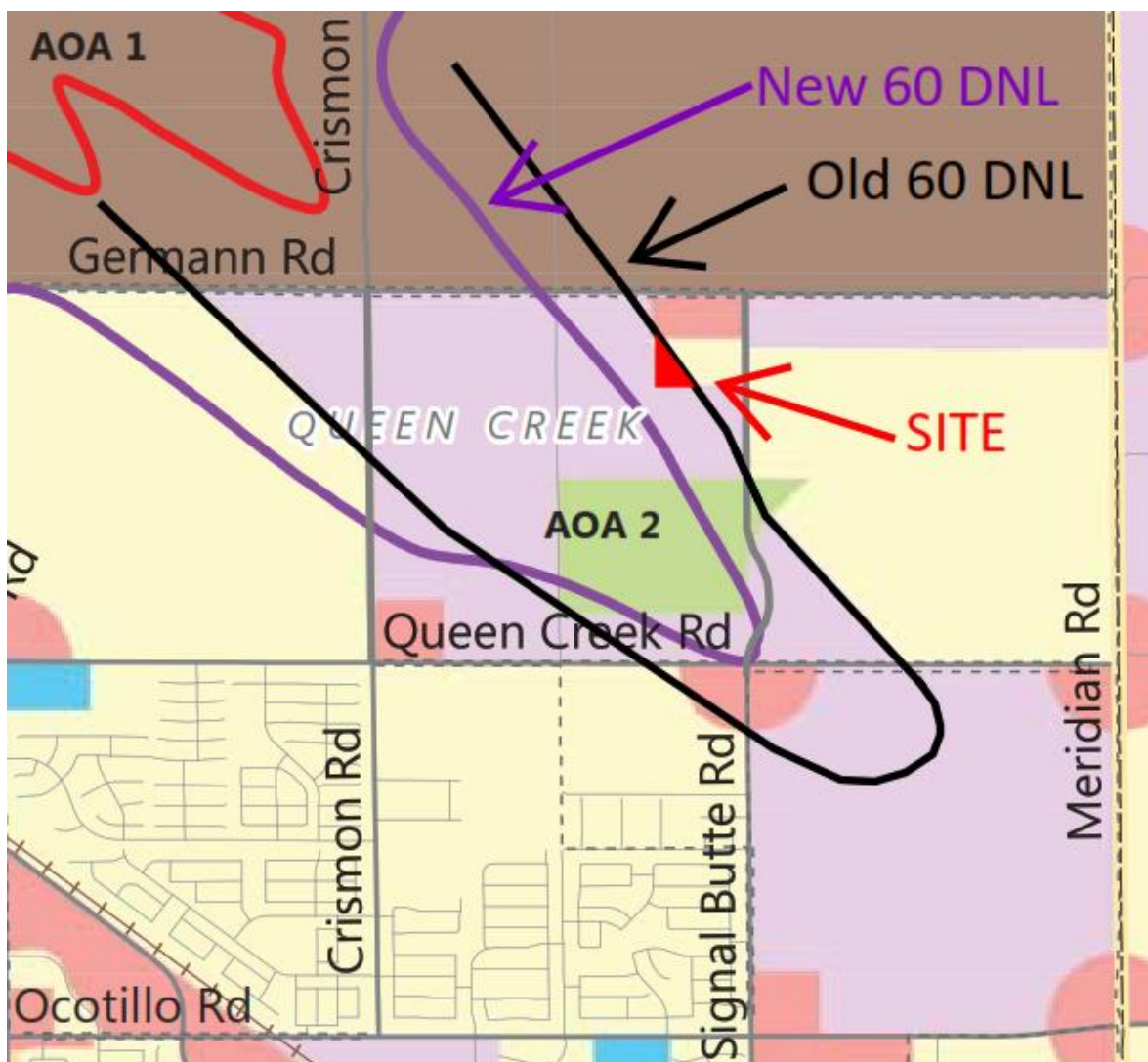
**Land Use Table**

Direction	Land Use Classification	Zoning Designation	Current Use
Site	Industrial	EMP-A	Agricultural
North	Commercial	C-2	Agricultural
East	Neighborhood	HDR	Agricultural
South	Industrial	EMP-A	Agricultural
West	Industrial	EMP-B	Agricultural



The property ownership owns approximately 80 contiguous acres in this location which are zoned for a variety of land uses including, commercial, employment, and multi-family. The subject 2-acre site is contiguous (to the west of) to approximately 18 acres of HDR zoned land. Under typical circumstances, following best practices in land planning regarding access, geometry, and parcel sizing, this parcel would have been included in the adjacent 18 acres. However, at the time this land was rezoned in 2015, the existing 60 DNL noise contour lines from the PMGA (Phoenix Mesa Gateway Airport) encumbered the property thereby making it more suitable for a non-residential land use designation. However, since that time, the PMGA Authority has prepared a new revised Land Use Compatibility Plan which removes the subject parcel from the 60 DNL demarcated area creating an opportunity to resolve the viability constraints and limited development potential to this parcel by combining it with the adjacent 18 acres of HDR zoning.

**PMGA AOA Map**





### **General Plan Compliance:**

Although the land use classification for this site is Industrial, the Town's General Plan does allow minor acreage modifications to non-conforming zoning districts via the Rezoning process. The intent of this provision is to support small scale necessary and/or beneficial changes in land use without the added bureaucracy of a formal General Plan Amendment process. The subject parcel is a great example of why this provision exists. Even so, it is still a requirement of the applicant to demonstrate compliance with the General Plan Findings of Fact, which are provided below.

### **General Plan Findings of Fact:**

*1. Whether this change in the General Plan land use map will result in a shortage of land for other planned uses (for example and not limited to, will this change result in a substantial and undesirable reduction in the amount of available land for employment or higher density housing development?)*

**Response: We do not see a scenario where the conversion of the subject 2-acres will result in a shortage of employment land. Because of the small and odd shape, the parcel would support very little employment use. In fact, the ownership will have an easier time selling the adjacent Industrial land to an end user without having to deal with an unusable shaped appendage.**

2. Does the proposed amendment constitute an overall improvement to the Queen Creek General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

**Response: Without this change, this will become a buried and under-utilized parcel potentially creating blight in the future. This land use change will help make the adjacent Industrial zoned property easier to purchase, plan, and develop without the unusable shaped appendage thus constituting an improvement to the overall General Plan.**

3. The degree to which the proposed amendment will impact the whole community or a portion of the community by: a. Significantly altering acceptable existing land use patterns in a way that is contrary to the goals, strategies and actions identified in the adopted General Plan. b. Requiring larger or more extensive improvements to roads, sewer, or water systems than are needed to support the prevailing land uses and which may negatively impact development of other lands. The Commission and/or the Town Council may also consider the degree to which the need for such improvements will be mitigated pursuant to binding commitments by the applicant, a public agency, or other sources when the impacts of the uses permitted pursuant to the General Plan amendment will be felt. c. Resulting in adverse impacts on existing uses due to increased traffic congestion that will not be accommodated by planned roadway



improvements or other planned transportation improvements such as and not limited to nonmotorized transportation alternatives, transit, or self-driving vehicles. d. Affecting the livability of the surrounding area or the health and safety of present or future residents.

**Response: We do not believe developing the subject 2-acre site in a multi-family use instead of employment use will produce a measurable impact to the community's utility infrastructure, road network, traffic patterns, or livability.**

4. Consistency of the proposed amendment with the vision, goals, strategies, and actions of the adopted General Plan.

**Response: The proposed land use change will "square up" both the Employment, and Multi-Family parcels adjacent thus allowing both parcels to develop in a more traditional and economical viable manner which is one of the primary goals of the General Plan.**

5. Whether there was an error or oversight in the original General Plan adoption in that the Council did not fully consider facts, projects or trends which could reasonably exist in the future.

**Response: We believe the Council's action's when designating this property as Industrial were warranted in 2018 as the property was inside the PMGA's 60 DNL delineated boundary. Since the warrants for that action have now changed, we see this as an opportunity to change the land use of the subject parcel to that which it would have been without the impact of the 60 DNL demarcation.**

6. Whether events subsequent to the General Plan adoption have superseded the Council's original premises and findings made upon Plan adoption.

**Response: The PMGA's recent completion of their Land Use Compatibility Plan has, in fact, superseded the initial reasons that the subject 2-acre property was designated as Industrial in the 2018 General Plan. The PMGA's current Land Use Compatibility Plan no longer includes the subject property inside the 60 DNL demarcation thus allowing us the opportunity to rezone it to HDR which is what we believe it would have been if the Land Use Compatibility Plan was in place when the General Plan was approved.**

7. Whether any or all of the Council's original premises and findings regarding General Plan adoption were unsubstantiated.

**Response: Due to the shape of the property and the previous 60 DNL delineation boundary, it is clear to us that the Council's original findings and decision to designate the subject parcel as Industrial was based on PMGA's then proposed Land Use Compatibility Plan under study at the time. That plan has been completed and no longer includes this parcel within the 60 DNL demarcation.**



8. Whether events subsequent to the General Plan adoption may have changed the character and/or condition of the area so as to make the application acceptable

**Response: As Aforementioned, PMGA's current Land Use Compatibility Plan no longer includes the subject property inside the 60 DNL demarcation thus allowing us the opportunity to rezone it to HDR which is what we believe it would have been if the Land Use Compatibility Plan was in place when the General Plan was approved.**

9. The extent to which the benefits of the Plan amendment outweigh any of the impacts identified in the above subsections.

**Response: The benefits of the land use change are to allow both adjacent land uses (Industrial & Multi-Family) to develop in a more traditional and viable manner, whereas the impacts of this land use change are negligible to the existing General Plan, Town facilities, or Community impact.**

**NSAP compliance:**

The subject parcel is also in the North Specific Area Plan (NSAP) which is a sub-area of the General Plan. The NSAP was created in 2017 to study the unique attributes of the northern undeveloped part of the Town to ultimately provide guidance in land use and design for future development in this area. Much of the NSAP focuses on the long-term goal of employment development and how those land uses connect and integrate into the regional context of the Town, the City of Mesa, and the Phoenix-Mesa Gateway airport. Even so, the NSAP recognizes that there is a need and desire for a mix of residential land uses in the area and that those uses should be located and designed in accordance with the Town's and PMGA's consideration. Because of the small and awkward geometry, the existing land use would contribute very little to the goal of increasing employment uses. However, the proposed multifamily land uses creates an optimal configuration that will advance the Town's goals in the NSAP.

We believe the proposed multi-family land use is consistent with the NSAP goals and policies as not only is the 2-acre site located outside of the 60 DNL demarcation (Land Use Goal 1.1), but it is also a land use that is compatible with the noise and traffic that is expected in this area (Land Use Goal 1.3). The Barney family have a long history working with the PMGA Authority and have already discussed this proposal with them and believe they have no opposition to this land use change (Land Use Goal 1.6). We also intend to both provide an aviation easement and ask prospective residents to sign a noise awareness disclosure to ensure future protection for the airport (Land Use Goal 3.2 & 3.3).



In conclusion, we strongly believe that by re-classifying and rezoning the parcel as proposed, it can be combined with the adjacent multi-family zoned land, creating a much cleaner, more conventional, and more workable land use condition than exists today. Although it is obvious this land use change makes sense in a physical and logistical regard, we believe we have demonstrated that it also is consistent with the Town's governing documents and plans and thus, will be supported as proposed. If approved, it is our intent to begin working with potential multi-family developers following the conclusion of this request to ensure that any development proposal brought forward to the Town will continue to comply with the General Plan, the North Specific Area Plan, and the Town's Zoning Ordinance. We look forward to being able to demonstrate the benefits of the approval of this request in the context of a Development Site Plan Proposal in the near future.

# BARNEY EMPLOYMENT PARK CONCEPT PLAN

Subject  
2-acre site



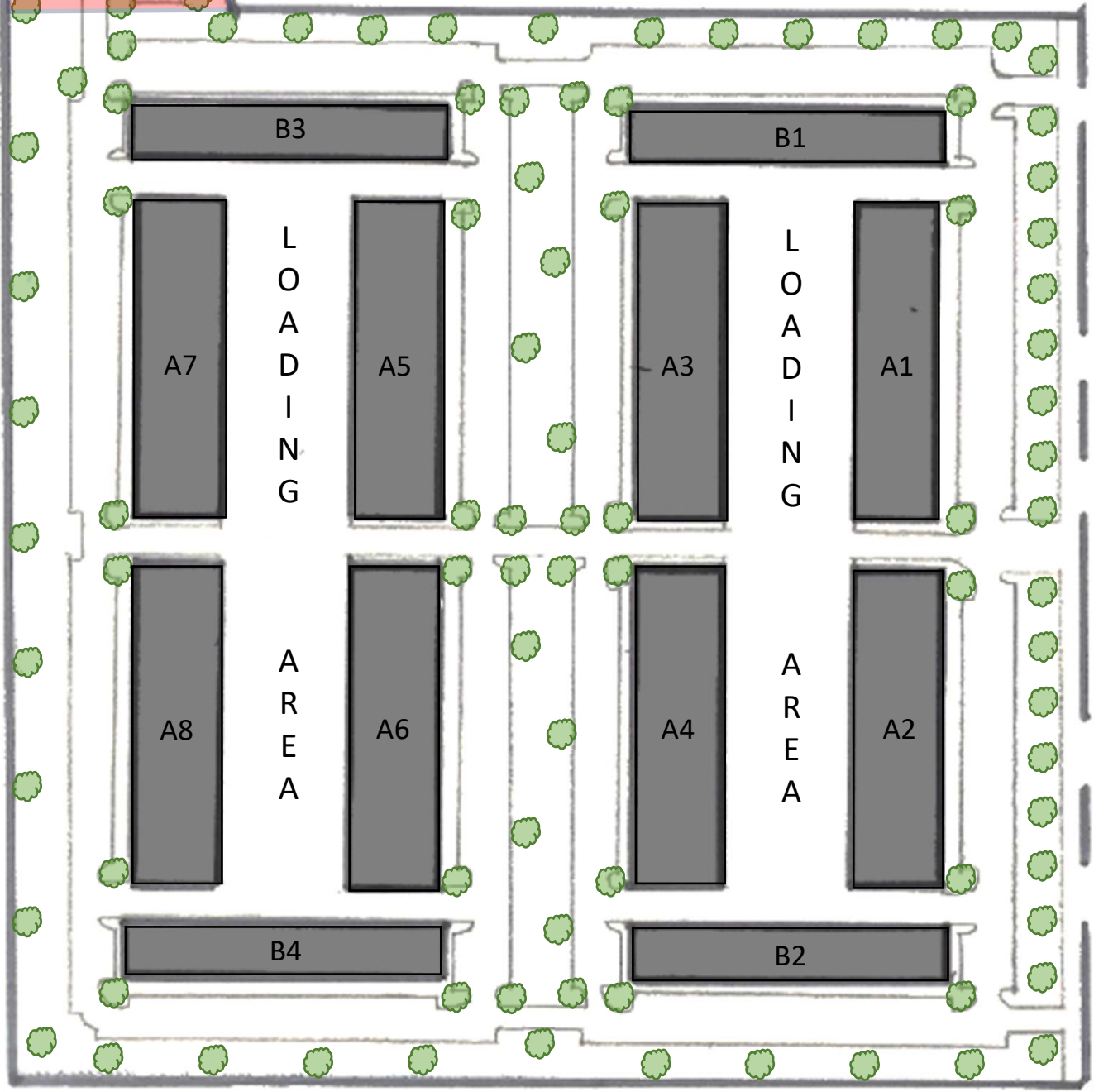
## Site Data:

Site Area:	42 acres
Building Area:	
4 x Type A:	200k sf
4 x Type B:	80k sf

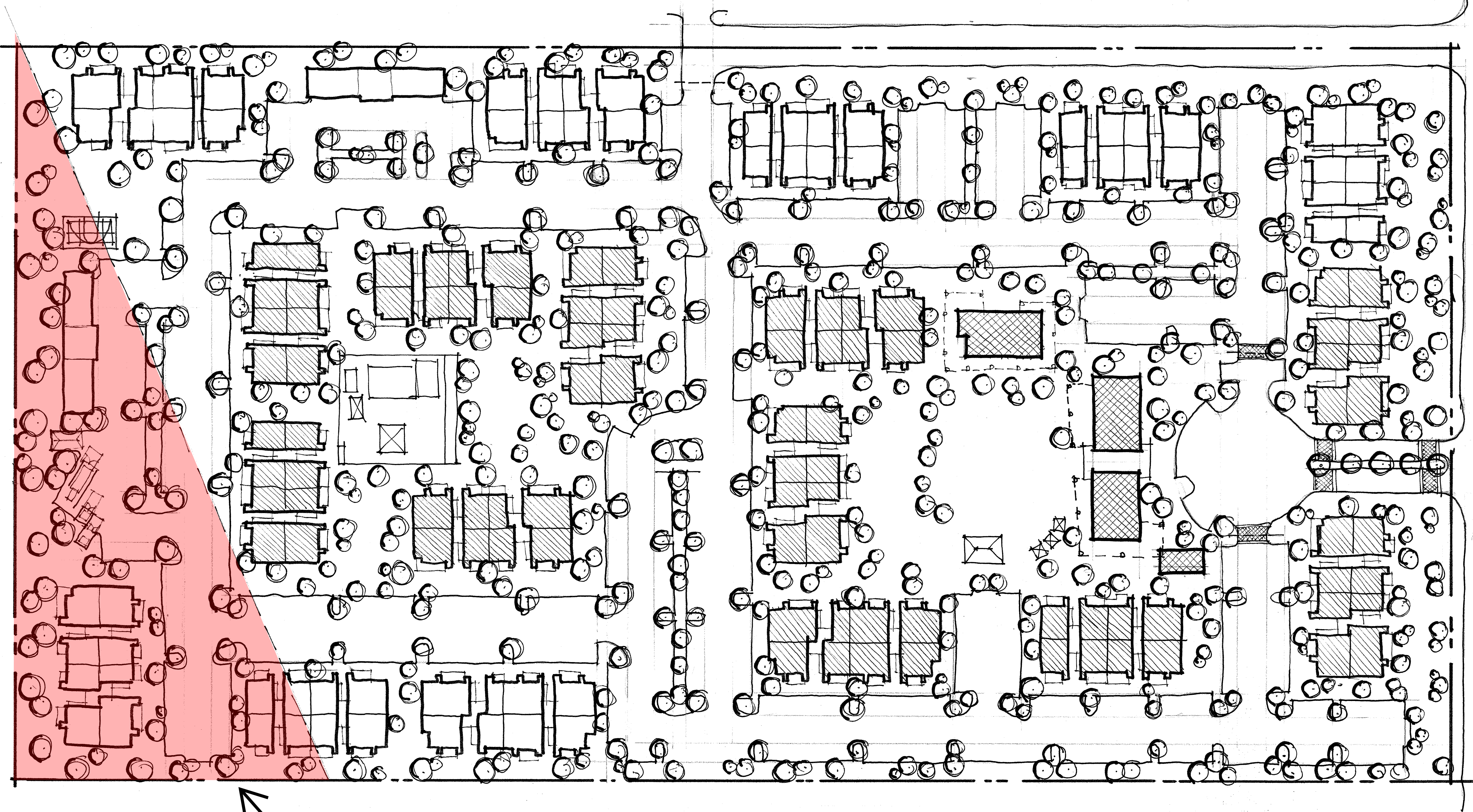
HDR (Multi-Family)

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Town Park



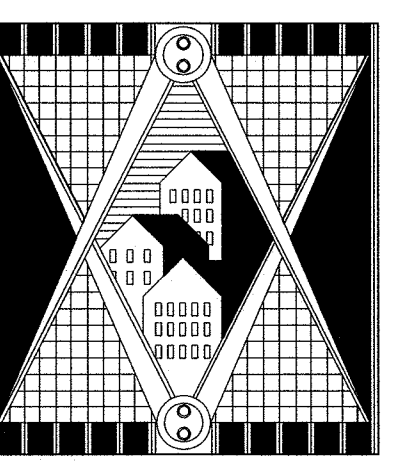
SIGNAL BUTTE ROAD

**BARNEY FARMS  
NORTH**

QUEEN CREEK, ARIZONA

REVISION SCHEDULE

**WHITNEYBELL PERRY INC**  
 1102 East Missouri Avenue  
 Phoenix, Arizona 85014  
 575 W Chandler Blvd, Suite 128  
 Chandler, Arizona 85224  
 (602) 265-1891



ARCHITECTURE AND PLANNING

**A1.01**

2016

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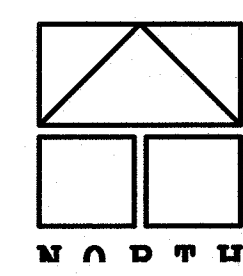
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**PRELIMINARY  
SITE PLAN**

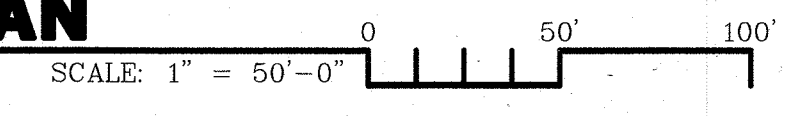
**SITE DATA**

GROSS SITE AREA:	20 ACRES
ZONING:	HDR
ESTIMATED # OF UNITS:	400 UNITS

Subject 2-acre site



**PRELIMINARY SITE PLAN**







January 28<sup>th</sup>, 2021

Mr. Jason Barney  
Barney Farms I LLC  
4915 E. Baseline Rd. #105  
Gilbert, AZ 85234

RE: Broker's opinion of site viability:

Mr. Barney,

I am the President and Designated Broker at Commercial Properties, Inc., located in Tempe, Arizona. As a fifth generation Arizona native, I have over 34 years of commercial real estate and industrial market experience combined. My team and I complete over 700 transactions per year and the majority of those transactions are within the industrial market. I have been named as one of the top Phoenix deal makers by CoStar for the past fifteen years running. Being recognized as one of the top producing brokers, my main focus has been primarily on East Valley growth and market changes.

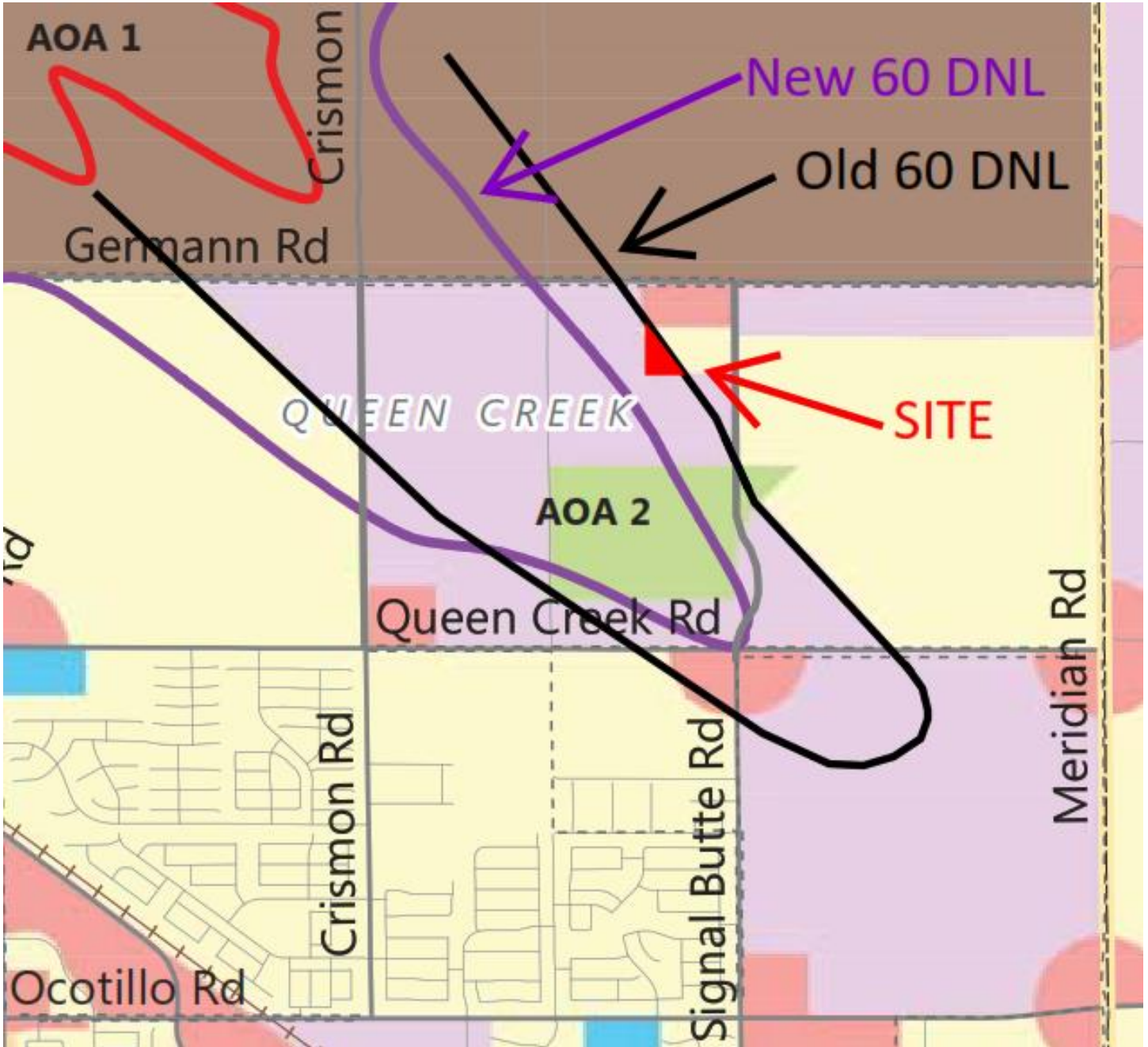
Per your request, our firm has assessed the development potential of the subject 2.2 acre property under its current Town of Queen Creek zoning designation of EMP-A (Employment Type A). The subject property is unique in that it is relatively small, oddly shaped, and land-locked. As a standalone parcel, the property has no accessibility or visibility from any nearby public street thus obviously has no development potential in its current state. As such, the property should be developed in conjunction with one of the adjacent properties to the west (EMP-B), south (EMP-A), or east (HDR).

Since the property to the west is under different ownership and has different zoning, it is not likely to be of any value to that landowner thus not likely to be developed. The property ownership to the south is the same as the subject parcel so could be integrated into a larger employment development project. However, the location, shape, and size of the subject parcel leaves little opportunity for it to be utilized as anything more than a perimeter parking and/or drainage area which adds little value to the project or the community. The third alternative is to develop the subject parcel with the adjacent HDR property to the east. Because the subject 2.2 acre parcel was originally part of this larger property, its size, shape and location actually tie in very well to the property boundary and would allow the entire 2.2 acres to be incorporated into the project and be utilized for multi-family structures and/or open space amenities, resulting in much more utility.

Given the above arguments, my professional opinion is that the subject property has little to no viable use or value under the current zoning and configuration. By rezoning the parcel to HDR, it can be combined with the adjacent 18 acres of multi-family zoned land to the east, creating a much cleaner, more conventional, and more viable land use condition.

Leroy Breinholt  
President - Designated Broker  
Commercial Properties Inc.

# PMGA AOA Map





March 17, 2021

Sarah Clark, AICP  
Town of Queen Creek  
Development Services Department  
22358 S. Ellsworth Road  
Queen Creek, Arizona 85142

**Re:** *Barney Farms North Multi-Family (P21-0037)*  
**Description:** *Rezoning*  
**Location:** *Near Germann & Signal Butte Roads*

Dear Sarah:

Thank you for this opportunity to review this request. It is our understanding that this is a rezoning request for 2 acres currently zoned for Industrial (EMP-A) use requesting to change to High Density Residential (HDR) to allow for a multi-family development on 18 adjacent contiguous acres located south and west of Germann and Signal Butte Roads.

This acreage, and the proposed multi-family development, now lies within Airport Overflight Area (AOA) III as identified in Phoenix-Mesa Gateway Airport Authority's (PMGAA) 2017 Airport Land Use Compatibility Plan Update and the published FAA Traffic Pattern Airspace. **Any development at this location, due to its proximity to Phoenix-Mesa Gateway Airport (the Airport) will be subject to frequent aircraft overflights and will be affected by noise. Occupants will hear and see aircraft landing and taking off from the Airport and may experience aircraft overflights that generate noise levels considered by many to be "annoying".**

For any new residential development within AOA III the Airport recommends the following conditions as a part of any motion for approval:

- 1- A fair disclosure agreement and covenant, which would include the following disclosure, should be recorded as a condition of development approval: "This property, due to its proximity to Phoenix-Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals. The mix of aviation activities and types of aircraft expected to be located and operate at the Airport now and in the future include: scheduled and unscheduled commercial charters, commercial air carriers and commercial air cargo operations, all of which are expected to use large commercial aircraft; general aviation activity using corporate and executive jets, helicopters, and propeller aircraft; aviation flight training schools using training aircraft; and military activity using high performance military jets. The size of aircraft and frequency of use of such aircraft may change over time depending on market and technology changes."
- 2- All final subdivision plats and public reports filed with the Arizona Department of Real Estate should include the notice described in Condition 1 above.
- 3- Sales and leasing offices established for new subdivisions and residential development projects should provide notice to all prospective buyers and lessees stating that the project is located within



an Aircraft Overflight Area. Such notice should consist of a sign at least 4-foot by 4-foot installed at the entrance to the sales office or leasing office at each project. The sign should be installed prior to commencement of sales or leases and should not be removed until the sales office is permanently closed or leasing office no longer leases units in the project. The sign should state the disclosure in Condition 1 with letters of at least one (1) inch in height.

Due to this project's location within the Part 77 area/airspace the following condition would also be requested to be completed prior to the start of construction to review vertical development and temporary uses, such as on-site cranes:

- 4- Any proposed permanent, or temporary, structure is subject to an FAA filing for review in conformance with CFR Title 14 Part 77 (Form 7460) to determine any effect to navigable airspace and air navigation facilities. An FAA determination notice of no hazard to air navigation shall be provided, if a filing is requested.

Thank you for the opportunity to comment on this proposal. If you have any questions, please contact me at (480) 988-7649.

Sincerely,

Anthony Bianchi, A.A.E., AICP  
Planning Manager

Attachment

- 1- Recorded Avigation Notice & Public Airport Disclosure Map

Cc: Bob Draper, Engineering & Facilities Director, PMGAA

OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER

ADRIAN FONTES

20170301390 04/27/2017 10:12

KIOSK RECORDING

0361408-4-1-1

yorkj

AVIGATION NOTICE

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**DO NOT REMOVE**

This is part of the official document

*When Recorded Return To:*

Phoenix-Mesa Gateway Airport Authority  
5835 South Sossaman Road  
Mesa, Arizona 85212-6014  
Attn: Engineering & Facilities

*For Recorder's Use*

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## **Avigation Notice**

### **Phoenix-Mesa Gateway Airport Overflight Area**

All of the real property (the "Property") described in "Exhibit A" attached to this Notice, lies within the boundaries of the Phoenix-Mesa Gateway Airport (or the "Airport") Overflight Area. This Notice and exhibit satisfies the requirements of Arizona Revised Statutes (A.R.S.) Sections 28-2485 and 28-2486, and is intended to provide public disclosure regarding the characteristics of the flight operations in the vicinity of the Airport and to provide notice to property owners regarding those activities. Therefore, the Airport hereby discloses and provides notice of the following:

**A. Background:**

Williams Air Force Base was established in 1941 and became Williams Gateway Airport after the base closure in 1994, and presently serves as a reliever airport for Phoenix Sky Harbor International Airport. The Airport was later renamed Phoenix-Mesa Gateway Airport shortly after commercial airline service began, in order to provide a clearer geographic reference for the Airport. The Airport currently has three (3) parallel runways, each around two miles in length that can accommodate nearly any size of aircraft, and approximately 1,000 vacant acres available for additional growth and development.

**B. Operational Characteristics:**

Phoenix-Mesa Gateway Airport is currently one of the busiest airports in the United States in terms of takeoffs and landings ("Operations") with approximately 250,000-300,000 annual Operations. The 2017 Phoenix-Mesa Gateway Airport Land Use Compatibility Plan Update determined an annual service volume, or reasonable capacity of Operations, of 498,000 Operations. The Airport is open twenty-four hours a day, so Operations may occur at any hour of the day or night.

Property within the boundaries of these overflight areas, due to its proximity to Phoenix-Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels and frequency that may be of concern to some individuals. The mix of aviation activities and types of aircraft expected to be located and operate at the Airport now and in the future include: Scheduled and unscheduled commercial charters, commercial air

carriers and commercial air cargo operations, all of which are expected to use large commercial aircraft; general aviation activity using corporate and executive jets, helicopters, and propeller aircraft; aviation flight training schools using training aircraft; and military activity using high performance military jets. The size of aircraft and frequency of use of such aircraft may change over time depending on market and technology changes.

**C. Phoenix-Mesa Gateway Airport Master Plan:**

Phoenix-Mesa Gateway Airport has an Airport master plan that is updated periodically. The master plan provides information on future plans for the Airport. Over the long-term, aircraft operations and the utilization of the Airport is expected to increase. The current Airport master plan is available for review at the Airport's administrative office, located at 5835 South Sossaman Road in Mesa, or on the Airport's website (gatewayairport.com).

**D. Public Right of Transit:**

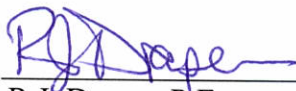
The property included in Exhibit A is subject to regulations under title 49 of United States Code, revised sections 40102 and 40103 (as amended), and 14 Code of Federal Regulations (CFR) Section 91.119, including airspace needed to ensure safety in the takeoff and landing of aircraft and the public right of transit through navigable airspace.

**E. Public Airport Disclosure:**

Exhibit A, the current disclosure notice and map to prospective purchasers, follows the State of Arizona guidelines regarding properties underlying the typical flight patterns for Phoenix-Mesa Gateway Airport. The Public Airport Disclosure Map is prepared in accordance to A.R.S. Sections 28-8485 and 28-8486, and generally depicts areas of aircraft overflights or aircraft operations. Public Airport Disclosure Maps are available from the Arizona Department of Real Estate's main office and website, currently at – 2910 North 44<sup>th</sup> Street, Suite 100, Phoenix, AZ 85018, and <http://www.re.state.az.us/airportmaps/publicairports.aspx> .

The Airport shall duly record this Notice in the Office of the County Recorder of Maricopa County.

By:





R.J. Draper, P.E.  
Engineering & Facilities Director  
Phoenix-Mesa Gateway Airport Authority

2/21/2017  
Date

# PUBLIC AIRPORT DISCLOSURE MAP EXHIBIT A

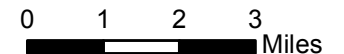
## LEGEND

-  Day-Night Level (DNL) Noise Contour / Airport Overflight Area Boundary
-  FAA Traffic Pattern Airspace Boundary

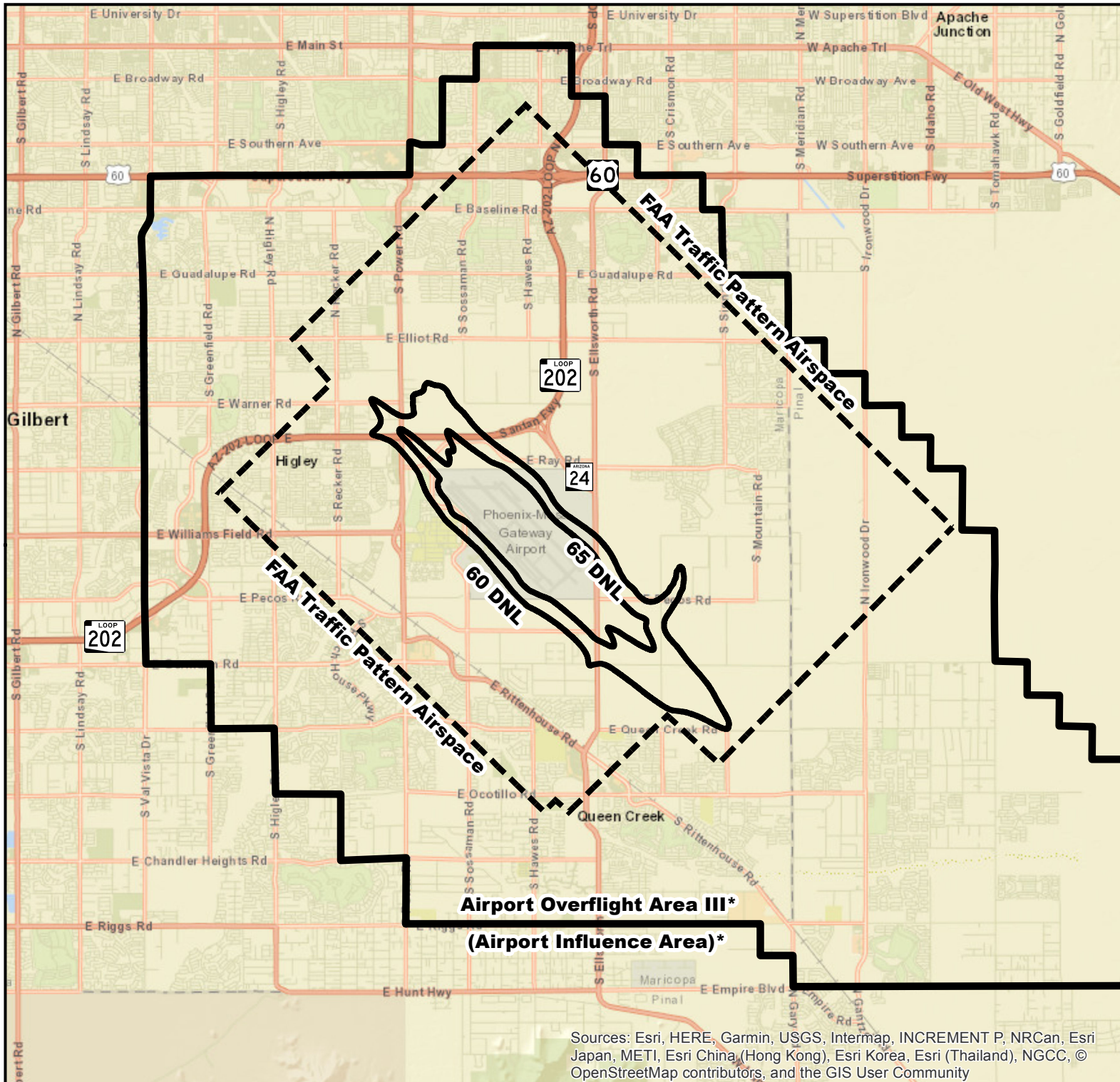
## NOTES

1. This exhibit has been prepared in accordance with Arizona Revised Statutes, Sections 28-8485 & 28-8486
2. FAA Traffic Pattern Airspace boundaries established in accordance with guidelines provided in FAA Order 7400.2D
3. Airport noise contours were developed using the Aviation Environmental Design Tool (AEDT, Version 2c), based on total annual operations (take-off and landings) of 498,000

\* Applicable to new development



AIRPORT BOARD EFFECTIVE DATE:  
February, 21, 2017



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community