



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

Wednesday, July 9, 2008 7:00 P.M.

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

1. **CALL TO ORDER** The meeting was called to order at 7:15 p.m.
2. **ROLL CALL**

Present

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

Absent

Commissioner Sossaman

Staff

Present

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

Absent

3. **PUBLIC COMMENT**

Silvia Centoz of 26226 S. Hawes Road in unincorporated Queen Creek addressed the Commission. Ms. Centoz informed the Commission of a pending lawsuit concerning a family who lives in the Queen Creek planning area, directly adjacent to the Town Limits. She said that due to fissures, their land has been devalued by 60 percent. She encouraged the Planning & Zoning Commission to schedule a special Work Study Session during an upcoming meeting to discuss this important issue which could be critical to future annexations of the north San Tan area. She stated the fissure map shows there are more than 28 fissures. She encouraged the Planning and Zoning Commission to address this issue since there are portions of West Goldmine Estates within Town Limits. Other portions are in areas that may be annexed in the future. Since fissures exist in Maricopa and Pinal counties, the Town should look at the issue before future annexations take place.

Planning Manager Balmer responded to Ms. Centoz's statement by informing the Commission that the Town has recently received a map. Ms. Centoz will be invited to attend work sessions in the future.

Silvia Barret, 19807 E. Happy Road, addressed the Commission to speak about S.3157, sponsored by Senator Jon Kyl, concerning minerals that are produced from mining on federal land. Ms. Barrett's concern is about contaminated water from abandoned mines.

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 June 11, 2008 Work Study and Regular Session Minutes;
 - b. *Consideration and Possible Approval of Schnepf Farms Conditional Use Permit/CU08-074/SP08-073 **This item will be continued to the August 13 Meeting.**
 - c. *Consideration and Possible Approval of TA07-094, Zoning Ordinance Modification regarding Pawn Shops and Payday Loan Businesses, A request by Staff for a Text Amendment to the Zoning Ordinance to Establish Requirements for Pawn Shops and Payday Loan Businesses

Chairman Ingram noted he had received 'Request to Speak' cards on items 4b. and 4c. of the Consent Agenda.

Motion: Vice-Chairman Trapp-Jackson

To remove Consent Agenda items 4b. and 4c. for discussion, and to add Agenda item numbers 5 and 7 to the Consent Agenda.

2nd: Commissioner Atkinson

Vote: All ayes. Motion carried 5-0 (Sossaman absent)

- 4b. Schnepf Farms – Chairman Ingram noted this item will be continued to the August 13 Planning & Zoning Commission Meeting. He opened the Public Hearing.

Wayne Call of 24820 S. 223rd Place, in Queen Creek, addressed the Commission to voice his opposition to the applicant's request. He lives adjacent to Schnepf Farms and knows Mark and Carrie Schnepf. He stated the Schnepfs are concerned and conscientious about the community and the area surrounding their property; however, this conditional use permit request is for

outdoor music and entertainment and alcohol use. He stated his opposition to this application as a neighbor, citing the Fourth of July as an example of the issues he is concerned with, including the following: Transportation: there have been numerous accidents at Cloud and Rittenhouse roads. If they are having outdoor music/alcohol venues, Mr. Call is concerned about additional traffic; Outdoor music: this affects families in the area who have children. Mr. Call has the same concerns as those that were voiced in opposition of San Tan Flat. Signal Butte Road is also a problem area.

Chairman Ingram thanked Mr. Call for his comments, and stated this item will be heard at the August 13 Planning and Zoning Commission Meeting.

The Public Hearing was closed.

Motion: Commissioner Atkinson

To continue CU08-074/SP08-073, Schnepf Farms, to the August 13 Planning & Zoning Commission Meeting.

2nd: Vice-Chairman Trapp-Jackson

Vote: **All ayes. Motion carried, 5-0 (Sossaman absent)**

4c: TA07-094, Standards for Pawn Shops, Check Cashing and Payday Loan Businesses.

Motion: Vice-Chairman Trapp-Jackson

To approve TA07-094, Standards for Pawn Shops, Check Cashing and Payday Loan Businesses as presented with the distance separation requirements listed in the staff report, and adding a stipulation that sets a minimum distance separation requirement of no less than 500 feet between all future/proposed pawn shops and non-chartered financial institutions and schools.

2nd: Commissioner Atkinson

Vote: **All ayes. Motion carried, 5-0 (Sossaman absent)**

- 5. Public Hearing, Consideration and Possible Approval of Pegasus Airpark PDS Modification of Stipulations/CU08-020, A request by The Pegasus Airpark Flight Association to amend Stipulation #12 and remove Stipulation #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 ¼ mile east of Ellsworth Road, north of Empire Road.**

Planner Williams presented the staff report with Power Point. Mr. Williams stated Pegasus was approved in 1994 as a private airport. The only aircraft allowed to land or take off from Pegasus are those that are based in Pegasus or have permission of the property owners. Commercial operations, including flight training, are not permitted. The current approval allows piston-powered aircraft weighing less than 12,500 pounds, with an approach speed less than 121 knots and a wing span less than 79 feet. Noise is restricted to 65 DNL (day/night average).

The applicant is requesting modifications to allow for: helicopters, very light jets (under 12,500 pounds), and a fuel tank for Jet-A fuel. Mr. Williams noted there is an existing fuel tank at Pegasus. The basis for the request is to stay current with aviation technology and provide for more modern aircraft, which is generally less noisy than older aircraft, to operate at Pegasus.

Mr. Williams explained DNL as being the FAA's standard measure for determining cumulative exposure to noise. It is the average sound level in decibels over a 24-hour period with a 10 decibel penalty for noise occurring at night between 10 p.m. and 7 a.m. The maximum DNL at Pegasus is 65.

Staff is recommending Conditions of Approval under case number CU01-97 shall remain in effect unless amended under CU08-020 Conditions of Approval as follows: (changes/additions shown as underlined)

1. Stipulation #6 of CU01-097 shall be revised to the following:
The Flight Association shall adopt, and shall enforce by means of effective sanctions, rules prohibiting (except where violations are necessary for safety reasons) "touch and goes, practice auto-rotations or simulated engine failures". The Flight Association shall establish normal and recommended procedures for general aviation including approach and departure patterns that attempt to minimize noise over residential areas. The procedures shall be published in appropriate FAA Facilities Guides in addition to being provided to all current and future members of the Flight Association.
2. Stipulation #12 of CU01-97 shall be revised to the following:
Aircraft allowed to operate from Pegasus Airpark shall be limited to helicopters and fixed-wing aircraft powered by piston (both gas and diesel engines), turbine, turbo fan and/or jet engines, 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. All aircraft that are not fully State 3 Noise Compliant as defined by the FAA, and comply with the operational limits above related to weight, approach speed and wingspan are specifically prohibited in addition to Ultra-lights and powered parachutes. The specifications for this airpark shall be published and maintained in the CC&Rs to the property, the Flight Association and the FAA airport facilities directory.
3. Stipulation #14 of CU01-97 shall be revised to the following:
The FBO shall not advertise the commercial services offered by the facility.
100 Low-Lead and Jet-A aviation fuel may be sold to members of the Flight Association.

The Conditions of Approval also include that helicopters may operate only from the runway, ramp or main taxiways; helicopters will be prohibited from operating from any of the secondary taxiways or at the private residences. Staff will approve the final design and location of a Jet-A fuel tank. In addition, emergency medical, Sheriff's Office and other emergency services aircraft may utilize Pegasus Airpark at any time without restriction.

Staff recommends approval of CU08-020, with the Conditions of Approval presented in the staff report.

QUESTIONS FROM THE COMMISSION

Commissioner Atkinson asked if the helicopters shown in the presentation were all under 12,500 pounds. Mr. Williams stated based on information obtained from Wikipedia, the two smaller helicopters that were shown were approximately 1,500-2,000 pounds. The four-passenger helicopters were 4,000 pounds.

Commissioner Atkinson stated that this application would allow helicopters much larger than those shown. Mr. Williams stated the applicant will address this further.

APPLICANT PRESENTATION

Mr. Ron Serafinowicz of 956 W. Lomita Avenue, Gilbert, addressed the Commission on behalf of the HOA and Flight Association. He stated the applicant feels the existing stipulations are outdated by technology. He turned the presentation over to Mr. Mike Tragarz.

Mike Tragarz of 1043 W. Iris Drive, Gilbert, introduced himself to the Commission. He stated he is an airline captain for US Airways and helicopter operator out of Chandler. He desires to live in Pegasus Airpark, and stated a lot of helicopter operators are trying to move into Pegasus.

Mr. Tragarz is familiar with airspace operations in Phoenix, as he participated in the NW 2000 project in the Valley. Mr. Tragarz illustrated the traffic patterns commonly used in Pegasus Airpark for fixed-wing aircraft, stating all fixed-wing aircraft use Runway 26 left west, and traffic coming in from the north uses Runway 08. He noted that operating on the north side of Pegasus (south side of Phoenix-Mesa Gateway Airport PMGA) poses maneuverability constraints to pilots. Mr. Tragarz also showed an illustration of where noise sensors (used in the noise study) are placed in Pegasus Airpark. He stated the proposed jet traffic pattern would be limited to the south side of Pegasus Airpark and would include left west traffic for runway 26, or right east traffic for runway 08. The normal jet traffic pattern is approximately 3-6 miles for larger airbus jets, which are not included here. He stated very light jets are very maneuverable. Turbo props and very light jets are required to maintain 1,500 feet above ground until they are in position to make descent. The current piston aircraft are required to maintain 1,000 feet over ground.

Helicopters: Mr. Tragarz stated the FAA has very specific rules for the operation of helicopters, including: helicopters shall avoid the flow of fixed wing aircraft for safety reasons. Ingress and egress procedures are built-in for helicopter operations.

Fixed-wing aircraft has specific paths they must follow. Over time, helicopter traffic can be mitigated. Both vertical and horizontal measurements of 1,000 feet are taken for the noise studies.

Procedures that will be designed and included in this process will ensure that helicopters are continuously monitored and managed to mitigate the affect on the community and on the ground outside the boundaries of airport. Mr. Tragarz stated procedures can be designed today that will completely keep helicopters from flying over established subdivisions, such as Orchard Ranch subdivision. These would become part of the CC&Rs. As the community develops, these procedures can be modified to keep in sync with the community, unlike fixed wing aircraft that are required to follow good operating practices (flight paths) established by FAA.

Mr. Tragarz showed a slide listing the decibel levels for the following types of aircraft (all data provided by Robinson Helicopters)

Cessna 337 – 70.0 db
Eclipse 500 Jet – 54.9 db
R-44 (helicopter) - less than 51.9

He also provided *Sound Level Comparisons* (in descending order) for the following (compared to very light jets):

- Threshold of Pain (top of dB level at 140)
- Rock bank
- Heavy Truck
- Pneumatic Drill
- Average street traffic
- Conversational speech – 65 dB
- Business office w/machines, telephones, etc. – 65 dB

Mr. Tragarz stated the very light jets may operate louder than 65 dB standing next to them; however, DNL measurements represent noise levels from a distance, not standing next to the aircraft.

Mr. Tragarz addressed public comment about aircraft flying over neighborhoods in Orchard Ranch, stating this particular air traffic is not coming from Pegasus Airpark. This is training operations from PMGA flight training school which runs their training patterns over the area.

Mr. Tragarz illustrated noise study data compiled by Armstrong Consultants, which listed total operations in 2007 as 1,790. Mr. Tragarz noted that as aircraft operations grow, the DNL number only increases very slightly and the noise footprint does not actually increase. Total estimated annual aircraft operations in 2017 are 6,534, with a total of 66 planes.

The presentation included a comparison of where Pegasus Airpark is compared to other local airports in terms of annual operations. Mr. Tragarz stated Pegasus is most comparable to Stellar Airpark and is not expected to meet the current number of daily and annual operations at Stellar.

Fuel Tank and request for Jet-A: The applicant is requesting removal of the stipulation against the sale of Jet Fuel to allow the capability to install a second tank to provide jet fuel along with the existing 100 LL fuel. Jet-A is the current standard for most aircraft.

Mr. Tragarz noted that AVGAS 100 Low-Lead is currently housed in a double-wall container, which is completely portable. The fuel tank is also surrounded by a block masonry wall. The applicant is requesting for Jet-A fuel because there are a lot of people using turbo props that use diesel and turbine helicopters that use Jet-A and diesel fuel.

This on-site fuel facility provides convenience for the aircraft. If there were not a fuel tank on site at Pegasus, then operations would be significantly increased by forcing pilots to fly somewhere else for gas. It is also more financially detrimental to pilots to fly out of Pegasus to get gas.

“Fly Friendly” Procedure – ingress and egress procedures will be put into the current flight operations manual for operations at Pegasus signed by people who are operating aircraft in Pegasus, or whoever is operating under the authority. If the community complains because someone is not following rules, this will be enforced and followed-up on. If non-compliant, then the pilot stands to lose authorization to operate aircraft.

Mr. Tragarz also addressed some of the community input on the Web blog as follows :
“Detrimental to quality of life due to air traffic increases” Currently there are already 225 aircraft allowed – the applicant is not proposing adding any aircraft. Some of the proposed aircraft will not be flown any more than any other aircraft.

There will be no changes to the type of flying allowed: no commercial operations; no commercial training flights; no touch and goes permitted; no charter flights, no ultra light aircraft.

The applicant is taking some of the 225 aircraft already approved, and asking the Commission to approve different types of aircraft in order to allow Flight Association to capture the market.

“Noise and pollution will increase” – The applicant is not requesting additional flights; nothing is to be increased. No change is being made to the 225 aircraft currently allowed. “Pegasus will not exceed its noise limits. The types of aircrafts being proposed are strictly within, and in fact much lower, than anything already being allowed to fly into and out of Pegasus Airpark.”

Jets and helicopters will not be larger than existing aircraft already allowed to be in Pegasus.

“Helicopter training traffic will be flying overhead all day long” – Mr. Tragarz stated this is already taking place, but by PMGA, not Pegasus Airpark. No flight training is allowed at Pegasus, so this will not happen.

“Jet Fuel Safety” – Mr. Tragarz stated the fuel tanks are fireproof and safe, protected by double-containment and no different than 100 LL allowed today. The new fuel being requested is a lot less volatile.

Pegasus is developing a “Good Neighbor” program - The Flight Association is just asking for a way to figure out a method to operate as a good neighbor.

QUESTIONS FROM THE COMMISSION:

Vice-Chairman Trapp-Jackson asked Mr. Tragarz what noise reduction strategies are being proposed by the applicant in order to mitigate noise. Mr. Tragarz stated the route plan mitigates noise, and will be incorporated into the CC&Rs and part of flight operations at Pegasus. In addition, the ingress and egress paths can be designed to change with growth and development.

Vice-Chairman Trapp-Jackson asked how staff would ensure the proposal for Route planning and altitude changes will be completed. Mr. Tragarz stated this will be in the final approved Ordinance. Operation will not be permitted to commence unless these elements are part of the Flight Operations Manual.

Chairman Ingram asked if tracking and enforcement is complaint-drive, to which Mr. Tragarz responded, ‘yes’. He noted there is already monitoring taking place by the community at some level.

Planning Manager Balmer stated that in order to do what the applicant has requested, this information would be needed before the application goes to Town Council (within next 30 days) so that the Council knows what they’re voting on, perhaps as an additional stipulation.

Mr. Tragarz responded this can easily be accomplished well before the request goes to Town Council.

Mr. Balmer asked Chairman Ingram to ask for the applicant’s commitment this evening. The applicant agreed to make this commitment.

Discussion took place on flight altitudes and what can be stipulated by the Town. Mr. Tragarz stated altitudes are specified by the FAA for different segments of the flight. The Town cannot stipulate minimum heights, however the pilot can be asked to use “steep approaches” and boundaries can be set using landmarks such as intersections, roads, firehouses, etc. to identify flight paths.

Mr. Tragarz stated that what the Commission is asking for will be significantly more limiting than what the FAA allows pilots to do. Pilots will be asked to fly much more conservatively than what FAA requires.

Mr. Balmer stated that staff would review material received from Mr. Tragarz, and ask for review from PMGA, then build in a review period (every 2-3 years) to ensure the flight operations manual is current and up-to-date.

Mr. Tragarz agreed to Mr. Balmer's request and re-stated that pathways can be changed as development occurs.

Commissioner Moore asked if there is any reason why the Flight Association would not stipulate to helicopters below 4,000 pounds.

Mr. Tragarz responded the flying community in this area does not have these type of weight helicopters.

Mr. Balmer referred to the Power Point slide of smaller and larger helicopters, all 5,000 pounds or less and stated that even though helicopters can be larger as regulated by FAA, the Town can stipulate smaller weight than 12,500 pounds.

Commissioner Perry asked for a better explanation of the Stage 3 Noise compliant rules. Mr. Tragarz referred to Stage 1 noise compliant aircraft, stating that older aircraft met this level of noise compliance, which is created by the engine running. Stage 2 and Stage 3 are standards that have been improved over time (boundaries/noise levels), which makes it necessary for aircraft manufacturers to create engines that are quieter and meet Stage 3 Noise Compliant rules.

Commissioner Perry asked for confirmation that the current approval allows 225 aircraft, and that 2017 projections show 66 possible aircraft. He asked in what scenario a total of 225 aircrafts would occur.

Mr. Tragarz responded he could only answer as a pilot and community member, not a developer; however, with the aviation community, property and lots would sell and people would have desirable aircraft. He stated based on the number of aviation lots (82) even with 2 aircraft per lot, the total number would still be under 225. There is not currently this many at Stellar Airpark, which is not a private airpark.

Commissioner Perry asked if consideration should be given to decreasing 225 as part of this application. Commissioner Perry also asked if the noise study showing noise contour levels for 2017 should this be addressed for 225 aircraft.

Mr. Tragarz responded that this comparison is disproportionate. The number of operations does not necessarily correlate to how many aircraft are on-site. Stellar has a much more confined area, with 112 daily operations. Stellar also operates older, louder aircraft that do not meet the noise contour levels.

Noting that Mr. Tragarz had provided a substantial amount of information, Mr. Balmer asked Chairman Ingram to hear comments from the audience at this point.

Chairman Ingram stated the Commission still had some questions of Mr. Tragarz: Mr. Ingram asked since Pegasus would be rewriting the operations, would there be any reason to fly over Orchard Ranch. Mr. Tragarz responded no, left and right traffic for runways 08 and 26 are on the south side of Pegasus, in order to avoid potential conflict in airspace from PMGA. In addition, due to the old military construction of PMGA there is very little maneuverable area at north side of Pegasus.

Vice-Chairman Trapp-Jackson asked if this would be something to put into the air traffic operations flight manual. Mr. Tragarz responded, yes, operations would be taken from north and put on south side for fixed-wing, which would also be used by helicopters; however, the helicopters path would be separated from the path of jet traffic.

RECESS

Motion: **Commissioner Atkinson**

To recess the meeting for five minutes.

2nd: **Vice-Chairman Trapp-Jackson**

Vote: **All ayes. Motion carried 5-0 (Sossaman absent)**

The meeting recessed at 7:35 p.m.

The meeting reconvened meeting at 7:42 P.M. with all Commissioners still in attendance.

Chairman Ingram opened the Public Hearing at 7:44 PM. Mr. Ingram read public comment cards from those residents not wishing to speak, as well as a letter which had been submitted.

Chairman Ingram read a letter submitted by Dr. Hal Winters, who was not in attendance: “In lieu of my absence from your meeting tonight, please accept this letter to acknowledge my **support** of permitting the operation of small Jet Aircraft in addition to the sale of Jet fuel at Pegasus Airpark. My support of small Jet operation at airpark is PRIMARY; I also support proposed operation of helicopters, however it is secondary. I own aviation lot #115 and would have greater haste to develop my lot and live in Queen Creek, as Jet operation could be sanctioned. Thank you for your consideration.”

Not Speaking:

- 1) Ralph Clark – 21570 E. Pegasus Parkway, **In favor**; not speaking.
- 2) Carol Chaplin – Queen Creek, **Opposed**; not speaking.
- 3) Ed Sexton – Queen Creek, **Opposed**; “I have major concern for the driving force behind this modification request. I cannot see how this would benefit Queen Creek as a whole. Also have concerns for the increase in air traffic and the safety risk that comes with this increase. I also would like to know what the financial impact on the community would be if this modification were passed.
- 4) Bernice Sexton – Queen Creek, **Opposed**; ‘I am wondering what has been provided as solid proof that this will be a benefit to the Town of Queen Creek as a whole! Not just simply stating that it will improve sales and property taxes will in return be provided. Is there any significant proof that this will indeed improve sales?’”
- 5) Steve Drehodl – 21290 E. Pegasus Parkway, **In favor**; not speaking.”It will add value to the Town. The overall noise will be lower with the addition of a very small number of very light jets and planes.”

- 6) Joyce Coury – Queen Creek, **In favor**; not speaking. “Aircraft of any type must be operated adhering to safety regulations. I believe an “airpark” should not restrict any reasonable mode of flight. helicopters and jets should be allowed.”
- 7) Steve Taverna – 21009 E. Excelsior Avenue, Queen Creek, **Opposed**; not speaking. “I am not interested in having helicopters and jets taking off and landing within 1,200 feet of my home. There is an airport called “Phoenix-Gateway Airport” (sic) that can be utilized for this type of aircraft.”
- 8) Tim Sheahan – Queen Creek, **In favor**; not speaking. “We all knew there was an airpark close by when we moved in. I think it is fun to see different aircraft flying in and out. The decibel level is not being changed. These all fall within the original guidelines”.
- 9) Charlotte Warn – Queen Creek, **Opposed**; not speaking. “Please don’t allow modifications to the existing stipulations. I live in Orchard Ranch and have already witnessed near miss crashes with gliders. Who regulates the flights?”
- 10) Katerina Spanos – Queen Creek, **In favor**; not speaking.
- 11) Cathy and Fred Frederick – Queen Creek, **Opposed**; not speaking

Speaking:

- 12) Bill Grigsby – 550 E. Commerce Gilbert, **In favor**; Mr. Grigsby owns Lot 103 in Pegasus; He attended the neighborhood meeting at Pegasus two weeks ago. At the end of the meeting a small turbine powered helicopter was brought in and the engine was started. The bystanders were standing 50 feet away from the helicopter. Mr. Grigsby stated that everyone could still speak at a normal conversational level with the turbine engine spinning. Mr. Grigsby stated it was very quiet.
- 13) Tim Bonham - 21280 E. Excelsior, Orchard Ranch, Queen Creek, **Opposed to helicopters**; Mr. Bonham stated he’s been in aviation since the age of 16 and knows for a fact noise will impact the community. “The applicant paints a pretty picture of what the aircraft can do. Helicopters – if the blades aren’t pitched, they don’t make noise. At low frequencies, they make noise that resonates. Windows move/vibrate. Helicopters create a lot of noise pollution. Traffic patterns – FAA only recommends the patterns, there is no federal regulation that says you have to fly that pattern. They can come from any direction they want. The impact will not be limited to a small area. It will be broad. Near the San Tan Mountains, if the pilot is flying against that, the noise from the south side of the airport/runway will be amplified by the mountains. From an economic standpoint, he is **in favor of light jets** because those decibel levels are low.
- 14) Tom Gollen - 20534 E. Excelsior Court, **Opposed**; Mr. Gollen stated he moved to Queen Creek for the rural atmosphere. He feels this request this will add to noise levels. The original proposal had minimal impact. Referring to the term “new technology”, he stated there is nothing new – jets and helicopters have had the same technology for 25 years; He stated a noise abatement plan would be critical before anything proceeds. Regarding noise levels, Mr. Gollen said decibels are on an exponential scale. He stated according to Internet research, a Cessna 172, which is a small piston aircraft is about 60 decibels. This is eight times louder than the rural neighborhood. A Bell J2A helicopter, which fits in 12,500 pound limit, at 100 feet is 100 decibels. A jet take off at 130 feet is 236 decibels - 1,000 times higher than a rural neighborhood. DNL is an average, not an instantaneous measurement. In addition, Mr. Gollen has concerns about safety and the affect of this request on the value of his neighborhood.

- 15) Silvia Centoz – 26226 S. Hawes Road, Queen Creek, **Opposed**; Ms. Centoz stated that in 1994 she acquired 108 signatures in 4 hours in opposition to Pegasus Airpark. When the original zoning case came before the Commission and Council, there were to be 80 aircraft spaces, “then it went to 125, then 160, then 225 spaces/hangars for planes. The numbers just keep growing.” She is concerned, after arguing with developers who knew Stipulation 12 was in effect, that the Flight association, not the original developer, is asking to change this. “They knew when they purchased the lots and signed off on that, it was for fixed-wing, not jets, not helicopters.” She has been flat-topped at her house so many times, she stopped calling to complain. She is frustrated because she asked people from Cornoyer/Hedricks to mount a noise sensor above her barn; this was before Goldmine Equestrian Estates and Horseshoe Park were built. The Horseshoe Park equestrian community will be greatly affected by this. “We don’t always get what we want or ask for.” She asked the Commission to understand they have a very big decision to make. She stated there are three petitions going around (Horseshoe Park area, Goldmine Equestrian Ranch, Orchard Ranch). The petitions will level the playing field.
- 16) Silvia Barrett - 19807 E. Happy Road, unincorporated Queen Creek, **Opposed**; Ms. Barret stated the unincorporated area will be impacted by this. Pegasus Airpark came several years ago and assured only residents would be able to have hangars and airstrips. Then another request was submitted a couple years later to rent out hangars; now they are asking for very light jets and helicopters. She stated, “now we should draw the line.” Pegasus was not on the deed when she purchased her home. She currently has jets flying overhead and cannot spend a lot of time in her yard. There is already a commercial airport down the road. If the Town is allowing more aircraft, then they are increasing the risk for an accident. Who will she sue if there is an accident – “the Town, the owner of the aircraft or both? Over the years, Pegasus has gotten a lot more than they originally asked for. Stop coming back and asking for more. Live within the established guidelines.”
- 17) Gordon Bluth – 217 E. Orion Way, Pegasus Airpark, **In favor**; Mr. Bluth stated that seven years ago the concept for a very light jet did not exist. The first very light jets came on about a year ago. There are currently less than 250 very light jets in ownership right now. They are economical, efficient, quiet, and safe. Now, Piper Aircraft is coming out with very light jets. Eclipse, Cessna and Honda are all building very light jets now. This is the future. One station at Falcon Field has a very light jet. He flew in this recently. It is small, take-offs and landings are slow and quieter than the jet he currently owns in Pegasus Airpark. The future will be 4-seater, single engine. He encourages open-mindedness. He is not trying to impose upon anyone in the community. He stated Santa Monica Airport is similar and has approved use of very light jets, in a very much bigger community. The future is scary, but be open-minded. It’s his hobby and dream. He is getting something someone else may not have, but not with intent to take away peace and quiet. More noise is able to be heard from the Gateway airport than Pegasus.
- 18) Desa Baker - 4517 W. Airpark Way, Chandler, **In favor**; Ms. Baker owns three lots in Pegasus. She lives adjacent to Stellar Airpark, which allows turbine aircraft and helicopters. She stated the noise is not bad at all. She enjoys seeing aircraft coming in and out. Turbine engines are much quieter than props. She has lived in Pegasus for two years. Stellar is much

busier than Pegasus. Noise is not an issue. She stated it would be discriminatory not to allow this aircraft. She encouraged the Commission to consider the data, rather than opinions.

- 19) Carol Chapman - 21406 E. Orchard Lane, Orchard Ranch, (no Request to Speak card) Did not state opposition or support; She is concerned that when her house is put up for sale the real estate agent is required to disclose the airport information to the buyer. The agent must disclose that a small, private airport that allows small private jets, or one that allows helicopters and very light jets is adjacent to her neighborhood.
- 20) Dan Coury - 21211 E. Pegasus Parkway, **In favor;** Mr. Coury has lived in Pegasus three years. He has an airplane and hangar. He is not planning on obtaining a helicopter or jet; he does not see any difference as far as noise, especially helicopters because they stay over the runway. Very light jets are very expensive, and may attract very few people, maybe only one to three, due to the large expense. He supports the applicant. This request does not change the amount of aircraft or amount of noise.
- 21) David Canfield - 3186 E. Desert Moon Trail, Queen Creek, **In favor** of changes. Mr. Canfield stated he was originally a little hesitant, but after seeing the presentation, he is no longer concerned. As far as the weight limit stipulation of less than 12,500 pounds, he foresees no problem. There's a gap in the types of helicopters and he believes there won't be a lot of aircraft above 5,000 pounds.
- 22) Sam Griffin, - 5486 W. Encanto Paseo Drive, south of Pegasus Airpark, **Opposed;** Mr. Griffin stated most of his concerns had already been voiced. His biggest concern is safety. His father was a pilot and died in small plane crash, so he feels there is an inherent danger in these aircraft. As you move up to helicopters, it takes a special skill set and more maintenance. He questioned what happens with those that are not properly maintained. He does not feel this is a true benefit to the community as a whole. Jets and helicopters burn more fuel, and pollute more. He moved to Queen Creek for the rural atmosphere and less pollution. This seems like a step backwards. He stated San Tan Park is the crown jewel of this area. This could be something very unique to this area that surrounding municipalities do not have. This request will allow helicopters and jets to fly right over the park. He asked, "What about the future of this park – is this Queen Creek's vision for the future? This is a marketing tool. They want to sell their lots – everyone is bailing out of Queen Creek." Mr. Griffin stated he has seen a 40 percent drop in property values. There is not a lot of action here. It's important to give everyone else the same rights as Pegasus as far as maintaining property values.
- 23) Scott Baker - 4517 W. Airpark Way, Chandler, adjacent to Stellar Airpark, **In favor;** Mr. Baker stated the older jets are much louder than very light jets. He owns several lots in Pegasus and would like to see this community continue to grow. This attracts people with airplanes who have a lot of money. This is an economic benefit to the town. This will also increase home values. He stated the Commissioners should challenge the assumptions of the public. The proposed aircraft will be less noisy.

- 24) Don Lamb - 21565 E. Orchard Lane, Orchard Ranch, **Opposed**; Mr. Lamb's immediate concern is the amount of noise with the aircraft, even though he enjoys the novelty. His bigger concern is security. He showed several pictures of areas at Pegasus that are not now secured. There is a gaping hole in the fence, directly next to his house. He has been robbed twice; the footsteps went through Pegasus Airpark. Another concern is a building located one-half mile from Pegasus that was gang tagged. He showed those pictures and stated anyone can go directly from that building to Pegasus or Orchard Ranch – there is no security. Mr. Lamb stated six out of eight gates were open after 6:15 p.m. tonight. There is a house in Pegasus that is completely vandalized; the entire back is destroyed. There is a stove sitting out in the yard. All the windows and doors are broken out of the house. He said it doesn't seem like there's any security going on now. If Pegasus is increasing the airport size, this should be taken care of this before asking for the request.
- 25) Brad Wren – lives in Chandler and owns a Lot in Pegasus Airpark, **In favor**; Mr. Wren stated he also has property at Stellar Airpark. When he first bought the property at Stellar, he did not have an aviation background. His backyard is adjacent to the runway. He sees all the pistons coming and going, which are very noisy. He said the prop planes break the sound barrier. He saw a single engine plane take off, which just hopped off the runway. It was a turbine engine. He stated these are much more reliable than a piston engine; they are very much more reliable and safer than the other engines. The Very Light Jets, which are new, attract investments in this area, and people with money. He does not feel large jets will be coming into and out of the Pegasus property.
- 26) Gary Cohrt – Queen Creek, **Opposed**; Mr. Cohrt stated a lot of things were implied during the applicant's presentation, such as no touch and goes. He stated he watches touch and goes day and night going on now. Regarding take-off noise, he feels a lot of the data presented seemed to emphasize cruising noise, not aircraft sitting on the runway, which he thinks exceeds 65 decibels. A lot of the data talks about the latest model jets and helicopters and latest technology. He has a different view. He's been to the other airports that have older aircraft that would still comply with the weight restriction. He participated in the Town's Citizen Leadership course which highly stressed the value of this area as rural. "We did not move out here to be close to an airport. We moved here for a rural, equestrian area. All data presented by the Town talks about the rural atmosphere. If you depart from this, you've disappointed a lot of people." Mr. Cohrt stated he feels a lot of petitions, with over 1,000 signatures, will be presented to the Town.
- 27) Greg Clark - 21151 E. Mewes, Queen Creek, **Opposed**; Mr. Clark stated he did not receive notification from Pegasus on this meeting. He received it from the Town. He stated it would've been nice to talk to them before this. A lot of residents here are from Orchard Ranch. The increased noise is only one concern. Other concerns are quality of life, security, safety of children, and ability of the Association to monitor the guidelines. These are only guidelines. FAA won't come in and oversee these guidelines. Mr. Clark referred to the applicant's narrative which he feels does not address many issues and has a lot of generalities. There are no clear-set guidelines. Mr. Clark feels the narrative addresses the main concern as selling more lots in Pegasus. He agrees built-out lots would be great, but feels the quality of life will decrease. He stated the DNL is an average; there should be a different measurement for take-

offs. He thinks the DNL average is more geared towards the larger airports. He feels there are still a lot of unanswered questions. An Airbus 320 is a Stage 3 aircraft, so to say this proposed aircraft is limited to Stage 3 is a very broad generality. This will affect the environment. This will only possibly help out a very few people.

- 28) Nancy Henkel - 21510 Mewes Road, Orchard Ranch, **Opposed**; Ms. Henkel stated she is a former Kindergarten teacher. She read a letter expressing her opposition to this request, which included the following:
- A- Assume, never assume, you know what that does to you and me. Many things are being assumed here.
 - B- Balance – if there is so much benefit to Pegasus sales, how do you balance the scales to benefit other subdivisions to increase their sales?
 - C- Clear as in crystal. We want clear thinking, planning and skies.
- 29) Tom Henkel - 21510 E. Mewes Road, **Opposed** – Mr. Henkel stated Orchard Ranch is an attractive, established community with acre lots and equestrian privileges. He urged the Commission to not put valued lots in jeopardy. He feels the Pegasus Developers were lucky in 1994 to even get the airpark approved. At that time, he opposed the airpark. The policy should not be changed, especially since houses are not selling anywhere in this economy. Maybe there is not a market in Queen Creek for aviation lots. He feels this amendment is based on speculation. There are not adequate restrictions or policies to avoid future problems. Mr. Henkel referred to the Community Vision stated in the Town's General Plan, which states the Town will provide a quality, rural atmosphere. He stated he relies on the elected officials and the Commission to preserve, protect and provide appropriate land space, as well as air space and the quality of the environment.
- 30) Karen Ott – Queen Creek. Ms. Ott is **opposed**. She did not speak as she had to leave the meeting early.
- 31) Mark Wallace – 21205 E. Excelsior, Orchard Ranch, - **Opposed**; Mr. Wallace stated that most of the people who are in favor of this request own lots but don't live here. People proposing it are not citizens of Queen Creek. They don't know what it's like to live in Queen Creek, or what it feels like to be a resident of Queen Creek. Mr. Wallace stated his windows rattle. He gets woken up at 6 or 7 am on Saturday and Sunday on a regular basis by takeoff noises. He is concerned about security issues. He stated he and his wife have been out on their quads on the runway in Pegasus. He feels there is no security, just open areas all over Pegasus Airpark. Mr. Wallace said, "This is Queen Creek. We can't pronounce FAA, let alone know what the words mean. This community is a Town, not City. It would show poor judgment to even consider approving this. There are too many holes in it." Mr. Wallace stated the applicant paints a pretty picture, but he has witnessed several touch and goes and has seen acrobatics being done at Pegasus. He asked that the Town not try to change the value of Pegasus homes at the expense of Orchard Ranch residents.

- 32) Stratton Hermann - Ellsworth Road, owns lots at Pegasus. **In favor;** Mr. Herrmann stated he has been flying planes since 1953. He lived near Stellar Airpark for 35 years. Stellar is commercial with a lot of activity. The new jets are very quiet. Pegasus is private. It will never be as busy as Stellar. Mr. Hermann stated he appreciates the explanation of ultra-light jets. They are much more quiet. He understands that Pegasus has 65 DNL in place, and they are not asking for any change in that. He said it seems like a no-brainer. He is very much in favor of VLJ and Helicopters.
- 33) Rose Gray - 21565 E. Orchard Lane, **Opposed;** Ms. Gray stated the fact that people can get to runway is not a fact of someone playing around. It's a security issue. She said if you think about national security – anyone can do anything at Pegasus. There are holes in the fences that have been there for two years. She asked who will secure this flight area. This has been raised before, but nothing has been done. She thinks it is inexcusable to ask people riding quads to stop. If Pegasus would have security, they would not have to worry about the quads.
- 34) Carol Mace, 21297 E. Orion Way, Queen Creek, Pegasus, **In favor;** Ms. Mace stated when she moved into Pegasus there were not a lot of houses. The ones that were there were being rented. Before she moved in, her appliances were delivered and she spent the night in car to watch over the appliances. At 4 am she could hear the highway buzz from the south, and it gradually got louder and louder. She thought the community was so good because it was so large, it was a buffer zone for Orchard Ranch. She said the aviation sounds being heard at Orchard Ranch are aircraft coming from PMGA, which is where most of the traffic is coming from and going. Other noise and traffic is coming from Chandler; not from Pegasus. She stated there were only two take-offs at Pegasus today, which is normal for every day. VLJ are the future in aviation. All large manufacturers are building these. They are fast, economical and quiet. Helicopters are quiet and safe, and will not make a big impact on the neighbors. Pegasus is a quiet buffer zone for Orchard Ranch. She feels Orchard Ranch residents should be praising god. Referring to the man and his wife who were riding quads, she felt they did actually make a lot of noise, and the quads are not allowed in Pegasus. She asked that Orchard Ranch be mindful of their neighbors, since Pegasus is mindful of Orchard Ranch.
- 35) Marty McLaughlin - 21562 E. Mewes, Orchard Ranch, **Opposed;** Mr. McLaughlin is a Marketing Director for an international firm. He felt the presentation was great. He has a 35-year career of making presentations to secure grants, and operate multi-million dollar budgets, so he feels you can make statistics say whatever you want them to say and asked the Commission to take the data presented with a grain of salt. He stated self-regulation will be difficult. He is on the Orchard Ranch HOA and knows how difficult it can be. He stated Pegasus has three associations: Flight, Homeowners' and Equestrian. To expect them to enforce these guidelines and come together in a common cause is impossible. He stated he moved here for the rural atmosphere. He urged the Town not to make any changes to the amendment.
- 36) Name unknown, 21235 E. Orchard Lane, **Opposed;** This gentleman stated he is a pilot and an aerospace engineer. He asked about medium-weight helicopters, which are approximately 6,700 pounds. He stated all the mixed-mode aircraft (fixed wing piston, fixed wing jet, and rotary wing), being operated in uncontrolled airspace is a big safety issue. Jet fuel has a

terrible smell, and is especially noticeable on a windy day. He stated the noise of a helicopter is much different than a jet. "They don't fly, they beat the air into submission". He is concerned with regulations and aircraft being subjected to 337 certification and how it will be monitored. He is also concerned about mid-field approaches by helicopters. He noted there have been high speed low passes over the airport.

- 37) Mr. and Mrs. Scott & Alicia Pollard of 21134 E. Pummelos Road, submitted a letter in **opposition**, which read, "This is written notification that our family "adamantly opposes" the following plan amendment: CU08-020; We live in Orchard Ranch at Ellsworth and Riggs. The proposed property is directly south of us. The sole reason for our moving to Queen Creek and our neighborhood was the properties sold in this area, would only allow small, single-engine aircrafts. We do not wish to have our neighborhood turned into an airport. Please stay on track with the "country charm" of Queen Creek and not allow these kinds of developments."

Chairman Ingram closed the Public Hearing at 9:47 P.M.

Mike Tragarz was given 10 minutes to respond. He addressed the 337 issue, and most of the issues raised during the Public Hearing.

Commissioner Moore asked if a plane with a 79-foot wingspan could be landed on the Pegasus runway. Mr. Tragarz responded, yes, physically the taxiway and runway configuration are built to accommodate that type of aircraft.

Commissioner Moore then stated that the supposition that only single-engine planes can go on this runway is incorrect. Mr. Tragarz responded yes, the supposition would be incorrect.

Commissioner Moore addressed the number of people in attendance and noted there are a number of people with misinformation. He referred to the neighborhood meeting held at Pegasus, and the fact that it appears there were no Orchard Ranch residents at that meeting. The people who did attend the neighborhood meeting were able to stand next to a helicopter while its engines were started. No one has disputed the quietness of these jets, however, we have yet to receive proof of the noise levels.

Mr. Serafinowicz responded that a total of 292 neighborhood meeting notices were sent out to addresses within a 1,200 foot radius of Pegasus Airpark. Approximately 30-40 people attended, majority of whom were Pegasus residents. A helicopter was there and did take off, but it was very quiet. Less than 25 percent of Orchard Ranch residents came to the meeting.

Vice-Chairman Trapp-Jackson questioned how many people in Orchard Ranch were notified of the neighborhood meeting.

Staff stated public hearing notice letters were mailed from Town offices to 292 property owners. Approximately 40-50 letters were returned by the post office as undeliverable.

Motion: **Vice-Chairman Trapp-Jackson**

To continue action on CU08-020, Pegasus Airpark Modification of Stipulations, in order to evaluate and disseminate information. In addition, Trapp-Jackson requested the applicant consider holding another neighborhood meeting in order to get more people from Orchard Ranch involved.

2nd: **Commissioner Atkinson**

Discussion on the motion: Speaking to Staff, Commissioner Perry stated the neighborhood meeting issue is very important. He stated the changes being requested by the applicant are based on data that the Commission has to take on faith, which is a national standard. He feels the change to allow quieter, small, corporate jets is a benefit; however, he is not sure about the helicopters. He stated when he was on the Chandler Planning Commission, the helicopter issue came up a lot. He would like further clarification on helicopter issues and feels more people should be involved in providing data. He noted the Neighborhood Meeting minutes did not show any comments from Orchard Ranch residents.

Regarding the public comments about DNL levels at take-off and landings, Commissioner Perry stated further information on how these measurements are made would be beneficial. He would also like more information on the different type of fuel being requested. There is a lot of misinformation right now. He reiterated the applicant is not changing number of aircraft, and stated he would support the motion for a continuance. He suggested the applicant use a different form of notification for the next neighborhood meeting, such as door hangers.

Commissioner Atkinson stated he has no problems with jets or helicopters. He stated the neighbors need to get involved. The applicant should come back with more data and more about the flight paths around the airport. Commissioner Atkinson would also like to see the petitions which were referred to during the Public Hearing.

Commissioner Moore encouraged both neighborhoods to work together and keep in mind that Pegasus was there first, at least the runway was. Commissioner Moore feels that Pegasus adds diversity to the community. He asked everyone to remain open-minded about what Pegasus wants, and encouraged Pegasus to be open-minded to what Orchard Ranch wants.

Commissioner Atkinson stated he generally does not like the modifications/amendments that are made to existing ordinances, however, he has not made up his mind about this application.

The Commission requested the applicant notify everyone within a half-mile radius of the next neighborhood meeting.

Vice-Chairman Trapp-Jackson stated she wants to see documentation that will be provided for flight operations: the flight operations manual that will be placed into CC&Rs. She also would like the applicant to further address safety and security issues.

Planning Manager Balmer stated staff has taken notes throughout the presentation. He stated staff has discussed possibly scaling down the weight limit from 12,500 pounds to 5,000 pounds. He is in favor of having a procedures manual being done prior to Council and reviewed on a periodic time frame and also reviewed by PMGA on a regular basis.

Call the Vote: All ayes. Motion carried 5-0. (Sossaman absent)

CU08-020, Request by Pegasus Airpark for Modifications to Stipulations, was continued to September 10, 2008.

Planner Williams stated he will keep all email comments, and send out a mass notification to everyone he's received emails from.

6. **Discussion and Possible Action on 2008 Major General Plan Amendment Applications-Initiation of 60-Day Public Agency Comment Period**, A request by staff for direction to begin the statutory 60-day public agency comment period for the Major General Plan Amendment applications. No consideration of the proposed amendments will take place at this time. This item was approved as part of the Consent Agenda.
7. **Discussion and Review of Zoning Ordinance Update Phase One Report** (if not finished during WS). This item was approved on the Consent Agenda.

ADMINISTRATIVE ITEMS (if not done during Work Study)

8. **Review** of next month's agenda items.
 - Circle G at Church Farms, tentatively scheduled for August 13, 2008.
9. **Report** on Town Council Action
 - The Town Council Minutes were provided in hard copy to the Commission.
10. **Communication** from members of the Commission and Staff.
Vice-Chairman Trapp-Jackson thanked staff for their hard work on the Pegasus application.

Planning Manager Balmer reminded the Commission of the AzAPA conference in Yuma, AZ coming up in November.

Director of Community Development Condit provided information about the 69 kV and 230 kV transmission facilities being planned by SRP, and their respective locations. An open house will be held by SRP at the Queen Creek Elementary School, 204th Street and Chandler Heights Road, on July 17 from 6 to 7:30 p.m.

11. Adjournment

Motion: Vice-Chairman Trapp-Jackson

To adjourn.

2nd: Commissioner Atkinson

Vote: All ayes. Motion carried 5-0. (Sossaman absent)

The meeting adjourned at 10:24 PM p.m.

PLANNING AND ZONING COMMISSION

By: _____
Steve Ingram, Chairman

ATTEST:

Laura Moats, Planning 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 July 9, 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 10th day July, 2008.

Passed and Approved this 13th day of August, 2008.