



Requesting Department:
Community Development

TO: PLANNING AND ZONING COMMISSION

**THROUGH: TOM CONDIT, P.E.
COMMUNITY DEVELOPMENT DIRECTOR**

**FROM: WAYNE BALMER, AICP
PLANNING MANAGER**

**MIKE MCCAULEY
PRINCIPAL PLANNER**

**DAVE WILLIAMS
PLANNER**

RE: PUBLIC HEARING AND POSSIBLE ACTION CU08-020 "PEGASUS AIRPARK HELICOPTERS AND JETS" A request by The Pegasus Airpark Flight Association, to amend stipulation #12 and #14 of Conditional Use Permit 01-97 to allow the operation of helicopters and very light jets (under 12,500 pounds) and a request for an additional fuel tank to be used for Jet-A aircraft fuel. The property is located approximately ¼ Mile east of Ellsworth Road north of Empire Road.

DATE: SEPTEMBER 10, 2008

STAFF RECOMMENDATION

Staff recommends approval of CU08-020 , "Pegasus Airpark, Helicopters and Jets" subject to the Conditions of Approval outlined in this report.

RELEVANT COUNCIL GOAL

Implements the Town of Queen Creek's General Plan.

SUMMARY

The applicant's proposal consists of a request by the Pegasus Airpark Flight Association to amend stipulation #12 and #14 of Conditional Use Permit 01-97 to allow for helicopters and very light jets (under 12,500 pounds) in addition to a request for a fuel tank for Jet-A aviation fuel. Currently aircraft are limited to piston powered fixed

wing airplanes only weighing less than 12,500 pounds. There is currently a fuel tank on site providing 100 Low Lead Fuel for the aircraft based at Pegasus.

HISTORY

- June 20, 1994: Town Council approves the Special Use Permit (Now called Conditional Use Permits, SU 07-94) for the airstrip at the Pegasus Airpark development, subject to conditions.
- May 3, 1995: Town Council approves the Preliminary Plat for Pegasus Airpark Development, subject to conditions. The Preliminary Plat consists of 159 lots on 320 acres.
- March 18, 1998: Town Council approves an amendment to the Special Use Permit (SU 01-97) for the Fixed Base Operations which limited the number of aircraft to 225 and allowed for a 100 low lead aviation fuel tank.
- June 6, 2007: Town Council Approves Pegasus Airpark, Phase 5 Amended Plat (SD07-013) which reduced the number of aviation lots to 82.

DISCUSSION

This case was continued at the Planning Commission meeting on July 9, 2008 with direction to the applicant to do more outreach with the surrounding neighborhoods.

The applicant met with the neighbors and held a neighborhood meeting and flight demonstration on August 9, during which very light jets, helicopters and currently approved aircraft were demonstrated. Airspace concerns were identified as part of the demonstration. Many of these concerns are proposed to be addressed by a modification to the proposed flight patterns to provide additional separation from aircraft using Phoenix Mesa Gateway Airport in addition to responding to neighbor concerns. Staff from Gateway Airport and the Gateway Tower have met with the applicant and developed a plan to be forwarded to the FAA for their approval. The outcome of the neighborhood meetings and review to address these issues has resulted in the applicant developing a modified request dated September 2, 2008 (see attachment).

The Town's Fire Chief has also reviewed the request and his comments are as follows:

The expanded use of Pegasus Airport for jet propulsion aircraft and helicopters does not cause an added or undue burden for the Queen Creek Fire Department and its automatic aid partners. The size and fuel load of the demonstrated aircraft being recommended to utilize Pegasus facilities are within the normal capabilities of off-airport fire crews and rescuers with one exception. It would be helpful to have approximately one hundred gallons of flammable liquid foam (AFFF) in five gallon containers with eductors for spill control measures. Such foam capability would protect passengers and fire fighters during rescue efforts in

the absence of a crash related fire. The foam required to suppress flammable liquid vapors could be stored in a strategic location at Pegasus Airport, but would need to be replaced annually with new product.

As noted, the applicant has modified their request based on their meetings involving the surrounding neighborhoods, Phoenix Mesa Gateway Airport and consultation with their aviation expert. The applicant's reviewed request is contained in the attachment. Below is a summary of the key points of their request:

- Creation of a noise abatement program for fixed wing aircraft and helicopters to mitigate noise to the surrounding areas.
- Flight Operations and procedures Manual to be reviewed by Town Staff every 2 years to ensure compliance.
- Limit helicopters to a maximum take off weight of 7,500 pounds.
- All aircraft shall be Stage 3 noise compliant.
- All operations and procedures to be published in appropriate publications.
- Jet A aviation fuel to be sold only to Flight Association Members and authorized airpark users.
- Medical, police and similar emergency service helicopter and fixed wing aircraft may utilize Pegasus Airpark at any time as needed for public safety purposes.

In 1994 Pegasus Airpark was approved for piston powered fixed wing aircraft only by the Town Council. This was maintained in 1998 when the Town Council approved modifications to the original approval which limited the number of aircraft to 225.

The technology in fixed wing aircraft has changed dramatically over the past 15 years since this project was first approved by the Town. Some of these technological advances include diesel aircraft engines, automated engine controls, environmentally sensitive turbine and turbo fan engines which reduce noise and emissions, and development of carbon fiber airframes which reduce airflow turbulence, thereby reducing noise. As a reflection of these technological advances, the FAA certified the first of a new category of aircraft, the very light jet, in 2006. Most of these technologies were not available in 1994 and 1998 when the Council last considered this issue. Experience in the aviation industry has shown that the very light jets engines are safer than equivalent piston engines. Noise data provided by the applicant reflects this pattern and shows a significant noise reduction between very light jet engines compared to similarly sized piston powered aircraft.

Following the policy direction set by the Town Council in 1994 and 1998 to allow fixed aircraft, staff supports approval of the requested modification to allow turbine powered aircraft and very light jets to operate at Pegasus, subject to the conditions of approval included in this report. Staff views the proposed changes as a technological upgrade to reflect changes in the field of aviation which have occurred in recent years.

Staff does not, however, support of the applicant's request to allow helicopter operations at the Airpark. While helicopter technology has also improved, helicopter operations were not envisioned by the Council in either 1994 or 1998 and represent a change in policy direction. Staff is also concerned that the addition of helicopter operations may be incompatible with development that has occurred in the area surrounding the airpark in recent years, due to their noise and operational characteristics.

ANALYSIS

General Plan: The Pegasus Airpark is designated in the 2008 General Plan Land Use Map, approved by the voters on 9/2/2008, as Very Low Density Residential, which would not allow the airpark to be used for commercial purposes.

Zoning: The Pegasus Airpark is zoned R1-43 (Single Family Residential) and is not proposed for change by this request.

Public Comments: Staff has received numerous comments both for and against this proposal. Those against the proposal generally believe the change will diminish property values and increase noise generated at the airport. Those in favor of the proposal feel it will increase property values and benefit the community by allowing a more modern aircraft to operate at Pegasus. Copies of the public comments received as of 9 am on September 3 are included in the attachment section.

CONDITIONS OF APPROVAL

All stipulations from CU01-97 shall remain in full effect unless amended herein:

- 1) Stipulation #6 of CU01-97 shall be revised to the following:
 - A) 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, or simulated engine failures." The Flight Association shall establish noise abatement procedures which include approach and departure for daytime and nighttime operations to mitigate the noise for adjacent residential areas. All proposed noise abatement procedures shall be coordinated with Phoenix Mesa Gateway Airport to ensure compatibility with their airspace and operational requirements. The procedures shall be published in appropriate FAA Facilities guides in addition to provided to all current and future members of the Flight Association.
 - B) Pegasus Airpark Flight Operations and Procedures Manual will be reviewed with Town Staff every two years to ensure that it contains the current status of the airpark along with current updated materials.

2) Stipulation #12 of CU01-97 shall be revised to the following:

A) Aircraft allowed to operate from Pegasus Airpark shall be limited to fixed-wing aircraft powered by piston (both gas and diesel engines), turbine, turbo fan 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. Aircraft that are not fully Stage 3 noise compliant as defined by the FAA or which do not comply with the operational limits above related to weight, approach speed and wingspan are prohibited, as are ultra-light aircraft and powered parachutes. Light Sport category aircraft, as defined by the FAA, are not included in this prohibition. The specifications for this airpark shall be published and maintained in the CC and R's to the property, the Flight Association and the FAA airport facilities directory.

3) Stipulation #14 of CU01-97 shall be revised to the following:

A) 100 Low Lead and Jet-A aviation fuel is to be sold to members of the Flight Association or their authorized parties only.

THE FOLLOWING STIPUATIONS ARE BEING ADDED TO THE ORIGINAL CONDITIONAL USE PERMIT.

Stipulation #:

19) Location and design of a Jet-A aviation fuel tank shall be approved by Staff.

20) Medical, police and similar emergency service aircraft, regardless of type, may utilize Pegasus Airpark at any time as needed for public safety purposes.

21) The applicant shall provide additional fire fighting supplies as directed by the Town's Fire Chief.

22) The conditional use permit approved in case number CU08-020 is effective upon signature by the property owner of the attached waiver and filing of the waiver with the Town of Queen Creek Planning Division. Failure to sign and return the waiver to the Planning Division within 5 working days of the date of approval shall render this conditional approval null and void.

ATTACHMENTS

1. Narrative.
2. Noise Study.
3. Proposed Stipulations from Pegasus Airpark dated 9/2/2008.
4. Conditions of Approval and Minutes from 1998.
5. Public Comments.
6. Sign in Sheet for 2nd Neighborhood Meeting.

7. Letter from Greg Clark with responses from Pegasus Airpark.
8. Applicant's presentation w/proposed flight path illustrations.