

ORDINANCE 771-21

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING CONDITIONS OF APPROVAL UNDER ORDINANCE 708-19 FOR A ± 49.44 ACRE PARCEL KNOWN AS “PEGASUS AIRPARK PLANNED AREA DEVELOPMENT REZONE”, LOCATED EAST OF THE NORTHEAST CORNER OF EMPIRE BLVD AND ELLSWORTH RD. THE ASSOCIATED ZONING CASE FOR THE PAD AMENDMENT IS P21-0100 (PEGASUS PAD AMENDMENT).

WHEREAS, Arizona Revised Statutes § 9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, providing that the adopting ordinance is published in full; and

WHEREAS, Article 3, ZONING PROCEDURES, Section 3.4 ZONING AMENDMENT, establishes the authority and procedures for amending the Zoning Ordinance; and

WHEREAS, Article 4, ZONING, Section 4.2 Zoning District Maps, establishes the Zoning District Maps and states that the Zoning District Maps, along with all the notations, references, and other information shown thereon, are a part of this Ordinance and have the same force and effect as if said maps and all the notations, references, and other information shown thereon were all fully set forth or described in the zoning ordinance text; and,

WHEREAS, a Public Hearing on this ordinance was heard before the Planning and Zoning Commission on November 10, 2021; and

WHEREAS, the Planning and Zoning Commission voted 7-0 in favor of this zone change; and

WHEREAS, a Public Hearing on this ordinance was heard before the Town of QueenCreek Town Council on December 1, 2021;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:

Section 1. The Ordinance 708-19 is hereby amended by adding a new Exhibit “B”, titled Conditions of Approval, to the “PEGASUS AIRPARK PLANNED AREA DEVELOPMENT REZONE”. Conditions of Approval are attached hereto as Exhibit “A,” and are hereby declared to be public record;

Section 2. If any section, subsection, clause, phrase or portion of this ordinance or any part of these amendments to the Queen Creek Zoning Map is for any

reason held invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY the Mayor and Town Council of the Town of Queen Creek, Maricopa County, this 1st day of December, 2021.

FOR THE TOWN OF QUEEN CREEK:


ATTESTED TO:


Gail Barney, Mayor


Maria Gonzalez, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:


John Kross, ICMA-CM
Town Manager


Dickinson Wright, PLLC
Attorneys for the Town

EXHIBIT A

CONDITIONS OF APPROVAL

1. This project shall be developed in accordance with the plans attached to this case and all the provisions of the Zoning Ordinance applicable to this case.
2. The total number of aircraft allowed on the entire Pegasus Airpark Development shall not exceed 225; this number includes both the residential area and the fixed Base Operations (FBO). The maximum quantity of aircraft allowed on the FBO is 92. There may be fewer than 92 aircraft at the FBO, with a greater number of aircraft in the residential area, provided that the combined total does not exceed 225 for the entire Pegasus Airpark Development.
3. The following commercial uses are prohibited: charter, courier, commercial flight schools, scheduled air service and crop dusting.
4. Aircraft noise shall not exceed a level of 65 DNL at any boundary of the site.
5. The Town shall have the right to review Airpark operation performance to ensure compliance with these conditions. Review of airpark performance shall include, but not be limited to, review of all FBO and flight association operations, books, accounts, reports, correspondence and audits.
6. Aircraft allowed to operate from Pegasus Airpark shall be limited to single pilot, rotary and fixed-wing aircraft powered by piston (both gas and diesel engines), turbine, turbo fan, jet engines, as well as potential future equivalent propulsion technologies (i.e., electric powered, hydrogen, etc.). Approach speeds shall be less than 121 knots and wing spans shall be less than 79 feet. Aircraft that are not fully Stage 3 noise compliant as defined by the FAA or that do not comply with the operational limits above related to weight, approach speed and wingspan are prohibited, as are ultra-light aircraft and powered parachutes. Light Sport category aircraft, as defined by the FAA, are not included in this prohibition. The specifications for this airpark shall be published and maintained in the CC and R's for the property, the Flight Association and the FAA airport facilities directory.
7. The airpark shall be operated solely as a private airpark for use by residents of the Pegasus Airpark Development, members of the flight association and their guests.
8. 100 Low Lead and Jet-A aircraft fuel is to be sold only to members of the Flight Association and their authorized parties through the use of a private card-lock system.
9. Developer shall be required to meet all applicable local, state and federal regulations relating to fuel storage and dispensing, and upon request will provide a report to the Town that applicable fuel storage facilities are in compliance with those

regulations. The reporting mechanism to the Town shall be, at a minimum, a copy of the notice of approval by the appropriate regulatory agency.