

ORDINANCE 708-19

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, DECLARING AS PUBLIC RECORD THAT CERTAIN DOCUMENT TITLED "PEGASUS AIRPARK PLANNED AREA DEVELOPMENT REZONE", LIST OF PARCELS ATTACHED HERETO AS EXHIBIT "A", AND ADOPTING EXHIBIT "A", IN ADDITION TO THE DOCUMENT TITLED "CONDITIONS OF APPROVAL" AND ATTACHED HERETO AS EXHIBIT "B", AND ADOPTING EXHIBIT B", THEREBY AMENDING THE OFFICIAL ZONING DISTRICT MAP FOR THE TOWN OF QUEEN CREEK, ARIZONA, PURSUANT TO ARTICLE 3, SECTION 3.4 OF THE ZONING ORDINANCE FOR THE TOWN OF QUEEN CREEK BY CHANGING A PORTION OF THE ZONING OF THE PEGASUS AIRPARK PLANNED AREA DEVELOPMENT FROM R1-43 (RURAL ESTATE DISTRICT)/CONDITIONAL USE PERMIT (CUP) TO MIXED USE (MU)/PAD ON APPROXIMATELY 49.66 ACRES. THIS PROPERTY IS GENERALLY LOCATED EAST OF THE NORTHEAST CORNER OF ELLSWORTH RD AND EMPIRE BLVD. THE ASSOCIATED ZONING CASE FOR THE PROPERTY IS P19-0074.

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 August 14, 2019; 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 Queen Creek Town Council on September 4, 2019;


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


- Section 1. The documents attached hereto as Exhibits "A and B," titled List of Parcels and Conditions of Approval are hereby declared to be public records;
- Section 2. One (1) paper copy and one (1) electronic copy of Exhibit "A" are ordered to remain on file with the Town Clerk;
- Section 3. 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 4th day of September 2019.

FOR THE TOWN OF QUEEN CREEK:

ATTESTED TO:

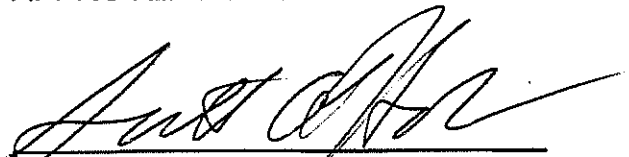

Gail Barney, Mayor


Jennifer F. Robinson, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:


John Kross, Town Manager


Dickinson Wright, PLLC
Attorneys for the Town

**EXHIBIT A
LIST OF PARCELS**

304-91-441	304-91-469	304-94-642
304-91-442	304-91-470	304-94-643
304-91-443	304-91-471	304-94-644
304-91-444	304-91-472	304-94-645
304-91-445	304-91-474F	304-94-646
304-91-446	304-92-016M	304-94-647
304-91-447	304-93-535	304-94-648
304-91-448	304-93-536	304-94-649
304-91-449	304-93-537	304-94-650
304-91-450	304-93-538	304-94-651
304-91-451	304-93-539	304-94-652
304-91-452	304-93-540	304-94-653
304-91-453	304-93-541	304-94-654
304-91-454	304-93-542	304-94-655
304-91-455	304-93-543	304-94-656
304-91-456	304-93-544	304-94-657
304-91-457	304-93-545	304-94-658
304-91-458	304-93-546	304-94-659
304-91-459	304-93-547	304-94-660
304-91-460	304-93-548	304-94-661
304-91-461	304-93-549	304-94-662
304-91-462	304-93-550	304-94-663
304-91-463	304-93-551	304-94-664
304-91-464	304-94-637	304-94-665
304-91-465	304-94-638	304-94-666
304-91-466	304-94-639	304-94-667
304-91-467	304-94-640	304-94-668
304-91-468	304-94-641	

EXHIBIT B

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 planes allowed on the entire Pegasus Airpark Development shall not exceed 225; this number includes both the residential area and the Fixed Base Operators (FBO). The maximum quantity of planes allowed on the FBO is 92 planes. There may be fewer than 92 planes at the FBO, with a greater number of planes 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 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.), or known as single pilot aircraft. 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. The Developer/Airpark Association 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