



November 1, 2018

City of Mesa Planning Division  
Development Services Department  
55 North Center Street  
Mesa, Arizona 85201

**Re:** *Gallery Park (ZON18-00775)*  
**Description:** *Rezoning, Planned Area Development (PAD), Council Use Permit (CUP), Special Use Permit (SUP), Site Plan Review, Design Review & Preliminary Plat*  
**Location:** *NEC Power & Ray Roads*

Thank you for the opportunity to review this request. These proposed requests on 40± acres, includes 459 residential units, 1.1 million square feet under roof spread over 27 buildings, and is located near the northeast corner of Power and Ray Roads.

This site lies within the Airport Overflight Areas (AOA) I, II & III, as identified in Phoenix-Mesa Gateway Airport Authority's 2017 Airport Land Use Compatibility Plan (ALUCP), and under critical Part 77 surfaces. Portions of the project also fall under emergency One Engine Inoperative (OEI) surfaces as well. **Land use and height compatibility in close proximity to runway ends is critical to airport operational safety and capacity. This development's height and massing, and due to its proximity to Phoenix-Mesa Gateway Airport (the Airport), will be subject to Federal Aviation Authority (FAA) obstruction and airspace review, experience frequent aircraft overflights, and will be affected by noise. Occupants will hear and see aircraft landing and taking off from the Airport and will experience aircraft overflights that generate noise levels considered by many to be "annoying".**

Office and commercial development is generally considered a compatible land use adjacent to the airport. **Per the ALUCP, any residential uses within the AOA II are not supported due to noise and heavy overflight activity.** However, the City of Mesa allows for multi-family residential within the AOA II, subject to the CUP process. The Airport would recommend the following conditions as a part of any motion(s) 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- 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 prior to building permit issuance.



- 3- An aviation easement should be recorded concurrently with or prior to the recordation of a subdivision plat or issuance of a building permit holding the City of Mesa, the public, and the Phoenix-Mesa Gateway Airport Authority harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or any other effects that may be caused by aircraft landing, departing or operating at or near a designated Airport, not including the physical impact of aircraft or parts thereof.
- 4- The developer should be encouraged to incorporate features into the design and construction of buildings where people are housed, work, or are otherwise received to achieve an outdoor-to indoor noise level reduction of 25 decibels.

Design review considerations that address airport compatibility throughout this proposal's development process include:

- 1- Due to the project's location, all permanent development, and temporary structures, such as cranes, will likely require an CFR Title 14 Part 77 (Form 7460) review to determine any impacts to navigable airspace and air navigation facilities. Maximum building/monument sign height should include the height of all structures on top of the building, and not to top of the parapet.
- 2- Any building uses, design, or exhaust features which may obscure a pilot's vision in any way resulting in glare, or flash blindness, should not be permitted.
- 3- Freeway Monument Signs should avoid any lighting placement or systems that direct lighting upward or toward the approach paths of aircraft, or that could be confused with airport identification or navigational lighting.
- 4- Ensure that landscape features and plant/tree varieties attractive to hazardous wildlife are not used. Vegetation should be properly maintained to control for height. Trash or debris collection containers shall close or be enclosed.
- 5- Sources of electromagnetic interference with aircraft instrumentation, ground-based radar, or navigational aids should be considered incompatible in AOA's and shall be considered through CFR Title 14 Part 77 (Form 7460) review.

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.  
Planning Manager



Attachment

1- Recorded Avigation Notice & Public Airport Disclosure Map

Cc: J. Brian O'Neill, Executive Director/CEO, PMGAA  
Scott Brownlee, Deputy Director/COO, PMGAA  
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:**

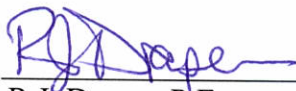
The property included in Exhibit A is subject to regulations under title 49 of United States Code, revised sections 40102 and 40103 (as amended), and 14 Code of Federal Regulations (CFR) Section 91.119, including airspace needed to ensure safety in the takeoff and landing of aircraft and the public right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

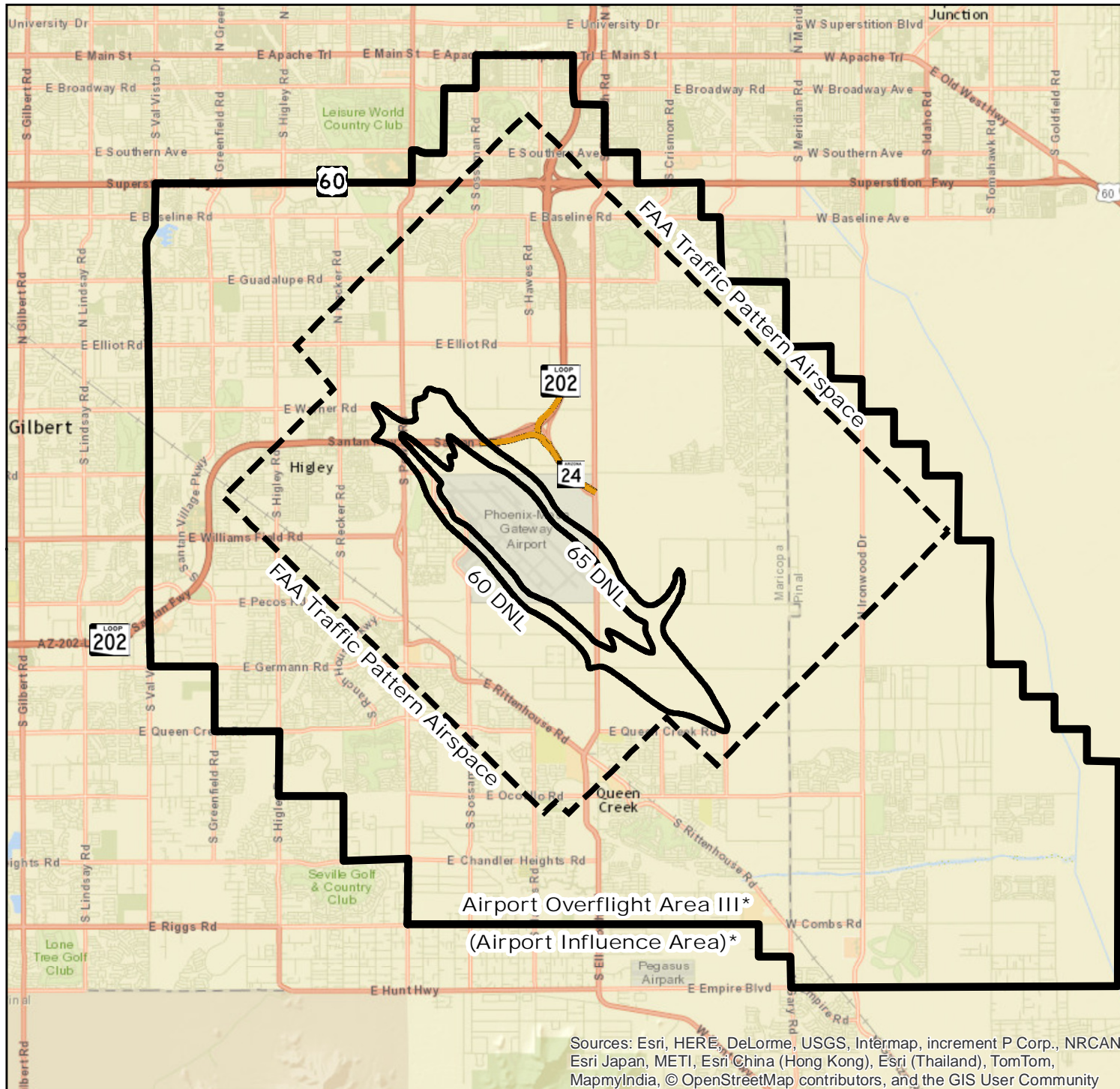
1. This exhibit has been prepared in accordance with Arizona Revised Statutes, Sections 28-8485 & 28-8486
2. FAA Traffic Pattern Airspace boundaries established in accordance with guidelines provided in FAA Order 7400.2D
3. Airport noise contours were developed using the Aviation Environmental Design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

\* Applicable to new development



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Miles

Airport Board Effective Date:  
February 21, 2017



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community