



April 6, 2009

Mr. Scott Wright, Senior Planner
City of Gainesville
P.O. Box 490, Station 6
Gainesville, FL 32602-0490

Re: Airport Comments to Proposed Hatchet Creek Subdivision
Project Number PZ-09-19

Dear Mr. Wright:

Please consider my comments to the proposed Hatchet Creek Subdivision as it has been presented for approval in the above referenced application. I believe these comments are consistent with the previous motions, positions and sentiments expressed by the full Board of the Gainesville-Alachua County Regional Airport Authority (GACRAA).

The applicant wishes to construct approximately 744 residential units on approximately 291 acres just west of the Gainesville Regional Airport. The developer notes a total parcel area of 427.97 acres with 135.00 of these acres designated as industrial use, 2.08 acres designated as recreational use and 290.89 acres designated residential use.

The proposed subdivision lies below busy departure and arrival paths to the airport's main instrument runway and is beneath the traffic pattern for the airports secondary runway. Residences in this area will experience frequent, low altitude aircraft operations which are likely to increase as the airport and community grow. Please note the large number of low altitude flights in this area as evidenced by radar flight tracks shown on pages 20-24 and consolidated flight tracks shown on pages 26-28 of our Recommendation to Revise Airport Hazard Zoning Ordinance and Establish an Airport Environs Overlay Zone, dated October, 2008 (attached Exhibit A). Also, due to the proposed subdivision's location beneath the final approach and departure paths, the airport is concerned that the large amount of storm water retention associated with the project will act as a bird attractant and increase the potential hazard to low-flying aircraft.

Community standards have previously been set and a large portion of the proposed development area was deemed unsuitable for residential development with adoption of the City's current Airport Hazard Zoning Ordinance on May 10, 1999. The proposed development would be in violation of the ordinance as previously interpreted by the City Attorney. Therefore, we believe the application should not move forward until such time

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as the City adopts new noise and safety standards for residential developments in close proximity to the Gainesville Regional Airport. The Airport Authority has submitted updated Noise Exposure Maps (NEM's) to the FAA as Phase I of an FAR Part 150 Noise Study. Approval of these maps is pending. Upon approval, the City may wish adopt new noise standards. These standards will hopefully provide proper noise protection for citizens and ensure the continued viability and development of the airport. We believe any consideration or approval of a large scale residential development in this area is premature and the application should be denied.

Until such time as new noise standards are adopted and the City's Comprehensive Plan is updated, the proposed development is inconsistent with the goals, policies and objectives of the Comprehensive Plan. More specifically, the proposed development is inconsistent with: Goal 4, Policy 4.1, Goal 9, Objectives 9.1 and 9.2, Policies 9.1.3, 9.2.1, and 9.2.2. Please see the highlighted sections in our letter to the Florida Department of Community Affairs, dated July 22, 2008 regarding the previously proposed Hatchet Creek P.U.D., (Exhibit C) attached. We believe these major points expressed in the highlighted section and attachments are applicable to the proposed development as well.

The Gainesville-Alachua County Regional Airport Authority has officially adopted recommended changes to the City's Airport Hazard Zoning ordinance, including the allowable land uses in Appendix F. We believe our recommendations are consistent with what is occurring in other communities in Florida and the mainstream view of experts in the field. These measures will better protect both residents and the airport from future dissatisfaction and costly litigation. Our recommendations and back-up material are included in the attached Exhibit A. In summary, the Airport Authority recommends that no new residential construction be allowed within the year 2027 60-65 dnl noise zone as depicted in the Phase I Part 150 Study submitted to the FAA. Also, the Airport Authority believes that new residential development within the 55 dnl zone, as shown on the same map, should be limited to true "in-fill" development.

GACRAA's proposal allows for more residential development than is currently allowed under the City's Airport Hazard Zoning Ordinance. However, the proposed changes would not allow the new homes proposed by the applicant, except in the northern portion of the property along NE 53rd Avenue.

Please also consider the guidance contained in Exhibit B, Proposed Updates to Airport Hazard Zoning Ordinance, dated September 15, 2008, attached. We believe it is well established that protection of residents against aircraft noise at the 65-70 dnl level is often insufficient and previous acceptance of this level by many communities and the FAA represented an economic compromise based on the large noise footprint of commercial jet aircraft of the 1970's. The Environmental Protection Administration (EPA) has recommended a maximum 55 dnl noise level be adopted for the health and safety of residents. The EPA standard provides for a 60 dnl maximum with a 5 dnl safety margin. The FAA recognizes that a strict adoption of the 65-70 dnl standard is insufficient to

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protect airports and surrounding residents. Federal and International policy is moving beyond the 65 dnl limit as summarized in the discussion paper by the Airports Council International shown on pages 74-83 of our October 2008 recommendations (Exhibit A).

We know that most noise complaints occur from areas beyond the 65-70 dnl range and a significant number of people in the area of the proposed development are likely to be annoyed, highly annoyed and seriously annoyed by airport operations as shown in the graphics on pages 39-42 and page 72 of Exhibit A. Such dissatisfaction is expected to expose the airport and City Commission to citizen complaints, community pressure and civil action. The average noise level is only one element of residential dissatisfaction. Shrinking of the noise footprint around some airports has occurred, primarily due to advances in jet engine technology. This has brought with it pressure to push residential development closer and closer to airport runways. The proposed Hatchet Creek development area will be subject to frequent, low overflights leading to annoyance, anxiety and safety concerns. The proposed subdivision would be on "short" final approach to the airports main runway, so avoidance of this area by aircraft is not practical. Noise insulation of homes will not eliminate exposure to noise when windows are open or residents are out of doors, nor will it eliminate their anxiety over safety.

Safety of aircraft operations and homeowners on the ground in the area of Hatchet Creek is a very real concern expressed by the Florida Department of Transportation in previous correspondence. Many aircraft accidents occur during the take-off and landing phase, in close proximity to the airport. We believe that the area of the proposed development is too close to the runway ends, based upon a previous study conducted by the Institute of Transportation Studies at the University of California, Berkeley, and included in the California Land Use Planning Handbook. Rough plots of the accident survey data have been overlaid on an aerial photo of the Gainesville Regional Airport on pages 30-35 of Exhibit A.

We believe GACRAA's proposed standards are consistent with the best practices being employed in various communities throughout Florida and the nation. Gainesville has a unique opportunity; the areas beneath our western and eastern approaches, including the proposed Hatchet Creek property, have previously been protected from residential encroachment or spared from pressure by developers. While municipalities such as Naples, City of Sanford and Seminole County (Orlando-Sanford Airport) and Lee County (Southwest Florida International Airport) have been able to provide protections similar to those recommended by GACRAA, other communities will find it difficult and expensive to protect to the 60 dnl or 55 dnl EPA standard, as much residential development in even the 65-70 dnl zone has already been allowed to occur. Please bear in mind also that these critical airport noise zones around the Gainesville Regional Airport are often considerably smaller than the corresponding zones surrounding most other commercial service and larger general aviation airports. This means aircraft flying on approach over residential subdivisions at these airports, for a given level of noise protection, will be traversing residences at a higher altitude than will occur over Hatchet Creek. Also,

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smaller airports like Gainesville are prone to wider fluctuations in average noise levels by the addition of new service, smaller changes in service during night-time hours or nightly operations of just a few, noisier aircraft types, including older corporate jet aircraft. Please note the size of the 65 dnl contour zone shown for Gainesville vs. that of Ocala (Exhibit C). Ocala is a similar sized community without commercial air service. The noise contours recently established for the Ocala Airport are much larger in area than those for Gainesville, due to the type of aircraft employed at the time of the study and the time and frequency of operations. Should operations similar in nature to Ocala occur at Gainesville, the average noise levels experienced at the proposed Hatchet Creek development would increase significantly. Because of the possibility of such changes, FAA encourages communities to enact standards in excess of the 65-70 dnl zone if for no other reason than to provide a buffer against future operational changes. Residents often do not like changes to their neighborhood environment. The NIMBY reaction is very common with respect to airport growth. The City Attorney and the City's noise consultant, Mr. Ted Baldwin of HMM&H, Inc., have warned in public meetings regarding the Hatchet Creek P.U.D. that aviation easements are insufficient to protect the airport from legal action regarding airport noise and nuisance impacts. The easement will only protect for the conditions that exist at the time of the initial taking. The airport would be at risk for future litigation as it continues to grow. Please contact the City Attorney for clarification regarding this point.

Please note that dnl is a weighted average noise level that attempts to quantify the effect of noise at any given moment over the span of a year, adjusted for the time of the occurrence (day or night). The DNL scale should not be misinterpreted to equal the straight decibel or db (A) measurement for a single noise event. The City's noise consultant can provide the scientific comparison's between the two scales. Residents in the area of the proposed Hatchet Creek development will experience single event noise occurrences far beyond 60-65 db. The single event noise levels of departing jet aircraft will at time extend into the very loud and perhaps uncomfortably loud range according to the graphic on page 71 of Exhibit A. I encourage you to confirm the expected single event noise exposure over the proposed development with your professional noise consultant.

In summary, The Gainesville-Alachua County regional Airport Authority is opposed to new residential development within the 60-65 dnl noise zone. The Proposed Hatchet Creek Development is inconsistent with the requirements of the City's existing Airport Hazard Zoning Ordinance and the goals outlined in the City's Comprehensive Plan. Approval of this project would be contrary to modern, best practices for land use surrounding an airport and will lead to the eventual dissatisfaction of many home buyers. I believe this view to be very consistent with the opinion of the City's noise consultant as presented to the City Commission during a discussion on airport noise issues, held at the Commission's public meeting on November 20, 2008.

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Thank you for giving us the opportunity to comment on this proposal. I hope that you will make this letter and all of the attachments available to the members of the Development Review Board and the citizens of Gainesville via their inclusion in the public record.

Very truly yours,

A handwritten signature in black ink, appearing to read "Allan J. Penksa". The signature is fluid and cursive, with a large initial "A" and "P".

Allan J. Penksa, C.M.
Chief Executive Officer