

4. Petition PB-09-82 TCH. City of Gainesville. Amend Chapter 30, Appendix F Airport Hazard Zoning regulations to update the code requirements for regulating the use of land and amending the airport Noise Zone map.

Ralph Hilliard, the Planning Manager gave staff's presentation. He explained the purpose and intent of the petition was to update the Airport Hazard Zoning regulations and adopt a new Airport Noise Zone map, with the intent to protect the safety and welfare of citizens, and reduce potential land use conflicts with airport operations. He stated that speech and sleep interferences are major concerns of neighbors close to airports. Additionally, where you live, the time of day and the Season will dictate how noise will impact residents of a community. Mr. Hilliard explained what are considered the best practices as it relate to noise impact generally:

- DnL criterion value of 55 dB as the threshold for defining noise impact in urban residential areas;
- The US Environmental Protection Agency (EPA, 1974) recommended the DnL metric and 55 dB as the "level requisite to protect health and welfare with an adequate margin of safety"; and
- Significant evidence exists to suggest that aircraft noise is more annoying than is road traffic noise for the same DnL level.
- All major international bodies including the World Health Organization, the World Bank Group, and the Organization for Economic Co-operation and Development use the equivalent of DnL 55 dB as their criterion.

Finally, the proposed noise zones were explained, recommending that residential be prohibited in Subzone A 65DnL, restricted to infill lots in Subzone B, 60 DnL with a noise level reduction and an avigation easement, and permitted in Subzone C with a noise level reduction.

Ted Baldwin, City Consultant stated that the City implemented the recommendations of the original 1986 Gainesville Airport Part 150 Study, of which only permits residential development within the 65 DnL with 25 decibels of sound insulation or an avigation easement. Mr. Baldwin further stated that the Airport is currently in the process of updating their Part 150 Study and the FAA has accepted updated noise contours for the Airport that have shrunk about 10 decibels from where they were in 1986. Mr. Baldwin added that the Airport has recommended to the City of Gainesville to amend the Airport Zoning to prohibit non-transient residential use within the 60 DnL contour and to discourage it within the 55 DnL contour; and is advising that the City of Gainesville revise the Airport Noise Regulation in a manner that is largely consistent with that recommendation.

Bob Ackerman inquired from Mr. Baldwin what he means by best practices and if it is an objective standard or more of a survey of current opinions among, multiple agencies. Mr. Baldwin stated that it is the latter based on industry and government consensus that has developed over the last few years. Mr. Ackerman further inquired of Mr. Baldwin whether it was his general testimony that except for the FAA, the best practices would pretty much follow his recommendations. Mr. Baldwin stated yes as even the FAA is not recommending something different, and the reason the FAA has different guidelines is because they are just providing guidelines and they do not set standards, as standards are up to the local communities. Mr. Baldwin further stated that those guidelines are almost 30 years old and back then the FAA technology was not consistent with the ideal conditions like

what the EPA recommended; but they had been technically weakened because of economic and technological feasibility at that time and because aircraft technology has improved so dramatically, those technological and economical issues are no longer relative.

Bob Cohen inquired from Mr. Baldwin why he would prefer the option of an aviation easement for obtaining conditional approval for development in the Airport Noise Zone to the 25 db DnL option; as the City is going with the 25 db option and not the aviation agreement. Mr. Baldwin stated that that is his opinion and recommendation regarding the Hatchet Creek Development Proposal and was reviewing it in light of the existing Airport Hazard Zoning Regulations. Mr. Baldwin further stated that he is recommending the amended Airport Hazard Zoning Regulations with a slightly more complicated tier, with the aviation easement that will be applicable in some cases. Mr. Baldwin added that the reason he is recommending the aviation easement for developments as a requirement in the 60-65 contour intervals is because it provides advance notice of airport noises to current and future property owners and does not believe that that kind of a requirement would be appropriate necessary at the lower contour interval or the outer band the 55-60 band and would be overly restrictive.

Mr. Cohen stated that in Mr. Baldwin's report he makes comparisons of Collier County and the City of Naples of which both of those entities regulate their land use and the environs in the municipal airport and have adopted a land use criteria that allows residential in the 60-65 on a case by case basis with conditions such as aviation or additional sound reductions; however, it seems like your recommendation to the City of Gainesville is that in the 60-65 would be restricted and development would only be allowed as infill as opposed to new development and inquired if what he is proposing for the City of Gainesville is stricter than the Naples Airport. Mr. Baldwin stated that it is not, because in Naples the 60-65 DnL contour today is entirely on Airport property and when they first considered and made that change, to the case by case approval it only extended a very short distance off the airport property into areas that were already largely developed so that it was only infill development that might have been a consideration.

Mr. Cohen stated that the board received a letter from Kaplan Kirsch Rockwell this evening which essentially is stating that this board should deny this petition because the FAA study has two parts to it consisting of the map and the noise compatibility program; and they are saying that the noise compatibility program is essential and feels that the City of Gainesville may not be able to appropriately evaluate a proposal like the one this board is hearing this evening, and are objecting on procedural grounds that we ought to finish the Part 150 FAA Study, the first part of which is essentially completed and the second part and would like him to comment on this as process. Mr. Baldwin stated that a Part 150 process is a totally voluntary process as there is no requirement for an airport to conduct a Part 150 process or is there any requirement that the City of Gainesville or any land use control jurisdiction have access to a Part 150 Study when determining what appropriate land use compatibility standards are for their community. Mr. Baldwin further stated that Kaplan Kirsch Rockwell are correct a voluntary Part 150 Study has two parts consisting of the noise exposure map and a noise compatibility phase; and in fact it is a requirement of Part 150 that in the noise exposure map phase of the study that the table of noise land use compatibility is determined; because it is that first phase of the noise exposure maps where you are defining what the noise problem is, and the second phase is where you address solutions. Mr. Baldwin further stated that you can not identify the noise problems if you have not adopted standards; as many airports only conduct noise exposure map phases of the study and based on that phase

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the local community adopts land use standards. Mr. Baldwin stated that he disagrees with waiting to the second stage to develop standards.

Ron Carpenter, Attorney for an affected party stated that his client owns 290 acres around the Airport, with most of it being in the 60-65 DnLs proposed designated areas; and for the past three years have only heard about 1 noise complaint to the Airport Authority. Attorney Carpenter further stated that over time the noises from Airports have been reduced by about 10 decibels and this board is being solicited to change a prohibited zone, not based upon any community standard.

Dan Reimer, representative for an affected party read his letter into the record that requested the board to recommend denial of this petition to the City Commission because staff's proposal is premature, has not explained or established a factual basis for their proposal and that the staff report is inadequate as a decision making tool. Mr. Reimer further stated that the Airport Authority committed to undertake this Part 150 Study and the process is being taken out of sequence; as the noise exposure map portion of the study has been concluded and the Airport Authority's recommended changes are not the same as what Mr. Baldwin and staff are recommending. Mr. Reimer added that there is uncertainty about the proper interpretation of Appendix F and can not see how this board or staff can move forward with amending Appendix F if it is not understood what it means today, or if it strikes the right balance for land use compatibility in the areas surrounding the Airport.

Alan Penska, representative from the Gainesville Regional Airport stated that the City has done a good job over the last 30 years in planning around the Airport; however as these noise contours get smaller, if the city were to adopt the 65 DnL standard, technology would bring planes flying lower, will be limited to certain runways, change plane approaches, and would ultimately restrict the growth of the Airport. Mr. Penska further stated that once you start down the path of voluntary noise restrictions it does not get any easier as noise can not be avoided on an airplane's final approach. Mr. Penska added that he would have liked to have seen more protection in the 55 to 60 DnL areas and thinks that residential in these areas should be discouraged except for infill development.

Mr. Cohen inquired from Mr. Penska what his objection is to the aviation easement that is being proposed for solving the noise issue. Mr. Penska stated that the City Attorney will tell you that aviation easements do not make happy people, but keep people from suing you under a certain set of conditions.

Chair Wells opened the floor for public comments and those comments were:

- aircrafts will be passing about 250 feet over the proposed Hackett Creek area
- would prefer if the Hackett Creek area be a wildlife refuge
- sound insulations and easements will not make a bit of difference to muffle aircraft noise
- East Gainesville and the Gainesville Regional Airport and should be able to co-exist
- lived in this area for several years and have yet to have an issue with the noise
- would like to see the developer work with the Airport for a resolution
- Part 2 of the Part 150 study is being skipped and does not feel that the city has the expertise to make these decisions

- in the last year military airplanes have been doing touch and go constantly around the Airport and is totally different than anything else they have experienced from the Airport in the past
- the airport would not grow at a rate that would cause a disturbing noise
- workshops should be conducted before this is approved
- this petition is denying the rights to a developer

Motion By: Bob Ackerman	Seconded By: Bob Cohen
Moved To: Approved with Exhibit 2 for ordinance revisions and Exhibit 3 for the new airport noise zone map.	Upon Vote: None.

Bob Ackerman stated that Airports are something that is around almost forever and it would be wise to restrict some of the development around the Airport. Mr. Ackerman further stated that what staff is proposing is an excellent way of doing this and aviation easements are pathetic and a last ditch effort that gets you nothing. Mr. Ackerman further added that developers are happy to build houses anywhere you will let them build them; as 10 years from now a new owner will buy a house and will say that they did not know about this and will be bound by it and will not be happy by it. Jack Walls concurred with Mr. Ackerman's statements.

Chris Dawson stated that he does not know if he is opposed to the Code that is in front of him, but has concerns with receiving documentation (from the public- airport staff) at the last minute and being asked to consider that as part of their decision. Mr. Dawson further stated that the proposed ordinance is not based on the current master plan of the Airport referenced in the Comprehensive Plan, nor a completed Part 150 Noise Study; it is based on a partial study and it seems like we are back tracking and using a partial map to define our Land Development Regulations. Mr. Dawson added that he does not see the community values and outreach by this proposed ordinance; but does see the hiring of a consultant and the consideration for the public health and welfare and safety for the community as positive steps.

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Moved To: Approved with Exhibit 2 for ordinance revisions and Exhibit 3 for the new airport noise zone map.	Upon Vote: 6 – 1. (Nay: C. Dawson)