

April 11, 2023

City of Pompano Beach
Planning and Zoning Board
100 West Atlantic Boulevard
Pompano Beach, FL 33060

RE: Air Park Obstruction Permit
505-599 N Federal Hwy,
Pompano Beach, FL 33062

Dear Planning and Zoning Board Members;

On behalf of Hotels of Pompano Beach, LLC (owner), Keith is submitting the application narrative for an Air Park Obstruction Permit for 505-599 N Federal Hwy. The obstruction permit is to allow a building at a height of 119 feet above mean sea level (AMSL) or 110 feet above ground level (AGL). The applicant is proposing 9-story Hotel with a zoning height of 105 feet.

Project History

On 12/13/2022, the Federal Aviation Administration issued a "Determination of No Hazard to Air Navigation" for the proposed building height to 119 feet AMSL.

The applicant has now made an application for site plan and major building design approval as well as an application for the Air Park Obstruction Permit to Planning and Zoning Board for the proposed building which has a height of 119 feet AMSL.

Below are responses to each of the criteria established by the city for an Air Park Obstruction Permit. The Pompano Beach Zoning Code states:

Following the receipt of a determination by the Federal Aviation Administration (FAA) that the proposed development would not result in an airport hazard, the Planning and Zoning Board may approve an Air Park Obstruction only on a finding that there is competent substantial evidence in the record that the issuance of the development order for Air Park Obstruction would not allow for the establishment or creation of an airport hazard based on the following criteria:

1. Comments received from the Florida Department of Transportation (FDOT) regarding the technical consistency with Florida State Statutes 333.025, as amended.

Response: FS 333.025 requires the local government to request comment from FDOT. It is anticipated there will be no adverse comments by FDOT concerning the proposed increase in height. FDOT comments will be

www.KEITHteam.com

provided separately to the Planning and Zoning Board as part of this application.

2. The safety of persons on the ground and in the air.

Response: The proposed building height is not anticipated to affect the safety of persons on the ground or in the air. The proposed height is similar in stories and height to surrounding properties in the area (601 N Federal Hwy and 225 N Federal Hwy). The FAA has determined that there is No Hazard to air navigation with the building proposed at 119 feet AMSL.

3. The safe and efficient use of navigable airspace and any other aeronautical impacts.

Response: The FAA has determined that the proposed height of the building at 119 feet AMSL will not be a hazard to air navigation. Furthermore, as a condition of the FAA determination, the structure shall be marked/lighted in accordance with FAA advisory Circular 70/7460-1, Obstruction Marking and Lighting, red lights-Chapters 4,5(Red) & 15. The applicant also acknowledges to file two sets of supplemental notices: 1) 10 days prior to the start of construction (7460-2, Park 1), and 2) within 5 days after the construction reaches its greatest height (7460-2, Park 2).

4. The nature of the terrain and height of existing structures.

Response: The proposed height of the 505-599 N Federal Hwy building is similar in stories and height to surrounding properties along the Federal Highway Corridor including 601 and 225 N Federal Hwy.

5. Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the Federal Aviation Administration.

Response: The FAA has determined that a proposed height of the building at 119 feet AMSL will not be a hazard to air navigation. As stated by the FAA, *"The aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation."*

6. The cumulative effects on navigable airspace of all existing structures and all other known proposed structures in the area.

Response: As mentioned above, the FAA found that no hazard was presented by the proposed structure and in #5 above the FAA specifically cites that the FAA studied the cumulative impact resulting from the proposed structure when combined with the impacts of other existing or proposed structures.

7. The development order for Air Park Obstruction, if issued, would not permit a nonconforming obstruction to become a greater hazard to air navigation than it was when the applicable airport protection zoning regulation was adopted which allowed the establishment or creation of the obstruction, or than it is when the application for a permit is made.

Response: The proposed building is not a non-conforming structure, nor would granting the development order for an air park obstruction permit increase any non-conformity.

8. Approval of a permit is not to be based solely on the determination by the Federal Aviation Administration that the proposed structure is not an airport hazard.

Response: As part of the Air Park Obstruction Permit process, the City of Pompano Beach retains its own independent aeronautical consultant to review the application as well as contact the Florida Department of

P&Z

Transportation (FDOT) for their review and comment. It is expected the aeronautical consultant and FDOT will concur with the determination made by the FAA. Those reviews and comments are submitted separately by the city with this application. The FAA circularized details of the proposed structure for public comment, and no letters of objection were received. Based on all of the above reviews along with the fact that there are buildings of similar height above the City's Air Park height restrictions in the surrounding area and along Federal Highway Corridor, the applicant believes the approval of the Air Park Obstruction Permit would not be based solely on the FAA determination of no hazard.

9. The following impacts to the Pompano Air Park:

- i. The potential to destroy or impair the utility of the Pompano Air Park and the public investment therein.
- ii. The Character of the existing and planned flight operations and developments at the Air Park.
- iii. The effect of the obstruction on the state licensing standards for a public-use airport contained in chapter 330 and rules adopted thereunder.
- iv. The effect of the construction or alteration of the proposed obstruction on the minimum descent altitude or the decision height at the Pompano Air Park.

Response: The proposed building height of 119 feet AMSL is not anticipated to impact or destroy the utility of the Pompano Air Park, nor the character of the existing and planned flight operations. The proposed height is not anticipated to impact the state licensing of the Pompano Air Park nor impacts the minimum descent altitude or the decision height of the Pompano Air Park. These aspects were all contemplated in the FAA aeronautical study, *"this aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation."*

The applicant and KEITH look forward to presenting and discussing the proposed Air Park Obstruction Permit with the Planning and Zoning Board.

Respectfully Submitted,



Jonathan Cady
Planner I