



Staff Report

File #: LN-421

PLANNING AND ZONING BOARD

Meeting Date: AUGUST 23, 2023

OCEAN PARK

Request: Air Park Obstruction Permit
P&Z# 23-12400001
Owner: Mount Vernon Property Holdings LLC
Project Location: 1550 N. Ocean Blvd
Folio Number: 484329110010
Land Use Designation: H (High 25-46 DU/AC)
Zoning District: PD-I (Planned Development - Infill)
Commission District: 1 (Andrea McGee)
Agent: Andrea Harper (954-788-3400)
Project Planner: Diego Guevara (954-786-4310 / diego.guevara@copbfl.com)

Summary:

The applicant is requesting an Air Park Obstruction Permit (APOP) approval to construct a mixed-used, 19-story building with a height of 242 feet above mean sea level (AMSL) or 234 feet above ground level (AGL).

On April 27, 2022, the Board reviewed and approved a Major Site Plan for this project. The Site plan included a four-story podium and two 15-story height towers above that include commercial spaces, 28 luxury residential condominiums with associated parking, landscaping, and amenities on a property located on the southeast corner of North Ocean Boulevard (A1A) and NE 16th Street.

The application for this APOP was reviewed by Kimley-Horn, the City's Airpark consultant, as well as the Florida Department of Transportation (FDOT). Those comments have been included in this report's backup. The FAA has determined that the structure would not be a hazard to air navigation and included three conditions in their report. Those conditions are included in this staff report and will be incorporated into the Development Order if and when issued.

About the Air Park Obstruction Permit (APOP):

It is the purpose of the Air Park Overlay (APO) district to recognize an area adjacent to the runways of the Pompano Beach Air Park in which obstructions and incompatible land uses may pose a hazard to safe air park operations and to apply regulations that prevent such obstructions and limit such incompatible uses. When a proposed structure height is 75% or more of the allowable Air Park Zone height limit, City staff and the City's Airpark consultant (Kimley-Horn) determine that the proposed structure is required to obtain approval of the

APOP. If a structure is proposed within the Fort Lauderdale Executive (FXE) Airport airspace within Pompano Beach and is 75% or more of the allowable Airport Zone height limit for FXE, the applicant will be required to obtain a finding of no obstruction or an obstruction permit from the FXE Airport Manager, or the appropriate City of Fort Lauderdale designee, prior to issuance of a development order from the City of Pompano Beach.

In order to submit the APOP application, an application must include the FAA's determination letter verifying that a proposed structure is not an Air Park hazard. Furthermore, the APOP application with the FAA's determination shall be reviewed by the City's Airpark consultant and the FDOT prior to placement for the Planning and Zoning Board meeting. This Board makes a final decision on the APOP application.

Please note that the APOP application must provide a structure height in two ways, Above Mean Sea Level (AMSL) and Above Ground Level (AGL). Height limits for each runway protection zone in the Air Park Overlay District are regulated based on Above Mean Sea Level (AMSL). Therefore, the Federal Aviation Administration (FAA) requires the applicant to provide a structure height in Above Mean Sea Level (AMSL). A structure height in Above Ground Level (AGL) is also provided to determine the difference between AMSL and AGL for the subject property and to identify a tangible height of a structure.

AIR PARK OBSTRUCTION REVIEW STANDARDS

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 regarding the technical consistency with F.S. 333.025, as amended.

Comments from FDOT were received on 3/23/2023. Comments are included in the backup material for this item. No significant comments were issued by FDOT regarding the Air Park Obstruction.

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

The FAA has determined that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities, and would not be a hazard to air navigation provided the following conditions are met:

As a condition to the FAA Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, red lights-Chapters 4, 5 (Red), & 15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

X At least 10 days prior to start of construction (7460-2, Part 1)

 X Within 5 days after the construction reaches its greatest height (746-2, Part 2).

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

Both FDOT and the City's Airpark Consultant, Kimley-Horn, have reviewed the Air Park Obstruction application. FDOT has indicated that the application is technically consistent with s. 333.025(4), Florida Statutes. The FAA has determined that the proposed structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities, and would not be a hazard to air navigation provided the conditions listed in Air Park Obstruction Review Standard #2 above are met.

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

The nature of the terrain in and around the project site is essentially flat. The project site is surrounded by existing buildings.

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

The FAA has determined that a proposed height of the building at 242 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.

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.

The proposed building will not be a non-conforming structure upon approval of the Rezoning application for the site, nor would granting the Development Order for an Air Park Obstruction Permit increase any existing 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.

Both FDOT and the City's Airpark Consultant, Kimley-Horn, have reviewed the Air Park Obstruction application and have not determined this to be a concern. As part of the Air Park Obstruction Permit process, the City's Airpark Consultant, Kimley-Horn reviewed the application as well as the Florida Department of Transportation (FDOT) provided their review and comment.

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 existing and planned flight operations and developments at the Pompano 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.

The proposed building height of 242 feet AMSL is not anticipated to substantially impact the Pompano Air Park.

10. The marking and lighting is in conformance with the specific standards established by the FAA.

The applicant will comply with the FAA conditions for marking and lighting at the time of building permit.

DEPARTMENT RECOMMENDATION

The Development Services Department recommends approval of the Air Park Obstruction subject to the following comments and conditions:

1. Construction must commence prior to the expiration date of 8/16/2024 of the FAA Determination, or any subsequent extension that may be granted.
2. If construction cranes are anticipated that exceed the maximum allowable height stated in the FAA determination letter, these temporary structures shall be submitted to the Federal Aviation Administration (FAA) and a Determination of No Hazard received.
3. As a condition to the FAA Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, red lights-Chapters 4, 5 (Red), & 15. Provide an architectural Roof Plan identifying the general locations of the proposed obstruction lights.
4. Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.
5. FAA Form 7460-2, Notice of Actual Construction of Alteration, is required to be e-filed any time the

project is abandoned, at least 10 days prior to start of construction (7460-2, Part 1), or within 5 days after the construction reaches its greatest height (746-2, Part2).

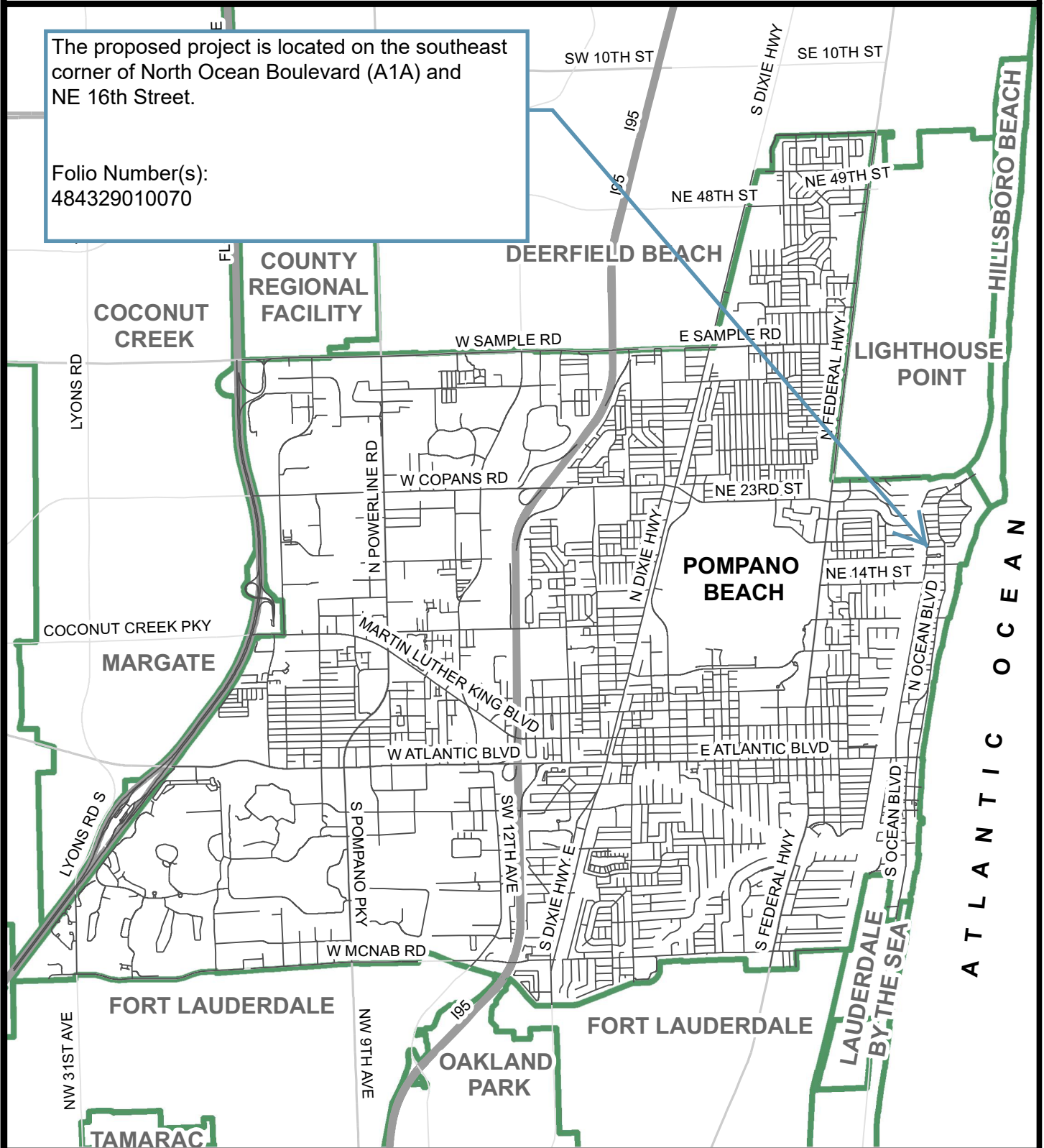
6. The Applicant is required to update their drawings to be consistent in datum and elevation across all disciplines and that no structure height, including but not limited to, components, cladding, and ancillary structures, be permitted to exceed 242 feet AMSL.

CITY OF POMPANO BEACH LOCATION MAP



The proposed project is located on the southeast corner of North Ocean Boulevard (A1A) and NE 16th Street.

Folio Number(s):
484329010070

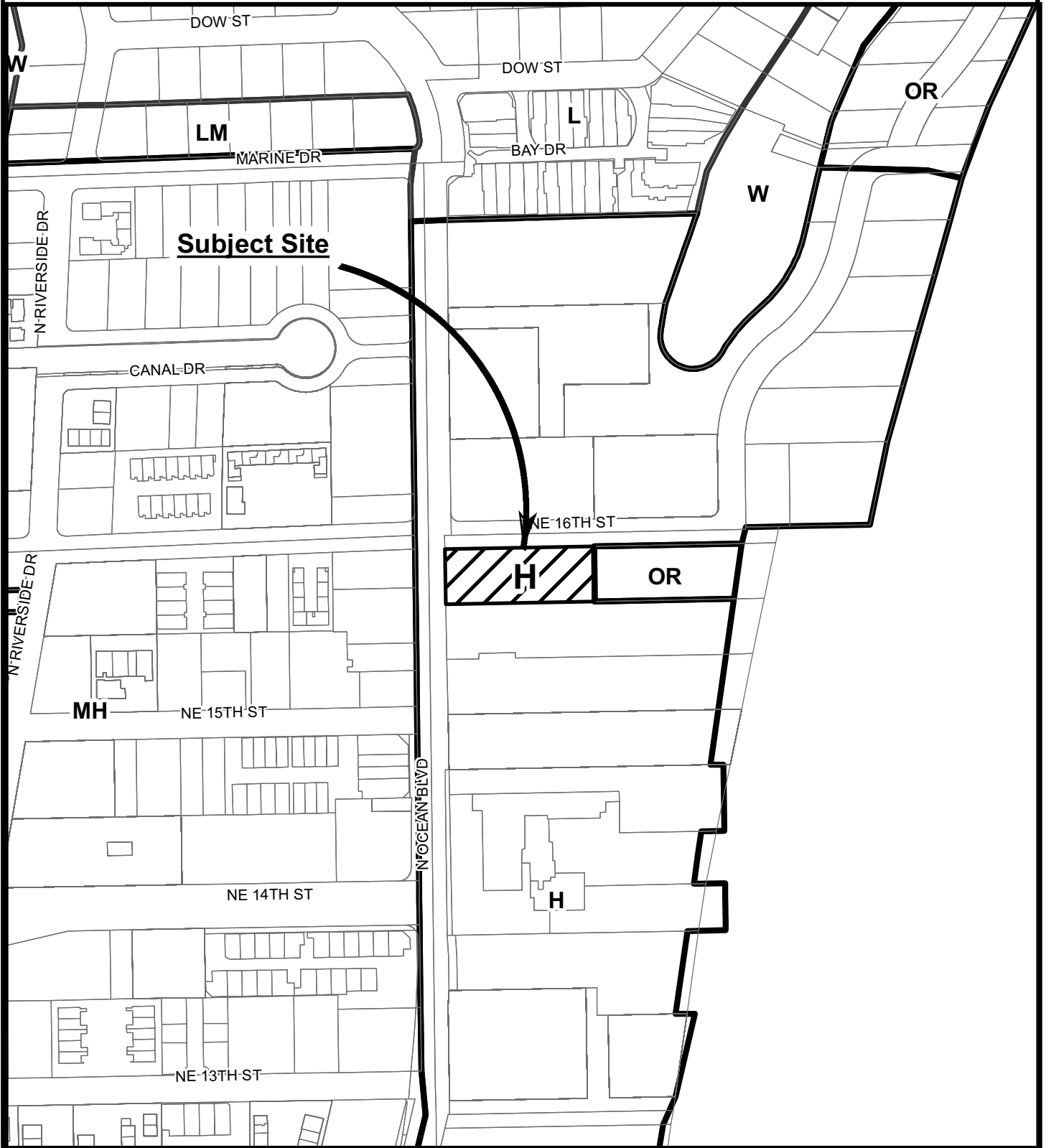


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Scale = 1 mile
7/30/2017 KeeDan

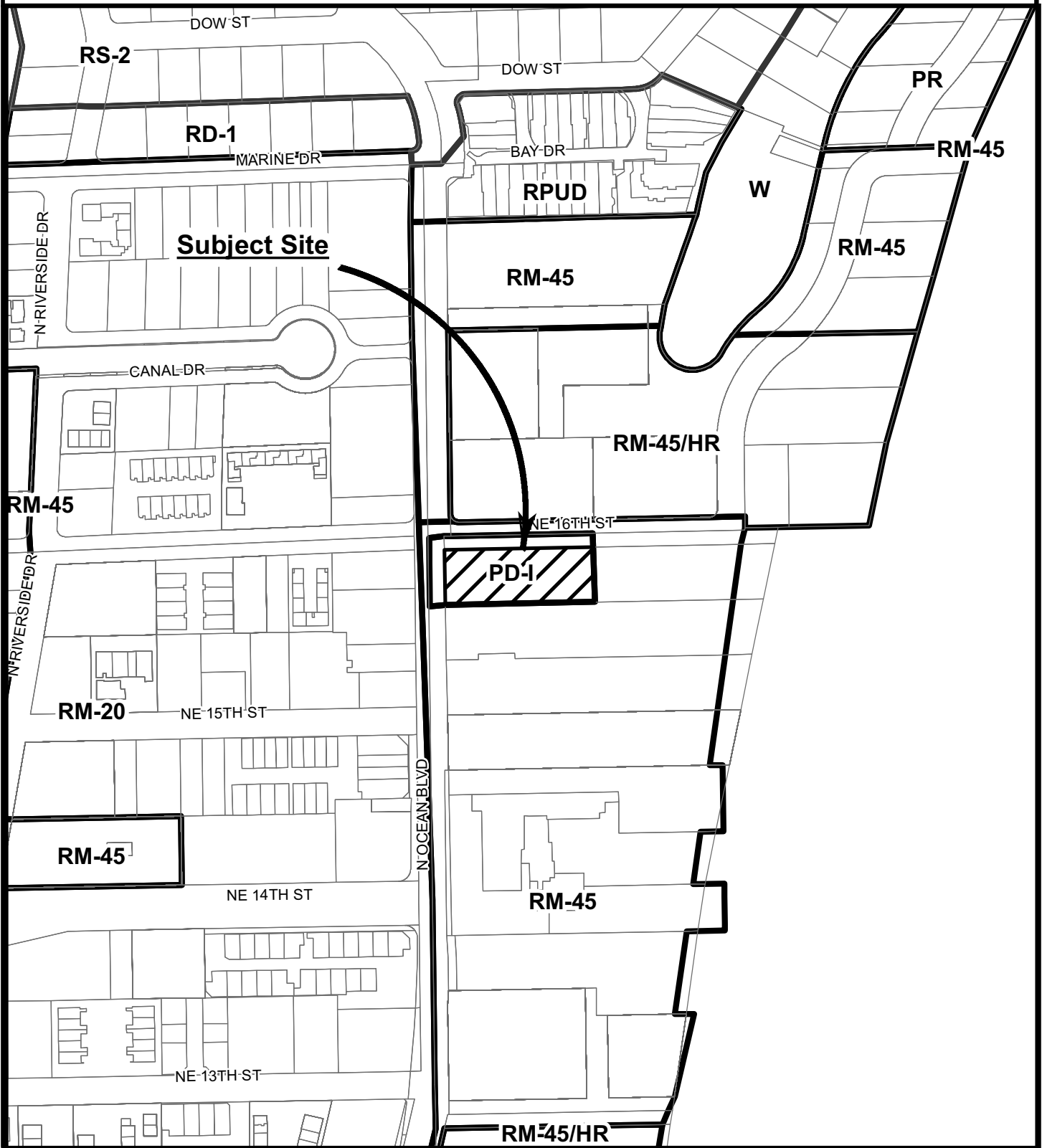
CITY OF POMPANO BEACH AERIAL MAP



CITY OF POMPANO BEACH OFFICIAL LAND USE MAP

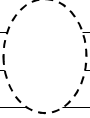


CITY OF POMPANO BEACH OFFICIAL ZONING MAP



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5/9/2023 AdkBob

LEGEND

FOR LAND USE PLAN			FOR ZONING MAP	
Symbol	Classification Units/ Acre		Symbol	District
			RS-1	Single-Family Residence 1
L	Low (1-5 DU/AC)		RS-2	Single-Family Residence 2
LM	Low- Medium (5-10 DU/AC)		RS-3	Single-Family Residence 3
M	Medium (10-16 DU/AC)		RS-4	Single-Family Residence 4
MH	Medium-High 16-25 DU/AC)		RS-L	Single-Family Residence Leisureville
* H	High (25-46 DU/AC)			
12	Irregular Density		RD-1	Two- Family Residence
36	Irregular Density			
			RM-7	Multiple-Family Residence 7
C	Commercial		RM-12	Multiple-Family Residence 12
CR	Commercial Recreation		RM-20	Multiple-Family Residence 20
			RM-30	Multiple-Family Residence 30
I	Industrial		RM-45	Multiple-Family Residence 45
			MH-12	Mobile Home Park
T	Transportation			
			B-1	Limited Business
U	Utilities		B-2	Neighborhood Business
			B-3	General Business
CF	Community Facilities		B-4	Heavy Business
			M-1	Marina Business
OR	Recreation & Open Space		CR	Commerical Recreation
W	Water		I-1	General Industrial
			I-1X	Special Industrial
RAC	Regional Activity Center		O-IP	Office Industrial Park
			M-2	Marina Industrial
LAC	Local Activity Center			
			TO	Transit Oriented
DPTOC	Downtown Pompano		PR	Parks & Recreation
	Transit Oriented Corridor		CF	Community Facilities
	Number		PU	Public Utility
			T	Transportation
			BP	Business Parking
			LAC	Local Activity Center
			RPUD	Residential Planned Unit Dev.
			PCD	Planned Commercial Development
			PD-TO	Planned Development - Transit Oriented
		*	PD-I	Planned Development - Infill
			RM-45 HR	Multiple-Family Residence 45 High Rise-Overlay
			AOD	Atlantic Boulevard Overlay District
			CRAO	Community Redevelopment Area Overlay
			NCO	Neighborhood Conservation Overlay
			APO	Air Park Overlay
			DP	Downtown Pompano Beach Overlay

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