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December 21, 2007

Mr. Mike McDaniel, Chief  
Office of Comprehensive Planning  
State of Florida Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

Re: DCA Objections, Recommendations and Comments (7/27/2007) re: City of New Smyrna Beach 07-1 and A-13-06 The Village at Hidden Lakes

Dear Mr. McDaniel:

The Aircraft Owners and Pilots Association (AOPA) represents the general aviation interests of 414,000 members, more than two-thirds of the nation's pilots – including 32,685 of our members in the state of Florida. On behalf of our membership, AOPA is committed to ensuring the future viability and development of general aviation airports and their facilities as part of a national transportation system.

The purpose of this letter is to share with you our concerns about the proposed Comprehensive Plan Amendment referenced above and support your recommendation that the City of New Smyrna Beach not adopt the proposed amendment.

In the course of more than 68 years of airport advocacy, it has been our experience that residential development adjacent to or in the immediate vicinity of an airport is not a compatible land use. It is even more disconcerting that a community would consider allowing a high density development under the approach and departure path to a runway at a busy general aviation airport such as New Smyrna Beach Airport. The edge of usable pavement on Runway 2 is only 553 feet from the edge of the requested City Mixed Uses Future Land Use and Zoning parcel.

Normal airport activities to include the taking off and landing of aircraft would result in regular over flight of the subject properties and might lead to an increase of residents complaining of aircraft noise and other impacts. There is already a segment of the citizenry that are unhappy with the airport. It would seem that creating a new opportunity for 132 additional dwelling units to be dissatisfied with their surroundings and the airport would be counter-intuitive and a poor application of public policy.

In addition to ensuring compliance with state regulations concerning residential development near airports (Title XXV, Chapter 333, FS.) and the City of New Smyrna Beach's adopted airport noise overly zone (Chapter 22, Section 22-97, Municipal Code), the City as the airport sponsor has responsibilities assumed under the terms of their federal airport grant assurances. Specifically grant assurance 22 states that:

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“It (the airport sponsor) will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.”

By adopting an amendment to their Comprehensive Plan that would allow for an incompatible land use along with an increase in residential density the City could place itself in a non-compliant status with the Federal Aviation Administration’s (FAA) federal grant assurances – a contract entered into by the city with the federal government when federal airport development funds were provided to the airport. A violation of these assurances, which require the airport sponsor to protect the airport through zoning when possible, would jeopardize future federal airport funding to include noise mitigation funding.

AOPA concurs with your recommendation that the City does not adopt the proposed Comprehensive Plan amendment and change the future land use to allow for greater residential development.

Thank you for your consideration of our views on this issue. If we can be of further assistance please contact me or John Collins of my staff at 301-695-2119.

Sincerely,



Bill Dunn  
Vice President  
Airports

cc:

Sally McKay, Mayor, City of New Smyrna Beach  
Randy Richenberg, Vice Mayor, City of New Smyrna Beach  
Jack Stevenson Grasty, Commissioner, City of New Smyrna Beach  
James Hathaway, Commissioner, City of New Smyrna Beach  
Lynne Plaskett, Commissioner, City of New Smyrna Beach  
William J. Ashbaker, PE, State Aviation Manager, Florida DOT  
James R. Wikstrom, Supervisor, Aviation & Seaport Programs, Florida DOT  
Dean Stringer, Manager, FAA Orlando Airports District Office  
Gerald Brandon, Chairman, Volusia Growth Management Commission  
Steven Kintner, Director of Growth and Resources, Volusia County Planning and Development Services  
Nelson Rhodes, AOPA Florida Regional Representative  
Paul Rooy, AOPA Airport Support Network Volunteer EVB