

Reply to
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March 22, 2013

VIA E-MAIL

Mary Gibbs, Director
Lee County Community Development
1500 Monroe Street
Ft. Myers, FL 33901

Re: Lee County proposed EAR amendments to the Lee
Plan Policy 1.9.1 - Airport Noise Zones

Dear Ms Gibbs:

Please accept this letter as notice of objection to certain proposed changes to Policy 1.9.1 – Airport Noise Zones of the Lee Plan. We understand that these and other proposed EAR amendments to the Lee Plan will be considered by the Local Planning Agency on Monday, March 25, 2013.

I'm writing on behalf of Premier/SOM Ft Myers LLC (Premier), owner/developer of a 225 acre approved planned industrial development known as Premier Airport Park, situated along the southern boundary of the Southwest Florida International Airport (SWFIA) and to the immediate west of Airport Haul Road. The most recent zoning amendment (Z-12-001) for Premier Airport Park (DCI2011-00005) was approved by the Lee County Board of County Commissioners (BOCC) on April 16, 2012.

I'm also writing on behalf of Meridian Airport Park LLC (Meridian), owner/developer of a 90 acre approved mixed use development known as Meridian Airport Park, situated along the east side of Ben Hill Griffin Parkway between Alico Road and Airport Terminal Drive. The most recent zoning amendment (Z-12-018) for Meridian Airport Park (DCI2012-00005) was approved by the BOCC on August 20, 2012.

Both Premier Airport Park and Meridian Airport Park are situated along the southwesterly extension of the centerline of the future southern runway planned for SWFIA, and therefore may be impacted by changes to this policy.

Henderson, Franklin, Starnes & Holt, P.A.

Premier and Meridian have enjoyed mutual open and candid discussions and cooperation with the Port Authority, and support and encourage the program of continuing growth and the concept of providing for expansion of the proposed aviation and non-aviation related development activity at SWFIA. However, my clients have a concern about the proposed changes to Policy 1.9.1 regarding timing of revisions to the noise contour mappings included on the Airport Noise Zone Overlay Map.

The current wording of Policy 1.9.1 requires regular periodic (i.e. every five years) updating of the aviation forecasts and associated noise contours – we believe that such updating is appropriate. It is our understanding that the FAA requires updating of the aviation forecasts and associated noise contours, and therefore the requirements of this policy appear to be consistent with established practices and don't impose additional or unwarranted burdens on the Lee County Port Authority to provide for regular updates to the Airport Noise Zone Overlay Map.

In the event that periodic updating of the aviation forecasts and associated noise contours are not required by the FAA every five years, then we would not object to modifications of the current wording indicating that updating of the forecasts and associated noise contours will occur whenever required by FAA or whenever updated by Port Authority.

We believe that the proposed wording of Policy 1.9.1 eliminates the need for any regular/periodic updating of the aviation forecasts and associated noise contours, and instead leaves that practice/policy up to either the FAA or to a determination to be made by the Lee County Port Authority. There is no clear explanation as to the basis for such a determination by the Port Authority, and it's possible that the Port Authority might determine that the noise contours should never be changed on the Airport Noise Zone Overlay Map even when such changes have been approved by the FAA.

The potential for such a situation actually currently exists: the Port Authority has recently commissioned a 14 CFR Part 150 – Noise Exposure Maps Report and Noise Compatibility Program Update (2012 Noise Study). This extensive investigation was prepared after much public input and was accepted by the Port Authority in January 2013 for submittal to the FAA for approval. The 2012 Noise Study recommends significant impacts on the Airport Noise Zone Overlay Map especially with regard to the future operations of the proposed southern runway.

We understand that the changes to the noise contours recommended by the 2012 Noise Study include the following (with regard to 2030 operations):

- a. significantly reduce the extent of the Zone-B areas to the southwest of SWFIA for both the existing northern and proposed southern runways;

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- b. Increase the extent of Zone-C areas to the southwest and northeast of SWFIA for the existing northern runway; and,
- c. Increase the southwesterly and northeasterly extent of Zone-D areas to the south of SWFIA.

We believe that Policy 1.9.1 should continue to require timely updating of the Airport Noise Contour Maps after each noise study whenever performed by the Port Authority and approved by the FAA.

Thank you for your consideration of our requests. We remain interested in and committed to cooperating with Lee County and the Port Authority in implementing comprehensive and coordinated plans for long term growth that are environmentally sound and economically practical.

Very truly yours,



Charles J. Basinait

CJB/sbm

cc: *All via e-mail*
Paul O'Connor
Pam Houck
Donna Marie Collins, Esq.
Mike Jacob, Esq.
Pete Eckenrode, P.E.
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