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January 22, 2024

Mr. Mark Bennett
Land Development Division
Polk County
330 W. Church St.
Bartow, FL 33830

River Ranch Variance Request: LDLVAR-2023-43
Polk County, Florida
PD Height Variance – Resubmittal and Comment Responses

Dear Mr. Mark Bennett:

Please find attached our PD Height Variance resubmittal package for the Westgate River Ranch Multifamily Redevelopment project. Below are our responses to the comments dated 09/20/2023, which accompany our Variance resubmittal. Thank you in advance for your review. Should you have any questions or comments, please feel free to contact me at 321.319.3069.

Sincerely,

GAI Consultants, Inc.

A handwritten signature in blue ink that reads 'Andrew D. McCown'.

Andrew D. McCown, AICP
Planning Manager

1. Aviation:

- i. *The subject property is within an Airport Impact District (Section 641 of the Land Development Code). Specifically, the site is in the Height Notification Zone, In-Flight Visual Interference Zone, and the Aircraft Bird Strike Hazard Zone for Piston Engine Powered Aircraft for the River Ranch Resort Airport. This facility is a public-use airport. Please provide a narrative on how this request will impact airport activities as contained in Section 641.*
- ii. *The subject property is within the Military Compatibility Zone (Section 642 of the Land Development Code) and is in Compatibility Zone 1. Please provide a narrative on how the request will impact operations at the Avon Park Bombing Range.*

Response: The Project has been reviewed by the Federal Aviation Administration (FAA) via their Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) Division. The review analyzed the Temporary/ During Construction Condition of the Project (Contractor Staging Area Equipment/ Material Storage and Construction Crane Operations) impacts and the Permanent/ After Construction Condition impacts of the Project related to Civilian and Military Flight Operations.

To facilitate the OE/AAA review, a graphic (See attached **Exhibit 1**) was prepared for the Project. The graphic included the Staging Area, The Crane Operating Area, and the Final Roof Line of the Project Building. The graphic provided Points with the location coordinates and elevation of the outer boundaries of the Staging area (**Point S1 to Point S4**), Crane Operation Limits (**Point C1 to Point C4**), and the Constructed Building Roof Line (**Point R1 to Point R4**). The FAA OE/AAA review has determined:

- a) **Temporary/ During Construction Condition- Staging Area:** The OE/AAA Aeronautical study confirmed that the temporary Staging Area will have no effect on any existing or proposed arrival, departure or en route instrument/visual flight rules (IFR/VFR) operations or procedures. Additionally, the aeronautical study confirmed that the temporary Staging Area will have no physical or electromagnetic effect on the operation of air navigation and communications facilities and will not impact any airspace and routes used by the military. Hence, the Staging Area does not constitute a substantial adverse effect on aeronautical operations or procedures because it will be temporary. See the attached Letters for Point S1 to Point S4 as depicted in Exhibit 1.
- b) **Temporary/ During Construction Condition- Construction Crane:** The OE/AAA Aeronautical study confirmed that the temporary crane will have no effect on any existing or proposed arrival, departure or en route instrument/visual flight rules (IFR/VFR) operations or procedures. Additionally, the aeronautical study confirmed that the temporary Crane will have no physical or electromagnetic effect on the operation of air navigation and communications facilities and will not impact any airspace and routes used by the military. Hence, the Temporary Construction Crane Operating Area does not constitute a substantial adverse effect on aeronautical operations or procedures because it will be temporary.

As a condition to the FAA's determination, the Crane is to be marked/lighted in accordance with FAA Advisory Circular 70/7460-1 M, Obstruction Marking and Lighting. 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 Air Missions (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number. Further, the Manager of River Ranch Resort Airport (2RR), shall be contacted at (863) 692-1321 and notified at least 3 business days prior to the temporary Crane being erected and again when the structure is removed from the site. See the attached Letters for Point C1 to Point C4 as depicted in Exhibit 1.

- c) **Permanent/ After Construction Condition – Constructed Building Roof Line:** The FAA review determined the Project posed no impact on air navigation. Based on this evaluation, marking and lighting are not necessary for aviation safety. **See the attached Letters for Point R1 to Point R4 as depicted in Exhibit 1.**

- d) Military Airspace/ Military Compatibility Zone: As a part of the FAA review, the US Military was consulted for input regarding the Project. No impacts to Military Aeronautical Operations were noted per the FAA Letters.

2. Planning:

Hardship - Please expand on the justification regarding hardship, using the factors listed in Section 931.A. - Criteria for Granting Variances.

More specifically, please explain how the requested variance is not a self-imposed hardship, and "whether special conditions and circumstances that exist which are peculiar to the land, structure, or building involved and what are not applicable to other lands, structures, or building in the applicable land use district" (Section 931A.3.)

Response: The proposed location of the new mixed-use buildings represents the most logical location since it is in the heart of the campus, is located adjacent to existing roads, parking, and amenities, and has available utility capacity. To relocate the units elsewhere at lower densities would require more land, additional roads, and extensions to utilities.

END COMMENT RESPONSES