

6. On November 9, 1994, the Planning Commission approved a special exception (Petition No. 4802) for a 1,381-foot, above mean sea level, radio transmission tower in an A-C Agricultural District.
7. Staff has received an email from Charlie Brammer, Manager, Tampa North Aero Park, with the following comments:
 - a. This proposed site is within the vicinity of Tampa North Aero Park and Clearwater Airpark, licensed public use airports, which requires compliance with the Federal Aviation Administration Notice of any proposed construction requirement pursuant to 14 Code of Federal Regulations, Part 77, SS 77.13, and the results of a valid aeronautical study of their proposal issued by the Federal Aviation Administration, also compliance with the Florida Department of Transportation's permitting of proposed construction pursuant to the provisions of Chapter 333.025, Florida Statutes.
 - b. The height of any structure should conform to and not exceed the minimum standards set forth in Federal Aviation Regulations, Part 77, specifically Federal Aviation Requirements 77.23 and Federal Aviation Requirements 77.25.
 - c. The owner/developer should notify and obtain all required permits from the Federal Aviation Administration, the Federal Communications Commission, and the Florida Department of Transportation prior to sight plan approval or Building Permit issuance.
 - d. Prior to permitting for any structure, the applicant should provide a current Federal Aviation Administration aeronautical study, a copy of the completed Florida Department of Transportation's determination, the Federal Communications Commission permit, and the Federal Communications Commission approval and registration to the County.
 - e. Without the completion of a current Federal Aviation Administration aeronautical study, the Florida Department of Transportation's determination, the Federal Communications Commission permit, and the Federal Communications Commission approval and registration, the County would be making a decision without knowing if the proposed structure would exceed the minimum standards set forth in the Federal Aviation Requirements, Part 77, specifically 77.23 and Federal Aviation Requirements 77.25, and/or be defined as an airport hazard in accordance with Florida Statutes, Section 333.01.
8. On August 10, 2006, the Federal Aviation Administration issued a Determination of No Hazard to Air Navigation Aeronautical Study No. 2006-ASO-4028-OE for a proposed 1,537-foot above mean sea level antenna tower with the following condition:

The structure is marked and/or lighted in accordance with the Federal Aviation Administration Advisory Circular 70/7460-1 AC 70/7460-1K, Change 1, Obstruction Marking and Lighting, 24-hour, high-strobes, Chapters 4, 7 (HIWOL), and 12.
9. In accordance with Florida Statutes, Section 333.025, the applicant has submitted a Florida Department of Transportation Airspace Obstruction Permit Application for a 1,537-foot, above mean sea level, antenna tower.
10. According to the Growth Management Department, the subject proposed development and land use are exempt from any traffic analysis requirements of the Traffic Impact Study and Substandard Road Guidelines, Resolution No. 04-203, as amended. A payment of a substandard road fee may still be required.
11. Staff has reviewed the proposed request in accordance with Article 300, Subsection 303.4.3, Standards for Approval for a Special Exception, of the Pasco County Land Development Code and with the applicable provisions of the Pasco County Comprehensive Plan and finds it consistent, as conditioned.

STAFF RECOMMENDATION TO THE PLANNING COMMISSION:

Approval with Conditions

CONDITIONS:

1. The subject radio transmission tower will be restricted to 1,537 feet above mean sea level in height.

2. The owner/developer shall obtain all required permits, if applicable, from the Federal Aviation Administration, the Florida Department of Transportation Aviation Office, and the Federal Communications Commission.
3. Prior to the preliminary plan approval, the applicant shall be required to complete a gopher tortoise survey in accordance with the Florida Fish and Wildlife Conservation Commission survey guidelines. A copy of this survey shall be sent to the Pasco County Biologist's office and the Florida Fish and Wildlife Conservation Commission for further review.
4. Calculation of allowable density and intensity shall be in compliance with the land use category limitations set forth in the Pasco County Comprehensive Plan.
5. The owner/applicant acknowledges that any provisions of Pasco County ordinances not specifically waived shall be in full force and effect.

(Previously Approved Conditions):

6. If required, the owner/applicant shall submit a preliminary/site plan for review and approval in accordance with all requirements of Article 300, Section 306, Development Review Procedures, of the Land Development Code prior to use of the property for tower height expansion.
7. Approval of an on-site support maintenance facility may include a single-family dwelling.
8. The subject site shall not exceed 60 acres in size.
9. The unused property shall be reforested. The applicant shall submit a forestry plan to the Department of Agriculture and Consumer Services, Division of Forestry.
10. In addition to complying with the above conditions, no activity shall commence on-site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning/Code Compliance Department after the final action.

OWNER'S/APPLICANT'S ACKNOWLEDGMENT:

The owner/applicant acknowledges that it has read, understood, and accepted the above-listed conditions of approval. **Do not sign until you receive a copy of this petition with the Planning Commission results.**

_____ (Date) _____

I hereby certify on this _____ day of _____, _____, A.D., before me personally appeared the owner/applicant, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at _____, _____ County, Florida, the day and year aforesaid.

My commission expires:

_____ Notary Public, State of _____ at Large

PLANNING COMMISSION ACTION:

Approval of Staff Recommendation: _____ Ayes; _____ Nays
 Denial of Staff Recommendation: _____ Ayes; _____ Nays