

# Dispute over use of property near MacDill Air Force Base continues

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INTERBAY — The fate of land under the flight path of MacDill Air Force Base remains in the air, at least for another few days.

Should more homes be allowed in this primarily residential area?

This month, the Department of Community Affairs, the state's land planning agency, said no.

The city and Florida Division of Administrative Hearings, however, say yes.

By mid next week, Tom Pelham, who runs the DCA, could end the matter by accepting a land use change that allows more homes in the area.

Or, he could opt to pass the issue on to Gov. Charlie Crist and his Cabinet for a final decision, a DCA spokesman said. If Pelham forwards the decision to Crist, that could take a couple months.

Meanwhile, few current homeowners near the base complain about flights overhead, which are central to the dispute, authorities said.

"Why would I complain?" said Brian Anderson, 49, who bought a house under the flight path five years ago. "It's pointless. They were here first."

Anderson said he can read the insignias on planes as they pass overhead 100 feet or less.

"Some days it's relentless and annoying," he said. But he calculates his crash risk as minimal. The thing he hadn't anticipated: oil streaks on his windshield. He wonders about air and soil quality and limits his 4-year-old's outdoor playtime.

His neighbor Francisco Toledo, 58, notices the noise only when a visitor comments on it.

The Navy veteran says the military base's needs outweigh inconveniences. "These guys got to fly, to practice, to maintain their skills. We may need them on the front lines," he said.

The protracted ordeal has gone on for more than a year.

It started when Florida Rock and Tank Lines Inc. and Spray Miser International, which own property near the base, requested a land use change. A lawyer for the owners said they have not mentioned their specific plans for the properties.

Tampa officials approved their request in April 2008 and amended the city's Future Land Use Map to change about 50 acres abutting the base from industrial to mixed use, which allows for residential.

But DCA officials filed an objection, saying residential land use is not compatible with the base.

Then, after a three-day hearing last month, administrative law Judge Donald Alexander said the city had made the right choice by considering current trends in the area.

The DCA and the military objected again on Sept. 10, claiming homes close to the base limit operational flexibility and thereby threaten the base's survival in times of cutbacks.

DCA and military officials said the area around the base is noisy and dangerous, lying within what the military calls an "accident potential zone."

They cited studies called Air Installation Compatible Use Zone, designed by the U.S. Department of Defense to consider noise and accident potentials when developing land near military bases, which recommends no housing close to a runway.

But the military's study called the risk of crash "minute."

On an average day, 60 refueling, fighter and bombing aircraft take off or land at MacDill's runway, military officials said during the hearing last month. Among them are a squadron of 16 refueling planes stationed on the base, which carry up to 200,000 pounds of jet fuel around the globe. At takeoff, when crashes are more likely, the planes are as near as 140 feet over the land in dispute.

Military officials also said that, in the event of a crash, "results could be highly destructive." When planes of this size crash, they typically cover 8 acres.

Florida Rock is the only party to the case now winding itself through the system, but the results from the hearing will most likely apply to Spray Miser, as well. The properties have similar facts and issues, said Mark Bentley, attorney for both property owners.

Florida Rock and the city pointed out that aircraft safety is improving and that no witnesses recalled any accidents in the residential area around MacDill that resulted in loss of life or damages in excess of \$1 million in the previous 40 years.

Before that time, in December 1965, a pilot died while attempting to take off from the base after he crashed into a house, destroying it and another.

Currently, at least 91 percent of the land in the accident potential zone is residential, most with single family homes. Nearly 8,000 people already live in the 327 acres in the accident potential zone according to a 2006 study conducted by the city and MacDill.

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