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Navy maps may not matter

By Alyson Matley amatley@keynoter.com
 Posted-Wednesday, February 09, 2005

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County attorney: Rezoning can be given the OK

Developers at the entrance to Key Haven could walk away with a green light from the Monroe County Planning Commission today despite a new set of U.S. Navy maps that broaden an already existing buffer zone around Naval Air Station Key West.

In a letter to the County Commission, County Attorney Richard Collins opined that new maps drawn up by the Navy do "not, at present, have any legal effect on development applications which are currently being processed...."

New maps delineating sound and accident zones ringed around the Lower Keys base were sprung on county officials during a January Planning Commission meeting when the panel was considering a change of zoning for Key Haven Estates Ltd.

The developers are asking that a portion of the property currently zoned commercial be changed to residential so they can build an eventual total of 43 new single-family residences. The plans also include building 10 homes on Enchanted Island, a spit of land just east of Key Haven.

Collins' finding may be good news to the developers, but it's no skin off the Navy's nose, said spokesman Jim Brooks.

"Those maps are only a recommendation to the county," Brooks said. "The final decision of what to do with them will rest with the county."

A less-inclusive set of maps were drawn up in 1977.

When the Navy presented them to the county, county officials went through a process of creating land development regulations that included the Navy's specified zones. Eventually those 1977 maps became part of the zoning scheme for the area surrounding the naval base, and any zoning decisions or new developments were considered in light of those maps.

When the Key Haven developers came forward in January asking the county to rezone a portion of the vacant 23 acres at the mouth of Key Haven, Navy officials stepped up, noting that the 1977 maps had been broadened, though the county had not seen the newer maps.

Stunned county officials tabled the Key Haven request until today, hoping that attorneys could unravel the implications of the new maps on the county's land development regulations.

According to Collins, adoption of the new maps into county zoning would require a county ordinance process, including public hearings, before it could be implemented.

Collins cautions the commission, however, before it begins the process of implementing the Navy maps.

"It is, after all, the county that would have to defend potential taking claims resulting from the implementation of [Navy zoning map] recommendations, not the federal government," he wrote.

In the meantime, says Collins, the county "does not have the legal authority to enforce the provisions of" the new maps.

The Navy's new maps extend well beyond the 1977 noise and accident zones, pushing up as far as Rockland Key and as far west as the eastern edge of Key West.

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