

New homes OK'd despite aircraft concerns

Subhed: County says it's not bound by Navy maps

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MARATHON — A proposed 43-home development at the entrance to Key Haven received the go-ahead Wednesday from the Monroe County Planning Commission.

The project still must be approved by the Monroe County Commission, which meets in special session for that purpose at 5 p.m. Feb. 23 at the Harvey Government Center in Key West. After that, it will be subject to review by the state Department of Community Affairs, which has oversight of Keys land-use issues.

Proposed by developers Edwin Swift and Wayne Lujan, the project was tabled at the planning board's Jan. 11 meeting after an official from Naval Air Station Key West expressed opposition because of new aircraft noise and accident zones that take in property surrounding the base.

Early assessments by planning staff indicated the county might have been bound by the new Navy maps outlining appropriate land use in the area. However, an opinion issued by County Attorney Richard Collins earlier this week said the county is not bound by the new maps until, if ever, they are adopted as part of county land-use rules. That would require public hearings and state approval.

Instead, even though the new maps were approved by the military's top brass nearly a year ago, the county continues to be bound by a 1977 version of the so-called Air Installations Compatible Use Zones. The boundaries in the older maps do not include Key Haven.

The Key Haven approval, which was unanimous, came despite cautions from a new member of the planning panel: Navy Commander Hans Liske.

Liske, along with School Board representative Fred Sims, sit as ex officio nonvoting members of the planning commission.

Said Liske, "You're going to, by a strict interpretation of a legal opinion, proceed with a development that is going to put people in a hazardous position.

"... To simply proceed ahead may be an irreversible decision on your part. Once people are living there, they're going to have to contend with the noise and the risk."

Sims, speaking for the school board, said the project might actually benefit the district by attracting new families and increasing enrollment at Gerald Adams Elementary School. The school's enrollment is down this year, he said.

Proponents of the Key Haven project didn't get all they wanted. The developers had been seeking to bypass the county's rate-of-growth ordinance (ROGO) and be awarded building permits "in exchange for upgrading" Key Haven's sewage treatment plant to advanced treatment standards by 2006. That, they said, would have freed up hundreds of so-called nutrient credits, one of which is now required for each new residential building permit.

But, said planners, state law already requires the sewage treatment plant to be upgraded by 2010. In addition, there is no legal method for permits to be awarded outside the normal process, staff said.

Planning board members cited the inequity to others in the ROGO system if they were to approve building permits outside the competitive allocation process.

"If the county was so inclined to do this, it would be a zero sum gain," said Commissioner David Ritz of Key Largo. "If they get [the permits] someone else would not."

Building permits in the Keys are subject to an annual limit. Permits are awarded based on a competitive point system. Negative and positive points are awarded based on a variety of environmental and engineering standards. While it appears many of the proposed Key Haven homes will fare well in the point system, others might require extra measures to ensure a score high enough to get a permit, said Planning Director Marlene Conaway.

Dedicating environmentally sensitive lots for conservation is the most common method of accruing additional points.