



GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS

DEPARTMENT OF PLANNING AND NATURAL RESOURCES

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April 12, 2016

Honorable Neville James  
President, 31<sup>st</sup> Legislature of the United States Virgin Islands  
# 1 Lagoon Street Complex  
Frederiksted, VI 00840

Dear Senate President James:

The Department of Planning and Natural Resources wishes to amend its previously submitted recommendation report, signed January 15, 2015, for Zoning Map Amendment Application No. ZAJ-14-1. The amended recommendation is that Official Zoning Map No. SJZ-3 be amended from R-2 (*Residential- Low Density- One and Two Family*), W-1 (*Waterfront- Pleasure*), and W-2 (*Waterfront- Industrial*) to W-1 (*Waterfront- Pleasure*) for Parcel No. 10A Estate Emmaus, No. 2 Coral Bay Quarter, St. John. It would be consistent with the intent and purpose of the Zoning Law to rezone the property as it is currently recorded, as Parcel No. 10A Estate Emmaus, consisting of 7.64 acres as described on Drawing No. D9-1236-T76.

The Department does not wish to encourage the rezoning of a property that currently is not recorded on cadastral maps nor does it wish to encourage the creation of a parcel with two zoning districts, if the property was not to be divided into Parcel Nos. Remainder 10A and 10A-1.

Sincerely,

Dawn L. Henry, Esq.  
Commissioner

NEVILLE A. JAMES  
SENATOR  
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SENATE PRESIDENT  
OFFICE OF THE



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES  
 DEPARTMENT OF PLANNING AND NATURAL RESOURCES  
 Cyril E. King Airport, Terminal Building 2<sup>nd</sup> Floor, St. Thomas, USVI, 00802

**Report on Petition to Amend Official Zoning Map No. SJZ-3**

**Application No. ZAJ-14-1**

Petition of Moravian Church VI Conference (*authorized agent- Samuel Rymer*) to amend Official Zoning Map No. SJZ-3 from R-2 (*Residential- Low Density- One and Two Family*), W-1 (*Waterfront- Pleasure*), and W-2 (*Waterfront- Industrial*) to W-1 (*Waterfront- Pleasure*) for Parcel No. 10A Estate Emmaus, No. 2 Coral Bay Quarter, St. John.

**PROJECT PROFILE**

**Owner/applicant:** Moravian Church VI Conference as per Quitclaim Deed dated March 10, 1994. Mr. Samuel Rymer is the authorized agent for the Moravian Conference.

**Acreage:** The property consists of 7.64 acres and is described on Drawing No. D9-1236-T76.

**Current Use:** The property is partially developed with a large baseball field/parade ground.

**Proposed Use:** Parcel No. 10A will be utilized as part of the "Sirius Seaside Resort and Marina" that will consist of an 89-unit hotel/condominium resort and associated marine activities.

**Surrounding Uses:** The subject lot is surrounded by the Coral Bay Harbor, the Moravian Church, a restaurant and gift shop complex, the Fire Station, and the Guy Benjamin Elementary School.

**Infrastructure:** Water needs will be supplied by a reverse osmosis (RO) system for potable water and the filling of cisterns. Wastewater will be handled by a utility wastewater treatment plant, where the effluent will be used for irrigation.

**Public Response:** Eight community members testified during the December 4th, 2014 public hearing. Area residents asked questions and expressed several concerns including:

1. The property has historically been used as community open space. It was questioned whether there are restrictions on record for this perpetual use.
2. The increased density of the W-1 zone over the R-2 zone.

3. The number of stories allowed in the W-1 zone and the impact of the view from the water.
4. The number of uses allowed in the W-1 zone and the potential for future developers to take advantage.
5. Maintenance of the wastewater treatment plant.
6. The retention and relocation of the existing dinghy dock.
7. Plans for fire suppression.
8. It was questioned whether a use variance could be considered instead of rezoning and/or limitations on the density and story count.

### **ANALYSIS:**

During the Department's public hearing, Mr. John Woods, principal of the Jaredian Design Group, testified that it is the developers' intent to construct an 89 unit hotel/condominium, a wet-slip and dry-dock storage marina, and related retail on the subject parcel and adjacent lots totaling 11.675 acres. All of the lots, except for Parcel No. 10A Estate Emmaus, are appropriately zoned for their intended use. Parcel No. 10A is overlaid with three separate and distinct zoning designations, a result of the original zoning map adopted in 1972. The northern portion of the subject parcel is zoned R-2 and the western portion of the subject parcel is zoned W-2. Neither allow for the construction or operation of a resort/hotel. The southern portion of the property, approximately 1.45 acres, is appropriately zoned W-1. The applicant wishes to extend the W-1 zoning designation throughout the parcel.

Area residents have not objected to the overall development concept; however, they have requested that limitations be placed on the parcel in order to cap the density, height, and number of uses at predetermined levels. There are concerns that the increases allowed under the W-1 zone will have a negative impact on the infrastructure and view shed of the community. The Department does not feel that the requested zone change merits the imposed limitations for the following reasons:

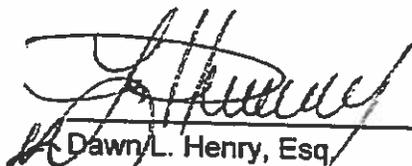
- The proposed density of the resort mirrors the allowable density of the subject and adjacent R-2 parcels if the entire acreage were to be developed as single family residential.
- The existing W-1 and W-2 portions already permit three stories and the resort buildings have been designed to preserve the historic view from the north.
- The number and uses allowed in the W-1 zone offer the flexibility to successful market and operate of a full service resort, and

- The highest and best use of the property is no longer single family residential due to its proximity to other commercial and marine related activities.

The proposal includes the preservation of open space where the ball field is currently located. This open space is designed to continue service as a community gathering space for all types of events. Continued recreation is provided via the construction of a new ball field and basketball court on an adjacent parcel of property to the west. It should also be noted that the entire resort and marina project is subject to other layers of local and federal permitting including compliance with the Coastal Zone Management Act and further oversight by the Department.

**Recommendation:**

The Department of Planning and Natural Resources recommends that Official Zoning Map No. SJZ-3 be amended from R-2 (*Residential- Low Density- One and Two Family*), W-1 (*Waterfront- Pleasure*), and W-2 (*Waterfront- Industrial*) to W-1 (*Waterfront- Pleasure*) for Parcel No. 10A Estate Emmaus, No. 2 Coral Bay Quarter, St. John.

  
 Dawn L. Henry, Esq.  
 Commissioner

April 12, 2016  
 Date