



GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS

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DEPARTMENT OF PLANNING AND NATURAL RESOURCES

Report on Petition to Amend Official Zoning Map No. SCZ-10

Application No. ZAC-23-2

Petition of Lutheran Social Services of the VI, Inc. to amend the Official Zoning Map No. SCZ-10 from R-2 (*Residential- Low Density- One and Two Family*) to R-3 (*Residential- Medium Density*) for Plot No. 71 Consolidated Estate Concordia, West End Quarter, St. Croix.

PROJECT PROFILE

Owner/applicant:

Lutheran Social Services of the VI, Inc. as per Quitclaim Deed dated October 28, 1977, Document No. 4355/1977 and Warranty Deed dated September 10, 2014, Document No. 2014003016. Executor rights were granted to Mrs. Junia John-Straker, Chief Executive Officer, on October 29, 2022.

Acreage:

The subject property comprises a total of 9.99 acres as described on Drawing No. D9-6387-C014, dated July 1, 2014.

Current Use:

The property consists of a Children's Home (Queen Louise Home for Children), a Nursery/Children's Day Care (Early Head Start Center), an administrative building with kitchen and maintenance space, and an office trailer. The Children's Home was constructed in the 1960's prior to the adoption of the Zoning Code. This grants it nonconforming status and regulated by Section 234 of the Zoning Code.

Proposed Use:

The purpose of the request is to bring the property's use as a Children's Home into zoning conformity and allow construction of a new Sister Emma Cottage for children with severe developmental disabilities.

Surrounding Uses/ Zones:

Surrounding the property to the north, south, and west is undeveloped land. To the east is a residential neighborhood. The immediate area is zoned R-2 but further to the west is R-3 zoned undeveloped land and further east, A-2 (Agricultural) zoned undeveloped land.

Infrastructure:

Water needs are supplied by cistern. Wastewater is handled by a septic system.

Public Response:

There has been no opposition to the proposed rezoning. No one spoke in support of, questioned, or commented on the petition at DPNR's public hearing held February 21, 2023.

ANALYSIS:

Mrs. Junia John-Straker testified during the Department's public hearing that the intent is to bring the property into zoning conformity and construct a new Sister Emma Cottage to replace the existing structure. Sister Emma Cottage sustained severe damage in 2017 due to Hurricanes Irma and Maria. The building will be repurposed, and another cottage will be constructed away from the area that sustained flood damage.

The property is currently nonconforming, with the use "Children's Home" not being permitted in R-2 zones. The Zoning Code's adoption on October 1, 1972, placed Children's Homes in only four zoning districts: R-3, R-4 (Residential-Medium Density), R-5 (Residential-High Density), and S (Special). The property's nonconforming or "grandfather" status limits the site's redevelopment. Redevelopment of the current Sister Emma Cottage can only be to the current footprint. Section 234 (g) of the Zoning Code states, "...no building occupied by a nonconforming use shall be extended or enlarged in any manner except as may be required by law or regulation or changed to a conforming use."

As the territory tackles its housing crisis, alternative living arrangements have been gathering national attention from the planning field for almost a decade (e.g. Community Residences which function and perform similarly to dwellings, with family-like settings). One housing type that has been looked at is group homes which would be "Children's Homes" and "Convalescent, Rest, Nursing, & Retirement Homes & Sanitariums" in our Zoning Code. Group Homes are generally any communal housing arrangement for a group of unrelated individuals. Another housing type is transitional housing which is not addressed in our Code but has been allowed in the R-3, R-4, R-5, B-1, B-2, and B-3 zones because it is a residential activity closely resembling multiple-family housing.

The USVI Zoning Code defines a family as "One (1) person or group of two (2) or more persons living together and inter-related by bonds of kinship, marriage, mutual consent, or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit with a common set of cooking facilities. The persons thus constituting a family may also include foster children, gratuitous guests and domestic servants." Unlike more restrictive family definitions of other jurisdictions (family being only related by blood, adoption

and/or marriage and if unrelated, a limited number of individuals), the USVI Zoning Code allows for group housing wherever dwellings are allowed. The exception, however, is the USVI Zoning Code separates “Children’s Homes” and “Convalescent, Rest, Nursing, & Retirement Homes & Sanitariums”, relegating these group housing types to a total of six zones while dwellings are allowed in 12 of our 18 zones.

Zoning reform is being encouraged at the national level to address the housing shortfall. The department has processed five applications in the past six years requesting approval for transitional and group housing in zones they have been excluded from. Zoning Reform is needed to address the number of zoning map amendment requests being received so that the territory can effectively address the housing needs of all VI residents.

Recommendation:

The Department of Planning and Natural Resources recommends that Official Zoning Map No. SCZ-10 be amended from R-2 (Residential- Low Density- One and Two Family) to R-3 (Residential- Medium Density) for Plot No. 71 Consolidated Estate Concordia, West End Quarter, St. Croix.



 Jean-Pierre L. Oriol
Commissioner

27-Mar-2023

Date