



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. SJZ-3

Application No. ZAJ-20-5

Petition of Animal Care Center of St. John, Inc. requesting that Parcel No. 14 Remainder Estate Carolina, No. 1 Coral Bay Quarter, St. John be rezoned from R-2 (Residential-Low Density-One and Two Family) to B-2 (Business-Secondary/Neighborhood).

PROJECT PROFILE

Owner/applicant: Animal Care Center of St. John, Inc. as per Warranty Deed dated February 23, 2017, Document No. 2017001980.

Acreage: Parcel No. 14 Remainder Est. Carolina consists of 2.309 acres, as shown on Drawing No. D9-6941-T001.

Current Use: The property is vacant.

Proposed Use: An animal care center, kennels for dogs and cats (20 and 19, respectively), veterinarian's office, classroom for outreach/trainings/meetings, one-bedroom employee housing unit, children's playground, and walking trail.

Surrounding Uses/Zones: To the north is undeveloped property. To the east is the Moravian Church property, proposed for a marina. To the south is Pickles restaurant. To the west is commercially developed property (former gas station, now a market). The surrounding area is zoned R-2, B-2, and W-1 (Waterfront-Pleasure).

Infrastructure: Water needs will be supplied by cistern, and wastewater will be handled by an aerobic treatment unit.

Public Response: At DPNR's public hearing held October 2, 2020, 56 individuals attended and 26 registered their support for the application. 72 emails/letters were also received prior to and subsequent to the public hearing: 27 in opposition to the application, 38 in support, 5 expressing concerns, a support petition with over 500 signatures (150+ were residents), and an opposition petition from 18 property owners.

The following were expressed as reasons for opposition and concerns with the application:

1. Noise from barking dogs (some individuals requested the addition of specific noise abatement requirements/sound mitigation/shielding/screening with high, natural screens such as bamboo, trees, hedges, and/or vines on fences).
2. High concentration of wildlife in area that could trigger dogs barking.
3. Barrier walls can only reduce noise level if they are tall enough to break line of sight from origin to receiver. Concrete is known for poor acoustic performance. Its rigidity causes noise to increase upon impact.
4. Will architect guarantee noise not disturb villa renters? Architect and shelter to provide bond to cover relocation cost if noise not contained?
5. Location is a high priority issue, will there be any recourse mitigation if promises of a soundproof kennel is not realized?
6. Land in question is at base of a natural amphitheater/theater shaped semi-circle which projects sounds upward and bounces them back and forth over valley walls.
7. Has a sound survey been done? Request acoustical engineer or other expert do an estimate of area believed will be affected due to topography and winds.
8. Impact of barking on residents and tourists' quality of life (mental wellbeing/health). Noise pollution causes stress and other adverse health effects. Elevated environmental noise can cause hearing impairment, hypertension, heart disease, and sleep disturbances.
9. Survival of nearby businesses with presence of barking dogs/negative economic impacts. Impact of dog smells on Pickles restaurant and patrons.
10. Will this impact the Summer's End Marina? Calichi Point on Bordeaux Mountain? Villas?
11. More than 25 vacation rentals will be affected.
12. Coral Bay Community's main draw for residents and vacationers is it is peaceful/quiet.
13. Negative impact on hospitality industry, which is already struggling/could hurt economy of this area and diminish property values.
14. Noise abatement plans seem unrealistic/unattainable. The plans, as they exist, do not address the issue of noise in a significant way.
15. Waste disposal.
16. Site is in a floodplain (Zones A and AE)/building in floodplain in time of sea level rise and climate change.

17. Increased health risk from an impaired body of water.
18. Environmental impacts.
19. Would proposal improve or worsen current feral cat population in Coral Bay?
20. Majority of those in favor do not live in Coral Bay Valley so not concerned with noise, do not realize how many people will be affected.
21. Music played at Pickles could be heard up the hill.
22. No way proposed location and its kennels would not disturb the peace.
23. Is it worth discussing land swap in another location?
24. Will there be windows in kennels? Will they be closed? Air conditioned?
25. Lots of better places for an outside dog kennel.
26. Will outdoor dog run have roof?
27. Once rezoned, no way to stop/influence project.
28. St. John is not best place to raise dogs, not supportive of larger operations in proposed location.
29. Why requested B-2 when does not allow dog kennels? Why not Commercial, Industrial, or variance?
30. Backup electrical power plan?
31. Would property owner agree to no further subdivision, to retain open space?

The following were expressed as reasons for support and response to the concerns above:

1. The Animal Care Center's request is critical to future of animal control, mentoring husbandry to youth, and developing means of becoming financially self-supporting in the future.
2. The Animal Care Center (ACC) has worked with the Department of Agriculture to manage/control feral and abused animals of St. John.
3. ACC is only entity responsible for the feral and abused animals on St. John.
4. ACC's primary feral cat program includes feeding stations and trapping of cats for neutering.
5. ACC was responsible for air evacuation prior to and after the 2017 storms.
6. Location well-suited for proposed usage.
7. Cruz Bay location no more noisy than general traffic and surrounding businesses.
8. Property large enough to mitigate noise and sanitary issues.

9. Shelters and boarding kennels have mitigated sounds of barking dogs worldwide. Technology exists, is available, and widespread.
10. Not a great amount of land zoned for business or commercial uses on St. John.
11. Another area suggested but it's difficult to find another comparable property on St. John, at same price. Little land of this type on St. John and even less with relatively level terrain.
12. Current zoning would allow significant residential development, a source of significant noise.
13. Noise can be mitigated. ACC proposes both perimeter walls with sound-absorbing materials and landscaped buffering to further mitigate/absorb noise.
14. Dogs shall be kept inside at night.
15. ACC currently self-sufficient on solar power and continue to do same to provide air conditioning to indoor areas.
16. B-2 suggested since adjacent parcels have same zoning and the zone does allow Animals Hospitals and Clinics. Surrounding parcels are used commercially.
17. ACC plans no further subdivision.

Analysis:

During the department's public hearing, Mr. Michael Milne, Mr. Ryan Moore, and Ms. Jessica Palmer testified on behalf of the Animal Care Center of St. John, Inc. The proposed use will be developed in one phase, taking less than a year, and consisting of one building with a maximum of two stories, developed on the highest point of the property, due to flooding.

Regarding the environmental concerns, the Animal Care Center (ACC) would have to meet the various permitting agencies' requirements and standards for environmental health and safety prior to commencing construction, namely; Coastal Zone Management, Environmental Protection, and Building Permits-Floodplain Management (Federal flood insurance is required for all buildings in mapped flood zones shown on FEMA maps if they are financed by federally backed loans or mortgages. All elevations to the building should be met to avoid future events related to flooding). Most of the site will be undeveloped for stormwater retention. A playground/walking trail could go in the undeveloped area so as not to disturb stormwater retention.

The applicant petitioned for the rezoning as there has been an increased need for their services, especially in the Coral Bay area.

They plan to move from their current under-sized facility to a more updated facility, closer to where many of the animals come from.

Design-wise, the kennels will be indoors, and dogs will be spaced with walls in the middle of kennels so no interaction and thus agitation/noise would not occur between dogs. The dogs would be inside from 5 pm to 9 am. A certified company will be hired that specializes in sound-proofing shelters and an employee will live on site to immediately address any disturbances. At a minimum, indoor noise will be mitigated with use of wall insulated panels and installation of rubber panels on walls, floor, roof, and deck. Outdoor noise will be minimized by filling in the concrete front walls with sand and adding noise buffers, such as a perimeter wall.

The department recognizes the importance of the petition and believes a balance with the surrounding residences and vacation rentals can be found. The department is not inclined to recommend a rezoning but rather use variances, with conditions that can be fulfilled with the acquisition of coastal zone and building permits.

Recommendation:

The Department of Planning and Natural Resources recommends that Parcel No. 14 Remainder Estate Carolina, No. 1 Coral Bay Quarter, St. John be granted use variances to allow for Animals-Boarding (Kennels), Clinic (Office), Hospital (Veterinary), Shelter (Pound); and Playgrounds with the following conditions:

1. Noise survey shall be conducted prior to the building permit application submission, to determine the area that may be impacted by noise.
2. Noise-proof building (walls and ceilings) shall be designed and developed based on results of noise survey.
3. No outdoor kennels allowed.



 Keith Richards
 Assistant Commissioner

12/03/2020

 Date

Cc: Jean-Pierre L. Oriol, Commissioner, Department of Planning and Natural Resources