



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-7

Application No. ZAC-22-14

Petition of Innovative Asset Group, Inc. requesting that a use variance be granted to the B-2 (Business-Secondary/Neighborhood) zoned Plot Nos. 50-1 and 50-4 Estate Orange Grove, Company Quarter, St. Croix.

PROJECT PROFILE

Owner/applicant: Innovative Asset Group, Inc. as per Limited Warranty Deed dated March 24, 2015, Document No. 2015001214.

Acreage: The properties comprise a total of 1.988 acres as described on Drawing Nos. D9-6574-C017 and D9-6686-C020.

Current Use: Site has been utilized by Just Right Trucking, LLC for their trucking and heavy equipment operation.

Proposed Use: To expand Just Right Trucking, LLC's onsite operations to include cement block manufacturing.

Surrounding Uses/Zones: To the north is undeveloped land, a shopping center, and housing development; to the east is undeveloped land and a mix of business and residential uses; to the south is undeveloped land and business use; and to the west is business development. Surrounding properties are zoned R-1 (Residential-Low Density), R-3 (Residential-Medium Density), B-2, and B-3 (Business-Scattered).

Infrastructure: The property has access to public water and sewer lines nearby, however, temporary toilet facilities are currently being used.

Public Response: Prior to DPNR's public hearing, three support letters were submitted. At DPNR's public hearing held November 2, 2022, there were no other attendees other than the applicant and representatives. Following the hearing, five support letters and 16 opposition letters were submitted. The opposition/concerns received are summarized below:

1. Aesthetics of current site, currently an eyesore/unpleasing. Cement plant would also be an eyesore.

2. Impact of cement plant on nearby housing residents and school students/faculty.
3. Negative impact of cement plant on property values, roads, and traffic flow at Golden Rock Shopping Center's major intersection of Routes 75 and 703.
4. Proximity to public housing, a school, public health care facility, numerous residential neighborhoods, a strip mall, and several businesses including restaurants.
5. Impact will be harmful and destroy the natural beauty of the area.
6. Hillside is already being destroyed. Site, which was a fully forested hill, has been severely scarred and excavated significantly with erosion a problem.
7. Real estate in the surrounding area would be affected for resale, therefore economically hurting some locals' future.
8. Traffic intersection would require revisions to accommodate heavy equipment and increased traffic. Has proposal for road design been submitted with this request?
9. Dangerous location for heavy truck traffic, entering/exiting on a downhill curve hauling cement, water, sand, and gravel and leaving with trucks laden with concrete blocks.
10. Nature of request is industrial.
11. Cement block manufacturing not conducive to a neighborhood.
12. Request could be authorized before a comprehensive plan is completed. DPNR currently in Comprehensive Plan development process.
13. Already is a large business operation causing extra traffic, congestion, and harsh road usage.
14. Not area for a cement block plant- high concentration of residential neighborhoods, schools, and small retailers.
15. Allowing this zoning variance in an area that is used by the community for shopping and living does not go along with DPNR's mission.
16. In 2016, issue of rezoning in this area was anticipated and a genuine concern.
17. Concerned for health, safety, and quiet enjoyment of the communities surrounding this area.
18. Potential health implications of a cement block manufacturing plant on the well-being of residents in the proposed area. Cement dust can irritate the eyes, nose, throat, and upper respiratory system. Additionally, skin contact with particles may result in moderate irritation, thickening/cracking, and severe skin damage from chemical burns. Concrete dust can lead to

asthma, chronic obstructive lung disease, and restrictive lung disease. Silica exposure can lead to lung injuries, including silicosis and lung cancer.

19. Noise pollution.
20. Air pollution/dust generation.
21. What measures proposed to mitigate potential health risks from concrete dust? What energy source will be used to produce the cement blocks?
22. Cement industry one of the leading producers of carbon dioxide, a potent greenhouse gas. Concrete causes damage to topsoil. Concrete dust inhalation and contamination are dangerous, and the energy source used to create them is equally important.
23. This plant will produce harmful dust, noise pollution, and an increase in heavy traffic with large trucks and flatbeds.
24. There is already considerable dust from the existing business. There are mounds of dirt that sit piled up creating dust particles in area as trucks drive in/out of the business.
25. While manufacturing will be inside the building, the material storage will have to be outside with chance of finer materials blowing east to west into Golden Rock Shopping Center and the JFK housing community.

Analysis:

During the department's public hearing, the applicant's representative/consultants Alicia Barnes and Eric Douglas, and proprietor Mitch Matthew, Sr. of Just Right Trucking testified on the application. Currently on the site is the shell of a 10,000 sq. ft., 24-ft. high warehouse that is intended for the cement block manufacturing operations, a fleet of trash removal trucks and heavy equipment, trash bins, 5,000-gallon fuel storage tank for a proposed standby generator, and two office trailers. Raw material stockpiles will be placed in secondary containments with coverings. The site operations occur Monday to Friday between 8 am and 5 pm. There are approximately 15 full-time employees with the intent to increase to approximately 20 once cement block manufacturing commences. Further site improvements include a stormwater retention pond and retaining wall along the east and southeastern portion of the property.

The area has developed a mix of residential and business uses, with two previous rezoning applications now impacting the further development of the Company Quarter Estate Orange Grove hillside. In 2008, a B-2 rezoning attempt was made and granted for the applicant's proposal of a Town Center, to include but not limited to a bank, post office, markets, restaurants, stores, a school, and

200 housing units on 13 acres of land. The rezoning was intended to allow the development of retail and office spaces as well as high density residential areas in the commercial hub of a larger planned, fully integrated residential development totaling 78 acres (Application No. ZAC-8-4, Act. No. 7019).

In 2015, a second B-2 rezoning attempt was made and granted for the applicant's proposal of a subdivision of small, business-zoned lots from 12 acres of land. The rezoning was intended to allow prospective business owners small, affordable business-zoned property that could allow the development of a residence that a business could legally operate from (Application No. ZAC-15-3, Act No. 7883).

Area residents and community members have voiced opposition to the request indicating it is an industrial activity in nature. The future impact of an enclosed cement block manufacturing operation is not known. The impact, however, of the area's development has proven incompatible with not only the area's established character but also the area topography, aesthetics, and traffic pattern.

Section 238a of the Zoning Code states that a use which, "...would not substantially conflict with the permitted uses in the zoning district, the Legislature...may grant a variance for that specific use of the subject property..." The use for cement block manufacturing, which would be permitted under the category of "Concrete Products" is permitted in the industrial zoning districts- C (Commercial), I-1 (Heavy Industry), I-2 (Light Industry), and W-2 (Waterfront-Industrial). These zoning districts were not intended for residential use and generally located away from the pedestrian activity of the central business district. The B-2 zoning district was intended for shopping facilities with less intensive use than the primary business areas of the towns Charlotte Amalie, Christiansted, and Frederiksted. In analyzing the request, the department has determined the cement/concrete block manufacturing use would substantially conflict with the permitted uses of the B-2 zoning district and the area's established character. It would not follow the intent of Section 238a of the Zoning Code and the department recommends denial.

Recommendation:

The Department of Planning and Natural Resources recommends that the request for a use variance to allow cement block manufacturing on the B-2 (Business-Secondary/Neighborhood) zoned Plot Nos. 50-1 and 50-4 Estate Orange Grove, Company Quarter, St. Croix be denied.



Keith Richards
Assistant Commissioner

11-Jan-2023

Date

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