



GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS

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DEPARTMENT OF PLANNING AND NATURAL RESOURCES

4611 Tutu Park Mall
Suite 300, 2nd Floor
St. Thomas, VI 00802
(340) 774-3320

45 Mars Hill, Frederiksted
St. Croix, VI 00840
(340) 773-1082
dprn.vi.gov



Office of the Commissioner

Report by the Division of Comprehensive and Coastal Zone Planning on the Petition to Amend Official Zoning Map No. STZ-9, Application No. CCZP0153-24

Petition of applicant, Candace Lindqvist-Wallace, to amend Remainder Parcel No. 19-1-2 and Parcel No. 19-1-2-7 (Eastern and Western portions), both of Estate Smith Bay, Nos. 1, 2, & 3 East End Quarter, St. Thomas from A-2 (Agricultural Zone) to B-3 (Business-Scattered). The purpose of the request is to develop an office.

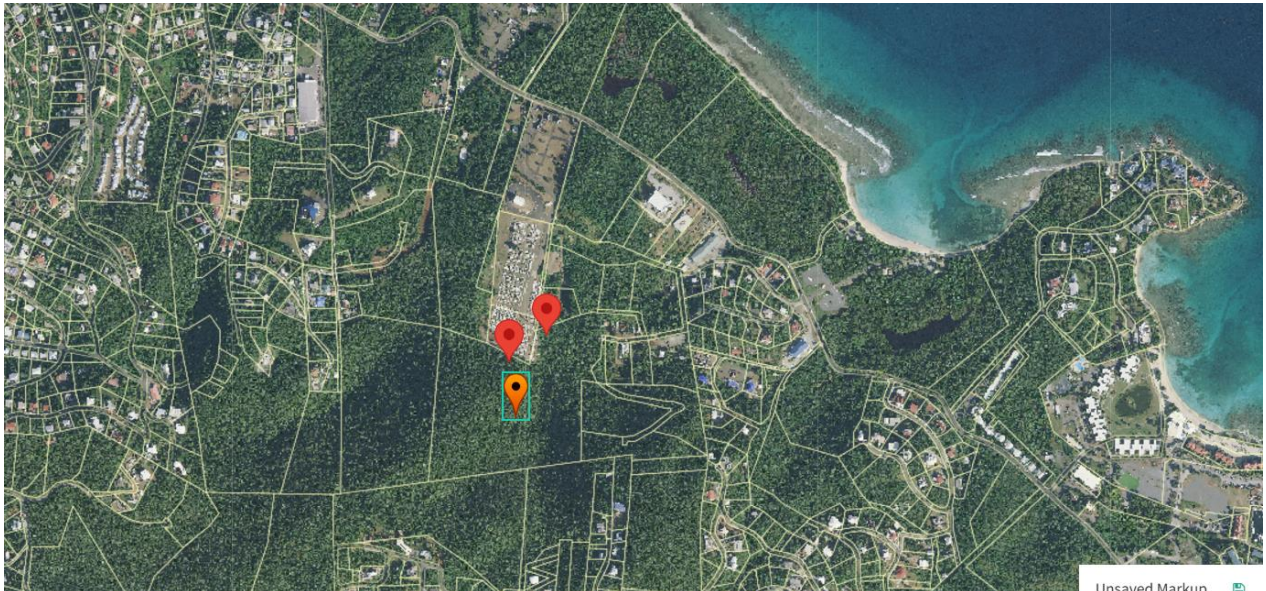


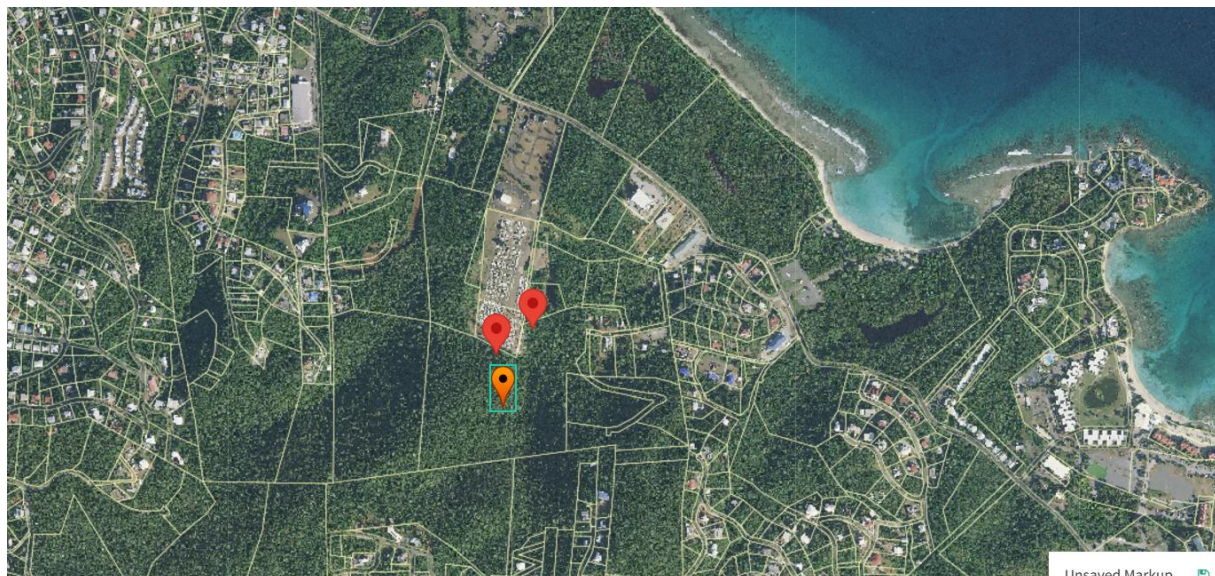
Photo of current site condition- undeveloped land marked in red

Property Owner(s): For Parcel No. 19-1-2-7 (Eastern and Western portions), the Ryan W. Greene Revocable Living Trust as per Warranty Deed dated May 11, 2020, Document No. 2020002504. For Remainder Parcel No. 19-1-2, Candace Lindqvist-Wallace as per Quitclaim Deed dated March 10, 2016, Document No. 2019002140.

Applicant Representative(s): Adlah A. Donastorg, Jr., Consultant.

Acreage: Eastern portion Parcel No. 19-1-2-7 is 1.454 acres. Western portion Parcel No. 19-1-2-7 is 0.846 acres. Remainder Parcel No. 19-1-2 is 13.460 acres. All are described on survey drawing D9-9375-T019.

Surrounding Uses and Zones: To the north of the properties is undeveloped residential land. To the east is agricultural land (recently rezoned to B-3) followed by residential activity. To the south is the cemetery and undeveloped residential and business zoned land. To the west is undeveloped residential land.

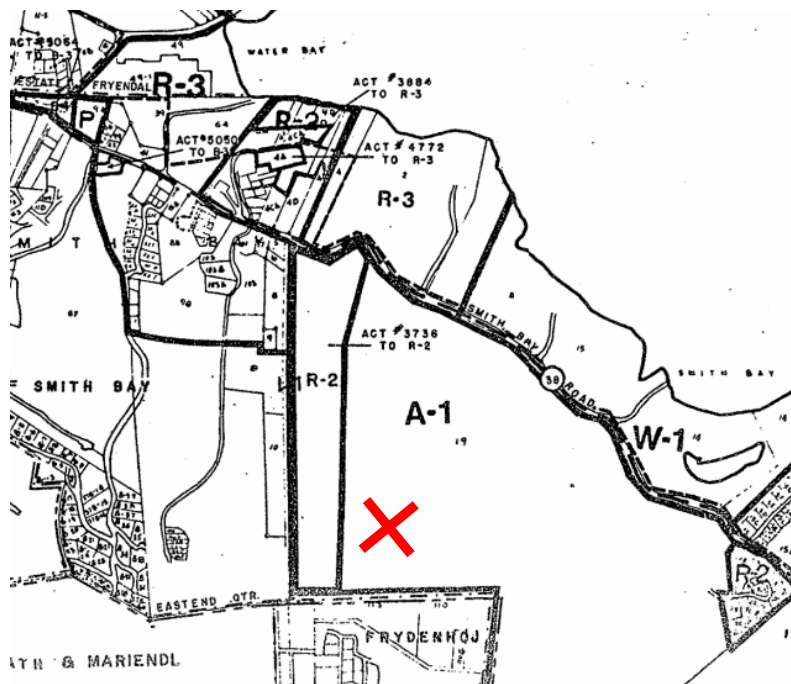


MapGeo aerial view of properties (marked in red)

The surrounding area is zoned A-1 (Agricultural Zone), A-2, R-1 (Residential-Low Density), R-2 (Residential-Low Density-One and Two Family), R-3 (Residential-Medium Density), B-2 (Business-Secondary/Neighborhood), B-3, and C (Commercial) with 18 rezonings granted for this portion of Estate Smith Bay starting at Sugar Bay Resort and heading towards the Urman Victor Fredericks Marine Terminal (Red Hook Ferry Dock) (detailed in the table below).

Plot No.	Year rezoned	Original zone	Rezoned to	Act No.
19D	1975	A-1	R-2	3736
17B	1986	A-1	B-2	5238
19-2	1991	A-1	VARIANCE	5698
17C, 17D, & 17E	2005	A-1	C	6806
19-2-149-4	2007	A-1	B-2 W/ VAR	6908
19F Rem	2007	A-1	B-2 W/ VAR	6975
19-1-2 Rem (west), 19-1-2 Rem (east), & 19-1-2-2	2011	A-1	A-2	7253
19-1-2-3	2011	A-1	R-2	7253
19-1-2-4	2011	A-1	R-1	7253
19-1-1	2012	A-1	R-2	7363
19F-1-A	2012	A-1	R-3	7466

17	2013	A-1	B-2	7576
17 Rem	2013	A-1	R-3	7576
19-2-101 & 19-2-102	2016	A-1 W/ VAR	VARIANCE	7970
19-2-104	2020	A-1 W/ VAR	R-3	8286
19F-1 Rem	2022	A-1	C W/ VAR	8695
19N Rem	2022	A-1	R-3	8695
19-1-2-8	2024	A-2	B-3	8886

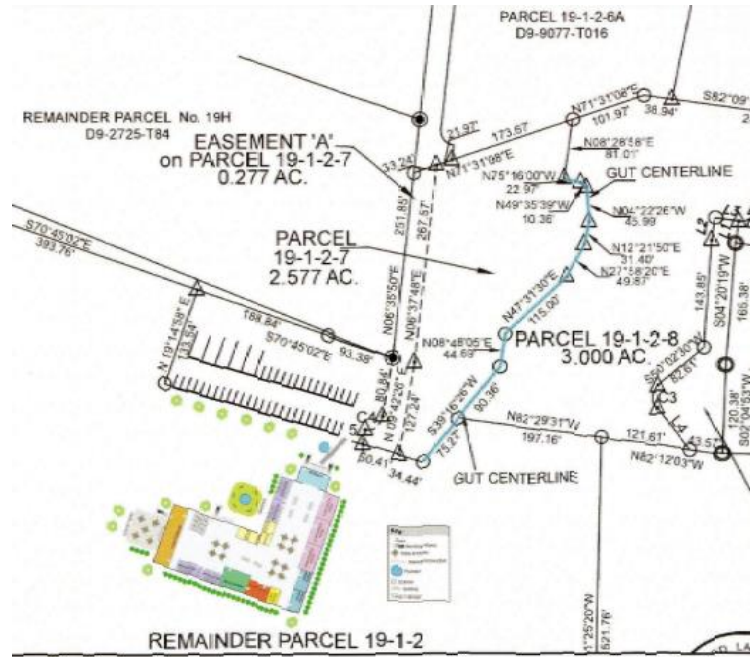


Official Zoning Map No. STZ-9 (properties' location indicated by red X)

Infrastructure: Water needs are proposed to be supplied by public water lines and wells. Sewage is proposed to be handled by sewage treatment plant.

Other needed DPNR Division reviews: A Flora and Fauna Study and Phase I Cultural Resources Survey will need to be conducted and reviewed by the Divisions of Fish and Wildlife and Virgin Islands State Historic Preservation Office, respectively. Development of the properties would require a Stormwater Pollution Prevention Plan from the Division of Environmental Protection.

Project Summary: At DPNR-CCZP's public hearing, Mr. Adlah A. Donastorg, Jr. testified the owners' intent is to develop offices, in line with the rezoning trend for mixed development in the area. A single, one-story building is proposed strictly for commercial use, on Ms. Lindqvist-Wallace's property, while parking would be on the Trust's properties. Phasing and timeline have not been determined yet.



Conceptual Site Plan Layout

Public Response at DPNR-CCZP Public Hearing held November 18, 2024:

There was no opposition or concerns expressed with the proposal. There was no post-hearing comments received.

Analysis of Request/Reason for Recommendation:

Rezoning has resulted in ten A-2 zoned lots remaining in Estate Smith Bay. There are five substandard original A-1 zoned lots remaining in Smith Bay (the cemetery and undeveloped lots owned by the Virgin Islands Housing Finance Authority). The current A-2 zoning was intended to allow small acreage agricultural use, requiring a minimum of two acres and although intended for agricultural use, the A-2 zone also allows residential and non-agricultural uses. The estate’s original A-1 zoning, which requires a minimum of 40 acres is like the A-2 zoning in its table of permitted uses.

The A-1 and A-2 zones were adopted in 1972 to ensure that the lands previously used for farming sugarcane, cattle production, and truck farming would be maintained for their highest and best use. Large acreage agricultural use ended over fifteen years ago in Estate Smith Bay, and the surrounding area (along Smith Bay Road, from subject property heading towards Red Hook) has had 18 zoning map amendments, which indicates a shift from large-scale agriculture to a mix of residential, business, and commercial uses has been deemed acceptable by the government, as well as neighboring property owners.

A shift from exclusive agricultural zoning is needed to promote food production and increase the value of agriculture. Exclusive agricultural zoning has proven

to be restrictive and alienates farmers from the rest of the community. The inability to encourage large-scale agriculture has resulted in the loss of farmland and where development pressures are strongest, rezonings have and will continue to occur. The allowance for agricultural activity in all zones would help to integrate farming into preservation, production, and economic development. Thanks to technology, more food can be grown on less land thus reducing the need for 40-acre A-1 zoning. Review and revision of the Table of Permitted Uses and Development Provisions sections of our zoning code would require Zoning reform and is on the department's future to do list of zoning text amendments.

The area has grown into a mixed-use corridor heading towards the Urman Victor Fredericks Marine Terminal (Red Hook Ferry Dock) and concerns by neighbors indicate a shift is needed in promoting agricultural activity. Traditional zoning tools are already recognized as having minimal effectiveness in protecting against development of agricultural lands. The A-1 and A-2 zones, although labelled agricultural, have a table of permitted uses allowing 54 and 35 uses as a matter of right, respectively. Many of the uses are not compatible with agricultural use but are allowed (e.g. airports, cemeteries, colleges, drive in movie theaters/motion picture theaters, golf courses, military bases, mobile home parks, racetracks, tennis courts, etc.). A reevaluation of the appropriateness of some of these uses in the agricultural zone would be part of future zoning text amendments.

After analyzing the applicant's request and the mix of surrounding uses and zones, the department recommends approval of the rezoning request. The requested zone is in line with what has been granted in the past and the proposed development would not be out of character with the surrounding area.

Recommendation

The Department of Planning and Natural Resources recommends the following:

Pursuant to Title 29 Virgin Islands Code, Chapter 3, Section 238, Official Zoning Map No. STZ-9 for the island of St. Thoms be amended by changing the zoning designation of Remainder Parcel No. 19-1-2 Estate Smith Bay, Nos. 1, 2, & 3 East End Quarter, St. Thomas, consisting of 13.460 U.S. acres as described on survey drawing D9-9375-T019 from A-2 (Agricultural Zone) to B-3 (Business Scattered) and Parcel No. 19-1-2-7 (Eastern portion) Estate Smith Bay, Nos. 1, 2, & 3 East End Quarter, St. Thomas, consisting of 1.454 U.S. acres as described on survey drawing D9-9375-T019 and Parcel No. 19-1-2-7 (Western portion) Estate Smith Bay, Nos. 1, 2, & 3 East End Quarter, St. Thomas, consisting of 0.846 U.S. acres as described on survey drawing D9-9375-T019 from A-2 (Agricultural Zone) to B-3 (Business-Scattered).



Jean-Pierre L. Oriol
Commissioner

11-Dec-2024

Date

Cc: Louis E. Petersen, Jr. Ph.D., Commissioner, Department of Agriculture