



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

DEPARTMENT OF PLANNING AND NATURAL RESOURCES

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February 23, 2026

Honorable Milton E. Potter
President
36th Legislature of the United States Virgin Islands
Capitol Building
St. Thomas, Virgin Islands

Re: Petition to Amend Official Zoning Map No. SCZ-7, Application No. CCZP0069-25

Good day Senate President Milton E. Potter, members of the 36th Legislature, legislative staff, and members of the public. My name is Leia LaPlace-Matthew, and I am the Territorial Planner with the Division of Comprehensive and Coastal Zone Planning (CCZP) within the Department of Planning and Natural Resources (DPNR). Accompanying me is Gail Pagan, Planning Technician. We are here to present the department's recommendation on **Zoning Map Amendment Application No. CCZP0069-25**.

This application, submitted by Atta Misbeh, seeks to amend the zoning designation of Portion of the Remainder of Estate Beeston Hill (South Portion), Matricular No. 6a, Company Quarter, St. Croix from R-1 (Residential-Low Density) to B-2 (Business-Secondary/Neighborhood). The purpose of the request is to develop townhouses for both rental and sale; a 24-unit clustered residential development on 3-4 acres. Seventy percent of units are proposed for rental (split evenly between short- and long-term), and 30% for purchase. Access is proposed via the private Beeston Hill Road, with construction estimated to last 24 months.

DPNR has conducted a thorough review of the application, including an analysis of adjacent land use, zoning trends, infrastructure availability, and public input. The surrounding area includes R-1 and R-3 (Residential-Medium) zoning with nearby rezonings to R-3, B-2, and B-3 granted for higher residential and business activities. The Department notes the following key findings:

- Infrastructure needs are proposed to be met by public water and sewer lines.
- At the DPNR-CCZP public hearing held on September 15, 2025, there were over 50 attendees and 39 formal letters of objection submitted. The main reasons for objections were:

Community Integrity & Zoning:

- Residents value the quiet, residential character of Beeston Hill and surrounding neighborhoods.
- Opposition is rooted in responsible development, not resistance to progress.
- B-2 zoning permits non-residential uses, posing long-term risks to neighborhood integrity.

- The proposed zoning contradicts the Comprehensive Land and Water Use Plan and misrepresents the project's stated residential intent.

Planning & Feasibility:

- No traffic, environmental, stormwater, or infrastructure studies have been conducted.
- Deferring assessments to permitting stages is viewed as inadequate and irresponsible.
- Lack of a full site plan and unclear development footprint raise concerns about transparency and feasibility.
- The rental-heavy model may disqualify units from traditional mortgages, limiting affordability.

Environmental & Infrastructure Risks:

- The site is a natural drainage basin with a history of flooding; no updated mitigation plans were provided.
- Proposed access is via a narrow, privately owned road with an unsafe blind spot.
- Increased strain on traffic and infrastructure strain are anticipated, with no supporting studies submitted.

Alternative Approaches:

- The project could proceed under existing R-1 zoning using subdivision, group dwelling permit, or Planned Area Development (PAD) mechanisms.
- PAD precedent exists (Act 8994 – Estate St. Joseph and Rosendahl), offering a transparent path for increased density without commercial rezoning.

Housing Support with Conditions:

- Residents support well-planned housing to address the island's affordability crisis.
 - However, the proposed rental mix and lack of guarantees for permanent housing undermine stated goals.
 - No binding assurances have been offered to prevent future commercial or mixed-use development.
- The community did not oppose housing development but strongly opposed the B-2 rezoning due to its inconsistency with the area's character, lack of due diligence, and potential for future commercial encroachment. Residents urged the use of existing residential zoning tools to achieve development goals while preserving community integrity.

Consistent with the provisions of 29 VIC § 238, the report from the Planning Office regarding this proposal has been shared with the Legislature, and it recommends to the Legislature that the zoning change be denied in favor of other tools available by law such as: a subdivision, a group dwelling

permit, or a Planned Area Development. In his transmittal of the application, Governor Bryan recommends that the Legislature approve the zoning change to B-2, but subject to the conditions that only construction of a 24-unit clustered residential development on 3-4 acres, inclusive of a playground, green space, and an outdoor meeting space be permitted, and that any future development requires the consent of the Legislature; and that the prohibition on development run with the property, regardless of ownership. In his transmittal, the Governor cites the need to support residential development, given the limitations of our current housing stock. In the Department's review of the Governor's request, we concur that the Legislature could issue the rezoning subject to conditions, which in effect would be akin to a variance being granted, something the Department has sought legislative approval of countless times. The limitation to just the housing development is consistent with the uses permitted under a Group Dwelling Permit or Planned Area Development. And the more restrictive the condition, the more aligned with the existing tools the conditional approval will be. As the Department has not received any evaluation of business activity from the Applicant, no business-related activities should be approved.

The Department has one clarifying comment on the proposed conditions, which is that the "consent of the Legislature" be specifically defined. Does "consent" mean a vote by the Committee of the Whole or a vote in the committee of the appropriate jurisdiction (if so, which one). It would be better for all parties if this was explicitly defined.

The Territory needs more housing options, and we commend the Applicant for putting forward a proposal that seeks to address some of that need. Several options are before the Legislature which would be legally binding, but in the end could lead to additional housing units. Should the Legislature elect to proceed with this zoning map amendment, it should be conditioned such that it is in line with the existing tools currently available.

This concludes our testimony, and we respectfully request that the PowerPoint presentation for CCZP0069-25 now be displayed. We are available to answer any questions. Thank you for your time and consideration.