



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-6**

**Application No. ZAC-23-8**

Petition of Positive T. A. Nelson requesting that Plot Nos. 219 and 220 Estate Morning Star, Queen Quarter, St. Croix be rezoned from R-1 (Residential-Low Density) to B-3 (Business-Scattered).

**PROJECT PROFILE**

**Owner/applicant:** Positive T. A. Nelson as per Warranty Deeds dated November 8, 2021, Document No. 2022000705 and dated December 14, 2010, Document No. 2010004817.

**Acreage:** Plot Nos. 219 and 220 Est. Morning Star consist of 0.5324 acres and 0.5039 acres, respectively and described on Drawing No. 4934.

**Current Use:** "Serenity Sunday" is held on the property on Sundays with entertainment (DJ &/or Artist/Band) and vendors selling food and drinks. There are presently three gazebos and a small cabin on Plot No. 220 with restrooms under construction. Plot No. 219 is used for parking.

**Proposed Use:** To use the properties as an event space with associated business activity.

**Surrounding Uses/Zones:** Surrounding the properties are residences to the north and vacant land to the east, south, and west. The surrounding area is zoned R-1 with the adjacent property to the south rezoned to B-3 (granted by Act No. 5437).

**Infrastructure:** Water needs will be supplied by cisterns. Wastewater will be handled by a septic system.

**Public Response:** At DPNR's public hearing held on September 18, 2023, four adjacent property owners expressed opposition/concerns with the proposal. Two emails/letters of support were received post-hearing. The support, opposition, and concerns received are summarized below:

1. Area is peaceful now. Expansion to everyday activities unacceptable. Opposed to this location for the uses/expansion of uses and operation.

2. Zoning allows all, if not most of his proposed uses.
3. Commercial operation would not be peaceful. Family's freedom on own property would be restricted by many people/strangers in daily proximity. Currently Serenity's Nest is not an issue as it is only once a week.
4. Area picked for residence for peace and isolation from heavily trafficked areas.
5. Sound waves travel.
6. Security of neighboring properties. Security for 24/7 or just when have events, to ensure no blocking of neighbors' driveways, no suspicious activities.
7. Serenity Nest is a cool, relaxing space. Certain there can be a compromise to address neighbors' concerns.

### **Analysis:**

During the department's public hearing, Mr. Positive T. A. Nelson testified the intent is to obtain a zoning map amendment (rezoning or use variance) allowing the property to offer an outdoor social space with food, drinks, agriculture, yoga/artist space, picnic, outdoor concerts, gift shop, salon (for massages, etc.), Eco lodging (short-term rentals), and event space rental.

As noted by a member of the public during DPNR's public hearing, several of the activities are already allowed by the current R-1 zoning (farming, yoga, picnics, and artists). The R-1 zone allows for those activities to occur under the categories of Agriculture-Crops, Fruits & Vegetables; Artists' Studios; Camps, Group or Organized; Camping & Picnicking Areas; Civic, Social, & Fraternal Associations (Clubhouse or Office); Parks & Recreational Areas, Memorial Parks, Memorial Gardens, Memorial Nature Preserves or Parks, Perpetual Care Parks; and Community Center (with conditions).

An eco lodging could be addressed under a group dwelling permit. A group dwelling permit under the R-1 zoning would allow for the development of up to 6 dwelling units, however, only for long-term housing/rentals. A group dwelling is a group of two (2) or more detached or semi-detached one-family, two-family or multiple dwellings, occupying a parcel of land in common ownership and having yards or courts in common. Grouped Dwellings are permitted in the R-1 and R-2 zones with conditions. An R-1 zoned property's allowed density is a maximum of two units for every 0.5 acre or four units per acre, whichever is greater.

In analyzing the applicant's request, the department considered the other uses not allowed by the current R-1 zoning: the sale of food and drinks (restaurant and bar), outdoor concerts on a stage structure (amphitheater), gift shop (retail), salon (barber or beauty salon), use of the eco-lodging for short term rental/guesthouse, and event space rental (rental of commercial space) and considered the appropriateness of a rezoning to B-3 versus use variance. The area has had four zoning map amendments (three rezonings and one use variance). The B-3 zone allows mixed-use development, however, 143 uses as a matter of right, some of which may have adverse impacts on dominantly residential areas. The adjacent owners expressed concerns with increased activity and the department determined it may be more appropriate to grant use variances with conditions to protect the residents.

**Recommendation:**

The Department of Planning and Natural Resources recommends that Plot Nos. 219 and 220 Estate Morning Star, Queen Quarter, St. Croix be granted use variances to allow for restaurant and bar, amphitheater, retail, barber or beauty salon, short term rental/guesthouse, and event space rental/rental of commercial space with the following conditions:

1. A minimum setback of 25 ft. from adjacent residences,
2. A landscaped buffer of trees and/or shrubs 6'-7' high shall be installed along the boundaries of Plot 219 and
3. Night activities shall cease at 2 a.m.

  
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Jean-Pierre L. Oriol  
Commissioner

24-Oct-2023

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Date