


[EXTERNAL MAIL]Re: Follow-up Written Comments to Virtual Public Hearing via Microsoft Teams Held on November 21, 2023 for DPNR Application No. ZAT-24-1: Discount Car Rental Zoning Request from R-3 (Residential Medium Density to C (Commercial) for Plot ...

CL Slack <clslack@gmail.com>

Thu 11/30/2023 4:40 PM

To: Leia LaPlace <leia.laplace@dpnr.vi.gov>

Cc: ryanamoron@gmail.com <ryanamoron@gmail.com>; Keshoi Samuel <Keshoi.Samuel@dpnr.vi.gov>

 2 attachments (3 MB)

20231123_130648.jpg; 20231123_130651.jpg;

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VIA First Class Certified Mail, Return Receipt Requested and Email

November 30, 2023

Government of the Virgin Islands of the United States
Department of Planning and Natural Resources
Division of Comprehensive and Coastal Zone Planning
4611 Tutu Park Mall
Suite 300, 2nd Floor
St. Thomas, VI 00802

Attention: Ms. Leia LaPlace-Matthew
Territorial Planner
Email: leia.laplace@dpnr.vi.gov

Attention: Keshoi Samuel
Planning Technician
Email: keshoi.samuel@dpnr.vi.gov

Re: Follow-up Written Comments to Virtual Public Hearing via Microsoft Teams Held on November 21, 2023 for DPNR Application No. ZAT-24-1: Discount Car Rental Zoning Request from R-3 (Residential Medium Density to C (Commercial) for Plot Nos. 41 Remainder and 41-C Estate Contant, No. 7A Southside Quarter, St. Thomas – Request Purpose: Utilization for Parking.

Dear Ms. LaPlace and Mr. Samuel,

Thank you for hosting the virtual public hearing on Tuesday, November 21, 2023 at 9:30am and providing the opportunity for owners of adjacent properties to participate in and provide comments to the DPNR Application No. ZAT-24-1 by Discount Car Rental for its Zoning Request from R-3 (Residential Medium Density to C (Commercial) for Plot Nos. 41 Remainder and 41-C Estate Contant, No. 7A Southside Quarter, St. Thomas, Virgin Islands, in its request to utilize the property for parking. We appreciate the opportunity provided for attendees to participate in and provide comments to the proposed rezoning request during the public hearing, as well as to submit written comments regarding the proposed request.

As Ms. Charmaine Slack stated during the public hearing held via Microsoft Teams, there are a number of significant concerns regarding DPNR Application No. ZAT-24-1: Discount Car Rental Zoning Request from R-3 (Residential Medium Density to C (Commercial) for Plot Nos. 41 Remainder and 41-C Estate Contant, No. 7A Southside Quarter, St. Thomas (collectively, the "DCR Plots") – Request Purpose: Utilization for Parking, as proposed, which are set forth below.

Brief Background: We have lived and owned property in this Contant neighborhood for almost fifty (50) years and are very disheartened by any consideration being given to any proposed rezoning of the DCR Plots, and most in particular, Plot No. 41 Remainder, to commercial property, due to its close proximity to our homes, other residential homes in the community, as well as the Contant Knolls Housing Development (the "Knolls Community"). Plot No. 41 Remainder is located directly parallel to the Knolls Community. As you may be aware, the Knolls Community is comprised of almost 100 (1, 2 and 3 bedroom) residential apartments.

The Estate Contant 93A-1 property is located on a corner lot at the intersection of the Contant Thruway Estate Road and the Hideaway Road, which is a back road leading to the Thatch Farm and Bournefield residential communities. Estate Contant #93A-1 and Estate Contant #93A are adjoining properties. Both homes, as well as Estate Contant #93B-1A are part of an Estate

Contant residential subdivision comprised of approximately 15 acres and some 25 to 30 homes, which are approximately 300 yards from the historic landmark Contant Mill on a gently sloping terrain. These properties were developed on former agricultural lands of the original Contant established in 1790 where sugar was produced until sometime in approximately the early 1800's. This modern-era community was developed by the designer/builder Jeffrey Zucker (1931-2013) in the 1960s to early 1970s (the "Zucker-Designed Community"). Most of the homes in the Zucker-Designed Community are more than 50-60 years old and potentially have historical significance locally and nationally.

Further, the homes in this Zucker-Designed Community were designed with a number of distinctive aesthetic details found in (and that continue to exist) in numerous other homes designed by Mr. Zucker on St. Thomas and St. John. The beneficiaries of the Zucker-Designed Community are numerous Virgin Islands residents, including, but not limited to, artists, teachers, lawyers, nurses, musicians, financial advisors, judges and other occupations, who were introduced to a different style of living, as they ascended into the societal middle class, that stretched beyond the modern tract home.

Given the incredible breadth of the almost 230 permitted uses for properties in a commercial zone pursuant to Section 228 of Chapter 3 of Title 29 of the Virgin Islands Code, any blanket rezoning of properties in the Estate Contant community to commercial zoning, as is being requested, leaves open endless possibilities to radically, detrimentally and forever alter the "small town" feel of this community, to the extent commercial enterprises are permitted. The uses in a commercial zone could encompass, but is not limited to gasoline service stations; sales and storage of asbestos products; mechanic car and engine repair and remodeling; tire sales and repair businesses; passenger bus terminals, garaging and equipment maintenance; commercial and industrial machinery, equipment and supplies, concrete products; electric power generation substations; and transmittal towers, to name a few -- none of which should be consciously permitted to be zoned in close

proximity to and around residential communities.

Given that there have been and continues to be at least two fuel trucks stored on Plot No. 41 Remainder for the better part of a year (see attached pictures), if not longer, these concerns are not unreasonable. It is unclear whether they currently contain fuel. However, if fuel trucks that can hold thousands of gallons of fuel are stored currently and/or in the future on the DCR Plots, it creates potentially highly hazardous conditions for the neighborhood. This concern is further elevated in dry seasons where any potential explosion could result in Incomprehensible losses to life and property.

Needless to say, there are numerous reasons historically and presently why the various zones, categories and land uses exist and were developed, designed and designated, including giving due consideration to the safety, health, environmental impact, noise, wellness, economic and other factors that could negatively impact a residential community. These factors are no less critical or important today, with any current and future planning being done by the Government of the U. S. Virgin Islands. The safety, well-being and health of its residents, including children and the senior population is and should continue to be paramount.

It is our belief, based on on-going and extensive research that development of the Zucker-Designed Community by Mr. Zucker and the accompanying residential designs were conceptually influenced by world-renowned Architect Frank Lloyd Wright and his Usonian Homes design. Starting in the 1930's through the 1960's, when the last project was completed, Mr. Wright envisioned the design and development of uniquely designed individual homes that were tailored for the "everyday" lifestyle of families in the United States.

This style of Usonian homes design sought to produce an equitable and efficient design that is informal and organically rooted in nature, providing affordable dwellings, designed for the then-growing middle class of the 1950's that "everyday folks" could purchase. Mr. Zucker followed and implemented a similar style in providing affordable dwellings with the homes in

this Zucker-Designed Community, including a number of unique building features, utilizing items such as stone and wood, developed on atypical lots. The homes in this Zucker-Designed Community have always been and continue to be regarded as one of the uniquely designed neighborhoods on the island of St. Thomas.

It is worth noting that Estate Contant #93A, Estate Contant #93A-1, Estate Contant #93B-1A and a number of other homes in this Zucker-Designed Community have only had one (1) or two (2) homeowners since the original construction, other than the builder, Mr. Jeffery Zucker.

Rezoning Request vs. Variance: As noted above, given the breadth of the permitted uses for properties in a commercial zone of almost 230 potential uses, including gasoline service stations, the request is overly broad and could otherwise be easily and readily accomodated within the existing R-3 designation, which permits garages, private and/or be achieved via the approval of a variance to the existing zoning to permit the requested parking, to the extent it is not deemed to fall within the existing permitted uses for an R-3 zone.

Although Mr. Roosevelt David, who presented on behalf of the applicant and owners of DCR Plots, stated that the intended purpose for the request is merely to bring into compliance the existing use of the property, as Ms. Slack stated during the public hearing, there are significant and serious concerns with the application being approved for rezoning to commercial use. Additionally, as further stated during the hearing, the main Contant Thruway, as well as Nana Hill Drive on which an access entryway is already in place for Plot No. 41 Remainder is a huge concern due to the very heavy pedestrian traffic of both roads by residents, including children from elementary to high school age, who walk along those roads to and from home in the Knolls Community and the surrounding communities. Many of the children are dropped off by school buses on the main Crown Mountain Road and then walk in along these streets where there are no sidewalks. The heavy and constant vehicular traffic is already significant on those roads due to what is viewed by many as an over capacity of vehicles in the neighborhood

resulting from the improper placement of such a large development when the Knolls Housing Development was constructed. Moreover, cars are constantly speeding up and down those roads at all hours of the day and night.

Notwithstanding the current and proposed use in the near-term, if approved, there would be nothing that could or would prohibit any change to the future use of the DCR Plots, within the permitted uses of a commercial zoning by the existing and/or any future owners. This would significantly and detrimentally change what is currently a residential community, with historical relevance, to something potentially less favorable to a residential neighborhood.

Potential Negative Impact- Property Market Values/CriminalActivity: It is worth also noting, that with the approval to a change in zoning to commercial, it introduces the possibility that the type of establishments developed on the DCR Plots in the future could significantly and negatively impact the market values of the surrounding homes. Additionally, given the number and types of permitted uses, the type and use of the DCR Plots in the future could create invitations for increased criminal activity, especially after hours. That has already been the case with the Knolls Housing Development, where we went from a very peaceful community, with virtually no crime in the neighborhood, to (seemingly almost overnight) increased crime, including hearing gun shots at night, in particular around the holidays for too many years to count.

Letters in Support: Although it is admirable that there were two letters submitted in favor of the proposed rezoning, that were read into the record during the public hearing, previously submitted by the pastors of two (2) churches attesting to the owners of the DCR Plots, being respected, upstanding neighbors, there are a few points worth noting with respect to those neighboring properties. Although the churches are within the broader Estate Contant neighborhood, those properties are only accessible and traversed via the road leading to the Contant Old Mill, off the Crown Mountain Road, which currently houses the Word of Faith International Christian Center, the VI Taxi Association and at least one other car rental establishment. That road has little to no

residential homes and even less pedestrian traffic. Moreover, as vital as those churches may be to our communities, they are less impacted by virtue of location, as well as not residing in the community 24 hours a day, 7 days a week, 365 days a year. As such, they may not fully appreciate the daily toll an increase of up to an additional approximately 100+ cars can place on our communities and the surrounding roads, which are already heavily traveled by vehicles and pedestrians.

Vehicular Congestion – Contant Knolls: Due to the size of the Knolls Community of almost 100 units, the parking allotted for the property has always been inadequate, which has resulted in an overflow of cars parked on the Nana Hill Drive. This presumably can only get worse, with the proposed application to allow parking for the DCR Plots of at least up to approximately 100+ cars. Additionally, the continuation of the Contant Thruway that runs all the way down to where the applicant's business is located, as an additional access road with no stoplights and less congestion than the Crown Mountain Road is a recipe for disaster, given the number of blind corners on that road. The possibility for employees of the car rental company rushing to take cars back and forth only further adds to our safety and other concerns.

Heavy Pedestrian Activity: Residents (the elderly and mothers with young children) often walk to Crown Mountain Road to get to town on roads that have no sidewalks or access to public transportation and are subject to excessive speeding at all hours of the day. As noted above, a large number of children resides with their families in the Knolls Community, ranging from babies taken on daily walks by their mothers to school age - elementary, middle and high school students who are dropped off by school buses on Crown Mountain Road and who then have to walk down Contant Thruway and along Nana Hill Drive to get home. Cars are constantly speeding up and down those roads, as is the case currently. The addition of another approximately 100+ cars can only add to our significant safety concerns for the neighborhood, especially with the access entryway that exists on Nana Hill Drive by Plot No. 41 Remainder, and along the streets where there are no sidewalks.

As long-standing residents and homeowners of this community, we are asking that the concerns raised during the public hearing, and as further noted above, be given serious, meaningful and thoughtful consideration before the requested rezoning is granted, if at all, or at the very least, granted with meaningful modifications and/or restrictions.

We welcome and are available to address any questions or comments that the proposed comments above may raise. Also, please let us know how we may obtain further information regarding next steps, including dates and times of all additional processes and proceedings with respect to the consideration of the DPNR Application No. ZAT-24-1, including any additional proceedings that would be open to the public.

Sincerely,

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