



GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS
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DEPARTMENT OF PLANNING AND NATURAL RESOURCES

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Office of the Commissioner

**Report by the Division of Comprehensive and Coastal Zone Planning on
the Petition to Amend Official Zoning Map No. STZ-4, Application No.
ZAT-24-1**

Petition of applicant, Discount Car Rental, to amend Parcel Nos. 41 Remainder and 41-C Estate Contant, No. 7A Southside Quarter, St. Thomas from R-3 (Residential-Medium Density) to C (Commercial) zoning to bring the property into zoning compliance with its current use as a parking lot for vehicles and storage containers.



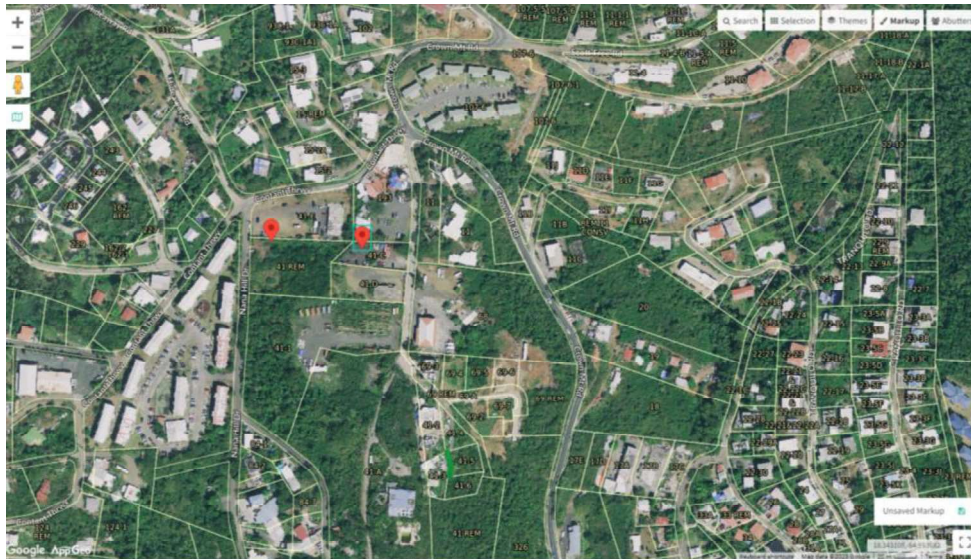
Photo of current site condition

Property Owner(s): For Parcel No. 41 Remainder Est. Contant, Alex Belmonte as per Warranty Deed dated December 3, 2013, Document No. 2014000290. For Parcel No. 41-C Est. Contant, Discount Car Rental & Sales, Inc. as per Warranty Deed dated August 6, 2011, Document No. 2011006023.

Applicant Representative(s): Roosevelt David, Authorized Agent.

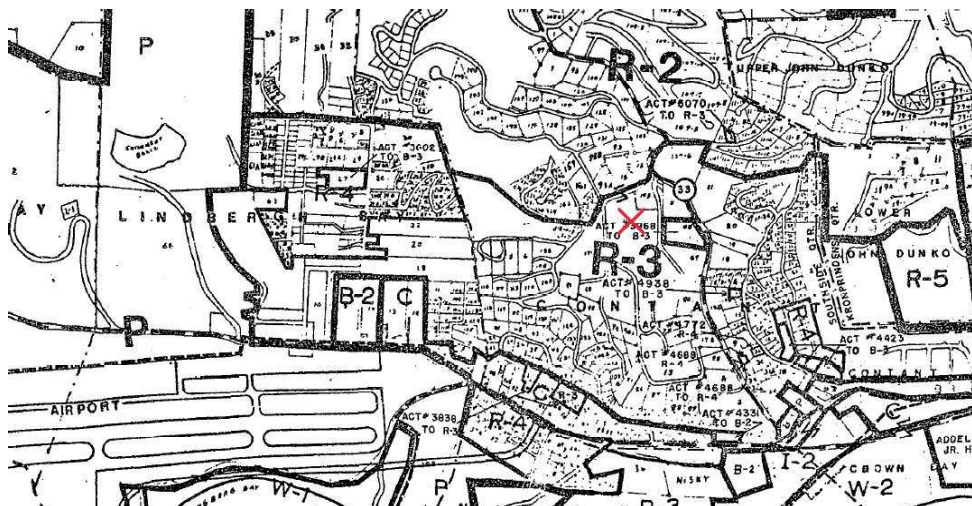
Acreeage: Parcel No. 41 Remainder Est. Contant consists of 0.967 acres as found on survey drawing OLG No. D9-8830-T013. Parcel No. 41-C Est. Contant consists of 0.322 acres as found on survey drawing OLG No. D9-8327-T009.

Surrounding Uses and Zones: Surrounding the property to the north is a church, the site of the former Old Mill Night Club. To the east is a residential property. To the south is another church and east of that church is the VI Taxi Association's property, Parcel No. 68 Est. Contant. Several car rental businesses utilize Parcel No. 68. To the west is the Contant Knolls apartment complex.



MapGeo aerial view of properties (marked in red)

The surrounding area is zoned R-2 (Residential-Low Density-One and Two Family) and R-3 with one rezoning granted for Parcel No. 68. Parcel No. 68 Est. Contant was rezoned in 1977 from R-3 to B-3 (Business-Scattered) by Act No. 3968.



Official Zoning Map No. STZ-4 (properties' location indicated by red X)

Infrastructure: No water or sewage is needed for the proposed activity of parking.

Other needed DPNR Division reviews: None

Project Summary: At DPNR-CCZP's public hearing, Mr. Roosevelt David testified the site has been used for Discount Car Rental's overflow parking for approximately ten years. The applicant was recently advised of zoning noncompliance and chose to undergo the zoning map amendment process to bring into compliance. The car rental office is located at another site (Parcel No. 72 Estate Contant, No. 7A Southside Quarter) and only employees come to the Estate Contant site to pick up rental vehicles, as needed. No new construction is needed for continued use. The site has accommodated up to 20 vehicles.

Public Response at DPNR-CCZP Public Hearing held November 21, 2023:

Other than the applicant's representative, no one else spoke in support of the petition at the public hearing. Prior to the public hearing, two letters of support were received from adjacent property owners. One adjacent property owner expressed concerns, summarized below:

- Concern with maximum number of cars that could be parked at properties.
- Increased cars could result in increased traffic.
- Location of access roads and already congested from Contant Knolls tenants' on-street parking.
- No sidewalks in area.

The adjacent property owner with concerns subsequently submitted a letter post-hearing, summarized below:

- Concerned with rezoning near residential activity.
- Commercial zoning, which allows over 200 uses, opens area to light industrial uses that could alter the "small town" feel of the neighboring community.
- Possible negative impact to property values of nearby homes.
- Commercial zoning could introduce uses that increase criminal activity.
- Concerned with use of Nana Hill Drive for access.
- Community has no sidewalks and pedestrians experience speeding vehicles.

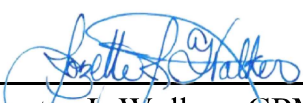
Analysis of Request/Reason for Recommendation: The property was used for overflow parking for approximately ten years when a business license application triggered the notification of noncompliance. No new construction is proposed for the site, only continued stand-alone parking which is the zoning category "Parking, Commercial." The current R-3 zoning allows as a matter of right the zoning category "Garage, Private." The Zoning Code, however, defines "Garage, Private" as "An accessory building used only for the storage of self-propelled

vehicles for the use of occupants of a lot on which such building is located with a capacity of not more than three (3) motor driven vehicles.” There is no other use on the property thus the stand-alone parking was evaluated, and it is a low impact use.

In analyzing the applicant’s request, the department considered the appropriateness of a rezoning to C-Commercial versus a use variance. The area has had only one rezoning which was granted in 1977, indicating there is no major shift in the area’s character and zoning. The C-Commercial zone was intended for light-industrial/manufacturing uses to be located away from the central business districts that catered to pedestrians/tourists and does not permit residential use. It permits over 200 uses, some recognized as potentially detrimental to dominantly residential neighborhoods. The department recognizes the C-Commercial zoning could negatively impact surrounding properties and would not be in conformity with the area’s character. The area is mixed use but not industrial in nature. The adjacent owner expressed concerns with the rezoning and the department determined it may be more appropriate to grant a use variance to protect area residents.

Recommendation

The Department of Planning and Natural Resources recommends that a use variance be granted to the R-3 (Residential-Medium Density) zoned Parcel Nos. 41 Remainder and 41-C Estate Contant, No. 7A Southside Quarter, St. Thomas to allow for “Parking, Commercial.”



Jozette J. Walker, CPM
Assistant Commissioner

12.20.2023

Date

Cc: Jean-Pierre L. Oriol, Commissioner