

Testimony of Roger B. Minkoff before the 35th Legislature of the Virgin Islands, Committee of the Whole, Hon. Novelle Francis, Jr., President and Chair, February 5, 2024.

Good morning/afternoon, Senator Francis.

Good morning/afternoon to the members of the 35th Legislature, Committee of the Whole, staff and the listening public.

Thank you, Mr. President, and members of the 35th Legislature for considering the Petition to amend Official Zoning Map No/ STZ-7, Application No. ZAT No.-24-3 and offering me as the representative of the petitioner AR LEGACY, LLC, the Principals Aikeem Harris and Dr. Rasha Harris who are with me today, the opportunity to testify in support of it.

Those of you who know me personally know that I believe when I have something to offer for the benefit of the Virgin Islands, I do so.

The passage of this legislation is such an opportunity on St. Thomas for our leaders to provide the first “Mixed Use” community to be developed in recent times and to lead other developers to consider Mixed Use zoning.

The passage of this petition into legislation provides an opportunity for the Virgin Islands, providing a product to fill the vacuum in our dire need by providing residential housing, retail, and office use for use by residents, tourists, and businesses.

Additionally, this legislation will add to the greatly needed housing stock, retail, and office space, adding employment in the Virgin Islands, and adding to tax revenues.

Partially quoting from the [Mixed-Use Zoning – Sustainable Development Code \(sustainablecitycode.org\)](https://sustainablecitycode.org), they present an introduction to **Mixed Use Zoning**:

Mixed-use zoning permits a complementary mix of residential (and,) commercial uses in a single district. Mixed-use zoning can take a variety of forms, but often is categorized as one of three types: vertical mixed-use, horizontal mixed-use, and mixed-use walkable. Vertical mixed-use allows for a combination of different uses in the same building and most frequently the non-residential uses occupy the bottom portion of the building, with the residential on top. Horizontal mixed-use allows distinct uses on separate parcels to be combined in a particular area or district. This helps avoid the complexities of combining uses that may have different safety or regulatory requirements in a single building. Mixed-use walkable combines vertical mixed-use and horizontal mixed-use, thus creating an area containing mixed-use buildings as well as distinct single-use buildings in close proximity to each other.

Prior to the rise of the automobile and modern zoning practices, mixed-use developments were the norm. Since the rise of classic Euclidean Zoning (**Euclidean zoning is the separation of land uses by type—residential, commercial, retail, industrial, etc.—each into their own zones or areas within a given city**, use segregation has been the norm and integrated land uses have been relatively rare. The emergence of sustainability and walkability as important factors in community development has led to a resurgence of mixed-used zoning. Implementation of mixed-use zoning has evolved to include more than just permitting mixed-use developments in certain districts. Local governments are now creating mixed-use districts. This allows for a more widespread integration of uses and the development of increasingly cohesive and efficient communities.

For your ease of understanding and consideration of this petition, I have attached the “Uses as Matter of Right and Uses Permitted subject to the conditions set forth in Sections 231 and 232 of Sub-Chapter of Title 29 in the B-3-Business Scattered zoning provided in the Virgin Islands Zoning, Rules and Regulations, 2019 US Virgin Islands Code, Title 29 - Public Planning and Development 2019 US Virgin Islands Code, Title 29 - Public Planning and Development Chapter 3 - Virgin Islands Zoning and Subdivision Law, Subchapter I - Zoning Law, § 228.

I will now present the “Report by the Division of Comprehensive and Coastal Zone Planning of the Petition to amend Official Zoning Map No/ STZ-7, Application No. ZAT No.-24-3, with their recommendation to approve this parcel to be rezoned to B-3-Business Scattered, attached hereto.

For the reasons I have noted, I urge your unanimous support of this legislation and ask each of you individually and collectively for your ‘aye vote.’

Dr. Rasha Harris, Aikeem Harris and I will be pleased to field any questions.

Thank you.

Respectfully,

Roger B. Minkoff

- B-3 BUSINESS—SCATTERED
- Uses permitted as a matter of right:
 - 1. Accessory Buildings
 - 2. Accounting, Auditing & Bookkeeping Services
 - 3. Adjustment Agencies, Offices
 - 4. Alcoholic Beverages, Retail
 - 5. Alteration, Clothing
 - 5a. Alternative and Renewable Energy Systems and Components (solar photovoltaic, solar thermal, wind turbine or other wind converters)
 - Assembly
 - Retail
 - 6. Apparel & Accessories, Retail
 - 7. Appliances (Household)
 - Repair
 - Sales & Service
 - 8. Appraisers
 - 9. Architects' & Engineering Supplies
 - 10. Arenas & Field Houses
 - 11. Art Galleries
 - 12. Artists, Commercial & Display
 - 13. Artists, Material & Supplies & Picture Framing
 - 14. Artists' Studios

- 15. Athletic Fields (Playfields)
- 16. Audio-Visual Equipment & Supplies, Sales
- 17. Automobiles & Motorcycles
- Accessories
- Glass Replacement & Upholstering
- Motor Tune-Up & Repair Work (Mechanical)
- Parking, Commercial
- Rentals, (Office)
- Service Stations (Gasoline)
- Tire Sales & Repair
- 18. Baby Sitting Bureaus
- 19. Barber or Beauty Shops
- 20. Barber & Beauty Supplies
- 21. Bars & Taverns (Drinking Places)
- 22. Billiard Parlors
- 23. Billiard Tables, Sales & Service
- 24. Blue Printing & Photo-copying Services & Equipment
- 25. Boarding House
- 26. Books & Stationery, Retail
- 27. Burglar & Fire Alarm Systems Installation, Sales & Service
- 28. Business Machines, Sales & Repair Services

- 29. Business & Management Consultant Services
- 30. Cafeteria
- 31. Cameras & Photographic Supplies, Retail
- 32. Candy & Other Confectionery Products, Retail
- 33. Canvas Goods, Retail
- 34. Catering Services
- 35. Chinaware, Glassware, & Metalware, Retail
- 36. Churches, Synagogues, Temples, & Sunday School Buildings
- 37. Cigarette & Tobacco Products, Retail
- 38. Civic, Social, & Fraternal Associations (Clubhouse or Office)
- 39. Coin Dealers
- 40. Coffee Shops & Ice Cream Parlors
- 41. Credit Services (Other Than Banks)
- 42. Dairy Products, Retail
- 43. Dance Halls
- 44. Delicatessens
- 45. Dental Laboratory Services
- 46. Dentists' Services
- 47. Detective & Protective Services
- 48. Diaper Services
- 49. Doughnut Shops, Retail

- 50. Drive-In Establishments
- Banks
- Restaurants
- 51. Dress Shop, Sewing & Sales
- 52. Drugs & Proprietary, Retail
- 53. Duplicating, Mailing & Stenographic Services
- 54. Dwelling
 - Attached
 - Detached
 - Group
 - Multiple
 - Semidetached
 - Single-Family
 - Two-Family
- 55. Electrical Equipment & Supplies, Retail
- 56. Electrical Equipment, Repair Services
- 57. Electric Power Generation
 - Offices
 - Substations
- 58. Employment Agencies
- 59. Engineering—Architectural Services

- 60. Engravers—Stationery
- 61. Equipment Rental & Leasing Services
- 62. Farm & Garden Supplies, Retail
- 63. Finance, Insurance & Real Estate Services
- 64. Fire Protection & Related Activities
- 65. Fish & Seafood, Retail
- 66. Florists, Retail
- 67. Freight Forwarding Services (Express), Offices
- 68. Fruit & Vegetable Market, Retail
- 69. Funeral & Crematory Services
- 70. Furniture
- Display & Storage
- Retail Sales
- Upholstering
- 71. Garage, Community
- 72. Garage, Private
- 73. Garage, Public
- 74. General Merchandise & Dry Goods, Retail
- 75. Gifts, Novelties, & Souvenirs, Retail
- 76. Groceries & Related Products, Retail
- 77. Ice, Sales

- 78. Interior Decorators
- Display & Sales
- Offices
- Workshops
- 79. Janitor Supplies
- Retail Sales
- Storage
- 80. Janitor Service
- 81. Jewelry Design & Repair
- 82. Labor Union & Similar Labor Organizations, Halls
- 83. Laundry & Dry Cleaning
- Depot
- Self-Service
- Self-Service & Depot
- 84. Legal Services
- 85. Libraries
- 86. Liquor Store, Retail
- 87. Locksmith Shops, Repair & Retail
- 88. Machine Rental, Domestic (Non-Heavy)
- 89. Manufacturers' Agents
- 90. Market Research & Analyses

- 91. Meat, Retail
- 92. Medical Clinics
- 93. Medical Laboratory Services
- 94. Museums
- 95. Music Shops — Instruments & Supplies (Sales & Repair)
- 96. Newspaper & Magazine Dealers, Retail
- 97. Night Clubs
- 98. Novelties
- 99. Nursery Schools (Children's Day Care)
- 100. Nutrition Consulting Services
- 101. Offices
- General
- Professional
- 102. Paint Supplies, Retail
- 103. Perfume & Cosmetic Shops, Retail
- 104. Photofinishing Services
- 105. Physical Therapists
- 106. Physicians' Services
- 107. Playgrounds
- 108. Play Lots or Tot Lots
- 109. Police Protection & Related Activities

- 110. Postal Services
- 111. Poultry Markets, Retail Sales
- 112. Professional Membership Organizations & Business Associations
- 113. Radio & Televisions, Retail
- 114. Radio & Television Repair Services
- 115. Recording Service (Studios)
- 116. Recreational Centers (General)
- 117. Religious Quarters
- 118. Research, Development & Testing Services
- 119. Restaurants
- 120. Rooming & Boarding House
- 121. Riding Apparel & Supplies
- 122. Rubber Stamps Sales, Manufacture
- 123. Sandwich Shops
- 124. Schools
- Art
- Auto Driving
- Barber & Beauty
- Business & Stenographic
- Dancing (Studios)
- Music

- Nursery
- Primary (Elementary)
- Secondary
- Professional
- Special Education
- Technical, Trade & Vocational
- 125. Shoe Repair Shops
- 126. Shoes, Retail
- 127. Shoeshine Stands
- 128. Soft Drinks, Retail
- 129. Sporting Goods (Athletic), Retail
- 130. Stamps & Coin Dealers
- 131. Stamps, Rubber & Metal, Sales
- 132. Stationery Engravers
- 133. Stationery, Retail
- 134. Swimming Pools
- 135. Tax Consultants' Offices
- 136. Taxidermists
- 137. Telephone Answering Service
- 138. Toys, Retail
- 139. Travel Arranging Services

- 140. Variety Stores, Retail
- 141. Water, Mineral (Bottled), Storage and Distribution
- 142. Welfare & Charitable Services
- 143. Youth Correctional Institution
- Uses permitted subject to the conditions set forth in sections 231 and 232 of this subchapter:
 - 1. Automobiles & Motorcycles, Laundry (Car Wash)
 - 2. Planned Development
 - 3. Signs
- Business
- Directional
- For Sale or For Rent
- Identification
- Temporary
- Uses permitted subject to rules and regulations promulgated under chapter 5 of this title:
 - 1. Wireless Facilities and Wireless Support Structures



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

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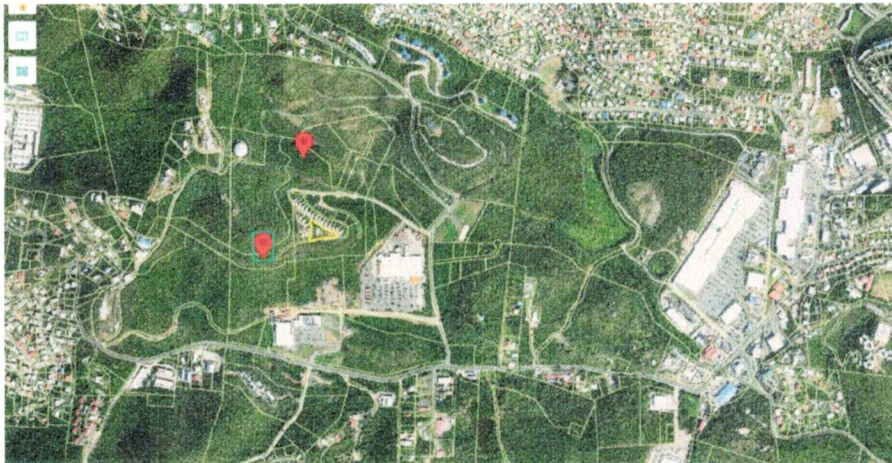
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Office of the Commissioner

**Report by the Division of Comprehensive and Coastal Zone Planning on
the Petition to Amend Official Zoning Map No. STZ-7, Application No.
ZAT-24-3**

Petition of applicant, AR LEGACY, LLC to amend Reconfigured Remainder Consolidated Parcel No. 1-13 Estate Donoe, No. 2A New Quarter, St. Thomas from R-4 (Residential-Medium Density) to B-3 (Business-Scattered) zoning to allow for a mixed-used community.



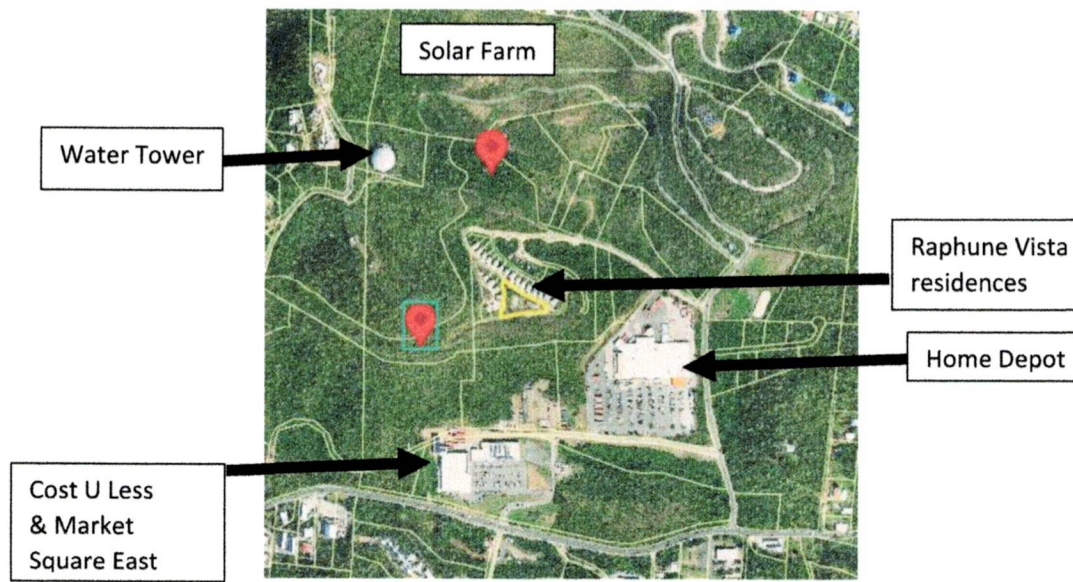
Mapgeo aerial of current site condition (undeveloped land marked in red)

Property Owner(s): AR LEGACY, LLC as per Receiver's Deed dated February 16, 2019, Document No. 2019001472.

Applicant Representative(s): Roger B. Minkoff, Consultant, and representatives of the applicant: Aikeem and Rasha Harris.

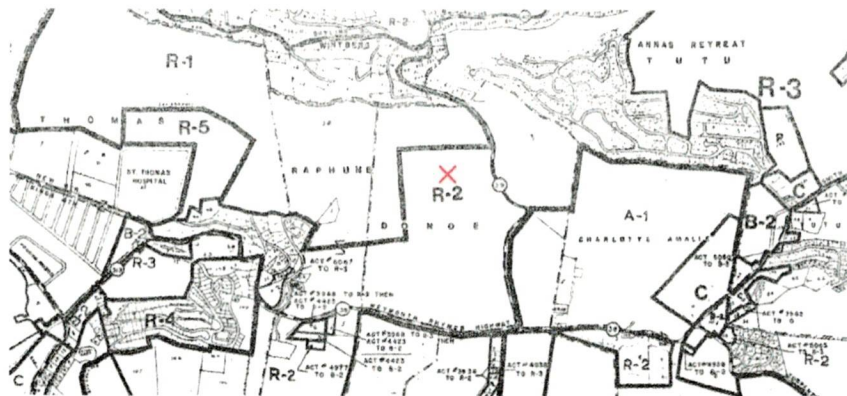
Acres: 11.142 acres as described on survey drawing D9-844-T019.

Surrounding Uses and Zones: Surrounding the property to the north is vacant land and former solar farm. To the east is My Brother's Workshop and a residential subdivision (Oceanside Village/Raphune Vista). To the south is the Home Depot, Market Square East shopping mall, Cost-U-Less, WAPA line yard, and undeveloped land. To the west is undeveloped land.



MapGeo aerial view of property (marked in red)

The surrounding area is zoned R-2 (Residential-Low Density-One and Two Family), R-3 (Residential-Medium Density), R-4, B-2 (Business-Secondary/Neighborhood), C (Commercial), and I-1 (Heavy Industry).

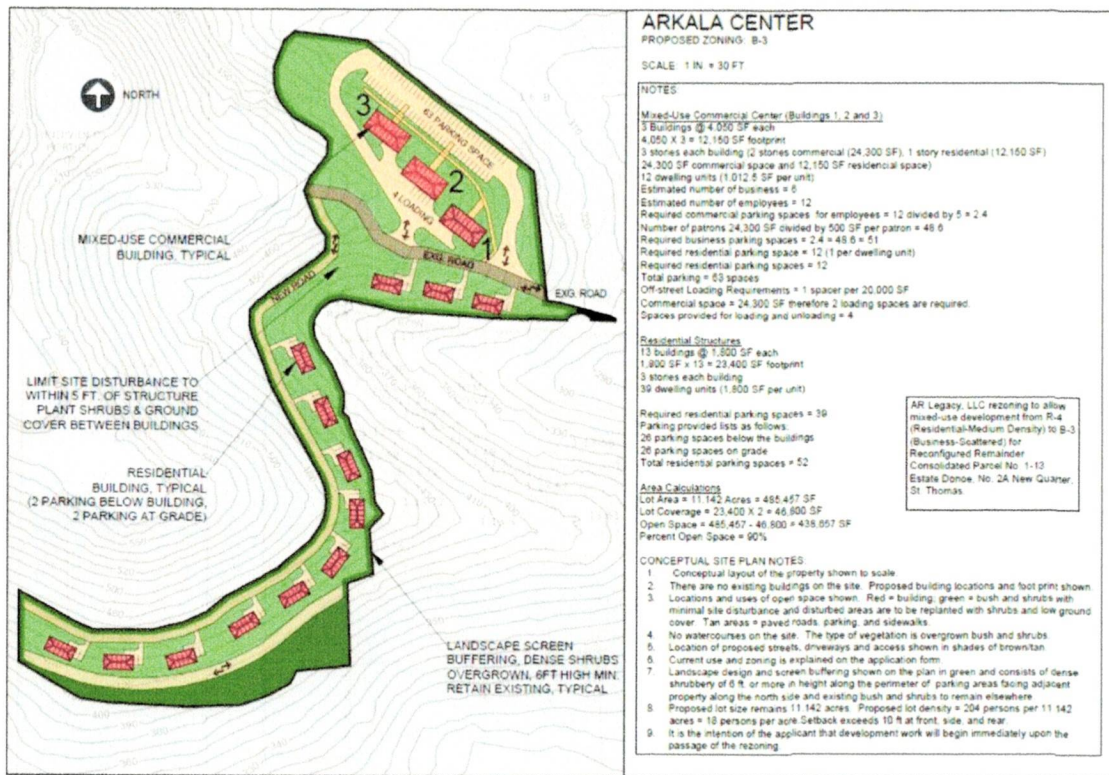


Official Zoning Map No. STZ-7 (property location indicated by red X)

Infrastructure: Water needs will be supplied by public line from the water tower located to the north/northwest of the property. Wastewater will be handled by a treatment plant.

Other needed DPNR Division reviews: None

Project Summary: At DPNR-CCZP's public hearing, Mr. Roger Minkoff testified that the proposed mixed-use community will consist of commercial buildings (labeled below with numbers 1 to 3), predominantly targeted for offices and mixed use. Below the commercial buildings will be residential buildings.



Conceptual drawing of proposed development

The development will be phased over in as many as five phases. The commercial buildings will be developed in phase one (taking about a year and a half) and subsequent phases will be the residential buildings, dependent on the market. There may be 39 dwelling units and amenities such as a community center and swimming pool.

Public Response at DPNR-CCZP Public Hearing held December 18, 2023:

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

Analysis of Request/Reason for Recommendation:


The property was previously part of the Oceanside Village/Raphune Vista property (Parcel No. K Est. Raphune and Consolidated Parcel No. 1-13 Est. Donoe). It was originally permitted in 2007 as a 173-unit single-family detached grouped housing development (Group Dwelling Permit No. GDT-07-2). A rezoning application was subsequently processed in 2008 to allow homeowners the ability to purchase the houses with land (fee simple sale) rather than the condominium ownership required by the group dwelling permit. The properties were rezoned from R-1

and R-2 to R-4 by Act No. 7099. After the rezoning the properties were subdivided.

AR LEGACY, LLC wants to rezone the subject property to allow for mixed use, which is the characteristic that has developed in the area over the past fifty years. There have been six zoning map amendments in the area ranging from use variances, R-3, R-4, B-2, C-Commercial, and I-1. In analyzing the applicant's request, the department considered the area's number and variety of zoning map amendments and mixed-use character that has developed over the years. The request for B-3 zoning to continue the mixed-use character is reasonable for the area.

Recommendation

The Department of Planning and Natural Resources recommends that Reconfigured Remainder Consolidated Parcel No. 1-13 Estate Donoe, No. 2A New Quarter, St. Thomas be rezoned from R-4 (Residential-Medium Density) to B-3 (Business-Scattered).



Jozette J. Walker, CPM
Assistant Commissioner

1/9/2024

Date

Cc: Jean-Pierre L. Oriol, Commissioner