



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-7

Application No. ZAC-22-12

Petition of the Virgin Islands Territorial Emergency Management Agency (VITEMA) to amend the Official Zoning Map No. SCZ-7 from R-3 (Residential-Medium Density) to P (Public) for Plot Nos. 102-A Remainder, 102-B, and 102-C Estate Hermon Hill, Company Quarter, St. Croix.

PROJECT PROFILE

Owner/applicant: The Government of the Virgin Islands as per Deed of Conveyance dated December 9, 1992, Document No. 6773/1992 and Deed of Conveyance dated September 19, 2008, Document No. 2008006178.

Acreage: The properties consist of 4.579 acres as described on Drawing No. 5652, dated June 8, 2005.

Current Use: Site is not in use. The former VITEMA offices were vacated in 2011.

Proposed Use: VITEMA's main office/center of operations for St. Croix to include the Emergency Operations Center (EOC), safe room for emergency responders to shelter in place during storms/disasters, and the 9-1-1 Emergency Call Center.

Surrounding Uses/Zones: To the north is undeveloped land, a residential subdivision, and the Queste Verde Condominium development; to the east, south, and west is undeveloped land and a residential subdivision. Surrounding properties are zoned R-1 (Residential-Low Density) and R-3.

Infrastructure: Water needs will be supplied by public water line and cistern. Wastewater will be handled by public sewer line with a dedicated lift station.

Public Response: Prior to DPNR's public hearing, two emails with concerns were submitted by adjacent property owners. At DPNR's public hearing held October 17, 2022, there were 24 attendees and five adjacent property owners expressed concerns. Following the hearing, an opposition letter and petition bearing 27 signatures were submitted. The opposition/concerns received are summarized below:

1. Impact rezoning will have on adjacent property. Public zoned property next to quiet residential area will limit prospective buyers for property owners who are interested in selling their house. Possible increase in residents' property taxes. Site is in the middle of a residential area.
2. Safety concern with public property being used as a shelter.
3. Noise from large amounts of people and generators, construction, workers, different heavy equipment, and other construction activities. Some residential homes share a boundary line with this property. Will disrupt property owners' ability to enjoy their home. Operation of 9-1-1 dispatch is 24/7, generator will be in operation round the clock if there is power outage.
4. Increased traffic/congestion on already poor road infrastructure and limited roadway to handle current traffic flow. Proposed building capacity is 330 persons. Proposed development only has 202 parking spaces and public zoned properties allowed to use off-road parking. Street is residential, one-way-in, one-way-out street.
5. Impact from demolition/construction and pollution of residential area with dust, debris, and other environmental factors.
6. Increase in current sewage problems.
7. Increase in current drainage problems and run off issues.
8. Potential increase in crime by attracting unfamiliar people to quiet residential area.
9. Proposed building includes basement floor plus four additional floors. Proposed square feet is 27,033 and height of 67 feet tall. Lack of privacy from public use on downhill residents. Psychological effect on homeowners concerned of a building of that altitude in residential area can degrade value of the residential properties. Ground wind effects and shading caused by a building of that magnitude to adjacent private homeowners.
10. No sufficient buffer to screen public use from residential areas. Proposed fence is construction fence and additional funds will need to be identified for more secure fence and security gate.
11. Current plans will impose an undue burden and change the way of life for all property owners in Estate Hermon Hill.
12. Restrictive covenants exist on the property stating all plots are hereby designated residential and it provides guidelines for permitted structures. Property does not follow the requirements in Section III. Buildings and Structures: Permitted Structures.
13. Danger of high radio waves from antennas and effect on surrounding residents.

Analysis:

During the department's public hearing, VITEMA's management team along with their architectural consultant, Springline Architects, testified the property was developed as a tennis facility/club in 1976. VITEMA occupied the property from the early 2000s until 2011.

The building will be designed as a bunker, intended to secure people for emergency management, with windows starting at a height of 6 ft. Day-to-day operations would normally see ten visitors to VITEMA, eight 9-1-1 operators, and 52 VITEMA employees. Federal funding constraints limits the building's safe room design for accommodation of up to 200 emergency responders. This occupant surge would be experienced during training activities and disasters. These occupant surges would be primarily VITEMA employees but also include FEMA personnel and typically last 24-48 hours during storm events.

Windows will be limited in quantity and placed in positions to limit the view over downhill residences. The site's generator will be in a concrete masonry building to minimize noise. Fencing is required to maintain a secure facility and VITEMA indicated funding will have to be identified. Parking for 135 vehicles and 64 vehicle overflow, for a maximum of 199 vehicles are also part of the design. The previously mentioned antennas will be temporary satellite dishes and communication towers for emergency outages and trainings for outages. The same connectivity antennas can be found on the Police Department and Department of Justice, to ensure communication during disasters, and are not the commercial cellular towers the public is most familiar with.

The property must undergo the Federal Consistency process due to the use of federal funding for demolition and construction. This process mirrors the CZM/Tier 1 process with stringent requirements on public involvement and environmental/community impact analysis. In response to possible property tax increase, zoning does not control property taxes. The use of a property dictates its tax rate.

Government owned property is found all over the islands including in residential neighborhoods. There is no restriction in the Zoning Law as to where government owned property can be located. The code does place a restriction on the height of buildings on P-Public zoned properties and that is no building shall exceed the maximum height allowed in the adjoining zoning district. The properties in question have adjoining properties with R-1 and R-3 zoning and the maximum number of stories is six for R-3 zoned properties.

VITEMA's proposal is a maximum of four stories. The federal funding received for the project restricts VITEMA to this property and to the footprint of the original building. To accommodate VITEMA's use of the site, the proposal to increase story count was made considering the footprint restriction.

The "shelter" use would not be one open to the public and is deemed a safe room, which use would be strictly for government and federal employees to staff the Emergency Operation Center and 9-1-1 call center during disaster events.

The Homeowner's Association of the previously mentioned restrictive covenants expressed concerns and requested a neighbor friendly approach where residents will be taken into consideration. Outright opposition was not registered from the HOA, and VITEMA will have to address the HOA's and other property owners' concerns during the Federal Consistency and permitting process. A covenant is a condition, set by a seller/grantor and when the property was conveyed from the Virgin Islands Housing Authority (VIHFA) to the Department of Property and Procurement in 1992 (Deed of Conveyance, Document No. 6773/1992), the Hermon Hill Property Owners' Association covenants and restrictions did not exist (The HOA document's registration date is August 27, 2008). The 1992 deed had its own covenant and restriction, stating the property reverts to the Grantor, VIHFA, if it is not used as an Emergency Operations Center under the auspices of VITEMA.

This zoning map amendment is being sought to bring the property into zoning conformity. Being government owned land, the rezoning will satisfy Section 229 (q) of the Zoning Law, which states, "Properties which are publicly owned should be shown upon the zoning map as such." The reconstruction of the Emergency Operations Center for VITEMA's use is in line with the property's original intent as registered in the 1992 Deed of Conveyance, Document No. 6773/1992.

Recommendation:

The Department of Planning and Natural Resources recommends that Plot Nos. 102-A Remainder, 102-B, and 102-C Estate Hermon Hill, Company Quarter, St. Croix be rezoned from R-3 (Residential-Medium Density) to P (Public).

Keith Richards

1/26/2023



Keith Richards
Assistant Commissioner

Date

Cc: Jean-Pierre L. Oriol, Commissioner, Department of Planning and Natural Resources