



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-9, Application No.
ZAT-24-7**

Petition of applicant, James J. Jones, Jr. to amend Parcel No. 19-1-2-8 Estate Smith Bay, Nos. 1, 2, & 3 East End Quarter, St. Thomas from A-2 (Agricultural Zone) to B-3 (Business-Scattered) with a use variance for agricultural use. The purpose of the request is to allow a mixed-use development.



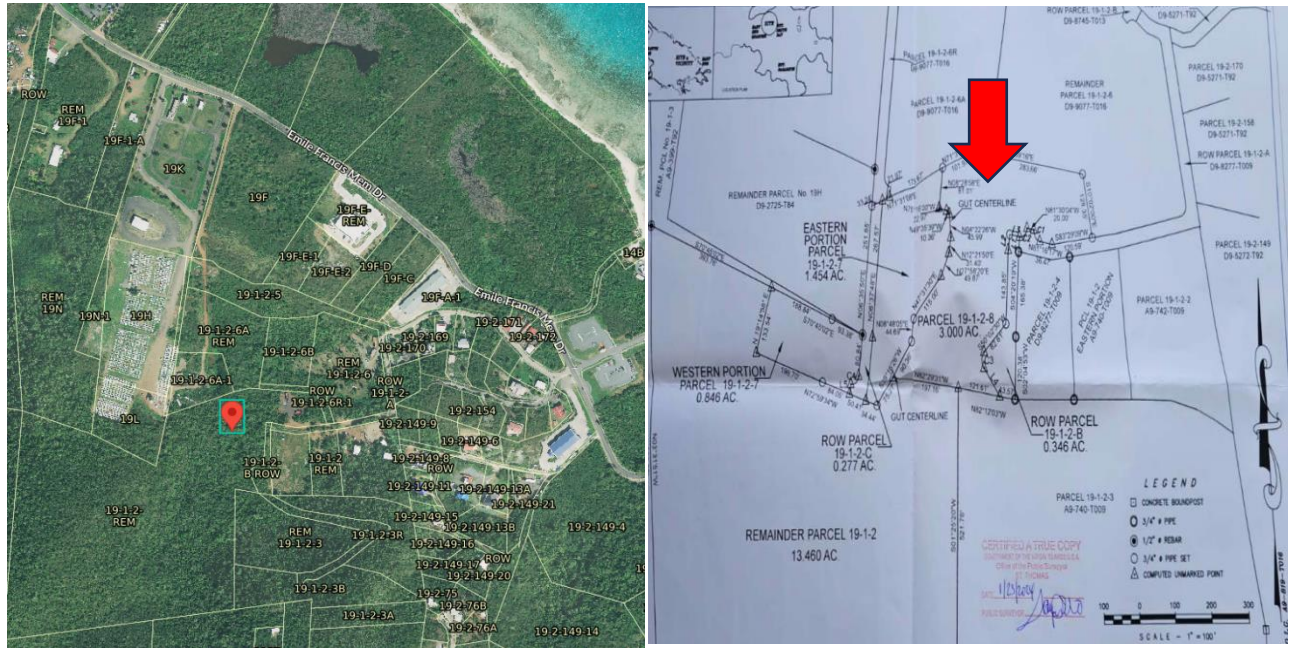
Photos of current site condition

Property Owner(s): James J. Jones, Jr. as per Warranty Deed dated February 10, 2022, Document No. 2022001456.

Applicant Representative(s): Jennifer Jones, Esquire, and James J. Jones, Jr.

Acreage: 3.0 acres as described on survey drawing No. D9-9375-T019.

Surrounding Uses and Zones: To the north of the property is agricultural land followed by commercial activity. To the east is agricultural land followed by residential activity. To the south is agricultural land followed by residential activity and to the west is agricultural land followed by the cemetery.

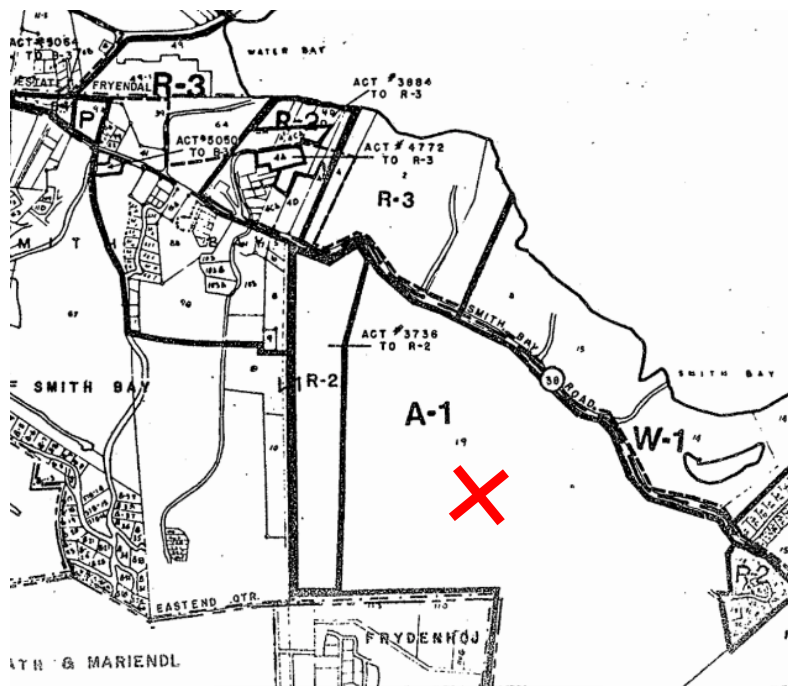


MapGeo aerial view of property (marked in red)

The surrounding area is zoned A-1 (Agricultural Zone), A-2, R-1 (Residential-Low Density), R-2 (Residential-Low Density-One and Two Family), R-3 (Residential-Medium Density), B-2 (Business-Secondary/Neighborhood) and C (Commercial) with 17 rezonings granted for this portion of Estate Smith Bay starting at Sugar Bay Resort and heading towards the Urman Victor Fredericks Marine Terminal (Red Hook Ferry Dock) (detailed in the table below).

Plot No.	Year rezoned	Original zone	Rezoned to	Act No.
19D	1975	A-1	R-2	3736
17B	1986	A-1	B-2	5238
19-2	1991	A-1	VARIANCE	5698
17C, 17D, & 17E	2005	A-1	C	6806
19-2-149-4	2007	A-1	B-2 W/ VAR	6908
19F Rem	2007	A-1	B-2 W/ VAR	6975
19-1-2 Rem (west), 19-1-2 Rem (east), & 19-1-2-2	2011	A-1	A-2	7253
19-1-2-3	2011	A-1	R-2	7253
19-1-2-4	2011	A-1	R-1	7253
19-1-1	2012	A-1	R-2	7363
19F-1-A	2012	A-1	R-3	7466
17	2013	A-1	B-2	7576
17 Rem	2013	A-1	R-3	7576

19-2-101 & 19-2-102	2016	A-1 W/ VAR	VARIANCE	7970
19-2-104	2020	A-1 W/ VAR	R-3	8286
19F-1 Rem	2022	A-1	C W/ VAR	8695
19N Rem	2022	A-1	R-3	8695



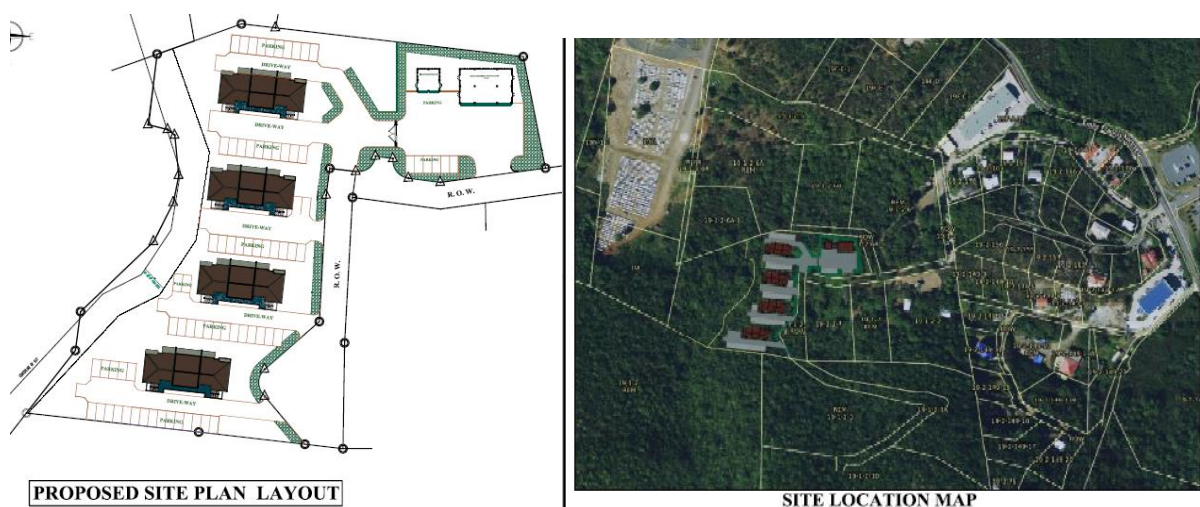
Official Zoning Map No. STZ-9 (property location indicated by red X)

Infrastructure: Water needs will be supplied by cisterns and the public water lines may serve as backup. Wastewater will be handled by an on-site waste treatment facility.

Other needed DPNR Division reviews: A Flora and Fauna Study and Phase I Cultural Resources Survey will need to be conducted and reviewed by the Divisions of Fish and Wildlife and Virgin Islands State Historic Preservation Office, respectively. Development of the properties would require a Stormwater Pollution Prevention Plan from the Division of Environmental Protection.

Project Summary: At DPNR-CCZP’s public hearing, Attorney Jones testified the owner’s intent is a mixed-use development consisting of four, three-story residential buildings and two, one-story commercial buildings. Each floor of the residential buildings will have three, two-bedroom apartments, approximately 900 square feet, for a total of 36 units. The units will be for long-term rentals and have accessory convenience store, laundromat, and management/leasing office

on the property. The commercial portion of the development will consist of a car rental/leasing service, garage, water delivery and distribution service, equipment leasing/rental and storage, and a farming/retail sales component. The development will occur in three phases: Phase 1- the first residential building and the two commercial structures to be completed within 12 months. Phase 2- the second and third residential buildings to be completed within 12-18 months; and Phase 3 would be the fourth residential building to be completed within 18 months.



Public Response at DPNR-CCZP Public Hearing held June 17, 2024: There were concerns expressed by two adjacent property owners summarized below. A third adjacent property owner expressed support for the proposal. One post-hearing comment was received and included in the below summary. The concerns expressed were:

1. Waterways on the east end and along main thoroughfares of island have been deemed unnecessary and have been dammed, diverted or polluted.
2. Subject property was used as a farm and livestock grazing area. The soil is rich, deep, and potent.
3. There is a gut bordering property on the south side. When it rains, a raging river flows through subject property onto animal and nature sanctuary that borders on the north side. Concerned with how the buildings will affect the gut flowing down to the ocean.
4. Road leading to subject property passes 11 lots occupied by the elderly, small children, pets and large grazing animals. Long term residents would be unable to accommodate visitors with vehicles, walk their pets, or sleep peacefully at night.

5. Paved access road narrows and widens and cannot be widened further at certain points.
6. 50+ vehicles would be routed through the neighborhood day and night. Subject property has been used for storage and transport of trucks, trailers, and bins. Water truck and other heavy machinery go in and out regularly.
7. The garden on subject property was planted less than two years ago as a response to land use inspection.
8. Housing crisis is recognized as far as pricing but see elementary schools closed and housing projects empty. Wonder if sacrificing one of the few areas in the country that is still unspoiled is the solution.
9. Ask for help and understanding in protecting the peace and purpose of this valley, see the potential for large traffic to and from the proposed site.
10. This proposal greatly impacts the way of life for surrounding residents.
11. This proposal seeks to retool one of the few areas on the east end where food can be grown with great ease.

Analysis of Request/Reason for Recommendation: Due to rezonings, there are 11 A-2 zoned lots in Estate Smith Bay, with the intention of the A-2 zoning being for small acreage agricultural use. There are five substandard A-1 zoned lots in Smith Bay of which three are the cemetery and two are undeveloped lots owned by the Virgin Islands Housing Finance Authority. The current A-2 zoning requires a minimum of two acres and allows no more than two dwelling units per lot of record. The estate originally had A-1 zoning which requires a minimum lot size of 40 acres and allows no more than two dwelling units per lot of record.

The A-1 and A-2 zones were adopted in 1972 to ensure that the lands previously used for farming sugarcane, cattle production, and truck farming would be maintained for their highest and best use. Large acreage agricultural use ended over fifteen years ago in Estate Smith Bay, and the surrounding area (along Smith Bay Road, from subject property heading towards Red Hook) has had 17 zoning map amendments, indicating a shift from large-scale agriculture to a mix of residential, business, and commercial uses acceptable by the government, as well as neighboring property owners.

A shift from exclusive agricultural zoning is needed to promote food production and increase the value of agriculture. Exclusive agricultural zoning has proven to be restrictive and alienates farmers from the rest of the community. The inability to encourage large-scale agriculture has resulted in the loss of farmland and where development pressures are strongest, rezonings have and will continue

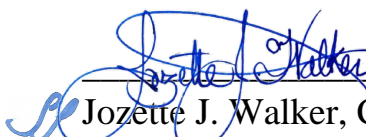
to occur. The allowance for agricultural activity in all zones would help to integrate farming into preservation, production, and economic development. Thanks to technology, more food can be grown on less land thus reducing the need for 40-acre A-1 zoning. Review and revision of the Table of Permitted Uses and Development Provisions sections of our zoning code would require Zoning reform and is on the department's future to do list of zoning text amendments.

The area has grown into a mixed-use corridor heading towards the Urman Victor Fredericks Marine Terminal (Red Hook Ferry Dock) and concerns by neighbors indicate a shift is needed in promoting agricultural activity. Traditional zoning tools are already recognized as having minimal effectiveness in protecting against development of agricultural lands. The A-1 and A-2 zones, although labelled agricultural, have a table of permitted uses allowing 54 and 35 uses as a matter of right, respectively. Many of the uses are not compatible with agricultural use but are allowed (e.g. airports, cemeteries, colleges, drive in movie theaters/motion picture theaters, golf courses, military bases, mobile home parks, racetracks, tennis courts, etc.).

After analyzing the applicant's request and the mix of surrounding uses and zones, the department recommends approval of the rezoning request. The requested zone is in line with what has been granted in the past and the proposed development would not be out of character with the surrounding area. Not all proposed uses are permitted in the requested B-3 zone and two use variances would be required.

Recommendation

The Department of Planning and Natural Resources recommends that Parcel No. 19-1-2-8 Estate Smith Bay, Nos. 1, 2, & 3 East End Quarter, St. Thomas be rezoned from A-2 (Agricultural Zone) to B-3 (Business-Scattered) with a use variance for agricultural use and water delivery service.



Jozette J. Walker, CPM
Assistant Commissioner

7.8.2024

Date

Cc: Jean-Pierre L. Oriol, Commissioner
Louis E. Petersen, Jr. Ph.D., Commissioner, Department of Agriculture