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October 5th, 2026

The Honorable Jean-Pierre L. Oriol, Commissioner
Department of Planning and Natural Resources
4611 Tutu Park Mall
St. Thomas, U.S. Virgin Islands, 00802

RE: **Response to DPNR's Division of Comprehensive & Coastal Zone Planning and Community Concerns Raised During the DPNR-CCZP Public Hearing Held on October 28, 2025 Petition to Rezone Remainder Parcel No. 1 & Parcel No. 1-F Estate Morning Star, Queens Quarter, St. Croix, Virgin Islands, From R-1 Residential One & Two Family Low Density- to R-3 Residential Medium Density.**

Dear Commissioner Oriol:

On October 28th, I represented my client, Mr. Roy Sheridan on the above referenced application to rezone the subject parcels from R-1 Residential Low Density to R-3 Residential Medium Density.

During the virtual public hearing, I responded to the customary range of standard questions which the Division of Comprehensive and Coastal Zone Planning's (CCZP) staff requires that the petitioner address and respond to. While responses were made to each of the questions posed by the staff, the answers and responses given are contained in both the verbatim transcript of the public hearing (referenced as if contained as a part of this further response) as well as similar responses are also contained in the formal Official Zoning Map Amendment Form which was submitted to DPNR/CCZP at the time of filing the original application package.

The two individuals who testified during the public hearing included Ms. Avril Stephens - owner of Parcel No. 1-E Estate Morning Star who shares adjoining boundaries with the subject parcel and a Ms. Bianca Barzey, owner of Parcel No. 12-GA Estate Montpellier. Both of these testifiers raised and asked questions of both the CCZP staff and me in my capacity to represent my client: petitioner- property owner: Mr. Roy Sheridan. As you will note from the verbatim transcript (attached and included hereto by reference), I endeavored to answer and address every question raised and concerns aired during the hearing.

There were no testifiers who specifically expressed any opinion in support or adversarial to the petition.

a. Ms. Avril Stephens clarified for the record her exclusive ownership of the access road leading to her property.

b. Ms. Stephens wanted to know if the R-3 zone designation is intended for application in areas with centralized water and sewer systems why the applicant would request rezoning in the area.

c. ***Ms. Barzey wanted to know what are the required setback, height limitations and lot coverage for the R-3 Residential Medium Density District.***

d. ***Ms. Barzey also indicated that she had observed that the R-3 zone allows townhouses, multi-unit family houses and therefore wanted to know which one or if the petitioner was specifically thinking about a specific type?***

e. ***Ms. Barzey also wanted to know how does developing the subject parcels as R-3 fit in with the character of the existing surrounding R-1 neighborhood.***

f. Finally, Ms. Barzey also wanted to know would or could the rezoning affect the property value(s) of the existing R-1 neighborhood.

Further to the specific concerns above, we submit the following:

1. The Statutory Purpose of R-3 – Title 29 V.I.C. Section 229(e) specifically states:

The legislative recital (intent) for creating the R-3 Residential District states Higher densities must be permitted because of, in the Legislature's words, "the need of providing a considerable number of low cost or low rental housing units." Affordable housing is a stated statutory purpose of the R-3 district. Petitioner's purpose and the recited residential R-3 district's purpose are one and the same to provide and/or create greater opportunities for lower cost (affordable) housing which are not land intensive based but conserves more land.

Clearly, my client and I do respect and understand these as legitimate areas of concern as expressed by the two testifiers who raised them.

We respond accordingly:

a. Ms. Avril Stephens clarified that the fifteen-foot access road leading into her property Parcel 1-E was not an easement across the petitioner's property but was in fact a part of the 1.5-acre parcel she owns outright.

Petitioner's response is that Ms. Stephens' clarified correction on this matter is accurate and a true reflection of the public's record as shown on **OLG Map No. 5869 dated July 20, 2007**.

b. Ms. Stephens wanted to know if the R-3 zone designation is intended for application in areas with centralized water and sewer systems why the applicant would request rezoning in the area.

Petitioner responded that not all R-3 zoned properties were specifically located in areas served by or with existing public water and or sewer. Petitioner also explained that the need for the R-3 residential zoning designation is to allow for a greater mix and variety of residential housing types without being forced to subdivide residential parcels into ½ acre or ¼ acre parcels with multiple individualized septic systems.

In Section 229(e) of Title 29, the recital does mention central sewer and water, but only as background on what limits buildable land generally. The operative R-3 provisions – which govern the R-3 district are Uses, Density, Lot Coverage, Lot Area, Open Space and Height. None of these provisions make any requirement or connection to the availability or non-availability or proximity to central water and sewer. No such condition appears anywhere in any of the zoning district requirements or regulatory provisions.

By contrast, the R-1 recital at Section 229(c) expressly contemplates sewage disposal by means of septic tanks.

So Title 29 of the V.I.C. clearly and plainly does not treat or contemplate public utility services as a pre-requisite or pre-condition for locating any of the residential zoning districts.

However, the R-3 residential district provisions regulate intensity and use of property through an 80 persons per acre cap and the use of no more than 30 percent use or coverage of the underlying acreages. It further requires a mandatory 35% open space requirement.
If these R-3 district actual zoning provisions are applied over the petitioner's 14.2 acre parcel immediately it means that only 4.26 acres of the parcel can at

maximum be developed, it also means that a minimum of 4.97 or nearly 5 acres out of the 14.2 acre parcel MUST BE RETAINED as/for mandatory Open Space.

Many R-3 zoned parcels currently exist outside of areas currently served by public water and sewer systems.

Besides, the technology has existed for more than 30 to 40 years to develop R-3 zoned properties which are outside publicly served water and sewer systems or networks.

Petitioner's single 14.2 acre parcel can support one properly engineered treatment system, and would not require in excess of 20 multiple individualized sewerage disposal systems on sloping terrain.

c. ***Ms. Barzey wanted to know what are the required setback, height limitations and lot coverage for the R-3 Residential Medium Density District.***

The CCZP staff responded by indicating that there are no setbacks; however, the height limit for the R-3 zone is six (6) stories.

Mr. Turnbull further responded, however, that:

The current R-1 zoning district has a maximum Lot Occupancy of 25% (percent), and no requirement for Usable Open space;

Whereas or However:

The R-3 zoning district has a maximum lot occupancy of 30% (percent), and a mandatory 35% requirement for Usable Open Space.

Clearly, the R-3 zoning district raises the permitted buildable area by only five (5) percent over the R-1 ***but it also adds a mandatory open space reservation*** which does not currently exist under the existing parcel's R-1 designation.

Reclassifying the petitioner's parcel from R-1 to R-3 will not only achieve an increase and affordability of housing, it will equally increase significantly, the overall community and immediate neighboring areas stability and attractiveness with the greater retention of historical and cultural resources and natural open space.

d. ***Ms. Barzey also indicated that she had observed that the R-3 zone allows townhouses, multi-unit family houses and therefore wanted to know which one or if the petitioner was specifically thinking about a specific type?***

Petitioner, acknowledged that the types of residential buildings are simply that: types and forms of buildings which lend themselves to variety and mix of residential accommodations. Petitioner has no specific preference for any type but finds that allowing a variety and mix of residential accommodations can increase the affordability of housing, especially when and if that mix and variety is affected by building height and footprint which are inherent limitations of the current R-1 and R-2 residential zoning designations.

e. Ms. Barzey also wanted to know how does developing the subject parcels as R-3 fit in with the character of the existing surrounding R-1 neighborhood.

The petitioner takes the view that the R-3 zoning designation in and of itself does not have to imply or infer a negative character. The continuation of repetitive single-family subdivision sprawl can also be characterized as a negative. Developing this single enclosed parcel can also represent an opportunity to enhance and introduce to the existing neighborhood a missing component without creating or causing any adverse effects.

f. Finally, Ms. Barzey also wanted to know could the rezoning affect the property value(s) of the existing R-1 neighborhood.

This may be a subjective matter and can depend on many unknown circumstances. The immediate and surrounding R-1 zoned and developed area is at best sparsely developed with single and two family dwelling units on half acre parcels. The subject property under consideration for rezoning is an approximate 14 acre parcel of land which if rezoned will have its own internal road system and infrastructure and therefore will have no immediate or future impact on existing neighborhoods.

We therefore cannot speak to how or if rezoning our property will have any effect on property values on the existing surrounding R-1 zoned neighborhood. Our research shows no direct link of residential zoning re-classification to Property Values. We could find no published studies which measure the effect of a rezoning or an affordable housing development on neighboring property values within the Virgin Islands market place.

> Even on the mainland, the Journal of Planning Literature (2005) reviewed seventeen rigorous studies and found no uniform negative or adverse effect. Outcomes turn on design, management, compatibility, and concentration – all attributes of a particular development set at the design and permitting stage, not attributes of a zoning district.

We truly understand and respect the above areas of concern raised during the October public hearing. We trust that we have provided you with further guidance through our responses above on how to weigh your further deliberation of my client's petition. We understand as a matter of public policy that both the legislative and executive branches of the Government of the Virgin Islands place a great emphasis including offering tax incentives to motivate and encourage the development of Affordable Housing. We, therefore, find our rationale for rezoning these acreages to be consistent with advancing public policy towards that end.

Thank you in advance for your department's favorable consideration of the merits and rationale of our petition as originally submitted and as you prepare your recommendations to the Virgin Islands Legislature.

Sincerely,

Brian Turnbull,
Zoning Consultant
Enclosures

cc:

Ms. Leia LaPlace, Director, Division of CCZP, DPNR
Mr. Roy Sheridan, Property Owner
Mr. Sergio Sheridan, Owner's Representative