



Maison de Poincy Condo Association

4010 Beeston Hill
Christiansted, VI 00820

September 11, 2025

Leia LaPlace-Matthew
Territorial Planner
Department of Planning and Natural Resources
Division of Comprehensive and Coastal Zone Planning
45 Mars Hill, Frederiksted, VI 00840-4474

Via email to: leia.laplace@dpnr.vi.gov

Re: Questions regarding zoning application number CCZP0069-25

Dear Ms. LaPlace-Matthew,

We respectfully submit the following questions in advance of the September 15, 2025, public meeting regarding the request to rezone Parcel 6a Beeston Hill (tax parcel 2-04800-0401-00) from R-1 (Residential – Low Density) to B-2 (Business – Secondary/Neighborhood).

Although the applicant now asserts the intent is solely to build housing, a B-2 designation would authorize a wide range of commercial uses that far exceed residential development. This discrepancy raises serious concerns for neighbors and the broader community, particularly since the existing R-1 zoning already provides multiple pathways to achieve substantial residential development without the need for business zoning.

In addition, three factors heighten these concerns and merit careful consideration of application number CCZP0069-25:

1. Comparison of B-2 (Current) Request vs. B-3 (Original Request): The July 31, 2025, letter to the Honorable Milton E. Potter from Ms. Alicia Barnes, on behalf of her client Atta Misbeh, stated that the applicant amended the request from B-3 to B-2 “to address concerns raised by the community.” However, according to 29 V.I.C. § 228, B-2 zoning permits 197 uses which is actually *more* uses than B-3 which permits 143 uses. The revised request therefore expands, rather than narrows, the scope of potential land uses – intensifying concerns about the true intent of the application, especially given the applicant’s current statement to focus “exclusively on housing development.”



2. Consistency with USVI Zoning Law and the Comprehensive Land and Water Use Plan (CLWUP):

The stated objectives of the USVI Zoning Law (29 V.I.C. § 221) include alignment with a “comprehensive land use plan and policy.” On December 18, 2024, after years of community engagement, the 35th Legislature adopted an updated draft of the Comprehensive Land and Water Use Plan (CLWUP). A central theme in the CLWUP, repeated in town halls and public feedback, is the rejection of “spot zoning.” Rezoning Parcel 6a Beeston Hill to B-2 appears inconsistent with both the objectives of the law and the principles established in the CLWUP.

Some key notes on the CLWUP:

- On December 18, 2024, the 35th Legislature of the USVI adopted the draft CLWUP with 12 votes in favor, 2 abstentions, and 1 no vote – there were zero votes against the CLWUP.
- The CLWUP was strategically developed over the course of multiple years and with great effort and immense community involvement from residents of all three islands. These meetings were well advertised and attended. Information and feedback from the public obtained during each round of in-person town hall working sessions and smaller virtual working group sessions was used to incrementally develop the CLWUP.
- The draft of the CLWUP adopted by the 35th Legislature included final changes based on feedback from the June 2024 town hall meetings held on each island, the online survey that was up through the end of July 2024, and additional public comment submitted during the comment period of October 24 – December 5, 2024 (see <https://www.planusvi.com/final-draft-plan>).

3. The Proper Tools Already Exist – and the Legislature Has Recently Used One:

DPNR’s May 6, 2021, report (Petition to Amend Official Zoning Map No. SCZ-7, Application No. ZAC-21-3) identifies three existing mechanisms that allow development under the existing R-1 zoning: Subdivision, Group Dwelling, and Planned Area Development (PAD) (*see attached May 6, 2021, report*).

Of these, Subdivision and Group Dwelling application require only the approval of the DPNR Commissioner and do not involve the Legislature. The PAD process, authorized under existing code (29 V.I.C. § 232), provides tailored framework for multi-unit residential development on



parcels zoned R-1. This mechanism allows attached, group, or semi-detached dwellings under a legislatively approved master plan, while preserving the underlying residential zoning intent and neighborhood character.

Importantly, the Legislature has recently demonstrated the proper application of this tool in Bill No. 36-0095, which approved a PAD overlay on R-2 land in Estate St. Joseph and Rosendahl, St. Thomas. That project – The Residences at 340 North – authorized 80 units of multi-dwelling and single-family homes under a carefully designed and legislatively adopted PAD. This preserved land-use integrity while still meeting housing needs.

Opposed to B-2 Designation and List of Questions for the September 15, 2025, Public Meeting:

Collectively, the Maison de Poincy Condo Association is **opposed to rezoning Parcel 6a Beeston Hill to a B-2 designation**, and we submit the following questions to better understand the application. Specifically, we seek clarity on why rezoning to B-2 is being pursued, when the current R-1 designation appears sufficient to support the applicant's stated housing development goals. We also include questions about the proposed project itself. While we remain committed to understanding the rationale behind this request, the alternatives readily available under R-1, and the details of the housing development, our opposition to a B-2 rezoning remains firm.

Understanding the Request for Zoning Change

1. The application and the July 31, 2025, letter to the Honorable Milton E. Potter from Ms. Alicia Barnes, on behalf of her client Atta Misbeh, state that the proposal is exclusively focused on housing development. If the intent is housing only, why is the applicant requesting rezoning from R-1 (Residential – Low Density) to B-2 (Business – Secondary/Neighborhood)?
2. The application describes the proposal as “to construct and build townhouses for both rental and sale.” The term “townhouses” does not appear in the definitions provided in 29 V.I.C. § 225. How is the applicant defining “townhouses?” Under what existing zoning category would such structures be regulated?
3. The current R-1 zoning designation for 6a Beeston Hill permits two-family dwellings. Given that a two-family dwelling could reasonably fall within the applicant's definition of “townhouse,”



what prevents the proposed construction from proceeding under the existing R-1 zoning on the 15.94-acre parcel?

4. DPNR's May 6, 2021, report (Petition to Amend Official Zoning Map No. SCZ-7, Application No. ZAC-21-3), outlines options available under the current R-1 zoning (*see attached May 6, 2021 report*). One option is subdivision: approximately 31 lots of 0.5 acres each, with two dwelling units permitted per lot, for a total of about **62 units**. Why has the applicant not pursued this subdivision option, which would allow substantial residential development without a legislative zoning change?
5. The same DPNR May 6, 2021, report identifies a second option: group dwelling permits, which allows clustered development and conservation of sensitive parts of the property, subject to detailed plans, public review, and DPNR approval. By this method, approximately **63 units** could be constructed under the existing R-1 zoning. Why has the applicant not pursued a group dwelling permit instead of seeking legislative rezoning to B-2?
6. DPNR's May 6, 2021, report lists Planned Area Development (PAD) as a third option. With this option, detailed plans are provided by the applicant and final approval is granted by the Legislature, without the need for broad rezoning. This mechanism could preserve the residential integrity of Beeston Hill while allowing the applicant "to construct and build townhouses for both rental and sale." As noted earlier, the Legislature has recently approved an application using this mechanism. Why has the applicant not pursued this readily available option provided under existing code (29 V.I.C. § 232)?

Understanding the Plans for Housing Development

7. What assessment has been conducted to confirm that existing public infrastructure – particularly water supply, sewage capacity, stormwater management, and road access – can support the proposed housing development on this site? Has the applicant provided findings, and will those findings be made available to the public?
8. The elevation difference from the highest point of the 6a Beeston Hill vs. the lowest point is quite substantial. Renderings and approximate locations of structures were provided in the application. What consideration has been given to the topography, the siting of the buildings, run-off, and a drainage plan?



9. Traffic in the area, speeding on Beeston Hill Road, and accidents that occur while entering and exiting the Beeston Hill Road are common concerns voiced at each of our Homeowner Association Meetings. Has a traffic impact study been conducted to assess how additional housing units would affect existing roadways in and around Beeston Hill? If so, please provide the findings.
10. How many housing units are being proposed, and what is the anticipated density per acre compared to existing residential development in Beeston Hill?
11. Ownership and Rental Structure (per the application, the applicant intends to “construct and build townhouses for both rental and sale.”)
 - a. What mix of ownership versus rental units is anticipated, and how will this affect the long-term stability of the neighborhood?
 - b. How will the ownership and rental portions be integrated within the development – will they be in separate clusters, or mixed throughout the project?
 - c. For the rental units, will the applicant commit to long-term residential leases rather than short-term/vacation rentals, and how would that commitment be enforced?
 - d. For the owned units, what mechanisms will be in place to prevent these units from operating as short-term vacation rentals? For example, the Maison de Poincy Declaration of Covenants prohibits rentals of less than 30 days and homeowners are prohibited from providing tenants any services that can be considered hotel services.
 - e. What mechanisms will be in place (e.g., homeowner’s association, covenants, or deed restrictions) to ensure that the ownership component maintains long-term stability and does not transition into predominantly rental units over time?
12. How does the applicant plan to manage and maintain common areas and infrastructure when both rental tenants and homeowners occupy the property?
13. Market Analysis & Housing Need



Maison de Poincy Condo Association

Ms. LaPlace-Matthew
DPNR

September 11, 2025
Page 6

- a. Has the applicant conducted any market analysis showing that a mix of ownership and rentals is appropriate or sustainable for St. Croix, and in particular, for Beeston Hill?
- b. At what price points are the proposed housing units expected to be offered for sale, and how does this compare to local income levels and affordability standards?
- c. For the rental component, what is the anticipated range of monthly rents, and how does this align with current market demand for long-term residential housing versus short-term/vacation rentals?

14. What is the anticipated timeline for development, and how will construction activity affect traffic, noise, and daily life for nearby residents during the building period?

The Risk of Inconsistent Precedent

Approving a B-2 rezoning for what is fundamentally a residential housing project would not only undermine the established zoning map, but also sidestep the planning tools the Legislature created to balance housing demand with neighborhood protection. Allowing such a change would set a dangerous precedent, enabling developers to bypass processes such as the PAD process and instead request broad commercial zoning, with potentially irreversible consequences for adjacent homeowners and the broader community. These outcomes are inconsistent with the intent of Title 29 of the Virgin Islands Code and the recently adopted CLWUP.

Request for Action

Based on zoning application number CCZP0069-25, DPNR's May 6, 2021, report (Petition to Amend Official Zoning Map No. SCZ-7, Application No. ZAC-21-3), and the applicable Territorial rules, policies, and procedures, we respectfully request that DPNR recommend **denial** of the proposed rezoning to B-2 for Parcel 6a Beeston Hill. If the applicant's intent is limited to residential development, they should pursue any of the three options outlined in DPNR's May 6, 2021 report (subdivision, a group dwelling permit, or a planned area development) or seek an appropriate residential rezoning rather than a sweeping and incompatible B-2 designation.

Protecting the residential integrity of Beeston Hill while meeting our housing needs requires measured and transparent planning, not overbroad rezoning that invites future commercial encroachment.



Maison de Poincy Condo Association

Ms. LaPlace-Matthew
DPNR

September 11, 2025
Page 7

We appreciate your attention to zoning application number CCZP0069-25 and thank you for considering our concerns. We respectfully request clear responses to the questions listed above and look forward to receiving the information during the September 15, 2025, public meeting.

Respectfully submitted on behalf of the Maison de Poincy Condo Association,

Aletha Wolfe, President

Attachment

cc:

Members of the Association



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-21-3

Petition of Atta and Jihad Misbeh requesting that Portion of the Remainder of Estate Beeston Hill (South Portion), Matricular No. 6a, Company Quarter, St. Croix be rezoned from R-1 (Residential-Low Density) to B-3 (Business-Scattered).

PROJECT PROFILE

Owner/applicant: Atta Misbeh and Jihad Jamal Misbeh as per Warranty Deed dated December 15, 2020, Document No. 2020003734.

Acreage: The property consists of 15.942 acres as shown on OLG Drawing No. A9-3-C008, dated February 7, 2008, revised April 3, 2009.

Current Use: The property is undeveloped.

Proposed Use: A mixed-use development consisting of residential units for rent and ownership, a medical center, restaurant, and two shopping centers.

Surrounding Uses/Zones: The surrounding area is mixed use consisting of vacant land, residences, a gym, church, driving school, and medical center. The surrounding area has R-1, R-3 (Residential-Medium Density), B-2 (Business-Secondary/Neighborhood, and B-3 zoning.

Infrastructure: Water needs will be supplied by cisterns and public water lines. Wastewater will be handled by septic systems and public sewer lines.

Public Response: At DPNR's public hearing held March 12, 2021, 41 attendees questioned and expressed opposition/concerns with the proposal. Prior to and after the hearing, 22 letters/emails of opposition and two opposition petitions (with a total of 38 signatures) were submitted. The following summarizes the objections and concerns:

1. Negative effect on our natural resources (loss of green space and mature trees, resulting in loss of privacy; removal of flora/loss of wildlife habitat and populations. Carving into hillside and additional impervious surface will increase surface/stormwater runoff (gut on property). Inadequate surface water management and small retention ponds for

proposed development on this property with significant elevation drops).

2. Population stagnation or decline due to global warming/stronger, more frequent hurricanes. Proposal may not increase economic activity but more likely result in shift of businesses from one location to another.
3. Increase in traffic congestion. Area already congested and experiences noise, frequent traffic jams, and accidents. This impacts ambulance response times. This is most used ambulance route. Bypass resulted in increased traffic and noise. There have been no changes, lights, or speed bumps, to control current traffic. Adding three entrances/exits to Highway 70 will be a safety concern for residents of Queste Verde, Herman Hill, Beeston Hill, and Maison de Poincey. Project proposes a total of six additional points of ingress/egress onto public and private roadways.
4. Noise from car speakers, gunshots, nearby businesses, ambulances, and road/pipe construction projects between Estates Beeston Hill and Hermon Hill, can be heard. Difficult to advertise rental unit in “quiet Beeston Hill” since noise changed neighborhood from serene to semi-serene. Development will increase noise from ACs and generators (also generator fumes).
5. Rezoning not desirable. Environmental preservation needed for people, plants, and animals.
6. Proposed zone change not consistent with any applicable comprehensive plan for area. Not consistent with surrounding uses or orderly development of public services (traffic, sewage, electric, and water). Master Plan for area needed. Project would impose an electrical, wastewater, and potable water load on already taxed utility system.
7. Negative impact on tranquil nature of surrounding residential area. Loss of neighborhood/community character.
8. Duplication of already existing facilities (some of which are underutilized or vacant)- medical/shopping centers/office buildings and condominiums. Several empty/underutilized shopping malls and medical centers negate need for rezoning residential land for commercial use.
9. Financial loss and potential disruption to R-1 zoning expectations and protections to surrounding property owners.
10. Proposal does not have to come to fruition with zoning change. Applicant could change original concept, subdivide, and sell the land.

11. Massive, scattered business zoning will create more noise, traffic, public gatherings, traffic accidents, gunshots, crime, more street people sleeping on business properties, more freelance car washers.
12. Rezoning will set a precedent for other residential neighborhoods. Incompatible with surrounding R-1 uses and would open area to uses that would negatively impact property values and diminish quality of life. Negative impact on property values during and after construction.
13. B-3 zoning allows 145 uses such as Night clubs, bars/taverns, gas stations, and drive ins. By contrast R-1 zoning allows 16 residentially focused uses with an additional 17 conditional uses.
14. Development standards also differ: B-3 allows 60% of a property to be developed, while R-1 only allows 25%. B-3 allows for a residential density of 120 persons per acre while R-1 allows two residential occupancies per ½ acre parcel.
15. This rezoning should not be considered or allowed until a Comprehensive Land and Water Use Plan is established. Neither until St. Croix as a National Heritage Area is voted upon by US Congress and its potential benefits to St. Croix are understood. This piece of legislation and a comprehensive plan will help guide DPNR, as well as developers, on how to sustainably develop St. Croix.
16. There is a shortage of housing but no need for proposed zone change as there is plenty of business scattered zoned land.
17. Area has sewer smell; increase in housing and businesses will increase smell. Smell from restaurant and garbage will also impact residents.
18. No traffic impact study done to show impact on traffic increase. No rezoning should be granted until a comprehensive traffic study completed, and mitigation measures implemented.
19. No hydrological study/stormwater prevention plan or environmental assessment done to address potential negative impact of proposal.
20. This rezoning should not be approved until climate-change studies completed and our economic future better understood.
21. If rezoning approved, will result in area becoming eyesore and bring down residential property values and increase property taxes. Many businesses lack curb appeal, discouraging people to want to live near them, especially with associated noise.
22. Project timeline will create eyesore due to community's limited resources, manpower, and labor. Projected 10–15-year

completion timeline would subject residents to increased burden of construction traffic, road passage interruptions during construction, increased noise/dust/debris/air pollution, and other negative impacts of a long-term construction project on residences/cisterns.

23. Beeston Hill Association private road is barely wide enough for two cars and cannot be widened due to the Danish welcoming arms. There would be negative impact of commercial development on solitude of road and neighborhood, wear and tear of private road paid for by homeowners' association. Repaving funds came from contributions of several homeowners. Association would not approve widening of private road for proposal.
24. Beeston Hill is one of the few desired communities on island because of location, tranquility, and quality of neighborhood- especially with convenience of existing nearby medical center, gym, Golden Rock Shopping Center, and Christiansted Town, all within one mile.
25. Currently not much traffic going in and out of Beeston Hill neighborhood thus feel safe to walk/run around neighborhood. Challenge is main entrance, which is like a bottleneck, one single-lane road.
26. Decrease in real estate market of home values.
27. Increased light pollution.
28. Compromised security, safety, and integrity of homes/neighborhood.
29. Applicant lacks a clear and concise plan for moving forward with plan. No economic sustainability study done. Did not engage residents regarding their thoughts/concerns. Applicant unaware of need for a Certificate of Medical Necessity. No recruitment plan for doctors to fill Medical Center.
30. The Virgin Islands need to be planning to preserve land, develop sensitive zoning regulations, and incentivize programs that foster the revitalization of existing commercial/business areas. Recycling not limited to plastic, glass, and metal. Recycling, revitalizing, and repurposing extends to built environment also.
31. Development will increase hurricane side effects (flying debris).

Analysis:

During the department's public hearing, Mr. Atta Misbeh testified the five-phase development will take eight to ten years to complete. The first phase would consist of an approximately 40-room, two-story medical center totaling approximately 30,000 square feet.

The second phase would consist of approximately 16, two-story 1500 square foot townhouses, for rent, to primarily medical personnel occupying the medical center. The third phase would consist of approximately 16, two-story 3000 square foot condominiums, for sale. The fourth phase would consist of an approximately 50-seat, one-story restaurant. The final phase would consist of an approximately 40,000 square feet, two-story shopping center for 20-30 shops. Amenities would consist of sidewalks and a playground.

In analyzing the applicants' request, the department considered the following:

1. The property does not have a defined floodplain area (i.e., gut) but a water easement as per consultation with the department's Division of Building Permits Floodplain manager.
2. There is no requirement for zoning map amendment applicants to develop as per the submitted conceptual drawings once a zoning map amendment has been granted.
3. The requested B-3 zoning allows over 140 uses, some of which may not be compatible with the low-density, residential uses in the area.
4. The value of neighboring properties may be impacted by zoning, but it is assessed by the Tax Assessor's Office. It is on a case-by-case basis and based on the activities occurring on surrounding properties. Zoning does not control property taxes. The use of a property dictates its tax rate.
5. The current R-1 zoning has several development options available to it. Those options are:
 - a. Subdivision- approximately 31 lots of 0.5 acres each could be developed (not including roads). Each lot would be permitted two dwelling units for a total of approximately 62 units. Subdivision plans require the DPNR Commissioner's approval.
 - b. Group dwelling- a clustered development allowing for conservation of sensitive parts of the property can be achieved through a group dwelling permit. This permit requires detailed plans that would be submitted to the department for review and a public hearing would allow for public review and comments. The comments received could result in a final plan that satisfies the applicant, DPNR's, and neighbors' concerns. The

property's acreage multiplied by the number of dwelling units allowed in the R-1 zone could allow for approximately 63 units. This permit would require the DPNR Commissioner's approval.

- c. Planned Area Development- a mixed-use development is allowed in the A-1, A-2, R-1, and R-2 districts. Uses permitted in the R-3, R-5, B-3, and B-4 districts may be allowed but shall not occupy more than five percent of the gross area of the Planned Development. This development option goes through the zoning map amendment process, detailed plans would be submitted, and final approval is granted by the Legislature. If construction of a planned development does not proceed within a period of two years after the date of approval by the Legislature of the Virgin Islands, then the approval shall be void and the entire matter would have to be resubmitted for reconsideration of existing circumstances, unless the applicant submits a revised plan or schedule.

The department's opinion is that the rezoning of this much acreage to B-3 zoning is not appropriate, and the development proposal should be revisited, considering one of the three mentioned options: Subdivision, Group Dwelling, or Planned Area Development. It is recognized that the Virgin Islands has a housing shortage and the development options available would allow for the property to be developed in consideration of the already established character and zoning of the area, as well as allow for neighbor concerns to be incorporated into a final development plan.

Recommendation:

The Department of Planning and Natural Resources recommends denial of the petition to rezone Portion of the Remainder of Estate Beeston Hill (South Portion), Matricular No. 6a, Company Quarter, St. Croix.

Keith Richards

5/6/2021

JR

Keith Richards
Assistant Commissioner

Date

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