



| Committee of the Whole.

Legislature USVI

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- 0:00:00 We'll be right back. Thank you. [2 such phrases repeated 11 times · standby audio before the proceeding, transcribed by the recogniser as speech]
- 0:05:30 I We'll be right back. We'll be right back. Thank you.
- 0:07:30 We'll be right back. I am the best, I am the best, I am the best, I am the best. We'll be right back. We'll be right back. We'll be right back. We'll be right back. Let's get started. I'll see you next time. Thank you. Let's go. Thank you. Thank you. Thank you. Transcription by CastingWords We'll be right back. Thank you. We'll be right back. We'll be right back. We'll be right back. We'll be right back. We'll be right back. Thank you. We'll be right back. We'll be right back. Thank you. We'll be right back. We'll be right back. Thank you. We'll be right back. We'll be right back. We'll be right back. We'll be right back. We'll be right back. We'll be right back. We'll be right back.
- 0:24:00 We'll be right back. Thank you. We'll be right back. We'll be right back. We'll be right back. We'll be right back. We'll be right back. Thank you. Let's get started. We'll be right back. Thank you. We'll be right back. Thank you. We'll be right back. Thank you. We'll be right back. Thank you. We'll be right back. Thank you. We'll be right back. We'll be right back. We'll be right back. We'll be right back. A pleasant good morning to the people of the Virgin Islands.
- 0:35:08 The Committee of the Whole of September 23rd, 2024 is hereby called to order. I want to say happy Monday to all, good morning to all present, listening and viewing. Today's Committee of the Whole is convened to receive testimony and four zoning applications and one minor coastal zone permit with us today are the representatives of the zoning application and ccm permit representing the department of planning and natural resources our territorial planner miss Leah Laplace matthew and her team as well as mr marlon hibbert director of the division of coastal zone management these zoning requests support economic and community development and I commend the applicants for working through the multi-step process to be here today. I also commend the residents of the involved neighborhoods who attended the public meetings to either support the projects or to register the concerns that they may have had. I remind all present here today

that's viewing and listening that there's no votes taken in this committee of the whole. However, when we do go to session we'll be acting upon these measures before us today at this time madame clerk let me have a roll call please senator marvin a blyton but um just um dear copy of it let me know president senator blyton present senator angel bocas jr senator bocas jr present senator diane t k part senator capehart present senator samuel carrion

- 0:36:57 Present. Senator Cadillac present. Senator Dwayne M. DeGraff. He's present. They don't have to be. Senator DeGraff present. Senator Ray Fonseca. I'm here. Senator Fonseca present. Senator Nova Lee Francis Jr. I'm here. Senator francis jr. present senator alma francis heiliger senator francis heiliger present present senator donna e fred gregory Present.
- 0:37:53 Senator Fred Gregory, present. Senator Fred Gregory, absent. Senator Kenneth L. Gittins. Senator Gittins, absent. Senator Maurice C. James. Senator James, present. Senator Javan E. James Sr. Senator James Sr. present. Senator Franklin D. Johnson. Senator Johnson, present. Senator Carla J. Joseph?
- 0:38:22 Present. Senator Joseph, present. Senator Milton E. Potter? Senator Potter, absent. Mr. Chairman? Twelve present, three absent. Thank you very much, Madam Clerk. We do have a quorum and prepare to proceed. Madam Clerk, is there any correspondence to be read into the record? Mr. President? Mr. President? Point of information? Point of information, Senator Balquez. I believe I was marked as absent, but I'm present here in the St. Thomas. Senator, you were recorded as present.
- 0:38:58 Okay, very well. Thank you, Mr. Chair. You may proceed, Madam Clerk, with the reading of the correspondence. Letter dated September 23rd, 2024, Honorable Novelle E. Francis, Jr., Chairman. Dear Senator Francis, I hope this correspondence reaches you in the best of health and spirits. Please be advised that I will be slightly tardy for today's Committee of the Whole hearing. I note the importance of the agenda items and look forward to weighing in on the discussion upon my arrival. Sincerely, Kenneth L. Gittins, Senator.
- 0:39:43 Letter dated September 23, 2024. The Honorable Novelle E. Francis Jr., Chairman. Dear Chairman Francis Jr., due to a previously scheduled medical appointment, I will be tardy to today's scheduled committee of the whole meeting. I will join the meeting from the Earl B. Otley Legislative Chambers on St. Thomas upon completion of the appointment. Thank you in advance for your understanding, and I sincerely apologize for any inconvenience my tardiness may cause. Sincerely, Milton E. Potter. Letter dated September 23rd, 2024. Honorable Novelle E. Francis Jr., Senate President. Dear Mr. President, I hope this message finds you well. I am writing to formally notify you of my absence from today's Committee of the Whole hearing as I am currently engaged in the finalization of the 2025 budget bills and, unfortunately, this commitment prevents me from attending the meeting. I kindly request that all circulated documents be placed on my desk for my staff to retrieve. I wish you and all attendees a productive meeting today. Regards, Donna A. Fred Gregory, Senator, 35th Legislature of the Virgin Islands. This concludes the reading of correspondence, Mr. Chair. Thank you very much, Madam Clerk.
- 0:41:05 I do think I see Senator Potter as being present in the chamber in St. Thomas. We could record him as present, and certainly we recognize Senator Gittins when he arrives. And please mark Senator Donna Fred Gregory as excused. Let me have a tally, please. Mr. President, 13 members present, one absent, one excused. Thank you very much. At this time, Madam Clerk, please read today's agenda into the record.
- 0:41:37 The 35th Legislature will convene in the Committee of the Whole hearing to receive testimony on the following zonings and CZM permit. Block 1, Bill No. 35-0302, and act amending Official Zoning Map No. SCZ-11 for the island of St. Croix to rezone Plot No. 8-E, Estate Mount Pleasant, Prince Quarter, St. Croix, Virgin Islands from R-2, Residential Low Density, 1 and 2 Family, to B-3, Business Scattered, and remainder Plot No. 8, Estate Mount Pleasant, Prince Quarter, St. Croix, Virgin Islands from R-2 Residential Low Density 1 and 2 family to R-3 Residential Medium Density. Invited Testifiers Honorable Jean-Pierre El-Orio, Commissioner, VI Department of Planning and Natural Resources. Leah Laplace-Matthew, Territorial Planner, VI Department of Planning and Natural Resources. Clarence Brown, Representative. Bill Number 35-0321, an act amending the official zoning map number SCZ-11 for the island of St. Croix to change the zoning designation of plot number 1068, Estate Williams Delight, Prince Quarter, St. Croix, Virgin Islands from R-2 residential low density one and two family to R-3 residential medium density. Invited testifiers, Honorable John Pierre Elorio, Commissioner, VI Department of Planning and and Natural Resources, Leah Laplace-Matthew, Territorial Planner, VI Department of Planning and Natural Resources, Clarence Payne, Clarence Brown, Representative. Bill number 35-0322, an act amending official zoning map number SCZ-18 for the island of St. Croix to rezone plots number 36, 37, 38, and 42 Strand Street, Town of Frederickstead, Croy, Virgin Islands, from W-1 Waterfront Pleasure to B-1 Business Central Business District. Invited testifiers, Honorable John Pierre El-Orio, Commissioner, VI Department of Planning and Natural Resources, Leah Laplace Matthew, Territorial Planner, VI Department of Planning and Natural Resources, Clarence Brown, Representative.

- 0:44:02 BR No. 24-1172, ratification of zoning application for Plot No. 8, Estate Cassava Garden for a use variant to the I-2 light industry, zoning to operate the storage, retail, and wholesale of propane. Invited testifiers, Honorable Jean-Pierre El-Orio, Commissioner, VI Department of Planning and Natural Resources, Leela Plath-Matthew, Territorial Planner, VI Department of Planning and Natural Resources, Siri Hamad, Applicant, Alicia Barnes, Representative. Block number two, bill number 35.0280, an act ratifying minor coastal zone permit number CZX-21-22W issued to Teague Paradise LLC for the redesign and size reduction of an existing 338-square-foot dock to a 268-square-foot dock seaward of Plot 20, Teague Bay, Christian Stead, St. Croix, Virgin Islands. Invited testifiers, Honorable John P. L. L. Oriel, Commissioner, VI Department of Planning and Natural Resources, Marlon Hibbert, Director, Division of Coastal Zone Management, VI Department Planning and Natural Resources, Michael Joukowsky, President Teague Paradise LLC. This concludes the reading of today's agenda, Mr. Chair.
- 0:45:33 Thank you very much, Madam Clerk. In the essence of time, because we had a previously scheduled afternoon hearing that may very well be postponed or rescheduled, but we brought everyone in so that we could be able to take care of this in one block. Additionally, at this time, I'd like to remind those individuals that might be online, as well as here in the chambers, if you have a cell phone, please put it on silent or turn them off as to not interrupt today's proceedings. I also want to take this opportunity to recognize the John Woodson Warriors volleyball. That's the junior varsity volleyball team who, over the weekend, participated in an interscholastic tournament on St. Thomas and were undefeated and brought back home the victory here in St. Croix. I want to extend congratulations again to the John Woodson Warriors. All of the testifiers are currently seated in the testifiers table and we'll go there just quickly to recognize them and we'll start off of course with Mr. Director Hibbert and then we'll come to Ms. Leah Laplace-Matthew and introduce all of the other testifiers. Mr. Hibbert.
- 0:46:45 Good morning, Senate President Novelli Francis. Thank you. Marlon Hibbert, Division of Coastal Zone Management Director. Thank you. Good morning, Senate President Francis, members of the 35th Legislature, the viewing and listening public of the Virgin Islands. My name is Leah Laplace-Matthew, Territorial Planner, division of comprehensive and coastal zone planning of DPNR and with me is my staff planning technician Jewel Polimis. Thank you, Miss Polimis. Let's do a mic check. Real quick again introduce yourself. Good morning, Senate President. Morning, Mr. Brown. Good morning, Mr. Clarence Brown, Managing Principal for Design District Architects and with me today is Naila Saint-Omer, intern architect at my office, and Kenneth Sarrant.
- 0:47:38 Very well. Real quickly, if you could just put your name again on the record and just do a mic check. Good morning. My name is Natalie St. Omer, a senior at the St. Croix Educational Complex, and I am an intern at the Design District, LLC. Welcome. You're sounding good already. Love to have all young people here. Next, Mr. Sarrant. Good morning, Mr. Senate President. My name is Kenneth Sarrant. I am a project manager at Design District Architects. Welcome, welcome. Next, we'll go over to our former senator, Senator Alicia Barnes, to introduce herself.
- 0:48:13 Thank you, Senate President Francis. Good morning to you. Good morning to the listening and viewing audience. I'm Alicia Barnes, environmental consultant representing VI Propane, LLC. Welcome, former senator. Good to see you. Thank you. Great to be here. Mr. Hamad? Good morning, Mr. President. Hold the mic a little closer to you. Good morning. My name is Siri Hamad. I'm with VI Propane. I'm here for the testimony. Very well. Thank you. Welcome. Welcome, all.
- 0:48:43 And at this time, we'll go to, like I said, we have five items on today's agenda. So we'll go to you for the first one, which is Bill 35.0302. Ms. Matthews. Good morning again. Media, if you could please bring up the slides for ZAC-24-5. Thank you.
- 0:49:15 Report by the Division of Comprehensive and Coastal Zone Planning on the petition to amend Official Zone and Map Number SCZ-11, Application Number ZAC-24-5. Petition of Applicant, Lasso Investment Holding, LLC, to amend Plot Number 8-E and Remainder Plot Number 8 Estate, Mount Pleasant, Prince Quarter, St. Croix. From R2, residential low-density 1 and 2 family, to B3, business scattered, and R3, residential medium-density zoning, respectively. The purpose of the request is to allow a mixed-use development.
- 0:49:57 Property Owner, Lasso Investment Holding, LLC, as per warranty deed, dated March 2, 2023, document number 2023-000601. Applicant Representative Clarence Brown, Managing Principal, Design District Architects, PLLC. Acreage. 3.635 combined acres as described on survey drawing number D9-6870-C024. Surrounding uses and zones. The property is surrounded by mixed-use areas. To the northwest slash north is the market supermarket, Queen Mary Highway, and undeveloped land. To the east is undeveloped land, a business subdivision along Queen Mary Highway, and behind the businesses are residential subdivisions that also go to the south. To the west is the Grace Baptist Church, a housing complex and undeveloped land. The surrounding area is zoned R2, R3, B2 business secondary neighborhood, B3 and C commercial with three rezonings granted. The rezonings were the business subdivision slash Mount Pleasant

commercial strip along Queen Mary Highway heading towards the Paradise intersection, rezoned in 1990 from R2 to B2 by Act No. 5513. Plot No. 5C rezoned in 1999 from C to B3 by Act No. 6283 and Plot No. 2B-1 rezoned in 2012 and granted a use variance for two dwellings to the properties C-zoning by act number 7401 infrastructure water needs will be supplied by public water lines and backup cisterns wastewater will be

0:52:13 handled by public sewer lines other needed DPNR division reviews a flora and fauna study and phase 1 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 Mr. Brown testified the owner's intent is to move their existing business onto their own property as they are presently renting and to develop it for other business use as well. Plot 8-E, which sits along Queen Mary Highway, would be developed with their business, other retail spaces, and possibly residential uses. Remainder Plot 8 abuts the southern residential neighborhood and would be developed into a small, approximately 17 units, tiny home, long-term rental, park-like residential development. The two lots will have separate vehicular entrances. The overall development will take place in three phases, with the intended B3 lot, Plot 8-E, being developed in two phases. The first phase Days involving the owner's business move would take approximately 12 months, and full build-out of the two mixed business slash residential phases could take five or more years. Public response at DPNR-CCZP public hearing held May 20, 2024.

0:54:04 Two adjacent property owners had concerns with construction dust, increased residential traffic and stormwater runoff on the southern lot that faces the southern residential subdivision. There was also concern with the separation between the residential and commercial uses. The applicant's representative confirmed access between the two properties would be by a pedestrian only pathway and gate. There would be no vehicular access between the two properties. The Northern Lot, Plot 8-E, is intended for business-slash-residential use, while the Southern Lot, Remainder, Plot 8, is intended solely for residential use. Development permits would also address their concerns that would occur during and after construction.

0:55:02 Analysis of requests, reason for recommendation. The applicant wants to rezone the properties to allow for mixed use, which is the characteristics that has developed in the area over the past 50 years. The property was subdivided in two, however, to focus the mixed use business slash residential on the northern lot along Queen Mary Highway. To lessen the impact on the surrounding residential neighborhoods, the southern lot would be intended for residential use only under the R3 zoning. The requested B3 zone was intended for mixed-use, business and residential. The requested R3 zone was intended for larger density and more uses than the typical R1 slash R2 single and two-family zones. Areas with access to public sewer lines, water lines and and transportation are most appropriately suited for the 80 persons per acre allowed under R3 zoning. The property's access to public water and sewer lines and location to public transportation along Queen Mary Highway, the area's mixed-use character and ability to act as a buffer transition from mixed-use to the lower-density residential areas makes the request a reasonable one.

0:56:33 Recommendation, the Department of Planning and Natural Resources recommends that Plot No. 8-E, Estate Mount Pleasant, Prince Quarter, St. Croix, be rezoned from R2, Residential Low Density, 1 and 2 Family, to be 3, Business Scattered. And remainder, Plot No. 8, Estate Mount Pleasant, Prince Quarter, St. Croix, be rezoned from R2, residential low density, one and two family, to R3, residential medium density.

0:57:06 Signed by Assistant Commissioner Josette J. Walker, dated June 4th, 2024. And that concludes the department's recommendation. Thank you very much, Territorial Planner, Ms. Leah LaPlante-Matthew. Next, we'll go to Mr. Clarence Brown for presentation. Dear Senate President, Nova Francis Jr., and members of the 35th legislature. My name is Nylee St. Omer. I am a senior at the St. Croix Educational Complex, future architect and intern at the Design District. I am here today testifying on behalf of Lasso Investment Holden, LLC, requesting a zoning map amendment for Platz Remainder A and AE, Mount Pleasant, Prince Quarters, St. Croix, U.S. Virgin Islands. These two last compromise of approximately 3.65 acres located on Queen Mary Highway, Centerline Road, in Estate Mount Pleasant. These lots are currently zoned R2, residential low density one and two family, and have for the most part been vacant. These lots are surrounded by a mix of uses, including residences, offices, gas stations, and a supermarket, to name a few. These lots are currently vacant and have access to public utilities, including portable water and sewage connections. Lasso Investment Hold-in LLC is seeking additional flexibility to achieve their business objectives. Over time, these properties will require a broader mix of uses and density. The request, therefore, is for a zoning change from R2 to B3 for plot number 8E, and a zoning change from R2 to R3 from plot number remainder 8. This proposed amendment will not dispute the established character of the area and will fit seamlessly along Centre Line Road. We are grateful for the opportunity to present this request for consideration and look forward for your support.

0:59:10 Thank you very much, Ms. Sainte-Omar. Excellent job. Thank you. Thank you. That concludes the presentation of that particular. So we could move on to the next one, which will be bill number 35-0321, an act amending an official zoning

map number SCZ-11 for the island of St. Croix to change the zoning designation of plat number 1068, estate William's Delight, Prince Quarter, St. Croix, Virgin Islands from R2, residential low density, one and two family to R3, residential medium density. Ms. Laplas-Matha, you are recognized for testimony on that bill. Thank you. Media slides for ZAC-24-3, please.

- 1:00:05 And this recommendation report will be presented by Planning Technician Jewel Polimis. Polimis, by the Division of Comprehensive and Coastal Zone Planning on the petition to amend official zoning map number SCZ-11, application number ZAC-24-3. Petition of applicants Ezra and Attara Garib to amend plot number 1068, Estate Williams Delight, Prince Quarter, St. Croix, from R2, Residential Low Density 1 and 2 Family, to R3, Residential Medium Density Zone-In, to develop six dwelling units.
- 1:00:51 Property Owners Ezra and Attara Garib, as per warranty deed, dated January 10th, 2023, Number 2023000443. Applicant Representative Clarence Brown, Managing Principal, Design District Architects, PLLC. Acreage 0.308 acres as described on Survey Drawing Number 4096. Surrounding Uses and Zones. To the north of the property is the Queen Mary Highway and undeveloped land. To the east and south is a mix of residences and undeveloped land.
- 1:01:37 To the west is undeveloped land, Caribbean Grocery Store, and S&P Bakery and Eats. The surrounding area is zoned R2, B3 Business Scattered, B4 Business Residential Areas, And I-2 Light Industry, with three rezonings granted. The rezonings were the western portion comprising the Williams Delight Commercial Strip along Queen Mary Highway, rezoned in 1975 from R-2 to B-4 by Act No. 3753, Plot No. 1015, S&P Bakery and Eats, rezoned in 1997 from R2 to B3 by Act No. 6151, and Plot No. 1064, Caribbean Grocery, rezoned in 1995 from R2 to B3 by Act No. 6070. Infrastructure. Water needs will be supplied by public water lines and a backup cistern.
- 1:02:46 Wastewater will be handled by public sewer lines. Other needed DPNR division reviews? None. Project summary. At DPNR CCCP's public hearing, Mr. Brown testified that the applicants are seeking to develop six apartments in response to the housing need in the area. The development will consist of two two-story buildings, each having two one-bedroom and one two-bedroom apartments available for long-term rental. Access would be from 8th Avenue of Williams Delight and may take one to two phases to complete over a 12 to 16-month timeline. The applicant's goal is to not go beyond the R2 zone's development provisions. Public response at DPNR CCCP's public hearing held May 20th, 2024. There was no opposition or concerns expressed with the proposal. There were no post-hearing comments received.
- 1:03:51 The Williams Delight Homeowners Association was contacted and advised of the application, however they informed Mr. Brown they had no objection nor support for the proposal. of request and reason for recommendation. The property's current R2 zoning allows for the parcel as a matter of right to be developed with a maximum of two dwelling units counted by the number of kitchens once they comply with section 2 to 9 of the zoning code. Section 2 to 9 R2 zone development provisions for minimum lot area is 10,000 square feet. 1068 Williams Delight by Wright development is 0.308 acres or 13,416 and 0.48 square feet. Section 229 are to zone develop development provisions for minimum lot width area is 75 feet. 1068 williams delight by wright development is 75 feet wide section 2 to 9 r2 zone development provisions for maximum lot occupancy is 30 percent 1068 williams delight by wright development is 30 percent of 13 000 for 16.48 square feet is 4024.94 square feet maximum lot occupancy allowed by a building or buildings section 2 to 9 R2 zone development provisions for minimum front side and rear yards in feet as 15 10 and 10 respectively 1068 Williams delight by Wright development proposed plans would comply with minimums of 15 10 and 10 respectively section 2 to 9 R2 zone development provisions for maximum height limit is two stories. 1068 Williams Delight by Wright Development proposed plans would comply with maximum of two stories. At 0.308 acres the property has no other development options available to increase density other than rezoning. The sole intent for the requested R3 zoning was to address the housing crisis by offering greater housing density. The requested R3 zoning was intended for a larger density and more uses than the typical R1 and R2 single and two-family zones. Areas with access to public sewer lines, water lines, and transportation
- 1:06:24 are most appropriately suited for the 80 persons per acre allowed under R3 zoning. As a territory and nation tackles its housing crisis, zoning reform is being encouraged at the national level to address the housing shortfall and and reform is encouraged and has been taken by several methods. Allowing housing in zones that previously did not allow housing, increasing density in various zoning districts and reducing lot sizes, changing measurements from maximum number of permitted dwelling units per acre to maximum number of permitted bedrooms per acre, or allowing house-scaled missing middle housing designed to fit comfortably at the size and scale detached single and two-family homes. Zoning reform will address the number of zoning map amendment requests we are receiving for allowing greater housing density across the territory. Currently the Virgin Islands has a recognized gap in the housing density allowed between the R2 zone and the next zone up R3.

- 1:07:30 Nationwide this gap for the coin term missing middle housing is those often overlooked triplexes, fourplexes, sixplexes, townhouses, and live and work units. These middle housing units could allow for the gradual transition of a commercial corridor from strictly commercial or mixed-use onto a lower-density residential neighbourhood, essentially acting as a buffer. These missing middle housing units also allow for the provision of affordable housing with a size and affordability for people of all ages, including older adults and smaller families. In analyzing the applicant's request, the Department considered the area's number of zoning map amendments, the property's access to public water and sewer lines, and location to public transportation along Queen Mary Highway, the area's mixed-use character and ability to act as a buffer transition from mixed use to lower-density residential, and the proposal's intent to be a house-scaled, the two small buildings would have a lot coverage not exceeding the 4,000 square foot allowed by Wright.
- 1:08:45 The Department finds this rezoning request reasonable. The Department of Planning and Natural Resources recommends that plot number 1068, Estate Williams Delight, Prince Quarter, St. Croix, be rezoned from R2, Residential Low Density 1 and 2 Family to R3, Residential Medium Density. Signed by Assistant Commissioner Josette J. Walker, dated June 4th, 2024. This concludes the Department's recommendation. Thank you very much, Technician Apolemus. Next we'll go to Mr. Clarence Brown for presentation.
- 1:09:30 Mr. Serrano, media please put on the mic for Mr. Serrano on the opposite end. Dear Senate President Novel Francis Jr. and members of the 35th Legislature, on behalf of Mr. and Mrs. Garib, we are requesting a zoning map amendment for Plot 1068, Estate Williams Delight, Prince Quarter, St. Croix, US Virgin Islands. This lot comprises approximately 0.308 acres sandwiched between Queen Mary Highway and 8th Avenue East in the Williams Delight neighbourhood.
- 1:10:03 The lot is currently zone R2 residential low-density 1 and 2 family and is currently vacant. The lot is surrounded by a mix of uses including residences, a church school, shopping mall and supermarket to name a few. The lot is currently unoccupied and has the available public utilities, including potable water and sewage connection. The owners are seeking additional flexibility to provide cost-effective residential units to the community.
- 1:10:32 The intent is to provide four to six small units with easy access to public transportation. Being limited to two units by the current R2 zone, the request is for a zoning change from R2 to R3. proposed amendment will not disrupt the established character of the area as the design acknowledges the building requirements of the existing zone we are grateful for the opportunity to present this request for consideration and look forward to your support thank you very much mr. Serrano and next we'll go on there's any other information on that okay next we'll go on and of course at some point we'll be expecting some of additional details and these various requests I'm sure on the question and will need to be provided with some additional details but at this time we'll go to bill number 35 that's zero three two two which is an act amending officials on and map s CZ-18 for the island of st. Croix to rezone plots number 36 37 38 and 42 strand Street town of Fredericstedt St. Croix Virgin Islands from w1 waterfront pleasure to be B1 Business Central Business District.
- 1:11:47 At this time Ms. Leah Laplace-Maggio you recognize for presentation of that bill. Thank you. Media slides for application ZAC-24-4 please. Thank you. by the Division of Comprehensive and Coastal Zone Planning on the petition to amend Official Zone and Map number SCZ-18, application number ZAC-24-4. Petition of applicants Evolve-USVI-LLC and Next to the FRED-LLC to amend Plot Numbers 36, 37, 38, and 42 Strand Street, Town of Frederickstead, St. Croix, from W1 Waterfront Pleasure to R3 Residential Medium Density Zoning for the rehabilitation of existing rental property and expansion of the Fred Hotel. Property Owners, Evolve USVI LLC and next to the Fred LLC as per warranty deeds dated January 4, 2018, document number 2018-003368 and February 6, 2024, document number 2024-000492. Applicant representative Clarence Brown, Managing Principal Design District Architects, PLLC. Acreage. Plot numbers 36, 37, and 38 have a combined acreage of 0.9229 acres as described on survey drawing 3246. Plot Lot number 42 is 0.1944 acres as described on survey drawing 5539.
- 1:13:58 Surrounding uses and zones. To the north of the properties is Alderville Park, 43 and 44 Strand Street, a mixed use area, parking lot, and the Frederickstead Healthcare Medical Center. To the east are residences and the Athalie MacFarlane Peterson Public Library. To the south is the Frederickstead Fish Market and the Marley Homes. To the west is the Caribbean Sea. The surrounding area is zoned W1, P Public, R3, R4 Residential Medium Density, and B3 Business Scattered, with four rezonings granted.
- 1:14:48 The rezonings were plot numbers 39, 40A, 40B, 41A, and 41B, the existing Fred Hotel, rezoned in 1989 and 2016 from W1 to R3 by Act Numbers 5430 and 7944. Plot number 28B rezoned in 1977 from R4 to W1 by Act Number 3966. and Plot No. 30B rezoned in 1997 from P to B3 by Act No. 6151.
- 1:15:31 Water needs are supplied by the public water line. Wastewater is handled by the public sewer line. Other Needed DPNR Division Reviews The applicants are in continuous communication with the Historic Preservation Commission HPC and will need to comply with their requirements. The property will need to undergo the coastal zone management CZM tier 1

permitting process for any future permitting needs. Project summary. At DPNRC-CZP's public hearing, Mr. Brown testified that the property owners are seeking the R3 zone for the purpose of sharing the same zoning as the original hotel plots, as well as adding 34 additional guest rooms to the Fred Hotel. Currently the hotel has 20 guest rooms. The existing structures on the properties are mixed use with office spaces, restaurants slash bars, gift shop, and the hotel. There are 12 existing parking spaces on plots 36 to 38 that will be maintained with an additional 24 parking spaces to be provided on a nearby lot about 200 feet away. The properties are seeking additional nearby lots for provision of required parking. The plan is to maintain the existing buildings on plots 36 to 38 repurposing and redistributing the space inside to develop guest rooms as well as add two new buildings. This would result in 24 guest rooms. On plot 42, a new building with 10 guest rooms would be developed. Construction is proposed to commence in late 2024 and take about 18 months to complete. Public response at

- 1:17:31 at DPNR CCZP public hearing held May 20, 2024. There were concerns and questions expressed by three adjacent property owners summarized below. No post-hearing comments were received. One, the R3 zone would allow for no setbacks. Two, development in the towns is restricted due to being in a historic district. 3. Security for the proposed parking lot that would be over 200 feet away. 4. Beach access and whether there would be a change to it. 5. The conceptual plan and ability to change after rezonings are granted. 6. Possible zoning violations that could set precedence for future undesirable developments affecting property values. Seven, community opposition to proposal that could result in diminished property values. Property value may be impacted by zoning, but it is on a case-by-case basis and is based on the activities occurring on surrounding properties. Eight, parking. The property owners are seeking additional nearby lots for provision of required parking. 9. Visual impact from tall buildings, blocking water views or unsightly structures, possibly diminishing the appeal of the area, and decreasing property values. The historic district is limited to three-story buildings. The development's new buildings are proposed to be two stories. 10. Quality of life impacts. could lead to overcrowding, loss of green space, or increased crime rates. It could lower residents' quality of life and subsequently decrease property values. The development of the FRED has revitalized a formerly underutilized site
- 1:19:33 and could provide the encouragement needed for others to revitalize surrounding properties. 11. Diminished property value due to blocked views and airstream, increased traffic, noise or change in neighborhood character, environmental impact leading to pollution, habitat destruction, or natural resource depletion. The properties are already developed lots. 12. Infrastructure strain. Development could strain existing infrastructure like roads and utilities beyond capacity leading to decreased property values due to inconvenience and decreased services. 13. Historical impact. Development could threaten historical sites or cultural heritage in the area. It could detract from the region's charm and history, lowering property values. 14. Flood risk.
- 1:20:31 Developing in flood-prone areas could increase the risks of property damage and higher insurance premiums, also leading to diminished property values. Additional permitting oversight will be required due to the property's location within the Historic District and the Coastal Zone Tier 1. Analysis of requests, reason for recommendation. The properties were developed separately prior to the 1972 adoption of our zoning laws. Over time the use of the property as a hotel and its non conformity with the W-1 zoning requirements for hotel use prompted rezone-ins. For a hotel to be developed on W-1 zoned lots they must have a minimum of three acres. The first plots 40A, 41A, and 41B were rezoned to R3 in 1989. When the FRED acquired the property in 2015 and sought to develop additional lots 39 and 40B, rezoning to R3 for conformity with the other lots was sought and granted in 2016. In analyzing the applicant's request, the department considered the existing and newly acquired lots combined acreage of 1.8599 acres, which still does not comply with the minimum three acres needed by the W1 zoning district. It would be appropriate to place 36, 37, 38 of 42 Strand Street in the appropriate zoning designation for conformity with the other hotel plots and in compliance for hotel use. The department analyzed the requested R3 zone as well as the B1 business central business district zoning. The B1 zoning was analyzed because it was intended to be devoted primarily for commercial enterprises serving the visitors and tourists of the
- 1:22:43 central business districts of Charlotte Mali Christianstedt and Fredericstedt it was intended to maintain the historical and commercial character of the business centers of these cities these areas also represented the historical districts of the communities and uses included hotels professional offices and residences our R3 versus B1 Zoning for Hotel Use in the Town of Fredericton. Section 228 uses Section 229 Development Provisions.
- 1:23:20 Requested R3 Zone and alternatively B1 Zone. Hotel Use is permitted as a matter of right in both the R3 and B1 Zone. Parking. In the R3 Zone it has to be provided accordance with section 230. In the B1 zone, it has to be provided in accordance with section 230. However, HPC, the Historic Preservation Commission, may grant waivers. Maximum density. The R3 zone is 80 persons per acre. The B1 zone is 160 persons per acre. Maximum lot occupancy. The R3 zone is 30%. No requirement for business structures in the B1 zone, but a maximum floor area ratio of 2 is granted. Minimum

lot area in the R3 zone is 6,000 square feet. In the B1 zone there's no requirement for business structures. Minimum usable open space. In the R3 zone, it's 35%. In the B1 zone, there is no requirement. Minimum lot width. In the R3 zone, there is no requirement, as well as in the B1 zone, no requirement. Front, side, and rear yards and feet. No setbacks are required in the R3 zone nor in the B1. Maximum height limit. The R3 maximum height limit is 6 storeys. The B1 zone is 3 storeys in the Historic District. The B1 zone has no minimum requirements for lot size, lot occupancy or open space when it is for business use.

- 1:25:16 It also allows a greater density than the R3 zone. It would be more appropriate to grant B-1 zoning, in keeping with the intention of the B-1 zone, for commercial enterprises serving the visitors and tourists of the central business districts of Shalatomali, Christianstead, and Frederikstead, and to maintain the historical and commercial character of the business centers of these cities. It is also acknowledged that the provision of parking in the towns constantly poses a challenge for development projects, and the B-1 zone has the added benefit of being granted parking waivers through the HPC, Historic Preservation Commission. The Department of Planning and Natural Resources recommends that plot numbers 36, 37, 38, and 42 Strand Street town of frederickstead st croix be rezoned from w1 waterfront pleasure to b1 business central business district signed by assistant commissioner josette j walker dated june 17 2024. that concludes the department's report uh thank you very much Mr. Lea Laplace-Matthew, Territorial Planner. Next we'll come to Mr. Karence Brown, you recognize Mr. Sorrent.
- 1:26:46 Dear Senate President, Novel Francis Jr. and members of the 35th Legislature, we are here today testifying on behalf of Evolve USVI LLC and next to the FRED LLC, requesting a zoning map amendment for Plots 36, 37, 38 and 42 Strand Street, Frederickstead, St. Croix, U.S. Virgin Islands. These four lots comprise approximately 3.97 acres located on Strand Street in Frederickstead. These lots are currently Zone W1 waterfront pleasure and have for the most part been in use for restaurant and residential purposes except plot 42 which is vacant. These lots are surrounded by a mix of uses including residences, public and private offices and restaurants, to name a few. These lots have access to public utilities, including potable water and sewage connections. Evolve USVI LSC and next to the FRED LSC are seeking additional flexibility to achieve their business objectives. Over time, these properties will serve as an extension of commercial operations of the FRED Hotel and will require a broader mix of uses and density. The request, therefore, is for a zoning change from W1 to B1 for Plots 36, 37 and 38 Strang Street and W1 to R3 for Plot 42 Strang Street. This proposed amendment will not disrupt the established character of the area and will add Mozart after vitality to this part of Frederickstead. Additionally, this project is under the jurisdiction of the State Historic Preservation Office and subject to review by the Historic Preservation Committee which provide additional checks and balances on impact to the surrounding neighbourhood. We are grateful for the opportunity to present this request for further consideration and look forward to your support.
- 1:28:43 Thank you very much Mr. Sorrent. Any other testimony on this measure? No? On the record, huh? No, Senator. All right, thank you. So let's go on to the next measure before us, which is BR24-1172, ratification of zoning application, Plot No. 8, Estate Cassava Garden for the use of variance to the I-2 light industry zoning to operate the storage, retail, and wholesale of propane. And this measure will be performed later on today, but at this time, And we do have testifiers, and we'll recognize you, Ms. Leah Laplace-Matthew, for your testimony on this measure.
- 1:29:28 Thank you. Media slideshow for ZAC-24-6, please. And this report will be presented by Planning Technician, Jewel Polimis. You recognize Ms. Polimis. by the Division of Comprehensive and Coastal Zone Planning on the petition to amend official zoning map number SCZ-12, application number ZAC-24-6. Petition of applicant Virgin Islands Propane LLC to amend plot number 8, Estate Cassava Garden, Queen Quarter, St. Croix, with a use variance to the I-2 Light Industry Zoning to operate the storage, retail, and wholesale of propene. Property owner. Government of the Virgin Islands as per title and encumbrance certificate dated April 16, 2024. Applicant representatives.
- 1:30:36 Alicia Barnes, consultant and representatives of the applicant and lessee, Siri Hamad and Atta Misbah. Acreage, 1.00 acres, as described on survey drawing number A9-162-C024. Surrounding uses and zones.
- 1:31:03 To the north is the Hess and Hope Road and a mixed commercial and industrial area. To the east and west is mixed commercial and industrial, and to the south is undeveloped land. The surrounding area is zoned I-1 heavy industry and I-2 light industry with one rezoning granted. This rezoning was granted in 1976 for plot numbers 2 to 5, Estate Cassava Garden, and 3, 3A, 9, 10, and 18 to 20, Estate Pearl from I-2 to I-1 by Act No. 3784.
- 1:31:48 Infrastructure. Water needs will be supplied by public water lines and wastewater handled by public sewer lines. Other 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. The property will need to undergo the Coastal Zone Management Tier 1 Permittance Process for Future Permittance which includes permit review by the Division of Environmental Protection. Section 1.03 of the lease agreement specifies plot

number 8 as State Cassava Garden is subject to a retained easement between Hovensa LLC, its successors and assignees, and the Government of the Virgin Islands. The retained easement runs throughout the premises.

- 1:32:52 Hovensa LLC, its successors and assignees, reserves the right of access to the premises for the purposes of utilizing the air sparging system in Estate Pearl, utilizing the existing monitoring wells throughout the premises and installing any additional monitoring and or recovery wells or remediation systems as may be required by the United States Environmental Protection Agency. The lessee Virgin Islands Propane LLC is required to comply with all applicable provisions of the retained easement. An existing monitoring well number 621 is located within Plot No. 8, Estate Cassava Garden and the Jovensa Environmental Response Trust routinely accesses well 621 to comply with the requirements of the Resource Conservation and Recovery Act, or RCRA.
- 1:33:52 hazardous waste permit number VID 980536080. On the screen is a diagram of the well's location and flagged photo. It is approximately 24 feet in from the road. Project summary. At DPNR CCCP's public hearing, Ms. Alicia Barnes testified that the request is to operate the retail storage and wholesale of propane to commercial and residential customers. She stated the location is ideal and compatible with the mix of commercial and industrial activities that currently exist in that area. The development of the site is expected to commence in the first quarter of 2025 and is estimated to take six to twelve months. During construction, it is anticipated that approximately 10 jobs will be generated. Once construction completed, five to six permanent full-time employees. Public response at DPNR CCZP public hearing held May 22nd, 2024. One attendee representing the Juventa Environmental Response Trust, ERT, placed on record the active remediation in the area and the location of a monitoring well on the property along Hope Road. These are recovery wells to recover petroleum product that was released into the environment during the refineries operation. Post-hearing comments were submitted by ERT with the approximate location of well 621. Analysis of requests, reason for recommendation. The property is in one of the industrial areas of St. Croix and immediately adjacent to the oil refinery. It is in proximity to the other two propane companies on the island which are on lots
- 1:35:55 that were rezoned as part of Act No. 3784. It must be noted that the lots rezoned by Act No. 3784 are substandard lots, less than five acres required for IE-1 zoning and used variants were not in the zoning code until adopted by Act number 5516 in 1990. In analyzing the used variants request the department must look at the requirements an applicant must meet as per section 238 which states in those cases where an amendment to a zoning map is requested by a property owner for a specific use of property which is not permitted in the zoning district where the property is located but which use would not substantially conflict with the permitted uses in the zoning district the legislature in lieu of an amendment to the zoning map may grant a variance for that specific use of the subject property provided however that all other requirements of that zoning district will continue to apply to the subject property. The proposal to operate the storage retail and wholesale of propane would not substantially conflict as it had been noted the area is already industrially used and the two existing propane companies are in the same area. The subject property is undeveloped but is similar in size to neighboring lots. The property has sufficient acreage to meet and comply with the standards for granting a use variance. It must be noted that the conceptual plan submitted depicts a parking lot around well 621. The applicant is required to ensure ERT has access to the monitoring well and the parking lot would not be a hindrance as ERT can coordinate with applicant for access during routine business hours. If, however, the fence line is moved from its current location, ERT would be able to access the well from outside the fence line.
- 1:38:08 Recommendation. The Department of Planning and Natural Resources recommends that a use variant be granted to the I-2 Light Industry Zone Plot No. 8 Estate, Cassava Garden, Queen Quarter, St. Croix to allow for propane and manufactured gas, storage and distribution, flammable liquids, storage. Signed by Assistant Commissioner Josette J. Walker. Dated June 14, 2024. This concludes the Department's recommendation.
- 1:38:41 Thank you very much, Technician Polimus, for testimony on that measure. Next we'll come to Ms. Barnes. Alicia Barnes, you're recognized for your testimony. Thank you, Senator Francis. Good day, Senate President Novell E. Francis, Jr., members of the 35th Legislature of the U.S. Virgin Islands, and the listening and viewing audience. I am Alicia V. Barnes, environmental consultant and permitting subject matter expert. I appear before you today on behalf of Virgin Islands Propane, LLC, and I'm accompanied by VI Propane's principal, Mr. Siri Hamed. Collectively, we are here to present testimony and answer questions in support of Zoning Application ZAC-24-6, a use variance request of the official zoning map for an amendment of Plot No. 8, Estate Cassava Gardens, Queen's Quarter, St. Croix, U.S. Virgin Islands. BI Propane LLC filed an application with the Department of Planning and Natural Resources Division of Comprehensive Coastal Zone Planning for a use variance for Plot No. 8, Estate, Cassava Gardens, Queen Quarter, St. Croix, U.S. Virgin Islands to operate the retail, storage, and wholesale of propane to commercial and residential customers. The details are as follows. The leaseholder is Virgin Islands Propane LLC. The authorized agent is Siri Hamed. The legal physical address is Plot No. 8, Estate Cassava Gardens. The use variance acreage is one acre. The current zone is I2 Light

Industry, and the requested variance is specifically to operate the retail storage and wholesale of propane on a one-acre lot. Specifically, the use variance request is to operate the retail storage and wholesale of propane to commercial and residential customers in an I-2 light industry zoning district on a one-acre plot. Virgin Islands Propane LLC is a successful Virgin Islands company that has operated in the territory. The principals of Virgin Islands Propane LLC are Siri Hamed and Atta Misbe. Both Mr. Hamed and Mr. Misbe are well-known local businessmen who are actively contributing members of the St. Croix community. Their combined business ventures have invested heavily in the territory and contributes thousands of dollars to charitable causes. Plot number eight, Estate Cassava Gardens present an ideal location to operate a propane retail and wholesale facility. Moreover, the proposed operation is compatible to surrounding activities. The introduction of Virgin Islands Propane LLC in the St. Croix market will drive competition in the local propane retail and wholesale markets, which is a benefit to consumers. The timeline for the project is 12 months from the approval of the subject use variance request and the acquisition of all permits. Considering the aforementioned Virgin Islands Propane LLC requests your ratification of zoning application ZAC-24-6 for a use variance to operate the retail storage and wholesale of propane to commercial and residential customers in an I-2 light industry zoning district on a one-acre plot.

1:42:34 Thank you for this opportunity to present, and we are available to answer any questions that you may have at the appropriate time. Thank you, Senator. Thank you very much, Ms. Barnes, for the testimony and that measure. Any other? No, Senator. Very well. So we'll move on to the next item on today's agenda, which would be 35.0280, an act ratifying reminder coastal zone permit number CZX-21-22W issued to Teak Paradise LLC for the redesigned and the size reduction of existing 338 square feet dock to 268 square feet dock seaward of plot number 20 Teak Bay Christian Stead Virgin Islands St. Croix Virgin Islands. Mr. Hibbert you're recognized for your testimony on that. Thank You Senate President. Media may we have one one second let me just ensure that we do have contact with Mr. Jarkowski a Michael Jarkowski president of Teague Bay Paradise are you online yes sir I am here very well all right stand by you'll be next thank you director Hayworth thank you senator I have with me Amy Dempsey who has been consulting with me to do this work. So thank you very much, Senate President and the committee for meeting with us.

1:44:07 Very well, thank you. Any questions, Serena? Oh, okay. Director Hibbert, you may proceed. Time's the charm. Thank you, Senate President. Media, may we have the two graphics I presented, I provided. Good day, Senate President Navelle E. Francis Jr., other members of the 35th Legislature of the U.S. Virgin Islands, legislative staff, fellow testifiers and members of the viewing and listening public. My name is Marlon Hibbert and I am the Director for the Division of Coastal Zone Management in the Department of Planning and Natural Resources. Today we are seeking ratification of the following CZM permit.

1:44:58 Minor CZM permit number CZX-21-22W issued to Teak Paradise LLC. If ratified, this permit allows for the permittee to redesign and reduce in size an existing dock of 338 square feet to 268 square feet. This permit also brings the dock into compliance and will be reconfigured in the existing footprint of the existing storm damaged dock. The activity is located seaward of Plot 20 Teague Bay, Christiansted St. Croix, U.S. Virgin Islands. The dock will be elevated four feet above the mean high water mark.

1:45:48 The dock area will utilize molded composite open-grate decking. An annual rental fee of \$3,200 payable in advance has been negotiated with the permittee for the occupancy of the submerged lands covered under this permit, pursuant to the provisions of Title XII, Virgin Islands Rules and Regulations, Section 910-5e. The term of the permit is 20 years. The Commissioner of the Department of Planning and Natural Resources has deemed that the permit listed above meets the goals and policies of the Virgin Islands Code, Title XII, Chapter XXI. Therefore, we respectfully request your ratification of this permit pursuant to Title 12, Virgin Islands Code, Section 911 . This concludes our testimony on behalf of the Division, and we are available to answer questions as best as we can.

1:46:51 Thank you very much, Director Hibbert. Next we will go to Mr. Michael Joukowsky for his testimony. Again, he's president of the Teak Paradise LLC. There we go. Thank you. Good morning, Senate President and committee. Thank you for meeting with me and Amy Dempsey. Amy Dempsey has been the president of BioImpact and has consulted with me for many years about this particular doc, as well as the surrounding land. I have improved the area by removing seven dumpsters worth of rubbish, garbage, everything from a 60-foot seafaring fishing boat that had washed up onto the rocks from Hurricane Hugo, hugo and uh my commitment to the environment of the virgin islands is um is uh very very strong as i led the uh the purchase of uh the land for the nature conservancy in the east end and so my hope is to just be able to redo the dock and to for personal use and have my boat docked i'm open to any questions you may have and amy as well

1:48:37 okay she have any additional comments to make at this time on miss demsie I am here just to answer any questions you may have. Very well. So that runs out. No further testimony on this, Mr. Hibbert? No, no. That's it? That's correct. Okay. So let's round out again all of the five measures before us today. And what we'll do is take three minutes recess and when

we come back, we'll open up the floor for questions. The Committee of the Whole stands at recess for three minutes.

1:49:10 Thank you. We'll be right back. [2 such phrases repeated 12 times · standby audio before the proceeding, transcribed by the recogniser as speech]

1:55:10 We'll be right back. We'll be right back. Thank you. We'll be right back.

1:57:10 and we're out of recess again we're in the committee of the whole today where we have just heard from all of the testifiers with the five measures before us today in regards to requests for some zoning amendment as well as a coastal zoning management requests at this time I'll open up the floor for questions to colleagues we'll start off with six minutes and before I proceed to the first senator which would be Senator Alma Francis Heidegger I wanted to ask you miss Leila Laplace Matthew in regards to the comprehensive land and water use plan which I know you're going to talk about a little bit later on when we conclude today but would you say that the land and water use plan is sensitive to affordable housing development moving forward yes senator that was one of the themes that came out of the Town Halls that the people of the Virgin Islands stated was of great importance to them so it is one of you know high priority area. Additionally we did hear from Ms. Polimis and one of her testimony where she spoke about zoning reforms and really making that more prone to additional developments take into consideration multiple family use and build out on those type of things. How committed are we to that? Are we considering those applications that are before us? I know that there are several applications that are pending that require multiple build out. Again, looking at the issue of the crisis that we're facing in respect to housing development, are we considering those as well as applicants that are going through the process right now? Yes, Senator, and we're hopeful that the comprehensive land and water use plan once adopted will be able to have the backing the

1:59:04 vision of the people of the virgin islands as the backing for pushing forward with zoning reform there is nationwide um funding available to apply for that's for zoning reform that tackles housing great thank you thank you for your response there uh at this time the chair will recognize senator alma francis heidegger and you're recognized for six minutes thank you mr cheer good day to the people of the territory good day to my colleagues to the testifiers good day to the staff um as i listened to all the testimony in regards to these projects i was very very um surprised and encouraged at the amount of projects that will be including housing as we know we're having quite a bit of issues as we have hundreds of homes that are still in need of repair here in the territory as well as having somewhat of a shortfall for not only affordable housing but housing in general so for the most part for the projects i am definitely in support of them if they could bring about some solution and or resolution to the housing crisis and issue that we do have here in this territory um i wanted to ask a little bit in regards to 35-0322 um that one had to do with the rezoning from w1 to b1 um and it said i think it was an additional 34 units to be added on to the hotel etc as well as parking and a couple of things when you said you were adding an additional 24 parking spaces to the 12 that already exist um do you think overall that is adequate um for the hotel and safety in regards to one of the things that someone brought up as the parking is going to be about 200

2:01:07 feet away from the location how is that aspect going to be worked out Good day, I'm Clarence Brown, Managing Principal for Design District Architects. Parking for this particular site is kind of the challenge that we have and one of the reasons we ended up requesting the B1 change. This is something that we're working through currently with Historic Preservation Commission and with the Office of Planning. kind of utilizing a provision in the code that allows for satellite parking and there's a lot that's that's being contemplated that may actually fulfill the requirements of satellite parking which is a distance requirement this is something that we have to manage right the security and the distance from the the hotel is is something that's operational and something that we need to stay on top of and develop a strong program for um ensuring the security of that's why that aspect of this particular bill i zoned in on because i i'm thinking tourists i'm thinking 200 feet distance from the hotel i'm thinking security and it was very much a concern for me um outside of you staying on top of it have you identified a location that you will be able to utilize because i know you said this space is about 200 feet away is it already purchased leased is it under your control or it's something you're trying to work out yes the parcel is under our control um and just to go back to the issue of safety in general you know town we we always want to encourage walking around the town regardless um and so i think that the general nature of town is that people are walking around the town including our guests and so i think the the safety there is is beyond just our guests is making sure that the town of frederick said um is something that we have um good safety for everyone you know kind of going going around because these same guests they're going to be walking to breakfast or to a shop

2:03:24 nearby um and so we just want to stay on top of that yeah all right thank you so much for that um as it relates to the um the storage retail and wholesale of propane um dpnr could you share with me again in regards to how the the topography and how that particular area is because you know with me sometimes i'm very funny about shifting things and putting industrial things in certain areas share with me again what the surrounding area for that particular parcel is i think it's br 241172 in regards to number eight estate cassava garden yes senator liela plus matthew the property is surrounded by the

refinery and other industrial uses it's a flat area of land so there's no um okay no um hill or anything okay excellent so i'm i'm okay with that and um the representative um miss barnes in regards to the propane aspect of it what are some of the safety aspects you guys um plan on making sure because i'm i'm always when i hear propane and certain things that potentially could be of a explosive nature so share with me a little bit from a safety aspect thank you for the question senator um of course the zoning is just the first step so you know it has to go through after ccm the building permit and it's going to require appropriate um fire protection um fire protection mechanisms in place that's going to be a standard um component

2:05:17 of the building permit requirement and of course the plans the building permits have to be approved by the fire marshal as well so all of the um necessary industry components will have to be built in in the building permit application in the specs and reviewed by the division of building permits prior to approval okay thank you um i know my time has been called so thank you mr chair i am very much in support of these projects anything that could assist our sister island of st croix with economic development especially dealing with our housing as well is definitely a plus thank you mr chair thank you very much senator francis halliga before we go to the next senator But I wanted to ask you, Mr. Brown, I know that just recently we also had done some work with the Freds in regards to other zoning requests that were made, and that was in particular to Platz 50, 51, and 52 Hospital Street. Have we been able to see any further movements, any developments on that particular request?

2:06:28 Yeah, so we recently actually, last Thursday, we were able to get our historic preservation approvals for that site. So that's moving its way along. We're heading for billing permits now. There was some time delay on getting that approval, or everything just seems to, well, it's flowing according to the process? No, that went really well. It's on track. Say again? It's on track. That went well. It's on track. Very well. thank you at this time the chair will recognize senator um johnson you're recognized for uh your six minutes franklin johnson good morning good morning thank you very much mr chair good morning to my colleagues good morning to the testifiers good morning to the viewing and listening audience i want to really start off by applauding you mr brown really do because you bring a you're young You bring our next set of young folks inside here, and it's promising to see this. Sometimes we said, what are our young people doing? But today, take a look at it, and only Mr. Herbert got a little age out there, but everybody else on the floor is youngsters.

2:07:39 And I'm a little older than you, Herbert, so don't worry about that. But it's really applauding. It's a fresh breath here, and many days I say, man, there's no hope, but there is. And what I see here today is a lot, and I really want to applaud you and commend you for bringing on these young folks with you. You bring a young student that's in school and still coming in this direction because we're going to need that. We're going to need for us to represent us. We're going to need for us to defend us because if we don't, who will? So it's very encouraging, and I wish you young folks the best in your endeavor and what you're doing because there's a lot of space here, and this is all for you guys to really take this place and mold it to what it needs to be. So I applaud you and your endeavor, and wherever you go again, I will stay home and come back home and stay grounded, all right? Thank you very much. And not a lot of questions, because once DPNR support these measures, I rarely go against it. And even in the line of questioning the folks in the community, there's no bunch of opposition to them. So definitely at the appropriate time, which will be session, I'll be supporting these measures. But just a little few questions here that I want to ask Mr. Brungan, bill number 350302. What type of business does these owners have now? Because they're trying to develop, build up their property for their business. So what type of business do they do right now and where are they located? Confirming that's 8 Mile Pleasant.

2:09:11 yeah so they currently um they own uh a pharmacy currently and um looking to relocate their uh their business to this location where to this location okay so they currently operate a pharmacy on st croix okay and then and bill number 350321 i didn't see mention enough parking area so that that particular um resident what what are they doing with parking in that and do they have the whereabouts the financial to finance to move forward with their project yes so on on the site plan we show six parking spots um which complies with the off street requirements um zoning requirements so we we achieve the required parking for that development and the owner of this property is actually a builder and so he's well within his means in terms of being able to perform this project and the entrance to the property will not be from the queen mary would it be from down inside of williams delight from williams delight that's correct because i saw that they had put up a lot of um blockage from allowing access on the road especially on that side because the traffic light that comes up very close nearby i wanted to make sure that that's where they were going to be accessing so that it doesn't create any problem And then on bill number 35-0-3-2-2, what mechanism is going to be put in place?

2:10:41 Because I think one of the questions or one of the opposition was in regards to the building being too big and they talk about a two-story, but based on the zoning, they can go up to three. So what measures, and Mr. Laplace, can you weigh in, are we trying to make sure that they don't go beyond that two to block the views of the neighboring properties in the area? I'll go ahead. The application does have to go through the CZM process, so all of that would be considered while

it's going through permitting. All right. And then I think my next will be to Bill number 1172. There's some conversation in regards to access to the wells. are we talking about the road which will be to the west of the property and and getting access are you planning to move that fence because if I'm correct there's a fence and a gate to the west of the property Laplace Matthew it's referring to the north the Hess Road access from that side so is that is that fence going to be moved where this project is going to be or that North road for us will still be in existence and be accessible the movement of the fence would be up to the applicant the Hovensia response team who monitors the well just stated that if they are allowed access you know onto the parking lot they can do their monitoring between business hours but if the applicant chooses to move the fence line then they wouldn't have to disrupt their business operation so please please but and then that mean you're saying to me then the road is part of the property then no senator the well is on the property so one of the wells m correct okay because that rule takes you way

2:12:34 down and there's some other worlds farther down on that property correct okay thank you senator I just want to make the distinction that we're talking about monitoring wells for the RCRA monitoring program and not drinking water or portable water wells for purposes of this discussion. And during the public hearing with the Department of Plant and Natural Resources, we did commit to accommodating to the best extent possible this monitoring program that the refineries engaged in under their hazardous waste permit. So we're aware, and we will accommodate them to the best extent possible. And during the CZM phase, of course, this zoning is just a first step. We'll be sure that we address all of those concerns. Time. Thank you very much. Thank you very much, Mr. Chair. As I say, at the appropriate time, I'll be supporting all these measures. Thank you very much. Thank you very much, Senator Johnson. Next, we'll recognize the minority leader, Senator DeGraff, and Senator Carriong, you'll up on deck. But at this time, we recognize Senator DeGraff for his six minutes. Thank you. Thank you, Mr. Chair. Good morning, colleagues. Good morning, testifiers, all of you who are listening and present. Senator Barnes, good morning. And how are you doing today?

2:13:59 Good morning, Senator. I'm doing well. Thank you. How are you? Fine. Thank you. In regards to the facility that we're speaking of, for the propane, based on the size of the property, you said it would be for storage and retail sale? Correct, Senator. Would there be a division of the storage area and the retail area? A separation, I should say.

2:14:34 Yes, Senator. Okay, so the storage section, would it be how I see the storage propane facility over here by WAPA, would it put it into a bunker? Would it be that amount or size that needed for a bunker type structure around it? Okay, so I'll defer to Mr. Hamed, who is the principal, to provide you that level of specificity. Good morning. We will have two 12,000 gallons of storage tanks on facility, okay? If that answers your question. Two 12,000 gallons.

2:15:14 right so would this would the tanks be stored in a bunker area type like like uh i i'm only going out for how i see the storage tanks over here where wapa has those uh propane tanks stored into like almost a concrete bunker would it be in that type of containment um senator um today again And not to be repetitive, but this particular phase is just the first phase. The actual design of the actual facility will occur after the geotechnical survey is done, determining the site conditions, and then you do your actual design, and then your building permit. So as far as the actual design, it will be very dependent on the site investigation, but everything will have to be done based on industry standards because it will not be able to be approved through the Division of Building Permits. So there are several safeguards in the process to ensure that the facility will be designed in accordance with industry standards. But we have to clear the zoning first to be able to get the other permits to do the site investigation and the appropriate design.

2:16:29 Okay, thank you for that. I guess I would jump in ahead. Thank you. For the properties that are down in the Fredrickson area, I recognize down there and there where the Fred's is by the Marley housing community, I think it is. Once those areas are rezoned and made for parking, will it, how could I say, inhibit or will it deter any walking or vehicle access to the area in any way? No.

2:17:13 Okay, good. Good, so I know there's a little beach down that area, it won't have any effect on that also, right? No, so beach access, thanks for bringing that up, good question. Beach access is not going to be altered at all. These are already developed sites and we're just adding infill buildings onto our property, but there's no impact to beach access at all. Okay, good.

2:17:39 Now also the young lady next to you, I didn't get her name. My name is Natalie St. Omer, Natalie St. Omer. Okay, so you know, I'm happy to see you there. And in regards to the process that is taking place, I would like to know, it seemed that you're a senior and your endeavors is to go out and conquer the world, which I hope you will. But again, at some point, this is home. And with this process that's being taken place, that you're a part of now, what is your idea and how this whole process is going for the future of the territory?

2:18:29 I like the new futuristic and new opportunities that the town is having for tourists to come down, which can also bring profit to the Virgin Islands. So modernizing most of the hotels and different attractions that we have down here is a great

idea for this project also. Okay, so is this something that would draw you back to say, hey, the future of the territory and St. Croix in particular is bright? One minute. Yes.

2:19:01 Okay, that's good to hear. So what basically would be your major studies that you'd be going after? So I want to study architectural engineering, and I'm also taking into consideration construction management. Excellent. Just what we need going forward. And like I said, I consider you a part of being the future of the world. 30 seconds. And when we give you a testimony to read, it works fine. But when you have to speak at live and you're doing an excellent job. Thank you. In closing, going forward, the process of where DPNR is going to a land and water use project, I don't know if you have any familiarization of that process versus this process that's going through the Senate.

2:19:53 I was wondering, do you have any access to the land and water use project that's being taken place by DPNR? Have you seen it? Time. If I may wrap up, Mr. Chair. You may, Senator, go, proceed. Okay, so I was asking the young lady if she had any access to seeing the land and water use project. No. No, okay. If you get a chance, you can look into that. So it'll be right up your alley as to the things you're looking to study. Thank you for the time, Mr. Chair. Thank you very much, Senate Minority Leader, Senator DeGraff.

2:20:32 Next, we'll recognize Senator Carriong. You're recognized for your six minutes. Six minutes, Doggy Fresh, you're on. Senator Carriong. All right, we'll move on to Senator Javon James Sr. and come back to Senator Carriong once he becomes available. Senator James Sr., you're recognized for six minutes.

2:21:01 Greetings to the people of the Virgin Islands. Thank you Mr. Chair for the time. Thank you testifiers for being here. As far as bill number 35-0322 which is ZAC 24-4, I saw where we had over 14 public responses or concerns and i just would like to ask deep in our out of those 14 concerns what were the concerns that stood out the most and what was done to find some middle ground and to rectify those issues laplace matthew i think the greatest concern was just change and not everyone is comfortable with change especially if you've lived in a neighborhood for a certain number of years, and it will be addressed because there is an additional layer to this project, the FRED expansion, because it has to go through the CZM permitting process. So there's another public comment ability for these neighbours.

2:22:05 I understood because I was reading them as well, and I don't take anything that the public say and take it for granted, but I didn't really see anything that carried any weight or anything of any major concern, but I would like to ask as far as the flood risk, they mentioned flood risk, is that a potential to harm this project? It would not harm the project, I mean this is waterfront property, so storm surges are a concern, the architect just has to design it properly.

2:22:42 And based on the permits given and the restrictions, they would have to do just that, right? Correct. Okay. All right. And then as far as ZAC 24-3, which is Bill No. 35-0321, I'm happy to see that I don't know, St. Croix is working on the housing crisis. I respect anyone who will take their hard-earned money to invest in their properties, not just for the future of the family, but for the future of the Virgin Islands.

2:23:18 I would be a fool to vote no in session for this, because St. Croix is in a dire need of homes and apartments, so I have nothing to say on that. As far as ZAC 24-5, that's bill number 35, that's 0302. The same concern here in the public response is stormwater runoff on the southern lot that faces the southern residential subdivision. D.P. Anarca, you just speak on that.

2:23:51 So neighbours who live in the area and are aware of storm-related flooding, They express that concern and due to the size of the project the applicant will have to do a stormwater pollution Prevention plan when they design the project. So that's that's something that can be addressed. Is that something that will delay the project? I'll have to refer to the applicant sure no that that's expected so that's that's part as part of a development of a plot this size That's normal and we are assuming that they have the means to pay for all these things and to make sure sure that the project moves along smoothly right yes so we the project is phased into multiple phases and and even designed so that the owner is able to kind of attack it in increments that they could manage so the storm pollution components of the project is something that she'll be well aware of and and will be able to manage that that's because I don't know what happened back in the days, but as we see the development of our island, we saw many times where individuals built their homes back in the days and now the next door neighbor and neighbors down the road are suffering because of these developments, you know, because one thing with water, it takes the path of least resistance. So once you create barriers for water, well hey, they're gonna go with everything in their sight. I just want to make sure and DPNR do their due diligence when it comes to water. As far as ZAC 24-6, it is easy for me to even support this because you're not reinventing the wheel. Based on what I'm seeing here, we already have two lots that are used to store propane. Ms. Barnes, is that true?

2:25:49 Senator, in that vicinity, there are two other commercial businesses that perform the same type of business, correct? Yeah, so we are not reinventing the wheel. So I'm assuming that DPNR, all you have to do is just kind of like see what you did in the past and try to make sure that this project basically falls in line. Or was it the projects before or investments

before were grandfathered in? They're grandfathered in the sense that use variants didn't exist back then. So they were rezoned, they're substandard, but we now have the use variant so the applicant is going that route.

2 : 26 : 30 And that's because I was doing a lot of research here and I saw back in the days prior to I think it's act number 5516 in 1990. But hey, that's why we have the land and water use plan that should be eventually coming to fruition um one day probably we won't we wouldn't have the need to have this conversation in the senate because we are we're going to rely on the subject matter experts but until then this is our job and i just want to wish every single one of you who decided to invest in saint croix the best and to keep doing what you're doing thank you mr chair for the time oh thank you very much senator james senior uh next we'll go to senator angel Albarquez, Jr., at large, you're recognized for your six minutes.

2 : 27 : 17 Thank you, Mr. Chair. Good morning, Mr. Chair. Good morning, colleagues, and good morning to the listening and viewing audience. And of course, good morning to the requesters of rezonings, along with the Department of Planning and Natural Resources. um being that we've indicated a few times now the land and water use plan uh i'm curious to know from the department of planning and natural resources um how do these and other zonings that we've seen recently fit into the long-term land conservation and sustainable development goals of the land and water use plan thank you Laplace Matthew so with the comprehensive land and water use plan we now have the vision that the people of the Virgin Island has for development conservation preservation redevelopment of the islands so once that is adopted that plan is basically the backing we could use to apply for federal funding to assist with different endeavors whether whether it's zoning reform or funding for conservation purposes, et cetera.

2 : 28 : 34 Okay, and all of the most recent rezoning to include these are all potentially aligned with what is considered to be the Comprehensive Land and Water Use Plan currently being drafted? Yes, Senator. Very well, let's start off with number eight, Mount Pleasant. I was wondering, can you confirm, whether it's the department or the requester, if they can confirm the current infrastructure for water, sewage, and utilities, can the proposed commercial development handle or bear the cost or the implementation of those additional water, sewage, and utilities? Is there access to them, or is that something that will come at a cost? Clarence Pro Design District Architects. So, we checked the infrastructure plans that's available, and we're able to confirm that the utilities that we show here are available for this site, both along the south and north of our properties, we have water and sewage.

2 : 29 : 54 So, connections are available for this development and we've also reached out to the different utilities to confirm that these are in use and in good shape. As you know, the application fees typically account for the additional load that you have to take on. So that's something that's addressed through the connection fee, right? Okay, so they're accessible.

2 : 30 : 28 Okay, so what is the long-term vision for the property? Can you provide some more details concerning the type of anticipated businesses or the economic contribution that would benefit St. Croix if this were to be rezoned for your purposes? yes so phase one is a retail um store and pharmacy this is a existing business that will be relocating to this site um currently the owner is a tenant elsewhere and is seeking to develop and own her own property so um that's kind of the phase one portion of that site Additionally, she's seeking opportunities to also provide additional space through a mixed-use retail and residential development on that site. As we get further back into Mount Pleasant, that property will be accessed from the residential road. And we deemed it generally inappropriate to bring commercial functions back into the neighborhood. and so all the commercial activity is along the centerline road. Towards the rear, we have a creative residential development that blends a lot better into the existing residential neighborhood, and that is a small residential development that will be built incrementally as the demand peaks.

2 : 32 : 03 Okay, excellent. Thank you so much. let's shift over to williams delight the report justifies the zone and change as uh addressing how the housing crisis so i was curious to know uh the units that are going to be built in that area are they affordable housing workforce housing what what type of housing are we we venturing upon to build between affordable and workforce yeah one minute okay very well um For the propane request, propane is classified as a flammable material in Virgin Islands law.

2 : 32 : 41 And I was wondering how will the facility meet any storage handling or safety standards for flammable liquids? What measures will be in place to prevent any, you know, safety hazard measures within the design of the facility? 30 seconds thank you senator as we know this is the first phase the zoning the land usage portion then we go through the ccm and then we go through building permits at the building permits phase and 30 percent into the ccm phase you submit to dpnr um drawings for the site and the development of the facility based on geotechnical conditions long story short the building permits phase is where it will be reviewed for the appropriate design to ensure that it meets all industry standards to include safety and it has to also be reviewed and approved by the fire department so So everything that would be required to ensure safety measures will be reviewed during the building permits phase, and the design will ensure that it meets all industry standards for the storage, retail, and wholesale of propane.

- 2:34:15 Time. Thank you. Thank you. And would that also include any facility compliance with local disaster preparedness regulations as well? Yes. Excuse me. Yes, Senator. Thank you so much for your responses, and Mr. Chair, thank you for the time. Thank you very much, Senator Bolquez, and next we'll come to Senator Potter. Senator Potter, you're recognized for your six minutes. Thank you very much, Mr. Chair. Good afternoon. Colleagues, a special good afternoon to all the testifiers who are before us today. Mr. Chair and colleagues, I am generally supportive of all of the initiatives that are before us this afternoon. I think they all reflect an opportunity to enhance business development here. the territory and we all know that small business development that really is the engine that drives and fuels our economy um so i i am pretty much supportive of all of the initiatives regarding bill number 35-0302 and um i know that there was some pushback a slight pushback regarding the construction potential construction dust concerns increased residential traffic and storm water runoff and i wanted to ask what measures is there some validity to those concerns or are there some validity to those concerns and what measures are being contemplated to mitigate any potential negative impacts on the community morning again Clarence Brown design district architects so construction brings dust and impact and so certainly
- 2:36:22 there's the concerns are valid without a doubt I will say that without a rezoning construction for us is still a matter of right and so those impacts will you know will be there regardless but in terms of the the process the process has a way of dealing with most of these concerns certainly dust and stormwater are things that DPNR has checks and balances in place for us So, nothing unusual here? No.
- 2:37:03 That's what I'm saying, okay, thank you for that. Are there any, well, let me ask DPNR really to walk us through the process of soliciting community input when these decisions are being contemplated. How does that process look? Once an applicant comes, requests this rezoning, what is the process for neighbors and community folks who believe they may be impacted? What is the process of getting them engaged or getting their input considered?
- 2:37:48 Laplace, Matthew. yes so the process for community engagement starts with the complete application the neighbors the general public they're notified that this application is going for public hearing they can review the file prior to the public hearing and submit comments the public hearing itself they can um submit comments during the public hearing and then after the public hearing we have a public comment period it's open for a number of days where they can submit comments and the file is always available for review after the public hearing as well so that's the community engagement process for these resonance thank you mr. plus I wanted to ask just all of the presenters here today about sustainable development and sustainable development practices are there any plans for sustainable development practices once these zonings are granted are you well laplace matthew you're referring to during the construction phase of each project right and you know i know that may not be for for you miss laplace but during the construction phase are there any plans to utilize sustainable development practices you know when you're constructing you know or you're doing your expansions you're constructing these facilities yes so we always encourage sustainable practices and it is up to the applicant to choose you know whatever method is out there that's available that they're financially able to undertake okay so I know we have Miss former
- 2:39:45 Senator Barnes as well as Mr. Brown there who could speak more specifically as to the plans of their clients in this regard so right now I think that's something that will be considered the next step for us after we get the rezoning will refine the development plans budgets and and the exact sustainable features that could be incorporated into the project senator as well notwithstanding that the project that I'm representing is an industrial slash commercial activity but to the best extent that's sustainable characteristics can be incorporated um it they will be yeah thank you very much testifiers uh at the appropriate time i plan to vote favorably for all of these initiatives that are before us today thank you very much oh thank you very much senator potter uh next the chair will recognize senator maurice uh point of information senator volquez thank you mr chair uh mr chair i wanted to ask a point of information because i believe our colleague brought up a very salient point um and it leads me to want to ask this question how frequently does dpnr um conduct inspections to ensure that facilities comply with the terms of the variance in the sense of whether it's environmental or safety regulations. While I'm not against any of the projects before us, I believe he brought up a very salient point that leads me to be curious to how the department follows up in this regard.
- 2:41:32 So during the building phase, there are several inspections that are required. So it ranges on the development, the scale of the development, but there are several inspections that are required. And then they're required in order to get the certificate of occupancy for the property. After the fact is what I'm also trying to get at as well.
- 2:42:05 You mean once a building has a certificate of occupancy? Yes. There may be inspections required after a certificate of occupancy but majority of inspections occur during the building phase to ensure that a building is structurally sound and can move on to the next phase. Okay, very well. I don't want to abuse my point of information but I'm still a bit curious. Thank you Mr. Chair. Thank you.

- 2:42:36 I think that obviously if there's any complaints that's large afterwards then there'll be a need for certainly for DPNR to conduct inspections and those type of things. I think that that's what the Senator is looking at in terms of that holistic process by which they continue to be monitoring and evaluation of these process. So would you say that if there's a complaint then those things are thoroughly followed up and you know sometimes you issue cease and desist orders and those type of evaluation is done.
- 2:43:04 That's correct Senator. As an example, for example, the Mount Pleasant property, no, the Tarragari property where it says it's going to be six units. If an inspector goes and it's supposed to be six units, so six meters, but if you go and see eight meters, then there's obviously an unconformity and that would start an administrative process to correct that.
- 2:43:31 Yeah, so the system is really designed to be foolproof, but of course it requires that at least there will be some level of inspections and that regulations are followed and enforcement. I think it's the bottom line a lot of times that we want to ensure that that continues. At this time we'll recognize Senator Maurice C. James, you'll recognize for your six minutes. Thank you, thank you Madam, Mr. Chair, having a hard day today, as you know, yeah. Good afternoon Virgin Islands, good afternoon testifiers, good afternoon colleagues, good afternoon everyone in and outside the room.
- 2:44:20 I, first of all, want to start by asking Ms. Nayeli St. Omar, because this was a pleasant surprise. This young lady is my summer student, and I didn't know that I would see you here today. So you made my day. I just want you to know that. How was it working with Mr. Brown? The experience was very well. It actually reassured me that I want to do architectural engineering. The fact that I learned so much, and I also went on tour, even to St. Thomas, to different schools, because they gave me that opportunity, and also Kenneth taught me a lot also. And I feel like they prepared me enough for at least my first year of college, and I'm really appreciative of that.
- 2:45:11 Wow. Well, Ms. Abram. Yeah, I just want to thank you, really, from the bottom of my heart, because I did not expect this today, that she would be here with you, and it just warms my soul that it reconfirmed for her, or reaffirmed, really, that she's on the right path, so thank you for that. And so, that's a disclaimer, so let's get to the questions, right? I also want to say this I do know Lasso Investment Holdings LLC and I want to publicly say that I am very proud of this move and this development that's happening because I know the principles so I feel really good about that especially being a Crucian and that's really great so the thing that concerns me though is that recently I had gotten a call from residents for example of Clifton Hill that's a good example about water and the fact that at times there's there's no water in that area and and I spoke to Mr. Knight about it but I'm not the only reason I'm bringing it up is because I keep seeing in these proposals the use of the public water lines and so that is a concern for me and I'm just wondering when you say backup cisterns if you if that water is not available the public water how long will your assistance be able to supply the needs of the people in this area in your development yes so we we very intentionally point out when we do have access to public utilities because it's it's one of the things that DPNR really cares about in knowing that you
- 2:47:12 do have the capacity to support additional density and so it sometimes we may not use public utilities at all right depending and sometimes that's just a business decision by the owner to be fully on cisterns or to be you have their own sewage but I think um DPNR really likes to know that there's additional opportunities for connection to the public to support the additional density but it does not preclude us from using our own resources cisterns etc so okay good good I also I'm curious when it said um tiny home that jumped out at me and um Park Lake residential development explain that please Yeah, I really just want to emphasize that it's an opportunity here to be creative and to focus on affordable housing. It's very expensive to get homeownership or even rental units done in the territory.
- 2:48:18 And some people are just looking for a great place to live and not a big place to live. And so this is an opportunity to respond to that market. Yeah, I definitely agree what you're saying about a place to live, you know, and not necessarily a big place. That brings me to the Williams Delight development. I noted that again you talked about, or actually this is DPNR that talked about the missing middle housing units and what they referenced older adults so I'm wondering in the development and Williams delight one minute because as you know all that adults I'm gonna combine all the adults and disabled individuals will this development provide for accessibility for disabled because as people age they have issues right and so is this going to provide reasonable accommodations or for for that population no that's that that's an excellent point um it hasn't been brought up as a specific target audience per se for this um developer but it's something that we'll we'll discuss with them i think the focus really was on a unique opportunity to provide again small apartments that also is adjacent to a public transportation line because it means that someone who may not be able to afford a car could still be able to live there and still get around and access a job, etc.
- 2:50:00 So they saw it as a really good opportunity for real affordability. Thank you. I just have a curious question as I was sitting here today and we're talking about industrial zones time may I if I buy a piece of property in an industrial zone would you allow me to build a residential apartment building in in that industrial zone no senator it's prohibited correct correct there's a reason why we have residential areas and industrial areas correct correct thank you very much I I was wondering

about that.

- 2:50:40 I am supporting all in here because DPNR said they're acceptable rezonance. Thank you. Thank you very much, Senator Maurice C. James, point of information, Senator Johnson. Thank you very much. The line of question that my colleague just asked, I wanted to expand on it, and Ms. La Plaza, I'm going to need your assistance with this, because she spoke about all our folks and you know ability to enter and get around a house if i'm right that there there's some benefits if you put a ramp in your property and could you expand on that and it's important mr brown share that with some of his clients because when you put that ramp in the property it gives you some tax benefits can you if you know miss brown mr laplace can you expand on that i'm not fully aware of that benefit. It's through the Division of Building Permits. Who has more information?
- 2:51:36 My colleague? Yes, Senator. I'm not with permits, but as Senator James asked the question, there is an incentive-based program for ensuring that what you're developing now is able to accommodate ADA accessible in the future. So if you build it now, you get some incentives. So it's something that the applicants can think about.
- 2:52:04 Thank you very much. Just wanted to get it though. Some folks could know that if you put these ramps, you get some tax benefits and it helps you along the way. And Senator, if I may, related to the size of bathrooms as well and entrance opening, So if people are in wheelchairs and so on, they can actually. So wider doorways, wider bathrooms to accommodate people with disabilities. Absolutely.
- 2:52:30 Pay it forward, because not if, it's when, right? Definitely these are requirements that we'll need in the future. We see homes that's being redesigned in order to be able to accommodate these type of needs. So you're paid forward. Get it built before that. Next the Chair will recognize Senator Ray Fonseca. You're recognized for your six minutes. yes uh pleasant good afternoon uh mr chair and thank you so kindly and a special welcome to all of the distinguished panel of testifiers we must give thanks and praises to the most high and blessings okay so um bill 35-0302 this amendment changes the zoning designation and it's about 3.6 acres the goal is accommodating new land looses and development That one is a yes. Bill 350321. The plot in question is a small, it's only 0.3 acres to allow more flexible residential development option. That one is a yes. Bill 350322 changes the zoning designation of several parts plots allows for expanded commercial use it's right down there on the dock there down in the waterfront down frederick stead you take queen queen cross street you get right down there this good that's a yes okay um bill number 35-0280 um that one day excuse me that one there we're ratifying a minor quota zone permit um you know redesign the dock that
- 2:54:33 one is a yes um br number 24 1172 i got some questions on that so propane retail and wholesale You say it's going to be two 12,000-gallon tank, storage tank, so that's about 24,000 gallons. I want to convert that to barrels, and I noticed that one barrel is 42 gallons, so divide 24 by 42. You get 571 barrels.
- 2:55:08 So, question. Individual sales and also wholesale. Do you envision that you would be eventually bidding or you would be selling propane to WAPA with this facility? Ms. Senator Barnes. Senator, thank you for the question. No, this is not that type of facility. this is a facility that's going to be providing the sale of propane similar to what you see with the other propane gas companies for either residential use or commercial use but not for large-scale industrial usage and definitely not to be a power purchase provider for the water and power authority okay thank you thank you so you you're going to do the individual sales so you can bring your small portable gas tank there and you'll fill it up right correct senator okay so now um the insurance dpnr um is there any special insurance um or is it the same insurance? Because I'm looking at the fire potential. Of course, we don't want to wish that, but is there any specific separate insurance requirements for fire for this facility?
- 2:56:42 So if I may, again, this will then have to, this zoning or use variance is the first step in moving forward with all the requisite licensure as well as permitting of this facility so when it goes through the licensor process at the division of the at the department of licensing and consumer affairs to get the facility the appropriate license you will have to have the appropriate insurance coverage as well associated with it okay good i i understand it okay so your investment is between 250,000 to 300,000 what type of construction is it going to be a metal tank is it going to be a line concrete facility and is it going to be above ground or below ground can you give me some more specifics if you have that level of detail at this time okay so i could say today that it would be above ground as far as the details specificity as it relates to the facility design again it's dependent on the geotechnical or site conditions of the area that investigatory work can only occur once the zoning is approved and appropriate license the appropriate permits can be obtained and then it would be appropriately designed based on the geotechnical conditions of the site, what I can commit to stating is that the design would have to adhere to industry standards with all the safety measures in place because it would not be approved by building permits.
- 2:58:34 Okay, thank you, Senator. quickly because you know last year in bovoni came before this body a similar proposal to store propane and they had some they had call them squatters but i know they got some homes um if you're facing it on the

right hand side how many feet are those homes dp now how how much feet are those homes away from this plot they got some homes there if you're facing a lot on the right hand side how many feet are those homes away from this lot time um if i recall correctly they are within i believe 200 to 300 feet senator 200 to 300 feet well sir popa you see out at bovoni it was about 500 feet and you recommend no so 1100 something like that so dpnr your recommendation is a favorable recommendation on this right yes no dpnr um that particular application can i be allowed to finish with you dpnr recommended excuse me excuse me mr chair um was my time call i didn't hear your time was called but you could go ahead and wrap up um senator i think the representative is responding to you so dpnr the question is is a question of consistency they came a zoning for a propane tank out in bovoni which is right next to the dump this is right next to the dump your recommendation i

3:00:25 believe correct me if i'm wrong was a no on that but this one here your recommendation is different and it seems like those homes are even closer than the war on st thomas and this was beyond right close to the dump so you can explain on the chair's time and thank you very much mr chair i don't want to abuse my time uh thank you very much senator fonseca i think there's some clarity that's required um miss laplace matthew yes um with that application dpnr recommendation was approval senator we did recommend approval and i think the the question that he was asking in regards to was a distance of the homes that may be located in estate pearl um which is consistent with you have two additional propane tank there he was asking about the homes or any home within close proximity to this particular project what he's asking about i think your response was in regards to bovoni uh so that's what needs to be clarified your response was in regards to this question in bovoni and then necessarily what was um the question in terms of the home on st croix estate pearl okay yes so for st croix the estate pearl homes it's way greater than a thousand feet yes senator fonseca you need a follow-up on that because i think that she misunderstood your question in regards to the home at um estate pearl compare and she's met she thought you meant the home at the state bovoni so if you need some clarification uh this is an opportunity to do that yes yes yes thank you so kindly mr chair i really appreciate it okay so um okay i stand corrected. You had recommended approval on the Bovoni, but the senators, we had an extra concern. But you're saying in St. Croix, it's more than a thousand feet away from the lot. That's where the tank is going to be, more than a thousand feet away from the home. Is that correct, Ms. Laplace?

3:02:28 Correct, Senator. Okay. Thank you. Thank you. Thank you. Blessing. So this one is a yes. Thank you very much, Senator Fonseca. Next, we'll come to Senator Joseph. You're recognized for your six minutes. Thank you, Mr. Chairman. I was expecting another senator before I am.

3:03:02 I'm sorry, Senator Joseph. I kind of jumped the gun there. I'm sorry. It should be Senator Capehart. I'm sorry. That's no worries. Thank you so much, Mr. Chairman. Senator Capehart, I apologize. You are recognized for your six minutes. Thank you, Mr. Chair. I'd like to say good afternoon to the people of the Virgin Islands. Good afternoon, colleagues. Good afternoon, the team that's before us today. but before we start I just wanted to offer my family the Walcott family condolences we've lost Nilda Walcott who's going home today and Lorenzo Walcott last week being late that was late to rest I just wanted to offer my condolences to the Walcott family and say mr. chair the bills that before us today I am just so happy to say that I will be supporting all of these measures because they address from revitalization in the Frederick Stead area house shortages and even the propane shortage guys I've heard the complaints of individuals who when need to refill their propane tanks they got to wait a week two weeks yeah and it's crazy so I heard somebody telling me the other day I think I don't go in a propane business so here today now we have this other option of a third company so I'm very happy to be supporting these measures when we have the opportunity to vote but you know I'm always wearing my environmental hat right my DPNR team include former commissioner Barnes senator I'm glad to see you guys here because you guys offer value and experience that when you come before this body and you tell us you tell me then I know I can surely say that you're protecting the air land water and the community first thing I just want to ask for dust control and storm water

3:05:14 issues bill number 35-03-02 which is Mount Pleasant that property would that be the property would that be cleared all at once or would that be cleared in phases I'll refer to the applicant for the specifics but it would be in phases okay yes it'll be in phases the project is split into at least three distinct phases and so it wouldn't be cleared all at once okay so you know during a real heavy rain event how water runs on that particular area creates flooding so I just wanted to make sure you know that there's no issues there when it comes for flooding that you're contributing to that impact of water and it's the same thing with Williams delight I'm happy to see that more housing would be offered for people they're just concerned again about dust control storm water control the bill 350322 I'm so excited about you know the Fred expanding their footprint and improving the Frederickstead town but again when you start digging the dots or change what kind of best management practices that you as an architect plan to put in and I'm not talking about silt fences because really them thing don't really walk so close to the shoreline because if they're not installed right it doesn't really work so what other kind of best management

- 3:07:14 practices are you planning to put when you start that project yeah so you know we we go for our ccm application i've been working hard to make mr hibbert happy with our updated amendment for this project but um with regards to dust and storm water those kind of typical issues that that's created once you get into a construction project um ccm this is tier one they have all the requirements um that they typically require which includes the sill fence and making sure that we keep it intact and um and and keep it um well installed throughout the duration of the project but this project is not necessarily susceptible to um some of the um you know very aggressive erosion that we see on on on other lots that might have you know big differences in topography in the area we're in town and town already has a storm water system that we could use to defer a lot of the water that comes from off-site into the system and not having that onto our site so we this is very manageable okay great so let's go to the propane for number eight cassava garden as I mentioned I'm excited I'm supporting this because number one it's being proposed to go in an industrial zone area but I heard one of my colleagues acts former senator Barnes if you really think about was my time called 30 seconds I know you have
- 3:09:08 to this is a first phase but when you are doing a retail storage wholesale propane company what would be some of the best management practices that you would have to put in place to ensure that there's you know no environmental impacts to the community to the ear the land on water time I'm just curious to know what kind of best management practices as youth going through preparing for this project Thank You senator for the question are you asking in terms of BMPs during the construction phase or are you asking about what safety measure will be in place for operations safety measures after everything's in place okay so the design will dictate the appropriate safety measures based on industry standards right but you would have to have fire safety fire prevention you would have to have the sprinklers you would have to have the fire suppression mechanisms in place for appropriate for that particular material based on the material safety data sheet so again specific to propane you would have specific safety measures in place for the handling of propane you have to ensure you have mercaptan because again it's an odorless gas so you have to have things that would indicate if there's a leak so you'll have to have a sufficient leak detection system in place as well as the fire protection and system in place thank you thank you mr. chair I will be in support of all of these measures when we vote in session
- 3:11:08 and also wanted to congratulate glory's granddaughter listen women rock in my book so support you all the way and I'm proud of you because I know how from since the beginning of time so i'm excited when i see that young people before us um think about going into fields that women will really don't go into so i commend you and i wish you the best thank you mr chair uh thank you very much uh senator k part uh next the chair will recognize senator kala j joseph you recognize for your six minutes uh thank you so kindly mr chairman a pleasant good afternoon to everyone and the people of the u.s virgin islands i want to thank all the testifiers for being here and all the work that you do and of course miss lilia laplace matthew i want to also convey my thanks to you and your fine team for all the hard work and heavy lifting you do to assure that these rezonings are done properly and also mr hebert i want to say my many thanks to you as well because i know the work that both of you do is very important to maintain that very thin line of development and conservation and especially when we look at rezoning to assure that property owners who are in existence there their property rights are respected which is part of it is for them to be able to dwell in a quiet peace and enjoy to enjoy their property for a long time so i want to thank all of you and also to thank the applicants for their move to definitely improve their property, which is something within their
- 3:13:04 rights to do, they can apply. Now, I want to begin first my questioning with Bill number 35.0302, and this is, of course, the property located in Estate Mount Pleasant. Some of my questions for This area was asked before, and I don't have any major issues with it. I just wanted to know what's the name of the pharmacy, Mr. Brown, that is going to be relocated there.
- 3:13:39 You said it was a pharmacy that is existing, and it's going to be relocated to this site. Can you indicate for us the name of the pharmacy? Neighborhood Pharmacy. Which one? Neighborhood Pharmacy. Thank you so kindly. One of my St. Croix colleagues who is in St. Thomas is familiar with it, so very good.
- 3:14:11 I don't have any major issue with that rezoning, and I haven't taken a look at it, And so I will be coming to you as usual to have a site visit of the site. Now, Bill No. 35.0321. One of my colleagues did ask the question, and I was able to take copious note to say that these proposed apartments are going to be affordable or market rate apartments. Which one did you indicate? Market rates or affordable or both? Both.
- 3:14:57 Both? Okay. And you are going to have an R3 zoning. You're moving from an R2 to an R3. Kindly indicate for us what level of stories you're proposing for this R3 development. It's a two-story development, so I know this is two-story development. I'm so sorry. Two-story development. Okay. You understand that with the R3 zoning, you can have, and if you're really looking at density, truly you could have about six stories yes so yeah we're aware and and it's always the tough change from R2 to R3 which you know was brought up with the issue at the middle housing being missing we're only interested in two stories it fits into the adjacent neighborhood we think anything more than that is creates more

problems and then benefits so we're comfortable at two stories. Okay. All right. Thank you so kindly for that. I don't have any issues with that. I'm hoping that before these rezoning come to the full body for consideration that I get to see them and talk to some of the adjoining neighbors myself. Okay. Now, bill number 35.0322, this is a property located in Strand Street and this is for the Fred Hotel correct Mr. Brown this is you once again yes okay now I noted one item and and I and and I was kind of concerned about it one minute one of the public response the possible zoning violations code uh set and this is six precedent for future undesirable developments affecting property values. Ms. Laplace, maybe you can talk about what property values are looking at in that area and how it could adversely affect these or benefit these property values. 30 seconds. You're asking what the

3:17:17 property values are for that area senator yes okay do you have any idea no senator we don't have that information that would be um tax assessors okay good because then i will take a look at that because that's a very critical information given that we see all of the delinquent property taxes that's been coming out in the newspaper that's bigger than the daily newspaper itself um i'm very astounded by that but i really want to commend the lieutenant governor's office uh tax collector's office for doing their job final question and this is for the the one with the tank the storage tank i i saw that there's a lease agreement uh could you tell us former senator alicia bonds if the lease uh has been ratified for this property this would be between uh the hamad and the u.s and the virgin islands government thank you senator yes the lease was signed by the governor on march 7 2024. okay uh our copy but has it been ratified by this body that's what i'm i'm asking it's been signed but has the lease been ratified by this body okay so the present lease is just the one year short answer no because it's just the one year lease that allows for the zoning and site investigation and then subsequently there'll be there's going to be the 20-year or whatever multi-year lease that will then come before the body for ratification so the present lease is just a one-year lease you have a one-year lease because i have before me

3:19:12 a lease but i didn't see it was ratified by this body and it came down with a date signed by the governor march 7 2024 and it's for the same property correct correct so as i indicated So as I indicated, what standard is that the Department of Property and Procurement allows for a one-year lease to be able to do the requisite permitting for site investigation. So that's what we're using as an instrument for this rezoning. Subsequently, there will be a multi-year lease between the lessee and the Department of Property and Procurement that would then come before the body for ratification.

3:20:09 Okay, good. I'm satisfied with your response. Thank you so kindly. Mr. President, Mr. Chairman, I'm so sorry. Mr. Chairman, I don't have any questions for Bill No. 35.0280 because it seems that they already had a dock in place and they are just renovating the dock. In fact, let me retract that. I do have one question. Was this dock damaged initially by a hurricane or a storm? Yes, it was damaged by Hurricane Hugo in 1990. Oh, and so it has been uh derelict since that time uh no the previous the previous owner had used it uh to dock his um fishing trawler he had another fishing trawler um and um um so he had used it until then and then this past winter we asked him to remove his trawler his his his other trawler uh because the dock was so unstable that uh it was unsafe for anybody to walk on the dock so you're proposing to put the dock into its former condition before the hurricane no the proposals to uh repair the dock and make it uh much more uh stronger and seaworthy okay um i thank you so much mr chairman i don't have any further question but i do would i do would i really would appreciate an opportunity to visit all of the sites discussed today thank you so much mr chairman for your your leniency and your understanding thank you kindly thank you thank you very much senator joseph before we go on to the next senator which would be senator uh carriong i wanted to ask you mr jorkowski um in respect to that that um that doc is there well i guess miss demsley could respond to that but while i guess removing um the derelict vessels from that area um did you observe any sea life so anything that would be uh impacted as a result of

3:22:31 this build out uh amy you want to answer that first yeah good afternoon everyone um yes the the we did a very thorough um biological assessment of everything on the bottom bottom and the dot was is as mr drakowski said was first damaged on hugo but you can imagine it also got damaged again by the 2017 hurricanes and they had the previous owner had kind of fixed it up in between and it added some boards and some plywoods and what had happened is a lot of these things were hanging down on the bottom and and dragging in seagrass and and so you know all of those things were observed and that's as part of this rebuild which the dock will be slightly smaller than the last stock and And we'll now address environmental issues like we'll have graded decking for light for light can go through all of these like pieces of wood and scattered materials will be picked up as part of the construction and as mitigation for the reconstruction of the dock. So, yes, there is sea life around it. We have seagrass and there are a few scattered corals primarily up on the shoreline, but those have all been taken into account for the new design. okay very well and in respect to monitoring of this dock once it's constructed is there any surveillance camera system how is the the dock will be monitored so that we don't have unwanted individuals having access to that to that dock my home is next door and I go to the property on twice a day i'm not there right now but i have somebody going and visiting um there every day is your testimony

- 3:24:28 that the in fact that um again there'll be some monitoring of the dock uh again so that we don't have okay all right thank you yes there will be monitoring of the dock um we uh we have we have a gate at where the front to access to dock which is locked every day and so the bit the biggest the biggest issue is fishermen on the eastern part of the property coming around onto the dock that's the only issue that we have and we don't have a solution for that at this time what is what is the discussion that's being had in regards to preventing that from occurring or getting support and assistance from the various entities be a deep in our enforcement Park Service or any other entity for sounds police department are you having conversation with in respect to that no No, not at this point in time.
- 3:25:35 We, since I grew up in St. Croix and in the house that we're in right now, I have an enormous respect for the community that has had access to this land. And so it's a difficult issue to deal with. On the eastern part, the seawall is about 20 to 30 feet high, and people park their car on the side of the road and make their way down. So, you know, if we put up a fence, for example, it will take away from the beauty of people and tourists coming around that point.
- 3:26:19 And so that's an issue that I don't want to create, in all honesty. Well, I don't know, that's perhaps not even allowable, so I'm not suggesting that you could put up a fence. What we're concerned about is just individuals that may have access to the dock that may use it to be able to access properties in the area. Yeah, the only answer that I have is that we monitor the dock, when we see people there, we ask them to remove themselves.
- 3:26:53 well uh thank you at this time the chair will recognize senator carrion you recognize for your six minutes senator samuel carrion thank you thank you mr chair and um a good afternoon to all my colleagues those viewing and listening in the virgin islands um just continuing on the same point with mr michael um just a quick question the reasons for the redesigning of the dock to a uh reducing their square footage um why why is that uh to make it safe yeah and miss dempsey you want to make it the dock had grown except amy dempsey um the dock had grown from its original footprint because as the dock had been damaged um there were there was like plywood put over to to like go around the corner and so it had kind of gradually grown from what was originally constructed and so what's coming back is actually um a you know a smaller a little bit smaller footprint which you know it you know will have less impact on the surrounding environment and you know all of the little auxiliary things that had to be placed on the old dock to make it strong enough to stand up um will be taken off and you know that's one of the big concerns right now is because like you know we walked out on the dock and swam all around it and at this point in time that dock is not safe to be walking on very well and uh the use will be just for private use only what's the purpose of the use private use perfect use very well and um i have to join my colleagues also in stating that uh today's a
- 3:28:46 good day every time we have a zonings like this rezonings like this that we see that is entrepreneurs local individuals that are really stepping out expanding their business looking for business opportunities is always great um like we continually say small businesses is the engine that moves this government so it's always encouraging we have individuals before us they're requesting rezoning and they're requesting rezonings with an appropriate framework of the law also i must be clear state that because everything should go where everything should go so i'm okay i'm kind of exciting um and waiting anticipating to have the water use plan available for us that we can all continue to follow so i'm looking forward to that Ms. Laplace. Now regards to bill number 35-0302 with Mon Pleasant, I must commend the company Lasso Investment Holding for really tapping into what is creating a housing opportunity for everyone and it was really caught my attention also the fact that they're looking into having tiny uh tiny homes so that's something unique one bedrooms and so forth um which is great and like most of these that we have before us today we really didn't have any opposition and the recommendations from dpnr which is always great to see are all favorable in most of them so i will be at the appropriate time when this come before us and session will be voting favorable on bill 350302 bill 350321 with williams delight also there i see there's no opposition there's two-story buildings uh that two two-story buildings that would be erected in that area and there's also recommendations variable from department of planning and natural resource uh with bill 35.0322 which is in frederickstead i see there were some concerns that were raised And I just want to make sure that these areas are covered.
- 3:30:55 I see that DPNR indicated that the property owners are seeking additional lots for a requirement parking lot. What's the status of that acquisition, Mr. Brown? So since that letter was written there, there has been a lot that has been acquired. However, as a downtown construction project, as you know, it's very difficult to accommodate the off-street parking requirement in our historic towns. And so we will be depending on a parking waiver from historic to complete this project.
- 3:31:34 All right. So the lot that was acquired can hold how many vehicles? 20, sorry. Mr. Brown? 20 parking spaces, yeah. Great, and some of the concerns that was addressed with regards to the public beach access. Will there be any impact on the public beach access? One minute.

- 3:32:02 No, there'll be none. There's no right-of-ways being impacted. These are already developed lots, except for the 142, which, again, there's a public access right next door and a public park on the other side. So there's no impact to beach access, no change to beach access. Very well. And some of the community concern regards to the result in diminishing property value. Do you see this development as diminishing property value or increasing property value? What's your position with regard to that? And Ms. Laplasca join in also.
- 3:32:41 30 seconds. It doesn't either. You know, we have development rights under W-1 that we could go out there and build quite a range of developments right now that would harm property values a lot more than our request here. What we're requesting, the change of zoning, is solely so that we're able to add additional guest rooms to the hotel. and so there'll be no negative impacts to the property values in the area. Ms. LaPaz?
- 3:33:14 Property value, it's a case-by-case assessment, so it's hard to say if it'll be a decrease or increase, but our assumption is because it allows for revitalization, property values would actually go up because it'll improve the area. time good and with regards to uh bill br number 24 1172 uh estate uh casa cassava garden for the use of the variants i think that's the one for the propane storage that we have uh former senator elisa barnes here correct that's correct senator good i see i see no concern as a matter of fact i think it's good for the market to have um other businesses in this field so i commend uh the owners for moving in this direction and i will also be uh supporting supporting this measure as i come before us so thank you very much lastly uh mr chair if you allow me to ask one last question you you may Thank you. For the development of the FRED, how many jobs will be created once a project is completed?
- 3:34:34 Do you know during the construction phase? During construction or once it's completed? I'm sorry, during the construction phase and once it's also completed. There will be about 20 permanent jobs being added with the overall expansion plans, and during construction there will be about 40 jobs during construction. Thank you very much.
- 3:35:01 Thank you. Thank you, Mr. Chair. Thank you very much, Senator Carrion. Next we'll go to Senator Blyden. You're recognized for your six minutes. Thank you so much, Mr. Chair. afternoon again to my colleagues listening viewing audiences staff central staff good afternoon to the testifiers and thank you so much for your testimonies and thank you so much for your investment in the territory we're talking about economic development housing jobs and it's a beautiful thing it's a beautiful day let me ask let me start off with bill number three Let me start off with BR number 24-1172, wholesale and storage of propane.
- 3:36:01 Good afternoon, former Senator Barnes. Good afternoon to you. Good afternoon, Senator. Nice seeing you as well. Let me ask you to expand a little bit for me, please, in respect to this project and the process in terms of the one year and then have it coming back for gratification by us and approval from us in order to move forward. Can you speak succinctly about that, please?
- 3:36:32 Yes, Senator. So what has been standard practice since I've been engaged with DPP on these types of lease, Department of Property and Procurement, is that the department allows for a one-year lease for the applicant to do, the lessee rather, to do exactly what we're doing, get the appropriate, if necessary, zone and change. and if not zoning change, get the appropriate permits to be able to do site investigation, site work, to be able to have an appropriate design. Subsequent to the one year, then a multi-year lease is negotiated with the Department of Property and Procurement that then comes before this body for ratification. So the one year is to allow for the site investigations, permitting, and the like. Initial permitting.
- 3:37:30 Thank you for that. And Senator, if I may add, why that's necessary is that with all permits done in applications, the applicant has to demonstrate proof of legal interest. And the proof of legal interest in this case is the lease. Thank you so much. and it's important to put it on the record let me go to bill number 35.0321 and this one of course uh i'm very interested in in terms of housing it speaks to two two-story building four apartments and two one bedroom apartments let me ask in respect to number one the square footage of these units what the square footage of these units sorry yeah clarence brown design district architects so the one bedrooms are about 660 square feet and the two bedrooms are 968 669 68 how much um acres are we speaking up again can you repeat that for me please 0.3 acres approximately three acres well so these are tiny tiny homes no these are these are pretty standard size apartments but they're on the smaller side yes you're very well let me ask also um in respect to the finances the finances are in order to move forward yes the owner the owner is able to move forward and you said 12 to 16 months
- 3:39:20 and i would also like to ask in respect to construction jobs about how many construction jobs i'll be speaking of in respect to this very important um project about eight and i want to emphasize the owner here is a contractor and so he has a kind of in-house capability to do this job understood let me go to bill number three five does they were three two two the freds and of course he spoke to rehabbing the freds and expanding it and of course most of the questions were already answered in respect to jobs parking etc so beach access which is very important and most of these um most of the

questions i had honestly have been asked already for all of these so and then i will be supporting all of them for the big island of st choy and mr chair i want to thank you so much for the time and i want to thank each of the testifiers for the investment in our territory in particular the island of st choy thank you so much uh thank you Thank you very much. Senator Blyden, Vice Chair of this Committee of the Whole. Madam Clerk, please record Senator Gittins as President and Senator Kenneth L. Gittins, you recognize for your six minutes at this time.

- 3 : 40 : 44 Thank you, Mr. President, and good afternoon to all. But an extra special welcome and good Good afternoon to our student, Miss, I hope I get it right, Nyalise St. Omar. St. Omar, welcome to you. I apologize for my tardiness to all of you, however, I was conducting business elsewhere as I just came from your school, as a matter of fact, the St. Croix Educational Complex who I spoke to via history and civics class there. So the students were very engaging. Questions came left and right. Hopefully they had a better understanding of how government works. So I want to say also a special thank you to, oh boy, I'm going to get her name wrong.
- 3 : 41 : 42 I can't pronounce her first name, but Ms. Thomas, she's a senior. in Ms. Garcia's class at the Sinclair Educational Complex. You know, and good afternoon again, welcome former Senator, how are you doing today? Good to see you. Doing well, Senator. You look comfortable and at home. You know, I am generally in support of all these measures, especially when it comes to supporting economic development, not only in our territory, but particularly on St. Croix, and especially those that will create additional housing. Regarding the minor CZM permit, CZX21-22W, I had a chance to look at a couple of things, But I had a question for DPNR in terms of how the rental fees are assessed for submerged lands. If you could tell us about that. How did DPNR arrive at the annual rental fee of \$3,200, I believe it was?
- 3 : 42 : 56 And how often are these fees assessed? Is it only on renewal or issuance of a permit? Okay. Thank you, Senator Gittins. Good afternoon. So we use, by law, we cannot charge less than 500 for any structure. And then we utilize the fair market value of the property from which the dock is projecting. and so in this case we had a initial cost of 500 and then the area that the dock is occupying plus surrounding area if it was only the dock what you gentleman is going to have a vessel he needs to turn around so there's about 2,832 other square feet that he's utilizing Right. And we utilized that, and that was a \$2,700 cost based upon the fair market value per square foot of the...
- 3 : 44 : 02 So what we do is fair market value of the 0.861, and we break that down to what does that mean per square foot for the land. Right. And no less than \$500, so you get to \$32,000. Yes. And then we transpose it. And then the term is 20 years, so every five years we'll renegotiate. Every five years? Every five. So a fifth, 10, 15 and 20 year. Great. And who is responsible for ensuring that these fees are paid, and that's each year, right?
- 3 : 44 : 34 And if they're not paid, what happens? So we have a property manager who tracks with an online system that we're currently using statements are sent to each permittee you're up to date yes sir no you don't sound sure no we have some delinquencies yes but so what is the recourse and what are we doing to recourse we send them a notice of violation and we do offer payment terms so if someone is having difficulty paying we say well you can do it monthly yearly so we are not how should I say punitive to the point where saying get out of town but usually we are we try to settle over time the delinquency okay and we monitor that annually so we want to make sure that collections is taking place okay and if persons are delinquent that we're going for it and I know that sometimes people names and places and they shouldn't be there got the other day I was reading a newspaper and I saw my name there and I know I paid my property taxes one minute you know so but I'm just saying let's make sure that we're up to date on these collections now regarding as Z AC 24-5 what is the timeline for the three phases of construction there can you explain to me a little more about the tiny homes and whatnot as well because i'm just a little concerned about um uh or what materials uh will they be constructed from because my concern is you know we're in the middle of hurricane season yeah so that's the sorry
- 3 : 46 : 20 clarence brown design district architects that's that's the last phase of this development the the first phase is the relocation of um the business um along centerline road and and that will be commenced immediately once we get building permits and will take about 12 to 16 months um to complete and then um the other phases will happen um as as uh over the course of let's say about five years yeah and let's speed up this one because the timekeeper come from st damas and she don't play so zhc uh 24-6 do you have any concerns uh about the ongoing hovenza related monitoring interfering with uh what you want to do on the on the property does zhc uh 24-6 time would you okay so and no short answer no short answer is no right i can expand if you want but no concern if the chair would uh allow you to and then i i just want to make one comment thereafter yeah you like you may continue right thank you where we are well aware because it's the monitoring program for the recovery wells for the refinery and so it's an ongoing remediation project um that we are well aware of and there there's no issue with them accessing the monitoring wells at whatever frequency to be able to monitor the level of petroleum product in the well if any I just always want to make the distinction that this isn't drinking water wells it's a monitoring well associated with the refineries hazardous waste or RCRA permit okay thank you for that and DPNR I just wanted to put out there again as I explained to one of the nominees before us the other day to

- 3:48:23 serve on the CZM Commission my concern again and remains the shoreline access beach access for our residents I think is high time for us as a government to look at solving that problem it shouldn't be the property owners having to make a decision how much of my property I'm allowed in between my neighbor for people to pass. I think that should be a determining factor by the government before land is purchased, sold, whatever the case may be. And my other concern is that sometime back when you all was here, you all showed all of us on the screen that those persons who have beachfront properties, that their boundary lines go all the way down into, through the sand to the water. I have real concerns with that. We may need to amend the laws because that sand should be public access to people if they're utilizing the beach. So if you're telling me that my beachfront property, my property line runs down right into the water, then if I put up a wall or a fence going down there, how are you going to tell me to take it down? So I'm just bringing it out so that we can have this conversation. It's a true concern, and I don't want it to become even further problematic in the future. We'll have a discussion on that, but thank you for your time.
- 3:50:04 Thank you, Mr. Chair, and hopefully, Ms. St. Tomar, you get something out of this process today as I spoke to your fellow students about the three co-equal branches of government and their responsibilities. Thank you so much. Thank you very much, Senator Gittens, and I think this runs out our round and these before us. I don't have any additional questions. I've had the opportunity to ask my questions in between. But I want to take this opportunity again to commend DPNR for the work that you're doing and certainly working with these applicants to get us to this point. I think it's extremely commendable. We long advocated for, you know, that we want to use everything possible to make sure that we're meeting the needs of our community and that these applicants and instances where they may fall a little bit short of the areas that there is be some recommendation, you know, how they could either utilize a use variance or some other mechanism by which we're able to get them through the hump because, you know, this really lends itself to economic development and other means of housing and other employment and everything else that's associated with moving these measures forward. So a big kudos and thank to the PNR we looking forward to this be comprehensive land and water use plan and one of the strong advocate for the land and water use plan is here with us today I'm sure she'll be delighted to see the steps that has been to get being taken to get us to a final point hopefully before the end of the year right yes hopefully before the end of the year I'd love to get this under our belt in the 35th legislature so you look forward to that but at this time I'd I'd just like to go to each of the applicants to close off and then we'll have Lipe and I'll give their final words. I, too, want to join in commending our young student here. And all I can feel is I'm getting old, because she's been around the legislature and been around the legislature family for quite some time.
- 3:52:14 And it just seems like it was just yesterday she was in pampers. And now she's heading off to college in the near future coming back home to take over. She could talk now. Yeah, she could talk now and sell us back. So, again, I think that, you know, we have a lot to be thankful for. I think we spent a lot of time looking at the glasses being full and a lot of the pessimism and negativity throughout this community, but we have things moving. There is a lot of opportunities for all of us to undertake, and I'm just happy to be in a role where we could move these things forward at this time we'll go we'll start off with bill 35.0302 um for your final comments mr brown that's the number eight mount pleasant yeah so uh clarence brown um design district architect so So thanks again for the opportunity to present this project. As you guys know, from time to time, developers have hardships that they need relieved, and this is one way that they could get relief to move projects forward. And this really allows this client to own her own business location, as well as to add value to the community through, you know, her ideas regarding affordable housing and even mixed developments and appreciate the concerns raised today.
- 3:53:52 I do want to emphasize one point that this is step one of all the checks and balances that the government has in place for responsible development and many of the concerns raised today will be addressed in in our future permitting phases and you could just go right into the second one which will be williams delight as well as the town of Fredericksdale as well again thanks for the opportunity to present the Garib's project mr. Garib is a builder and again came up with his own creative approach to contributing to the housing solution on St. Croix we look forward to a speedy the permitting approval on this project, whereas this may seem like an increase in density. The two-storey building, the setbacks and the building provisions of the existing R2 zone will be observed. We expect this to be a great fit into the neighbourhood and fit seamlessly along the Centre Line Corridor. This is an important project for the Fred Hotel, and I'd like to, as a last project today as well, thank the committee for hearing assault on these projects. This is an important project not just for the developers or the owners of the Fred, but I think for the town of Fredrickstead to ensure the viability of that development and of that establishment um it's it's really important to come up with a comprehensive solution for parking in town on a property by property basis is
- 3:55:38 very difficult to accomplish off-street parking requirements per lot and so um we were thankful that there's remedies in in the permitting process to relieve some of those requirements and thanks again for your consideration Thank you very much, and then we'll go to former Senator Barnes, and I'm not sure if you're Mr. Hamed would also like to make

comments, but either one of you, I'll be free to do that. Thank you, Senator. I would first like to begin by thanking and commending the Department of Planning and Natural Resources Comprehensive Coastal Zone Planning Division for their continued professionalism in the manner in which they handle these zoning applications, Liela Plas, Ms. Polamas and the entire staff. Definitely the best of the best in terms of navigating all things associated with this I would like to thank you senate president Francis and the members of the 35th legislature for come be convening this committee of the whole um to be able to hear these very important and worthwhile um zoning applications to include vi propane llc um I too like senator k part experience um calling the propane gas company after the most recent storms hearing I have to wait two weeks you know to be able to get you know my propane tank fails so there's definitely a need in the community it's going to again drive competition which can only benefit the consumers so commendations and I thank VI propane for allowing me to represent them in this particular initiative and Senator if I may I just really want to commend Clarence Brown and his team I've worked with them on projects I am very very excited for what he's did in the community and the young people that he's bringing along and I want to commend the student for education from educational complex I get excited when I see women in stem I remember the days when I was the only female in the engineering department at the water and power authority it was definitely a lonely road so commendations to you Mr. Brown continued a good work to you and your team and please give the student my contact information as well and thank you so much for this opportunity oh you're very

3:58:16 welcome and thank you former senator Barnes for being here and next we'll go to Mr. Michael Jokowski uh thank you senator uh for your time today and I too would like to thank DPNR for uh their work um it was uh it's a great partnership in my opinion as a as a as a landowner that's on the property I mean on the water and so that we can take care of the environment of the Virgin Islands and I'd like to thank Miss Dempsey for her help and leadership very well thank you at this time um good afternoon so I'd first like to let the people of the Virgin Islands know the department will be going live with its electronic permitting system on September 30th so if you're not aware we are moving into the 21st century we're getting into electronic permitting no more bringing in papers into the office. So there is a training on our DPNR Facebook that's dated September 16 that gives you the information about our permitting system. It will currently have building permits, CCZP and CZM. Other DPNR divisions will be added on shortly. And the second thing is that our comprehensive land and water use plan, the consultants are working to finish up the draft and we hope to have it at the end of this month to forward to the governor to then forward it to the legislature so that you guys can act on it hopefully by the end of this year. Thank you.

3:59:53 Thank you, thank you. Director Hibbert. Thank you, President. That's a hard act to follow. I just want to reiterate our appreciation for having this avenue to showcase I believe the hard work that DPNR does do and to say thank you to the team sitting back in the offices who go every day and serve the people of the Virgin Islands thank you thank you very much again we have been in the committee of the whole today and we have been able to hear for at least five measures before us today and they have all received the blessing and recommendation of DPNR and certainly we don't take a vote in this committee but when we do go to session we'll be considering all of the measures before us today I want to thank all of the applicants, DPNR staff, and everyone involved in today's Committee of the Whole meeting, my staff and the central staff as well as legal counsel, the ones that came over from St. Thomas to support and assist us in moving these forward, certainly media, public affairs, security, and everyone involved in today. The Committee of the Whole of September 23rd, 2024 is hereby adjourned. God bless and we have a busy week so I'll see you all for the rest of the week. We did have a meeting scheduled for 2 o'clock today that has been postponed and that will be taken up on Wednesday. Again that will be the Committee of Budget Appropriations and Finance. The Committee on the whole is hereby adjourned. God bless.

4:01:39 We'll be right back.

People named in this transcript

SUSPECTED, and a finding aid only. Names were matched by machine against the spellings used across all 426 of our transcripts, and the title is the one used in the room. Being named here is NOT evidence that a person attended or spoke · only that the name was said. Speech recognition mishears names, so a spelling may be wrong even where no alternative is offered.

8x **Senator Kenneth L. Gittens**
heard in this transcript as: Gittens, Gittins, Kenneth L. Gittins

8x **Senator Marise C. James**
the surname alone also matches: Javan James; Giovanni James Sr

- heard in this transcript as: James, James Sr, Maurice C. James
- 6x **Senator Dwayne DeGraff**
heard in this transcript as: DeGraff, Dwayne M. DeGraff
- 6x **Senator Milton E. Potter**
heard in this transcript as: Potter
- 6x **Senator Samuel Carrion**
heard in this transcript as: Carrion, Carriong
- 5x **Senator Carla Joseph**
the surname alone also matches: Clifford Joseph; Karla J. Joseph
heard in this transcript as: Carla J. Joseph, Joseph
- 5x **Senator Franklin D. Johnson**
heard in this transcript as: Johnson
- 5x **Senator Novelle Francis**
the surname alone also matches: Novel E. Francis Jr.; Navelle Francis Jr.
heard in this transcript as: Francis, Francis Jr, Nova Lee Francis Jr
- 5x **Senator Ray Fonseca**
heard in this transcript as: Fonseca
- 4x **Commissioner Josette J. Walker**
- 3x **Senator Angel L. Bolques, Jr.**
heard in this transcript as: Angel L. Bolques Jr., Balquez, Bolquez
- 3x **Senator Diane T. Capeheart**
heard in this transcript as: Capehart
- 3x **Senator Fred Gregory**
the surname alone also matches: Donna A. Frett-Gregory; Donna Frett-Gregory
- 3x **Senator Javan James**
heard in this transcript as: Javan E. James Sr, Javon James Sr
- 3x **Senator Marvin Blyden**
heard in this transcript as: Blyden
- 2x **Senator Alma Francis Heidegger**
- 1x **Senator Donna A. Frett-Gregory**
heard in this transcript as: Donna Fred Gregory
- 1x **Senator Donna Frett-Gregory**
heard in this transcript as: Donna A. Frett-Gregory

Bills and acts referred to

Matched by number against our own acts corpus. The number is what the recognition heard, so it may be wrong; where it resolved, the title is the one the Legislature gave the act.

- Act 6283** Act 6283 · July 13, 1999 · To amend Official Zoning District Map No. SCZ-11 for Plot 5C Estate Mount Pleasant, Prince Quarter, St. Croix from C (Commercial) to B-3 (Business
- Act 7401** Act 7401 · An Act granting Plot No. 2B-1 Estate Mt. Pleasant, Prince Quarter, St. Croix a use variance from the C (Commercial) zoning designation ---0

Referred to but not found in our acts corpus: Bill 35-0302, Bill 35-0321, Bill 35-0322, Bill 35-0280, Act 5513, Act 3753, Act 6151, Act 6070, Act 3966, Act 3784, Act 5516