

Sen. Golden Amendment # 23-482
Seconded by Sen. Liburd
Objection by Sen. Bryan
Adopted
 TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS
 Territory of the Virgin Islands
 REGULAR/SPECIAL SESSION 20____
 ROLL CALL
 Bill No. 23-0204 Date: 3/2/2000

Short Title: _____

LEGISLATIVE HISTORY

- (a) Introduced and sent to Committee on.....Date.....
- (b) Reported from Committee and sent to Rules on.....
- (c) Reported from Committee on Rules.....
- (d) Recalled from Committee by Special Order.....
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- (f) Rejected on.....
- (g) Vetoed by Governor on.....
- (h) Reconsidered by Legislature and passed or rejected over Governor's Veto on.....

MEMBERS	YEA	NAY	NOT VOTING	ABSENT
BENNERSON, Gregory A.	1			
BERRY, Lorraine L.	2			
BRYAN, Adelbert M.		1		
COLE, Donald "Ducks"	3			
DAVID, Roosevelt St. C.	4			
DONASTORG, Adlah "Foncie"	5			
GOLDEN, Violet Anne	6			
GOMEZ, Judy M.	7			
GOODWIN, George E.	8			
HANSEN, Alicia "Chucky"	9			
JN. BAPTISTE, Norman				
JONES, David S.				1
LIBURD, Almando "Rocky"				2
PETRUS, Allie-Allison	10			
RICHARDS Vargrave A.	11			
	12			

Certified true and correct

127
Corrine C. Hodge
 CLERK

2

Shaw
**Drafted or Reviewed
By Legal Counsel**

AMENDMENT TO BILL NO. 23-_____

INTRODUCED BY SENATOR V. ANNE GOLDEN

Bill No. 23-_____ is amended by adding an appropriately numbered section to read as follows:

"SECTION. Pursuant to the provisions of Title 29, chapter 3, Virgin Islands Code, Official Zoning District Map SCZ-7 for the island of St. Croix is amended by changing the zoning designation of Plots 1-E Estate Golden Rock and 2-A Estate Orange Grove, Company Quarter, St. Croix, Virgin Islands which consists of approximately 0.3403 U.S. acres and 0.053 U. S. acres, as shown on P.W.D. Drawing No. 1026, dated October 6, 1961, and revised September 13, 1961, October 8, 1964, December 13, 1965 and May 5, 1981 from R-2 (Residential-Low Density-One and Two Family) to R-3 (Residential-Medium Density)."



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

DEPARTMENT OF PLANNING AND NATURAL RESOURCES

6003 Anna's Hope
Christiansted, St. Croix, V.I. 00820-4433

Telephone: (809) 773-1082
FAX: (809) 773-1716
TDD (809) 777-8413

REPORT ON PROPOSED AMENDMENT TO OFFICIAL
ZONING MAP NO. SCZ-7

Application No. ZAC-99-05
September 17, 1999

Petition to rezone Plots No. 1-E Estate Golden Rock and No. 2-A Estate Orange Grove, Company Quarter, Christiansted, from R-2 (Residential - Low Density, One and Two Family) to R-3 (Residential - Medium Density).

Owner: The owners of Parcels No. 1-E Estate Golden Rock and No. 2-A Estate Orange Grove as per Warranty Deed are Tommie and Paula Broadnax.

Acreage: Parcels No. 1-E Estate Golden Rock and No. 2-A Estate Orange Grove consists of approximately 0.3933 U.S Acres

Existing Zone: R-1 (Residential-Low Density).

Requested Zone: R-3 (Residential Medium Density).

Present Use: The owners currently have a four-room home that they utilize to operate a small inn named "Innparadise".

~~**Proposed Use:** The proposed use is to allow the expansion of an existing bed & breakfast inn of four rooms into a nine or ten room facility.~~

Surrounding Use: The property is located in an area of mixed land uses, to include McDonald's, the Federal Courthouse, an automobile repair shop, and a multi-family apartment complex.

Public Response: The Department received no written or verbal objections to the rezoning of Plots No. 1-E Estate Golden Rock and No. 2-A Orange Grove.

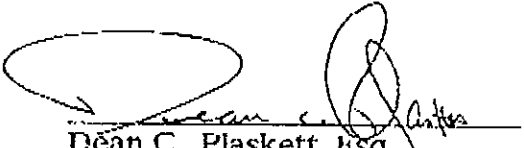
Application No. ZAC-99-09
Page Two

Infrastructure: Public sources are readily available or accessible to the area.

Analysis: According to the applicant's testimony, the proposed plans for the subject Plots include the expansion of a four room bed and breakfast inn into a nine room facility with the owners residing on the premises. The facility which is intended to serve mainly visitors will also be available to residents. Parking for the facility's guest will be provided on the site, and meals served on the premises will be limited to the inn's guests only.

The property in question is located in the general area of McDonald's, the Subaru Dealership and Bay Garden Condominiums. Immediately to the north is a multi-family structure, and another property which was rezoned from residential to business within the last four years. Even though zoned for low density residential activities, the property can support the higher density which is proposed by the applicant's with out detracting from the character of the neighborhood.

Recommendation: Given the complexity of mixed use activities now surrounding the property, the Department does not view the applicant's request as unreasonable, and recommends that Plots No. 1-E Estate Golden Rock and No. 2-A Orange Grove be rezoned from R-1 (Residential-Low Density) to R-3 (Residential -Medium Density).



Dean C. Plaskett, Esq.
Commissioner

10/14/99
Date

DCP/DLM/dlm

WARRANTY DEED

Grantor, KAREN SCHLICHT, SOLE SURVIVING TRUSTEE OF THE TRUST AGREEMENT C
 EDITH WRIGHT dated March 12, 1998, Box 2227, Frederiksted, St. Croix, U.S. Virgin Islands, here
 WARRANTS, DEEDS and CONVEYS to PAULA S. BROADNAX, Grantee, ^{Box 428, Christiansted} ~~Frederiksted~~, St. Croix, U.
 Virgin Islands ⁰⁰⁸²¹ ~~00820~~ for the sum of One Hundred ^{Seventy} ~~Eighty~~ Thousand (\$180,000.00) Dollars, the following describ
 tracts of land located in the City of Christiansted, Island of St. Croix, U.S. Virgin Islands, subject to t
 encumbrances owed thereon, to-wit:

Plot No. 1-B of Estate Golden Rock, Company
 Quarter, consisting of 0.3403 U. S. acre, more
 or less, as more fully shown on PVD Dwg. No.
 1026, dated March 2, 1961, and revised
 May 5, 1981

SUBJECT, HOWEVER, TO zoning requirements, all rights of way, easements, covenants, restriction
 encumbrances and agreements of record as of the date hereof and further

THE SURVIVING TRUSTEE AND SUCCESSOR TRUSTEES HAD THE FULL RIGHT TO SEL
 TRANSFER OR ENCUMBER THE PROPERTY HEREIN SET FORTH.

WITNESS the hands of said Grantor dated December 16, 1998.

Karen Schlicht

KAREN SCHLICHT, TRUSTEE of
 The Edith Wright Trust, dated March 12, 1998

William J. Biver

WITNESS:

Linda Parker

WITNESS:

U.S. VIRGIN ISLANDS)
 ISLAND OF ST. CROIX)

On December 16, 1998 personally appeared before me KAREN SCHLICHT the signer of the with
 instrument, who duly acknowledged to me that he executed the same.

Stephanie A. Rouse
 NOTARY:

When recorded return to:

GRANTOR

Send subsequent tax bills to:

GRANTEE

STEPHANIE A. ROUSE
 Notary Public, State of New York
 No. 01R05027927
 Qualified in Kings County
 Commission Expires May 23, 2000

Sen. David Andersen # 23-453
Seconded by Sen. Golden
Objection by Sen. Hansen

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS
Territory of the Virgin Islands
REGULAR/SPECIAL SESSION 20____
ROLL CALL

Bill No. 23-0204

Date: 3/2/2000

Short Title: _____

LEGISLATIVE HISTORY

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BRYAN, Adelbert M.				
COLE, Donald "Ducks"				
DAVID, Roosevelt St. C.				
DONASTORG, Adlah "Foncie"				
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GOMEZ, Judy M.				
GOODWIN, George E.				
HANSEN, Alicia "Chucky"				
JN. BAPTISTE, Norman				
JONES, David S.				
LIBURD, Almando "Rocky"				
PETRUS, Allie-Allison				
RICHARDS Vargrave A.				

Certified true and correct

Corine C. Hodge
CLERK

**Drafted or Reviewed
By Legal Counsel**
YLT

AMENDMENT TO BILL NO. 23-_____

Offered by Senator Roosevelt St. C. David

Bill No. 23-_____ is amended by adding an appropriately numbered section to read as follows:

“**SECTION ____.** Pursuant to title 29, section 238, Virgin Islands Code, Official Zoning Map No. STZ-9 for the island of St. Thomas is amended by changing the zoning designation of Parcel No. 101 Estate Smith Bay, Nos. 1, 2, & 3 East End Quarter, consisting of 1.005 U.S. acres, more or less, and more particularly described on P.W.D. Drawing No. D9-482-T65 from R-3 Residential-Medium Density to B-2 (Business Secondary/Neighborhood).”

Amendment No. 23-453/February 29, 2000/Drafted by YLT

Dragin

SEN. BENNERSON'S Amendment #23-4586
 Seconded by Sen. [] by Sen. Bryan
 Adopted

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS
 Territory of the Virgin Islands
 REGULAR/SPECIAL SESSION 20____
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HANSEN, Alicia "Chucky"	10			
JN. BAPTISTE, Norman				1
JONES, David S.				2
LIBURD, Almando "Rocky"	11			
PETRUS, Allie-Allison	12			
RICHARDS Vargrave A.	13			

Certified true and correct

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Corine C. K. Hodge
 CLERK

Stans
Reviewed
By Legal Counsel

AMENDMENT TO BILL NO. 23-_____
OFFERED BY SENATOR V. ANNE GOLDEN

Bill No. 23- _____ is amended by adding a new appropriately numbered

Section to read as follows:

“SECTION ____ Pursuant to the provisions of Title 29, Chapter 3, Section 238a, ~~Virgin Islands Code~~, a zoning variance is granted to Plot No. 88-D, Estate La Grande Princesse, Company Quarter, St. Croix, consisting of .238 U. S. acres as described, more or less, as more fully shown on PWD Drawing No. 4364, dated April 6, 1987 from R-2 (Residential-Low Density-One- and Two-Family) for the purpose of operating a beauty shop. All other requirements of the R-2 zoning designation shall continue to apply to the subject property.”

Amendment #23-458 / February 29, 2000 / SA:vs



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

DEPARTMENT OF PLANNING AND NATURAL RESOURCES

6003 Anna's Hope
Christiansted, St. Croix, V.I. 00820-4433

Telephone: (809) 773-1082
FAX: (809) 773-1716
TDD (809) 777 8413

REPORT ON PROPOSED AMENDMENT TO OFFICIAL
ZONING MAP NO SCZ-6

Application No. ZAC-99-06
September 24, 1999

Petition to rezone Plot No. 88-D Estate La Grande Princesse, Company Quarter from R-2 (Residential Low Density) to B-3 (Business Scattered) or variance. in order to operate a beauty shop.

FINDINGS

Acreage: Plot 88-D consists of 0.238 U.S. Acres as more fully shown on P.W.D. No. 4364, dated April 6, 1987.

Ownership: The owners of record are Marciano and Vilma Danois as per Warranty Deed No. 7809/1988 dated November 23, 1988.

Existing Zone: R-2 (Residential Low Density)

Requested Zone: B-3 (Business Scattered) or use variance.

Present Use: The property contains a single family dwelling, which is utilized by the applicant for her residence.

Surrounding Use: Plot 88-D is adjacent to Route 74, which connects Estates Rattan, Little Princesse, and Bellevue to the Five-Corners Intersection. The predominate use of the surrounding area is single family residential.

Public Response: There was no opposition at the Department's July 15, 1999 public hearing on the petition, and none expressed for inclusion in the file record of the application. Two area residents, one of whom is an adjacent property owner, appeared at the public hearing to lend support to the petitioner's request.

Application ZAC-99-06
 Page Two
 9/24/99

ANALYSIS

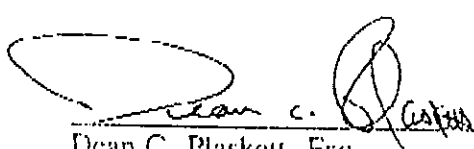
According to the applicant's testimony, the proposed beauty shop will be operated from a designated area of her residence. There is no intent to modify the residential character of the home to reflect the operation of a business on-site. The business will be operated by the applicant with the assistance of possibly one part-time employee. The hours of operation will be 9:00a.m. to 5:00 p.m., five days a week. The applicant has indicated however, that clients will be served on an appointment basis, thus minimizing the probability of the excessive generation of vehicular or pedestrian traffic to the area at any one time. The applicant also indicated that she will utilize an on-site septic system, and two cisterns with a 40,000 (30,000 and 10,000 respectively) gallon capacity, thereby negating the reliance on municipal service for water and sewer. Parking for clients will be limited to the western area of the property, and will be buffered by an existing six foot concrete wall fence, and by plantings which will screen the applicant's property from adjacent properties and the main road (Route 74).

CONCLUSION

Since the applicant clearly intends the proposed use to be incidental to the residential use of her property, and has no intention of utilizing the property for any other use than that which was stated in her petition for the change, the Department has no objection to the Legislature granting a use variance to the property.

RECOMMENDATION

The Department of Planning and Natural Resources has considered the request of petitioner Vilma Danois on its merits, and recommends that a use variance be granted to Plot No. 88-D Estate La Grande Princesse, to permit the beauty shop, with the condition that all other provisions of the R-2 district retain their applicability to the property.


 Dean C. Plaskett, Esq.
 Commissioner, Planning and Natural Resources

10/14/99
 Date

DGP/MHE/mhe

Sens Cole Amendment # 23-455 *Objection by Sens*
Seconded by Sens Bryan *Petrus*

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS
 Territory of the Virgin Islands
 REGULAR/SPECIAL SESSION 20____
 ROLL CALL

Bill No. 23-0204 Date: 3/2/2000

Short Title: _____

LEGISLATIVE HISTORY

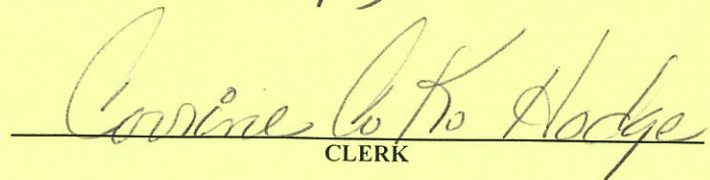
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MEMBERS	YEA	NAY	NOT VOTING	ABSENT
BENNERSON, Gregory A.	13			# C/A
BERRY, Lorraine L.	1			
BRYAN, Adelbert M.	2			
COLE, Donald "Ducks"	3			
DAVID, Roosevelt St. C.	4			
DONASTORG, Adlah "Foncie"	5			
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GOMEZ, Judy M.	7			
GOODWIN, George E.	8			
HANSEN, Alicia "Chucky"	9			
JN. BAPTISTE, Norman				2
JONES, David S.				3
LIBURD, Almando "Rocky"	10			
PETRUS, Allie-Allison	11			
RICHARDS Vargrave A.	12			

Certified true and correct

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 CLERK

AMENDMENT TO BILL NO. 23-_____

OFFERED BY SENATOR DONALD "DUCKS" COLE

Bill No. 23-_____ is amended by adding an appropriately numbered section to read:

"SECTION _____. Pursuant to the provisions of title 29, chapter 3, Virgin Islands Code, Official Zoning District Map No. STZ-10 for the island of St. Thomas is amended by changing the zoning designation for Parcel Nos. 39 and 40 of Parcel No. 3 Estate Bovoni (Eastern Part), Nos. 1 and 2 Frenchman's Bay Quarter, St. Thomas, Virgin Islands, consisting of 19,200 square feet, more or less, as shown on P.W.D. Drawing No. F9-L36-T57 and Parcel No. 41 of Parcel No. 3 Estate Bovoni (Eastern Part), Nos. 1 and 2 Frenchman's Bay Quarter, St. Thomas, Virgin Islands, consisting of approximately 9,600 square feet, as shown on P.W.D. Drawing No. F9-177-T57 from R-2 (Residential - Low Density, One and Two Family) to R-4 (Residential - Medium Density)."



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

DEPARTMENT OF PLANNING AND NATURAL RESOURCES

FOSTER'S PLAZA, 396-1 ANNA'S RETREAT
ST. THOMAS, VIRGIN ISLANDS 00802
TDD-(809) 777-8413-(809) 774-3320

REPORT TO PETITION TO AMEND
OFFICIAL ZONING MAP NO. STZ-10

DPNR APPLICATION NO. ZAT-99-7

January 11, 2000

FINDINGS

APPLICANT: Cleve-Allen George, authorized agent for Albert George and the Estate of Beatrice George.

OWNERSHIP: Owner of Record as described in Warranty Deeds No. 774/1957 and No. 775/1957 is Albert George and Beatrice George (deceased).

EXISTING ZONE: R-2 (Residential - Low Density, One- and Two-Family)

REQUESTED ZONE: R-4 (Residential - Medium Density)

LOCATION/ACREAGE: Parcels No. 39 and 40 of Parcel No. 3 Estate Bovoni (Eastern Part), No. 1 and 2 Frenchman's Bay Quarter, St. Thomas, Virgin Islands is comprised of a total of 19,200 square feet as described on P.W. File No. F9-136-T-57. Parcel No. 41 of No. 3 Estate Bovoni (Eastern Part) No. 1 and 2 Frenchman's Bay Quarter, St. Thomas, Virgin Islands is comprised of a total of 9,600 square feet as described on P.W. File No. F9-177-T57.

PRESENT USE: Three (3) single family dwellings under construction..

PROPOSED USE: Six zoning lots, with one (1) detached dwelling unit on each.

SURROUNDING USES: The subject property is surrounded by R-2 zoned dwellings on similar R-2 zoning lots.

Application No. ZAT-99-7

January 11, 2000

Page 2

INFRASTRUCTURE: Electricity, unpaved subdivision roads. Potable water and sanitary sewage lines run along Bovoni Road to the south.

SOIL: The USDA Soil Survey shows a predominance of Cramer gravelly clay loam, twelve (12) to forty (40) percent slopes (CrE). The surface layer of this Cramer soil is seven (7) to nine (9) inches thick, with a depth to hard rock of ten (10) to twenty (20) inches. Typically, drainage is good, runoff is medium to rapid. And permeability is moderate.

FLOOD ZONE: Flood Zone C, area of minimal flooding.

PUBLIC RESPONSE: At the public hearing conducted by the Department of Planning and Natural Resources (DPNR) on October 25, 1999, the applicant spoke in support of the application. There was no testimony in opposition.

ANALYSIS

On October 8, 1999, the application to amend the zoning designation of Parcels No. 39, 40 and 41 of Parcel No. 3 Estate Bovoni (Eastern Part) No. 1 and 2 Frenchman's Bay Quarter, St. Thomas, Virgin Islands from R-2 (Residential - Low Density, One- and Two-Family) to R-4 (Residential - Medium Density) was received by DPNR.

INTENT

In his letter of application, the applicant stated that the purpose of the requested rezoning was to develop two units per parcel, each consisting of 9,600 square feet, just shy of the 10,000 square feet required for two units per parcel, to offer these units as affordable housing.

DEVELOPMENT PROVISIONS

<u>Development Provisions</u>	<u>R-2 District</u>	<u>R-4 District</u>
Required parking	Per 29 VIC 230	Per 29 VIC 230
Permitted maximum density	2 dwellings per lot	120 persons per acre
Permitted lot occupancy	Thirty (30) percent	Fifty (50) percent
Required minimum lot area	10,000 square feet	3,000 square feet
Front yard	Fifteen (15) feet	No requirement
Side and rear yards	Ten (10) feet	No requirement
Maximum building height	Two (2) stories	Three (3) stories

Application No. ZAT-99-7

January 11, 2000

Page 3

ACCESS, TRAFFIC AND PARKING

The subject parcels have frontage along estate roads which connect with Bovoni Road, Route 30. The addition of three dwelling units to the three units currently under construction is not expected to significantly increase traffic along these roads. Off-street parking will be provided in accordance with the provisions of Title 29 Virgin Islands Code Section 230.

POTABLE WATER, SANITARY SEWERAGE AND STORM WATER DRAINAGE

The applicant intends to tie-in to the potable water and sanitary sewer lines that run along Bovoni Road. Storm water drainage will be addressed during the permitting process.

COMPATIBILITY OF THE PROPOSED USE WITH THE SURROUNDING AREA

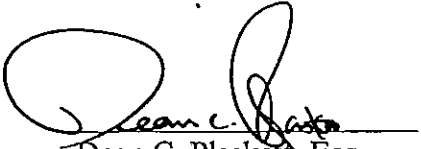
The surrounding area consists of a similar-sized home sites, with development ranging from well-built dwellings to remains of shacks. In 1990, Act No. 5637 rezoned Parcel No. 105 of No. 3 Estate Bovoni from R-2 to R-3 to allow increased density. In 1996, Act No. 6110 rezoned Parcel No. 12B Estate Bovoni from R-2 to R-3 to allow smaller affordable home sites. The proposed six lots for detached single family homes, connected to public water and sewer lines and having front, side and rear yards, would be compatible with the existing permitted homes in the area.

CONCLUSION

The Department of Planning and Natural Resources conducted site visits, held a public hearing, evaluated the appropriateness of the request and determined that the requested use is compatible with the surrounding area.

RECOMMENDATION

The Department of Planning and Natural Resources recommends that the petition to amend Official Zoning Map No. STZ-10, Parcels No. 39, 40 and 41 of Parcel No. 3 Estate Bovoni (Eastern Part) No. 1 and 2 Frenchman's Bay Quarter, St. Thomas, Virgin Islands from R-2 (Residential - Low Density, One- and Two-Family) to R-4 (Residential - Medium Density) be approved.



Dean C. Plaskett, Esq.
Commissioner

BILL NO. 23-0204**Twenty-Third Legislature of the Virgin Islands
of the United States**

FEBRUARY 18, 2000

To rezone Parcel No. C-12, Estate Hoffman, No. 2B New Quarter and Estate Nullyberg, No. 4 New Quarter, St. Thomas from R-1 (Residential-Low Density) to R-2 (Residential -Low Density - One and Two Family)

PROPOSED BY:

Senators George E. Goodwin and Gregory A. Bennerson;
Co-Sponsored by: Donald "Ducks" Cole

BE IT ENACTED by the Legislature of the Virgin Islands:

SECTION 1. Pursuant to the provisions of Title 29, Chapter 3, Virgin Islands Code, Official Zoning District Map No. STZ-7 for the island of St. Thomas is amended by changing the zoning designation for Parcel No. C-12, Estate Hoffman, No. 2B New Quarter and Estate Nullyberg, No. 4 New Quarter, St. Thomas, consisting of approximately 37.853 U.S. acres, as shown on O.L.G. Drawing No. A9-487-T96 from R-1 (Residential - Low Density) to R-2 (Residential - Low Density - One and Two Family).

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS
 Territory of the Virgin Islands
 REGULAR/SPECIAL SESSION 20 00
 ROLL CALL

Bill No. 23 - 0204

Date: 3/2/2000

Short Title: To rezone Parcel No. C-12, Estate Hoffman, No. 2B New Quarter and Estate
Nullyberg, No. 4 New Quarter, St. Thomas, from R-1 (Residential - Low Density) to
R-2 (Residential - Low Density, One and Two Family)

LEGISLATIVE HISTORY

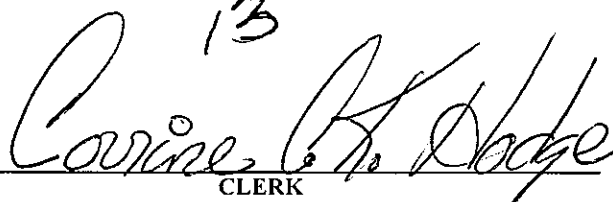
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RICHARDS Vargrave A.	13			

Certified true and correct

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 CLERK

Sen. David Angelment #23-4169. Objection by Sen. Hansen Lost
Seconded by Sen. Bryan

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS
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Bill No. 23-0204 Date: 3/2/2000

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HANSEN, Alicia "Chucky"		4		
JN. BAPTISTE, Norman				CKH
JONES, David S.		5 CKH		3
LIBURD, Almando "Rocky"		5		
PETRUS, Allie-Allison		6		
RICHARDS Vargrave A.		7		

Certified true and correct

5 for 7
Carine G. Hodge
 CLERK

3

Drafted or Reviewed
by Legal Council
yet

OFFERED BY SENATOR ROOSEVELT ST. C. DAVID

Bill No. 23- ____ is amended by adding a an appropriately numbered section to read:

"SECTION _____. Notwithstanding the requirements set forth in title 29, chapter 3, section 238 Virgin Islands Code, a zoning variance from R-3 Residential-Medium Density is granted to Parcel No. 8A-REM, Estate Smith Bay (Megahaabet & De Gunst) Nos. 1,2 & 3, Smith Bay Quarter, St. Thomas, Virgin Islands, consisting of 3.00 + acres, more or less, as shown on O.L.G. File No.D9-6344-T97, for the purpose of constructing and operating a wholesale trade, storage and warehouse on the subject property. All other requirements of the B2 zoning designation shall continue to apply to the subject property.

Amendment No. 23-416a (corrected)/February 28, 2000/Drafted by YLT

Ball (corrected)

*Sen Donastorg Challenged by the Chair
on his appointment Chair upheld*

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS
Territory of the Virgin Islands
REGULAR/SPECIAL SESSION 20____
ROLL CALL

Bill No. 230204

Date: 3/2/2020

Short Title: _____

LEGISLATIVE HISTORY

- (a) Introduced and sent to Committee on.....Date.....
- (b) Reported from Committee and sent to Rules on.....
- (c) Reported from Committee on Rules.....
- (d) Recalled from Committee by Special Order.....
- (e) Adopted on.....
- (f) Rejected on.....
- (g) Vetoed by Governor on.....
- (h) Reconsidered by Legislature and passed or rejected
over Governor's Veto on.....

MEMBERS	YEA	NAY	NOT VOTING	ABSENT
BENNERSON, Gregory A.	1			
BERRY, Lorraine L.	2			
BRYAN, Adelbert M.		1		
COLE, Donald "Ducks"				1
DAVID, Roosevelt St. C.				22
DONASTORG, Adlah "Foncie"		3	* CLK	
GOLDEN, Violet Anne	3			
GOMEZ, Judy M.				3
GOODWIN, George E.	4			
HANSEN, Alicia "Chucky"		2		
JN. BAPTISTE, Norman				4
JONES, David S.				5
LIBURD, Almando "Rocky"	5			
PETRUS, Allie-Allison	6			
RICHARDS Vargrave A.	7			

Certified true and correct

7 32 * CLK 5

CLERK

Don Liburd amendment
Secured by Sen. Dolder

Adopted

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS
Territory of the Virgin Islands
REGULAR/SPECIAL SESSION 20__
ROLL CALL

Bill No. 23-0204

Date: 3/2/99

Short Title: _____

LEGISLATIVE HISTORY

- (a) Introduced and sent to Committee on.....Date.....
- (b) Reported from Committee and sent to Rules on.....
- (c) Reported from Committee on Rules.....
- (d) Recalled from Committee by Special Order.....
- (e) Adopted on.....
- (f) Rejected on.....
- (g) Vetoed by Governor on.....
- (h) Reconsidered by Legislature and passed or rejected
over Governor's Veto on.....

MEMBERS	YEA	NAY	NOT VOTING	ABSENT
BENNERSON, Gregory A.	1			
BERRY, Lorraine L.	2			
BRYAN, Adelbert M.	3			
COLE, Donald "Ducks"				1
DAVID, Roosevelt St. C.	4			
DONASTORG, Adlah "Foncie"	5			
GOLDEN, Violet Anne	6			
GOMEZ, Judy M.				2
GOODWIN, George E.	7			
HANSEN, Alicia "Chucky"	8			
JN. BAPTISTE, Norman				3
JONES, David S.				4
LIBURD, Almando "Rocky"	9			
PETRUS, Allie-Allison	10			
RICHARDS Vargrave A.	11			

Certified true and correct

11
Corrine C. Hodge
CLERK

4

[Signature]
**Drafted or Reviewed
By Legal Counsel**

AMENDMENT TO BILL NO. 23-_____

OFFERED BY SENATOR ALMANDO "ROCKY" LIBURD

VIRGIL GORDON

Bill No. 23-_____ is amended by adding an appropriately numbered section to read as follows:

"SECTION. Pursuant to the provisions of title 29, chapter 3, section 238a, Virgin Islands Code, a use variance from C (Commercial) zoning designation is granted to Plot 2 Estate Caldwell, Queens Quarter, St. Croix, Virgin Islands which consists of approximately 1.591 U.S. acres, as shown on P.W.D. Drawing No. 2384, dated May 27, 1968, for the purpose of operating a school, a conference center, a bookstore and housing for a groundskeeper. All other requirements of the C (Commercial) zoning designation shall continue to apply to the subject property."



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

DEPARTMENT OF PLANNING AND NATURAL RESOURCES

6003 Anna's Hope
Christiansted, St. Croix, V.I. 00820-4433

Telephone: (809) 773-1082
FAX: (809) 773-1716
TDD (809) 777-8413

REPORT ON PETITION TO AMEND
OFFICIAL ZONING MAP NO. 12

Application No. ZAC-99-07
September 24, 1999

Petition to rezone Plot No. 2 Estate Caldwell, Queens Quarter from C (Commercial) to B-3 (Business Scattered) or a use variance, in order to operate a school, conference center, bookstore, and provide housing for a grounds-keeper.

FINDINGS

Acreage: Plot 2 Estate Caldwell consists of 1.591 U.S. acres, as more adequately described on P.W.D. Drawing No. 2384, dated May 27, 1968.

Ownership: The owner of record is the Baptist General Conference.

Present Use: The property is improved with the Sunny Isles Baptist Church, and another structure in which the proposed school, conference center and bookstore will be located.

Surrounding Uses: The property abuts the Melvin H. Evans Highway, and is located in an area where three other zones converge, namely I-2, (Industrial Light) C (Commercial) and R-2 (Residential Low Density).

Public Response: Two members of the Church's congregation, and the individual who donated the property to the church, appeared at the Department's public hearing to favorably endorse the Church's proposed expansion. No one (either verbally or in writing) has objected to the proposed additional uses to be undertaken at the property.

ANALYSIS

The Baptist General Conference seeks to expand its Sunny Isles Baptist Church's development in Estate Caldwell. The proposed expansion is to include an elementary

Application No. ZA-99-07

Page Two

9/24/99

school, a conference center, a religious bookstore, and some residential use. Since the commercial designation of the property does not allow any of the intended land uses, the church has opted to cede the commercial zoning of the property, or obtain a use variance so that it may proceed with its anticipated expansion.

Based on the Department's analysis of the proposed development, it has been determined that the proposed land uses are those which could be considered adjunctive, secondary and/or accessory to accepted routine functions of a local congregational religious institution. The Department also determines that the uses are ones which could compatibly co-exist with other area uses, if the development is properly planned and implemented.

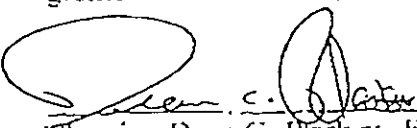
To ensure that minimum adverse impact to life and property occurs as a result of the increased uses of the property, the Department strongly advises the Church to solicit guidance from the Department's Division of Building Permits. DPNR further advises the Church that because of the property's location, and the narrowness of its current access, dialogue should commence with the Department of Public Work's Division of Engineering, relative to the possible widening of the access, in order to facilitate the increase in vehicular traffic which would be generated to the area.

CONCLUSION

The Church being clear about its intended short and long term uses of the property, and having expressed a preference for the granting of a use variance to the property, has acquired the Department's support of the petition.

RECOMMENDATION

The Department of Planning and Natural Resources recommends that a use variance be granted to Plot No. 2 Estate Caldwell, in order to allow the development as proposed.


Planning Dean C. Plaskett, Esq.
Commissioner, Planning and Natural Resources

10/14/99
Date

DCP/MHE/mhc

Sen. Bryan: Amendment #23-470
Seconded by Sen. Donastorg
Sen. Berry
Host

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS
 Territory of the Virgin Islands
 REGULAR/SPECIAL SESSION 20____
 ROLL CALL

Bill No. 23-0204

Date: 3/2/2000

Short Title: _____

LEGISLATIVE HISTORY

- (a) Introduced and sent to Committee on.....Date.....
- (b) Reported from Committee and sent to Rules on.....
- (c) Reported from Committee on Rules.....
- (d) Recalled from Committee by Special Order.....
- (e) Adopted on.....
- (f) Rejected on.....
- (g) Vetoed by Governor on.....
- (h) Reconsidered by Legislature and passed or rejected
over Governor's Veto on.....

MEMBERS	YEA	NAY	NOT VOTING	ABSENT
BENNERSON, Gregory A.		1		
BERRY, Lorraine L.		2		
BRYAN, Adelbert M.	1			
COLE, Donald "Ducks"				1
DAVID, Roosevelt St. C.		3		
DONASTORG, Adlah "Foncie"				2
GOLDEN, Violet Anne		4		
GOMEZ, Judy M.				3
GOODWIN, George E.		5		
HANSEN, Alicia "Chucky"	2			
JN. BAPTISTE, Norman	3			
JONES, David S.				2
LIBURD, Almando "Rocky"	4			
PETRUS, Allie-Allison		6		
RICHARDS Vargrave A.		7		

Certified true and correct

4 *7* *4*
Corrine C. To Hedge
 CLERK

Drafted or Reviewed
By Legal Counsel
yet

AMENDMENT TO AMENDMENT NO. 23-462

Offered by Senator Adelbert M. Bryan

Amendment No. 23- 462 is amended in the following instances:

1. Strike the following: "a" in "238a"; "variance from"; "is granted"; and all of the language after T-98;
2. Insert "The" after "Code", and "of" after "granted";
3. After "T-98" insert, "is changed to C, Commercial" .

Amendment No. 23-470/(cross ref:BR-99-1165) March 1, 2000/YLT

LIBURD by Sen. Golden
Seconded

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS
Territory of the Virgin Islands
REGULAR/SPECIAL SESSION 20____
ROLL CALL

No objections
So ordered

Bill No. 23-0204

Date: 3/2/2000

Short Title: _____

LEGISLATIVE HISTORY

- (a) Introduced and sent to Committee on.....Date.....
(b) Reported from Committee and sent to Rules on.....
(c) Reported from Committee on Rules.....
(d) Recalled from Committee by Special Order.....
(e) Adopted on.....
(f) Rejected on.....
(g) Vetoed by Governor on.....
(h) Reconsidered by Legislature and passed or rejected
over Governor's Veto on.....

MEMBERS	YEA	NAY	NOT VOTING	ABSENT
BENNERSON, Gregory A.				
BERRY, Lorraine L.				
BRYAN, Adelbert M.				
COLE, Donald "Ducks"				
DAVID, Roosevelt St. C.				
DONASTORG, Adlah "Foncie"				
GOLDEN, Violet Anne				
GOMEZ, Judy M.				
GOODWIN, George E.				
HANSEN, Alicia "Chucky"				
JN. BAPTISTE, Norman				
JONES, David S.				
LIBURD, Almando "Rocky"				
PETRUS, Allie-Allison				
RICHARDS Vargrave A.				

Certified true and correct

Corrine B. Hodge
CLERK

Adams
**RECEIVED
BY LEGAL COUNSEL**

AMENDMENT TO BILL NO. 23-_____
OFFERED BY SENATOR ALMANDO "ROCKY" LIBURD

Bill No. 23- _____ is amended by adding a new appropriately numbered
Section to read as follows:

"SECTION _____. Pursuant to the provisions of Title 29, Chapter 3, Virgin
Islands Code, Official Zoning District Map STZ-8 for the island of St. Thomas is
amended by changing the zoning designation of Parcel No 17D-1, Estate Bovoni, No. 1
and 2 Frenchman's Bay Quarter, consisting of 1.00 U. S. acres, more or less, as more
fully shown on PWD Drawing No. D9-4352-T88, dated April 2, 1988, from R-1
(Residential-Low Density) to C (Commercial)."

Amendment #23-459 / February 29, 2000/ SA:vs



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

DEPARTMENT OF PLANNING AND NATURAL RESOURCES

FOSTER'S PLAZA, 356-1 ANNA'S RETREAT
ST. THOMAS, VIRGIN ISLANDS 00802
TOD-(EOB) 777-8413-(BOB) 774-3320

REPORT TO PETITION TO AMEND
~~OFFICIAL ZONING MAP NO. STZ-8~~

DPNR APPLICATION NO. ZAT-99-3

December 14, 1999

ENDINGS

APPLICANT: Pedro K. Williams, Esq., authorized agent for Willis C. Todmann.

OWNERSHIP: Owner of Record as described in Warranty Deed No. 3387/1998 dated July 2, 1999 is Willis C. Todmann.

EXISTING ZONE: R-1 (Residential - Low Density), located within the First Tier of the Coastal Zone

REQUESTED ZONE: C (Commercial)

LOCATION/ACREAGE: Parcel No. 17D-1 Estate Bovoni, No. 1 and 2 Frenchman's Bay Quarter, St. Thomas, U. S. Virgin Islands is comprised of 1.0 U.S. Acres more or less as described in PWD No. D9-4352-T88.

PRESENT USE: Two dwelling units

PROPOSED USE: Wholesale trade, warehouse and storage services

SURROUNDING USES: North, East and South: Parcel No. 17D, residences, dumpsters and miscellaneous wreck storage; zoned R-1.
West: Parcel No. 17E, vacant, zoned R-1.
Northwest: Parcel No. 18L, wholesale, warehouse, sales, zoned C.

INFRASTRUCTURE: Electricity, existing tie-in with the public sanitary sewer line, unpaved estate road connecting subject parcel with Bovoni Road, Route 30.

Application No. ZA-99-07

Page Two

9/24/99

school, a conference center, a religious bookstore, and some residential use. Since the commercial designation of the property does not allow any of the intended land uses, the church has opted to cede the commercial zoning of the property, or obtain a use variance so that it may proceed with its anticipated expansion.

Based on the Department's analysis of the proposed development, it has been determined that the proposed land uses are those which could be considered adjunctive, secondary and/or accessory to accepted routine functions of a local congregational, religious institution. The Department also determines that the uses, are ones which could compatibly co-exist with other area uses, if the development is properly planned and implemented.

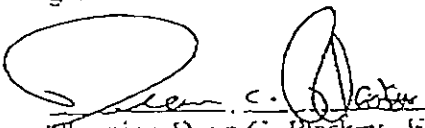
To ensure that minimum adverse impact to life and property occurs as a result of the increased uses of the property, the Department strongly advises the Church to solicit guidance from the Department's Division of Building Permits. DPNR further advises the Church that because of the property's location, and the narrowness of its current access, dialogue should commence with the Department of Public Work's Division of Engineering, relative to the possible widening of the access, in order to facilitate the increase in vehicular traffic which would be generated to the area.

CONCLUSION

The Church being clear about its intended short and long term uses of the property, and having expressed a preference for the granting of a use variance to the property, has acquired the Department's support of the petition.

RECOMMENDATION

The Department of Planning and Natural Resources recommends that a use variance be granted to Plot No. 2 Estate Caldwell, in order to allow the development as proposed.


Planning Dean C. Plaskett, Esq.
Commissioner, Planning and Natural Resources

10/14/99
Date

DCP/MHE/mhc



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

DEPARTMENT OF PLANNING AND NATURAL RESOURCES

6003 Anna's Hope
Christiansted, St. Croix, V.I. 00820-4433

Telephone: (809) 773-1082
FAX: (809) 773-1716
TDD (809) 777-8413

REPORT ON PETITION TO AMEND
~~OFFICIAL ZONING MAP NO. 12~~

Application No. ZAC-99-07
September 24, 1999

Petition to rezone Plot No. 2 Estate Caldwell, Queens Quarter from C (Commercial) to B-3 (Business Scattered) or a use variance, in order to operate a school, conference center, bookstore, and provide housing for a grounds-keeper.

FINDINGS

Acreage: Plot 2 Estate Caldwell consists of 1.591 U.S. acres, as more adequately described on P.W.D. Drawing No. 2384, dated May 27, 1968.

Ownership: The owner of record is the Baptist General Conference.

Present Use: The property is improved with the Sunny Isles Baptist Church, and another structure in which the proposed school, conference center and bookstore will be located.

Surrounding Uses: The property abuts the Melvin H. Evans Highway, and is located in an area where three other zones converge, namely I-2, (Industrial Light) C (Commercial) and R-2 (Residential Low Density).

Public Response: Two members of the Church's congregation, and the individual who donated the property to the church, appeared at the Department's public hearing to favorably endorse the Church's proposed expansion. No one (either verbally or in writing) has objected to the proposed additional uses to be undertaken at the property.

ANALYSIS

The Baptist General Conference seeks to expand its Sunny Isles Baptist Church's development in Estate Caldwell. The proposed expansion is to include an elementary

SOIL:

The USDA Soil Survey shows a predominance of Cramer gravelly clay loam, twelve (12) to forty (40) percent slopes (CrE). The surface layer of this Cramer soil is seven (7) to nine (9) inches thick, with depth to hard rock ranging from ten (10) to twenty (20) inches. Typically, drainage is good, runoff is medium to rapid, and permeability is moderate.

FLOOD ZONE:

In close proximity to Flood Zone A, an area of 100-year flood, base flood elevation and flood hazard factors not determined). Precise determination will be made in the permitting process.

PUBLIC RESPONSE:

At the public hearing conducted by the Department of Planning and Natural Resources (DPNR) on October 25, 1999, the applicant spoke in support of the application. There was no testimony in opposition. The owner of adjacent Parcel No. 17E raised questions about the proposed access from Bovoni Road, provision for potable water, and storm water drainage.

ANALYSIS

May 25, 1999, the application to amend the zoning designation of Parcel No. 17D-1 Estate Bovoni, No. 1 and 2 Frenchman's Bay Quarter, St. Thomas, U. S. Virgin Islands from R-1 (residential - Low Density) to C (Commercial) was received by DPNR.

INTENT

In his letter of application, the applicant stated that the purpose of the requested rezoning was to allow wholesale trade, warehouse and storage uses.

DEVELOPMENT PROVISIONS

<u>Development Provisions</u>	<u>R-1 District</u>	<u>C District</u>
Required parking	Per 29 VIC 230	Per 29 VIC 230
Permitted density	2 dwellings from lot	Dwellings not permitted
Permitted lot occupancy	Twenty-five (25) percent	Fifty (50) percent
Required minimum lot area	One-half (1/2) acre	5,000 square feet
Lot width	One-hundred (100) feet	No requirement
Front yard	Fifteen (15) feet	No requirement
Side and rear yards	Fifteen (15) feet	No requirement
Maximum height limit	Two (2) stories	Thirty-five (35) feet

Application No. ZAT-99-3

December 14, 1999

Page 3

ACCESS, TRAFFIC AND PARKING

The subject parcel is accessed from Bovoni Road through a right-of-way across Parcel No. 17D Estate Bovoni. The applicant intends to pave the access road, fence the subject property, and provide off-street parking and loading areas in accordance with the provisions of Title 29 Virgin Islands Code Section 230:

POTABLE WATER, SANITARY SEWERAGE, AND STORM WATER DRAINAGE

The applicant intends to tie-in to the potable water line at Bovoni Road. The existing sanitary sewer tie-in will be expanded to meet the requirements of the proposed development. Storm water drainage facilities will be installed in accordance with requirements of the permitting process.

COMPATIBILITY OF THE PROPOSED USE WITH THE SURROUNDING AREA

Since the 1980's, the surrounding properties, zoned R-1 (Residential - Low Density), have increasingly been used for non-residential uses. With the spread of the public landfill activities, the desirability of the area adjacent to the landfill for residential use is questionable. The proposed uses are more in keeping with the existing commercial uses along the south side of Bovoni Road.

CONCLUSION

The Department of Planning and Natural Resources conducted site visits, held a public hearing, evaluated the appropriateness of the request and determined that the requested use is compatible with the surrounding area.

RECOMMENDATION

The Department of Planning and Natural Resources recommends that the petition to amend Official Zoning Map No. STZ-10, Parcel No. 17D-1 Estate Bovoni, No. 1 and 2 Frenchman's Bay Quarter, St. Thomas, from R-1 (Residential - Low Density) to C (Commercial) be approved.



Dean C. Plaskett, Esq.
Commissioner

SENATE
 TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS
 Territory of the Virgin Islands
 REGULAR/SPECIAL SESSION 20____
 ROLL CALL

Bill No. 23-0204

Date: 3/2/2000

Short Title: _____

LEGISLATIVE HISTORY

- (a) Introduced and sent to Committee on.....Date.....
 (b) Reported from Committee and sent to Rules on.....
 (c) Reported from Committee on Rules.....
 (d) Recalled from Committee by Special Order.....
 (e) Adopted on.....
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 (g) Vetoed by Governor on.....
 (h) Reconsidered by Legislature and passed or rejected
 over Governor's Veto on.....

MEMBERS	YEA	NAY	NOT VOTING	ABSENT
BENNERSON, Gregory A.	1			
BERRY, Lorraine L.	2			
BRYAN, Adelbert M.		1		
COLE, Donald "Ducks"				1
DAVID, Roosevelt St. C.	3			
DONASTORG, Adlah "Foncie"				2
GOLDEN, Violet Anne	4			
GOMEZ, Judy M.				3
GOODWIN, George E.	5			
HANSEN, Alicia "Chucky"	6			
JN. BAPTISTE, Norman	7			
JONES, David S.				4
LIBURD, Almando "Rocky"	8			
PETRUS, Allie-Allison	9			
RICHARDS Vargrave A.	10			

Certified true and correct

CLERK

**Drafted or Reviewed
By Legal Counsel**



AMENDMENT TO BILL NO. 23-__

Offered by Senator Lorraine L. Berry

Bill No. 23-__ is amended by adding an appropriately numbered section to read as follows:

"SECTION __. Pursuant to title 29, chapter 3, section 238a, Virgin Islands Code, a variance from R-1 Residential-Low Density, zoning designation is granted to Remainder Parcel No. 33, Parcel 34 & Parcel 44A Estate Elizabeth, No. 8i Great Northside Quarter, St. Thomas, Virgin Islands, consisting of 2.07 U.S. acres, more or less, as described on O.L.G. File No. D9-6510-T98, for the purpose of construction and operating a center for retail trade and business, professional and government services. All other requirements for the R-1 zoning designation shall apply."

Amendment No. 23-463/February 29, 2000/YLT



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

DEPARTMENT OF PLANNING AND NATURAL RESOURCES

FOSTER'S PLAZA, 396-1 ANNA'S RETREAT
ST. THOMAS, VIRGIN ISLANDS 00802
TDD-(340) 775-1395-(340) 774-3320

REPORT TO PETITION TO AMEND
OFFICIAL ZONING MAP NO. STZ-4

DPNR APPLICATION NO. ZAT-99-2

January 21, 2000

FINDINGS

APPLICANT: Leo R. Sibilly

OWNERSHIP: Owner of Record as described in the Adjudication Order dated April 19, 1983 for Probate No. 20/1978 and recorded at the Recorder of Deeds as No. 1306/1983, is Leo R. Sibilly.

EXISTING ZONE: R-1 (Residential - Low Density)

REQUESTED ZONE: B-3 (Business - Scattered)

LOCATION/ACREAGE: Remainder Parcel No. 33 Estate Elizabeth, No. 8i Great Northside Quarter, St. Thomas, Virgin Islands is comprised of 1.0 acre more or less, as described on P.W. File No. G9-1960-T72. Parcel No. 34 Estate Elizabeth, No. i Great Northside Quarter, St. Thomas, Virgin Islands is comprised of 0.93 acres more or less as described on P.W. File G9-903-T67. Parcel No. 44A Estate Elizabeth, No. 8i Great Northside Quarter, St. Thomas, Virgin Islands is comprised of 6,110 square feet more or less as described on O.L.G. File No. D9-6510-T98. The total acreage of the three parcels is 2.07 acres.

PRESENT USES: Sib's Mountain Bar and Restaurant (a non-conforming use) is located on Remainder Parcel No. 33. Parcels No. 34 and 44A comprise the vacant lot known as Sibilly Ball Field.

PROPOSED USES: Professional/business center.

SURROUNDING USES: Northeast: Joseph Sibilly Elementary School, zoned R-1.
North and west: Residences, zoned R-1.
East across Mafolie Road (Routes 33); residences, zoned R-1.
South: The Pinnacle Condominiums, zoned R-2.

INFRASTRUCTURE: The subject property abuts the Mafolie Road at the junction of Routes 33 and 37. The public sanitary sewer extends to the adjacent property, The Pinnacle Condominium. Storm water drainage will be tied-in underground to existing drainage facilities

SOIL: The USDA Soil Survey shows a preponderance of Cramer gravelly clay loam, twelve (12) to forty (40) percent slopes (CrE). The surface layer of this Cramer soil is seven (7) to nine (9) inches thick, with depth to hard rock ranging from ten (10) to twenty (20) inches. Typically, drainage is good, runoff is medium to rapid.

FLOOD ZONE: Zone C, area of minimal flooding.

PUBLIC RESPONSE: At the public hearing conducted by the Department of Planning and Natural Resources (DPNR) on October 25, 1999, the applicant and a resident of the area testified in support of the application. Three adjacent property owners testified in opposition. In subsequent correspondence, two homeowners associations expressed opposition for the following reasons: (1) creation of a dangerous traffic problems with ingress and egress; (2) apparent inadequate parking area; (3) renderings show a structure that appears to be too large for the site; and (4) rezoning would be incompatible and the term "restricted variance" is too vague to warrant support.

ANALYSIS

On May 11, 1999, the application to amend the zoning designation for Remainder Parcel No. 33, Parcel No. 34 and Parcel No. 44A Estate Elizabeth, No. 8i Great Northside Quarter, St. Thomas, Virgin Islands from R-1 (Residential - Low Density) to B-3 (Business - Scattered) was received by DPNR.

Application No. ZAT-99-2

January 21, 2000

Page 3

INTENT

In his letter of application, the applicant stated that the purpose of the requested rezoning is to develop on the land commonly known as Sibilly Ball Field a professional/business center, a small country-side business park with professional services such as doctors, general dentistry, small pharmacy, travel agency and sport fishing supplies store. Certain B-3 uses were not intended, including a gas station, pool hall, dance hall, additional restaurants, car repairs or other uses that would have late hours. At the public hearing the applicant stated that the rezoning of Remainder Parcel No. 33 is to bring the nonconforming use into compliance with the Zoning Law. Parcel No. 44A is intended for use for additional parking spaces.

COMPARISON OF DEVELOPMENT PROVISIONS

<u>Development Provisions</u>	<u>R-1 District</u>	<u>B-3 District</u>
Required parking and loading areas	Per 29 VIC 230	Per 29 VIC 230
Permitted density (maximum)	Two (2) dwellings per lot	120 persons per acre
Permitted lot occupancy	Twenty-five (25) percent	Sixty (60) percent
Required minimum lot area	One-half (1/2) acre	3,000 square feet
Required lot width	One-hundred (100) feet	No requirement
Required front yards	Fifteen (15) feet	No requirement
Required side yards	Fifteen (15) feet	Five (5) feet
Required rear yards	Fifteen (15) feet	Ten (10) feet
Maximum building height		
Residential only	Two (2) stories	Three (3) stories
Combined Business/Residential	-	Three (3) stories
Business only	-	Two (2) stories

ACCESS, TRAFFIC AND PARKING

The subject property is bounded on the north and east by public roads, allowing for appropriate ingress and egress to be determined during the permitting process. Parking will be provided in accordance with the above-referenced requirements.

POTABLE WATER, SANITARY SEWERAGE AND STORMWATER DRAINAGE

The applicant will utilize cistern capacity for rainwater catchment and will tie in with the municipal sewer line. Stormwater drains already run underground along the subject parcel's eastern boundary and cross the public road to tie into the public stormwater drainage system.

*Permitting
process*

Application No. ZAT-99-2

January 21, 2000

Page 4

COMPATIBILITY OF THE PROPOSED USE WITH THE SURROUNDING AREA

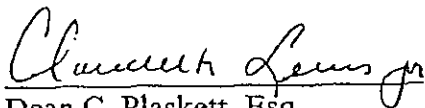
At the public hearing, the applicant stated that design will be of the West Indian style with use of local trees and plants in the landscaping. He further stated that operating hours of the facility will be controlled by his lease agreement in order to alleviate late hour activities and noise; and that lighting for the facility will be controlled by providing down lighting for parking and security. He stated that it was not his intention to compete with existing businesses on the North Side.

CONCLUSION

The Department of Planning and Natural Resources conducted site visits, held a public hearing, evaluated the appropriateness of the request and determined that the requested uses are compatible with the surrounding area but that the full table of uses permitted as a matter of right in the B-3 zoning district would be incompatible with the low density and quiet residential character of the surrounding area.

RECOMMENDATION

The Department of Planning and Natural Resources recommends that the petition to amend Official Zoning Map No. STZ-4, Remainder Parcel No. 33, Parcels No. 34 and 44A Estate Elizabeth, No. 8i Great Northside Quarter, St. Thomas, Virgin Islands from R-1 (Residential - Low Density) to B-3 (Business - Scattered) be denied. Instead, the Department recommends that, by the authority granted pursuant to Title 29 Virgin Islands Code, Section 238a, the Legislature grant a variance to allow retail trade, personal and professional services, and business and government services, and that all other requirements of the R-1 zoning district shall apply.


Dean C. Plaskett, Esq.
Commissioner

- use variances

Sen. Richard B. Bland # 23-400 *Objected by Sen. Handy*
Seconded by Sen. Loden
TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS
 Territory of the Virgin Islands
 REGULAR/SPECIAL SESSION 20____
 ROLL CALL

Bill No. 23-0204 Date: 3/2/2000
Adopted

Short Title: _____

LEGISLATIVE HISTORY

- (a) Introduced and sent to Committee on.....Date.....
- (b) Reported from Committee and sent to Rules on.....
- (c) Reported from Committee on Rules.....
- (d) Recalled from Committee by Special Order.....
- (e) Adopted on.....
- (f) Rejected on.....
- (g) Vetoed by Governor on.....
- (h) Reconsidered by Legislature and passed or rejected over Governor's Veto on.....

MEMBERS	YEA	NAY	NOT VOTING	ABSENT
BENNERSON, Gregory A.	1			
BERRY, Lorraine L.	2			
BRYAN, Adelbert M.	3			
COLE, Donald "Ducks"	4			
DAVID, Roosevelt St. C.	5			
DONASTORG, Adlah "Foncie"				1
GOLDEN, Violet Anne	6			
GOMEZ, Judy M.	7			
GOODWIN, George E.	8			
HANSEN, Alicia "Chucky"	9			
JN. BAPTISTE, Norman				2
JONES, David S.				13
LIBURD, Almando "Rocky"	10			
PETRUS, Allie-Allison	11			
RICHARDS Vargrave A.	12			

Certified true and correct

12
Carine H. Hodge
 CLERK

3

AMENDMENT TO BILL NO. 23-_____
OFFERED BY SENATOR VARGRAVE A. RICHARDS

gpa
**Drafted or Reviewed
By Legal Counsel**

Bill No. 23- _____ is amended by adding a new appropriately numbered
Section to read as follows:

“SECTION — Notwithstanding any law, Official Zoning District Map STZ-10
for the island of St. Thomas is amended by changing the zoning designation of Parcel No.
26A, Estate Frydenhoj, No. 3 Red Hook Quarter, St. Thomas, consisting of .50 U. S.
acres, more or less, as more fully shown on PWD Drawing No. G9-709-T63, dated
September 6, 1963 from R-2 (Residential-Low Density-One- and Two Family) to C
(Commercial).”

Amendment No. 23-460 / February 29, 2000 / SA:lor

Senio Richards Amendment #23718
Secorded by Sen Bryan Holden *20 Orders*

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS
Territory of the Virgin Islands
REGULAR/SPECIAL SESSION 20____
ROLL CALL

Bill No. 2300204

Date: 3/2/2000

Short Title: _____

LEGISLATIVE HISTORY

- (a) Introduced and sent to Committee on.....Date.....
(b) Reported from Committee and sent to Rules on.....
(c) Reported from Committee on Rules.....
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(e) Adopted on.....
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BENNERSON, Gregory A.				
BERRY, Lorraine L.				
BRYAN, Adelbert M.				
COLE, Donald "Ducks"				
DAVID, Roosevelt St. C.				
DONASTORG, Adlah "Foncie"				
GOLDEN, Violet Anne				
GOMEZ, Judy M.				
GOODWIN, George E.				
HANSEN, Alicia "Chuckey"				
JN. BAPTISTE, Norman				
JONES, David S.				
LIBURD, Almando "Rocky"				
PETRUS, Allie-Allison				
RICHARDS Vargrave A.				

Certified true and correct

Corine B. Hodge
CLERK

AMENDMENT TO BILL NO. 23-_____
OFFERED BY SENATOR VARGRAVE A. RICHARDS

Bill No. 23- _____ is amended by adding a new appropriately numbered Section to read as follows:

“SECTION _____. Pursuant to the provisions of Title 29, Chapter 3, Virgin Islands Code, Official Zoning District Map SCZ-6 for the island of St. Croix is amended by changing the zoning designation of Plot 9-G, Estate Constitution Hill, Queen's Quarter, consisting of 1.00 U. S. acres, more or less, as more fully shown on PWD Drawing No. 2515, dated December 27, 1968, as revised March 27, 1971, May 16, 1982, and March 21, 1984, from R-1 (Residential-Low Density) to R-2 (Residential- Low Density-One and Two-Family).”

Amendment # 23-478 / March 2, 2000 / SA:lor

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS
 Territory of the Virgin Islands
 REGULAR/SPECIAL SESSION 20____
 ROLL CALL

Bill No. 23-0204

Date: 3/2/2000

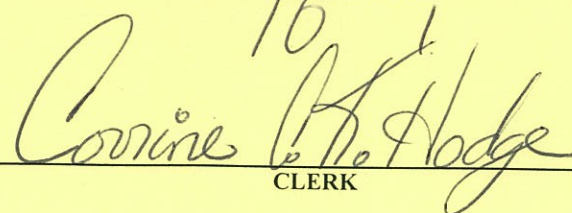
Short Title: _____

LEGISLATIVE HISTORY

- (a) Introduced and sent to Committee on.....Date.....
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BENNERSON, Gregory A.	1			
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DAVID, Roosevelt St. C.	3			
DONASTORG, Adlah "Foncie"				2
GOLDEN, Violet Anne	4			
GOMEZ, Judy M.				3
GOODWIN, George E.	5			
HANSEN, Alicia "Chucky"	6			
JN. BAPTISTE, Norman	7			
JONES, David S.				4
LIBURD, Almando "Rocky"	8			
PETRUS, Allie-Allison	9			
RICHARDS Vargrave A.	10			

Certified true and correct


 CLERK

*Drafted or Reviewed
By Legal Counsel*

AMENDMENT TO BILL NO. 23-_____
OFFERED BY SENATOR ADELBERT M. BRYAN

Bill No. 23-_____ is amended by adding an appropriately numbered section to read as follows:

"SECTION _____. Notwithstanding any law, a zoning variance is granted to Plot No. 24B Estate Smithfield and Two Brothers, Frederiksted, St. Croix, consisting of 0.2525 U. S. acres, more or less, as more fully shown on PWD Drawing No. 1994, dated September 23, 1966 from R-2 (Residential-Low Density-One and Two-Family) for the purpose of operating a restaurant. All other requirements of the R-2 zoning designation shall continue to apply to the subject property."

Amendment No. 23-468/ March 1, 2000/ SA

Sen Donastorg on Amendment #23-475a
Seconded by Sen Bryan
SO Ordered

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS
 Territory of the Virgin Islands
 REGULAR/SPECIAL SESSION 20____
 ROLL CALL

Bill No. 23-0204 Date: 3/2/2000

Short Title: _____

LEGISLATIVE HISTORY

- (a) Introduced and sent to Committee on.....Date.....
- (b) Reported from Committee and sent to Rules on.....
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DAVID, Roosevelt St. C.				
DONASTORG, Adlah "Foncie"				
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JN. BAPTISTE, Norman				
JONES, David S.				
LIBURD, Almando "Rocky"				
PETRUS, Allie-Allison				
RICHARDS Vargrave A.				

Certified true and correct

Corrine C. Hodge

 CLERK

**Drafted or Reviewed
By Legal Counsel**

REVISED

AMENDMENT TO BILL NO. 23-_____

**OFFERED BY SENATORS ADELBERT M. "BERT" BRYAN
AND ADLAH "FONCIE" DONASTORG, JR.**

Bill No. 23-_____ is amended by adding an appropriately numbered section
to read:

"SECTION _____. Pursuant to the provisions of title 29, chapter 3, Virgin Islands
Code, Official Zoning District Map No. STZ-11 for the island of St. Thomas is amended
by changing the zoning designation for Parcel No. 47E Kronprindsens Gade,
Kronprindsens Quarter, St. Thomas, Virgin Islands, consisting of 2.166 U.S. acres, more
or less, as shown on P.W.D. Drawing No. D9-3360-T86 from P (Public) to B-3
(Business-Scattered)."

Amendment No. 23-475a/March 1, 2000/AMP

Sen. Holder, amendment # 23-457
Seconded by Sen. Liburd
Objections by Sen. Bryan
Adopted

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS
 Territory of the Virgin Islands
 REGULAR/SPECIAL SESSION 20____
 ROLL CALL

Bill No. 23-0204

Date: 3/2/2000

Short Title: _____

LEGISLATIVE HISTORY

- (a) Introduced and sent to Committee on.....Date.....
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JONES, David S.				1
LIBURD, Almando "Rocky"				2
PETRUS, Allie-Allison	11			
RICHARDS Vargrave A.	12			
	13			

Certified true and correct

13
Courne G. Hodge
 CLERK

2

AMENDMENT TO BILL NO. 23-_____
OFFERED BY SENATOR V. ANNE GOLDEN

Bill No. 23- _____ is amended by adding a new appropriately numbered

Section to read as follows:

“SECTION _____. Pursuant to the provisions of Title 29, Chapter 3, Section 238a, Virgin Islands Code, a zoning variance is granted to Plot No. 151 and 152, Estate Richmond, Company Quarter, St. Croix, consisting of .117 U. S. acres (5100 square feet), more or less, as more fully shown on PWD Drawing No. 310, dated August 8, 1953 from R-3 (Residential-Medium Density) for the purpose of operating a commercial warehouse. All other requirements of the R-3 zoning designation shall continue to apply to the subject property.”

Amendment #23-457 / February 29, 2000 / SA:vs



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

DEPARTMENT OF PLANNING AND NATURAL RESOURCES

6003 Anna's Hope
Christiansted, St. Croix, V.I. 00820-4433

Telephone: (809) 773-1682
FAX: (809) 773-1716
TDD (809) 777-8413

**REPORT ON THE PETITION TO AMEND
OFFICIAL ZONING MAP NO. 5CZ-20
DPNR APPLICATION ZAC-99-03**

Petition of Maria B. Calderon who is the authorized agent for Jose R. Calderon for the rezoning of Plot 151-152 Estate Richmond, Company Quarter, St. Croix from R-3 (Residential Medium Density) to B-3 (Business Scattered) for operating a commercial warehouse.

FINDINGS:

- Applicant:** Maria B. Calderon for Jose R. Calderon.
- Owner:** As per Bargain and Sale Deed dated April 23, 1969, the owner of the property is Jose R. Calderon.
- Acreage:** .117 U.S. Acres (5100 sq. ft.)
- Existing Zone:** R-3 (Residential Medium Density)
- Requested Zone:** B-3 (Business Scattered)
- Present Use:** Plot # 151-152 Richmond is developed with a commercial warehouse. The structure was previously used as a wholesale warehouse.
- Proposed Use:** The applicant would like to resume use of the property for a commercial warehouse.
- Surrounding Use:** The subject lot is close to a major public road, and is immediately northeast of the Dr. Donna Christian-Christiansen medical building. The surrounding area also experiences residential activity, and a mixture of pre-existing, non-conforming businesses.
- Public Response:** Two area residents testified on the petition and while they did not oppose the proposed use of the property, they are concerned that the B-3 zone allows as a matter of right 143 uses, some of which may not

Zac-99-03 Recommendation

Page 2

be compatible with residential use. The testifier's stated that their interest in the matter was not to impede use of the commercial warehouse, but rather to protect their interest in the residential area from the threat of adverse commercial activity which could happen if the property is granted a B-3 zoning designation.

Analysis and Conclusion:

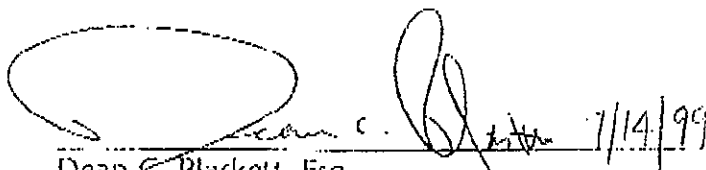
The property has had a long history of non-conforming business activity, with the structure thereon predating the zoning law. The Calderon's operated the warehousing activity at the subject property for approximately twenty years with the support of area residents. Their rationale for petitioning the Legislature for a zoning change or variance, had to do with the fact that there has been an occasion where the property had not been in use for a year and a half, and resultantly, the non-conforming provision of the Zoning Law no longer applied.

The applicant indicated at the public hearing that her family intends to use the property for nothing else but a warehouse in light of the fact that parking would be a major issue if any other business was to be undertaken at the site. The applicant also indicated that she would be amenable to accepting a use variance, taking into account the concerns expressed by the residential community with regard to the myriad of uses permitted by the B-3 zone.

The Department of Planning and Natural Resources has no objections to the use of the property for a warehouse, and considers the applicants request to be reasonable.

Recommendation:

The Department therefore recommends that a **use variance be granted** to Plot 151-152 Estate Richmond with the condition that all of the B-3 zoning requirements retain their applicability to the property.


Dean C. Plaskett, Esq.

Commissioner, Planning and Natural Resources

DCP/DLM/dlm