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Legislature USVI

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0:00:00 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. We'll be right back. We'll see you next time. good afternoon everyone the committee of the whole meeting is back on the record madam clerk can you please read the agenda for block 3 into the record the

0:04:49 agenda for block 3 reads as follows bill number 36-0200 an act rezoning a portion of the remainder of estate beeston hill south portion matricular number 6a company quarter st croix from r-1 residential low density to b-2 business secondary neighborhood invited testifiers are the honorable john pierre oriel commissioner of the virgin islands department of planning and natural resources miss leah laplace matthew territorial planner of the virgin islands department of planning and natural resources miss alicia alicia barnes principal of rittenhouse consultant llc mr adam ms bay mr olasi davis resident and mr david doward md resident that concludes the reading of the agenda thank you very much madam clerk colleagues this rezoning seeks to change a portion of estate beaston hill from r1 to b2 to facilitate a 24 unit cluster townhouse development on three to four acres we have before us a record that reflects strong community support for well-planned housing but equally strong objections to a B2 designation I could open a door to future non-residential uses inconsistent with the existing neighborhood and comprehensive land and water use plan we also have different recommendations from the planning office and the governor one urging denial in favor of an existing residential tools of existing residential tools the other supporting approvals subject to strict housing only conditions running with the land as we examine this application we must weigh the urgent need for additional

0:06:47 housing against legitimate concerns about drainage access infrastructure and neighborhood character I also want to note for the record that the property owners have indicated a willingness to consider a compromise rezoning to R3 which may provide a path to additional density while remaining within a residential framework. Our goal today is to clarify the facts, probe the options including an R3 alternative and determine whether and how this project can proceed in a way that is both lawful and respectful of the Beeston Hill community. I'm going to start by having the testifiers give their names, put

their names on the record beginning from my right. Good afternoon my name is Atta Mispheh I'm the owner and the developer of 6A Beeston Hill. Good afternoon Senator Potter and good afternoon to the listening and viewing audience good afternoon members of the 36 legislature I am Alicia Barnes principal Rittenhouse Consulting and consultant to the property owner. Good afternoon. Good Good afternoon again, Leah Laplace-Matthew, Territorial Planner with DPNR.

0:08:15 Good afternoon, Gail Pagan, Planning Technician at DPNR. Good afternoon, Honorable President Milton Potter, Honorable Senators of the 36th Legislature. My name is Dr. David Augustin-Doward and I am a proponent, I oppose bill number 36-0-2-0-0. Thank you. We're going to start with a testimony of Territorial Planner, Ms. Leah Laplace-Matthew.

0:08:49 You may proceed, Ms. Matthew, with your testimony. Thank you. This testimony is the petition to amend official zoning map number SCZ-7, application number CCZP-0069-25, I ask Planning Technician Gail Pagan to read that testimony into the record. Good afternoon once again, Senate President Milton E. Potter, members of the 36th Legislature, Legislative staff and members of the public. My name is Gail Pagan and I am Planning Technician with the Division of Comprehensive and Coastal Zone Planning within the Department of Planning and Natural Resources. We are here to present the Department's recommendation on Zoning Map Amendment Application number CCZP-0069-25. This application, submitted by ATAMISPA, seeks to amend the zoning designation of portion of the remainder of a State Beeston Hill South portion, matricular number 6A, Company Quarter, St. Croix, from R1 Residential Low Density to B2 Business Secondary Neighborhood. The purpose of the request is to develop townhouses for both rental and sale, a 24-unit clustered residential development on 3 to 4 acres. 70% of units are proposed for rental, split evenly between short and long term, and 30% for purchase. Access is proposed via the private Beeston Hill Road, with construction estimated to last 24 months. DPNR has conducted a thorough review of the application, including an analysis of adjacent land use, zoning trends, infrastructure availability, and public input. The surrounding area includes R1 and R3 residential medium zoning with nearby rezonings to R3, B2, and B3 granted for higher residential and business activities. The Department notes the following key findings. Infrastructure needs are proposed to be met by public water and sewer lines. At the DPNR-CCZP public hearing held on September 15, 2025, there were over 50 attendees and 39 formal letters of objection submitted.

0:11:26 The main reasons for objections were community integrity and zoning. Residents value the quiet residential character of Beeston Hill and surrounding neighborhoods. Opposition is rooted in responsible development, not resistance to progress. B2 zoning permits non-residential uses, posing long-term risk to neighborhood integrity. The proposed zoning contradicts the comprehensive land and water use plan plan and misrepresents the project's stated residential intent. Planning and feasibility. No traffic, environmental, stormwater or infrastructure studies have been conducted. Deferring assessments to permitting stages is viewed as inadequate and irresponsible. Lack of a full site plan and unclear development footprint raise concerns about transparency and feasibility.

0:12:28 The rental heavy model may disqualify units from traditional mortgages, limiting affordability. Environmental and Infrastructure Risks. The site is a natural drainage basin with a history of flooding. No updating mitigation plans were provided. Proposed access is via a narrow, privately owned road with an unsafe blind spot. Increased strain on traffic and infrastructure strain are anticipated, with no supporting studies submitted.

0:13:03 Alternate Approaches The project could proceed under existing R1 zoning using subdivision, group dwelling permit or planned area development PAD mechanisms. PAD Precedent Exists Act 8994, Estate St. Joseph and Rosendahl, offering a transparent path for increased density without commercial rezoning. Housing support with conditions. Residents support well-planned housing to address the island's affordability crisis. However, the proposed rental mix and lack of guarantees for permanent housing undermines stated goals. No binding assurances have been offered to prevent future commercial or mixed use development. The community did not oppose housing development but strongly opposed the B2 rezoning due to its inconsistency with the area's character, lack of due diligence, and potential for future commercial encroachment. Residents urge the use of existing residential ZONING TOOLS TO ACHIEVE DEVELOPMENT GOALS WHILE PRESERVING COMMUNITY INTEGRITY. CONSISTING WITH THE PROVISIONS OF 29 VIC SECTION 238, THE REPORT FROM THE PLANNING OFFICE REGARDING THIS PROPOSAL HAS BEEN SHARED WITH THE LEGISLATURE AND IT RECOMMENDS TO THE LEGISLATURE THAT THE ZONING CHANGE BE DENIED IN FAVOR OF OTHER TOOLS AVAILABLE by law, such as a subdivision, a group dwelling permit, or a planned area development. In his transmittal of the application, Governor Bryant recommends that the Legislature approve the zoning change to B2, subject to the conditions that only construction of a 24-unit clustered residential development on three to four acres, inclusive of a playground, green space and an outdoor meeting space be permitted, and that any future development requires the consent of the legislature, and that the prohibition on development run with the property, regardless of ownership. In his transmittal, the Governor cites the need to support residential development given

- 0:15:32 the limitations of our current housing stock. In the Department's review of the Governor's request, we concurred that the Legislature could issue the rezoning subject to conditions which, in effect, would be akin to a variance being granted, something the Department has sought legislative approval of countless times. The limitation to just the housing development is consistent with the uses permitted under a group dwelling permit or planned area development, and the more restrictive the condition, the more aligned with the existing tools the conditional approval will be. As the Department has not received any evaluation of business activity from the applicant, no business-related activities should be approved. The Department has one clarifying comment on the proposed conditions, which is that the consent of the legislature be specifically defined. Does consent mean a vote by the committee of the whole or a vote in the committee of the appropriate jurisdiction? If so, which one? It would be better for all parties if this was explicitly defined. The territory needs more housing options, and we commend the applicant for putting forward a proposal that seeks to address some of that need several options are before the legislature which would be legally binding but in the end could lead to additional housing units should the legislature elect to proceed with this zoning map amendment it should be conditioned such that it is in line with the existing tools currently available this concludes our testimony and we respectfully request that the powerpoint presentation for CCZP 0069-25 be displayed so the first is the
- 0:17:34 aerial photo of the site's location you'll see it's at Beeston Hill and across the Queen Mary highway is a state Herman Hill next slide another map geo representation next slide So this is the official zoning map showing the zoning of the property and its surrounding areas. But as noted in our recommendation report, there are some rezonings within the area. There's a gym that's in front of the property that touches Queen Mary Highway which was rezoned. There is also a church that was rezoned. There's a non-conforming medical complex. And then the remaining surrounding areas residential. Next slide. This is the conceptual layout for the 24 dwelling units that was submitted for the file. That concludes the presentation.
- 0:18:37 We are available to answer any questions. Thank you. Thank you very much, Ms. Laplace-Matthews, Senator Barnes, you may proceed with your testimony. Thank you, Senator. Good day, Honorable Milton E. Potter, President of the 36th Legislature of the U.S. Virgin Islands and Chairman of the Committee of the Whole, members of the 36th Legislature, and the listening and viewing audience. I am Alicia V. Barnes, Principal of Rittenhouse Consulting. I appear before you today on behalf of applicant and property owner, Atta Misbe, to provide testimony on bill number 36-0200, an act amending official zoning map number SCZ-7 for the island of St. Croix, Virgin Islands, rezoning a portion of the remainder of Estate Beeston Hill SOUTH PORTION MATRICULAR NO. 6A COMPANY CORRIDOR ST. CROY FROM R1 RESIDENTIAL LOW DENSITY TO B2 BUSINESS SECONDARY NEIGHBORHOOD. I WOULD LIKE TO PROVIDE ADDITIONAL COMMENTS REGARDING DEPENDENT REZONING REQUESTS. WHILE MY FORMAL TESTIMONY WAS SUBMITTED FOR THE PREVIOUSLY SCHEDULED hearing, I would like to clarify several points considering the misinformation surrounding this matter. First, the property owner has no plans to develop a commercial shopping center, as evidenced by its removal from the rezoning request. Second, the owner is not opposed to an R3 rezoning. We believe this is a reasonable compromise that allows the project to proceed without further delay while addressing, hopefully, the concerns of surrounding residents. However, I must also address the broader issues at play here. This opposition is less about environmental concerns and more about economic
- 0:20:57 elitism. The legislature holds the power to rezone because you represent the people of this territory, not a select few. St. Croix is currently facing a significant housing shortage. This rezoning would address that need directly, ensuring that progress is not stymied by a small group seeking to protect their personal interests at the expense of future generations. Mr. Misbe has lived and worked on St. Croix most of his life. He is a product of our public education system and like many of us, he has witnessed firsthand the challenges many residents experience when seeking adequate and affordable housing. The proposed development would increase the available housing inventory on St. Croix and thus aid in mitigating the island's housing crisis. The proposed development includes the construction of 24 units of residential moderate income rentals in Estate Beeston Hill. This will be a thoughtful plan development with natural buffers and green space the plan includes six two-story buildings with four units each ranging from 750 square foot efficiencies to 1,500 square foot two-bedroom apartments there will be two parking spaces per unit a playground and as previously mentioned green space it is important to note that land use allowance is the first step in the development permitting process.
- 0:22:54 Inherent and applicable permitting processes are safeguards to ensure protection of our natural environment as well as public health and safety. Any, if not all, of the concerns raised by the applicant's public comment period will be addressed later in the proposed development's permitting process. Notwithstanding, I would like to take this opportunity to address the concerns raised regarding the proposed development and to clarify any resulting misunderstandings. the concern that the housing development entrance off the Beeston Hill Private Road would lead to traffic congestion, please be advised that formal traffic studies are a requirement during the land development and permitting phase. This phase is the appropriate time for the relevant authorities to address potential traffic issues and provide recommendations accordingly.

In response to the inquiry regarding the necessity of a B2 designation over R1, R2, or R3, as stated, the property owner is not opposed to an R3 rezoning. Furthermore, there have been concerns that the rezoning will result in environmental safety and aesthetic issues. During the land development and permitting phase, the Department of Planning and Natural Resources would require flora and fauna studies, cultural resource surveys, and safety studies. These are standard regulatory requirements imposed on every major land development to ensure no detrimental harm to the environment occurs to address the comment that the cost estimates presented at the hearing were not realistic the applicant possesses significant control over the major cost of development as the applicant owns the land a concrete company and heavy equipment. They are uniquely positioned to manage these expenses effectively. Regarding the inquiry into the plan for the unused acreage remaining after development,

0:25:29 there are currently no plans for that land beyond establishing an appropriate buffer for an adjacent property. In response to questions concerning the assessment of utility infrastructure, including sewage, electrical and water, as well as stormwater management and environmental impact. Please note, these detailed studies are required during the land development permitting phase rather than the current allowable land usage phase. All necessary assessments will be conducted at the appropriate stages of the permitting processes. I hope this information clarifies our position and addresses the points raised. I would like to close by stating that I am aware of the source of this opposition, and it is truly not represented by the individual testifying here today against this rezoning request. Instead, those responsible often hide behind cryptic emails which I have received AND LETTERS TO THE EDITOR, ATTEMPTING TO PIT US AGAINST ONE ANOTHER. MR. MISBE AND I WILL NOT SUCCUMB TO THESE DIVISIVE TACTICS. FOR TOO LONG, ENVIRONMENTAL REGULATIONS AND ZONING LAWS HAVE BEEN USED AS TOOLS TO MARGINALIZE AND disenfranchise black and brown people under the guise of environmental protection. If an elite group of wealthy residents can prevent a property owner from developing his land today, nothing stops them from targeting any of us tomorrow.

0:27:20 They attempted this with Just Right Trucking, and they are attempting it now with Mr. Misbe. and just right trucking is up and running all of the hysteria again much ado about nothing senators the power is vested in you to protect all the people of this territory not just a select elite few on behalf of the property owner Mr. Atta Misbe I would like to thank you for the opportunity to provide testimony on Bill number 36, that's 0200. Mr. Misbe and I remain available to answer any questions or to provide further clarification as you consider this matter. Thank you very much. Thank you Thank you very much for your testimony, Senator Alicia Barnes. Dr. David Doward, you may move forward with your testimony.

0:28:23 Good day, Honorable President Milton Potter, Honorable Senators of the 36th Legislature, all legislative staff present, and member of the public both viewing and listening. Thank you for the opportunity to testify today. My name is Dr. David Augustin-Doward. I am a physician, a Virgin Islander by birth, and the owner of the property directly adjacent to Parcel 6A Beeston Hill. I appear before you today in respectful but firm opposition to bill number 36-02-00. Let me begin clearly. I support housing.

0:29:09 I support responsible development. What I do not support is the unnecessary commercial rezoning of residential land when existing law already provides a clear path forward. Like many Virgin Islanders, I left home to pursue education and professional training, always with the hope of returning to invest in St. Croix and raise my family here. I purchased my property in Beeston Hill, a historic home, according to the rules in place at the time with the expectation that the surrounding land would remain governed by the established residential zoning framework.

0:29:50 Porcel 6A Beeston Hill sits directly adjacent to my home. So yes, this matter is personal to me. But I want to be equally clear, this concern extends well beyond my household. It reflects broader questions about planning, consistency, community stability, and long-term confidence in our zoning framework. We all recognize that St. Croix needs additional housing. That point is not in dispute. However, the professional record before this body is clear.

0:30:25 The Department of Planning and Natural Resources has twice recommended denial of the requested commercial rezoning in both 2021 and 2025. Importantly, DPNR identified multiple lawful pathways that would allow the proposed residential development without converting this land to B2. These include subdivision, group dwelling, and planned area development under 29 Virgin Islands Code, Section 232. In short, housing can move forward under the curtain zoning. There is no demonstrated legal or practical necessity to rezone nearly 16 acres to a broad commercial classification in order to achieve a 24-unit residential project. I present Exhibit 1, which is the closing section of DPNR's May 6, 2021 report regarding the earlier request to rezone 6A Beeston Hill from R1 to B3, which I will read. The Department's opinion is that the rezoning of this much acreage to B3 zoning is not appropriate and the development proposal should be revisited considering one of the three mentioned options, subdivision, group dwelling or planned area development. It is recognized that the Virgin Islands has a housing shortage and the development options available would allow for the property to be developed in consideration of the already established character and zoning of the area as well as allow for

neighbor concerns to be incorporated into a final development plan. The Department of Planning and Natural Resources recommends denial of the petition to rezone portion of the remainder of a state Beeston Hill South portion matricular number 6A Company Quarter St. Croix signed by Keith Richards on 5-6-2021.

0:32:18 I also present Exhibit 2, which is an excerpt from page 7 of DPNR's October 21, 2025 report. As part of its analysis, DPNR took into account the applicant's statement regarding an excess of commercial property in St. Croix that is grossly underutilized. And I will read the highlighted part. The applicant stated during the public hearing that a market study was done and it was determined that on St. Croix there is excessive commercial property that is grossly underutilized. There is no demand for commercial property. There is no intention to develop this property for commercial uses. It was also stated that if the zoning were compatible and rezoning not required then the zoning map amendment phase would not be needed. Permitting would be the first phase of the development process.

0:33:17 Exhibit 3 presents DPNR's October 21, 2025 recommendation to deny rezoning of 6A Beeston Hill since the proposed development can be accomplished using the planning and development tools already available. I will read the highlighted area. The Department of Planning and Natural Resources recommends denial of the zoning map amendment requested acknowledges the proposed development can be accomplished using the planning development tools currently available, subdivision group dwelling permit and planned area development signed by Josette Walker on 10-21-2025. Even more concerning is the reported unit allocation associated with the project. materials indicate that approximately 70% of the units are intended as rentals, and roughly half of those rentals may be short-term.

0:34:14 That results in only a limited number of units available for home ownership while introducing a higher turnover visitor component into what is currently a low-density residential area. This raises a reasonable policy question for this body. If the primary objective is to expand stable housing opportunities for residents and returning Virgin Islanders, does this structure meaningfully advance that goal? The developer's concept indicates that approximately three to four acres would be used for the residential component, yet the bill re-zones the entire 15.942-acre parcel to B2.

0:34:55 This leaves the majority of the property, roughly 11 to 12 acres, commercially rezoned but programmatically undefined. Under Virgin Islands Law B-2 permits approximately 197 potential uses. Once that designation is granted, those uses become legally permissible. This creates long-term uncertainty regarding future commercial conversion, traffic and infrastructure intensity loss of residential land inventory upward pressure on land pricing future homeowners in the development would not be shielded from broader commercial uses associated under the new zoning dpnr highlighted this concern in its 2025 report as shown in exhibit 4 which is an excerpt from the 2025 report the petition b2 zone is not compatible with the proposed development, nor the comp plan contradicts theme goal of reducing no-spot zoning and development does not address housing with eight to nine short-term rental units. The intent of the B2 zone was primarily business use, with residential use being three out of 197 uses. The B2 zoning increases the potential for incompatible non-residential development. The estate Orange Grove Company Quarter Hillside, if utilized as a case study, shows that commercial development will occur with a zone that is primarily for business use, even though the intent of the Orange Grove rezonings were to allow for a mixed-use neighborhood. Public statements have suggested that this rezoning is narrowly limited to a 24-unit residential project with continuing legislative oversight.

0:36:44 However, as written, Bill 36-0200 contains none of those safeguards. The legislation simply amends the zoning map to reclassify parcel from R1 to B2. There is no binding unit cap, no housing-only restriction, no perpetual limitation running with the land, no conditional overlay mechanism. As legislatures, you understand clearly, public statements do not amend statutory law. If housing-only limitations are truly intended, they must appear in the legislation itself. I present Exhibit 5, which are publicly provided statements on the Government House's Facebook page. I will read the highlighted section. The bill limits development to the proposed construction of a 24-unit clustered residential development on three to four acres. This concept includes a playground, green space, and an outdoor meeting space. No other development or construction may be initiated or approved on the property without express consent from the Legislature. The prohibition on development without legislative consent would run with the land in perpetuity regardless of ownership. Exhibit 6 is the bill before you today which does not contain any of the promised safeguards and provides an uncontrolled blanket rezoning of the 15.9-acre parcel. I will read that.

0:38:14 In act amending official zoning map number SCZ-7 for the island of St. Croix, Virgin Islands, rezoning a portion of the remainder of a state Beeston Hill, south portion, matricular number 6A, company quarter, St. Croix from R1 residential low density to B2 business secondary neighborhood. proposed by Senator Milton E. Potter, by request of the governor, be it enacted by the legislature of the Virgin Islands, Section 1, pursuant to Title 29, Virgin Islands Code, Chapter 3, Section 238, Official zoning map number SCZ-7 for the island of St. Croix is amended by changing the zoning designation for portion of the remainder of a state Beeston Hill south portion reticular number 6A company quarter consisting of 15.942 U.S. acres as collectively described on survey drawing number A9-3-C008 from R1 residential low density to B2

secondary neighborhood. This bill rezones a portion of the remainder of a state Beeston Hill South portion matricular number 6A Company Quarter St. Croix R1 Residential Low Density to B2 Business Secondary Neighborhood. The comprehensive land and water use plan was adopted after years of public engagement and was intended to bring predictability and discipline to land use decisions across the territory.

0:39:48 One of its central themes was moving away from ad hoc spot zoning and towards structured plan-based development. Approving a broad commercial rezoning here despite DPNR's professional recommendations and available residential development pathways risks undermining confidence in that carefully developed framework dpnr's 2025 recommendation report highlights this concern i present exhibit seven an excerpt from that report the 2024 adopted comprehensive land and water use plan noted the rising cost of housing the usvi experiencing a housing crisis crisis need for more affordable housing options and housing types and housing affordability as a significant challenge. The main drivers of the lack of affordable housing are the comparably low incomes of USVI residents, high costs of construction, limited availability of developable land, demand pressures from non-residents, and high costs of financing challenges. The provision of housing must be balanced with key themes and goals that were common across all three islands and that are important topics in the comp plan, namely one theme goal being the reducing of opportunity for spot zoning, no more spot zoning, the rezoning of a parcel of land to benefit an owner for use incompatible with surrounding uses and not for the purpose of furthering a comprehensive plan, analyzing the need for housing, the intent for a solely residential development, and the topic of reducing spot zoning. current zoning was assessed to determine the ability to develop the proposal while being compatible with the comp plan. I would like to briefly speak as someone who hopes to continue investing in St. Croix. Many Virgin Islanders

0:41:43 living abroad and many professionals like myself want to come home, retire here and reinvest in our communities. But long-term investment decisions depend heavily on the stability and predictability of land use policy. When long-standing residential land can be broadly converted to commercial use without demonstrated necessity, it creates uncertainty that extends well beyond a single parcel. Before I close I would like to briefly place several additional questions on the record in light of developments that have occurred during the postponement of this hearing which supplement the written testimony I previously submitted. First it has been suggested that the rezoning that rezoning this property from R1 residential to B2 commercial is necessary because it allows for a greater degree of financing leverage to move the project forward.

0:42:45 However, after speaking with multiple financial institutions that regularly finance development projects across the Virgin Islands, it is clear that this does not reflect how development financing actually works. Banks do not finance zoning classifications, they finance the project being proposed. If the developer intends to construct a 24 unit project, the financing is evaluated based on that residential project itself, regardless of whether the property is zoned R1, R2, R3, or B2. In other words, the financing available for a residential project is determined by the residential development being proposed, not by commercial zoning. The only circumstance in which B2 zoning would increase financing capacity is if the property were developed to its full commercial potential, which includes a broader range of business uses permitted under B2. That naturally raises concern for surrounding residents. Because if the intention is truly to build only residential housing, then commercial zoning should not be necessary to finance that project. Following this discussion about financing, it's also important to note that Territorial Planner Leah Laplace-Matthew has clearly stated that the manner in which a project is financed is not a relevant consideration in rezoning decisions. As she explained, rezoning is intended to determine the appropriate long-term land use for a property based on planning considerations, not to increase a property's appraised value or to improve the financing position of a particular project. Changing a zoning designation primarily to increase a property's appraised value for

0:44:36 loan properties would present a misuse of the territory's land use framework and is inconsistent with the purpose of zoning laws. Zoning should reflect the appropriate use of land, not the financing needs of a project. Respectfully, if financing considerations are not a legitimate basis for rezoning under the territory's own planning guidance, then it raises the question of why financing has become the central justification for this zoning change. Another important question concerns fairness and precedent. If the legislature is willing to rezone the property from residential to commercial zoning in order to increase its financing potential and market value, Why would the opportunity not be available to every Virgin Island?

0:45:25 One second, Doc. I know there is a level of concern. Typically, I've been very liberal with you in allowing you to ad lib beyond your submitted testimony. So, I'm sure that is what my colleague is going to refer to, but I don't want to speak for you. I did not mean to interrupt but for the sake of the procedures I did not have the testimony. We received something just now and it's totally different from what you're relaying on the record so I just wanted to get a clarification from the chair pertinent to that. Am I holding the proper testimony is my question at this time.

- 0:46:13 I don't know what you have in your hand, but we do have a testimony that Dr. Doward submitted, but at one point he deviates from the submitted testimony and does, I see you referring to another document. So perhaps you can provide us with a copy of that additional supplemental document that you're reading from. Yeah, I'd be happy to provide that. But I'd like you to focus on, and we focus on your submitted testimony I'm happy to wrap up and I'm happy to submit it I I was notified very late about my invitation for this I did try to submit testimony and I was told that it was a little late to submit it but I was also informed that I I didn't realize I was going to be restricted in additional comments based on the fact that this initial testimony was postponed yeah i mean we we did receive a testimony from you that we were following all along but what sort of shifted was when you apparently started reading from an additional document in a question and answer period hopefully you would have had opportunities to elaborate further um but you know i just wanted to give you as much leeway as i could which i did but i I would like you to refocus on the testimony that you actually submitted, and you can provide us with a copy of the document that you're reading from.
- 0:47:42 I would be happy to get back. So Honorable Senators, this is not a choice between housing and no housing. Housing can proceed under existing residential tools already provided in Virgin Islands law. The real question before this body is whether it's necessary or prudent to permanently commercialize nearly 16 acres of residential land in order to achieve that goal. For the reasons outlined today, I respectfully urge you to vote no on Bill 36-0200 and to encourage residential development through the lawful pathways that already exist. you for your time, your service, and for your thoughtful consideration, respectfully. Thank you very much, Dr. Doward. And I want to give, before I recognize Senator Blyden for his point of information, I also want to give Alicia Barnes an opportunity to put your credentials on the record. I didn't do that before.
- 0:48:44 Thank you, Senator. I appreciate that. Let's start with, as many of you know, I served as a member of the 33rd Legislature and very pleased that I revived the discussion on the need to adopt a comprehensive land and water use plan.
- 0:49:12 That's an irrefutable fact. That discussion was dead until I joined this August body. And I am so delighted that the 34th Legislature moved forward with adopting the Comprehensive Land and Water Use Plan, a policy framework to guide development in this territory. I served as assistant commissioner of the Department of Planning and Natural Resources under Bob Mathis, and I was tasked with developing the revisions to the zoning code, which should have been a precursor to the comprehensive land and water use plan. I worked with Rutgers University Urban Planning Institute and sent those revisions down to the legislature when I served as Commissioner of the Department of Planning and Natural Resources. I am the premier subject matter expert on zoning and planning historically in this territory and I would say so without hesitation. I have an undergraduate degree in environmental science from Hampton University, a master's degree in public administration from the University of the Virgin Islands. I have served as energy director. I have served as environmental manager for the Water and Power Authority. Kyle Fleming was my intern. I have a legacy in this territory of technical expertise and so when I come before this body with measures, their carefully thought out. This is not spot zoning and I would like to say that I
- 0:51:16 thank you Senator Potter for giving me the opportunity to place these facts on the record because oftentimes persons may try to diminish persons contributions to this territory and I'm at the point right now where I'm not allowing my contributions to be diminished any longer so thank you thank you very much Senator Barnes Senator Marvin Blyden you're recognized for your point of information thank you so much Mr. Chair but before I go to the point of information I just want to correct the record I'm Senator Barnes is over the 35th legislature that um part of the comprehensive land and water use plan thank you okay very well I corrected very well um Mr. Laplace much let me ask you in respect to this bill um to the chair there are three zoning is it in conformity with a comprehensive land of water use plan that's all i need to know no senator it's not no senator the comprehensive land of water use plan which was pushed by the people of the VI one of the major themes is no more spot zoning and spot zoning benefits a particular property owner rather than the public in general the current code has mechanisms that can already be used to accomplish the project thus spot zoning would not be necessary very well thank you so much Mr. Chair. Thank you very much, Senator Blyton. We are going to move to a four-minute round. I'm going to start on St. Somers. Senator Alma-Francis Heiliger, you may proceed with your four minutes. Thank you so much Mr. Chair. I initially had a whole list of questions to start off with but I I'm just gonna wing it because I was here in 2021 when we had this discussion we talked about it last year now we're having the discussion again.
- 0:53:33 Um, couple of things I want to understand. Now, I know when this suggestion from the governor was sent down, I think I heard him on a press conference say that he was a little bit, it was limited to just housing. housing i i don't know when when was the decision within this body to strip away the the recommendation or since it was sent by the governor because i you know if you read it it says senator milton potter by request of the governor and we seem to be having a situation where the governor is saying what he sent down had it limited to housing but what we have before us all of that

is taken out now I know I didn't do it so I'm trying to figure out when it got to this body when did that part happen because I'm all for limiting it to housing I don't have a problem with that if that's what it's gonna be. But I have a major problem when you're attempting to rezone 15 acres to commercial zone with no limitations. We have had rezonings in here when we have moved things to different zones and we have limited because that particular zone has so many things allowed we have gone in and limited and stripped away the ability to build certain types of businesses or certain types of things on that property even though it was resumed to that

0:55:21 and then the law allows it but we put in the document you can't do it so I am seriously trying to figure out when did we as a body change this? I don't know. Was it a mix-up in legal counsel? Did we get the wrong document? Because if you have a governor to the point that he's having meetings and press conferences to say this is not what I sent, I'm very much confused at what's happening here today. That's the first thing, the second concern i had um i know the supporter that came to represent said that they don't have a problem with it getting rezoned to um r3 and that should resolve the issue i don't think so one minute because r3 has a whole lot of things you could actually put on this property i mean inclusive auditoriums boarding houses homes churches even medical clinics and if i recall correctly in 2021 that was one of the biggest issues now i i think we're talking about the same property wasn't that one of the issues we had back in 21 about building medical facilities on this property and then I if I recall correctly these things were apparently taken out but it's here under R3 so I'm gonna ask Ms. Laplace Matthew am I am I accurate or am I getting mixed up with these properties because this thing has come before several times it is the same property

0:57:16 yes senator. Yes and it was originally wanted to do all these medical facilities and all these other things. Is that correct? Yes senator. Okay and it's also under R3 that they would be allowed to do those things if we were just to let them do R3. So I can't agree to that either. I am of this stance that i don't have a problem if we set up a situation for housing if you want to carve out three to four acres for housing and a playground i don't have a problem with that but to completely rezone our entire 15 acres leave it open-ended i i distinctly remember people have come before this body tell us they're going to rezone to do a project never do the project and take that r1 property that's now a b3 or b2 that is so much more valuable cut up the property and sold it and y'all can't tell me this hasn't happened so if we know these are some of the things that happen right here why would we not put in guard rails and safeguards to make sure that this project stays residential why wouldn't we do it why am i hearing the governor who sent it down saying this is not what i sent i have a problem with things like this because now the public is saying oh the legislature did it when senator alma francis heiliger don't know nothing about it right is right and wrong is wrong at the end of the day i i cannot support this in its current form I am not going to block a housing project if it's for housing but I am not going to rezone a property that leaves it open-ended and while people come before us and say

0:59:14 A and then tomorrow it's actually B. We have the right to protect the people that reside in these areas we have the right to make sure that we follow laws to make sure that things are limited and when you have dpnr coming and saying listen we don't agree with this those are the experts that we p those are the experts that this government hires those are the people that we send out to have the town halls get the research follow the law and tell us what's going on oh my time is up yes about two minutes ago i i didn't hear it but thank you so much but until this has a limitation for housing i will not be supporting it thank you thank you very much senator alma francis senator duane de graf you're recognized for your four minutes uh thank you for the chair good afternoon colleagues good afternoon testifiers all of you listening and present good move center um you know in my 10 years in the senate one thing i've learned if it's not written you don't vote for it we could talk all the talk we want you know i i heard three to four acres is all would be needed for the building of the um apartments that the gentleman is trying to get done but in the bill says number six a company quarter consisting of fifteen point nine four two acres three to four to bill and we're going to approve for fifteen point four that's a red flag to me um uh you know i was told that he was mentioned in listening to testimony that the legislature would be after the the buildings are built then the legislature has to say on the rest property is not written there's one section and the section doesn't mention anything so those are

1:01:16 some of the red flags that i have um do i think if someone owns a piece of property that they should be able to build what they want do what they want out of it i i do but again we we have the parameters of um the zoning that we should abide by and that's what we come before the legislature now the legislature can say hey if dpnr uh supports it we we could still shut it down if dpnr is against it we could still pass it that that's the power of the legislature but in looking at the totality of the circumstances and um what's being said for me is there's only one section and it mentions about 15.9 roughly 16 acres of land that we are trying to rezone and the facility can be accomplished in three to four um a quarter of that so i think that needs to be addressed now um miss laplace matthew how many chains have you know i also saw there's an amendment floating around in regards to building um these particular uh facilities you know as the the doctor mentioned regarding um a piece of no correction a piece of property no the amendment boy i'm trying to pull it up the amendment is for planned area development um does planned area development that in itself sound really very very

broad to me as an amendment Planned Area Development is a zoning that might be something that you might agree to in DPNR? Yes, Senator. A Planned Area Development is actually a permit that gets legislative approval. So the applicant has to submit studies and construction drawings for review by the department and the public. and then the finalized plans go before the legislature for you to approve and one such case was the one on St. Thomas for St. Joseph and Rosendale and the plan area development that permit the applicant has to adhere to it any changes

1:03:43 require coming back to the legislature and there is an expiration clause that that they have to do the construction within two years or the PAD expires. Okay, and just to wrap up, I think I heard my time, Mr. Chair, just to wrap up. So then that planned air development would be for the three to four acres that a gentleman needs to develop the housing part of it, or based on what the bill says, the 15.9 acres is what a planned air development would be for. Can it be converted to just say the three or four acres that he needs to develop that housing? The PAD, it can be the 15 acres, but they have to adhere to the construction drawings.

1:04:31 So if the buildings are shown on only three to four acres, then the rest acreage cannot be developed. Okay. All right. Thank you. Thank you for the time, Mr. Chair. Thank you very much, Senator DeGraff. I wanted to ask you, Ms. Laplace, about the R3 zoning designation. And I think when my colleague on the left asked about whether or not this would conform with the comprehensive land and water use plan, he said no, because comprehensive land and water use plan really discourages spot zoning, which is what this body basically has been doing all day today, right?

1:05:28 Yes, sir. for the zonings that we did earlier this morning as well as this afternoon. So there's nothing really distinguishing what we're doing with this particular project versus what we did earlier this morning. Well, to give clarification, Senator, the code has been in existence from 1972. So over the years we've seen certain estates have changes that we recognize, okay, the original zone was in error or the original zone is not keeping with the demands we have to look at each application individually unfortunately for Beeston Hill there has not been enough change to justify that change to R3 okay I'm gonna get you I'm gonna get you to respond in a second I wanted to get you to explain to me the distinguishing features between an R3 which is what is being proposed as a compromise zoning versus the original B2 which is a much more commercial my understanding much more commercial open-ended designation can just broadly explain the differences between the two zonings so the R3 and the B2 are both mixed-use zones so you really have to look at the table of permitted uses under development provisions the density is slightly different the setbacks well both zones don't have setbacks but you have to look at height density lot coverage usable open space so you really have to go into the code and look at that table of permitted uses under development provisions okay so just right off the bat our B2 represents a commercial business wide open designation where you can just put up the supermarkets you can just have your way but R2 isn't R3 isn't that a residential designation it is a residential designation it's medium

1:07:45 density medium so it's higher than the R1 and the R2 it also allows more commercial uses than you would see in the R1 R2 zones and it has certain limitations like the lot occupancy and the requirement for usable open space the The B2, its main intent is commercial use, but it allows some residential. Thank you for that. Senator Barnes.

1:08:15 Senator, thank you so much. You know, Senator, we're having an exercise in semantics, and it's unfortunate because if we had adapted the revisions to the zoning code prior to the comprehensive land and water use plan, much of these issues would have been resolved. But to answer your question, Senator, the difference would be the design and development criteria. And with the R3, you would have more restrictive design and development criteria. And so that is why we are proposing R3 as a compromise. And so when you go into the zoning code, it would give you certain parameters and restrictions, density requirements, setback requirements. So this would provide a more restrictive allowance. In addition to that, we're saying that we're not doing spot zoning, but that's what a plan area development is.

1:09:20 SO WE REALLY NEED TO BE TRANSPARENT WITH THE PUBLIC AND TALK ABOUT THE TIME FRAME ASSOCIATED WITH SOME OF THESE PROCESSES. MS. LAPLAS HAS TESTIFIED ON THE RECORD THAT DPNR IS SHORT STAFFED. WE HAVE A HOUSING CRISIS NOW. WE HAVE ISSUES RELATIVE TO WORKFORCE DEVELOPMENT AND WHERE ARE WE GOING TO HOUSE THESE WORKERS that will be coming in here for rebuild USVI now. We can't even get a stormwater permit out of DPNR.

1:09:57 We're going to get a planned area development out of DPNR now. So let's just be also for real and deal with the issues at hand in real time, not theoretically, but practically. Thank you very much, Senator Barnes. Senator Gittins, you're recognized for your point of information. Thank you, Mr. Chair. To the first point of information and your follow-up just now, the R3, based on what I'm seeing, uh primarily allows one second primary primarily allows for single-family homes duplexes townhomes apartment buildings multi-family etc there's also acceptance for i guess the hospitality uses which is becoming the topic of discussion now. However, Ms. Laplace-Matthew, we have moved legislation previously where we put safeguards in there that could read somewhere like on the condition that in addition to the permitted lot occupancy limitation, no less than a percentage of the rezone lot must remain green space and no gas stations whatsoever no bars no

taverns no nightclubs or outdoor music entertainment are permitted in this case if it's a concern that you believe like a guest house or something a hotel or some tourist accommodation is going to be built uh for the safeguards we can put that in there would that be acceptable uh to dpnr

1:12:00 as mentioned in our testimony safeguards would be acceptable we would just need them to be explicit as previously mentioned the governor had some conditions one of the um one of the conditions was about having to come back to the legislature and we just needed clarification on what committee which committee would be thank you mr chair thank you very much senator gittins senator angel bulquez jr you're recognized for your four minutes thank you mr chair um good afternoon everyone you know we're hearing a little quandary um in relation to finding that happy medium where everyone can coexist um we have the pushback and we have the pull mr mesbe i want to first say you're very persistent and persistence and resilience are very important and it shows the character of a person and you are also very flexible in the sense of trying to accommodate and find that happy medium and as we go through this process hopefully we will and for the residents as well you know protecting your safe space is understood and respected but we also need to work together if we can we've seen that many accommodations have been made and we're now to the juncture where we're likely going to hopefully get a R3 and provide much needed housing for the people of St. Croix.

1:13:50 From what I understood, there is a utilization of maybe four acres on a 16 acre property leaving a majority of the land as preserved open green space. Is that the final plan? Well, our intention is to redevelop more units. Hopefully, eventually. But you're beginning with the 24? 24, correct. Okay, okay. Now, I want to switch over to DPNR, Ms. Laplace. Would you say that a lot of the zonings across the Virgin Islands are misclassified? at this time many of them are not just they're just not keeping up with the trends okay very well and we have adopted a comprehensive land and water use plan however because of using this term misclassifications of zonings which are not keeping up with the demands of growth our economy changes back in the days we had a predominant agriculture staple throughout the Caribbean and we have continued to grow economically and we have changed different zonings to accommodate certain things whether it's for residents whether it's for the economy whether it's for schools hospitals etc and the list goes on even though we have adopted this comprehensive land and water use plan I am of the opinion that you will still everyone will still have to come to the legislature to appropriately rezone these areas to accommodate what the land and water use plan has within its within its information and data so we will likely be rezoning to comply with that plan for years to come do you believe that's correct miss laplace yes senator very well thank you so this is not far-fetched today this is not

1:15:52 illegal this is not out of compliance there is a request unfortunately the request cannot be made as initially provided to the body we've had a number of um stops and here we are at this junction that we're voting today but the the the the business owner has now stated that they're willing to accommodate a r3 as long as the parameters as mentioned as the by the vice president earlier the protections to accommodate the residents in a sense of no nightclubs no this no that should be made at the appropriate time i know i have not asked a question outside of that but i believe that we can find a happy medium and we just have to work together in order to make this happen housing is a big big issue across the virgin islands time also on the island mr mr chair if i may yes you may conclude thank you very much mr chair i'm also on the island of st john where it's super super expensive uh to buy a piece of property if not even a home so i i commend you mr misbe for wanting to support housing on the island of st croix keep up with your resilience and persistence and to the residents of the area let's try to find a happy medium. Thank you Mr. Chair. Thank you very much Senator Bulkev. I wanted to ask the doctor his thoughts. I know initially when you were preparing your presentation you were not aware about the possibilities of a compromise being this R3. So I just want to get your thoughts as to how do you see the compromise from the more extensive commercial B2, which your testimony specifically spoke about the extensive

1:17:47 commercial wide open possibilities of a B2 versus the attempt to scale it back by implementing to be r3 just your general quick concise thoughts on that well my quick concerns are that that r3 still opens the door to a lot of different things it opens the door to mobile homes we my point is there's there's i i think we're all for increasing housing that's not a problem they're just structured pathways that both protect the developer and the residents and that's in a planned area development which which is specifically a tool that that that dpnr has and i don't understand why that itself is not an acceptable alternative um why the shift to r3 which which opens the door to a lot more and i think the community itself does not feel protected by that but would it be substantially less than a b2 it's i'm just i'm just saying It may not be specifically what you would ideally like to have, but I'm saying in an attempt to arrive at a compromise, does this reflect a compromise in your view? I think it reflects that we're heading in the right direction. Okay. Thank you. Thank you for your response. Point of information. John. Okay, Senator Heiliger, hold one second.

1:19:24 Senator Lewis, point of information, then I'll have you respond, Senator Barnes, then we'll go to your point of information, Senator Alma Francis Heiliger. Dr. Doward, good afternoon. Right there. You, in Beeston Hill, is there a homeowners association? Yes, there is. You're the president? I am not. I'm a member. Oh, so your comments today does

reflect your opinion? Yes, they reflect mine, but they're also reflective of the community as well. You're the president? I'm not the president, but I don't live in isolation with the community and the homeowners association.

- 1:20:01 No, because in your testimony, you talked about Dr. Dawood. Did they say, I am a representative of the homeowners association? So your comments today would just be reflective of your opinion? They are reflective of my opinion. Thank you. Thank you, Senator Lewis. Ms. Barnes, you had a point to. Thank you, Senator Potter, and I do prefer Ms. Barnes.
- 1:20:29 It gets a bit confusing, yes. But Senator, I am so happy that you asked the question about the response to an argument R3, because it is clear to the property owner that he is simply not welcome. We had the commercial center, that was removed. We moved from B3 to B2, it was still a problem. We're now proposing a compromise to R3, it's still a problem.
- 1:21:11 I suspect that if we were to say R2, it would still be an issue. So I hope that we are aware of what's really happening here and that we're paying attention. Thank you very much, Senator Barnes. Senator Alicia Alma-Francis Heiliger, you're recognized for your point of information. Well, technically you are not wrong. is my middle name my name is alma that's true that's true that's true you're still you're still in the ballpark um while we are attempting and i speak for myself um as a representative in here and while while i'm getting this message as if though r3 is predominantly residential there's a whole list of commercial items that could be built on R3 a lot it's not a little bit from community centers medical clinics I could go down apparel and accessory retail art galleries automobile and motorcycle rentals babysitting bureaus cafeterias It's a lot of things that could still be built on R3. Drugs and proprietary retail, delicatessens, floral shops, jewelry shops, liquor shops. This is not limited to just residential. R3 has a lot of things you could still put on that property. And we cannot sit here and attempt to make the public believe, oh it's no big deal we could just go to R3 why can't we if you want to go to R3 fine but put in the document that it's limited to housing why is that a battle in here when the whole discussion we have in today is we want more housing why can't we just put in there that it's limited to housing and stop telling the public that R3 is a better option when I even night clubs is under r3 we have to stop it thank you very much mr chair thank you very much senator
- 1:23:36 alma francis heidegger senator kenneth gittins you're recognized for your point of information please ladies and gentlemen clapping isn't allowed you may proceed senator gittins thank you mr chair and i want to remind everyone where we're at So, you could refrain from the clapping. I just sat here and spoke about safeguards to put into the bill. And I'm gonna use a word that my mom always tell me don't use. And that's the word hate. And I hate for my back to feel like it's up against the wall.
- 1:24:27 every time there's a project proposal for St. Croix there always seemed to be some pushback and I am not one of the 15 to ever talk about St. Croix versus St. Thomas St. Thomas versus St. Croix my mother was from St. Thomas my father was from St. Croix this nonsense must stop now I had to look back because I'm asking myself how do we achieve progress without change how in the world do we do it I look back here and I remember the majority of my colleagues in this same body previously voted on a rezone of an area on the island of St. John a majority of the members in this same body voted took place a bar directly next to a senior assisted living facility if we were able or I should say if they were able to support such a movement such a decision then why we can't have the same approach the same approach to make such a decision with some willingness to see some progress on St. Croix.
- 1:25:53 At some point, we must strike a balance. I am really sick and tired of this because every time it comes to St. Croix, this is what we get. A back and forth, back and forth. You know what we often do on St. Croix? You know what we often do? When it comes to a St. Thomas project, we said you know what we're gonna allow our St Thomas colleagues to take the lead on this let's see where we go but no my gosh we just spoke about the safeguards I did say that in addition to the residential portion that it also gives some hospitality uses and I listed a number of areas as well so why are we going back and forth i'm asking you colleagues let's give st croix a chance to progress please that's all i ask let's approach this with the same zest zeal whatever you want to call it to see some kind of progress for the island district of st croix thank you mr. chair point of information all right now hold hold your point of information the senator heiliger we're gonna move on senator hubert frederick you're recognized for your four minutes thank you very much mr. chair pleasant good afternoon everyone again listening and viewing audience testifiers and my office central staff. I'm happy that I'm getting more information about this than I had originally read and researched. I saw a veto bill that came since then. That was nice. I didn't know about that. So this property has been around for a while. Mr. and Ms. Bay, Can you please tell me sir? What is it was what was your original intent when you purchased this property?
- 1:28:01 Well, what did you have in mind? My intention is was to rezone it and put a shopping mall on it and put other residential as well But after discovering seeing so many vacancy on the island of st. Croix, it didn't make any sense to do any shopping mall So that's why I just switched my plan just strictly residential. Okay. All right Dr. Dower, how long have you lived in in that area? Yeah. I've lived there since 2013. And would you say your property value, would it be impacted positively or negatively if we add more housing? If you add more housing and the appropriate housing, probably values

could go up. It really depends on what's there. Okay. So we're adding but 24 units potentially 24 units we have no real idea of what the design is that could bring property values up or down I just don't know if that's the question is well I could see where we could coexist I don't think this is a situation where we can't come to a common ground here there's something that the community doesn't want that particular community you don't want something I know one is the roadway because there's only one road that I saw when one of the exhibit that you presented one road so that's gonna be impacted mr. McBee well I'm willing to compromise as well not using that road I can divert that road in another part of the property which is will be between the church and the beast in hell gym good so then that helps a whole lot with the traffic congestion right correct okay say all right dr downward the road is taken care of now does that help that certainly improve i'm sorry that certainly improves the circumstance you know ultimately i'm i i think WE'RE ALL ON BOARD FOR A COMPROMISE. I THINK R3 ZONING, IF IT WAS TO GO THAT WAY,

1:30:10 THAT WAS LIMITED TO HOUSING, WHICH IS THE ENTIRE INTENT OF MR ATAMISPE, I DON'T WANT TO SPEAK FOR HIM, BUT HE'S SAYING, WOULD BE SOMETHING I THINK THE COMMUNITY COULD GET BEHIND IN PERPETUITY WITH THE LAND, WITH THOSE RESTRICTIONS. THEN I WOULD COME TO DPNR. IS THERE ANYWHERE WE COULD find a pathway to merge these two because I see compromise I see something happening here is there any way DPNR could help define a path one minute yes senator compromise is able I just want to put on the record the department we are supposed to be the advocate for the comp plan so we do have the position that there's current mechanisms available but as the code states the legislature can act as they um deem appropriate so compromise is a is possible and the reason why i spoke this way is because trust me i know i i have properties and if someone decided to put a bar in front of my property my single family dwelling where i have a family i would be very upset it would make me feel like my children are unsafe and that my investment now is going to lose value so this is a legitimate concern people have i i don't blame the residents to be concerned they need some clarity so mr mcbeth you yeah i want to add some clarity yeah even to me to make it much more clear i'm willing to compromise no bars no clubs all right thank you very much mr chair i think we're making progress thank you very much senator frederick senator carla joseph you're recognized for your four minutes thank you so much mr chairman a pleasant good afternoon again to everyone i do have some concerns um and i always because i know i guess a little bit i'm not the expert in it but i understand how the comprehensive land and water use plan should have been done i mean we passed the act um the bill but you're supposed to have a map and a light to show where various zonings or is going to be applicable that is not the case we have not seen that and the

1:32:47 legislature has within its authority to pass laws notwithstanding that terminology to rezone those areas that's what that in in our purview and right so So, I want to ask you, Mr. Misbah, would you be amenable to a variance? No.

1:33:16 And why not? The variance, I'm going to tell you, most of these, because of what I just said, with the rezoning, and it is spot zoning, variances hold the applicant foot to the fire. that they could be accountable they cannot construct anything outside of that variance uh miss laplace am i speaking correctly whatever we have as and we put in for a use of this property that is what they are limited uh to use the property for well with this particular property you'd also have to include the density along with the use because the the use is residential which is already allowed what you're looking at is density okay now we're looking at density and with our R3 zoning what is the height of the buildings the R3 is allowed six stories six stories so I don't know I knew it was six stories I don't know if everyone is aware of that that you can go up that height miss dr. Daward with that impact you or your neighbors way there they live because that's another factor I don't know if it was discussed or contemplated no I was not specifically aware of that and i think that's that's a critical issue and and also if we were to uh we're also concerned about the nature of what's being built and how it's built we would want concrete structures that could withstand hurricanes um and we would want we would want to have that kind of um reassurances okay uh mr misba you wanted to comment i can compromise

1:35:19 that we're not going to put more than three-story building height okay but you see you could say that you could say that and that's why i like variances you can say that today that you're not going to put any more than three height three stories but with a r3 by a matter of right once we rezone this if we do you can do it there's nothing that is going to prevent you from doing it we will have to clearly spell it out in the legislation and that again is a spot zoning which is is non-conforming to uh the ccm plan and that's my concern um we constantly are doing these rezoning knowing that it is not conforming to the ccm plan um that was passed i i just have one final question mr chairman if i may be allowed to do so you may wrap up senator thank you so kindly mr misba i want to see you do this project because we do have a need here for housing we do have that need what would you look at as far as addressing with some guardrails we already have the road we already having the stories no bars no restaurants what other items can we look at as far as the density of the project because how many acres are you going are you looking to develop with the the number of units you have here for 24 is 24 units clustered yeah so yes senator thank you so much I do believe that mr.

- 1:37:24 Mesa Bay has demonstrated a willingness to compromise and to work with the body as well as the residents to arrive at a happy medium but I don't I would not advise him to make further concessions on the record until such time that we evaluate everything but definitely there is a willingness to sit and have discussions and compromise to the best extent possible okay thank you so much for that response. I still would prefer the variance. Thank you. Can I say something about the variance, Senate? On the chair's time. Yes, you may. So with the variance as Ms. Laplace indicated, you're still going to be bound by whatever the previous, the actual zone requirements are. When we're talking about zoning, it's not just actually land use allowance as Ms. Laplace indicated you have design criteria and density criteria that you also have to consider as well when you think in terms of your actual design specifications. So it is beyond the actual land allowance. That is why the variance would present some degree of a challenge.
- 1:38:48 Thank you very much. Senator Marvin Blyton, I know you have a flight to catch. You may I proceed with your four minutes. Thank you so much, Mr. Sheehan. I appreciate it much. Good afternoon again to the testifier. Mr. Meisby, in respect to your zoning requests, I see we went from what you want at first, we went on three steps and you're still willing to compromise and I respect that. I think it's important though, based on what Ms. Bond just said, I was gonna say the same thing also, I would not go for variance also. You can, for instance, if it passes that we have those units and we want to put our laundry full of residents, I think that's good. That's a good thing, in my opinion. I think it's a good thing. So, but my point is compromise is always a good thing. And I see that we can make a compromise in terms of what we want to accomplish in terms of the goal. When it comes to development, I'm all for development. When it comes to housing, I'm all for housing. And I think that there's an opportunity here that we can accomplish both without basically offending those individuals that live in the area. Based on the rendering, unlike what I see, I see an opportunity for us to actually make young Virgin Islanders, homeowners, others renters, because we do have a housing crisis at this time. And it's a fact. And I believe that once these homes are built, we can actually satisfy those individuals in terms of their needs. I must say though that it's kind of hard for me, other Virgin Islander, and being in a space for some time in terms of housing for over 40 years,
- 1:40:49 40 plus years whereas when you're trying to accomplish a goal of assisting someone with a place to lay their head a place to have discussions with their family a place where many decisions are made most important decisions are made and the difficulties especially in such a small territory with such small land space you know the difficulty the challenges but it comes along with what we're trying to accomplish and I do appreciate DPNR's stance and what they do because it's not easy but at the same time there are ways to get things done and we here our senators can also have an impact in terms of the R3 he has stated something he's willing to compromise we can put it in the language and other the concerns we can put in a language that where we accomplish the goal of building homes for those individuals you get your needs met he gets his need met meet and we all move forward it's simple it's not difficult and I see that the way we need to move forward and right now my staff is listening and they are actually taking notes we are going to put in a language to address some of those wants and some of those needs so I don't see us not accomplishing a goal we can't vote today we are not going to vote today we don't vote in a community of the whole but at the same time we have we have debates we have dialogue and we come to some type of compromise and we can actually add the language to the bill so if we are seriously wanted to make progress and move forward and saying yes we want to help but we don't want this we don't want that fine let's have we are having a discussion we're taking our notes and gonna do what we gotta do to accomplish that that um goal so i am i'm willing to work with both sides
- 1:42:50 to see what we can accomplish but at the end of the day we must again we must provide housing rental units whatever you want to call it workforce housing and other type of housing for our people to actually exist and drive thank you so much mr chair for the time i really appreciate it i gotta i gotta go fly tickets thank you thank you very much senator blyden senator nova francis you're recognized for your four minutes uh thank you very much mr chairman and good afternoon to everyone um this this is a very important discussion here today because we do in fact have a level of of a crisis housing crisis here on st croix and we could see it as we traverse these islands in terms of the level of homelessness You know, we have families that continue to be impacted by the lack of the housing stock that we have here on St. Croix. But believe it or not, every time we have these major developments, we always find ourselves in some kind of a controversy. You wouldn't believe the education complex was a controversial discussion because, again, they were utilizing agricultural land to construct the education complex.
- 1:44:03 The Virgin Islands National Guard was an issue because, again, they were utilizing agricultural land to establish the Virgin Islands National Guard. So we all find ourselves in this juncture, and I'm hoping that today that this discussion would amount to a level of some compromise because we all have to really coexist here on St. Croix. I wanted to ask you, first of all, Leah Alplaz, Matthew, what was the recommendation made by DPNR to the developer in regards to what would be the best approach to be able to handle this development?

- 1:44:42 So over the years, we have discussed the different options to the applicant, detailing the process, the group dwelling process that stays entirely within DPNR, could be done within say three to six months the plan area development which we have had successfully implemented on St. Thomas that's another process that takes about three plus months because it involves the legislature the rezoning it's a process go through DPNR and the legislature three plus months there's no guarantee to the request so we do lay out all the options to the applicant but But ultimately, they are the one to choose which option they wish to take.
- 1:45:25 But the Department, because we now have the comprehensive water use plan, we do have to advocate and follow its recommendations based on what the people of the VI stated that they want done. Thank you. And Dr. Dawood, I know that you have spoken to the fact that you don't oppose housing development in that community. been the discussion with you and the association or the neighbors in that area in terms of what will be the compromise what is it that you're expecting to see there you don't want anything at all there or what what is it that you really want to to see happen there i mean i think what ultimately all of the neighbors if i was to speak is that it stay r1 that we all thought we were going to be in i know we're in a different area of the conversation uh in regards to that but I think that's the baseline expectation. I know we've been saying the developers made all these compromises, but really the baseline is he bought into an area that was zoned a particular area, and then he had a bunch of great ideas. And if we can all do that, why shouldn't that option be open to all Virgin Islanders to indiscriminately change what they want to be?
- 1:46:33 Well, the option is available to all Virgin Islanders. It's not selective. I mean, the option that's available, again, this is a process by which you're able to move that. It is available to all, but I'm saying, what is the compromise that have been discussed that you believe that you could be settled with? Because this body certainly could be in a position where we set conditions. We have had instances where we establish, you know, what is R3 or whatever, and, you know, make zoning changes and ensure that there's conditions established that meets the needs of the community as well.
- 1:47:04 I'm not sure if I'm in a position to give all the stipulations today at this moment. What I think would be appropriate is for this to go back to DPNR so we can carve that out and bring it back to this body. So you believe that the residents are the ones that should ultimately just make the decision, final decision of what's going to be allowed there, or there will be a fair compromise in terms of discussion? I think that would allow for a fair compromise because what we've had so far is a request to change from R1 to commercial. We had a complete change of the neighborhood with the initial intent of a medical building and a shopping center and housing, and then it's been scaled back to housing, but still with a desire for commercial zoning on the belief that that would improve financing. And now we're heading back in a direction that I think everyone can possibly get on board, but I don't know if we can iron that all out here today. And if I had all of the facts in front of me, because I only have conceptual drawings based on what Mr. Mispay has provided, I'm not in a position to state that to you today.
- 1:48:13 But in all fairness, the process has been, what, four years, at least three or four years that there's been a discussion in respect to this. So, you know, what would have been that discussion in terms of what would be adequate, what would be acceptable? Anything? Yeah, I agree. I was not aware that this was going to be coming, it was an issue four years ago, it just popped up again in February, and now we're having this conversation today. So I wasn't aware that it was going to arise. Once again, I still have conceptual drawings, and I appreciate you trying to drill down what we could figure out today, but I don't feel like I'm in a position to adequately give you that information. And I think the pathway of collectively getting together and bringing it back in a way that But I know the community would be a bit more receptive, as we all know that there's a housing need. Another thing also is I don't understand why we can't go through the standard processes that DPNR has stipulated as the appropriate pathways.
- 1:49:12 That seems to be lost in this conversation today, except for by a few senators. Ms. Barnes. Senator, thank you. I do believe that it is absolutely clear, as was stated, that there is just a desire for the area to remain R1, notwithstanding the changing demographics and the change in needs of this territory. So again, it is just a desire to stymie progress and to have things remain as they are, as they should ever be. Not considering that there is, again, a change in demographic and change in needs in this territory. The Comprehensive Land and Water Use Plan is a framework. It is a policy framework that requires significant work to make it an effective development tool. And we're not there yet, as was clearly stated. And again, if the residents truly had a desire for compromise and participatory discourse, then recommendations should have been made beyond the planned area development, which in and of itself inherently can be further stymied by the residents as well. So again, it is just a mechanism institutionalized to keep seemingly marginalized individuals marginalized.
- 1:50:48 And thank you for your advocacy. I must say, obviously, I served in the 33rd OT when you brought back up the issue of the comprehensive land and water use plan. And we're finally able to get that done in the 35th. But is it a fact that all our focus should be right now is in terms of the three or four acres uh that needs to be developed is that the position of of the

developer at this time or are you still um you know you there's a need for us to be able to discuss the whole um 14.9 or 15 acres of land what is the what is what is the goal for today's discussion discussion is to develop the three acres and to move on to develop more as we finish the 24 units which means that you'll have to come back to this body if there's some decision or some compromise that's made for the three or four acres um then you'll come back that's what you're saying yeah i guess yeah no and how close based on the three acres dr delwood how how close is this three four acres to your property this lies directly adjacent and per his drawing it would be right up against my property actually and i would also just like to also point out because miss Barnes says there's been no attempt for the community to communicate with Mr. Misbah and that is completely inaccurate.

1:52:06 There's no other way for us to, we had no idea that he was going to bring this issue up again and there's no way to really communicate with him outside of the process of DPNR and this hearing today. That is so incorrect. I'm not going to, one of the things I will not do is engage in a back and forth with a native Virgin Islander. I will not fall into that trap. But what I would say is that when you are truly concerned about public participation, you do not call a town meeting at an exclusive tennis club. When we call town meetings, town hall meetings, it's in schools, it's in Kanigata ballpark, it's where the public truly can access and truly participate. So if the intent is true participation, we're not having town hall meetings at exclusive tennis clubs. And Mr. Misabe is accessible, and everyone knows that Mr. Misabe is a client of mine, and I am truly available in terms of how to get in contact with me. I was emailed at 5 a.m. by someone from the Beeston Hill community asking me, went to my website at 5 a.m., looked at my company motto and basically used that and asked me if I kept green leaves green for just right trucking. So I had to refer that to the FBI. so if they can make contact with me for that they can make contact to have a discussion regarding a compromise very well i think my time i've been called um mr chair so i'll go ahead and conclude

1:53:56 here i'll just ask again um the uh the representative from dpnr what's your position in respect to the recommendation of the r3 with guardrails is that something that you could work with support or you need some additional time to consider that we can get behind the compromise we'll need further information more further analysis but we can't we will be open to compromise and senator if I may and contact was made with mr. Misbe asking him to name his price to sell the property so they have made contact with him. Thank you very much. Point of information. Senator Alma Francis Heiliger, you recognize your point of information.

1:54:48 Thank you very much, Mr. Chair. I wanted to make sure put something on the record. One of the things that I notice here with us is that if other senators have varying opinions, we attempt to divide and I honestly when I first came into the institution in 2021 this Beeston Hill issue was before me and I was a hundred percent against I was a full no when it came up again I was a no this is the first time since this has been before me I have been willing because it was supposed to be limited to housing I said if it is limited to housing I will support it. So I don't want the record to show that I am against anything for St. Croix. What I am attempting to do is to make sure that there's a happy medium for the residents that are there as well as the potential homeowners that could be purchasing or living in these residences. And if we have to get to a point that I have to limit my mentality, because some of my colleagues believe that because they reside on an island and I don't, I will never acquiesce to that. I am a duly elected official. I have the right to research and investigate every decision I make. And I will never give up my right to vote on anything or acquiesce any thought process because you choose to divide this entire territory thank you very much mr chair and have a blessed day thank you very much senator alma francis

1:56:38 heiliger senator avery lewis you recognize for your four minutes thank you mr chairman good afternoon colleagues good afternoon testifiers sorry okay okay no problem no no go ahead man go i'll come back i apologize clifford joseph you're recognized for your four minutes thank you mr cheer and good afternoon again to everybody here in the room good afternoon to the boys and others and And the listening public, as you can hear my voice, good afternoon to everyone.

1:57:20 First of all, Mr. Misbe, I must say thank you for investing in St. Croix. The reason I'm saying that is because people make money here and invest the money elsewhere. So thank you, at least, for giving St. Croix the chance. You have this. We have a... We're going to work on a medium. I'm listening to the lady for DPNR, so I'm going to go to her and ask her a question now. As far as the comprehensive water use plan, what does it call for that area?

1:57:54 Senator, I think what's important to note is the comprehensive plan process. So first, you come up with your guidelines. Your community votes on what they want to see as the future of the VI. We've done that step. The next step is then moving on to future land use mapping. We have not reached that step. So right now we don't know what the public truly wants for that area, but we right now have the policy guidelines and one of them is no spot zoning. Maybe with time, as we get staffing and funding, we can do, as I previously mentioned in the previous blocks, mass rezonings, analysis of the estates that over the years we've seen need changes and confirming, you know, with the public what changes they want.

- 1:58:46 I'm listening to you talking about with time, but this situation is in front of us now. So, I mean, being short of employee and everything else, it sounds good on the record, but really, Every homeowner wants to know where we're going. The investor wants to know where we're going. So we have to concentrate on now. So with some, I know for sure he can't be in a B2 because I don't think he could build the type of structure he wants to build. So right now, I'm in R2, R2, let me come off of the B because we're already off of the B for today. We ain't no more B.
- 1:59:28 We in the R zone now. So we can't go down to R2 because he wouldn't be able to build what he wants to build. That's a true factor or not? No, Senator. The current zoning R1 does allow for the proposed development. He would have to either apply for a group dwelling or plan area development. They, however, want to compromise with a rezoning to an R3, which, as stated, we would be able to compromise. We would just need greater analysis. One minute.
- 1:59:58 So you'll be waiting on us to make that decision as a body? Yes, Senator. Okay. As far as, again, we're here today. So, okay, you say in a one here you would have been able to do it. So in a two here you would have been able to do it as well? You can do it in an R2 as well. Using the group dwelling or the plan area development processes. So, it's not a matter of rights then?
- 2:00:33 It is a matter of rights because those are permitting processes. All right, thank you for your response. So for right now, you're already willing to cut a new road, so the traffic will go away as far as what they were worrying about. Correct, yes. that's one of the biggest issues you had with this project yes okay so how soon after this process you're willing to start well as soon as we get the permits we're ready to start okay good okay yeah because the permit will take care of the road and everything else okay Thank you, Mr. Chair, and thank you guys for the response.
- 2:01:22 Thank you very much, Senator Clifford A. Joseph. Senator Angel Bolquez, you are recognized for your point of information. Thank you so much, Mr. Chair. In relation to the previous senator's question in relation to the road, if you can just kindly place on the record where exactly do you plan to cut the new road? road because um i know that the gymnasium area is in a i don't know if it's in that area but it may cause some congestion but i'm just curious to know exactly where you plan well we have an easement of 30 feet between the gym and between the gym and the church okay is is there any flexibility to maybe why not the bypass yeah that's that's optional that's optional yeah okay because I'm because we have about about 1500 feet on the main road so we can cut a shift lane to go into the property okay okay but then again the traffic study would be after this rezoning then we figure out where would be the best place okay thank you Mr. Chair thank you Senator Angel Bulquez Senator Avery Lewis you're recognized for your four minutes thank you Mr. Chairman and again good afternoon to everyone viewing and listening audience dr door i think we we heard a lot today and you know you say you're basically speaking on behalf of you and what you would like to see in the neighborhood as well and rightfully you have some say you should have some say in the matter any of the compromises uh you heard on the far left to you uh you are amenable to well i'd like to piggyback on what senator joseph brought up whether you did it directly or indirectly the pathway forward already exists in the
- 2:03:13 current zoning i'm still unclear why we need to change the zoning to accomplish the same goal of housing that's available already to the developer i also would like to piggyback on a few things. Ms. Barnes, good afternoon. I saw your application to DPNR that they said that they need to construct and build townhouses for both rental and sale. Do you plan to sell at some point in time or you want to elaborate on that for me? Yes, Senator, there's a desire for both short-term rental, regular rental, and sales as well. Again, that's the general business model that was presented, correct.
- 2:04:07 Do you want to talk a little bit about the type of structures we plan to build? I will let Mr. Misbe elaborate on that, if that's okay. Yeah, most of the structure is going to be concrete, with concrete roofs. Oh, concrete with concrete roofs. Correct. Okay, great. And energy efficient? We might put solar system on them. Okay. And the reason we're going concrete is because I don't want to buy hurricane insurance. You know, one of the things I've been pondering, I've received a lot of emails. Some in favor, some not in favor. and you know I'd like to always come to some kind of happy medium some kind of in between like okay it's not going to be a win-win but it can be a better pill to swallow and both sides won't walk away saying what at least we didn't win everything but we got something and you know I hear Mr.
- 2:05:07 Misbe and I'm just going to be honest when we walk through those double doors and the legislature to make the decision a lot of other things will happen so I you know for today I don't control what happened in here and I could control my vote now I know for a fact because they've been in meetings and we've been hearing we have about 24 billion dollars to spend summer started over here you all started at no school or the school name I'm afraid of they're afraid Andrews what's in sorry what's in in the school Arthur Richards the Arthur Richards and you know more contractors are coming in we start in the Donna Christiansen health center more things coming so we need place for people to stay I get it some people would like their neighborhood to remain within a sort of fabric but we have individuals who buy the land and they want to improve on their land so they come before us they come before DPR and DPR and I say well I don't have the last say the legislature have the last say a correct so far Ms. Laplace correct senator so here we are to make a decision we're

up to B3 we went to B2 now we're down to our three and it's still in sound like a hearing like we have a compromise I don't know like dr. Dower after tonight you have a meeting go Wednesday this body gonna make a decision one way or the other Wednesday God's willing this body gonna make a decision so tell me no tell you now what

2:06:55 What are you looking forward to? What would be the medium, at least on your end? Because you say you don't speak, you can't speak for everyone, at least on your end. I can't speak for everyone and I feel like I don't have enough information in front of you, in front of me. I mean, what the compromise would be for me is if the land stays housing. If that's what we want to do for that, it should be limited to housing. And that seems like a reasonable compromise. It seems like that's what the developer wants and that's what the community wants. but he said that's what they're putting up housing correct but you're just not comfortable with it being r3 i i think if it's going to be r3 it should be limited to housing because we just heard how many different things can can can uh that you can uh put up with r3 you also heard us say that we could put things in there to to bar him from doing those other things you heard my colleague talk about no no gas stations no bars no tavern no nightclubs outdoor music entertainment are permitted those things that as a body we could make amendments and put in there I still wouldn't be comfortable if I could go through the list and check off the things that I don't think would be a pro I mean I'm just saying I'm just not in a position right to tell you what would be great I in the most general terms housing would be something that I'm happy with if that's the intent of the developer we're on the same page Dr. Dawood I know the people have elected us to do a job and such we're going to lead we're going to go through the list and check off and we're going to make a decision thank you

2:08:40 thank you mr chairman thank you very much senator avery lewis senator i clearly clearly in a community as small really and as interconnected as ours i don't think we can afford to become so completely entrenched in our position I think that it is and that's not that's just in general I think that it is important for us to try to find a level of compromise that we can all live with clearly no side is going to get everything that they desire so I don't think that it's realistic to envision a laundry list of 500 things that we're gonna say this person cannot do it's not realistic there is going to have to be some level of give-and-take and compromise that's just how it is you're not going to get everything that you desire that I have never met Mr. Misbe before but I seems to me that there is a willingness to move because originally he came in with a B2 that is what he was seeking so I don't know if there is if we're acknowledging that there is an attempt to move and to compromise or to acknowledge some of the legitimate concerns of the homeowners and at least from this senator's perspective what I am absorbing what I have observed from the beginning of the discussion was a

2:10:48 willingness to move off of what was a I think a legit a position that legitimately would create a level of concern what am I going to be getting ultimately what's going to happen to my space of sanctuary that I have been living in for the last 10 years now the whole quality and character of the area is in jeopardy it is a legitimate concern that homeowners have but I'm saying the climate the you know just the whole reality of the Virgin Islands has changed somewhat we're at a space right now where we need workforce housing affordable housing for children or affordable housing for visitors this is an attempt to accomplish that and that you are legitimately saying I would like to have some parameters to make sure that this isn't just a total free-for-all where my the quality and character of the place that I've been living in just changes so it's saying we're trying to achieve some level of compromise right and in compromise no side gets exactly everything that they desire that's just my thoughts and I said that before I'm gonna give you a chance to yes I'm sorry I hate to beat a dead horse it's really hard for me I understand I'm all compromise understanding what the need is if the goal is housing and you can do it in the current in the current zoning why is there a need for compromise I don't understand I just don't intellectually understand that if the

2:12:40 goal is to do more than that then I understand why we need to expand it and maybe go well we need to do more here St. Croix needs to grow we need commercial we need this this is the spot for the land we need to go go go go go but if the housing, the developers had four years with the recommendations from DPNR to go through three different pathways. The most sensible one is PAD, and he hasn't chosen that. He has never personally contacted me, ever. He hasn't spoken to anyone, and this issue just came up again. So I'm sorry to be a little bit, as a born Krujan who has gone through schools here in St. Dunstan's, my family is here. My grandmother would win first prize at that down at the agricultural fair. I am as crucial as it gets and to have finally been able to get a home that I want to keep for my children for forever and have invested the kind of money I have in this historic property that I am so proud to have. This is devastating for me. So I want to be cognizant of the fact that we need housing here but if this was to be ripped in in front of me and we've seen disasters like barren spot and the millennial mall and their countless other issues i would be only heartbroken but in just broken as a person to feel like i came back to my community and this is what it is because for me i i've kind of made the dream that i think you would want having grown up here So that's my impassioned, very real say to the legislature, and I hope this touches you guys, because this is important to me.

- 2:14:26 Thank you. Thank you very much. Senator Kenneth Gittins, you're recognized for your four minutes. Thank you, Mr. Chair. I must start by saying that the voting record in this institution speaks for itself and I will show again what I stated before that when it comes to St. Croix project, there's always some pushback. We're trying to find a medium here. progress requires change people it requires change my earlier point was not about division colleagues it was merely about fairness and an opportunity for St. Croix all of us sitting here regardless of where we're sitting have one goal that we're all agreeing on housing housing we have an opportunity before us the applicant through his representative have already said that that they will even agree to the R3 we as the voting body at session have already told you that if we go to the R3 we're willing to put in the safeguards
- 2:16:22 but what is really in my mind right now it just seems like y'all don't want him to do nothing with his property that is not an option at least he's going through the right process and I don't want to get in who is more crucial who a more conclusion and whatnot but just like how I know of you I know of him and his brothers and all of them who were born and raised and went to school right here too they probably just don't look like me and you but that has nothing to do with progress with progress comes change colleagues we have been discussing and we will discuss further again that the applicant through his representative is willing to go the other approach which preserves the residential character of the area while still helping us address the serious need for additional housing on St. Croix and also even addressing the concerns of the bordering neighbors we will put the safeguards it has been done before and we will be doing it because we hear your concerns but for the applicant not to have an opportunity to rezone his property is just not an option and I I am hopeful that you all will understand
- 2:18:25 that you have elected us to make the right decisions on behalf of the masses of this territory on behalf of the masses i served for some 21 years as a law enforcement officer here and i know one thing that i wasn't going to be able to do and again my mother who is not here i always have to think back and the things that she taught me and the things that she've said and that's that you are not going to be able to get everybody to agree with you time that said at the appropriate time on Wednesday which is session and prior to that we will have a discussion again and I am willing I've signed on I was preempted with the R3 rezoning however I've signed on with the other senators and I am willing to move forward with the R3 with the safeguards in place thank you mr.
- 2:19:28 Chair. Thank you very much Senator Kenneth Gittin, Senator Carla Joseph, recognized for your point of information. Thank you so much Mr. Chairman. I wanted to ask Ms. Laplace-Matthew. Ms. Laplace-Matthew, should this body consider the R3 zoning? Would the applicant still have the ability to do a subdivision? Yes senator it would be under our three okay provision and and how big would the lots uh be six thousand square foot is the minimum allowed six thousand square foot and they would have to come to department of planning and natural rezoning to actually put in um an application to subdivide we only handle applications where four or more parcels and or a road is being created okay he's mentioned that he's creating a road so there may be a road creating so would they come back to you for that yes senator okay um okay and would they so they wouldn't come back for the subdivision to you if they should get the r3 zoning if it is a subdivision that has four or more lots it would come back to dpnr for review okay thank you so much for the clarity thank you very much senator college a Joseph oh you don't have a point of information I wanted to ask so the bonds or mr. messi be about the original you originally saw the B2 zoning explain to us what was the rationale behind originally seeking a
- 2:21:19 be a b2 again senator it was we reviewed the code and b2 offered us to move forward with the development as a matter of right and so with that and with the allowances as it relates to design criteria, we were desired to move forward with that. Notwithstanding, as we evaluated R3, we found that it would be able to satisfy what we're trying to do as well in terms of the development. So the B2 would have given us broader allowances and flexibility. And so it was more desires of us to do it that way.
- 2:22:11 But notwithstanding, hearing the concerns, we figured that we would again provide a compromise with the R3. I wanted to ask you about DPNR's recommendation for the planned area development. And DPNR, the subject matter experts, Ms. Matthew and her team did their analysis and ran their Reviewed you know review the process and they determined that The best approach would be a planned area development, right? Is there an objection from? From from you for your client to do the planned area development Why or why not? I'm senator the plan area development again is is very upfront cost intense. You have to do significant amount of studies. There's a significant upfront cost with the planned area development. It's also extremely restrictive and there is no guarantee after all of these costs that you expend upfront for the various studies that you are going to get an approval. And so you have the cost consideration, you have the time consideration, you also also have the risk factor of, again, it being stymied by the very, quote-unquote, public sentiment, albeit from a select elite few of individuals. So again, the risk factor associated with going that route, the time constraints, the cost constraint, and we're also very mindful of the resource needs as it relates to planned area development and the

studies that's required we might say three months but I know for a fact the professionals who do many of these studies are in such high

2 : 24 : 13 demand now because we are in this rebuild USVI and the permitting and the NEPA clearances that are required it just was prohibitive on a myriad of levels and remains that way and if we've had had discussions with the residents would be able to explain these things to them okay the residents have the concerns it is not for us to reach out to them even though we had no problems with that we're available for discussions at any point in time okay you said one thing that I heard you say that you can dump a lot of money into a a PAD plan their development and you said that there is no guarantee that it will be approved at the end of the day is that what you know senator it's a permit so you will be granted you just have to do the studies upfront you have the public hearing with the neighbors you hear their concerns you make any changes to the plan so that you compromise then and then it comes to the legislature and the permit is approved by the legislature so it's a much more involved process a more lengthy it's more involved it's more predictable for the the community there's safeguards with the plan area development you have to develop as the approved plans by the legislature you have the two-year construction period that if the applicant does not do it it um expires or they have to come before the legislature if there's any changes that the applicant wants to make to the plan it has to go back before the legislature is it oh sorry hold your point just one second so the fact that

2 : 26 : 15 the legislature for example if the legislature were to I guess amend you know this to go along with your recommendation is that something that we can in your opinion legislate on Wednesday what do we have to say I you we provided language that says you are hereby granted whereas whatever you're granted therefore a planned area development is that something that would that be sort of a reverse process where it is granted by the party and then you have to I don't know retroactively yes senator so if you grant the plan area development we would then use the two-year period that the code gives the applicant to go back to get the studies done get the construction joints have public hearings but then issue them building permits so it is a much more upfront costly process for the developer and as far as time is concerned it's a much more drawn out it is more costly upfront whereas with the rezoning the cost comes after it because they would still have to do those studies and all of that but it's more upfront okay so Thomas I'm senator miss Laplace is correct in that it is more of an upfront cost but one of the things that we also have to be mindful of design specifications you know this is going to

2 : 28 : 02 It requires design specifications up front, again, without the assurances that you're actually going to be able to move forward. So the way it's structured, it's like pre-permitting and doing all of the permitting requisites as prerequisites. So it definitely, it's more time involved, it's more cost involved, and there are risks involved as well because with the studies and with the public comment period, you then have to go back and address comments that come in in the public comment period, and it can be very much protracted. And we know that there are resource limitations. limitations in DPNR for such a planned area development process as well as resource limitations to get these studies done.

2 : 29 : 09 Thank you. Thank you for your response. I think we have, colleagues, any final burning questions before we wrap up? No? if not I want to just thank you very much presenters testifiers for being here today for offering a very thoughtful comments and testimony you know we're always in a tough position in trying to really be mindful and sensitive to what is happening on both sides that is the unique position that this body is in you know we aren't advocating for any one side we have to objectively hear the information understand the realities on the ground and then make an informed decision and that is exactly what we will do as I mentioned before no votes are taken in this committee of the whole meeting but I just would like to thank you for being here thank you for your presentations and I'm gonna get allow you all to put your wrap-up statement on the record when I start with miss Laplace I'll ask to go after the testifiers okay oh sure I just want to thank you for the opportunity to present I want to commend miss Laplace and her team. As the staff of DPNR go, I can definitely say that CCZP is a very efficient division. They are limited based on an antiquated zoning code that they have to make decisions within. So no fault of Ms. Laplace. She's working with a zoning code that dates back to 1972. And that is why, when I served as assistant commissioner, we worked on revisions to the zoning code, and I pray to God that they're adopted sooner rather than later. I want to also commend Dr. Doward. I don't know about his grandmother being at the ag fair, but I do know, back in the day, there was a booth in the village, Doward, Senator Gittens, you can remember, that's where everybody hung up because the food was good so if you're that downward kudos to you um in that regard um i do think it's unfortunate that the president of the beast and hill community did not come here to speak on behalf of the residents um they have been very active with editorials and the like, but instead Mr. Doward was brought before us. I think that was probably some sort of strategic decision on their end, however we see through that as well. As it relates to the comprehensive land and water use plan, nothing that is being proposed

2 : 32 : 20 as it relates to the R3 designation is in opposition to that plan the only thing that quote-unquote generically is being stated that is in opposition is that it is seemingly a spot zoning but in the classical definition of spot zoning it is not and if that is

the case everything that was done today contradicts and was in opposition to the Comprehensive Land and Water Use Plan because we had quote-unquote spot zoning occurring today. So I think it's important that we get the semantics correct. I think it's important that we get an understanding that the Comprehensive Land and Use Plan presented a framework and now we need to fill in the gaps with the appropriate zoning designations. And that has not been done. So who knows, Beeston Hill may end up all R3 one day. Who knows? Because again, it's based on the will of the people as it relates to what is populated in the map for the comprehensive land and water use plan. My client, Mr. Atta Misbe, has demonstrated a willingness to compromise, a willingness to make concessions and at the end of the day he has a vision to address the housing crisis here on St. Croix to address the change in demographics on St. Croix so I would like to thank you senators for the time the opportunity to put our position on the record and look forward to providing on further input if it is so deemed necessary thank you once again thank you very much

2:34:10 Senator Barnes, Dr. Doward, you may present your conclusion. I want to thank all the senators for their insights, for their willingness to hear what the residents think. I also would like to thank Ms. Laplace for her steadfast ability to stick with the rules and regulations of DPNR. and I appreciate her knowledge base I would also like to acknowledge Miss Barnes as a wonderful paid advocate for Mr. Miss Bay at its core this decision is not simply about one property or one development it's about whether or not the planning framework what the legislature recently adopted will guide development decisions across the territory or whether exceptions will be made when circumstances become convenient. I just want to end with this one quote from Olasi Davis's testimony which wasn't said today but he did submit it. Land in the Virgin Islands has always required discipline. Our hillsides are fragile. Our drainage basins are real. Our history shows what happens when planning gives way to speculation once commercial precedent is set within a residential corridor it does not reverse itself thank you very much thank you very much Dr. Daward regarding Olasi Davis testimony it was shared with every member of the body and it was also placed on a public drive so that

2:36:00 information in its entirety is available and was shared with every member of the body so so Plaza almost finished without you thank you so I just want to place on the record that the department we are the holders of the comprehensive land and water use plan we've heard the people of the VI over the years pushing asking for this push to have the comprehensive land and water use plan we worked very hard it was adopted we thank you all senators and so we are working it is a big project it is not something that's going to change our zoning overnight right now we're working on zoning code amendments and the amendments Miss Barnes mentioned earlier those are being looked at to ensure that they are in compliance with our adopted comprehensive land and water use plan so updates are being made to that 2014 amendment document it'll be going to public hearing for the public's review and it's going to be a year by year process to implement everything that is in the comprehensive land and water use plan it's a 200 page document lots of strategies goals policies yes it's a lot but the department is working every division within dpnr has a part to play every government agency has a part to play so i just want to remind the public this is not a plan that is sitting on the shelf you may not be hearing anything right now because we are working in the background but as time goes by you will be hearing updates as we come out you know with what's ready for public comment also i want to let the public know that although our code is outdated there are current avenues to get development done many people are not familiar with them so i'm trying to inform applicants and let them know we have the group dwelling permit if you have r1 and r2 property and you have more than half an acre an acre you can get greater density the plan area development if you have at least five acres there's incentives within that that allows even more density it allows r3 height even if your property is zoned a1 a2 r1 r2 so there are current avenues and we are letting the public know because many people are not familiar with that thank you Thank you. Thank you very much, Ms. Laplace, Matthew, for really your steady and professional

2:38:32 leadership in the planning division at DPNR. I must say that. I must say that. Colleagues, the Committee of the Whole meeting for Monday, March 16, 2026 is hereby adjourned. Thank you. 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.

6x **Senator Alma Francis-Heyliger**

the surname alone also matches: Alma Francis Heiliger

heard in this transcript as: Alicia Alma-Francis Heiliger, Alma Francis Heiliger, Alma-Francis Heiliger, Heiliger

5x **Senator Kenneth L. Gittens**

heard in this transcript as: Gittens, Gittins, Kenneth Gittin, Kenneth Gittins

5x **Senator Marvin Blyden**
heard in this transcript as: Blyden, Blyton, Marvin Blyton

5x **Senator Milton E. Potter**
heard in this transcript as: Potter

4x **Senator Avery Lewis**
heard in this transcript as: Lewis

3x **Senator Angel L. Bolques, Jr.**
heard in this transcript as: Angel Bolquez, Angel Bulquez, Angel L. Bolques Jr.

2x **Governor Albert Bryan Jr**
heard in this transcript as: Bryant

2x **Senator Angel L. Bulkes Jr**
heard in this transcript as: Bulkev

2x **Senator Carla Joseph**

2x **Senator Clifford Joseph**
heard in this transcript as: Clifford A. Joseph

2x **Senator Dwayne DeGraff**
heard in this transcript as: DeGraff

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 8994 Act 8994 · June 4, 2025 · An act amending Official Zoning Map No. STZ-6 to establish a Planned Area Development on the R-2 zoned Parcels No. 4i Remainder and 4J Remainder Estate St. Joseph and Rosendahl, No. 4 Great Northside Quarter, St. Thomas

Referred to but not found in our acts corpus: Bill 36-0200