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Beeston Hill Rezoning Fight Heads to Senate Vote as Housing Push Collides With Neighborhood Opposition

Supporters say the project would address St. Croix's housing shortage and accuse opponents of economic elitism, while critics argue the request contradicts the Comprehensive Land and Water Use Plan and opens the door to broader uses.

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Concept design for the proposed 24 residential townhouses in Beeston Hill. By. DESIGN ENGINEERING VIA V.I. LEGISLATURE.

A rezoning request for land in Estate Beeston Hill on St. Croix is now in the hands of lawmakers, who must decide within days whether to approve a measure that supporters frame as a needed housing solution and opponents describe as an unnecessary break from established residential

zoning. The proposal has reopened a debate that blends housing demand, land-use policy, neighborhood opposition, and questions about whether existing law already provides a path for the planned development without changing the property's classification.

Bill 36-0200 came before the Legislature on Monday and seeks to rezone a portion of the Remainder of Estate Beeston Hill (South Portion), Matricular No. 6a, Company Quarter, St. Croix, from R-1, or Residential–Low Density, to B-2, or Business–Secondary/Neighborhood.

It is not the first time property owner Atta Misbeh has pursued a rezoning for the site. Four years ago, he proposed building a commercial center there, a plan that quickly drew opposition from neighboring property owners.

This time, Mr. Misbeh says he has scaled back his plans and now wants to build 24 residential townhouses, but he is still asking for a B-2 rezoning. Under that zoning category, the development would be allowed as a matter of right. Public opposition has persisted, and that was evident during Monday's Committee of the Whole meeting.



Property owner Atta Misbeh testified before lawmakers during Monday's hearing on the contested Beeston Hill rezoning request on St. Croix. (Credit: V.I. Legislature)

Speaking on behalf of the property owner, Alicia Barnes argued that the resistance to the project is not truly rooted in planning or environmental issues. According to Ms. Barnes, “this opposition is less about environmental concerns and more about economic elitism.” She told lawmakers that St. Croix is facing a housing shortage and said rezoning the property “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.”

Ms. Barnes, who served as the commissioner of DPNR between 2011-2014, and [more recently a lawmaker](#), said the current proposal is strictly residential and told lawmakers the developer is willing to compromise by accepting an R-3 designation instead. She described that option as a “reasonable compromise” that would prevent additional delays, “while addressing, hopefully, the concerns of surrounding residents.”

Among the issues raised by opponents, she acknowledged, is the absence of certain studies, including one examining traffic impact. Ms. Barnes said those matters and other concerns would be addressed through the “inherent and applicable permitting processes.”

She also told lawmakers that “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.” Addressing a large audience during the hearing, Ms. Barnes warned that “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.”

Her testimony came after the Department of Planning and Natural Resources asked lawmakers to reject the rezoning request.

Gail Pagan, a technical planner with DPNR, told senators that the department had received 39 formal letters of objection. She said the concerns expressed in those letters included the view that the opposition is “rooted in responsible development, not resistance to progress.” Other objectors argued that the proposed rezoning “contradicts the Comprehensive Land and Water Use Plan.” Some also raised concerns that the project’s “rental-heavy model may disqualify units from traditional mortgages, limiting affordability.” Questions were also raised about the access road, with some objectors believing that the privately owned road has an “unsafe blind spot.”

DPNR’s position is that the proposed medium-income housing project can still move forward under the current R-1 zoning if the developer seeks a subdivision group dwelling permit or a Planned Area Development, or PAD. Ms. Pagan asked lawmakers to deny the requested zoning change “be denied in favor of other tools available by law.”

Governor Albert Bryan Jr., however, recommended that the Legislature approve the B-2 rezoning, but only with strict conditions limiting the property to the proposed housing development. Ms. Pagan disclosed that under the governor’s recommendation, any future development would require legislative consent, and those restrictions would remain tied to the property “regardless of ownership.”

Ms. Pagan said that arrangement would be similar to a use variance, an option DPNR would be willing to accept. Mr. Misbeh later told lawmakers he did not support that approach.

Even though the property owner rejected that compromise, one of his neighbors embraced it. David Doward, who said he owns the adjacent Beeston Hill property, testified that he opposed the “unnecessary commercial rezoning of residential land when existing law already provides a clear path forward.”

Mr. Doward said he purchased his “historic” Beeston Hill 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.” He acknowledged that “this matter is personal to me,” but said it also “reflects broader questions about planning consistency, community stability, and long-term confidence in our zoning framework.”

Like DPNR, Mr. Doward pointed lawmakers back to the Comprehensive Land and Water Use Plan, which disapproves of spot zoning. That argument surfaced repeatedly during Monday’s meeting, even though earlier in the day lawmakers had considered three separate matters involving spot rezonings.

All 11 senators present during the hearing voiced support for the broader need for additional housing on St. Croix, but several expressed unease with both the original B-2 request and the later R-3 compromise.

Senator Alma Francis Heyliger was among them. She noted that R-3 would allow numerous uses beyond residential development. She suggested that the developer carve out 3 to 4 acres of the 15-acre property for the housing project, but said she could not support the request as presented. “Until this has a limitation for housing, I will not be supporting it,” she said.

Senator Angel Bolques Jr., by contrast, expressed optimism that the R-3 compromise could be approved. “This is not far-fetched today. This is not illegal. This is not out of compliance,” he said.

Mr. Doward returned to the microphone to raise concerns about R-3 as well, saying it “still opens the door to a lot of different things. It opens the door to mobile homes...” before trailing off. He also said he did not understand why a Planned Area Development was not being treated as an acceptable alternative.

Ms. Barnes rejected that suggestion, arguing that a Planned Area Development is effectively a form of spot zoning, the same type of practice DPNR and Mr. Doward oppose. “It is clear to the property owner that he is simply not welcome,” Ms. Barnes declared.

Some senators tried to bridge the divide.

“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,” said Senator Hubert Frederick, as he attempted to encourage compromise between the parties.

Senator Carla Joseph said she supported the use variance option because it would “hold the applicant foot to the fire so that they could be accountable.”

Senator Marvin Blyden said he did not favor the use variance route because it might complicate simple future improvements, such as adding a laundry room, but he also emphasized that “compromise is always a good thing.”

A longtime advocate for housing, Senator Blyden assured both sides that lawmakers would work toward a solution. He told those testifying that the Legislature would work with everyone involved “to do what we got to do to accomplish that goal.”

“There is going to have to be some level of give and take and compromise. That's just how it is,” Senate President Milton Potter said.

Still, Mr. Doward remained unconvinced. “If the goal is housing, and you can do it in the current zoning, why is there a need for compromise?” he asked.

Senator Kenneth Gittens closed out the discussion with a different view, making clear that he did not believe the property owner should be blocked from moving forward altogether. “It just seems like y'all don't want him to do nothing with his property. That is not an option,” he said. “At least he's going through the right process... We will put the safeguards... and we will be doing it because we hear your concerns,” he promised.

Lawmakers are set to decide the fate of Bill 36-0200 during Wednesday's legislative session.