



GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS

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DEPARTMENT OF PLANNING AND NATURAL RESOURCES

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Office of the Commissioner

Report by the Division of Comprehensive and Coastal Zone Planning on the Petition to Amend Official Zoning Map No. SCZ-12, Application No. ZAC-24-6

Petition of applicant, Virgin Islands Propane LLC, to amend Plot No. 8 Estate Cassava Garden, Queen Quarter, St. Croix with a use variance to the I-2 (Light Industry) zoning to operate the storage, retail, and wholesale of propane.

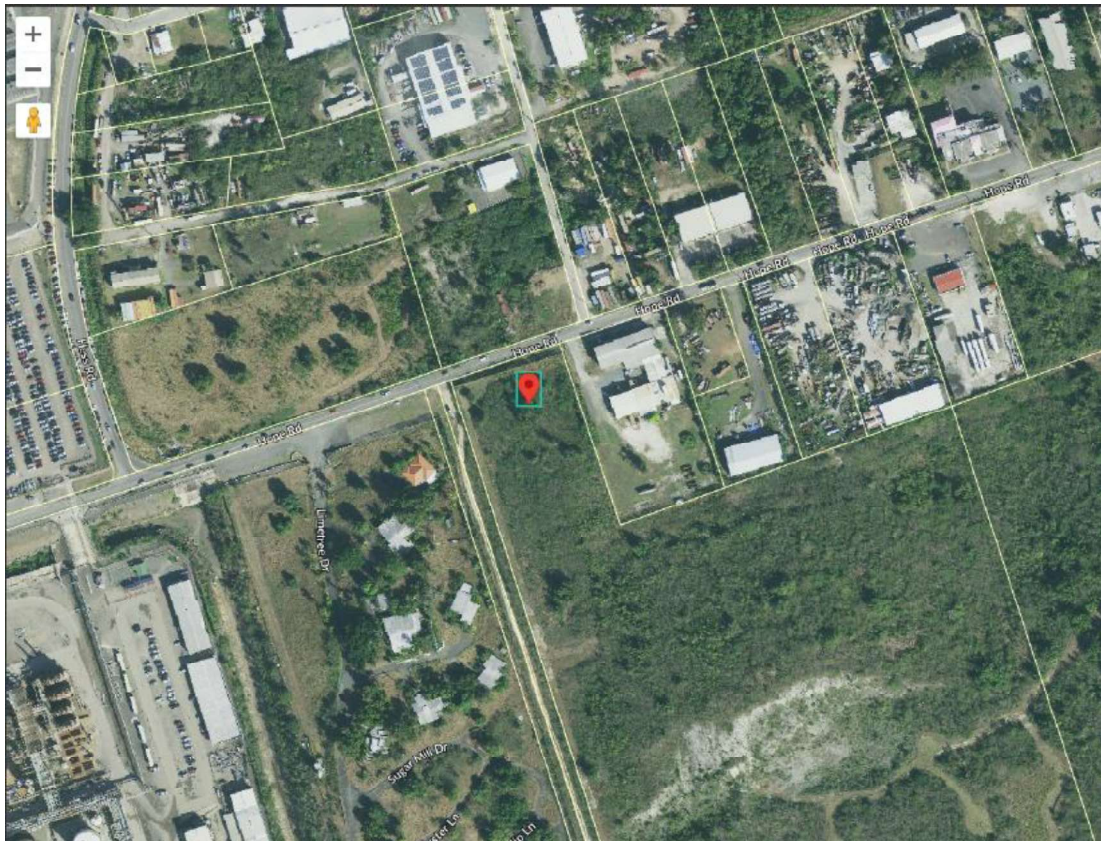


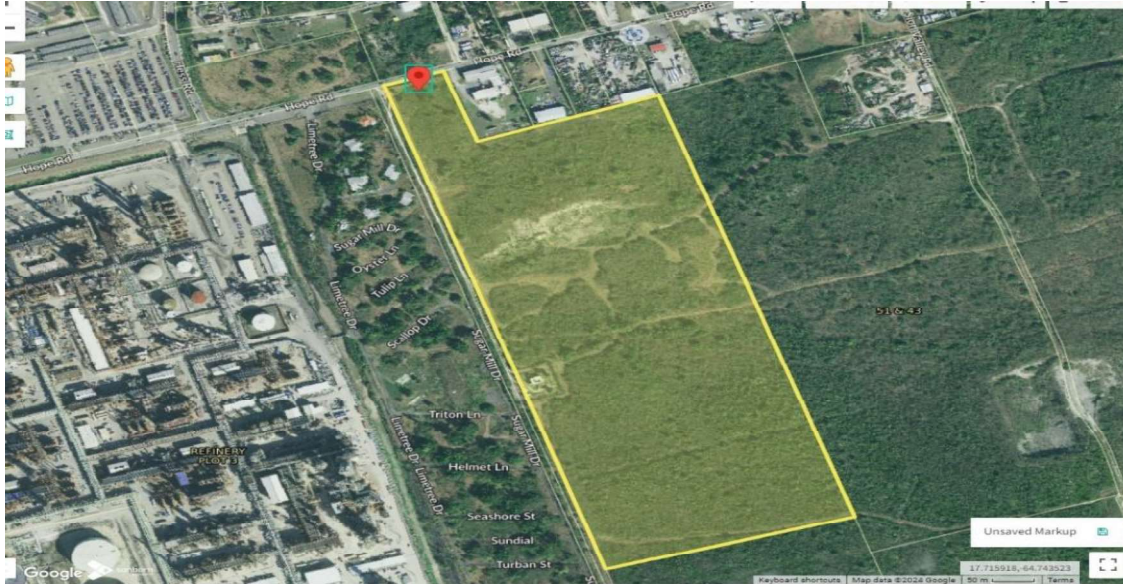
Photo of current site condition- undeveloped land

Property Owner(s): Government of the Virgin Islands as per Title and Encumbrance Certificate dated April 16, 2024.

Applicant Representative(s): Alicia Barnes, Consultant, and representatives of the applicant/lessee: Sirri Hamad and Atta Misbeh.

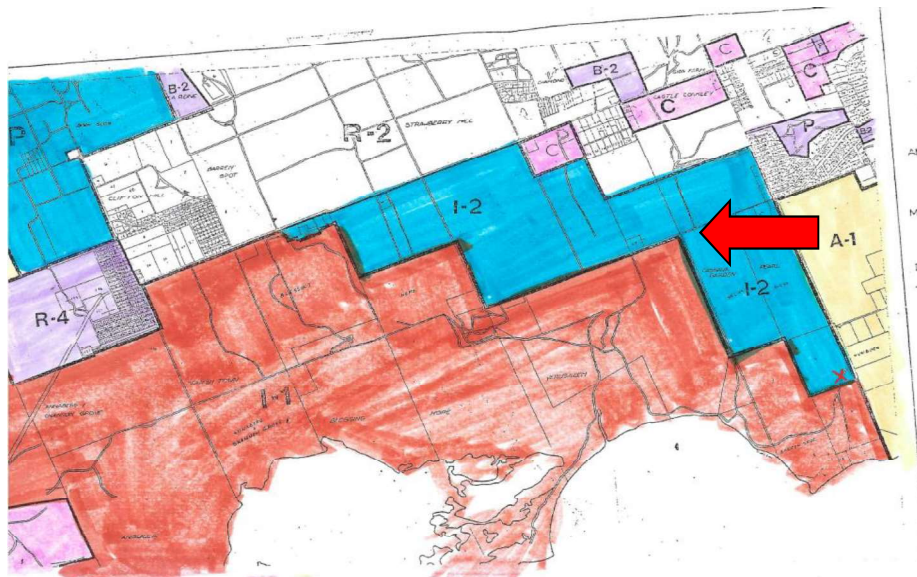
Acresage: 1.00 acres as described on survey drawing No. A9-162-C024.

Surrounding Uses and Zones: To the north is Hess/Hope Road and a mixed commercial/industrial area. To the east and west is mixed commercial/industrial and to the south is undeveloped land.



MapGeo aerial view of property (marked in red)

The surrounding area is zoned I-1 (Heavy Industry) and I-2 (Light Industry) with one rezoning granted. This rezoning was granted in 1976 for Plot Nos. 2 to 5 Est. Cassava Garden and 3, 3A, 9, 10, and 18 to 20 Est. Pearl from I-2 to I-1 by Act No. 3784.



Official Zoning Map No. SCZ-12 (property location indicated by red arrow)

Infrastructure: Water needs will be supplied by public water lines and wastewater handled by public sewer lines.

Other needed DPNR Division reviews: A Flora and Fauna Study and Phase I Cultural Resources Survey will need to be conducted and reviewed by the Divisions of Fish and Wildlife and Virgin Islands State Historic Preservation Office, respectively. The property will need to undergo the Coastal Zone Management (CZM) Tier 1 permitting process for future permitting which includes permit review by the Division of Environmental Protection.

Section 1.03 of the lease agreement specifies Plot No. 8 Est. Cassava Garden is subject to a Retained Easement between HOVENSA, LLC, its successors and assignees, and the Government of the Virgin Islands. The Retained Easement runs throughout the premises. HOVENSA, LLC, its successors, and assignees reserves the right of access to the premises for the purposes of utilizing the Air Sparging System in Est. Pearl; utilizing the existing monitoring wells throughout the premises; and installing any additional monitoring and/or recovery wells or remediation systems as may be required by the United States Environmental Protection Agency. The lessee (Virgin Islands Propane LLC) is required to comply with all applicable provisions of the Retained Easement.

An existing monitoring well (No. 621) is located within Plot No. 8 Est. Cassava Garden and the HOVENSA Environmental Response Trust routinely accesses Well 621 to comply with the requirements of the Resource Conservation and Recovery Act (RCRA) Hazardous Waste Permit No. VID980536080. Below is a diagram of the well's location and flagged photo. It is approximately 24 ft. in from the road.



Figure 1. Approximate Location of well 621

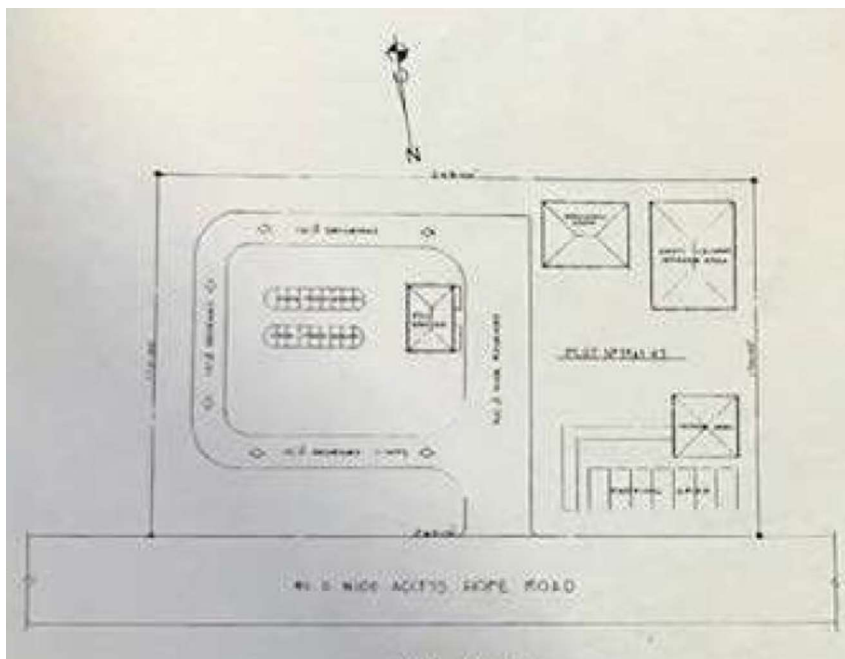


Red arrow shows location of Monitoring Well No. 621



Monitoring Well No. 621 flagged, located approximately 24 ft in from Hess/Hope Road

Project Summary: At DPNR-CCZP’s public hearing, Ms. Alicia Barnes testified that the request is to operate the retail, storage and wholesale of propane to commercial and residential customers. She stated the location is ideal and compatible with the mix of commercial and industrial activities that currently exist in that area. The development of the site is expected to commence in the first quarter of 2025 and is estimated to take 6-12 months. During construction, it is anticipated that approximately 10 jobs will be generated; once construction completed, 5-6 permanent full-time employees.



Conceptual drawing of proposed development

Public Response at DPNR-CCZP Public Hearing held May 22, 2024: One attendee, representing the HOVENSA Environmental Response Trust (ERT), placed on record the active remediation in the area and the location of a monitoring well on the property, along Hope Road. These are recovery wells to recover petroleum product that was released into the environment during the refinery's operation. Post-hearing comments were submitted by ERT with the approximate location of Well 621.

Analysis of Request/Reason for Recommendation: The property is in one of the industrial areas of St. Croix and immediately adjacent to the oil refinery. It is in proximity to the other two propane companies on the island which are on lots that were rezoned as part of Act No. 3784. It must be noted that the lots rezoned by Act No. 3784 are substandard lots (less than five acres required for I-1 zoning) and use variances were not in the Zoning Code until adopted by Act No. 5516 in 1990.

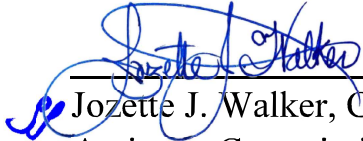
In analyzing a use variance request, the department must look at the requirements an applicant must meet as per Section 238a which states, “In those cases where an amendment to a zoning map is requested by a property owner for a specific use of property which is not permitted in the zoning district where the property is located, but which use would not substantially conflict with the permitted uses in the zoning district, the Legislature, in lieu of an amendment to the zoning map, may grant a variance for that specific use of the subject property; provided, however, that all other requirements of that zoning district will continue to apply to the subject property.”

The proposal to operate the storage, retail, and wholesale of propane would not substantially conflict, as it has been noted the area is already industrially used and the two existing propane companies are in the same area. The subject property is undeveloped but is similar in size to neighboring lots. The property has sufficient acreage to meet and comply with the standards for granting a use variance.

It must be noted that the conceptual plan submitted depicts a parking lot around Well 621. The applicant is required to ensure ERT has access to the monitoring well and the parking lot would not be a hindrance as ERT can coordinate with the applicant for access during routine business hours. If, however, the fence line is moved from its current location, ERT would be able to access the well from outside the fence line.

Recommendation

The Department of Planning and Natural Resources recommends that a use variance be granted to the I-2 (Light Industry) zoned Plot No. 8 Estate Cassava Garden, Queen Quarter, St. Croix to allow for “Propane & Manufactured Gas, Storage & Distribution; Flammable Liquids, Storage.”



Jozette J. Walker, CPM
Assistant Commissioner

6.14.24

Date

Cc : Jean-Pierre L. Oriol, Commissioner