

# **Central Planning Authority**

**Agenda** for a meeting of the Central Planning Authority to be held on **March 15, 2023 at 10:00am in Conference Room 1038, 1st Floor, Government Administration Building, and Elgin Avenue.**

## **6<sup>th</sup> Meeting of the Year**

**CPA/06/23**

Mr. Ian Pairaudeau (Chair)  
Mr. Handel Whittaker (Deputy Chair)  
Mr. Joshua Bernard  
Mr. Gillard McLaughlin  
Mr. Charles Russell Jr.  
Mr. Peterkin Berry  
Mr. Peter Campbell  
Mr. Kenneth Ebanks  
Ms. Danette McLaughlin  
Ms. Shakina Bush  
Ms. Christine Maltman, MCIP, AICP  
Ms. Celecia Bancroft  
Mr. Ashton Bodden  
Mr. Haroon Pandohie (Executive Secretary)  
Mr. Ron Sanderson (Deputy Director of Planning – Current Planning)

1. Confirmation of Minutes & Declarations of Conflicts/Interests
2. Applications
3. Development Plan Matters
4. Planning Appeal Matters
5. Matters from the Director of Planning
6. CPA Members Information/Discussions

## **List of Applications Presented at CPA/06/23**

- 2.1 JAVIER CONTRERAS (GMJ HOME PLANS LTD.) Block 1D Parcel 694 (P22-0940) 4 (\$131,000) (EJ) 4**
- 2.2 LIMARDO SCOTT (TSC Architectural Design) Block 25C Parcel 239 H5 (P22-1053) (\$80,000) (NP) 5**
- 2.3 DAVE KELLY (GMJ Home Plans Ltd.) Block 4D Parcel 367 (P22-0925) (\$113,000) (EJ) 7**
- 2.4 RUTH MCLAUGHLIN (GMJ Home Plans Ltd.) Block 56B Parcel 88 (P22-0952) (\$165,000) (EJ) 9**
- 2.5 OLEA (Trio) Block 13C Parcel 31 (P23-0023) (\$2.5 million) (NP) 10**
- 2.6 HARBOUR FIDUCIARY (Abernethy & Associates) Block 13D Parcel 418 (P22-0972) (\$5,238) (EJ) 14**
- 2.7 LANDS & SURVEY DEPARTMENT (Douglas Sterling) Block 75A Parcel 40REM1, 41, 42 & 362 (P22-1081) (\$80,000) (EJ) 20**
- 2.8 JEFF WATLER (GMJ Home Plan Ltd.) Block 48E Parcel 77 (P22-1159) (\$20,000) (EJ) 24**
- 2.9 DAWN BRADY (Craftsman Touch) Block 20E Parcel 32 (P22-0758) (\$60,000) (NP) 25**
- 2.10 VERONICA THOMAS-VANZIE (LSG Designs) Block 28C Parcel 523 (P22-1074) (\$95,000) (EJ) 26**
- 2.11 FRED WHITTAKER Block 32E Parcel 126 (P22-1004) (\$56,160) (JP) 27**
- 2.12 J. LAURENSEN (Shedwerx) Block 27C Parcel 662 (P22-1137) (\$10,000) (NP) 29**
- 2.13 ROLLAND HENRY (RH Engineering and Architecture) Block 1C Parcel 236 (P20-0703) (\$768,000) (MW) 31**
- 2.14 MARVEL & DERVIN CUMMINGS (GMJ Homeplans Ltd.) Block 27D Parcel 413H1 (P22-0939) (\$171,000) (MW) 35**
- 2.15 LANA M. & DARREN L. KELLY (Trio Design) Block 28B Parcel 371 (P23-0095) (\$1,400,000) (EJ) 37**
- 2.16 COVAN BUSH (John Arch Construction) Block 4D Parcel 284 (P22-0995) (\$6,125) (EJ) 38**
- 2.17 CHRISTIAN BOURKE & JOEL WEBSTER (Tony Lattie) Block 13D Parcel 220 (P22-0507) (\$540,000) (MW) 40**
- 2.18 NATIONAL TRUST OF THE CAYMAN ISLANDS (Whittaker & Watler) Block 59A Parcel 271 (P22-1121) (\$168,600) (NP) 57**
- 2.19 STRATA PLAN #61 (DDL) Block 13E Parcel 120 (P22-1069) (\$1,350) (NP) 60**
- 2.20 CAROLYN WOODMAN (GMJ Home Plans) Block 72B Parcel 247 (P23-0004) (\$5,000) (NP) 61**
- 2.21 JUNE SMITH DE FILIPPO (Greg Abernethy) Block 25B Parcel 467 (P23-0038) (\$4707) (JP) 61**
- 2.22 61 WEST (Whittaker & Watler) Block 5B Parcel 369 (P22-1078) (\$78,700) (MW) 63**
- 5.1 INVINCIBLE INVESTMENT CORPORATION (Andrew Gibb Chartered Architect) Block 11D Parcel 45 (P22-0735) (MW) 64**

## **APPLICANTS ATTENDING THE AUTHORITY'S MEETING**

<b>Applicant Name</b>	<b>Time</b>	<b>Item</b>	<b>Page</b>
Javier Contreras	10:30	2.1	4
Invincible Investment Corporation	1:30	2.2	5
Limardo Scott	2:00	5.1	64

**1. 1 Confirmation of Minutes CPA/05/23 held on 1<sup>st</sup> March 2023.**

**1. 2 Declarations of Conflicts/Interests**

<b>Item</b>	<b>Member</b>

## **2.0 APPLICATIONS**

### **APPEARANCES (Items 2.1 to Item 2.3)**

#### **2.1 JAVIER CONTRERAS (GMJ HOME PLANS LTD.) Block 1D Parcel 694 (P22-0940) (\$131,000) (EJ)**

Application for additions to a house.

**Appearance at 10:30am**

#### **FACTS**

<i>Location</i>	Worthing Drive & Hastings Cres, West Bay
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	Objector
<i>Parcel size proposed</i>	0.1566 ac. (6,821 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House & Shed
<i>Proposed building size</i>	655 sq. ft.
<i>Total building site coverage</i>	22.96%

#### **BACKGROUND**

October 21, 2013 - A house was administratively approved (P13-0810).

December 13, 2013 - The Department modified planning permission for house (P13-1026).

August 2, 2017 (**CPA/15/17; Item 2.11**) – The CPA granted permission for an ATF storage shed (P17-0724).

January 4, 2023 (**CPA/01/23; Item 2.1**) – The CPA adjourn the application in order to re-invite the applicant.

**Recommendation:** Discuss the application, **for the following reasons:**

- 1) Front setback variance (14' 4" vs 20')
- 2) Objector's concerns

#### **OBJECTION LETTER**

We, [REDACTED], Owners and residents of Block and Parcel 1D692, **would like to object** to the application of Block and Parcel 1D694 on the following grounds:

*When we first arrived to our home, a storage location was already built beyond the regular limits and an application was agreed by us under the condition that the area should remain tidy. Without further notice, such storage location has been expanded, it seems like it is no longer just a storage location, and it is not tidy as agreed.*

*In order to avoid further visual environment impact to our patrimony as well as avoid any safety risks, which were considered when establishing the planning setback limits, we hereby formally object to any application beyond the regular planning regulations.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed additions to house located on Worthing Drive and Hasting Crescent.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Front setback**

The applicant proposes a two-bedroom house and activity room; however, the propose two-bedroom is proposed at 14.4' vs 20' required from Hasting Cres.; therefore, requires a setback variance from the Authority.

## **SUPPLEMENTARY ANALYSIS**

On January 4, 2023 (CPA/01/23; Item 2.1) – The CPA adjourn the application in order to re-invite the applicant. The objectors were present, but the applicant was not. Subsequent to the January 4 meeting, the objectors submitted an additional information package – see Appendix A.

### **2.2 LIMARDO SCOTT (TSC Architectural Design) Block 25C Parcel 239 H5 (P22-1053) (\$80,000) (NP)**

Application for an after-the-fact apartment addition.

### **FACTS**

<i>Location</i>	Litigate Close
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	26,449 square feet
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	10 Apartments

### **BACKGROUND**

February 15, 2023 (CPA/04/23; 2.12) – the application was adjourned to invite in the applicant to discuss concerns regarding the deficient setback

**Recommendation:** Discuss the application, for the following reason:

- 1) Side setback (3'8" vs 10')

### **APPLICANT'S LETTER**

*This letter is written on behalf of Limardo Scott who build an addition to his existing apartment without planning approval is now applying for forgiveness on the referenced property. The total square footage of the addition is 288 sq. feet. It should be noted that the rear setback variance is required and the required notices was sent by registered mail to all owners within an 80 feet radius on January 5th, 2023. The applicant's reasoning for seeking the variance is twofold, one his family has expanded and the space to add in other areas is limited; therefore, he is asking for consideration for building the after the fact addition.*

*As per section 8 (13) (b), (iii) such there is sufficient reason to grant a variance as exceptional circumstances exist, which may include the fact; the proposal will not be materially detrimental to persons residing or working in the vicinity to the adjacent property or to the public welfare.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The subject parcel is located on Litigate Close in Prospect.

The property contains 10 apartments divided into two blocks of 5 one bedroom units.

The applicant is seeking after the fact permission for a 288 square foot addition that was constructed upon the rear of the unit.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issue**

##### **1) Side setback**

Regulation 9(6)(h) requires a minimum side setback of 10 feet.

The existing addition has been constructed with a 3'8" setback.

The Authority should consider whether a variance is warranted in this situation.

## **2.0 APPLICATIONS**

### **APPEARANCES (Items 2.3 to 2.22)**

#### **2.3 DAVE KELLY (GMJ Home Plans Ltd.) Block 4D Parcel 367 (P22-0925) (\$113,000) (EJ)**

Application for a house.

#### **FACTS**

<i>Location</i>	Rosett Close
<i>Zoning</i>	<b>MDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.28 ac. (12,196 sq. ft.)
<i>Parcel size required</i>	15,000 sq. ft.
<i>Current use</i>	House granted permission
<i>Proposed building size</i>	750 sq. ft.
<i>Total building site coverage</i>	12.30%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

#### **BACKGROUND**

January 28, 2021 (**P21-0054**) - The Department granted permission for a one-bedroom house. A permit has been issued and the house is under construction.

**Recommendation:** Discuss the application, **for the following reason:**

- 1) Lot size variance (12,196 sq. ft. vs 15,000 sq. ft.)

#### **APPLICANT'S LETTER**

*We write on behalf of our clients, Mr. Dave Kelly, with regards to the following variance:*

*• A lot size variance - where the size of the parcel is 12,196 sqft (0.28 Acres) which 2,803.20 sqft smaller than the required 15,000 sqft for a development consisting detached homes in areas zoned Medium Density Residential.*

*We are requesting permission to allow a second house on the subject parcel per the drawings provided and humbly give the following reasons:*

- 1. Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail and no objections were received:*
- 2. Per section 8(13)(b)(i) of the Planning Regulations, the characteristics of the proposed development are consistent with the character of the surrounding area.*
- 3. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, the neighborhood, or to the public welfare. The proposed is within the setbacks for private use only.*
- 4. There are neighboring parcels with two separate houses where the size is similar or less than subject lot;*
  - Parcel 4D424 - 0.21 Acres - 2 houses*
  - Parcel 4D20 - 0.2231 Acres - 2 houses*
  - Parcel 4D22I - 0.10 Acres - 2 houses*

*Additionally, the nearby parcel 406 is only 0.10 acres and consists of a house.*

*The proposed project would be built on one half of the subject parcel (equivalent to 0.14 acres) which is larger than in the above example.*

*Also, the following parcels within the area exist with a higher residential density than the proposed;*

- Parcel 4D244 - 0.23 Acres - house + apartment*
  - Parcel 4D244 - 0.2788 Acres - apartment*
  - Parcel 4D409 - 0.28 Acres - apartment*
  - Parcel 4D236 - 0.23 Acres - apartment*
- 5. In addition to the application satisfying the above, the proposal complies with all relevant planning requirements.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed one-bedroom (750 sq. ft. house) is located on Rosette Close in West Bay.

### **Zoning**

The property is zoned Medium Density Residential.

### **Specific Issues**

#### **1) Minimum lot size**

Regulation 9(7)(d) requires a lot size of 7,500 sq. ft. per house. On January 28, 2021 the permission was granted for a house on the northern portion of subject parcel – that house is currently under construction. With the proposed house, the total minimum required lot size is 15,000 sq ft and the subject parcel is 12,196 sq ft therefore the applicant is seeking a 2,804 sq. ft. lot size variance from the Authority.



The applicant has referenced several other parcels in the area and a review of the Department's records reveals:

- 4D 424 – approval for one house only
- 4D 20 – no records, but two dwellings appear on the aerials as far back as 1971
- 4D 221 – no records, but second dwelling appears to have been constructed after 1994
- 4D 244 – appears a house and a duplex were approved in the 1990's
- 4D 409 – a house was approved and then approval granted to add onto it and create a duplex in 2009
- 4D 236 – a house was approved in 1981 and at some point in time it was converted to 3 apartments without permission. In 2014, the owner applied to convert the 3 units to 4 units and approval was granted. The reason for approval was:

*The existing three apartments exist in a dilapidated condition. The current application will vastly improve the structural integrity and physical appearance of the building which will improve the amenity of the area. These factors represent sufficient reason and exceptional circumstances to warrant granting variances for the density, lot size, lot width and rear setback.*

## **2.4 RUTH MCLAUGHLIN (GMJ Home Plans Ltd.) Block 56B Parcel 88 (P22-0952) (\$165,000) (EJ)**

Application for an addition to a house to create a duplex.

### **FACTS**

<i>Location</i>	Frenchman's Crescent, Breakers
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.22 ac. (9,583 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	House
<i>Proposed building size</i>	812 sq. ft.
<i>Total building site coverage</i>	15.54%
<i>Required parking</i>	2
<i>Proposed parking</i>	3

### **BACKGROUND**

March 16, 2009 - The Department granted permission for a house (P09-0232).

June 18, 2009 – The Department modified to relocate the house on the site.

**Recommendation:** Discuss the application, **for the following reason:**

- 1) Lot size variance (9,583 sq. ft. vs 12,500 sq. ft.)

## **APPLICANT'S LETTER**

*We write on behalf of the applicants, Ms. Ruth McLaughlin, with regards to the following variance:*

*• A lot size variance - The subject parcel is registered as 0.22 acres or 9,583.20 square feet (sqft) which is 2,919.80 sqft below the required 12,500 sqft for a duplex on land zoned low density residential.*

*We request permission for the proposed development per the drawings provided and humbly give the following reasons:*

- 1) Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail. There have been no objections to date.*
- 2) Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare.*
- 3) The precedent for duplexes for a similar lot size, in the immediate area, has been set. The nearby parcel 5GC95 is also 0.22 Acres. In 2015 the Central Planning Authority granted planning permission (CPA/12/15 item 2.5) for an addition to create a duplex.*
- 4) The total development is minor in scale. It equates to only 15.89 percent of the property.*
- 5) The application complies with all other relevant planning requirements.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed addition to house to create a duplex is located on Frenchman's Drive.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Lot size variance**

The applicant is seeking a lot size variance for the proposed addition to create a duplex; however, the subject parcel exists at (9,583 sq. ft. vs 12,500 sq. ft.) per regulation 9(8)(e).

#### **2.5 OLEA (Trio) Block 13C Parcel 31 (P23-0023) (\$2.5 million) (NP)**

Application to modify Planning Permission to replace 16 townhouses with a single three storey apartment building containing 24 units.

## **FACTS**

<i>Location</i>	Athena Way in Camana Bay
<i>Zoning</i>	<b>Low Density Residential -PAD Transect 4</b>
<i>Parcel size</i>	9.48 acres
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	16 Townhouses
<i>Proposed use</i>	Apartment Building (24 units)
<i>Parking required</i>	32 spaces for 24 apartments
<i>Parking provided</i>	40 spaces for 24 apartments

## **BACKGROUND**

November 14, 2018 (CPA/25/18; Item 2.4) – The Authority resolved to grant planning permission for 124 residential units. (P18-0951).

**Recommendation:** Discuss the application for the following reasons:

- 1) Apartment density
- 2) Need for a minimum of two accessible parking spaces

## **APPLICANT'S LETTER**

*As OLEA residences open to occupancy, NCB is witnessing an increasing demand for apartments over townhomes. To address this, we are requesting a modification to replace the southern 16 approved townhomes with 24 apartments, increasing the overall number of residences from 124 to 132 units.*

*OLEA is located within the Camana Bay PAD Transect 4, which allows a mixture of residential types, including houses, townhomes and apartments at a maximum density of 12 units/acre.*

*As provided in Section 3)ii) of the PAD development statement, density is to be measured per the limits of each contiguous transect zone.*

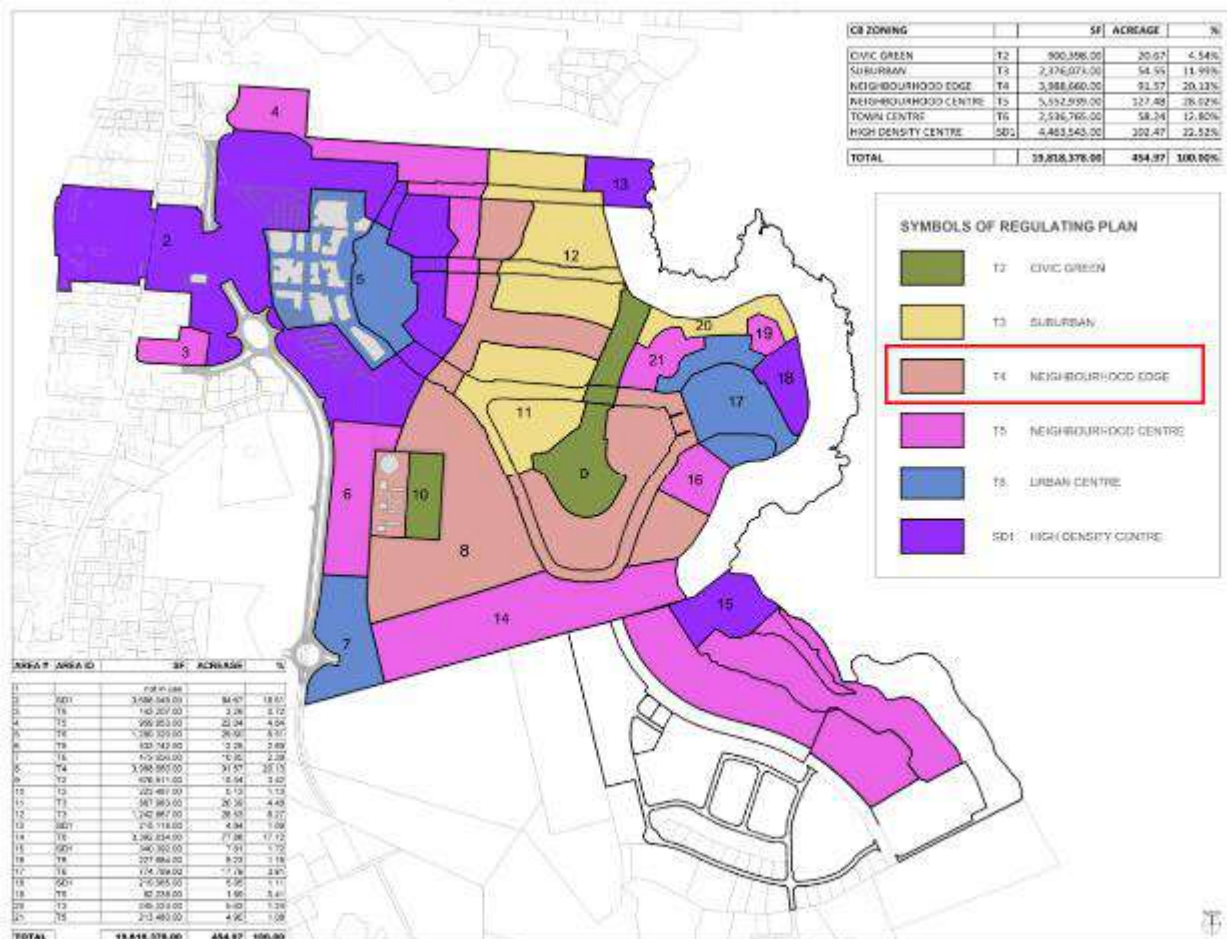
The CBPAD relies on the Planned Area Development provisions to adjust density within contiguous Transects to create a rich and varied urban fabric of mixed uses in close proximity to each other. The result will be an energetic, pedestrian friendly environmentally sensitive town.

Similar to the density controls under current Cayman Islands zoning, the development density in the CBPAD will be controlled by the following limitations applied to each contiguous transect zone as outlined and numbered in Addendum 4.

- Allowable site coverage by transect zone
- Maximum building height by transect zone
- Parking required to service the uses per transect zone will be calculated in accordance with the shared parking agreement as detailed in section 3(b)(ii) of this Development Statement.
- Maximum residential density limits per transect zone

CBPAD

Development Statement Section 3)ii) (CPA/26/14; Item 2.4)



### CB PAD Transect Diagram - Addendum 4

As Addendum 4 shows, Transect 4 is one contiguous zone measuring 91.57 acres, thus allowing up to 1,098 units within that transect.

Department of Planning, on the other hand, is calculating density through typical means – by dividing the number of units by the area of the subject property – resulting in 14 units/acre.

*The intent of Planned Area Developments, as a master planned approach to development, is to allow flexibility and innovation in design; stepping away from traditional means to approach zoning, density, and land uses. This was the intent when developing the PAD strategy to measure density. A methodology offering a means by which allowable density and unit count, existing density and remaining density could be measured, was shared with the Department in November. Similar to how the Shared Parking Strategy is monitored, it is intended the updated summary would be submitted with each new residential development application.*

*The Authority is also asked to consider that the increased number of units will be consistent with the character of the area. The proposed apartment building is similarly designed to OLEA's existing apartments. The modification be not be materially detrimental to persons working or residing in the vicinity nor negatively impact public welfare. Much of the surrounding area is undeveloped and lies within Transect 4, thereby it is anticipated similar developments will occur in the vicinity.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located along Athena Way in Camana Bay.

The proposed modification is to replace 16 townhouses with a single three storey apartment building containing 24 units.

Adjacent properties were not notified as the applicant owns the adjoining parcels.

### **Zoning**

The property is zoned Low Density Residential subject to Camana Bay PAD Transect 4.

### **Specific issues**

#### **1) Density**

Transect 4 in the Camana Bay PAD allows a maximum density of 12 residential units per acre. In 2018, the application for Olea was approved based on portions of 13C 4 Rem1 and 13C 5 with a delineated area of 10.36 acres which would allow for a maximum of 124 units – 124 units were approved.

Subsequent to the approval, there was a subdivision application was approved that excised the Olea development area from the remainder of the property. The lot size shown on the subdivision plan was 9.8 acres and unfortunately it was not noted that that lot size in Transect 4 would allow only 117 units, whereas 124 had been approved. Upon registration of the lot, the parcel size ended up even smaller at 9.48 acres, which would allow 113 units. Essentially, creation of the subdivision lot resulted in a variance being granted for 11 units. The current proposal would eliminate 16 townhouses and replace them with 24 apartment units thereby increasing the total number of units to 132, thereby increasing the variance to 19 units.

In discussion with the applicant regarding this matter, there is some apparent difference in viewpoints as to how the provisions of the PAD Transects are to be applied. In reviewing an excerpt from the PAD (see Appendix B), there is a statement that the Camana Bay PAD will be controlled by certain limitations applied to each transect zone which include various parameters including maximum residential density limits per transect zone. The Department interprets this simply to mean

that density is controlled by the stated density limits specified for each transect, in the case of Transect 4 – 12 units per acre. As the subject site is 9.48 acres, this would allow 113 units at 12 units per acre. The applicant team is of a differing view that the above referenced statement means that the density can be spread over the entire transect area and is not limited to a specific parcel size. If the former interpretation is accepted then a density variance is required. If the latter interpretation is accepted then a density variance would not be required as Transect 4 is almost 92 acres in size.

The applicant has submitted the above letter in regard to the density issue and the need for a variance.

## **2) Accessible parking spaces**

As noted above, the applicant is providing 40 parking spaces for the proposed 24 apartment units, but no accessible spaces have been provided within these 40 space. It is recommended that should approval be granted, a condition of approval be included requiring a revised site plan showing at least 2 accessible parking spaces.

## **2.6 HARBOUR FIDUCIARY (Abernethy & Associates) Block 13D Parcel 418 (P22-0972) (\$5,238) (EJ)**

Application for a two (2) lot subdivision.

### **FACTS**

<i>Location</i>	Eastern Avenue, George Town
<i>Zoning</i>	<b>GC/HDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	7.20 ac. (313,632 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Britcay House

### **BACKGROUND**

December 7, 2022 (**CPA/29/22; item 2.11**) – The Authority adjourned the application to invite the applicant to address the access width.

January 4, 2023 (**CPA/01/23; item 2.4**) – The Authority adjourned the application for revised plan using existing driveway with easement to lot 2 and 8’ 6” parking spaces.

**Recommendation:** Discuss the application, **for the following reason:**

- 1) access width (24’)

### **AGENCY COMMENTS**

Comments from the Water Authority and Department of Environment are noted below.

#### **Water Authority**

*Please be advised that the Water Authority’s requirements for this development are as follows:*

### **Wastewater Treatment**

- *The developer is advised that wastewater treatment and disposal requirements for built development are subject to review and approval by the Water Authority.*

### **Water Supply**

*The proposed development site is located within the Water Authority's piped water supply area.*

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the piped water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>.*

***The Authority shall not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.***

### **Department of Environment**

*This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The northern part of the subject parcel consists of primary habitat classified as tidally flooded mangrove forest and woodland, as shown in Figures 1 and 2.*



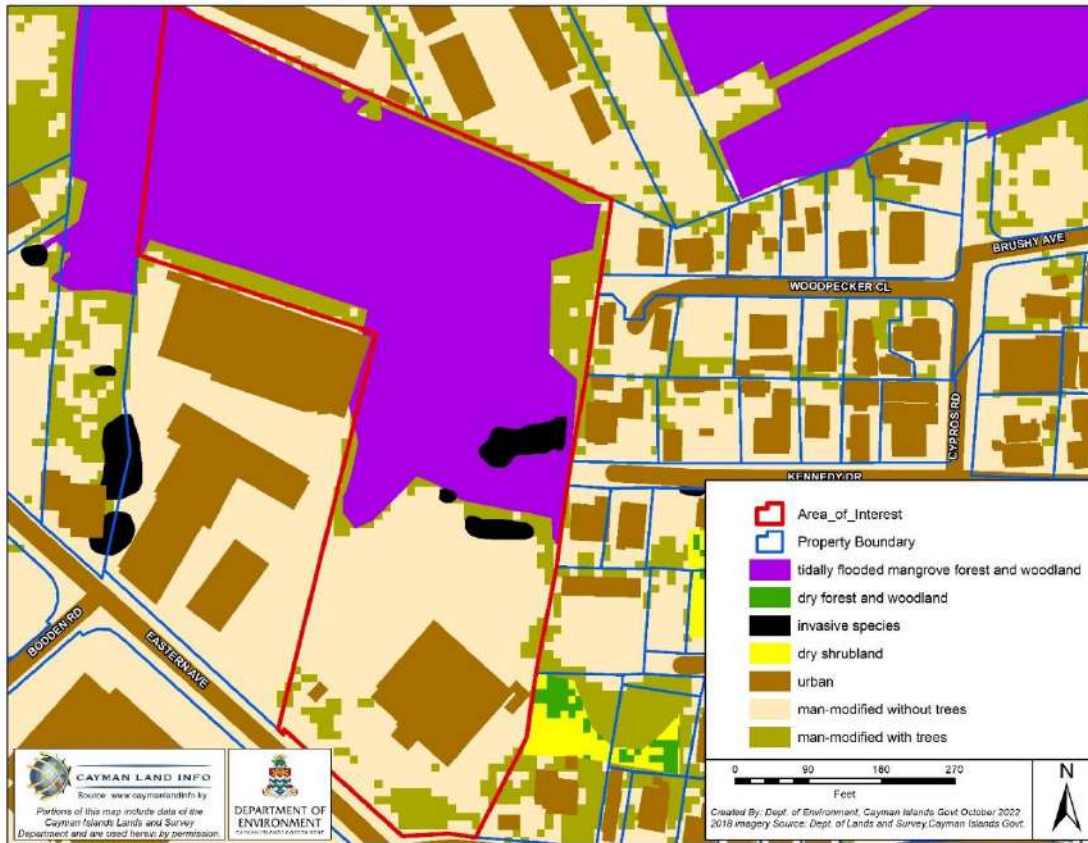


Figure 1: DOE's 2013 habitat map extract showing the application site outlined in red.

Figure 2: LIS 2018 Aerial Imagery showing the application site outlined in red.

**Mangroves are protected under Schedule 1, Part 2 of the National Conservation Act (2013). It is an offence to remove mangroves unless permission is explicitly sought to remove them either through planning permission or a National Conservation Council Section 20 permit.**

Mangrove forests are a critical part of our natural environment, providing several ecosystem services which include assisting to mitigate the effects of climate change. As one of the most productive terrestrial ecosystems, mangrove wetlands are extremely biodiverse and provide habitat and food for an immense variety of species. They also function as natural sponges that trap and slowly release surface water. Inland wetlands in urban areas are particularly valuable, counteracting the greatly increased rate and volume of surface-water runoff from areas of hardstanding and buildings. Trees, root mats and other wetland vegetation also slow the speed and distribution of storm waters. This combined water storage and braking action lowers flood heights and reduces erosion. In addition, inland wetlands improve water quality by filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants.

Another important function of mangrove wetlands is that they are extremely effective at sequestering carbon from the atmosphere and serve as carbon sinks. The large scale removal of significant tracts of mangrove habitat reduces the island's natural carbon sequestration potential and the removal of mature vegetation and de-mucking of the site has the potential to release captured carbon back into the atmosphere.

We note that land clearing does not form a part of this subdivision proposal. Land clearing should be reserved until the development of the resulting subdivided lots is imminent through the granting of



*planning permission for development on each particular lot. This allows the primary habitat to continue to provide its ecosystem functions and allows the individual lot owners to retain as much native vegetation as possible to incorporate into their landscaping. Native vegetation is best suited for the habitat conditions of the Cayman Islands, resulting in vegetation that requires less maintenance which makes it a very cost-effective choice. Wetland vegetation in particular is useful for managing on-site stormwater management and drainage.*

***As mangroves are protected under the National Conservation Act (2013), all mangrove vegetation shall be retained in accordance with the National Conservation Council's Species Conservation Plan for Mangroves (2020).***

*Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposed subdivision, the following should be included as conditions of approval:*

- 1) All mangrove vegetation shall be retained in accordance with the National Conservation Council's Species Conservation Plan for Mangroves (2020).*
- 2) There shall be no land clearing, excavation, filling or development of the resultant subdivided parcels without planning permission for such works being granted.*

*Any future development, clearing, filling or excavation of the resultant subdivided parcels shall be the subject of a separate consultation with the Central Planning Authority and National Conservation Council.*

#### **APPLICANT'S LETTER**

*Please find attached our drawings A-010 illustrating the adjustments to the parking area relating to the application filed for a subdivision relating to 13D 418. We note that the application filed by Abernathy and Associates forms the basis of this letter.*

*We confirm the following:*

- The existing parking layout is impacted with 11 parking stalls having to be adjusted due to the proposed line of the subdivision boundary, as highlighted in the blue area on the existing site plan layout drawing.*
- We confirm that adjustment can be carried out by redistributing the parking stalls to maintain the required parking stalls. We note that the proposed parking layout plan provides for 166 parking stalls in lieu of the 163 stalls previously constructed.*
- We confirm that by maintaining the parking stall sizes (8' x 16') as was originally approved for the development., the parking requirement can slightly be improved in this proposed site layout.*

*We trust that you will review the application favorably and grant an approval to have the subdivision for two parcels, to enable a dedicated road access to the rear parcel from Eastern Avenue.*



## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed two (2) lot subdivision is located at BritCay House property on Eastern avenue.

### **Zoning**

The property is zoned General Commercial and High Density Residential.

### **Specific Issues**

#### **1) Access**

The proposed lot-2 access is off Eastern Avenue and planned at 24'. Given the parcel is 4.91 acres size there is a much development potential and the Authority is asked to consider if the access width of 24' is sufficient. Further, the access is at an angle where it connect with Eastern Ave potential making left turns into the site challenging. This matter would be mitigated to some degree if the access was wider.

#### **2) Modification of Britcay site plan**

As the applicant has indicated the proposed 24' access will partly run over the existing Britcay House parking lot and will displace 11 parking spots. The applicant has provided a revised site plan showing the provision of 11 new parking spaces, but they have been designed at the old standard of 8' wide. Should the subdivision be approved, an application will have to be submitted to modify the Britcay House parking layout and that application would have to be reviewed and approved prior to the subdivision being finalized.

## **SUPPLEMENTARY ANALYSIS**

On January 4, 2023 (CPA/01/23; item 2.4) – The Authority adjourned the application for the following reasons:

- 1) The applicant shall submit revised plans showing:
  - a) access to Lot 2 through Lot 1; and
  - b) all re-configured/new parking spaces with a minimum width of 8' 6".

The applicant has now submitted revised plans showing access to lot 2 through the existing Britcay parking lot. The access width is 24' and the Authority needs to determine if that is sufficient for the future development of lot 2. The Britcay parking lot has been re-designed and the new and re-configured parking spaces are 8' 6" wide.

Comments have now been received from the NRA, see below, and the applicant's revised designed appears to address those comments.

*As per your memo January 9<sup>th</sup> 2023 the NRA has reviewed the above-mentioned planning proposal.*

*The NRA advises the CPA to inform the applicant that access to Lot 2 shall be made from either Woodpecker Close and/or Kennedy Drive; not directly onto Eastern Avenue. The applicant may also try and gain an easement over the existing parking lot (Lot 1) and use the existing exit/entry on Eastern Avenue.*

*The reasons for this are two-fold,*

1. *Driveways along collector and arterial roads need to have a degree of separation as is set within the NRA Subdivision Specifications,*

### **7.1 COLLECTOR ROADS:**

*Driveways may be no closer to the corner of intersecting rights of way than 60% of parcel frontage or one-hundred feet (100'); whichever is less. Driveways may be no closer to each other than fifty feet (50') and, shall not align with driveways on the opposite side. A separation of one-hundred and twenty feet (120) is desirable.*

2. *The sight line specifications for a 30MPH also needs to be adhered to.*

**2.7 LANDS & SURVEY DEPARTMENT (Douglas Sterling) Block 75A Parcel 40REM1, 41, 42 & 362 (P22-1081) (\$80,000) (EJ)**

Application for fifty-four (54) lot subdivision.

**FACTS**

<i>Location</i>	Austin Conolly Drive, East End
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size</i>	19.9152 ac. (867,506 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft. for a house
<i>Current use</i>	Vacant, Sunrise Cottage on Parcel 41.

**BACKGROUND**

Sunrise Cottage on 75A41

**Recommendation:** Discuss the application, **for the following reasons:**

- 1) Size of LPP
- 2) Need for 30' road between lots 42 and 44
- 3) Road connection to the south (75A 43)
- 4) DOE comments

**AGENCY COMMENTS**

Agency comments received to date are provided below.

**Water Authority**

**Wastewater Treatment**

- *The developer is advised that wastewater treatment and disposal requirements for built development are subject to review and approval by the Water Authority.*

**Change-of-Use with Existing Septic Tank**

***If the developer proposes to utilize the existing septic tank and/or disposal well, the system shall be inspected and serviced per the Water Authority's Septic Tank Inspection Form.***

***Septic Tank Inspection Form: <https://bit.ly/2RO8MBB>***

*The completed inspection form shall be returned to the Water Authority for review and determination as to whether the existing system meets Water Authority design specifications. Any deficiencies noted will require repair or replacement **prior to** final approval for certificate of occupancy.*

## **Water Supply**

- *Please be advised that connection of the proposed development to the Water Authority's piped water supply system will require an extension. It is the policy of the Water Authority – Cayman to extend water distribution lines in public roads for the first 100 feet from the main road at no cost **to the owner**. Extensions exceeding 100ft from the main road on public roads and extensions in non-public areas are done at the owner's expense. The timing of any pipeline extension is at the sole discretion of the Water Authority.*

***The developer is required to notify the Water Authority's Engineering Department at 949-2837, without delay, to be advised of the timing of the extension and the site-specific requirements for connection.***

***The Authority shall not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.***

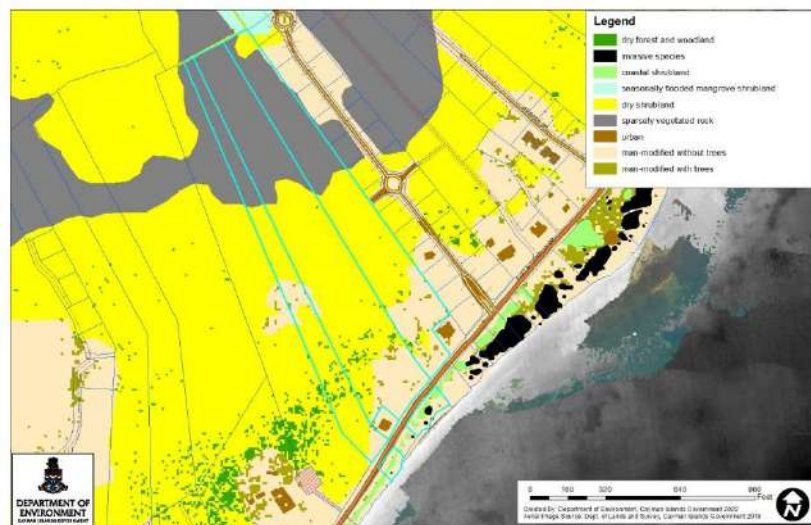
## **Department Environmental Health**

*DEH has no objections to the proposed in principle. The applicant is reminded that any built development larger than a single-family home must be submitted to DEH for review and approval.*

## **Department Environment**

*This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The site consists of sparsely vegetated rock in the northern part, primary dry shrubland habitat in the central part and man-modified in the southern part (see Figure 1). Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.*



*Figure 1. The habitat at the site shows man-modified areas, dry shrubland areas, and sparsely vegetated rock areas.*

*The site was nominated by a member of the public for protection in the 2022 round of Protected Area Nominations. It was nominated because it has a unique geology and landscape that could position it as 'Hell East'. The unique landscape could easily accommodate a viewing point that would complement the other nature and history-based attractions in the area. The site is relatively close to the National Trust for the Cayman Islands' East End Lighthouse which, for example, is a stop for guided bike tours in East End. The site could form one more component in attracting local and tourist pressure and value from the western half of Grand Cayman.*

*It is noted that the Cayman Islands National Tourism Plan (2019-2023) has an objective for the Eastern Districts of, "Enhancing the visitor experience, through development of attractions and visitor services, including activities, attractions, dining options, events focused on Caymanian culture, and enhanced road safety and security." Developing additional attractions in the East was an objective of the Go East Initiative, which was part of the National Tourism Management Plan 2009-2013.*

*Therefore, based on the above, the National Conservation Council had resolved to consider the area for conservation and discuss with relevant landowners (including the Crown) whether they were open to the process. If the site is developed with the proposed subdivision, the opportunity to create a tourism attraction or protected area is permanently lost.*

*We recommend that the type of development proposed here by the National Housing Development Trust is reconsidered so that it can meet multiple objectives, including wellbeing and environmental sustainability objectives. Considerations may include:*

- The southern part of the site, where it is man-modified, could be developed with an Old Age Home and higher-density housing (e.g. serviced townhouses or assisted living or accessible apartments) in order to help meet housing needs with greater land-use efficiency.*
- The central part of the site, which hosts dry shrubland, could be retained in a natural or semi-natural state with walking paths or seating areas. This would benefit the people living in the development and within the wider area as they would have outdoor space and potentially traffic-free areas for amenities.*
- The northern part of the site, which is sparsely vegetated rock, could incorporate a viewing platform and interpretative signage to become a Crown-owned tourism attraction.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposal is to combine Block 75A Parcels 40Rem1, 41, 42 and 362 (all owned by Crown) and then subdivide the resultant parcel into a fifty-four (54) lot subdivision on Austin Conolly Drive in East End.

The subdivision consists of:

- 51 residential lots ranging in size from 0.25 ac to 0.40 ac
- 1 lot at 2.0ac (Old Age Home),
- 1 lot (LPP) 0.66ac
- 1 road parcel

## **Zoning**

The property is zoned Low Density Residential.

## **Specific Issues**

### **1) LPP**

Given the overall size of the four subject parcels 19.9152 acres, Regulation 28 allows the Authority to request the applicant to set aside up to 5% of the land for Land for Public Purposes (LPP) which would equate to .9958 acres in this instance. The applicant is proposing LPP in the amount of .66 acres or .3358 acres short of 5%. The Authority needs to determine if the proposed amount of LPP is sufficient in this instance.

### **2) Subdivision design**

The proposed design includes a 30' road parcel between lots 42 and 44 leading to the LPP. It is noted that the LPP does front directly on the subdivision road to the south therefore the road between lots 42 and 44 may not be required as perhaps it could be replaced with a pedestrian access instead allowing additional land to be given to the residential lots.

### **3) Road connection to 75A 43**

It is noted that 75A 43 does front directly onto Austin Conolly Drive, the Authority may wish to consider if there is benefit in providing a road connection to that parcel within the subdivision.

### **4) DOE comments**

It must be noted that Crown owns the parcels in question and the subdivision has been submitted by a Government agency (Lands and Survey Department) which demonstrates clearly the Government's preferred option for developing the parcels which must be line with Government's broader policy goals.

## 2.8 JEFF WATLER (GMJ Home Plan Ltd.) Block 48E Parcel 77 (P22-1159) (\$20,000) (EJ)

Applications for an after-the-fact house and a proposed store room addition to connect to another existing house to create a duplex.

### **FACTS**

<i>Location</i>	Claries Avenue
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.30 ac. (13,068 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Duplex
<i>Proposed building size</i>	1,244 sq. ft.
<i>Total building site coverage</i>	14.39%
<i>Required parking</i>	2
<i>Proposed parking</i>	4

### **BACKGROUND**

July 3, 2019 (CPA/14/19; Item 2.8) - The Authority granted permission for a 200-Gallon Propane Tank.

July 31, 2019 (CPA/16/19; Item 2.15) - The Authority adjourned the application for a 6' chain-link fence in order invite the applicant to appear before the board.

**Recommendation:** Discuss the application, **for the following reason:**

- 1) use of the building

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The proposed six-bedroom addition to house to create a duplex is located on Claris Avenue in Midland Acres.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) Use of the after-the-fact building**

The after-the-fact six-bedroom dwelling unit include two kitchens which raises the issue of whether the end product is a duplex or apartments. If the Authority determines the overall building to be apartments then adjacent land owners would have to be notified and a lot size variance would be required.



## 2.9 DAWN BRADY (Craftsman Touch) Block 20E Parcel 32 (P22-0758) (\$60,000) (NP)

Application for a food truck, storage building and washroom building.

### **FACTS**

<i>Location</i>	Crewe Road in George Town
<i>Zoning</i>	<b>Neighbourhood Commercial</b>
<i>Notification Results</i>	No objections
<i>Parcel size</i>	0.5 acre
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Vacant
<i>Proposed use</i>	Food Truck
<i>Building Footprint</i>	600 square feet
<i>Parking Required</i>	3 spaces
<i>Parking Provided</i>	17 spaces

**Recommendation:** Discuss planning permission for the following reasons:

- 1) Gravel parking area
- 2) Lack of accessible parking space

### **AGENCY COMMENTS**

The following comments have been received to date:

#### **National Roads Authority**

Comments yet to be received.

#### **Department of Environment**

*This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013). The Department of Environment confirms that we have no comments at this time.*

#### **Water Authority Cayman**

Comments yet to be received.

#### **Fire Department**

The Fire Department has stamp approved the drawings.

#### **Department of Environmental Health**

Comments yet to be received.

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on Crewe Road, next to the Rubis Gas Station at the corner of Lyndhurst Avenue.

The proposal is for a food truck, storage building, and washroom building as well as 17 parking spaces in an existing gravel area. There would also be an outdoor seating area for patrons.

### **Zoning**

The property is zoned Neighbourhood Commercial.

### **Specific Issues**

#### **1) Gravel Parking**

The applicant is proposing to utilize the existing gravel parking area.

The Authority should discuss whether this is suitable in this instance.

#### **2) Lack of Accessible Parking Space**

The site plan that was submitted does not include an accessible parking space. In this instance one accessible parking space is required.

#### **2.10 VERONICA THOMAS-VANZIE (LSG Designs) Block 28C Parcel 523 (P22-1074) (\$95,000) (EJ)**

Application for additions to a house.

### **FACTS**

<i>Location</i>	Larva Drive, Savannah
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.1758 ac. (7,657 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House
<i>Proposed building size</i>	577.92 sq. ft.
<i>Total building site coverage</i>	23.90%

### **BACKGROUND**

August 16, 2011 (**P11-0575**) - The Authority granted permission for a three-bedroom house.

**Recommendation:** Discuss the application, **for the following reasons:**

- 1) Side setback variance (5' vs 10').

## **APPLICANT’S LETTER**

*I write on behalf of Veronica Thomas Vanzie are intending to construct a two- bedroom addition. The application requires a request for variances to the rear and side setbacks.*

*Regulation 8(13)(b) of the Development and Planning Regulations (2018 Revision) states “ (b) there is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that - (i) the characteristics of the proposed development are consistent with the character of the surrounding area; (ii) unusual terrain characteristics limit the site’s development potential; or (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; or Development and Planning Regulations (2018 Revision)*

*The addition of two bedrooms will improve the property and will look consistent with the surrounding residences and will certainly not be detrimental to anyone or any property in the surrounding area.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant propose a two-bedroom and two-bathroom house addition to the rear of the existing house located on Larva Drive in Savannah.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Minimum side setback**

The proposed addition is at 5’ vs 10’ from the side boundary which does not meet regulations 9 (8)(j) 10’ side setbacks for single storey; therefore, the applicant is seeking a setback variance from the Authority.

#### **2.11 FRED WHITTAKER Block 32E Parcel 126 (P22-1004) (\$56,160) (JP)**

Application for a garage.

### **FACTS**

<i>Location</i>	Cadet Drive, Lower Valley
<i>Zoning</i>	A/R
<i>Parcel size proposed</i>	0.2612 ac. (11,377.87 sq. ft.)
<i>Current use</i>	Vacant
<i>Proposed building size</i>	468 sq. ft.
<i>Total building site coverage</i>	0.04%

### **BACKGROUND**

February 13, 2020 (**Administrative Approval**) – storage shed and chain link fence approved (P20-0025)

July 15, 2020 (**Administrative Approval**) – modification to enlarge storage building approved (P20-0425)

**Recommendation:** Discuss the application, for the following reasons:

1) Suitability

**APPLICANT'S LETTER**

*I have an approval for storage shed which I no longer need. I need a garage so I' am applying for a garage. I will not be building a house on this property at this moment. If I do decide to build a house in the future, it won't be a problem if my garage is in the back of the house.*

*The reason we did a 5 ft. concrete wall on the north side is because the chain link fence is nearly as costly as the concrete wall furthermore, it's going take me 3-4 weeks to get the chain link fence materials from U.S. so I decided to build concrete wall.*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application site is located in Lower Valley with Cadet Drive providing access and forming the western boundary. Vacant land bounds the property to the north and south, with residential garden of a neighbouring lot sited to the east.

**Zoning**

The property is zoned Agricultural/Residential.

**Specific Issues**

**1) Suitability**

The application seeks to construct a garage which would replace a previously approved storage shed. No principal dwelling is on site and it is unclear why a garage is required. Previously a storage shed was approved, which was suitable given zoning being agricultural/residential zone.

Regulation 21 permits two houses per acre or any development providing the land is not over a water lens and not particularly suited to agriculture. If such development is proposed it would be required to comply with the Regulations relating to low density areas.

- The site sits outside of the defined water lens area;
- The site is located on some of the best agriculturally viable land; and
- The proposal complies with the Low Density regulations.

Members are invited to consider the suitability of the proposal.

## 2.12 J. LAURENSEN (Shedwerx) Block 27C Parcel 662 (P22-1137) (\$10,000) (NP)

Application for an after-the-fact temporary storage building & washroom.

### **FACTS**

<i>Location</i>	Tarpon Island Drive in Prospect
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Parcel size</i>	26,275 sq. ft.
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Dock
<i>Proposed use</i>	After the fact storage building and washroom
<i>Building size</i>	222 sq. ft.

### **BACKGROUND**

June 22, 2022 (CPA/16/22; Item 2.1) – The Authority resolved to grant planning permission for a free standing cabana subject to conditions (P22-0155).

April 13, 2022 (CPA/11/22; Item 2.28) – The Authority resolved to adjourn an application for a cabana and invite the applicant in to discuss concerns that there is no application for the primary development of the site.

**Recommendation:** Discuss planning permission for the following reason:

- 1) Existing rear setback (5' vs 20')

### **AGENCY COMMENTS**

Comments from the Department of Environment are provided below:

*This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The application is man-modified with limited ecological value. The applicant should be advised to stockpile construction materials away from the canal edge to prevent run-off and debris from entering the marine environment causing turbidity and impacting water quality.*

### **APPLICANT'S LETTER**

*Pursuant to the planning Regulation section 8(13) per the development & Planning Regulations (2022 revision), Pertaining to front and rear setbacks. We are asking for a variance to the roadside setback, as the temporary site hut has been located within the setback, presently 8'-6" off the boundary.*

*We are making this request for a variance to the setbacks for the following reason: Firstly, as previously noted, the structure is located there presently. Secondly, the owners' reasoning for locating the structure as such was to maximize the area beyond for construction purposes. Lastly, the owner was unaware that the temporary building would require planning approval.*

*Please refer to the detailed drawing issued with the application.*

*Should you require any further information, please contact the undersigned.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on Tarpon Island Drive in Prospect.

The application pertains to an after the fact temporary storage building and washroom with a total building area of 222 square feet. The applicant's agent has indicated that the structure will be removed following construction of the cabana and main house.

The property is developed with a dock.

Approval was previously granted for a free standing cabana (581 square feet) with a bar, bbq, and bathroom located under the roof of the cabana.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Existing Rear Setback**

Regulation 9(8)(i) requires a minimum rear setback of 20 feet. The after the fact temporary structure has been constructed with a 5 foot setback.

The Authority should consider whether a variance is warranted in this instance.

**2.13 ROLLAND HENRY (RH Engineering and Architecture) Block 1C Parcel 236 (P20-0703) (\$768,000) (MW)**

Application for 4 apartment units.

**FACTS**

<i>Location</i>	Knolls Cres., West Bay
<i>Zoning</i>	<b>High Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.1750 ac. (7,623 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3,179.60 sq. ft.
<i>Total building site coverage</i>	20.86%
<i>Allowable units</i>	4
<i>Proposed units</i>	4
<i>Allowable bedrooms</i>	7
<i>Proposed bedrooms</i>	8
<i>Required parking</i>	6
<i>Proposed parking</i>	6

**BACKGROUND**

August 03, 2022 – Four (4) Apartments – the application was considered and it was resolved to adjourn the application for the following reason:

- 1) The applicant is required to submit revised plans showing a 22' wide driveway aisle and 6 functional parking spaces.

**Recommendation:** Discuss the application, **for the following reason:**

- 1) Ensure the revised site plan is satisfactory

**AGENCY COMMENTS**

Comments from the Water Authority, Department of Environmental Health and Department of Environment are noted below.

**Water Authority**

*Please be advised that the Water Authority's requirements for this development are as follows:*

### **Wastewater Treatment & Disposal**

- The developer shall provide a **septic tank(s)** with a capacity of at least **1,750 US gallons** for the proposed, based on the following calculations:

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>
Rose Apartments	4 x 2-Bed Units	225gpd/2-Bed	900
<b>TOTAL</b>			<b>900 GPD</b>

- The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.
- **Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards.** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.
- **To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'6" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

**For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:**

1. If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank). Site Built Tanks shall be coated with Epoxytect CPP or ANSI/NSF-61 certified equivalent.
2. All dimensions and materials shall be provided for any site-built tanks.
3. Manhole extensions are permitted up to a maximum of 24" below finished grade.
4. Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.
5. A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)
6. The Water Authorities updated 2020 effluent disposal well specifications.
7. A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.

### **Water Supply**

Please be advised that the proposed development site is located within the Cayman Water Company's (CWC) piped water supply area.

- The developer is required to notify the Cayman Water Company without delay, to be advised of the site-specific requirements for connection.
- The developer shall provide water supply infrastructure per CWC's specification and under CWC's supervision.



If there are questions or concerns regarding the above, please email them to:  
[development.control@waterauthority.ky](mailto:development.control@waterauthority.ky)

## **Department of Environmental Health**

*DEH has no objections to the proposed in principle.*

### **Solid Waste Facility:**

1. *This development require 4 (33) gallon bins and an enclosure built to the department's requirements*
  - a. *The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.*
  - b. *The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

*Table 1: Minimum Enclosure Dimensions*

Number of Containers	Minimum Dimensions (feet)		
	Width	Length	Height
4	5.00	5.00	2.50

## **Department of Environment**

*This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The application is man-modified with limited ecological value. The DoE encourages the applicant to plant and incorporate native vegetation into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and less supplemental irrigation. Once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands' biodiversity by providing habitat and food for native fauna.*

*The DoE also encourages the applicant to include sustainable design features wherever possible. Given the Cayman Islands National Energy Policy 2017-2037's target of 70% of Cayman's energy generation being renewably sourced by the year 2037, we especially encourage renewable energy installations. Photovoltaic solar panels could be installed on suitable roof spaces or over parking spaces. Other sustainable design features could include rainwater collection for irrigation use and permeable paving to reduce the amount of surface water run-off required to be disposed of in drainage systems.*

## **Fire Department**

Approved for Planning Permit Only 01 Apr 22

## **APPLICANT'S LETTER**

*On behalf of the owner/applicant Mr Uriah Rose, I hereby request variances for the following :-*

*1. The Parcel 1C236 is located in a High Residential Zone and the design proposal is for an apartment building. The parcel has a square footage of approximately 7623 sq ft which is larger than the minimum lot size stipulated for apartments (5000 sq ft). On this basis we request that consideration is given to allowing an apartment building on a reduced width which is approximately 70ft ( at the property frontage ) and 62.5' (at the rear of the property). The required minimum setbacks are maintained and the coverage and parking units have been provided.*

*2. The current guidelines allows for a density of 25 units per square foot , this development proposes 4 units for the parcel which approximates to 22 units per acre which is less than the stipulated density.*

*Should you require any further clarification or please feel free to contact me as per the details provided in this letter*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for 4 apartments to be located on Knolls Cres., West Bay.

### **Zoning**

The property is zoned High Density Residential.

### **Specific Issues**

#### **1) Suitability**

Regulation 9(6) states the following development is permitted in a High Density Residential Zone.

- (a) Detached & semi-detached houses.
- (b) Duplexes
- (c) In locations considered as suitable by the Authority guest houses and apartments.

An overview of the proposed site shows the surrounding area to be primarily residential homes and vacant parcels with a few apartments within the nearby vicinity.

- 1D 506 :- Apartments
- 1D 515:- Apartments (Medlock Villas)
- 1C 270:- Apartments (Portofino Gardens) (Approved)
- 1C 213:- Coconut Bay (Approved)

#### **2) Unit density**

Regulation 9(6)(c) states “*the maximum number of apartments is twenty-five per acre.*” The current proposed lot size (0.1750 Ac / 7,623 sq. ft.) would allow for a maximum of **3.75 units**). The applicant has proposed 4.

#### **3) Bedroom Density**

Regulation 9(6)(c) states “*the maximum number of bedrooms is forty-two bedrooms per acre.*” The current proposed lot size (0.1750 Ac / 7,623 sq. ft.) would allow for a maximum of (0.1750 ac. X 42 = **7.35 Bedrooms**). The applicant has proposed 8 bedrooms.

#### 4) Lot Width

Regulation 9(6)(f) states “*the minimum lot width for guest houses and apartments is 100’*”. The proposed lot would be 70.8’ a difference of 29.2’ respectively.

#### 5) Parking Layout

The current proposed development meets the required parking total of 6 spaces

4 units x 1.5 spaces = 6 spaces.

However the current proposed parking layout does not work, the applicant has only provided a 10’ reversing area which is 12’-0” less than the normal required 22’.

#### 6) Sidewalk

The proposed development currently does not provide a 6’ sidewalk at the front of the property which would typically be required.

### **SUPPLEMENTARY ANALYSIS**

The applicant has since submitted a revised parking layout which provides a 24’ wide driveway aisle and 6 functional parking spaces.

#### **2.14 MARVEL & DERVIN CUMMINGS (GMJ Homeplans Ltd.) Block 27D Parcel 413H1 (P22-0939) (\$171,000) (MW)**

Application for a two-storey house addition.

### **FACTS**

<i>Location</i>	Saddlewood Dr., Bodden Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.1521 ac. (6,625.476 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Existing Residence; 1,356 sq. ft.
<i>Proposed building size</i>	855 sq. ft.
<i>Total building site coverage</i>	26.96%
<i>Required parking</i>	1
<i>Proposed parking</i>	2

### **BACKGROUND**

September 11, 2012 – Three Bedroom House; 1,356 sq. ft. – the application was considered and it was resolved to grant planning permission.

**Recommendation:** Discuss the application, **for the following reasons:**

- 1) Rear Setback (9’-2”(step) / 10’ (addition) vs. 20’)
- 2) Side Setback (10’ vs 15’)

## **APPLICANT'S LETTER**

*We write on behalf of the applicants, Mervin & Marvel Cummings, with regards to the following variance;*

- *A side setback variance – the addition is proposed at 10'-0" from the left side property line which is 5'-0" less than the required 15' for two storey developments.*
- *A rear setback variance – the addition would also be 10'-0" from the rear property line which would be 10'-0" less than the required 20'.*

*We request permission for the proposed development per the drawings provided and humbly give the following reasons:*

1. *Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail. There have been no objections to date.*
2. *The side and rear yard encroachments are necessary in order to build the addition as the existing structure was built at the minimum required due to restrictions presented by the shape and size of the parcel. The proposed location of the addition is deemed the most suitable area for development on the subject parcel.*
3. *The subject parcel is located on the northwest corner of the Saddlewood subdivision. There is a 10'-0" wide swale between the boundary of subdivision and the lot lines on the subdivision at the rear and the left side.*
4. *Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.*
5. *The application complies with all other relevant planning requirements.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a two story house addition; 855 sq. ft. with side & rear setback variances to be located on Saddlewood Dr., Bodden Town.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Rear Setback**

Regulation 9(8)(i) states "*the minimum rear setbacks are 20'*". The proposed addition would be 9'-2" (steps) & 10'-0" (addition) from the rear boundary a difference of 10'-10" & 10', respectively.

#### **2) Side Setback**

Regulation 9(8)(j) states "*the minimum side setback for a building of more than one storey is 15'-0"*". The proposed addition would be 10'-0" from the side boundary a difference of 5'.

**2.15 LANA M. & DARREN L. KELLY (Trio Design) Block 28B Parcel 371 (P23-0095) (\$1,400,000) (EJ)**

Application for house, semi-detached garage, swimming pool, 4' & 6' wall & fence.

**FACTS**

<i>Location</i>	Off Neezas Way, Savannah
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	NA
<i>Parcel size proposed</i>	0.3277 ac. (14,274 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	2,864 sq. ft.
<i>Total building site coverage</i>	11.70%
<i>Required parking</i>	1
<i>Proposed parking</i>	2

**Recommendation:** Discuss the application, **for the following reason:**

- 1) Fence height (6' vs 4')

**APPLICANT'S LETTER**

*I am writing on behalf of my clients Lana & Darren Kelly for whom I am seeking a (Height) Variance for the following described below.*

*We are applying to the Planning Authority for permission to build a Front & Partial Side Boundary wall to be constructed out of 8" CMU. The proposed wall is to be 4' high with 2' x 2' support columns spaced at 14' intervals, the proposed columns are 4.6' tall.*

*In addition, we are proposing to install along the Sides & Rear Boundary prefabricated 6'H X 8'W PVC Fencing sections.*

*Thanks for your kind consideration in this matter. If your department has any questions or requires further clarification about the nature of the proposed I will be more than willing to address them.*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The proposed two-bedroom house with semi-detached single garage, swimming pool and 4' with 4.8' columns concrete (road side) wall with gate and 6' sides and rear PVC fence is located off Neezas Way, Savannah.

**Zoning**

The property is zoned Low Density Residential.

## **Specific Issues**

### **1) Fence height**

There is a proposed 6' high PVC fence along the side and rear of the property which exceeds the typical 4' height in residential zones.

## **2.16 COVAN BUSH (John Arch Construction) Block 4D Parcel 284 (P22-0995) (\$6,125) (EJ)**

Application for after-the-fact kitchen extension to house.

### **FACTS**

<i>Location</i>	Mona Lisa Way, West Bay
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.24 ac. (10,454 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Houses
<i>Proposed building size</i>	49 sq. ft.
<i>Total building site coverage</i>	30.33%

### **BACKGROUND**

1991 - The Authority granted permission for a house.

1997 - The Authority granted permission for an after-the-fact house.

CE21-0151 – the Department issued an enforcement notice for illegal addition to house over a septic tank.

CE21-0238 – the Department issued an enforcement notice for unauthorized enclosure of washroom.

**Recommendation:** Discuss the application, **for the following reasons:**

- 1) side setback variance (2' 1" vs 10')
- 2) site coverage (30.33% vs 30%)

### **APPLICANT'S LETTER**

*I am the Architect working on the project of Block and Parcel 4D 284 regarding the proposed project. "49' S.F After the fact kitchen addition to existing building," the applicant being Covan Bush, Sister of the owner of the property, Mary Stewart.*

*Mary Stewart's Mother previously owned the property, and with her unfortunate passing, Mary was made the Administrator of the property. Her mom allowed her daughter, Covan Bush, to build on the property decades ago, so she had somewhere to house herself and her children.*

*Covan constructed an approximate 7'x7' structure, which contains a kitchen sink. The current property owner, Mary Stewart, wasn't aware of this until it was almost completed. Covan ignored any discussions about the situation and verbally abused Mary Stewart and her eldest daughter whenever they tried to discuss the matter with her.*

*Covan and Mary were given an enforcement notice. The notice instructed them to submit plans or remove the structure. Failure to do either would result in Mary Stewart (not Covan) being charged for an act she did not commit. Mary has never been involved with court issues and always avoids stressful situations/confrontations. Covan made no attempts to try and resolve this as she said, "it will not be her to go to court; it will be Mary." Covan does not have a steady job and relies on rental income from rooms in her house and assistance from NAU. As this structure appeared beneficial to her, Mary assisted with getting funds together and arranging plans to be completed and submitted on her behalf.*

*If the submission/application could be approved, now that all the correct steps have been taken, it would take a load of stress off of Mary Stewart for a situation that she did not have control over and was done without her permission. Even if Covan does not acknowledge that it was wrong for her to construct without the proper approvals and doing things in line with the law, the property owner, Mary Stewart, fully acknowledges her wrongs and can only say that she hopes that Covan has learned from this. Mary has now made her presence more known around the property and will be working on getting cameras installed so she can observe what is taking place at the property to ensure that nothing as such happens in the future.*

*I will like for you to consider this request for the variants as per regulations 8 (13) Notwithstanding sub regulations (1), (2), (5), (7) and (9) and regulations 9(6), (7) and (8), 10, 12, 13, 14, 15, 23, 26 and 27, the Authority may grant planning permission to carry out development that does not comply with all or any of those provisions, with the exception of the number of permitted stories in sub regulation (2), if the Authority is satisfied that —*

*Regulation 8 (13)(b) there is sufficient reason to grant a variance and an exceptional circumstance exists.*

*8 (13)(b)(i) the characteristics of the proposed development are consistent with the character of the surrounding area as the entire building has setback problems.*

*8 (13)(b)(iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare. It was notified to the adjacent properties by registered mail of the application for planning permission and there were no objections.*

*8 (13)(b) In the case of an application where **lesser setbacks** are proposed for a development or a **lesser lot size** is proposed for a development, the Authority shall in addition be satisfied that the adjoining property owners have been notified of the application.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The after-the-fact 49 sq. ft. kitchen extension is located on Mona Lisa Way in West Bay.

### **Zoning**

The property is zoned Low Density Residential.

## **Specific Issues**

### **1) Minimum side setback**

The applicant is seeking permission for the after-the-fact kitchen extension which exists at 2.1' vs 10' from the side boundary; therefore, not meeting regulations 9(8)(j).

### **2) Maximum site coverage**

Additionally, the applicant is seeking an over site coverage variance as the addition will push the site coverage to 30.33% vs 30% or (0.33%) over what is allowed under regulations 9 (8)(h).

## **2.17 CHRISTIAN BOURKE & JOEL WEBSTER (Tony Lattie) Block 13D Parcel 220 (P22-0507) (\$540,000) (MW)**

Application for six (6) apartments.

### **FACTS**

<i>Location</i>	Greenwood Dr., George Town
<i>Zoning</i>	<b>High Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.15 ac. (6,534 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	2,415.16 sq. ft.
<i>Total building site coverage</i>	26.44%
<i>Allowable units</i>	3.75
<i>Proposed units</i>	6
<i>Allowable bedrooms</i>	6
<i>Proposed bedrooms</i>	6
<i>Required parking</i>	9
<i>Proposed parking</i>	9

### **BACKGROUND**

January 20, 2021 – Proposed Four Apartments with Attached Laundry Room – the application was considered and it was resolved to adjourn the application.

April 13, 2021 (CPA/08/21; Item 2.3) – (4) Unit Apartment Complex with Attached Laundry Room – the application was considered and it was resolved to grant planning permission.

August 03, 2022 (CPA/19/22; Item 2.6) – (8) Apartments – the application was considered and it was resolved to adjourn the application.

December 21, 2022 (CPA/30/22; Item 2.2) – (8) Apartments – the application was considered and it was resolved to adjourn the application for the following reasons:



- 1) The applicant is required to submit revised plans showing a maximum of 6 apartments and the bedrooms must include windows.
- 2) The applicant is required to re-notify the adjacent land owners due to the requirement for the bedrooms to include windows.

**Recommendation:** Discuss the application, **for the following reason:**

- 1) Determine if the revised plans are acceptable

### **AGENCY COMMENTS**

Comments from the Water Authority, National Roads Authority, Department of Environmental Health and Department of Environment are noted below.

#### **Water Authority**

##### **Wastewater Treatment & Disposal**

- *The developer shall provide a **septic tank(s)** with a capacity of at least 2,000 US gallons for the proposed, based on the following calculations:*

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>
<i>Studio Apartments</i>	<i>8 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>1,200</i>
<b>TOTAL</b>			<b>1,200 GPD</b>

- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- ***Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 4".** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'5" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*  
***For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:***
  - 1) *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
  - 2) *All dimensions and materials shall be provided for any site-built tanks.*

- 3) *Manhole extensions are permitted up to a maximum of 24" below finished grade.*
- 4) *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
- 5) *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
- 6) *The Water Authorities updated 2020 effluent disposal well specifications.*
- 7) *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

#### **Traffic Rated Tank and Covers**

*The drawings indicate the septic tank is proposed to be located within a traffic area. **Therefore, a traffic rated tank and covers are required.** The Water Authority requires that manhole covers be traffic rated heavy duty to meet AASHTO H-20 loadings of 16,000lb wheel loads and sealed with a gasket or O-ring. Covers and frames shall be manufactured from ductile iron or gray iron complying with the requirements of ASTM A-48 Class 35.*

#### **Water Supply**

*The proposed development site is located within the Water Authority's piped water supply area.*

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>*

***The Authority shall not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.***

#### **Department of Environmental Health**

*Solid Waste Facility:*

*DEH has no objections to the proposed in principle.*

1. *This development require (8) 33 gallon bins and an enclosure built to the deptment's requirements.*
  - a. *The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.*
  - b. *The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

#### **Department of Environment**

*This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The application is man-modified with limited ecological value. We recommend that the applicant plants and incorporates native vegetation into the landscaping scheme for the development. Native vegetation is best suited for the habitat conditions of the Cayman Islands. It requires less maintenance and less supplemental irrigation, meaning once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands' biodiversity by providing habitat and food for native fauna.*

## **Fire Department**

Rejection Reason: Please depict proposed or existing Fire well and Fire Hydrant . As per 1994 Standard Fire Prevention Code 603.1.3.1 Water supply. Approved fire hydrants shall be provided for buildings to meet the necessary fire flow requirements as determined by the fire official. Where public water supply is inadequate or not available, an approved alternative water source meeting the fire flow requirements shall be provided. Fire flow performance tests shall be witnessed by the fire official, or representative, prior to final approval.

## **APPLICANT'S LETTER**

*We, Christian Bourke and Joel Webster, are honored to seek a modification to an approved planning permission (p20-1012) for 'Gateway Apartments'. The property will be built on Greenwood Drive, immediately behind the Ashgo Street commercial area, close to Kirk's, A.L. Thompson's, Flow, the Government Administration Building and the businesses in Cricket Square.*

*Gateway Apartments will comprise 8 micro studios, designed to offer affordable, environmentally sustainable, secure and area-appropriate rental units to long stay tenants with a focus on local working people looking for a Caribbean urban living experience at a fair price that is close to work and recreation opportunities.*

*This project represents an opportunity to create more affordable and secure housing in Cayman and further enhance an area in transition, in an environmentally sensitive way.*

*This site will be a build-to-rent property retained by us as investors that is: (1) consistent with the surrounding area; (2) not detrimental to the surrounding area or the public; (3) affordable; (4) environmentally sustainable; and (5) secure.*

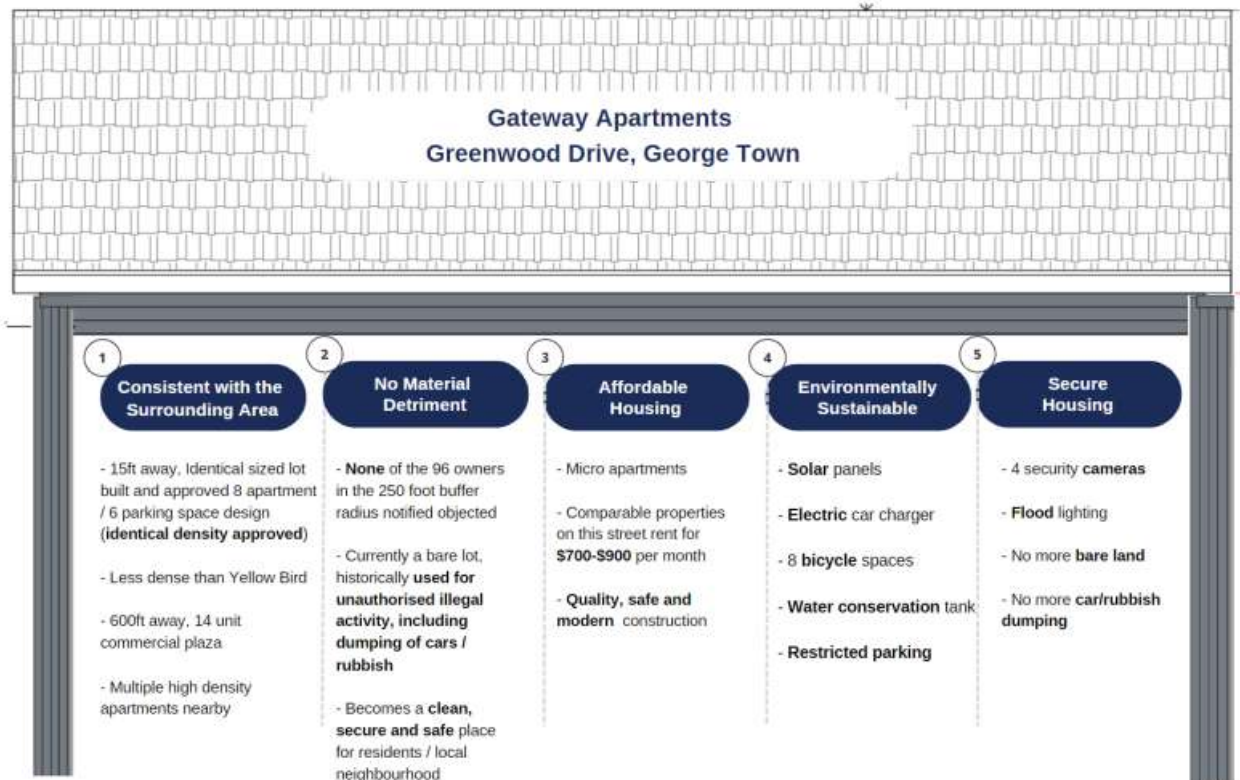
*We have notified all the surrounding property owners within a 250 foot radius and to date we have not received any objections to the proposed modifications from any of the 96 notified owners.*

*Modifications regarding (A) density and (B) parking are requested herein. We respectfully submit that the Board is permitted here to exercise its discretion to grant this modification pursuant to Planning Regulation 8(13)(b) to grant planning permission to carry out construction that does not comply with the related planning provisions on the basis that the Board is satisfied that there is sufficient reason to grant such variances and an exceptional circumstance exists here. This is on the basis that:*

- 1. the characteristics of the proposed development are **consistent with the character of the surrounding area**;*
- 2. the proposal will **not be materially detrimental** to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare;*
- 3. this modification will help to answer the growing demand for **affordable housing**;*

4. this modification features significant **environmentally sustainable** features; and
5. this modification offers **greater security** to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, and to the public welfare.

**Planning Regulation 8(13)(b) - sufficient reason and exceptional circumstance justifies this modification**



**1. The characteristics of the proposed development are consistent with the character of the surrounding area**

Known as ‘the Swamp’ and adjacent to the Ashgo Street commercial precinct and the broader industrial area, this area of George Town is the site of a large number of high density residential and commercial properties.

It is important to note that while the requested density exceeds the normal limit, it is significantly less than what is typically found in this area for the size of land and:

- the lot size is identical (0.15 acres) to a lot across the road and 15 feet from this site, where the Board approved a similar design (by the same architect) 8 unit/6 car park property (13D 230);
- is also proportionately less dense than approvals such as the Yellow Bird complex located in the area known as “Rock Hole”. The Yellow Bird complex provides 635 square feet of land per studio apartment and this proposed complex provides 818 square feet of land per studio apartment; and
- perhaps with grandfathered approvals, there are many high density apartments on, and in the streets around, Greenwood Drive. These newly constructed units built by experienced builders will likely be

*a highly quality build than what is currently offered in this area. This is shown further in Attachments 2, 3 and 4.*

*At the end of Greenwood Drive and 600 feet from this site, a 14 unit commercial plaza, Arboretum Place, is being built. This modification creates affordable housing for people working and doing business in that plaza.*

*This modification, although denser than the general planning regulations permit, are entirely consistent and less dense than what is found in this area. Accordingly we respectfully submit that it is consistent with the character of the surrounding area.*

**2. *The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare***

*None of the 96 owners in the 250 foot buffer radius notified of this proposed modification have made objections to the modification, this indicates that those most directly affected and owning adjacent to the property do not consider that the modification will be materially detrimental to them.*

*Currently the site is a bare lot, historically used for unauthorised illegal activity, including dumping of cars and rubbish. This modification would convert that bare lot into a clean, secure and safe place for residents and potential accommodation for those working in the vicinity.*

**3. *Affordable Housing***

*Government initiatives and newspaper articles focus on the growing demand for affordable housing. This demand is growing with higher interest rates, petrol costs and inflation pressures.*

*Maximising the productivity of this land by approving this modification allows each studio to be offered at a lower monthly rent. These studios are intended to be built and held by us as investors as a long term investment for rental return. We understand that similarly sized micro units on this street are renting at relatively low prices, CI\$700-900 monthly (all inclusive). Building 8 units (instead of 4 units) on this site through this modification makes it economically viable us to offer similarly low rent. We have identified this price range as being more attractive to local people starting out in their careers or in a transitional life phase.*

*We respectfully submit that growing the affordable housing stock (in combination with the 4 other factors identified here) represents a sufficient reason to respond to the exceptional circumstance contemplated by the regulations in the form of “Cayman’s Housing Crisis” (the name of a series of articles by the Cayman Compass, beginning in March 2020), worsened recently with higher interest rates, petrol prices and inflation.*

**4. *Environmentally Sustainable***

*The plans for this modification submitted to the CPA contemplate solar panels, an electric car charger, a water tank and 2 bike racks (accommodating 8 bicycles in total) to reduce the property’s environmental impact. Providing a limited number of parking spaces but a large number of bicycle spaces is intended to encourage bicycle use and reduce the congestion and vehicle emissions associated with this property.*

*To limit congestion (and address the parking concerns discussed further below), we undertake to permit only 4 of the units to have cars. For those units which are not permitted to have cars, a condition of the relevant lease (and a right to termination) will include the tenant not having a car parked on site.*

*Given the size and monthly of these units, it is anticipated that many of the tenants will not have their own vehicles and prefer to make use of the nearby amenities, public transport or biking.*

## **5. Secure**

*The 4 security cameras shown on the plans for this site will provide significant security comfort to residents and the public more generally. The site's lighting will further enhance local safety in this area as flood lighting is intended at the North and South sides of the property which do not open onto units and subdued lighting on the East and West sides where the doors/windows to the units are located. These measures will make the property and its surrounding areas safer including for tenant's and members of the public walking by the property at night.*

*Currently the site is bare and often used for unauthorised illegal activity, including dumping of cars and rubbish. These newly constructed units built by experienced builders will likely be a highly quality build than what is currently offered in this area.*

### ***The two variances requested***

#### ***A. Density Modification Requested***

*This site is zoned as high density. We are requesting to increase the unit number and bedroom number from 4 to 8. We would be grateful if the Board would review and consider the proposed micro units of approximately 307 square feet of internal area.*

*Further to the application submitted in relation to this project, we respectfully request a density variance. The Planning Regulations permit:*

- *a maximum of 25 units per acre and 42 bedrooms per acre Planning Regulation 9 (6)(c);*
- *a minimum lot size of 5,000 square feet per Planning Regulation 9 (6)(ea); and*
- *minimum lot width of 100 feet per Planning Regulation 9 (6)(f), in a Low Density Residential Zone.*

*The Site Lot Area is 6,547.5 square feet or 0.15 acre, in which the Planning Regulation would allow a maximum of (3.75) Units and (6.3) Bedrooms and require a minimum lot size of 5,000 square feet for an apartment site with a minimum lot width of 100 feet.*

*The Proposal has a total of 8 Studio Units and 8 bedrooms. While we have exceeded the unit & bedroom count by (4.25 units) and (1.7 for bedrooms) and the lot width did not meet the required minimum, we have ensured that the proposed micro units building will be within the required minimum setbacks. Therefore, no setback variance is requested.*

#### ***B. Parking Modification Requested***

*By ensuring the Gateway Apartments is within the setbacks, we were unable to increase the number of parking spaces from 6 to 12. Therefore we are seeking an exemption regarding the number of parking spaces, There are similar developments within the area (in the table listed below) that have been approved with a reduced number of parking spaces, one of the noted developments is on 13D 230 (see example) adjacent to this site with the same lot size (.15 acre), number of units and number (8) and number of parking (8), the characteristics of the proposed development are consistent with the character of the surrounding area.*

*Gateway Apartments is well placed for a cycle based pool of tenants, even better than the downtown area that is part of the George Town revitalisation project because it is close (walking/cycling distance) to the industrial park and other key employers (particularly for the target demographic of low cost housing) such a Kirk's, A.L. Thompson's, Flow and the businesses in Cricket Square (in addition to current construction sites nearby). This is shown in Attachment 5 – Walking Distance from Working and Recreation Opportunities.*

*As alluded to above, the following strategies will be taken to manage the parking of this site:*

- i. we commit to permit only 4 of the unit to have cars (thereby with 6 parking spaces as proposed, meeting the 1.5 parking to unit ratio);*
- ii. for those unit which are not permitted to have cars, a condition of the relevant lease (and a right to termination) will include the tenant having a car parked on site;*
- iii. we commit to frequently (at least every six months) having tenants which are not permitted to have cars, to confirm that they do not have cars; and*
- iv. the cameras referred to above will cover the carpark and be used to monitor its use.*

*We note that following similar developments in the surrounding areas have been approved with less than the required amount of parking spaces needed for this site under the Planning Regulation. This underscores the density of this area and the character of the parking approach in the area.*

*Should the Board require it, we can add 2 further car parking spaces however this would (increase the environmental footprint of the property and its residents and) require the rear set back to change from 20 feet to 11 feet, which would require a third variance.*

Approved sites with parking shortfalls			
Block & Parcel	No. of Units	No. of Parking	Req. parking
13D 230	8	6	12
13D 225	4	4	6
13D 312	4	4	6
13D 302	10	11	15
13D 154	7	7	11
13D 294	6	8	9

*This is further illustrated in Attachment 4 - Key Precedent Approvals.*

*In summary, we respectfully submit that pursuant to Planning Regulation 8(13)(b) that the Board exercise its discretion to grant planning permission to carry out development that does not comply with the planning provisions regarding density and parking on the basis that there is sufficient reason to grant a variance and an exceptional circumstance exists on the basis of: (1) its consistency with the surrounding area; (2) it is not materially detrimental to the surrounding area or its residents or the public; (3) it offers affordable housing; (4) it is environmentally sustainable; and (5) offers secure housing. Overall, we would suggest that this modification will enhance the surrounding area and provide welcome affordable and sustainable housing for local people.*

*If you require additional information or further clarification, please don't hesitate to contact us.*



Attachment 1 - Overall Area Map



## Attachment 2 - Buffer Map



### Attachment 3 - Greenwood Drive Properties



### Attachment 4 - Key Precedent Approvals



Reference development **Block 13D / Parcel 230** - with parking shortfall This development is similar to the subject property with regards to number of units (8), number of parking spaces (6), lot size, located on the same street





Reference development Block 13D / Parcel 225 - with parking shortfall (4) Four units development / (4) four parking spaces



Reference development Block 13D / Parcel 312 - with parking shortfall (4) Four units development / (4) four parking spaces



Reference development Block 13D / Parcel 302 - with parking shortfall (10) Ten units development / (11) eleven parking spaces



Reference development Block 13D / Parcel 154 - with parking shortfall (7) Seven units development / (7) seven parking spaces



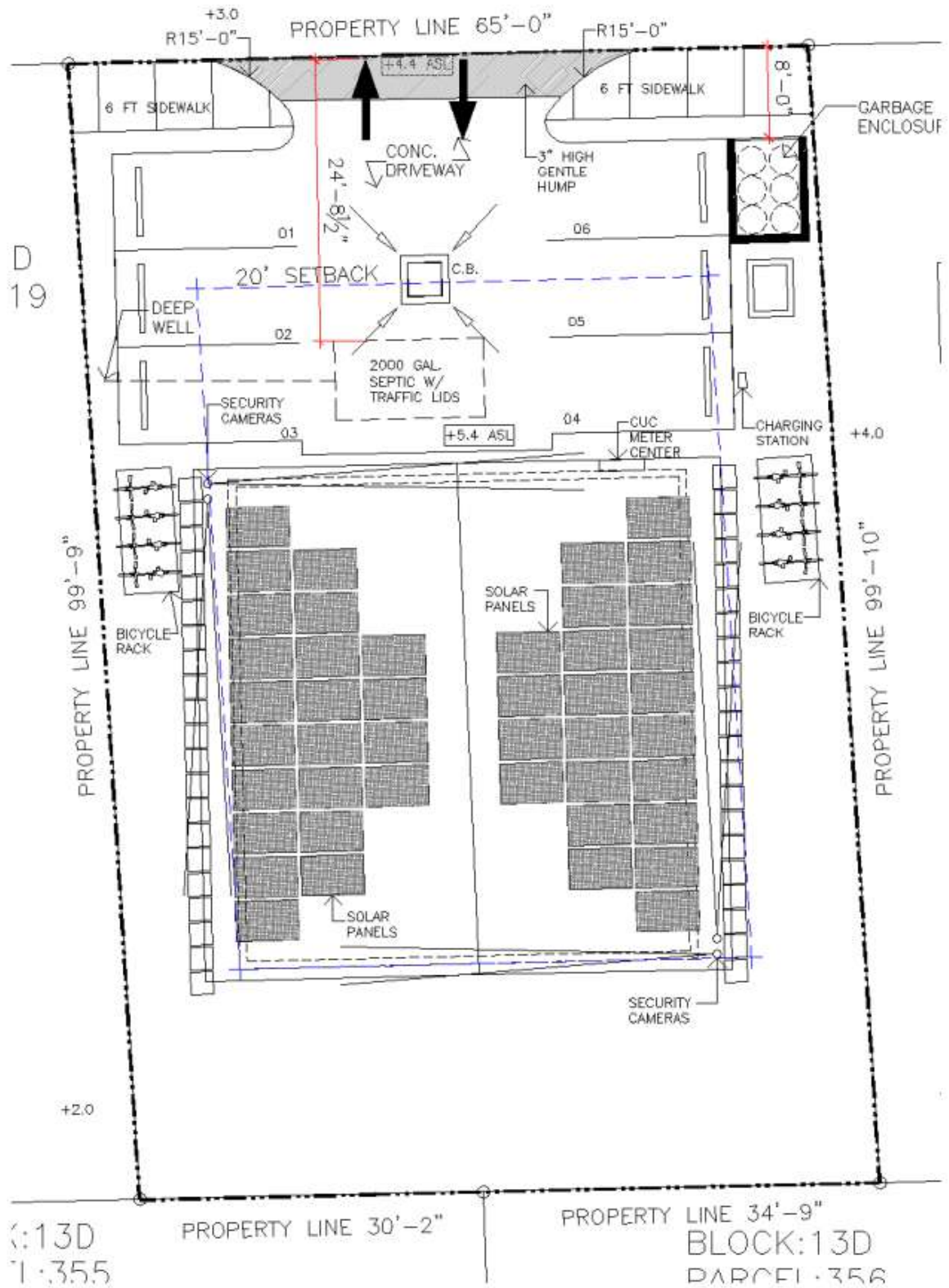
Reference development Block 13D / Parcel 294 - with parking shortfall (6) Six units development / (8) eight parking spaces

## Attachment 5 – Walking Distance from Working and Recreation Opportunities





**Attachment 6 - Subject property - Site plan Illustration**



## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for 8 apartments to be located on Greenwood Dr., George Town.

### **Zoning**

The property is zoned High Density Residential.

### **Specific Issues**

#### **1) Suitability**

Regulation 9(6) states the following development is permitted in a High Density Residential Zone.

- (a) Detached & semi-detached houses.
- (b) Duplexes
- (c) In locations considered as suitable by the Authority guest houses and apartments.

An overview of the proposed site shows the surrounding area to be primarily residential homes and vacant parcels with apartments within the nearby vicinity.

- 13D 222 :- Apartments
- 13D 230:- 8 Studio Apartments (Approved 16-8-17) (CPA/16/17; Item 2.2)
- 13D 231:- Apartments
- 13D 319:- Apartments (Approved 5-16-2007)(CPA/13/07; Item 2.27)
- 13D311:- 4 Studio Apartments (Approved 3-7-2019) (CPA/14/19; Item 2.10)

#### **2) Unit Density**

Regulation 9(6)(c) states “ *the maximum number of apartments is twenty-five per acre.* ” The current proposed lot size (0.15 Ac / 6,534 sq. ft.) would allow for a maximum of (0.15 ac. X 25 =**3.75 Units**). The applicant has proposed 8 Units a difference of 4.25 units respectively.

#### **3) Bedroom Density**

Regulation 9(6)(c) states “ *the maximum number of bedrooms is forty-two bedrooms per acre.* ” The current proposed lot size (0.15 Ac / 6,534 sq. ft.) would allow for a maximum of (0.15 ac. X 42 =**6.3 Bedrooms**). The applicant has proposed 8 bedrooms a difference of 1.7 bedrooms respectively.

#### **4) Lot Width**

Regulation 9(6)(f) states “ *the minimum lot width for guest houses and apartments is 100’* ”. The proposed lot would be 65’-0” a difference of 35’-0” respectively.

#### **5) Parking**

The current proposed development requires a total of 12 spaces

8 units x 1.5 spaces = 12 spaces.

The applicant has proposed a total of 6 spaces a difference of 6.



## 6) Garbage Enclosure Setback

Regulation 8(7) states “solid waste storage areas shall be setback a minimum of 6 from the adjacent property boundary”. The applicant has proposed a minimum setback of 8” a difference of 5’-4”.

### **SUPPLEMENTARY ANALYSIS #1**

There have been no changes to the plans.

### **SUPPLEMENTARY ANALYSIS #2**

The applicant has submitted revised plans as requested by the Authority and has also re-notified the adjacent owners as requested by the Authority. The side and rear setbacks remain the same as previously considered by the Authority (10’/14’ 8” and 20’, respectively).

## 2.18 **NATIONAL TRUST OF THE CAYMAN ISLANDS (Whittaker & Watler) Block 59A Parcel 271 (P22-1121) (\$168,600) (NP)**

Application for an office/lab building.

### **FACTS**

<i>Location</i>	Botanic Park
<i>Zoning</i>	<b>Institutional</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	61 acres
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Botanic Park
<i>Building Footprint</i>	843 sq. ft.
<i>Building Area</i>	843 sq. ft.
<i>Parking Required</i>	2
<i>Parking Provided</i>	2

**Recommendation:** Grant Planning Permission.

### **AGENCY COMMENTS**

Comments received to date are noted below.

#### **Water Authority**

*Please be advised that the Water Authority’s requirements for this development are as follows:*

#### **Wastewater Treatment & Disposal**

- *The developer shall provide a **septic tank(s)** with a capacity of at least 750 US gallons for the proposed, based on the following calculations:*

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>
Proposed Office	623.32 sq. ft.	623.32 x 0.15 (office factor)	93.5
<b>TOTAL</b>			<b>93.5</b>

- The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.
- **Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 4".** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.
- **To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'6" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.  
**For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:**
  - 1) If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.
  - 2) All dimensions and materials shall be provided for any site-built tanks.
  - 3) Manhole extensions are permitted up to a maximum of 24" below finished grade.
  - 4) Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.
  - 5) A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)
  - 6) The Water Authorities updated 2020 effluent disposal well specifications.
  - 7) A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.

#### Water Supply

The proposed development site is located within the Water Authority's piped water supply area.

- The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.
- The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.
- The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter

*installations are available via the following link to the Water Authority's web page:*  
<http://www.waterauthority.ky/water-infrastructure>

*The Authority shall not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.*

### **Department of Environment**

*This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The proposed office is within a man-modified area of the Queen Elizabeth II Botanic Park, near to the existing captive breeding facility. Therefore, we have no environmental concerns with the proposed location.*

*However, it is recommended that best management practices should be adhered to during construction to reduce impacts on the surrounding area. In addition, if possible, the applicant should incorporate sustainable design including renewable energy and energy efficiency measures to assist in reducing operating costs.*

*If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, we recommend the inclusion of the following conditions in the approval:*

- 1. If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent environment.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located in North Side at the Queen Elizabeth 2 Botanic Park

The proposal is for an 843 square foot office building and 2 parking spaces.

### **Zoning**

The property is zoned Institutional. There are no concerns with the application.

## **2.19 STRATA PLAN #61 (DDL) Block 13E Parcel 120 (P22-1069) (\$1,350) (NP)**

Application to modify planning permission to relocate the approved concrete walkway with access ladder.

### **FACTS**

<i>Location</i>	Poinsettia on West Bay Road
<i>Zoning</i>	<b>Hotel/Tourism</b>
<i>Parcel size</i>	1.59 acres
<i>Parcel size required</i>	0.5 acres
<i>Current use</i>	Townhouses
<i>Proposed use</i>	Ladder & Concrete Walkway

### **BACKGROUND**

26 October 2022 (CPA/26/22; Item 5.3) – The Authority resolved to not require an updated High Water Mark survey for this property.

25 September 2019 (CPA/20/19; Item 2.26) – The Authority resolved to grant planning permission for a concrete walkway with access ladder.

**Recommendation:** Modify planning permission

### **AGENCY COMMENTS**

The following comments have been received to date:

#### **Department of Environment**

*This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The Department of Environment has no objection to the relocation of the concrete pathway. The DoE prefers that ironshore is left in its natural state and not altered. However, as the walkway appears to be flush with the ironshore, we do not object to the relocation of the walkway as long as the concrete pathway is confined to the ironshore and no concreting of the sand takes place.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The subject property is located on West Bay Road.

The proposed modification is to relocate the concrete walkway with access ladder further north into the property. The length of the walkway will be reduced from 47' 10" to 22' 10".

The applicant was not required to provide an updated High Water Mark survey.

**Zoning**

The property is zoned Hotel/Tourism. There are no concerns with the application.

**2.20 CAROLYN WOODMAN (GMJ Home Plans) Block 72B Parcel 247 (P23-0004) (\$5,000) (NP)**

Application for a wall & sign for an existing subdivision.

**FACTS**

<i>Location</i>	Eastland Drive in East End
<i>Zoning</i>	Medium Density Residential
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Wall & Sign
<i>Sign Area</i>	14.0 sq ft

**Recommendation:** Grant Planning Permission.

**PLANNING DEPARTMENT ANALYSIS**

**General**

The proposed sign would be located at the southern corner of the property and would read “Tranquility Gardens”.

The size of the proposed sign is 14.0 square feet and would be located on a 35 square foot wall.

**Zoning**

The property is zoned Medium Density Residential.

**2.21 JUNE SMITH DE FILIPPO (Greg Abernethy) Block 25B Parcel 467 (P23-0038) (\$4707) (JP)**

Application for a two lot raw land strata subdivision.

**FACTS**

<i>Location</i>	Mangrove Avenue, Prospect
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2429 ac. (10,580.72 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Residential

**BACKGROUND**

March 24, 2004 (**Administrative Approval**) – application for a duplex approved (P04-0266)

**Recommendation:** Grant planning permission

### **AGENCY COMMENTS**

Comments from the Water Authority, National Roads Authority and Department of Environment are noted below.

#### **Water Authority**

##### **Existing Septic Tank**

***If the developer proposes to utilize the existing septic tank and/or disposal well, the system shall be inspected and serviced per the Water Authority's Septic Tank Inspection Form.***

*The completed inspection form shall be returned to the Water Authority for review and determination as to whether the existing system meets Water Authority design specifications. Any deficiencies noted will require repair or replacement **prior to final approval by the Water Authority.***

##### **Water Supply**

*The proposed development site is located within the Water Authority's piped water supply area.*

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the piped water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>.*

***The Authority shall not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.***

#### **National Roads Authority**

*As per your email dated January 12th, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

*The NRA has no objections or concerns regarding the above proposed subdivision.*

*Should you have any questions, please do not hesitate to contact the undersigned.*

#### **Department of Environment**

*This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the*

*National Conservation Act, 2013). The Department of Environment confirms that we have no comments at this time.*

### **APPLICANT'S LETTER**

*Enclosed please find the relevant documents relating to a 2 lot raw land strata subdivision. The purpose of the subdivision is to create 2 raw land strata lots in the parking area to correspond with the existing duplex on the parcel so that a strata can be registered. We are asking for a variance on the lots size and width under the Planning Regulation 8(13) (b) (iii) to accommodate this.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application site consists of a duplex sited within an established residential area.

The application seeks Planning Permission for the creation of two raw land strata lots.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) Lot size/width**

Regulation 9(8)(ja) permits the Authority to use discretion when determining applications for lot size, lot width, setbacks and site coverage regarding land strata applications when the strata lots are intended to allow the conveyance of approved dwelling units. The application proposes a building strata for two strata lots and to use two existing parking spaces as two strata lots thus achieving four strata lots as required in law. The result is that the two duplex units can be conveyed.

##### **2.22 61 WEST (Whittaker & Watler) Block 5B Parcel 369 (P22-1078) (\$78,700) (MW)**

Application for a change of use from office to restaurant.

#### **FACTS**

<i>Location</i>	West Church St., West Bay
<i>Zoning</i>	<b>Neighbourhood Commercial</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	1.399 ac. (60,940.44 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Existing Mixed Use Development
<i>Proposed change of use</i>	787 sq. ft.
<i>Required parking</i>	42
<i>Proposed parking</i>	50 (Existing)

**Recommendation:** Modify planning permission.

## **AGENCY COMMENTS**

Comments have been submitted from the following agencies:

### **Department of Environmental Health**

*This application is recommended for conditional approval with the conditions that the following be submitted at the BCU stage for review for the kitchen:*

- 1. The approved BCU hood details.*
- 2. Specifications for the hot water heater.*
- 3. Equipment schedule.*
- 4. Specifications for all kitchen equipment.*

*The door for the restroom must not open directly into retail and food area. The revisions must be submitted to DEH for review and approval.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a change of use from office to restaurant located on West Church St., West Bay.

### **Zoning**

The property is zoned Neighbourhood Commercial. There are no concerns with the proposed change of use as it is allowable in the specified zone and meets all parking requirements.

## **3.0 DEVELOPMENT PLAN MATTERS**

## **4.0 PLANNING APPEAL MATTERS**

## **5.0 MATTERS FROM THE DIRECTOR OF PLANNING**

### **5.1 INVINCIBLE INVESTMENT CORPORATION (Andrew Gibb Chartered Architect) Block 11D Parcel 45 (P22-0735) (MW)**

#### **Appearance at 1:30**

On October 12, 2022 (CPA/24/22; Item 2.6), the Authority considered an application for a hotel annex & related facilities and adjourned the application for the following reason:

- 1) The applicant is required to submit a Traffic Impact Assessment (TIA) based on the requirements of the National Roads Authority and approved by the Central Planning Authority. The Assessment will assist the Authority in making a fully informed decision regarding traffic impact, including the proposed off-site parking, and the pedestrian/vehicular interface along West Bay Road. Prior to commencement of the study, the Terms of Reference for the TIA shall be approved by both the NRA and CPA.

The applicant has now submitted the requested Terms of Reference for the Authority's consideration. The documentation submitted by the applicant is contained



in Appendix B.

**Recommendation:** Determine whether or not the Terms of Reference are acceptable.

## **6.0 CPA MEMBERS INFORMATION/DISCUSSION**

## Appendix A

Internal

Monday, November 7, 2022

Dear Director of Planning,

We [REDACTED], Owners and residents of Block and Parcel 1D692, would like to object to the application of Block and Parcel 1D694 on the following grounds:

When we first arrived to our home, a storage location was already built beyond the regular limits and an application was agreed by us under the condition that the area should remain tidy. Without further notice, such storage location has been expanded, it seems like it is no longer just a storage location, and it is not tidy as agreed.

In order to avoid further visual environment impact to our patrimony as well as avoid any safety risks, which were considered when establishing the planning setback limits, we hereby formally object to any application beyond the regular planning regulations.

We much appreciate your attention and understanding.

Our block and Parcel: 1D 692

Address: [REDACTED]

P.O. BOX: [REDACTED]

Phone Number: [REDACTED]

Best regards,

[REDACTED]

9 May 2017

Central Planning Authority  
C/o Planning Department  
P.O. Box 113  
Grand Cayman KYI-9000

Dear Members:

Re: Existing Storage Shed on parcel ID694 West Bay

As Owners of the adjacent parcel [REDACTED] we have no objections to the location of the structure in question with the lesser than required setback.

We agree to the location of the structure as long as the immediate area that is visible from my parcel remains organized and neat at all times. And that under any circumstances no material should be leaning on or protrude the fence bordering our parcels.

Sincerely yours,

Name: (1) [REDACTED] (2) [REDACTED]

Signature: [REDACTED]

Name: (1) [REDACTED] (2) [REDACTED]

Signature: [REDACTED] [REDACTED]

**THE DEVELOPMENT AND PLANNING LAW  
SECTION 15(4)**

**THE DEVELOPMENT AND PLANNING REGULATIONS  
REGULATIONS 8 (12A), 8 (12B), 8 (12C) AND 8(13) (d)**

**NOTICE OF APPLICATION FOR PLANNING PERMISSION**

TO:

1. [REDACTED] owner of Block 1D Parcel 692  
P.O. Box 30551  
Grand Cayman KY1-1203

**FROM:** Juliet & Javier Romero

**P.O. BOX:** C/o Box 347 KY1-1501 Grand Cayman

I hereby certify that a copy of this notice was served by **Registered Mail** on all the above registered properties on the 22 June 2017  
*Date*

Signed: George Manderson, Jr. Date: 22 June 2017

You are hereby notified that an application for planning permission for the purpose of a

**Proposed ATF shed with lot size variances less than required** on Block 1D Parcel 694 near to **Hasting Crescent** and owned by **Juliet & Javier Romero** has been submitted to the Central Planning Authority (CPA), Grand Cayman.

The application can be inspected at the Planning Department, located at the Government Admin. Building, 133 Elgin Avenue, George Town, Grand Cayman. If you wish to object or support the application you should do so in writing stating your precise grounds within 21 CALENDAR DAYS of the DATE OF POSTING. Your comments should be addressed to the Director of Planning, P.O. Box 113, Grand Cayman KY1-9000, Cayman Islands, or via fax to (345) 769-2922, or e-mail to [planning.dept@gov.ky](mailto:planning.dept@gov.ky). Please include your return address (typically a PO Box number).

NOTE: The notice must be sent not more than three days prior to the date upon which the application is submitted to the Department of Planning.

P22-0940

anner: Egbert Jackson



CAYMAN ISLANDS  
GOVERNMENT

THE DEVELOPMENT AND PLANNING ACT  
SECTION 15(4)  
THE DEVELOPMENT AND PLANNING REGULATIONS  
REGULATIONS 8(12A), 8(12B), 8(12C) AND 8(13)(d)

**NOTICE OF APPLICATION FOR PLANNING PERMISSION**

TO: [REDACTED] Owner of Block and Parcel 1D692  
P.O. Box [REDACTED]  
Grand Cayman [REDACTED]

You are hereby notified that an application for planning permission for the purpose of  
**Additions to House with setback variances less than required**

on Block and Parcel(s) **1D694**

and owned by **Javier Contreras**

has been submitted to the Central Planning Authority (CPA), Grand Cayman.

Site Plans and Elevations related to this application can be inspected the Department's website at:

<http://planning.ky/planning-notice> or at the Department of Planning, located at the Government Administration Building, 133 Elgin Avenue, George Town, Grand Cayman.

If you wish to object to the application, you should do so in writing stating your precise grounds within **21 CALENDAR DAYS** of the **DATE OF POSTING**. Your comments should be addressed to the Director of Planning, P.O. Box 113, Grand Cayman KY1-9000, Cayman Islands, or e-mail to [planning.dept@gov.ky](mailto:planning.dept@gov.ky). Please include your return address (typically a PO Box number) and your **BLOCK AND PARCEL**.

**NOTE TO SENDER:** Notice must be sent not more than three days prior to the date upon which the application is accepted by the Department of Planning.

**FROM: Javier Contreras**

**P.O. Box & KY: C/O P.O. Box 347 KY-1501**

I hereby certify that a copy of this notice was served by Registered Mail on all the above registered properties  
On **25 October 2022**

**Name: George Manderson Jr**

**Signed: George Manderson Jr**

**Date: 25 October 2022**

P.O. Box 113 Grand Cayman KY1-9000  
Cayman Islands

Director of Planning



Outlook

Search



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  - Inbox 12
  - Junk Email 3
  - Drafts 30
  - Sent Items
  - Deleted Items 65
  - Archive
  - Notes
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  - Junk
  - Create new folder
- Groups

Close

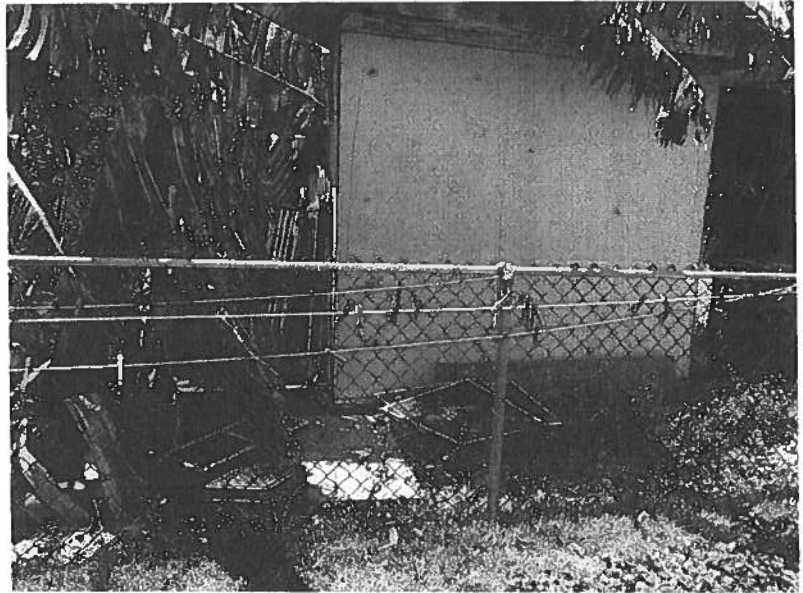
Previous Next

(No subject)

JD

To: You

Thu 2023-02-23 11:46 AM



Sent from my iPhone

Reply

Forward











January 2023

## Appendix B

## Development Statement – Camana Bay, Grand Cayman

The CBPAD relies on the Planned Area Development provisions to adjust density within contiguous Transects to create a rich and varied urban fabric of mixed uses in close proximity to each other. The result will be an energetic, pedestrian friendly environmentally sensitive town.

Similar to the density controls under current Cayman Islands zoning, the development density in the CBPAD will be controlled by the following limitations applied to each contiguous transect zone as outlined and numbered in Addendum 4.

- Allowable site coverage by transect zone
- Maximum building height by transect zone
- Parking required to service the uses per transect zone will be calculated in accordance with the shared parking agreement as detailed in section 3(b)(ii) of this Development Statement.
- Maximum residential density limits per transect zone

### (iii) Compatibility and Impact of Proposed Uses with Surrounding Properties

The CBPAD is located on the West Bay peninsula of Grand Cayman between the capital George Town and the District of West Bay. This area is predominantly the tourism zone of Grand Cayman and thus has a high level of development including hotels, condominiums, and supporting commercial development. The two primary road routes through the area are heavily trafficked and include the original West Bay Road as well as the newer Esterley Tibbetts Highway, a road intended for a higher speed and traffic capacity. Both Roads cross through the CBPAD and provide primary access to Camana Bay.

The immediate surrounding land uses are hotels, condominiums, commercial and single & multi-family residential. The property is bounded to the east and west by the sea. The George Town landfill and the Water Authority sewage treatment plants are the neighbors to the south. The North is bounded by a golf course community with 2 and 3 storey, multi-family condominiums.

The CBPAD is compatible with all the adjacent land uses and will not negatively impact them. The CBPAD has been planned to create buffers to the south to isolate the adjacent industrial neighbours, borders the adjacent roads with denser, more commercial development, and reserves the quieter internal lands for residential uses. The school is placed within the residential area, buffered from the main roads for noise control as well as student safety. The Marina Centre and associated uses are logically located near the North Sound and at the entrance to the canals.

## Appendix C





ANDREW GIBB FCIQB RIBA MAPM LEED AP  
CHARTERED ARCHITECT | CHARTERED BUILDER

P O Box 20 Grand Cayman KY1-1701 Cayman Islands  
+ (3 4 5) 5 2 6 8 8 8 8 | andrew.gibb@gibbarchitect.com

15 February 2023

Your Ref: **CPA/24/22: Item 2.6**

The Director of Planning, Planning Department  
P O Box 113 Grand Cayman KY1-9000

Sir

**BLOCK 11D45 WEST BAY BEACH NORTH GRAND CAYMAN  
APPLICATION FOR PLANNING CONSENT P22-0735:**

Westin Grand Cayman Resort: New Hotel Annex, New Conference Facility ('Ballroom'),  
Change-of-Use (Banquet Kitchen, Meeting Rooms, Back-of-House) & 2 Pools

**Traffic Impact Analysis: Submission of Terms of Reference for CPA Approval**

---

We act for Applicant /Owner /lessee Invincible Investment Corporation as agent.

The Central Planning Authority (CPA), in response to our application for the above planning consent (adjourned for this purpose), required that Applicant produce and submit for their consideration a Traffic Impact Analysis (TIA) of the planning consent application scope, and where the Terms of Reference (ToRs) for such TIA as approved by the National Roads Authority (NRA) be submitted to CPA for their consideration and approval in due course.

The proposed ToRs for the TIA in draft form and dated February 2023 are appended hereto as Annexure A. Also appended as Annexure B is an email communication from NRA dated 14 February 2023 approving the proposed draft ToRs.

Yours sincerely



# THE WESTIN GRAND CAYMAN EXPANSION PROJECT

## PROPOSED TRAFFIC IMPACT STATEMENT

### TERMS OF REFERENCE

FEBRUARY 2023

**Draft**



## ANNEXURE A

# THE WESTIN GRAND CAYMAN EXPANSION PROJECT PROPOSED TRAFFIC IMPACT STATEMENT TERMS OF REFERENCE

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# THE WESTIN GRAND CAYMAN EXPANSION PROJECT PROPOSED TRAFFIC IMPACT STATEMENT TERMS OF REFERENCE

## 1.0 INTRODUCTION

A major expansion is planned for the Westin Grand Cayman on West Bay Road. These terms of reference (ToR) scoping report present the proposed methodology that will be employed during the preparation of the Traffic Impact Statement (TIS). APEC Consulting Engineers Ltd (APEC) will be undertaking a traffic study, analysis of existing and future traffic and an assessment of the potential impacts of the expanded resort on the public road network.



Figure 1 - Proposed expansion



### 1.1 PROPOSED SCOPE OF ASSESSMENT

The TIS will follow the National Roads Authority (NRA) requirements 'Terms of Reference and Guidelines for Conduct of Traffic Impact Study in the Cayman Islands, March 2013'.

It shall assess the traffic impacts associated with the resort on the surrounding road network and assess all possible mitigation measures. This assessment will be presented through a TIS. The TIS will be organized in such a way as to set out the existing situation, present the proposed development and determine what impact, if any, the site-generated traffic will have on the surrounding road network.

## 2.0 PROPOSED METHODOLOGY

### 2.1 BACKGROUND AND EXISTING CONDITIONS

The TIS will provide background information on the proposed project including its location and proponent. The existing road network surrounding the proposed site will be described by way of site plan / map. This will include descriptions of traffic controls of nearby intersections. Details of existing pedestrian, cycle and public transport facilities will also be provided.

### 2.2 PROPOSED DEVELOPMENT

A summary will be provided of the site development, including the proposed increase in guest rooms, the new conference / ballroom facility and reconfiguration of the vehicle parking. A detailed description of any project construction phasing will be provided.

Other information included as part of this assessment will include:

- Information on likely hours of operation of the resort, number of employees, classification of vehicles on site and estimation of number of vehicles remaining on site and number of vehicles using surrounding road network
- Internal Layout (Traffic circulation, pedestrian routes, visibility and road width, speed control measures) and the proposed use of a shuttle service between the resort and the surface car park during peak periods
- On-site and remote parking (Provision, disabled percentage, layout & impact from valet and pedestrian crossings)
- Public Transport (provision, access from site)

### 2.3 STUDY AREA

The study area for the TIS will include the following neighbouring public roads:

- West Bay Road
- Esterly Tibbetts Highway
- Safehaven Drive
- Lime Tree Bay Avenue

The following intersections will be included in the network model:

- West Bay Road /Safehaven Drive
- North exit from Sunshine Suites onto Esterly Tibbetts Highway
- Lime Tree Bay Avenue /West Bay Road
- Westin Resort north service access with West Bay Road
- Westin Resort main entrance access with West Bay Road
- The Falls Centre north service lane (Sunshine Suites VROW) /West Bay Road
- The Falls Centre south service lane (Sunshine Suites access) /West Bay Road
- Westin Resort south service access with West Bay Road



### 2.3.1 TRAFFIC DATA

Data of the traffic flows on the existing road network within the study area will be gathered by way of a combination of automatic traffic counters<sup>1</sup> (on West Bay Road) and manual turning movement counts (at the identified intersections) undertaken by APEC staff and / or associates. The proposed locations are included in Appendix A. Traffic data from automatic traffic counters will be collected for a period of at least 7 days. This traffic data will be analyzed to assess current traffic flow (annual average daily traffic and peak hourly flows), speed and classification through the study area.

We will request traffic count data from the 2016 / 2017 NRA island-wide traffic count project. Initial review of the traffic count shows that data should be available for West Bay Road and the Esterly Tibbetts Highway.

Data on the current operation of the existing Westin Resort will be reviewed, including data from the hotel operator on current car park usage, stayover statistics, staffing levels, etc.

A summary will be presented of any committed / proposed road developments in the study area that will be undertaken in the future. In addition, any proposed significant developments that may impact the traffic flows in the study area will be assessed.

### 2.4 TRAFFIC ANALYSIS

The traffic data from 2016 / 2017 (if available), the data from 2012 along with updated data gathered as part of this study will be analyzed in order to estimate the likely traffic flows associated with the Westin Expansion.

An assessment will be undertaken of the existing road capacity based on existing traffic volumes in accordance with Institution of Transportation Engineers (ITE) Manual MTTE2. This assessment will be presented in table format showing the existing capacities on the road network within the study area.

The TIS will undertake traffic analysis based on the following approach:

- Existing and projected traffic volumes (including turning movements),
- Description of existing road network within study area and any proposed road(s) / accesses
- Traffic controls (where applicable)
- Project trip generation
- Project generated trip distribution and assignment
- Level of service of the existing and of the future / horizon conditions, both with and without the project
- References to other traffic impact studies (as may be necessary)

#### 2.4.1 TRIP GENERATION / ATTRACTION

An estimate will be made of the likely trips generated by the Westin Expansion. Peak times of operation will be identified during the day and during the week. The impact of the proposed remote surface car park will be incorporated.

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<sup>1</sup> PicoCount 2500 counter with pneumatic road tubes

#### 2.4.2 ASSESSMENT YEAR / DESIGN YEAR HORIZON

The assessment / design year(s) will be selected in order to undertake the traffic impact analysis. We propose to assess the impacts at 5 and 10 years following opening of the facility. Future traffic flows will be calculated based on NRA forecasts for traffic growth. It is proposed that a 3% growth rate be used, however we will review this in line with expected growth rates for tourism in general for the Cayman Islands.

#### 2.5 CAPACITY ANALYSIS

Intersection capacity analysis will be undertaken based on traffic associated with the expansion. Impacts, if any, on the current levels of service will be calculated. The impact on transportation route(s) to and from the resort and its remote car park will be assessed. Roads (existing and any proposed modifications, including the proposed West Bay Road enhancements) that may be affected by the Westin related traffic will be highlighted. The scope of this assessment will include both the near-term (Year 5) and overall long-term (Year 10) in order to determine the resulting transportation impacts of the traffic operations on the surrounding road network, particularly during the morning and evening peak hour conditions.

#### 2.6 MITIGATION

Roadway improvements or traffic management strategies will be recommended, if required, to mitigate unsafe conditions or increased traffic congestion along transportation routes. Other strategies that may be required could include requiring truck (deliveries, etc) movements to be undertaken during off-peak periods.



## RE: 23001 - Westin TIA: Draft Terms of Reference

Pandohie, Marion <Marion.Pandohie@nra.ky>

Tue 14 Feb 2023 5:40 PM

To: Denis P. Murphy <Denis@apec.com.ky>; Andrew Gibb <andrew.gibb@gibbarchitect.com>

Cc: Ronan O'Keeffe <Ronan@apec.com.ky>; Pearse Murphy <Pearse@apec.com.ky>; Thibeault, Denis <Denis.Thibeault@nra.ky>

Good Afternoon Denis,

I hope all is well.

I have taken a look at the ToR and it appears ok.

Thank you.

*Cheers,*

Mrs. Marion Pandohie, MCRP, MPA & AICP  
Transportation Planner/Information Manager



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*Dogs' lives are too short. Their only fault, really*

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**From:** Denis P. Murphy [mailto:Denis@apec.com.ky]

**Sent:** Tuesday, February 14, 2023 9:53 AM

**To:** Pandohie, Marion <Marion.Pandohie@nra.ky>; Andrew Gibb <andrew.gibb@gibbarchitect.com>

**Cc:** Ronan O'Keeffe <Ronan@apec.com.ky>; Pearse Murphy <Pearse@apec.com.ky>; Thibeault, Denis <Denis.Thibeault@nra.ky>

**Subject:** [EXTERNAL] Re: 23001 - Westin TIA: Draft Terms of Reference

Good morning Marion

I am following up on the above. Do you have any comments on the ToR before it is submitted to Planning?

Regards



# ANNEXURE B