

# **Central Planning Authority**

**Agenda** for a meeting of the Central Planning Authority to be held on **17 January 2024 at 10:00am** in Conference Room 1038, 1st Floor, Government Administration Building, 133 Elgin Avenue

## **3<sup>rd</sup> Meeting of the Year**

**CPA/03/24**

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/03/24**

- 2.1 BRYANT TERRY (GMJ Home Plan) Block 75A Parcel 250 (P23-0093) (\$400,000) (EJ) 5**
- 2.2 LINA KAMENEV (MKS International) Block 11C Parcel 277 (P23-0509) (\$65,000) (EJ) 12**
- 2.3 NICOLA O'CONNOR (Craftman's Touch) Block 38E Parcel 111 (P23-0399) (\$50,000) (EJ) 14**
- 2.4 TALBERT & ANGELICA TATUM (GMJ Home Plans) Block 27E Parcel 49 (P23-0499) (\$40,000) (EJ) 15**
- 2.5 TROPICAL ARCHITECTURAL GROUP (TAG) Block 4E Parcel 244 (P23-0663) (969,000) (NP) 18**
- 2.6 DELISA GOURZONG (AE Designs) Block 1D Parcel 747 (P23-0560) (\$500,000) (MW) 25**  
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- 2.7 SOUTH COVE LTD. (Professional Planning and Development Services Cayman Ltd.) Block 61A Parcel 47 (P23-1036) (\$5,000) (MW) 34**
- 2.8 ROVIDA ESTATES (CI) COMPANY LTD. (BDCL Architects) Block 14BH Parcel 159 (P23-0942) (\$150,000) (MW) 39**
- 2.9 HECTOR CHIN (Eric Cronier) Block 71A Parcel 62 (P23-1035) (\$7,000) (NP) 44**
- 2.10 JEROME BODDEN (Professional Planning and Development Services (PPDS) Cayman Ltd) Block 66A Parcel 221 (P23-1044) (\$5,000) (EJ) 47**
- 2.11 THE GROVE TOO (Arco Ltd.) Block 11D Parcel 127 (P23-1001) (\$4,500,000) (MW) 52**
- 2.12 YARL TOWERS (National Building Group) Block 28C Parcel 664 (P23-0877) (\$20,000) (NP) 54**
- 2.13 JAMES MILLER (3D Kyube) Block 38B Parcel 169 (P23-0277) (\$10,000) (NP) 56**
- 2.14 JALLEKA TENEKA WELLINGTON HENRY (JMP Construction) Block 37A Parcel 60 (P23-0737) (\$300,000) (MW) 57**
- 2.15 ALVA & ERVELYN BURGESS (GMJ Home Plans Ltd.) Block 27D Parcel 424H1 (P23-0963) (\$90,000) (MW) 59**
- 2.16 LISA M. KING (Halfmoon Consulting) Block 25B Parcel 639H4 (P22-0646) (\$100,000) (MW) 61**
- 2.17 MINISTRY OF EDUCATION, DISTRICT ADMINISTRATION & LANDS (Public Works Department) Block 72B Parcel 62, 339 & 179 (P23-0167) (\$250,000) (MW) 63**
- 2.18 THOMAS WRIGHT (MKS International) Block 15E Parcel 337 (P23-1034) (\$70,000) (JS) 76**

- 2.19 ROB BARTON (Shedwerx) Block 33C Parcel 4 (P23-0781) (\$80,000) (EJ) 78**
- 2.20 PAUL CLARKE (GMJ Home Plans Ltd.) Block 3D Parcel 108 (P23-1130) (\$100,000) (EJ) 83**
- 2.21 MARILYN NASIRUN (Abernethy & Associates) Block 75A Parcel 328 (P23-1025) (\$5,000) (NP) 87**
- 2.22 GEOFF & HILARY CAHILL Block 22D Parcel 401 (P23-0701) (AS) 90**
- 2.23 JASON & STEPHANIE AZAN (Cayman Survey Associates Ltd.) Block 57E Parcel 242 (P23-0943) (\$8,900) (MW) 91**
- 2.24 LEVIN VALLO & JEROME TUTOR (CS Design) Block 4E Parcel 807 (P23-0883) (\$400,000) (MW) 95**
- 2.25 SIMON & ALECIA CHIN YEE (OA & D Architects) Block 32C Parcel 303 (P23-0937) (\$850,000) (EJ) 97**
- 2.26 HERITAGE HOLDINGS Block 20C Parcel 86 (P23-0900) (\$8,000) (NP) 98**
- 2.27 OLSON JACKSON (Eric Cronier) Block 27E Parcel 66+72 (P23-1038) (\$10,000) (EJ) 99**
- 2.28 BCQS (Darius Development) Block 14BG Parcel 71 (P23-0867) (\$100,000) (NP) 103**
- 2.29 SHORELINE DEVELOPMENT COMPANY LTD. (Eric Cronier) Block 19A Parcel 4 Rem 6 (P23-0601) (\$8,000) (NP) 105**
- 2.30 COUNTRY CORNER LTD. (Architextura) Block 28D Parcel 12 (P23-1081) (\$35,000) (NP) 107**
- 2.31 ANDREW MURRAY (DDL Studio Ltd) Block 24E Parcel 396 (P23-1048) (\$0) (NP) 108**
- 2.32 PALM SUNSHINE (Arco Ltd.) Block 12C Parcel 27 (P23-0918) (\$100,000) (MW) 109**
- 2.33 NHDT - Apple Blossom (Eric Cronier Surveying) Block 4C Parcel 585 (P23-1042) (\$1,500) (NP) 110**

APPLICANTS ATTENDING THE AUTHORITY'S MEETING

| <b>Applicant Name</b>   | <b>Time</b> | <b>Item</b> | <b>Page</b> |
|-------------------------|-------------|-------------|-------------|
| Bryant Terry            | 11:00       | 2.2         | 4           |
| Lina Kamenev            | 11:30       | 2.3         | 12          |
| Nicola O'Connor         | 1:00        | 2.4         | 14          |
| Talbert & Angelia Tatum | 1:30        | 2.5         | 15          |
| Clayton Estates         | 2:00        | 2.6         | 18          |
| Delisa Gourzong         | 2:30        | 2.7         | 25          |

**1.1 Confirmation of Minutes CPA/01/24 held on 3<sup>rd</sup> January 24**

**1.2 Declarations of Conflicts/Interests**

| <b>Item</b> | <b>Member</b> |
|-------------|---------------|
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|             |               |

## **2.0 APPLICATIONS**

### **APPEARANCES (Items 2.1 to Item 2.6)**

#### **2.1 BRYANT TERRY (GMJ Home Plan) Block 75A Parcel 250 (P23-0093) (\$400,000) (EJ)**

Application for with swimming pool.

**Appearance at 11:00am**

#### **FACTS**

|                                     |                           |
|-------------------------------------|---------------------------|
| <i>Location</i>                     | Austin Conolly Drive      |
| <i>Zoning</i>                       | <b>BRR</b>                |
| <i>Notification result</i>          | No objectors              |
| <i>Parcel size proposed</i>         | 0.25 ac. (10,669 sq. ft.) |
| <i>Parcel size required</i>         | 10,000 sq. ft.            |
| <i>Current use</i>                  | Vacant                    |
| <i>Proposed building size</i>       | 1,803 sq. ft.             |
| <i>Total building site coverage</i> | 16.90%                    |

#### **BACKGROUND**

September 27, 2023 (**CPA/23/23; Item 2.7**) - The Authority adjourned the application in order to invite the applicant to appear before the board regarding Section 41(3) of the NCA.

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

- 1) Section 41(3) of the National Conservation Act
- 2) HWM Setback Variance

#### **AGENCY COMMENTS**

Comments from the Department of Environment are provided below.

#### **Department of Environment (March 27, 2023)**

*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 site is man-modified and of limited ecological value. The Department notes that the applicant's submission does not include a Mean High Water Mark (MHW) at the time of our review. On the assumption that the position of the MHW is comparable to that shown on the application plans, we highlight that the applicant **does not** meet the minimum 75-foot coastal setback for sandy beaches set out in the Development and Planning Regulations (2022). The Department strongly maintains its stance that coastal setbacks should not be reduced but instead should be treated as a minimum (as prescribed in the Development & Planning Regulations). Setbacks seek to reduce the impacts of storm-related damage upon coastal infrastructure and ensure that development does not encroach onto the "active" part of a beach, as the back beach holds reserves of sand that are critical for sediment supply during periods of storm activity and erosion. The importance of setbacks is amplified when considered within the context of climate change predictions for the region, which include sea-level rise and increased intensity of storm events (including storm surge). Inappropriately sited development (either on the active beach or too close to the MHW) reduces a beach's potential to recover after major events.*

*We recommend that the applicant is required to design their proposal in a manner that meets the 75-foot minimum coastal setback. The applicant may also wish to incorporate climate-resilient features such as elevated structures and wash-through ground floors. Increasing the coastal setback increases the resilience of properties against the inevitable effects of climate change such as coastal flooding, storm surge, and erosion by ensuring that hard structures are located in a way that reduces their susceptibility to these hazards.*

*In addition, best management practices should be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.*

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

- 1. All construction materials and debris shall be stockpiled at least 75 ft from the Mean High Water Mark to prevent material and debris from entering the marine environment, polluting the environment, causing turbidity and impacting sensitive marine resources.*
- 2. 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 environment.*

3. *Any sand excavated during construction shall be retained on-site and beach-quality sand shall be placed along the active beach profile. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand off-site, it should be the subject of a separate consultation with the National Conservation Council.*

*We also recommend that native coastal plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. Native coastal vegetation incorporates a variety of salt and wind-tolerant flora. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.*

### **APPLICANT'S LETTER**

*We recently completed a Fixed Boundary High Water Mark survey on the above parcel. We have concluded that the makeup of the High Water Mark is ironshore. Please see attached registered survey.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The proposed three (3) bedroom house is located on Austin Conolly Drive.

#### **Zoning**

The property is zoned Beach Resort Residential.

#### **Specific Issues**

##### **1) High Water Setback (Beach vs Ironshore)**

The proposed house meets planning regulations for front and side setbacks.

However, the high-water-mark setback is at 50' vs 75'.

The Planning Department finding is that the subject parcel is beach and a memo from the DOE also indicates that the parcel is sandy beach.

The applicant insists that the subject parcel is ironshore and the letter from the surveyor concluded that the makeup of the High Water Mark is ironshore.

The Authority is asked to consider the input received to date and decide on whether the subject parcel fronts upon beach or ironshore.

The Authority is advised that no notices have been served on the adjacent parcels for any setback variance if it is deemed to be a beach shoreline.

### Photos from Applicant



### Photos from the Department









### **SUPPLEMENTARY ANALYSIS**

The applicant has submitted revised plans omitting the proposed swimming pool & deck. The applicant is requesting a 65'8" setback from the high-water-mark to the house. The Department of Environment has also modified their comments based on the revised plans as follows:

#### **Department of Environment (December 7, 2023)**

*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).*

### ***Section 41(3) Considerations***

*The site is man-modified and of limited ecological value. The Department notes the removal of the pool from this submission which did not meet the coastal setbacks. We note that the proposed house still encroaches on the prescribed coastal setback and therefore reiterate our previous comments dated 27 March 2023.*

*The Department strongly maintains its stance that coastal setbacks should not be reduced but instead should be treated as a minimum (as prescribed in the Development & Planning Regulations). Setbacks seek to reduce the impacts of storm-related damage upon coastal infrastructure and ensure that development does not encroach onto the “active” part of a beach, as the back beach holds reserves of sand that are critical for sediment supply during periods of storm activity and erosion. The importance of setbacks is amplified when considered within the context of climate change predictions for the region, which include sea-level rise and increased intensity of storm events (including storm surge). Inappropriately sited development (either on the active beach or too close to the Mean High Water Mark) reduces a beach’s potential to recover after major events.*

*We recommend that the applicant is required to design their proposal in a manner that meets the minimum coastal setback. The applicant may also wish to incorporate climate-resilient features such as elevated structures and wash-through ground floors. Increasing the coastal setback increases the resilience of properties against the inevitable effects of climate change such as coastal flooding, storm surge, and erosion by ensuring that hard structures are located in a way that reduces their susceptibility to these hazards.*

*In addition, best management practices should be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when they enter the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.*

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

- 1. All construction materials and debris shall be stockpiled at least 75 ft from the Mean High Water Mark to prevent material and debris from entering the marine environment, polluting the environment, causing turbidity, and impacting sensitive marine resources.*
- 2. 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 environment.*

3. *Any sand excavated during construction shall be retained on-site and beach-quality sand shall be placed along the active beach profile. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand off-site, it should be the subject of a separate consultation with the National Conservation Council.*

#### ***Advice to the Applicant***

*We also recommend that native coastal plants be incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. Native coastal vegetation incorporates a variety of salt and wind-tolerant flora. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.*

## **2.2 LINA KAMENEV (MKS International) Block 11C Parcel 277 (P23-0509) (\$65,000) (EJ)**

Application for a swimming pool.

**Appearance at 11:30am**

#### **FACTS**

|                     |                             |
|---------------------|-----------------------------|
| <i>Location</i>     | Prince Charles Quay         |
| <i>Zoning</i>       | <b>LDR</b>                  |
| <i>Parcel Size</i>  | 0.3086ac (13,442.6 sq. ft.) |
| <i>Proposed Use</i> | Swimming pool and spa       |

#### **BACKGROUND**

November 20, 2019 CPA/24/19; Item 2.16 – the CPA granted permission for a swimming pool and spa.

September 27, 2023 (**CPA/23/23; Item 2.18**) - The Authority adjourned the application in order to invite the applicant to appear before the board regarding Section 41(3) of the NCA

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

- 1) Section 41(3) of the National Conservation Act
- 2) Rear setback (10'3" vs. 20')

#### **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

## **Department of Environment (August 10, 2023)**

*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 site is man-modified and of limited ecological value.*

*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 condition in the approval:*

- 1. All construction materials shall be stockpiled at a minimum of 20 feet from the canal edge to reduce the possibility of run-off washing material and debris into the canal causing turbidity and impacting water quality.*

## **APPLICANT'S LETTER**

*The above property received Planning approval for a pool and spa on November 19, 2019 (P19-1013). The Approval included a canal setback variance of 10'-3" vs 20'. The new owner wishes to revise pool layout which will have a canal setback of 10'-8" vs. 20'.*

*We are requesting that the Notifications usually required for a setback variance be exempted for the revised layout since the original approval received no objections for pool being 10'-3" from canal.*

*We feel that having the Department grant the requested variances falls under section 8 (13) in the Development and Planning Regulations:*

- (b) (i) the characteristics of the proposed development is consistent with the character of the surrounding area;*
- (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.*

*We thank you for your kind consideration, and please let us know if you require any additional information.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a swimming pool located on Prince Charles Quay in Governors Harbour.

### **Zoning**

The property is zoned Low Density Residential.

## **Specific Issues**

### **1) Rear Setback**

The applicant is seeking permission for a swimming pool with a 10' vs 20' setback from the canal and a 9'-2" & 9'-11" vs 10' from the coping and pool edge vs side; bearing in mind, that on November 20, 2019 CPA/24/19; Item 2.16 – the CPA granted permission for a larger swimming pool and spa with a proposed setback of 10'-3" vs 20' and 10' side setback.

## **SUPPLEMENTARY ANALYSIS**

There have been no changes to the plans.

### **2.3 NICOLA O'CONNOR (Craftman's Touch) Block 38E Parcel 111 (P23-0399) (\$50,000) (EJ)**

Application for modification to convert garage to bedroom and addition to approved duplex.

#### **FACTS**

|                                     |                           |
|-------------------------------------|---------------------------|
| <i>Location</i>                     | Berry Drive, Beach Bay    |
| <i>Zoning</i>                       | <b>LDR</b>                |
| <i>Notification result</i>          | No objectors              |
| <i>Parcel size proposed</i>         | 0.36 ac. (15,681 sq. ft.) |
| <i>Parcel size required</i>         | 10,000 sq. ft.            |
| <i>Current use</i>                  | Approve Duplex            |
| <i>Proposed building size</i>       | 4,524.40 sq. ft.          |
| <i>Total building site coverage</i> | 25.36%                    |

#### **BACKGROUND**

May 26, 2020 (**Admin Approve**) - The Department granted permission for a Duplex.

December 5, 2020 (**Admin Approve**) - The Department granted permission for an LPG Tank.

September 24, 2021 (**Admin Approve**) - The Department granted permission for a Duplex.

September 27, 2023 (**CPA/23/23; Item 2.19**) - It was resolved to adjourn the application and invite the applicant to appear before the Authority to address concerns that design of the building is that of apartments and not a duplex.

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

- 1) Building design (duplex vs apartments).

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed seeks to convert the garage into a bedroom, bathroom, office and living room with an external entrance and also is seeking a small increase in floor area (all on the ground floor), and a proposed second floor addition for a gym/man cave located on Berry Drive.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Building design (duplex vs apartments)**

On September 24, 2021, planning permission was granted for a duplex; now the applicant is seeking permission to convert the approved garage into a bedroom, bathroom, office and living room with an external entrance and on the second floor a proposed gym/man cave with storage, bathroom and sink with a separate entrance via an external staircase. The Authority is asked to consider the proposed conversion/addition and if the building is a duplex or apartments.

## **SUPPLEMENTARY ANALYSIS**

There have been no changes to the plans.

#### **2.4 TALBERT & ANGELICA TATUM (GMJ Home Plans) Block 27E Parcel 49 (P23-0499) (\$40,000) (EJ)**

Application for an after-the-fact storage shed.

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

### **FACTS**

|                                     |                                  |
|-------------------------------------|----------------------------------|
| <i>Location</i>                     | Devonshire Drive, Newlands       |
| <i>Zoning</i>                       | <b>LDR</b>                       |
| <i>Notification result</i>          | No objectors                     |
| <i>Parcel size proposed</i>         | 0.3191 ac. (13,900 sq. ft.)      |
| <i>Parcel size required</i>         | 10,000 sq. ft.                   |
| <i>Current use</i>                  | ATF Shed, Swimming Pool & Garage |
| <i>Proposed building size</i>       | 371 sq. ft.                      |
| <i>Total building site coverage</i> | 7.71%                            |

## **BACKGROUND**

September 27, 2023 (CPA/23/23; Item 2.22) - The Authority adjourned the application in order to invite the applicant to appear before the board to discuss concerns regarding the deficient setbacks and the combination of the parcels.

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

- 1) Rear setback variance (4'1" vs 20')
- 2) Side setback variance (5'3" vs 10')
- 3) Combination of parcels

## **APPLICANT'S LETTER**

*We write on behalf of the applicants, Angelica & Talbert Tatum, who are asking the Authority to allow the following variances in order to retain the subject shed for personal use:*

- *A rear setback variance - of 14ft9in. as the subject shed exists 5ft3in. from the rear property line instead of the required 20ft.*
- *A side setback variance - of 5ft1 in. as the side setback exists at 4ft1 in. from the property line instead of the required 10ft.*

*As such, permission is requested for the subject addition and we 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 there were no objections to the current location of the structure from the side & rear property lines.*
2. *Per section 8(13)(b)(iii) of the Planning Regulations, granting the variances to allow this structure to remain as shown has not & will not cause it to be detrimental to persons residing or working in the vicinity, nor to the adjacent property, nor to the neighborhood, or to the public welfare going forward. This is supported by the existence of two other detached structures (a garage for personal watercraft and an old storage shed) on the subject parcel with similarly reduce setback for more than a decade.*
3. *The subject shed appears to have been soundly built. The construction consists of a timber framed superstructure anchored to timber floor joist system that is connected to circular reinforced concrete piers. The exterior finish consists of colored standing seam siding and roofing. The structure is aesthetically pleasing and has not negatively affected the harmonious look of the immediate area. The location is the most suitable area on the parcel for the applicants. To*



*relocate it would be a time- consuming, cumbersome, and a costly exercise for them.*

- 4. It is noted that the adjoining parcels currently enjoy the use of structures that were built with similar reduced setbacks.*
- 5. The application complies with all other relevant planning requirements.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The after-the-fact storage shed is the result of enforcement notice CE22-0185 and is located on Devonshire Drive in Newlands.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Minimum Rear Setbacks –**

The applicant is seeking after-the-fact permission for the 371 sq. ft. storage shed; however, the subject shed exists at 4'.1" vs 20' not meeting regulations 9 (8)(i);

#### **2) Minimum Side Setbacks –**

Additionally, the subject atf shed exists at 5'.3" vs 10', not meeting regulations 9 (8)(j); therefore, the applicant is also seeking a side setback variance from the Authority.

The applicant has notified the adjacent parcel and the department is not in receipt of any objections; nevertheless, the Authority is asked to consider the merits of the applicant's letter and potential impact on the area.



Photos Courtesy of CE22-0185

## **SUPPLEMENTARY ANALYSIS**

There have been no changes to the plans.

### **2.5 TROPICAL ARCHITECTURAL GROUP (TAG) Block 4E Parcel 244 (P23-0663) (969,000) (NP)**

Application for 8 townhouses, pool, wall, sign & cabana.

**Appearance at 2:00pm**

#### **FACTS**

|                                    |                          |
|------------------------------------|--------------------------|
| <i>Location</i>                    | Town Hall Road, West Bay |
| <i>Zoning</i>                      | <b>HDR</b>               |
| <i>Notification Results</i>        | Objection                |
| <i>Parcel size</i>                 | 19,602 sq ft.            |
| <i>Parcel size required</i>        | 5,000 sq ft              |
| <i>Current use</i>                 | Vacant                   |
| <i>Proposed use</i>                | Townhouses               |
| <i>Building Footprint</i>          | 5,537 sq. ft.            |
| <i>Building Area</i>               | 5,537 sq. ft.            |
| <i>Site Coverage Allowed</i>       | 40.0 %                   |
| <i>Proposed Site Coverage</i>      | 34.0%                    |
| <i>Number of Units Allowed</i>     | 11                       |
| <i>Number of Units Proposed</i>    | 8                        |
| <i>Number of Bedrooms Allowed</i>  | 18                       |
| <i>Number of Bedrooms Proposed</i> | 8                        |
| <i>Parking Required</i>            | 12                       |
| <i>Parking Proposed</i>            | 13                       |

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

- 1) Suitability
- 2) Height of fence (5' vs 4')
- 3) Concerns of the objector

## **AGENCY COMMENTS**

The Authority received comments from the Department of Environment, Department of Environmental Health, Water Authority, National Roads Authority and the Fire Department.

### **Department of Environment – 30 August 2023**

*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 site is man-modified and of limited ecological value.*

*We recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.*

*The applicant should consider incorporating Sustainable Drainage Systems (SuDS) into the stormwater management plan for the site to mitigate inundation. SuDS are drainage solutions that provide an alternative to the direct channeling of surface water through pipes and deep wells. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity and reducing the transport of pollution to the water environment. Measures could include permeable surfaces for the parking lot.*

*Lastly, best management practices should be adhered to during construction to reduce impacts on the environment. In particular, control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.*

*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.*

## Department of Environmental Health

*This application is not recommended for approval. The number of garbage bins exceed the required amount for 9 unit. This development require 9 (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.*

## Fire Department

*The Fire Department has stamp approved the drawings.*

## 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 (2,500) US gallons for the proposed, based on the following calculations:*

| <i>BUILDING</i> | <i>UNITS/BLDG</i> | <i>GPD/UNIT</i> | <i>GPD/BLDG</i> | <i>GPD</i>       |
|-----------------|-------------------|-----------------|-----------------|------------------|
| <i>1</i>        | <i>9</i>          | <i>150</i>      | <i>150</i>      | <i>1,350</i>     |
|                 |                   |                 |                 |                  |
|                 |                   |                 |                 |                  |
| <i>TOTAL</i>    |                   |                 |                 | <i>1,350 GPD</i> |

- 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

*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.*

### **National Roads Authority**

#### Memorandum 1

*As per your memo dated August 14th, 2023 the NRA has reviewed the above-mentioned planning*

*proposal. Please find below our comments and recommendations based on the site plan provided.*

#### *General Issue*

*Two-way driveway aisles shall be a minimum of twenty-two (22) ft wide.*

*Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft.*

#### *Road Capacity Issues*

*The traffic demand to be generated by the above proposed development of 5,537sq. ft. has been assessed in accordance with ITE Code 220 - Apartment. The anticipated traffic to be added onto Road is as follows:*

|                                    |   |                               |                                |   |                               |                                |
|------------------------------------|---|-------------------------------|--------------------------------|---|-------------------------------|--------------------------------|
| <i>Expected<br/>Daily<br/>Trip</i> | <i>AM<br/>Peak<br/>Hour<br/>Total<br/>Traffic</i> | <i>AM Peak<br/>In<br/>20%</i> | <i>AM Peak<br/>Out<br/>80%</i> | <i>PM<br/>Peak<br/>Hour<br/>Total<br/>Traffic</i> | <i>PM Peak<br/>In<br/>65%</i> | <i>PM Peak<br/>Out<br/>35%</i> |
|------------------------------------|---|-------------------------------|--------------------------------|---|-------------------------------|--------------------------------|

*Based on these estimates, the impact of the proposed development onto Town Hall Road is considered to be minimal.*

#### *Access and Traffic Management Issues*

*One-way driveway aisles with diagonal parking shall be a minimum of twelve (12) to sixteen (16) ft wide.*

*A six (6) foot sidewalk shall be constructed on Town Hall Road, within the property boundary, to NRA standards.*

*Tire stops (if used) shall be place in parking spaces such that the length of the parking space is not reduced below the sixteen (16) feet minimum.*

#### *Stormwater Management Issues*

*The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff within the subject parcel and retain existing drainage characteristics of the site as much as is feasible through innovative design and use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is no worse than pre-development runoff. To that effect, the following requirements should be observed:*

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway in order to prevent stormwater runoff from and onto Town Hall Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 24 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*

- *Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)*

*At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as*

*"any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such canal, conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;"*

*Failure in meeting these requirements will require immediate remedial measures from the applicant.*

#### **Memorandum 2**

*As per your memo dated September 5th, 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 revised nine-unit apartment building. However, all other condition still applies as noted in memorandum dated August 23rd, 2023.*

#### **OBJECTOR'S LETTER**

*I am reaching out in regard to the Tropical Architectural Group Ltd planning application on block & parcel: 4E244*

*Although I do not have an overall objection to the development, I would ask that building work only commence on Monday to Friday after 8AM.*

*Also, has sufficient parking been considered for both owners as well as the builders working on site. We do not need additional cars parking on Boltins, so would like to understand where these cars will park during working hours.*

## **APPLICANT'S LETTER**

*Further to the application submitted in relation to the above referenced Project, we hereby request for a Fence Height & Parking Quantity Variance, per Planning Regulation 8 in a High Density Residential Zone.*

*We would appreciate your consideration for this variance request on the following basis:*

- (1) Under Regulation 8 (12)(B), the adjoining property owners have been notified of the application.*
- (2) Under Regulation 8 (13)(b), the characteristics of the proposed development are consistent with the character of surrounding area and 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) Under Regulation 7 (8), (vii) apartments and cottage colonies - one and one half spaces per apartment; We'd like to present the following points for consideration:*
  - a. We would like to request for a 5' Fence height variance for 2 sides and rear fence. Landscape will be planted on the perimeter to hide the chainlink fence. The developer aims to not only offer privacy for the tenant owner, but also additional security because of the fence height.*
  - b. The fence and signage on the front of the property will comply with the 4' building height.*
  - c. The parking requirement was exactly 13.5 or 14 if rounded up. the proposed development can only fit 13 spaces to accommodate 1-ADA parking slot. The developer asks for a variance as all units were all 1-bed units.*
  - d. The project had complied to the other Planning regulation.*

*We look forward to the CPA board's favorable consideration to this request for variances*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on Town Hall Road in West Bay.

The property is currently vacant and the proposal is for eight one-bedroom townhomes with parking for 13 vehicles.

A review of mapping indicates that there are apartments and townhouses in the vicinity.

### **Zoning**

The property is zoned High Density Residential.



## **Specific Issues**

### **1) Suitability**

A review of mapping indicates that there are no apartments on the east side of Town Hall Rd in the immediate area, however, there are apartments on the west side of Town Hall Rd with 4 apartments directly across from the subject site on 4E 547.

### **2) Fence Height (5' vs 4')**

CPA Guidelines state that the maximum height of a fence in a residential zone is four feet.

The applicant is applying for a maximum five foot high fence.

The Authority should consider whether the applicant's variance letter is satisfactory in this instance.

## **2.6 DELISA GOURZONG (AE Designs) Block 1D Parcel 747 (P23-0560) (\$500,000) (MW)**

Application for 3 apartments.

### **Appearance at 2:30pm**

#### **FACTS**

|                                     |                                |
|-------------------------------------|--------------------------------|
| <i>Location</i>                     | Hillandale Cl., West Bay       |
| <i>Zoning</i>                       | <b>Low Density Residential</b> |
| <i>Notification result</i>          | No Objectors                   |
| <i>Parcel size proposed</i>         | 0.2913ac. (12,689.028 sq. ft.) |
| <i>Parcel size required</i>         | 25,000 sq. ft.                 |
| <i>Current use</i>                  | vacant                         |
| <i>Proposed building size</i>       | 2,995 sq. ft.                  |
| <i>Total building site coverage</i> | 11.11%                         |
| <i>Allowable units</i>              | 4                              |
| <i>Proposed units</i>               | 3                              |
| <i>Allowable bedrooms</i>           | 6                              |
| <i>Proposed bedrooms</i>            | 4                              |
| <i>Required parking</i>             | 5                              |
| <i>Proposed parking</i>             | 5                              |

## **BACKGROUND**

October 11, 2023 (CPA/24/23; Item 2.8) – It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding suitability, lot size and the lack of fully accommodating existing rights-of-way.

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

- 1) Suitability
- 2) Lot size (12,689.028 sq. ft. vs. 25,000 sq. ft.)
- 3) ROW width (15'-6" / 24'-0" & 24'-4" vs. 30'-0")

## **AGENCY COMMENTS**

Comments from the Water Authority, National Roads 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 (1,000) US gallons for the proposed, based on the following calculations:*

| <b>BUILDING</b> | <b>UNITS/BLDG</b> | <b>GPD/UNIT</b> | <b>GPD/BLDG</b> | <b>GPD</b>     |
|-----------------|-------------------|-----------------|-----------------|----------------|
| <i>Triplex</i>  | 3                 | 150,225         | 425             | 425            |
|                 |                   |                 |                 |                |
|                 |                   |                 |                 |                |
| <b>TOTAL</b>    |                   |                 |                 | <b>425 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.*

### **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.*

### **National Roads Authority**

*As per your email dated August 8th, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

### **General Issues**

The driveway is so designed so that the right of way granting access to Block 1D parcels 712, 713 and 714 is not being respected. The NRA requests that the CPA have the applicant revise the site plan in order to allow access to these parcels.

### **Road Capacity Issues**

The traffic demand to be generated by a residential development of three (3) dwelling units has been assessed in accordance with ITE Code 220 – Apartments. Thus, the assumed average trip rates per dwelling unit provided by the ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added to Hillandale Close is as follows:

| <i>Expected<br/>Daily Trips</i> | <i>AM Peak<br/>Hour Total<br/>Traffic</i> | <i>AM<br/>Peak<br/>20% In</i> | <i>AM Peak<br/>80% Out</i> | <i>PM Peak<br/>Hour<br/>Total<br/>Traffic</i> | <i>PM Peak<br/>65% In</i> | <i>PM Peak<br/>35% Out</i> |
|---------------------------------|---|-------------------------------|----------------------------|---|---------------------------|----------------------------|
| <b>20</b>                       | <b>2</b>                                  | <b>1</b>                      | <b>1</b>                   | <b>2</b>                                      | <b>1</b>                  | <b>1</b>                   |

Based on these estimates, the impact of the proposed development on Hillandale Close is considered to be minimal.

### **Access and Traffic Management Issues**

Entrance and exit curves shall be no less than fifteen (15) feet in radius. Entrances shall be twentyfour (24) feet wide.

One-way driveway aisles with diagonal parking shall be between twelve (12) to sixteen (16) ft. wide. Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.

Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is **not reduced below the sixteen-foot (16') minimum.**

### **Stormwater Management Issues**

The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and the use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff **is no worse than** pre-development runoff. To that effect, the following requirements should be observed:

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.

- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Hillandale Close. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.

- Curbing is required for the parking areas to control stormwater runoff.

- Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins (per NRA specifications available on our website at: <https://www.caymanroads.com/upload/files/4/628e6599be2c9.pdf>) are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as

"any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such canal, conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;"

Failure in meeting these requirements will require immediate remedial measures by the applicant.

## **Department of Environmental Health**

### **Solid Waste Facility:**

1. This development requires three (33) gallon bins and an enclosure built to the department's requirements.

a. The enclosure should be located as close to the curb as possible without impeding the flow of traffic.

b. The enclosure should be provided with a gate to allow the removal of the bins without having to lift them over the enclosure.

DEH has no objections to the proposed in principle.

## **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 site is man-modified and of limited ecological value. Best management practices should be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.*

*If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed works, we recommend the inclusion of the following condition 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 environment.*

*We also recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.*

## **Fire Department**

Approved 09 Aug 23

## **APPLICANT'S LETTER**

*On behalf of my Client I am writing to kindly request a variance for lot size requirements for the above-mentioned application.*

*We understand the minimum lot requirement is 25,000 sq.ft. for a project classified as an apartment. However, we have carefully considered the site planning requirements, parking provisions, impact on neighbors, unit sizes, garbage enclosures, and local codes while designing her triplex project. We are confident that granting this variance will not only meet the needs of our development but also align with the overarching goals of the community.*

*In our pursuit to create a well-designed development that harmoniously integrates with the surrounding environment, we have meticulously analyzed the lot size requirements. While adhering to local codes and regulations, we have taken into consideration various site planning factors such as the orientation of the buildings, lot coverage (14%), green spaces, landscaping, and pedestrian walkways. By doing so, we have ensured that the proposed development optimizes the available space without compromising the overall aesthetics and functionality.*

*Regarding parking, we have adequately planned for the required number of parking spaces to cater to the needs of the development. Our design includes sufficient parking facilities that will minimize any potential parking-related issues for both residents and visitors. This proactive approach will contribute to the overall traffic management and enhance the livability of the surrounding area.*

*To minimize the impact on neighboring properties, we have carefully designed the units in a way that ensures privacy and functionality. The proposed units have been adequately sized for the lot, allowing for comfortable living spaces while maintaining a reasonable distance from property boundaries. We are confident that this design approach will mitigate any potential concerns related to overshadowing, overlooking, or loss of privacy for adjacent properties.*

*Furthermore, we have given utmost attention to waste management by providing adequate garbage enclosures within the development. These enclosures will be designed to effectively manage waste disposal and recycling, ensuring a clean and hygienic environment for both residents and tenants.*

*During the design process, we have proactively engaged with the neighbors to address any concerns and objections they may have had. We have held conversations with our neighbors, shared project details, and actively sought feedback to incorporate into our design. We are pleased to inform you that we have received no objections from the neighboring properties. This demonstrates the level of transparency and collaboration we have fostered throughout the planning phase.*

*As responsible professionals, we will ensure that all Architectural and engineering drawings comply with our local building codes and meet all requirements to receive the building permit for this project.*

*In conclusion, we kindly request your favorable consideration of our variance request for minimum lot size requirements. We firmly believe that our design approach, which considers site planning, parking provisions, impact on neighbors, unit sizes, garbage enclosures, absence of objections from neighbors, and commitment to meeting local codes, will result in a development that is not only aesthetically pleasing but also enhances the overall look of the community.*

*Thank you for your time and consideration.*

*We sincerely appreciate your understanding and cooperation in this matter. Please do not hesitate to contact me should you have any questions.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for 3 apartments located on Hillandale Cl., West Bay.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

Section (8) states the following development is permitted in a Low 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 & duplexes with vacant parcels within the nearby vicinity.

- 1D 634:- Duplex
- 1D 325:- Duplex
- 1D 76:- 5 Apartments (Approved CPA/14/22; Item 2.13)

#### **2) Lot Size**

Regulation 9(8)(f) of the Development & Planning Regulations (2022 Revision) states “*the minimum lot size for guest houses and apartments is 25,000 sq. ft.*” The proposed lot would be approximately 12,689.028 sq. ft. a difference of 12,310.972 sq. ft. respectively.

#### **3) ROW Widths**

The subject parcel is encumbered by several right-of-ways as noted on the land register:

- 6' pedestrian in favour of 1D 77 and 78
- 30' vrow in favour of 1D 596 and 597
- 30' vrow in favour of 1D 75 and 80
- 30' vrow in favour of 1D 746

Parcels 77 and 78 appear to have mutated to parcel 714 and the site plan does allow for pedestrian access for that parcel.

The site plan does provide for access for parcels 596, 597 and 746, but instead of allowing 30' access the site plan indicates only 24' wide access.

Parcels 75 and 80 appear to have mutated to parcels 712 and 713 and while the site plan does provide access for those parcels it is 24' wide instead of 30'.



## **SUPPLEMENTARY ANALYSIS**

There have been no changes to the plans.

## **2.0 APPLICATIONS**

### **(Items 2.7 to 2.33)**

#### **2.7 SOUTH COVE LTD. (Professional Planning and Development Services Cayman Ltd.) Block 61A Parcel 47 (P23-1036) (\$5,000) (MW)**

Application for a 13 lot subdivision (9 residential lots, 3 LPP lots & 1 road lot)

#### **FACTS**

|                             |                                  |
|-----------------------------|----------------------------------|
| <i>Location</i>             | Old Robin Rd., North Side        |
| <i>Zoning</i>               | <b>Agricultural/ Residential</b> |
| <i>Notification result</i>  | No Objectors                     |
| <i>Parcel size proposed</i> | 2.836 ac. (123,552 sq. ft.)      |
| <i>Parcel size required</i> | 10,000 sq. ft.                   |
| <i>Current use</i>          | Vacant                           |

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

- 1) A/R zoning
- 2) LPP location
- 3) Lot width (73.1' for Lot 5)

#### **AGENCY COMMENTS**

The Authority received comments from the Water Authority, National Roads Authority, Department of Environmental Health and Department of Environment.

#### **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.***

### **National Roads Authority**

*As per your memo dated November 29th, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

#### ***Stormwater Management Issues***

*A comprehensive drainage plan needs to be provided by the applicant for the entire project.*

*The applicant shall demonstrate that the Stormwater Management system can be designed to include storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties that are lower, and nearby public roadways are not subject to stormwater runoff from this site.*

*The applicant is encouraged to consider stormwater management techniques other than deep wells, and to contact the NRA for advice on these alternative control measures.*

#### ***Infrastructure Issues***

*The NRA advises the CPA to require the developer to provide for signage (stop signs, etc.), street lighting and any other traffic calming measures on the proposed roads of the subdivision. Once the roadway has been taken over as a public road, the NRA can then assume that responsibility. This site will need a stop sign with stop bars at the junction of Old Robin Road.*

*A thirty (30) ft. wide road parcel needs to be provided in order to have adequate access as the NRA does not endorse the use of vehicular ROWs.*

*The subdivision's road base shall be constructed to NRA minimum design and construction specifications for subdivision roads - this includes elevations, minimum longitudinal slopes and minimum cross fall of minus 2 percent from the centre line to the shoulder.*

*The roadway shall be HMA. The NRA shall inspect and certify the road base construction prior to HMA surfacing activities.*

*All internal roadway curves (horizontal alignment) shall be no less than 46 feet centreline radius. This requirement ensures that the minimum vehicle sweeps for a standard garbage and/or fire truck can be accommodated by the site layout.*

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

### **Department of Environment (7 December 2023)**

*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 site consists of a mixture of primary dry shrubland and primary dry forest and woodland habitat. Primary habitat is a 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.*

*We note that the application is for a subdivision, we would **not** support the clearing of this site at this time. Land clearing should be reserved until the development of individual lots is imminent (through the granting of planning permission for development on those particular lots). This allows the opportunity for the individual lot owners to retain as much native vegetation as possible. Clearing the entire site prematurely removes the choice from the individual lot owners and removes the value the habitat could provide in the time between the preparation of a subdivision and the development of an individual lot.*

*Primary habitat provides many ecological services and can be retained and used in a variety of ways on a property:*

- It can be retained along parcel boundaries to serve as privacy, noise and sound buffers, and screening.*
- It can serve as an amenity, providing green space and shade for livestock or for those on the property.*
- It can remain as a habitat for endemic wildlife such as anoles, birds, butterflies, and other pollinators. This habitat helps to contribute to the conservation of our local species and pollination of crops.*
- It can assist with drainage, directly by breaking the momentum of rain, anchoring soil, and taking up water and indirectly through keeping the existing grade and permeable surfaces.*

- *It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil, and peat.*
- *When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

*The DoE also notes that Land for Public Purpose (LPP) lot 13 located within the roundabout is not useable and is of the opinion that it should not count toward LPP.*

*If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed subdivision, the DoE recommends the inclusion of the following condition in any planning permission to minimise impacts on this valuable habitat:*

1. *There shall be no land clearing, excavation, filling, or development of the resultant residential parcels without planning permission for such works being granted.*

### **Fire Department**

*The Fire department have no objection and save comments for future development. The Cayman Islands Fire Service adheres to the 2006 Fire Brigade Law, 1995 revision Fire Brigade law of the 1994 Standard Fire Prevention Code, the 1997 Fire Code, and all relevant NFPA Codes.*

### **Department of Agriculture**

*No comments received to date.*

### **APPLICANT'S LETTER**

*Enclosed please find the relevant documents relating to the proposed subdivision.*

*Lots 10, 11, and 13 are LPP lots. We are asking for a variance on the lot width and size for these parcels under the Planning Regulation 8(13) (b) (iii) to accommodate this.*

*Lots 6 is narrow at the back but widens towards the road. It also has ample buildable area which is now detailed on the amended subdivision plan. We are asking for a variance on the lot width for this parcel under the Planning Regulation 8(13) (b) (iii) to accommodate this.*

*Please do not hesitate to contact me if you have any questions or require additional information.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a 13 lot subdivision (9 residential lots, 3 LPP lots & 1 road lot) to be located on Old Robin Rd., North Side.

### **Zoning**

The property is zoned Agricultural Residential.

### **Specific Issues**

#### **1) Zoning**

Regulation 21 of The Development and Planning Regulations (2022 Revision) states *“two houses per acre may be built on Agricultural / residential land but if the Authority is satisfied that any such land is not situated over a water lens and is not particularly suited to agriculture, it may permit any development which complies with the requirements for low density residential areas.”* The Authority should note the mentioned development would be over the allowable density for Agricultural / Residential land as only 4 homes would be allowed per regulation.

The Authority should note that the site is not located over a water lens and according to the Development Plan Agricultural Classification map, the site is situated in the second worst classification. The Authority needs to determine if the low density residential development parameters can be applied to this application.

#### **2) LPP location**

Regulation 28(1) states that according to the size of the subdivision, the Authority may require the applicant to set aside land not exceeding five percent of the gross area of land being developed. In this instance, 5% of the gross area is 6,177 square feet. The applicant is proposing 3 LPP parcels. Lots 10 and 11 are strips of land between the proposed residential lots and Old Robin Rd and would equal 5,226 square feet. It should be noted that the NRA has not requested land to be set aside for road widening purposes. The third LPP is a small traffic circle in the middle of the cul-de-sac which would bring the total LPP dedication to 6,476 square feet. While the amount of LPP complies with the states Regulation the functionality and utility of the proposed LPP parcels is questioned.

#### **3) Lot Width**

Regulation 9(8)(g) of The Development and Planning Regulations (2022 Revision) states *“the minimum lot width for detached and semi-detached houses and duplexes is 80 feet.”* The proposed widths as follows for Lot 5 (**73.1'**), Lot 10 LPP (**24.8'**) & Lot 11 LPP (**33.2'**). The proposed lots have a difference of Lot 5 (**6.9'**), Lot 10 LPP (**55.2'**) & Lot 11 LPP (**46.8'**) respectively.

**2.8 ROVIDA ESTATES (CI) COMPANY LTD. (BDCL Architects) Block 14BH Parcel 159 (P23-0942) (\$150,000) (MW)**

Application to replace a damaged chain link fence and increase the height with barbed wire topping to 10'-2" and to increase the existing concrete wall height to 6'-10 ¼".

**FACTS**

|                             |                                    |
|-----------------------------|------------------------------------|
| <i>Location</i>             | Elizabethan Square, Shedden Rd, GT |
| <i>Zoning</i>               | <b>General Commercial</b>          |
| <i>Notification result</i>  | No objections                      |
| <i>Parcel size proposed</i> | 2.943 ac. (128,197.08 sq. ft.)     |
| <i>Current use</i>          | Existing Commercial Buildings      |

**BACKGROUND**

August 17, 2011 – 5' high concrete wall with planter & monument sign (CPA/17/11; Item 2.12) – the application was considered and it was resolved to grant planning permission.

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

- 1) Fence height (6'-10 ¼" / 10'-2" vs. 6'-0")

**APPLICANT'S LETTER**

*On behalf of our client, we are humbly requesting a variance for adding a 2'-10" extension in height to an existing 6'-1" concrete wall and to replace a damaged 6'-11" chain link fence with a new 10'-2" chain link fence that has the top 2'-0" strung with barbed wire for security measures. This proposed height addition will be in keeping with the adjacent properties, namely the Radio Cayman building and the George Town Police Station.*

*Due to the recent alarming increase in crime, our client is concerned for the privacy, safety, and security of their staff, tenants, and patrons of this establishment. Elizabethan Square has been targeted with numerous break-ins, theft, and is frequented by miscreants that climb over the existing wall and fence bordering the Scranton area. Raising the height of the wall, and placing barbed wire at the top of the chain link fence, will aid in preventing numerous illegal and dangerous activities from occurring at this location.*

*Within the Cayman Islands "Development and **Planning Regulations (Planning Regulations 2022 Revision)**", **Planning Regulation 8.13(b)(i)**: "the characteristics of the proposed development are consistent with the character of the surrounding area"*

*- The proposed wall and fence are consistent with the character of the surrounding area, as both the Police Station and Radion Cayman for both height and security measures in place. (See Figures 1-5 below.)*

*Planning Regulations 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”*

*- The proposed application will not be detrimental as stated above; contrarily it will provide safety and security to the property, staff, tenants, and visitors to the property by keeping out undesired and illegal activity.*



*Figure 1: Barbed wire and razor wire above the wall and chain link fence at the George Town Police Station.*





*Figure 2: Barbed wire and razor wire above the wall and chain link fence at the George Town Police Station.*



*Figure 3: Barbed wire above the chain link fence at Radio Cayman.*



*Figure 4: The existing concrete wall and damaged chain link fence at Elizabethan Square.*



*Figure 5: The end of the existing concrete wall at Elizabethan Square.*

*Additionally, per the Wall & Fence Guidelines document that was published by the Planning Department security features are permitted in Commercial Zones, provided that if barbed wire is used it may only be on top of a masonry wall or chain link fence and permission will be subject to CPA approval. Based on the circumstances described above,*

*we feel that this application should be approved to provide safety and security to this development.*

*We thank you very much for your consideration and now look forward to your approval of our request for this variance. If you require additional information, please do not hesitate to phone this office or email me at kmandish@bdcl.ky.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for the replacement of damaged chain link fence and increase height with barbed wire topping to 10'-2" and increase existing concrete fence height to 6'-10 ¼" to be located on Shedden Rd., George Town.

### **Zoning**

The property is zoned General Commercial.

### **Specific Issues**

#### **1) Fence/Wall height**

The CPA fence guideline 4.41 stipulates that "In commercial, industrial and institutional zones, no part of a solid wall or fence should exceed 48 inches in height except for where provided within these regulations." The proposed extension to the existing concrete fence would put the fence height at 6'-10 ¼" a difference of 2'-10 ¼".

The CPA fence guideline 4.4.2 stipulates that "In commercial, industrial and institutional zones, no part of a semi-transparent wall or fence should exceed 72" in height, except for where provided within these regulations"- The proposed extension to the chain link fence would take the overall fence to 10'-2" in height a difference in height of 4'-2".

In addition, the CPA fence guideline 10.2 states the following regarding security features namely barbed wire.

- **Barbed Wire**

Stand alone barbed wire fencing will generally be permitted only in agricultural applications. Barbed wire as a security feature on top of a masonry wall or chain link fence is permitted subject to CPA approval.

The Authority should assess if there is sufficient reason and an exceptional circumstance that exists to warrant granting planning permission for the proposed fence heights & use of barbed wire as an additional security feature.



## 2.9 HECTOR CHIN (Eric Cronier) Block 71A Parcel 62 (P23-1035) (\$7,000) (NP)

Application for a 2 lot subdivision.

### **FACTS**

|                              |                                |
|------------------------------|--------------------------------|
| <i>Location</i>              | Unnamed private road, East End |
| <i>Zoning</i>                | Agricultural/Residential       |
| <i>Notification Results</i>  | No objectors                   |
| <i>Parcel size</i>           | 43,560 sq ft                   |
| <i>Parcel size required</i>  | 10,000 sq. ft. for dwellings   |
| <i>Parcel width required</i> | 80 feet for dwellings          |
| <i>Proposed lot sizes</i>    | 2 @ 21,780 sq ft               |
| <i>Proposed lot widths</i>   | 1 @ 55' & 1 @ 92'              |
| <i>Current use</i>           | Vacant                         |

### **BACKGROUND**

NA

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

- 1) Access
- 2) Lot width (55' vs 80')

### **AGENCY COMMENTS**

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

#### **Department of Agriculture**

*Comments yet to be received at report submission deadline.*

#### **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).*

##### *Site Overview*

*The application site consists of primary dry forest and shrubland. 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.*

#### *Advice to the Applicant*

*The Applicant should keep clearing and filling to a minimum and retain as much primary habitat as possible to incorporate it into the landscaping scheme for the development. Primary habitat and native vegetation can be retained and used in a variety of ways on a property:*

- It can be retained along parcel boundaries and between buildings to serve as privacy, noise and sound buffers and screening.*
- It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.*
- It can serve as an amenity, providing green space and shade for those who live nearby or on the property.*
- It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies. This habitat helps to contribute to the conservation of our local species.*
- It can assist with drainage directly by breaking the momentum of rain, anchoring soil, and taking up water and indirectly by keeping the existing grade and permeable surfaces.*
- It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.*
- When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

#### *Advice to the Central Planning Authority/Planning Department*

*As the site is primary habitat, we would recommend not including a condition requiring each lot to be cleared and filled. We note that the application is for a subdivision, we would **not** support the clearing of this site at this time. Land clearing should be reserved until the development of individual lots is imminent (through the granting of planning permission for development on those particular lots). This allows the opportunity for the individual lot owners to retain as much native vegetation as possible. Clearing the entire site prematurely removes the choice from the individual lot owners and removes the value the habitat could provide in the time between the preparation of a subdivision and the development of an individual lot.*

*If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed subdivision, the DoE recommends the inclusion of the following conditions in any planning permission to minimise impacts on this valuable habitat:*

- 1. There shall be no land clearing, excavation, filling or development of the resultant parcels without planning permission for such works being granted.*

### **National Roads Authority**

*As per your email dated December 15th, 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.***

### **APPLICANTS LETTER**

*On behalf of our client, we hereby apply for a variance to allow the proposed sub-division to be approved as submitted.*

*Although the width of Lot A along the road is 55 ft. wide, the average lot width exceeds the minimum 80 ft required.*

*We therefore kindly request your approval as it relates to Section 8 (13) of the Development and Planning Regulations (2018 Revision), the application can be considered for approval, since subsection (b) (iii) states that "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."*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The subject property is located on an unnamed private road that is located east of Farm Road in East End.

The property is presently vacant.

The proposal is to divide the existing parcel into two lots, with one proposed lot having frontage of 55 feet and the other with 92 feet on the private road.

#### **Zoning**

The property is zoned Agricultural/Residential.

## **Specific Issues**

### **1) Access**

The site benefits from a 6' pedestrian right-of-way, but also abuts BP 506. BP 506 has not been constructed and it is noted that the NRA has no objection to the application. The Authority needs to consider this access scenario to determine if the two proposed lots have sufficient physical access.

### **2) Width of proposed lot A (55' vs 80')**

Proposed lot A will have a lot width of 55 feet.

Regulation 9(8)(g) states that the minimum lot width for a detached house or duplex shall be 80 feet.

The applicant's agent has submitted a variance letter.

The Authority should discuss whether a variance for lot width is warranted in this instance.

## **2.10 JEROME BODDEN (Professional Planning and Development Services (PPDS) Cayman Ltd) Block 66A Parcel 221 (P23-1044) (\$5,000) (EJ)**

Application for a six (6) lot subdivision.

### **FACTS**

|                             |                            |
|-----------------------------|----------------------------|
| <i>Location</i>             | Farm Road, East End        |
| <i>Zoning</i>               | <b>AGR</b>                 |
| <i>Notification result</i>  | No objectors               |
| <i>Parcel size proposed</i> | 5.47 ac. (238,273 sq. ft.) |
| <i>Parcel size required</i> | 21,780 sq. ft.             |
| <i>Current use</i>          | Vacant                     |

### **BACKGROUND**

NA

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

- 1) Proposed BP138 vs existing road.

### **AGENCY COMMENTS**

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

## **Water Authority Cayman**

*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.*

### **Stormwater Management**

- *This development is located over the **East End fresh water lens** or within the 500m buffer zone of the lens. In order to protect the fresh water lens, the Water Authority requests that stormwater drainage wells are drilled to a **maximum depth of 80ft** instead of the standard depth of 100ft as required by the NRA.*

### **Water Supply**

***Please be advised that connection of the proposed development to the Water Authority's piped water supply system will require an extension. Extensions in private roads are done at the owner's expense. The timing of any pipeline extension is at the sole discretion of the Water Authority.***

- *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**

### **Memorandum 1**

*As per your email dated November 29<sup>th</sup>, 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 to the above-proposed subdivision as the proposed road coincides with Farm Road (BP138 as-built). It should nonetheless be noted that the proposed subdivision road is thirty (30) feet wide, whereas BP138 per Gazette 19/1983 was to be forty (40) feet wide.*

### ***Stormwater Management Issues***

*A comprehensive drainage plan needs to be provided by the applicant for the entire project.*

***This development is located either over the East End fresh water lens or within the 500m buffer zone of the lens. In order to protect the fresh water lens, the Water Authority requests that stormwater drainage wells are drilled to a maximum depth of 80 feet instead of the standard depth of 100 feet as required by the NRA.***

*The applicant shall demonstrate that the stormwater management system is capable of handling stormwater runoff from rainfall with an intensity of 2 inches per hour for a duration of one hour, and ensuring that adjacent roadways and surrounding properties that are lower are not subjected to stormwater runoff from this site.*

### ***Infrastructure Issues***

*The NRA advises the CPA to require the developer to provide for lines, signage (stop signs, etc.), street lighting and any other traffic calming measures on the proposed roads of the subdivision. For our traffic calming guidelines, please visit our website at: <https://www.caymanroads.com/traffic-calming>. Once the roadway has been taken over as a public road, the NRA can then assume this responsibility.*

*A thirty (30) ft. wide road parcel needs to be provided in order to have adequate access as the NRA does not endorse the use of vehicular ROWs.*

*The subdivision's road base shall be constructed to NRA minimum design and construction specifications for subdivision roads - this includes elevations, minimum longitudinal slopes and minimum cross fall of minus 2 percent from the centre line to the shoulder. The roadway shall be Hot Mix Asphalt (HMA). The NRA shall inspect and certify the road base construction prior to HMA surfacing activities.*

*All internal roadway curves (horizontal alignment) shall be no less than 46 feet centreline radius. This requirement ensures that the minimum vehicle turning radius for a standard garbage and/or fire truck is maintained throughout the site.*

### **Memorandum 2**

*BP138 was first proposed in 1974 using small-scale, hand drawn maps. It was subsequently built in the late seventies/early eighties using these maps as a guide. As a result, Farm Road (BP 138 as-built) does not align very well with the proposed road. Re-*

*aligning the road at this point to match the boundary plan is not necessary as Farm Road (as-built) currently meets the objectives of BP 138.*

*You will also notice that in the CPA-approved subdivision of 66A74 (Mutation No.: 11971; 2022) this discrepancy was also disregarded.*

*The NRA's only concern is that the road, originally intended to be a 40-foot-wide road, is being constructed at about 30 feet wide.*

*Our comments still stand: we have no objections to the proposed development.*

### **Department of Environment (October 13, 2023)**

*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).*

#### **Site Overview**

*The application site is man modified and may have some areas of regrowth and native trees, particularly toward the northern boundary of the property.*

#### **Advice to the Applicant**

*The Applicant should reduce clearing and filling to a minimum and retain as much mature native vegetation as possible to incorporate it into the landscaping scheme for any future development. Primary habitat and native vegetation can be retained and used in a variety of ways on a property:*

- *It can be retained along parcel boundaries and between buildings to serve as privacy, noise and sound buffers and screening.*
- *It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.*
- *It can serve as an amenity, providing green space and shade for those who live nearby or on the property.*
- *It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies. This habitat helps to contribute to the conservation of our local species.*
- *It can assist with drainage directly by breaking the momentum of rain, anchoring soil, and taking up water and indirectly by keeping the existing grade and permeable surfaces.*
- *It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.*

- *When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

### ***Advice to the Central Planning Authority/Planning Department***

*We note that the application is for a subdivision, we would **not** support the clearing of this site at this time. Land clearing should be reserved until the development of individual lots is imminent (through the granting of planning permission for development on those particular lots). This allows the opportunity for the individual lot owners to retain as much native vegetation as possible. Clearing the entire site prematurely removes the choice from the individual lot owners and removes the value the habitat could provide in the time between the preparation of a subdivision and the development of an individual lot.*

*If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed subdivision, the DoE recommends the inclusion of the following conditions in any planning permission to minimise impacts on this valuable habitat:*

*There shall be no land clearing, excavation, filling or development of the resultant Land Lots (Lots 1 to 5) parcels without planning permission for such works being granted.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed six (6) lot subdivision is located on Farm Road in East End.

### **Zoning**

The property is zoned Agriculture Residential.

### **Specific Issues**

#### **1) Proposed BP vs Existing Road**

When reviewing the first NRA memorandum, the Department was uncertain how to proceed because the existing road and the applicant's proposed road parcel are not aligned with BP 138 even though NRA's comments seemed to imply otherwise. The NRA was contacted for clarification on the matter and that was when the second set of comments was received. The NRA states they have no objection with the proposal, but it would appear that at some time BP 138 will have to be revised to follow the as-built road. The Authority should determine if this road access scenario is acceptable.

## **2.11 THE GROVE TOO (Arco Ltd.) Block 11D Parcel 127 (P23-1001) (\$4,500,000) (MW)**

Application to modify planning permission to revise the site plan & floor plan layout, which will decrease the number of apartments from 80 to 78 units and reduce the number of parking spaces from 217 to 210.

### **FACTS**

|                                     |  |
|-------------------------------------|--|
| <i>Location</i>                     | Esterley Tibbetts Hwy., West Bay         |
| <i>Zoning</i>                       | <b>Neighbourhood Commercial</b>          |
| <i>Notification result</i>          | No Objectors                             |
| <i>Parcel size proposed</i>         | 2.316 ac. (100,884.96 sq. ft.)           |
| <i>Parcel size required</i>         | 20,000 sq. ft.                           |
| <i>Current use</i>                  | Approved development under construction. |
| <i>Proposed building size</i>       | 175,602.73 sq. ft.                       |
| <i>Total building site coverage</i> | 29%                                      |
| <i>Allowable units</i>              | CPA discretion                           |
| <i>Proposed units</i>               | 78                                       |
| <i>Allowable bedrooms</i>           | CPA discretion                           |
| <i>Proposed bedrooms</i>            | 90                                       |
| <i>Required parking</i>             | 207                                      |
| <i>Proposed parking</i>             | 210                                      |

### **BACKGROUND**

February 9, 2022 – Mixed-Use Development (Commercial & Apartments) and Roof Top Pools (CPA/04/22; Item 2.3) – the application was considered and it was resolved to grant planning permission.

November 3, 2022 – Diesel generator – the application was considered and it was resolved to grant planning permission.

August 30, 2023 – Modification increase floor area, revise exterior elevations (CPA/19/23; Item 5.1) – the application was considered and it was resolved to grant planning permission.

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

- 1) Parking (210 vs. 207)

## APPLICANT'S LETTER

The chart below shows in clouds the modification proposed for the project. (Sheet A1.01 of the Architectural Binder). The change is the combination of some one-bedroom units into two bedroom units. This resulted in a reduction in the number of apartments from 80 to 78 maintaining the same approved number of bedrooms with no change to the square footage of the project. Parking requirement was reduced from 210 to 207 and we are providing 212 stalls. Other small changes did not impact on area or aesthetics: a) small storage in the basement, b) location of future bathrooms inside the commercial units c) modified layout of laundry and bathrooms in ground floor d) shape of the rooftop pool and e) elevator's shafts. All marked with clouds #3 for ease of reference in the Architectural Binder Set.

| SITE AND BUILDING SUMMARY - SQUARE FOOTAGES |                          |                      |                   |          |                   |          |                       |                |                                 |  |
|---|--------------------------|----------------------|-------------------|----------|-------------------|----------|-----------------------|----------------|---------------------------------|--|
| LEVEL                                       | NUMBER OF PARKING STALLS | AREA RETAIL & OFFICE | ONE-BEDROOM UNITS |          | TWO BEDROOM UNITS |          | TOTAL APARTMENT UNITS | TOTAL BEDROOMS | CONSTRUCTION COVERED TOTAL AREA |  |
|   |                          |                      | UNITS             | BEDROOMS | UNITS             | BEDROOMS |                       |                |                                 |  |
| BASEMENT                                    | 190                      | 0                    | 0                 | 0        | 0                 | 0        | 0                     | 0              | 83,747.55                       |  |
| GROUND                                      | 24                       | 27,058.00            | 0                 | 0        | 0                 | 0        | 0                     | 0              | 29,305.52                       |  |
| SECOND                                      | 0                        | 0                    | 33                | 33       | 6                 | 12       | 39                    | 45             | 31,274.83                       |  |
| THIRD                                       | 0                        | 0                    | 33                | 33       | 6                 | 12       | 39                    | 45             | 31,274.83                       |  |
| TOTALS                                      | 214                      | 27,058.00            | 66                | 66       | 12                | 24       | 78                    | 90             | 175,602.73                      |  |

| SUMMARY  |        |            | AREA TOTALS |  |         |
|--|--------|------------|-------------|--|---------|
| LAND AREA IN ACRES                             | 2.32   | 101,059.20 |             |  | Sq. Ft. |
| SITE COVERAGE BY BUILDING                      | 29.00% | 29,305.52  |             |  | Sq. Ft. |
| GARDENS & LANDSCAPE                            | 25.24% | 25,511.03  |             |  | Sq. Ft. |
| GROUND FLOOR PARKING & PAVED AREAS             | 45.76% | 46,242.65  |             |  | Sq. Ft. |
| REQUIRED RETAIL PARKING 1X300 Sq Ft GROSS AREA | 31     | 9,264.00   |             |  | Sq. Ft. |
| OFFICE PARKING 1X300 Sq Ft                     | 59     | 17,794.00  |             |  | Sq. Ft. |
| DWELLING PARKING 1.5 PER UNIT                  | 117    |            |             |  |         |
| TOTAL PARKING STALLS REQUIRED                  | 207    |            |             |  |         |
| TOTAL PARKING STALLS PROPOSED                  | 212    |            |             |  |         |
| ACCESSIBLE PARKING PROVIDED                    | 7      |            |             |  |         |

## PLANNING DEPARTMENT ANALYSIS

### General

The application is for a modification to site & floorplan layout, decrease apartment unit numbers from 80 to 78 units, reduce parking from 217 to 210 to be located on Esterley Tibbetts Hwy., West Bay.

### Zoning

The property is zoned Neighbourhood Commercial.

### Specific Issues

#### **1) Parking**

The applicant has proposed several modifications to the previously approved mixed use development namely the modification to combine units and reduce the approved unit count from 80 to 78 units, add storage to the basement area, add bathrooms to the commercial/

retail spaces, revise the ground floor laundry / bathroom area, revise the roof top pool shape and lastly reduce the parking from the approved 217 spaces to 210 spaces. Although the development requires 207 spaces and the proposed reduction to 210 spaces is 3 more than the required amount.

The Authority should assess if the proposed modifications & reduction of parking spaces is acceptable and warrants granting planning permission.

**2.12 YARL TOWERS (National Building Group) Block 28C Parcel 664 (P23-0877) (\$20,000) (NP)**

Application for after the fact land clearing.

**FACTS**

|                             |                                |
|-----------------------------|--------------------------------|
| <i>Location</i>             | Ranch Road, Savannah           |
| <i>Zoning</i>               | <b>Low Density Residential</b> |
| <i>Notification Results</i> | No Objections                  |
| <i>Parcel size</i>          | 5.55 acres                     |
| <i>Parcel size required</i> | 10,000 sq. ft.                 |
| <i>Current use</i>          | Vacant                         |
| <i>Proposed use</i>         | None at this time              |

**BACKGROUND**

September 13, 2023 (CPA/21/23; Item 3.2) - Rezoning approved by the Authority for the property .

Enforcement action on the property for land clearing (CE23-0104).

**Recommendation:** Discuss the after the fact application to clear land by mechanical means.

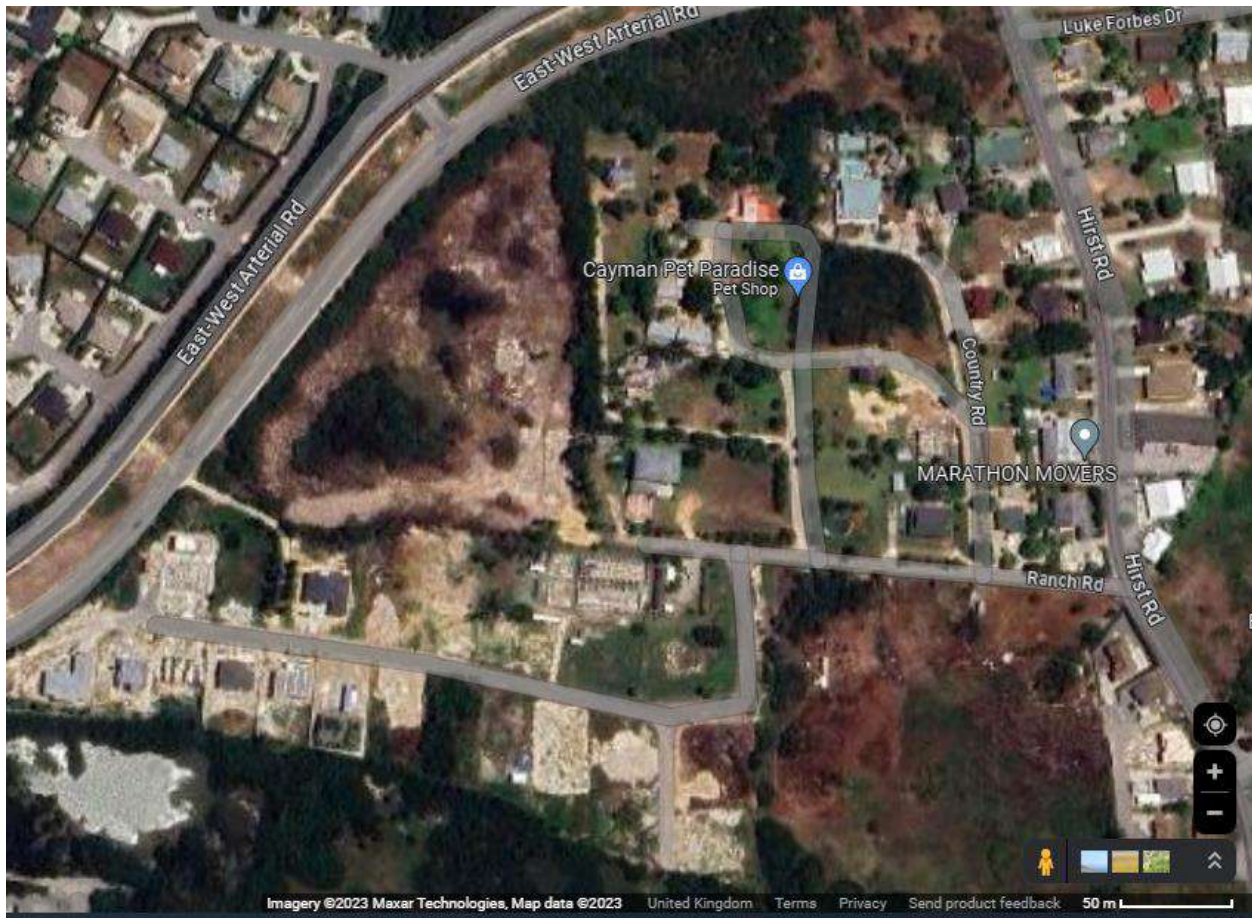
**AGENCY COMMENTS**

Comments from the DOE are noted below:

**Department of Environment (November 7, 2023)**

*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 site was man-modified with regrowth of mangrove wetland habitat. However, google imagery (see Figure 1) shows the application site as already cleared. It is also noted that an enforcement file has been created for unauthorized land clearing of this site (Planning Ref: CE23-0104) in September 2023.*



*Figure 1: Aerial Imagery showing the application site outlined in red (Source: Google Maps, Accessed 25 October 2023)*

*The site has already been cleared and therefore there is little opportunity to provide meaningful feedback. However, it is noted that the application site is part of a wider former-wetland and likely provides drainage capacity to the surrounding area. The clearing and filling of this parcel may increase the risk of flooding to the surrounding area.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located at the end of Ranch Road in Savannah.

The property is presently vacant.

The applicant is seeking after the fact permission to clear the land by mechanical means.

The plans state that clearing of the land was necessary to remove former buildings that occupied the parcel. However, a site visit revealed that the majority of the property has been cleared of vegetation.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issue**

#### **1) After the fact nature of the application**

Discuss the after the fact request to clear the lands.

#### **2.13 JAMES MILLER (3D Kyube) Block 38B Parcel 169 (P23-0277) (\$10,000) (NP)**

Application for a shed.

### **FACTS**

|                             |                                |
|-----------------------------|--------------------------------|
| <i>Location</i>             | Firefly Close, Lower Valley    |
| <i>Zoning</i>               | <b>Low Density Residential</b> |
| <i>Parcel size proposed</i> | 1.0 acre                       |
| <i>Parcel size required</i> | 10,000 square feet             |
| <i>Current use</i>          | Vacant                         |

### **BACKGROUND**

January 3, 2024 (CPA/01/24; item 2/10) – approval granted for 4 townhouses

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

- 1) Permanent use of a shipping container as a storage shed

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject parcel is located on Firefly Close in Lower Valley.



The property is presently vacant and the application is for a 575 square foot shed on the property, consisting of a 40 foot container and an addition (175 square feet) to the container.

It is noted that the application stated that the structure would be used as a site office but upon discussions with the agent, the use was confirmed as a storage shed.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability of container**

As noted above, the applicant initially applied for the container as a site office, presumably for the 4 townhouses recently approved. The applicant has now indicated they wish to use the container as a permanent shed. The Authority needs to determine if the use of the container is suitable in this instance and that the visual appearance is acceptable.

#### **2.14 JALLEKA TENEKA WELLINGTON HENRY (JMP Construction) Block 37A Parcel 60 (P23-0737) (\$300,000) (MW)**

Application for a detached garage with guest quarters.

### **FACTS**

|                                     |                                |
|-------------------------------------|--------------------------------|
| <i>Location</i>                     | Pauleach Rd., Bodden Town      |
| <i>Zoning</i>                       | <b>Low Density Residential</b> |
| <i>Notification result</i>          | No Objectors                   |
| <i>Parcel size proposed</i>         | 0.40 ac. (17,424 sq. ft.)      |
| <i>Parcel size required</i>         | 20,000 sq. ft.                 |
| <i>Current use</i>                  | Existing Residence             |
| <i>Proposed building size</i>       | 980 sq. ft.                    |
| <i>Total building site coverage</i> | 16.83%                         |
| <i>Required parking</i>             | 2                              |
| <i>Proposed parking</i>             | 2                              |

### **BACKGROUND**

May 18, 2005 – Fence – CPA/12/05; Item 2.13 – the application was considered and it was resolved to grant planning permission.

May 10, 2005 – House addition – the application was considered and it was resolved to grant planning permission.

May 10, 2005 – Pool – the application was considered and it was resolved to grant planning permission.

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

- 1) Lot size (17,424 sq. ft. vs. 20,000 sq. ft.)

### **APPLICANT'S LETTER**

*Further to the submitted application of one two-storey guest house on Block 37A Parcel 60, JMP Construction requests a variance on the lot size from 20,000 SF to 17,424 SF.*

*We request permission for the subject matter per the drawings provided and humbly give the following reasons:*

*1. The proposed variance does no harm to either public or private interests and is not injurious to any property or interest. It will not encroach or infringe on any neighbouring property, impose any hardship on any neighbours, or create a situation where any neighbour's quality of life, property value, or peaceful co-existence would be negatively affected. The characteristic of the development is being consistent with the surrounding neighbourhood.*

*2. Per section 8(13)(d) of the Planning Regulations, the adjoining property owners have been notified of the lesser setback associated with the application and they have not objected.*

*We would like to thank you for your consideration of this matter.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is for a detached garage with guest house; 980 sq. ft located on Pauleach Rd., Bodden Town.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

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

Regulation 9(8)(d) of the Development & Planning Regulations (2022 Revision) states “*the minimum lot size for each detached house is 10,000 sq. ft.*” The proposed lot is currently 0.40 ac. (17,424 sq. ft.) a difference of **2,576 sq. ft.**

The Authority should assess if there is sufficient reason and an exceptional circumstance that exists in accordance with Section 8(13) to warrant granting the proposed lot size variance.

**2.15 ALVA & ERVELYN BURGESS (GMJ Home Plans Ltd.) Block 27D Parcel 424H1 (P23-0963) (\$90,000) (MW)**

Application for a house addition.

**FACTS**

|                                     |                                |
|-------------------------------------|--------------------------------|
| <i>Location</i>                     | Bridle Link, Bodden Town       |
| <i>Zoning</i>                       | <b>Low Density Residential</b> |
| <i>Notification result</i>          | No Objectors                   |
| <i>Parcel size proposed</i>         | 0.1501 ac. (6,538.356 sq. ft.) |
| <i>Parcel size required</i>         | 10,000 sq. ft.                 |
| <i>Current use</i>                  | Existing residence             |
| <i>Proposed building size</i>       | 493 sq. ft.                    |
| <i>Total building site coverage</i> | 31.03%                         |
| <i>Required parking</i>             | 1                              |
| <i>Proposed parking</i>             | 2                              |

**BACKGROUND**

October 24, 2012 CPA/23/12; Item 2.9) – approval granted for a house

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

- 1) Site coverage (31.03% vs. 30%)
- 2) Rear setback (10'-0" vs. 20'-0")

**APPLICANT'S LETTER**

*We are requesting a variance on behalf of our clients, Mr. & Mrs, Burgess, with regards to the following;*

- a) A rear setback variance – where the applicants are requesting a reduction of the rear setback to 10ft instead of the required 20ft for areas zoned Low Density Residential (LDR). A separation difference of 10ft.*
- b) A Site coverage variance – to increase the coverage t 31.03% (1.03% increase) or 67.48 sqft over the required 30%.*

*We seek relief of the required variances, for reasons detailed below;*

- 1. Per section 8(13)(d) of the Planning Regulation, the owners of the adjacent properties were notified by registered mail and there are no objections to date.*
- 2. Per section 8(13)(b)(i) of the Planning Regulation, 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, to the neighbourhood, or the public welfare.*
- 4. The subject property is an irregular shaped lot with a narrow frontage that widens to the rear and is located at the corner of two roads. Although the rear portion of the lot is wider than the front, there is limited buildable area at the rear due to the location of the existing house that is 22'11" from the rear property line. As such, the proposed location of the addition, which consists of a well needed fourth bedroom and a great room, is in the most suitable area on the lot to add such rooms.*
- 5. Precedence exists within the immediate subdivision in regards to granting a setback variance. Of the developed properties in the immediate subdivisions, at least 14 properties have been granted variances.*
- 6. It is difficult to know what the site coverage is for a few of the other lots in the immediate subdivision with similar size additions. Based on the average lot size in the subdivision it is most likely that some of those homes exceed the maximum site coverage required.*
- 7. The strict application of the rear setback requirement of 20ft and the 30% lot coverage, in this instance, would deprive the property owners of privileges currently enjoyed by properties in the immediate subdivision and community of Newlands who fall under the identical zoning.*
- 8. The application complies with all other relevant planning requirements.*

*Thank you for your consideration. Should you have any queries, please do not hesitate to contact us at 947-7020 or via email at [gmj@candw.ky](mailto:gmj@candw.ky).*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a house addition; 493 sq. ft. located on Bridle Link, Bodden Town.

### **Zoning**

The property is zoned Low Density Residential.

## **Specific Issues**

### **1) Site coverage**

Regulation 9(8)(h) of the Development & Planning Regulations (2022 Revision) states “*the minimum site coverage for detached houses, duplexes, guest houses and apartment buildings or townhouses is 30%*” The proposed development would put the site coverage at 31.03% a difference of **1.03%**.

### **2) Rear setback**

Regulation 9(8)(i) of the Development & Planning Regulations (2022 Revision) states “*the minimum rear setback is 20’-0”*”. The proposed addition would encroach into the rear boundary at 10’-0” a difference of **10’-0”**.

## **2.16 LISA M. KING (Halfmoon Consulting) Block 25B Parcel 639H4 (P22-0646) (\$100,000) (MW)**

Application for a house addition to create a duplex.

### **Appearance time:**

### **FACTS**

|                                     |                                |
|-------------------------------------|--------------------------------|
| <i>Location</i>                     | Hybrid Dr., George Town        |
| <i>Zoning</i>                       | <b>Low Density Residential</b> |
| <i>Notification result</i>          | No Objectors                   |
| <i>Parcel size proposed</i>         | 0.1687 ac. (7,348.572 sq. ft.) |
| <i>Parcel size required</i>         | 12,500 sq. ft.                 |
| <i>Current use</i>                  | Existing residence             |
| <i>Proposed building size</i>       | 263.752 sq. ft.                |
| <i>Total building site coverage</i> | 25.4%                          |
| <i>Required parking</i>             | 2                              |
| <i>Proposed parking</i>             | 3                              |

### **BACKGROUND**

January 14, 2016 – House – the application was considered and it was resolved to grant planning permission.

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

- 1) Lot size (7,348.572 sq. ft. vs. 12,500 sq. ft.)
- 2) Rear setback (19’-3” vs. 20’-0”)

## **AGENCY COMMENTS**

The Authority received comments from the Department of Environment.

### **Department of Environment (25 July 2022)**

*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**

*I, Richard.A.Bernard II, am responding on behalf of the applicant, Mr. Samuel M. Bryon regarding the proposal of a **(1) Bedroom Unit to create a Duplex @ 263.752 sqft-located at the rear N.E corner of property on 25B/639H4.** We would like to request your consideration of a North, Rear setback boundary variance. The proposed structure is over the 20ft rear setback boundary line by 7" @ the N.W corner of the building.*

*As per the variance criteria referenced in Regulation 8, Sub-regulation 13 of the Planning Law , it is our opinion that there is sufficient reason to grant a variance as the proposed development is consistent with the residential character and land use of the surrounding area.*

***8(18)** It is also our opinion that 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. Due to the lesser setback proposed for the development, the adjoining property owners have been notified of this application by registered mail.*

*In summery I am respectfully requesting a:*

*- North Side Setback variance of 7" for the building corner edge located @ the N.W.*

*Thank you for your kind consideration of this request.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for an addition to create a duplex; 263.752 sq. ft. located on Hybrid Dr., George Town.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

**1) Lot size**

Regulation 9(8)(e) of the Development & Planning Regulations (2022 Revision) states “*the minimum lot size for each duplex is 12,500 sq. ft.*” The current parcel is 0.1687 ac. (7,348.572 sq. ft.) a difference of **5,151.428 sq. ft.**

**2) Rear setback**

Regulation 9(8)(i) of the Development & Planning Regulations (2022 Revision) states “*the minimum rear setback is 20’-0”*”. The proposed addition would encroach into the rear boundary at 19’-3” a difference of **9”** respectively.

**2.17 MINISTRY OF EDUCATION, DISTRICT ADMINISTRATION & LANDS (Public Works Department) Block 72B Parcel 62, 339 & 179 (P23-0167) (\$250,000) (MW)**

Application for public restrooms; 2 cabanas; parking lot & 4’ concrete buffer wall.

**FACTS**

|                                     |  |
|-------------------------------------|--|
| <i>Location</i>                     | Sea View Rd., East End                           |
| <i>Zoning</i>                       | <b>Medium Density / Beach Resort Residential</b> |
| <i>Notification result</i>          | No Objectors                                     |
| <i>Parcel size proposed</i>         | 0.96 ac. (41,817.6 sq. ft.)                      |
| <i>Parcel size required</i>         | 0.5 ac. (21,780 sq. ft.)                         |
| <i>Current use</i>                  | Vacant   |
| <i>Proposed building size</i>       | 596 sq. ft.                                      |
| <i>Total building site coverage</i> | 1.43%  |
| <i>Required parking</i>             | 4  |
| <i>Proposed parking</i>             | 7  |

**BACKGROUND**

N/A

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

- 1) HWM setback (49’ (parking) / 52’ (septic) / 68’6” (restrooms) vs. 75’)
- 2) Front setback (10’6” (ramp) vs. 20’)
- 3) Wall height (4’9” vs. 4’)
- 4) Wall setback per 8(18)

## **AGENCY COMMENTS**

Comments from the Water Authority, National Roads 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 1,500 US gallons for the proposed development.*
- *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 5'10" 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.***

### **National Roads Authority**

*As per your email dated July 27th, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

#### ***General Issues***

*Entrances shall be between twenty-two (22) and twenty-four (24) feet wide. Curb side garbage collection is strongly discouraged. The NRA requests that the CPA have the applicant reduce the width of the entry/exit, and reconfigure the site plan so that the garbage enclosure is accessed internally, and that the sidewalk continues along the full breadth of the parcels.*

#### ***Stormwater Management Issues***

*The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and the use of alternative construction techniques. However, it is critical that the development be designed so that*

post-development stormwater runoff **is no worse than** pre-development runoff. To that effect, the following requirements should be observed:

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.
- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Watercourse Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.
- Curbing is required for the parking areas to control stormwater runoff.
- Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.
- Sidewalk details need to be provided as per NRA specifications.

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as

"any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such canal, conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;"

Failure in meeting these requirements will require immediate remedial measures by the applicant.

## **Department of Environmental Health**

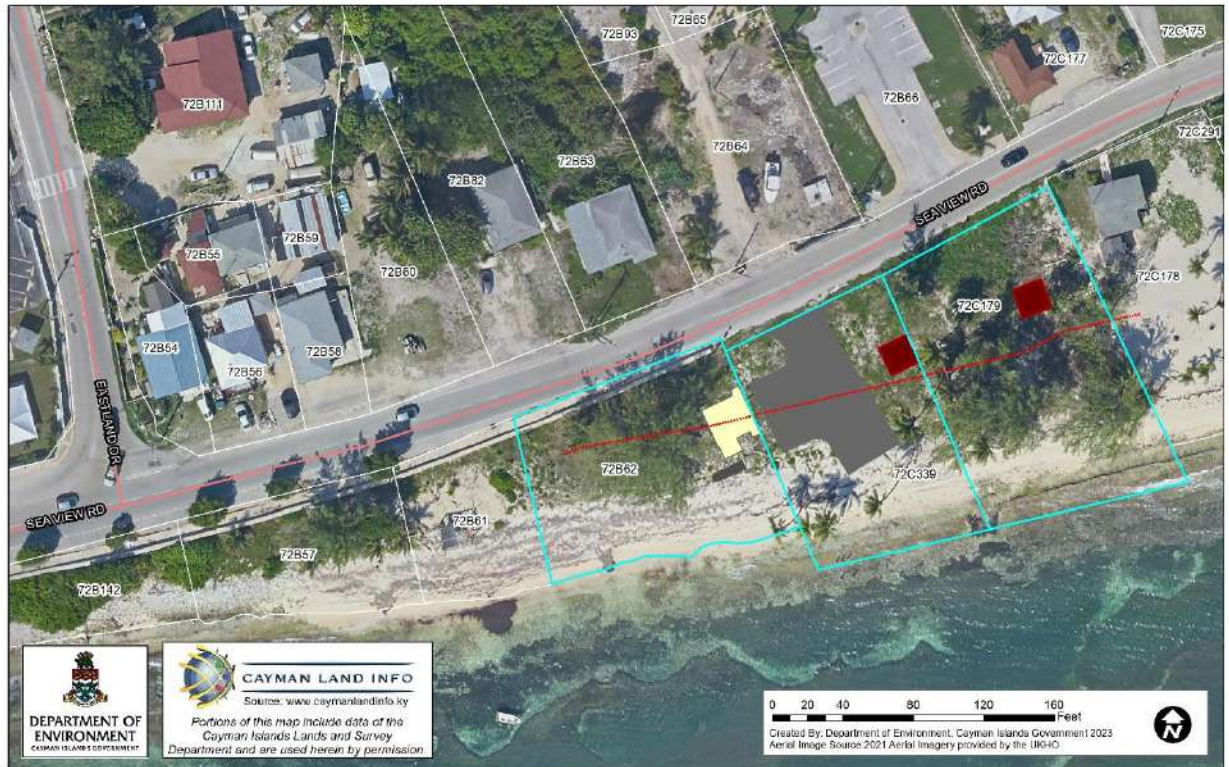
DEH has no objections to the proposed in principle.

## Department of Environment (21 August 2023)

*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).*

### **Site Overview**

*The application site is predominantly man-modified with some coastal vegetation and some invasive vegetation. However, the beach of the site is also a turtle-nesting beach.*



*Figure 1: Application site parcels are highlighted in light blue. Shown in the image is the car park in grey, the restrooms in yellow, the septic in black/dark grey, the cabanas in red and the 75ft coastal setback provided by the applicant as the red line.*

### **Setbacks, Increased Likelihood of Erosion & Climate Change**

*The proposed car park and restrooms do not meet the minimum 75 ft coastal setback for sandy beaches required for any hard structure in the Development and Planning Regulations (2022). The parking lot as proposed will almost certainly interact with the sea leading to increased instances of erosion. Part of the proposed car park is located on the active beach ridge and foreshore, approximately 30 feet from the Mean High Water Mark. The area for parking is extensive given the size of the public beach, especially as there is paved public parking already along the roadside to the west. These Crown-owned parallel parking spaces begin immediately to the west of the proposed public beach, adjacent to the*

*sea wall, and could be used by visitor to this beach. The large non-porous parking area proposed will not only remove the area available for the beach but will likely result in run-off which will further erode the beach. We recommend that the size of the parking area is reduced and that the surfaces be kept permeable to reduce run-off impacts and provide for a more natural beach experience.*

*It is crucial for all developers, especially the Government, to understand the potential consequences of altering the natural environment and to take valuable lessons from the southern end of Seven Mile Beach. Given the climate change predictions for the region, including sea level rise and increased intensity of storm events (including storm surge), coastal setbacks should not be reduced but instead should be treated as a minimum (as prescribed in the Development and Planning Regulations). It is important to highlight that setbacks seek to protect properties against these inevitable effects of climate change such as coastal flooding and erosion by ensuring that hard structures are not located in an area susceptible to these hazards. Many of the current public beaches such as Kaibo Public Beach, Spotts Beach and Governor Russell's Public Beach already suffer from erosion near the cabanas leading to amenity issues. We recommend that all hard structures which form a part of this proposal meet the minimum coastal setback requirements.*

*It would appear that there is sufficient room to reposition or reorient the parking and the restrooms and the septic tank to meet the minimum setbacks. We also recommend that the septic tank be located on the roadside or as far away from the sea as possible.*

### ***Impacts on Turtle Nesting***

*All marine turtle species are listed in Part 1 of Schedule 1 of the National Conservation Act, 2013, as being 'protected at all times'.*

*The main threats to sea turtles from development are:*

- *Construction on the beach directly or indirectly impacting mature and hatchling sea turtles,*
- *Development on the beach directly removes nesting areas and indirectly impacts the nesting habitat through modification and degradation of the natural beach,*
- *Artificial lighting causes mature females to be deterred from nesting and hatchling turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators or vehicles, and*
- *Loss of coastal vegetation.*

### ***Construction Impacts on Turtle Nesting***

*Operating heavy machinery during land clearing and construction presents a threat to nesting sea turtles. Construction works not only disturb the physical nesting habitat but heavy machinery and associated works can crush or bury baby sea turtles and turtle nests.*



*The excavation of the foundations will likely result in a large quantity of sand. The sand is a key component of what makes the application site good for sea turtles. We recommend that any excavated sand is retained on-site.*

*Nesting sea turtles often use vegetation as a cue for nesting, and will crawl landwards up the beach until they reach the vegetation, or on a modified beach, a hard structure. When the vegetation is removed for construction, sea turtles can enter construction sites and be harmed. Figures 3 and 4 below show sea turtle tracks directly up to construction sites. The DoE has also been called to respond numerous times to sea turtles who have become trapped in construction sites. Figure 5 shows a sea turtle hatchling which was killed due to heavy equipment being operated on the beach.*



*Figures 3 & 4: Sea turtle tracks showing that the sea turtle has crawled up the beach until it reached a construction site (Source: DoE and Tammy Kelderman, 2021). The fence pictured is dangerous to sea turtles as it is sharp, rusty and not secure.*



*Figures 5 & 6: DoE photo showing turtle tracks within a construction site on a turtle nesting beach. This site did not have temporary beachside construction fencing to prevent turtles from entering the site. The turtle could have or may have been injured by construction materials and debris on-site (Source: DoE, 2023).*





*For these reasons, construction fencing suitable for excluding turtles must be installed prior to the commencement of demolition and/or site works. Mesh fencing, Heras fencing, and chainlink fencing are all **unacceptable** as they can be dangerous to turtles and do not exclude them from the site. Mature green sea turtles weigh around 300 to 400 lbs and are capable and strong diggers.*

*Temporary beachside construction fencing must be:*

- *Located as far landward as possible to leave room/habitat for the turtles to nest during the work;*
- *Made from a sturdy/solid material like plywood with no gaps (i.e. not chainlink fencing or the orange plastic fencing with holes as hatchlings can crawl through these and adults can knock it down or become tangled);*
- *Embedded at least 2 feet into the sand so that turtles cannot dig it out or crawl under;*
- *Installed in a manner that any nailing of the wood will be done so that the sharp ends are located on the landside of the fencing to prevent injury to turtles;*
- *Suitable to contain all excavated material, construction materials and demolition waste landward of the fencing; and*
- *Installed so that it does not block public access along the foreshore and **not** installed along or seaward of the Mean High Water Mark.*

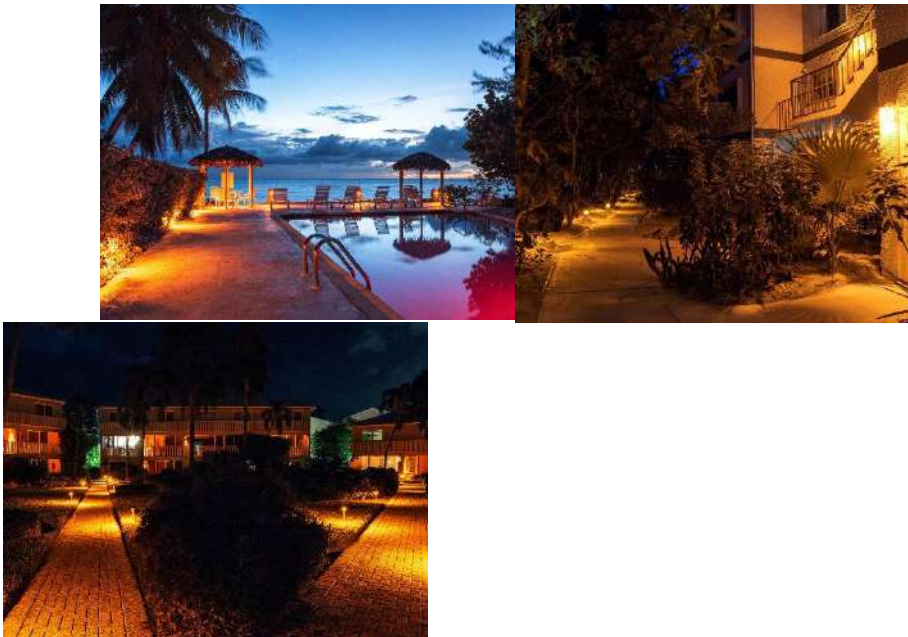


*Figure 8: An example of suitable construction fencing to protect turtles (Source: DoE, 2022).*

### ***Impacts of Artificial Lighting on Turtle Nesting***

*Artificial lighting on and around turtle nesting beaches is one of the greatest threats to the survival of Cayman's endangered sea turtle nesting populations. Bright lights on or near the beach can deter female turtles from nesting and cause baby turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators or vehicles.*

*Turtle friendly lighting has been a legal requirement in ordinances in the United States for over 30 years. It is a proven solution to prevent the misorientation of sea turtles whilst safely and effectively lighting beachside properties. Figures 9-11 show examples of properties in Grand Cayman that have turtle friendly lighting installed. Artificial lighting from the proposed Public Beach would have the potential to impact the turtle nesting beach (especially given the current orientation and size of the parking area and restrooms) therefore, the submission of a turtle friendly lighting plan will be required to minimise the impacts of artificial lighting.*



*Figures 9-11: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman.*

### ***Bonfire Impacts***

*Public beaches often have bonfires on the beach which pose a threat to nesting and hatchling turtles as they are drawn towards the light of the fire. We recommend when designing public beaches, a raised bonfire area as far away from the beach as possible be*



*created where the public can safely create bonfires in a controlled environment which will not impact turtles, pollute the beach or cause a safety risk.*

### ***Polystyrene Pollution***

*The Department has witnessed and experienced complaints from members of the public regarding pollution from expanded polystyrene (EPS) beads on construction sites around the island. EPS is used in a variety of applications, including thermal insulation in buildings, civil engineering applications and decorative mouldings and panels. During construction, once EPS is cut, tiny microbeads are blown into the air, polluting neighbouring yards, stormwater drains, and nearby water bodies. Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. EPS beads that make their way to the sea can be mistaken by fish and birds as fish eggs and have the potential to cause blockages in their digestive systems. These beads are very difficult to remove once they enter the water and they do not naturally break down.*

### **DOE RECOMMENDATIONS**

*If the Central Planning Authority or Planning Department is minded to approve this development, the following conditions should be included in any grant of planning permission:*

- 1. Prior to the issuance of a Building Permit, the applicant shall prepare and submit a plan for review and approval to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. Guidance on developing a lighting plan can be found in the Department of Environment's Turtle Friendly Lighting: Technical Advice Note (September 2018) available at <https://doe.ky/marine/turtles/tfl/>. The DoE's written approval must be received by the Planning Department prior to the issuance of the Building Permit.*
- 2. No construction work, vehicle access, storage of equipment/materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November yearly) without the express consent of the DoE.*
- 3. Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.*
- 4. Prior to the commencement of works, temporary beachside construction fencing associated with the works shall be positioned as far landward as possible to maximise turtle nesting habitat. Where no hard structure forms a barrier the fencing shall be positioned a minimum of 75ft from the Mean High Water Mark. The fencing shall be erected so that it fully encloses the beach-facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles entering the construction site or digging under the fencing, during nesting season. The applicant shall liaise directly with the DoE for guidance on the beachside construction fencing. The DoE shall inspect and*

*approve the proposed location of the temporary embedded beachside construction fencing to ensure no turtle nests will be impacted by its installation. The DoE will inspect the fencing after installation and written confirmation from the DoE must be received that the fence is sufficient for the exclusion of turtles prior to the physical site works that could disturb turtle nesting takes place including land clearing.*

- 5. Lighting and specifications for visible light transmittance shall be installed and maintained in accordance with the turtle friendly lighting plan which has been reviewed and approved by the Department of Environment. The DoE will inspect the exterior lighting and specifications for visible light transmittance for compliance with the approved turtle friendly lighting plan once construction and the installation of the fixtures are complete. Confirmation of the Department of Environment's written approval of the installed exterior lighting after the inspection must be received by the Planning Department prior to the issuance of the Certificate of Occupancy.*
- 6. All construction materials and debris shall be stockpiled at least 75 ft from the Mean High Water Mark to prevent material from entering the marine environment. If beachside construction fencing is required or will be installed, all construction materials, fill, sand, equipment and/or debris shall be stockpiled landward of the beachside construction fencing.*
- 7. Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, 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.*
- 8. Should there be any sand excavated during construction, beach-quality sand shall be retained on-site and placed along the active beach profile. If sand is to be placed on the beach during turtle nesting season (1<sup>st</sup> May – 30<sup>th</sup> November yearly), the express consent of the DoE is required to ensure that turtle nests are not adversely impacted.*
- 9. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand off-site, it should be the subject of a separate consultation with the National Conservation Council.*

## **Fire Department**

Approved for Planning Permit Only 18 Dec 23

## **Public Lands Commission**

*No comments received at this time.*

## **APPLICANT'S LETTER**

*I write on behalf of the client Ministry of District Administration & Lands (Min. DA&L).*

*This letter serves as a request for a variance to the regulated site setbacks found in the Development and Planning Regulations (2021 Revision). In regards to the Planning Law:*

*As per the variance criteria referenced in Regulation 8, Sub-regulation 11 & 13 of the Planning Law **11(d)**, it is our opinion that there is sufficient reason to grant a variance as the proposed development is adjacent to a protective reef, **13(b)(i)**, characteristics of the proposed development are consistent with the existing character and land use of the surrounding area. **13(b)(ii)** Due to 72B-62, 72C- 179,339 being narrow sites and having a small site acreage of 0.96 acres and zoning requirement, which is at the minimum Beach Resort Residential/Institutional lot size spectrum created some hardship in finding an appropriate design solution to locate both the proposed Restrooms, Septic Tank within the setbacks (refer to submitted Site Plan MSP-100). The remainder of the proposed development and its ancillary structures maintain the required setbacks and allowable footprint coverage.*

***13(b)(iii)** We also believe the proposal will not be materially detrimental to persons residing or working in the vicinity, the adjacent property, the neighborhood, or the public welfare. **13(d)** Due to the lesser setback proposed for the development, the adjoining property owners will be notified of this application by registered mail.*

*In summary, I am respectfully requesting a:*

*- High Water Mark Setback variance of 25'-0" for the proposed developments Ancillary structure "Restroom & Septic Tank."*

*Thank you for your kind consideration of this request.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for public restrooms; 400 sq. ft., (2) cabanas; 98 sq. ft. each, parking lot & 4'-0" concrete buffer wall to be located on Sea View Rd., East End.

### **Zoning**

The property is split zoned Medium Density Residential & Beach Resort Residential.

### **Specific Issues**

#### **1) HWM Setback**

Regulation 8(10)(f) states "in a Beach Resort / Residential zone, all structures and buildings, including ancillary building, walls and structures, shall be setback a minimum of 75 feet from the HWM." The proposed structures listed encroach into the required 75'-0" HWM setback as follows:- a parking area (**49'-0"**), septic tank (**52'-0"**) & public

restrooms (68'-6") from the HWM a difference of (26'-0") parking area, (23'-0") septic tank & (6'-6") public restrooms respectively.

## 2) Front setback

Regulation 15(4)(ii) of The Development and Planning Regulations (2022 Revision) states *"the setback shall be 20' minimum from the road edge or lot boundary, as the case may be."* The applicant has proposed a handicapped accessible ramp which will encroach the roadside setback at 10'-6" a difference of 9'-6" respectively.

## 3) Fence height & location

The Fence and Wall Guidelines (2014) Section 4.3.1 states *"In residential and tourism-related zones, no part of a solid wall or fence should exceed 48 inches in height, except for where provided within these regulations."*

The applicant has proposed a concrete buffer wall along the road side boundary of the property which varies in height but would have a maximum of 4'-9" in height a difference of 9".

The portion of the wall on the west side of the entry/exit is situated on the property boundary and doesn't provide the required 4' setback per Regulation 8(18).

## 2.18 THOMAS WRIGHT (MKS International) Block 15E Parcel 337 (P23-1034) (\$70,000) (JS)

Application for a shed and pool.

### FACTS

|                               |                                |
|-------------------------------|--------------------------------|
| <i>Location</i>               | Edgemere Circle in South Sound |
| <i>Zoning</i>                 | <b>Low Density Residential</b> |
| <i>Parcel size required</i>   | 10,000 sq. ft.                 |
| <i>Parcel size proposed</i>   | 11,521 sq. ft.                 |
| <i>Current use</i>            | House                          |
| <i>Proposed use</i>           | Shed and swimming pool         |
| <i>Site coverage allowed</i>  | 30 %                           |
| <i>Proposed site coverage</i> | 20 %                           |

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

- 1) Rear setback (9' 6" vs 20')

## **APPLICANT'S LETTER**

*We are seeking Planning approval for a pool and storage shed as per site plan submitted and are requesting a 9'-6" and 13'-4" (vs. 20') rear setback variance for pool and deck.*

*The pool is placed behind the existing covered patio in order to allow views of pool from inside the house allowing supervision of children while swimming.*

*We feel that having the Department grant the requested variances falls under section 8 (13) in the Development and Planning Regulations:*

- *(b) (i) the characteristics of the proposed development is consistent with the character of the surrounding area;*
- *(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.*

*We thank you for your kind consideration, and please let us know if you require any additional information.*

## **AGENCY COMMENTS**

The Authority received comments from the Department of Environment.

### **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).*

#### **Site Overview**

*The application site is man-modified and of limited ecological value.*

#### **Advice for the Central Planning Authority/Planning Department**

*Best management practices should be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those used in insulating concrete forms (ICFs). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when they enter the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.*

#### **Section 41(3) Recommendations**

*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 of the pool 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 environment.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject parcel is located on Edgemere Circle in South Sound.

The application is for the erection of a shed and construction of a swimming pool.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Rear setback (9'6" vs 20')**

The proposed swimming pool is located to the southern proportion of the site. It is 9'6" from the rear boundary which means that it does not meet the required 20' rear setback. The Authority should consider discussing the request for a variance.

#### **2.19 ROB BARTON (Shedwerx) Block 33C Parcel 4 (P23-0781) (\$80,000) (EJ)**

Application for swimming pool and cabana.

### **FACTS**

|                             |                             |
|-----------------------------|-----------------------------|
| <i>Location</i>             | Rum Point Drive, North Side |
| <i>Zoning</i>               | <b>LDR</b>                  |
| <i>Parcel size proposed</i> | 0.52 ac.                    |
| <i>Current use</i>          | House                       |

### **BACKGROUND**

1981 – Permission granted for a house.

February 23, 2018 (**Admin Approved**) – The Department granted permission for a swimming pool (P16-1073).

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

1) DOE's comments.

## **AGENCY COMMENTS**

The Authority received comments from the Department of Environment.

### **Department of Environment (November 30, 2023)**

*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).*

#### **Site Overview**

*The application site is located on the North Coast of Grand Cayman (refer to Figure 1), adjacent to the North Sound East Marine Reserve, and along a stretch of coast designated as critical turtle nesting habitat in the National Conservation Council's Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) (issued under Section 17 (7) of the National Conservation Act (2013)).*

*Aerial imagery shows that the site features an existing residential building constructed pre-1994.*



*Figure 1: Aerial imagery showing the application site outlined in light blue, designated critical turtle nesting habitat shown in red and the adjacent Marine Protected Area shaded in green.*

#### **Advice for the Applicant**

*Based on the elevations on the plans, we note that the pool deck is raised above the beach level. While the submitted planning set appears to show a solid wall beneath the pool deck, the applicant could consider raising the deck on piles or another more open support*

*structure to keep habitat for turtles to nest in. A raised deck would maintain the ability of turtles to nest in this area while still providing the applicant with an amenity space. This would need to be considered alongside the external grading to ensure that nesting turtles do not get trapped beneath the pool deck.*

*We recommend that the applicant plants and incorporates native vegetation such as buttonwood into the landscaping scheme around the proposed pool and pool deck. Native plants are best suited for the conditions of the site, including the temperature and the amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.*

### ***Advice for the Central Planning Authority/Planning Department***

#### ***General Construction Impacts***

*Best management practices should be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when they enter the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.*

*Poor construction management including the storage of materials too close to the water's edge can also lead to the washing of stockpiled aggregates, loose material or bulk material into the marine environment, causing turbidity and impacting water quality. Therefore it is important that construction materials and debris are stored as far away from the water's edge as possible, or at least at the minimum coastal setback as outlined in the Development and Planning regulations.*

#### ***Potential Impacts on Marine Turtles***

*The beachfront at the application site has been designated as **critical turtle nesting habitat** in the National Conservation Council's Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) (issued under Section 17 (7) of the National Conservation Act (2013)).*





*Figure 2: Aerial imagery showing the application site outlined in light blue, critical turtle nesting habitat shown in red and historical turtle nests in the area up until 2022.*

*All marine turtle species are species that are protected at all times under Part 1 of Schedule 1 of the National Conservation Act (NCA). Without mitigation measures, any artificial lighting on the proposed as part of the proposed pool, pool deck or cabana could result in the ‘take’ of Part 1 Protected Species which is an offence under the NCA.*

*Bright lights on or near the beach can deter female turtles from nesting and cause baby turtles to crawl away from the sea, where they often die from dehydration, exhaustion, predators or vehicles.*

#### ***Section 41(4) Considerations***

*The site contains designated critical sea turtle nesting habitat protected under the NCA and is adjacent to a Marine Protected Area. It is important to ensure that the construction and operation of proposed pool and cabana will not have unacceptable adverse effects on the designated critical habitat of sea turtles (Part 1 Protected Species under the NCA) or the Marine Reserve.*

*The designated critical habitat is defined as the Mean High Water Mark up until the vegetation line or the first hard structure, in this case the existing deck. Therefore, the proposed development will certainly and directly adversely affect the designated critical habitat by changing that habitat from sand (functioning as a habitat beneficial for turtle nesting) to a pool and deck (not functioning as a habitat beneficial for turtle nesting).*

*Without appropriate mitigation measures artificial lighting associated with the construction and operation of the proposed pool deck extension would or would likely have an adverse effect on designated sea turtle critical habitat and sea turtles (Part 1 Protected Species under the NCA). Further to this, without appropriate controls on the use of*

*polystyrene and the location of material stockpiles there would or would likely be an adverse effect on the adjacent Marine Protected Area, namely:*

- *Section 2(a) of the NCA: alterations that may impair the capacity of the area to function as a habitat beneficial to wildlife;*
- *Section 2(f) of the NCA: the discharge of pathogens, dissolved or suspended minerals or solids, waste materials or other substances at levels that may be harmful to wildlife or the ecological or aesthetic value of the area; and*
- *Section 2(j) of the NCA: alterations that may hinder or impede the movement or migration of wildlife.*

*On the basis of the above information and in accordance with the recent Court of Appeal judgement, in the exercise of powers that have been conferred through express delegation by the National Conservation Council pursuant to section 3(13) of the National Conservation Act (2013), the Director of DoE considers it necessary for **the Central Planning Authority to apply for approval from the NCC under section 41(4) of the NCA prior to determining this application.***

*Should the CPA wish to propose conditions as a means of mitigating the adverse impacts identified, please provide those conditions at the time of application for the DoE's review and approval. Once the DoE has received the CPA's application under Section 41(4) we will supply our Section 41(5) response in line within one week.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed swimming pool and 80 sq. ft. cabana is located on Rum Point Drive in North Side.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) DOE comments**

The proposed swimming pool and cabana meets all planning regulations including regulations 9(8) and 8(10)(b), the Authority is asked to consider the application in light of DOE's comments.

**2.20 PAUL CLARKE (GMJ Home Plans Ltd.) Block 3D Parcel 108 (P23-1130) (\$100,000) (EJ)**

Application for a swimming pool.

**FACTS**

|                             |                            |
|-----------------------------|----------------------------|
| <i>Location</i>             | Conch Point Road, West Bay |
| <i>Zoning</i>               | <b>HT</b>                  |
| <i>Parcel size proposed</i> | 1.08 ac. (47,044 sq. ft.)  |
| <i>Parcel size required</i> | 10,000 sq. ft.             |
| <i>Current use</i>          | House & Garage             |

**BACKGROUND**

June 3, 2005 – approval granted for a garage addition.

May 25, 2011 – approval granted a detached residential building.

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

- 1) DOE's comments

**AGENCY COMMENTS**

The Authority received comments from the Department of Environment.

**Department of Environment (January 4, 2023)**

*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).*

***Site Overview***

*The site is man-modified and occupied by an existing house.*

*The beach at the site has been designated as **critical turtle nesting habitat** in the National Conservation Council's Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) (issued under Section 17 (7) of the National Conservation Act (2013)).*

*The site is also adjacent to a Line Fishing Zone, a Marine Protected Area under the National Conservation Act.*

***Proposed Development***

***Threats to Sea Turtles***

*The main threats to sea turtles from development on turtle nesting beaches are:*

- *Construction on the beach directly or indirectly impacting mature and hatchling sea turtles,*
- *Development on the beach directly removing nesting areas from the critical habitat and indirectly impacting the critical habitat through modification and degradation of the natural beach,*
- *Artificial lighting causing mature females to be deterred from nesting and hatchling turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators or vehicles, and*
- *Loss of coastal vegetation.*

*The proposed pool is positioned relatively far back from the Mean High Water Mark and outside of the area where turtles nest. The site is man-modified although there is some native and non-native coastal vegetation positioned seaward of the proposed pool. Therefore, in this instance, the likely impacts are from artificial lighting.*

#### *Artificial Lighting*

*Artificial lighting on and around turtle nesting beaches is one of the greatest threats to the survival of Cayman's endangered sea turtle nesting populations. Bright lights on or near the beach can deter female turtles from nesting and cause baby turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators or vehicles.*

*Turtle friendly lighting has been a legal requirement in ordinances in the United States for over 30 years. It is a proven solution to prevent the misorientation of sea turtles whilst safely and effectively lighting beachside properties. The Department strongly recommends the use of turtle friendly lighting on turtle nesting beaches. Figures 1-3 show examples of properties in Grand Cayman that have turtle friendly lighting installed.*



*Figures 1-3: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman (Source: DoE, various).*

### **Section 41(3) Recommendations**

*The construction of the pool is likely to result in a significant quantity of sand. Keeping sand within the beach system is vital to maintaining a healthy coastline and avoiding causing erosion or creating persistent cycles of erosion.*

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

- 1. Any sand that is to be excavated during construction shall be retained on-site and beach-quality sand shall be placed along the active beach profile. Placement of the sand on the beach during turtle nesting season will require the written consent of the Department of Environment, to ensure that no nests will be impacted. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it shall be the subject of a separate consultation with the National Conservation Council.*

### **Section 41(4) Considerations**

*The site is designated as the critical habitat of a protected species under the NCA and would result in the introduction of additional artificial lighting onto that beach. Without appropriate controls, there would or would likely be an adverse effect on the designated sea turtle critical habitat, namely:*

- Section 2(a) of the NCA: alterations that may impair the capacity of the area to function as a habitat beneficial to wildlife, and*
- Section 2(j) alterations that may hinder or impede the movement or migration of wildlife.*

*On the basis of the above information and in accordance with the recent Court of Appeal judgement, in the exercise of powers which have been conferred through express delegation by the National Conservation Council pursuant to section 3(13) of the National Conservation Act (2013), the Director of DoE considers it necessary for **the Central Planning Authority to apply for approval from the NCC under section 41(4) of the NCA prior to determining this application.***

*Should the CPA wish to propose conditions as a means of mitigating the adverse impacts identified, please provide those conditions at the time of application for the DoE's review and approval. Once the DoE has received the CPA's application under Section 41(4) we will supply our Section 41(5) response in line within one week. We have provided a draft in Appendix 1.*

### **Appendix 1: DRAFT Section 41(5) Conditions**

*In the exercise of powers which have been conferred through express delegation by the National Conservation Council, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE, therefore, **respectfully directs that the following***

**conditions be imposed by the Central Planning Authority or Department of Planning, as part of any agreed proposed action for planning approval:**

10. *Prior to the issuance of a Building Permit, the applicant shall prepare and submit a plan for review and approval to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. Guidance on developing a lighting plan can be found in the Department of Environment's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <https://doe.ky/marine/turtles/tfl/>. The DoE's written approval must be received by the Planning Department prior to the issuance of the Building Permit.*
11. *Lighting and/or specifications for visible light transmittance shall be installed and maintained in accordance with the turtle friendly lighting plan which has been reviewed and approved by the Department of Environment. Once construction is complete, prior to the issuance of the Certificate of Occupancy, the Department of Environment will inspect the installed lighting for compliance with the approved turtle friendly lighting plan. Confirmation of the Department of Environment's written approval of the installed exterior lighting after the inspection must be received by the Planning Department prior to the issuance of the Certificate of Occupancy.*

*These conditions are directed to prevent the 'take' of sea turtles (Part 1 Schedule 1 species of the National Conservation Act) and adverse impacts on the critical habitat of sea turtles, which is defined in the Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) (issued under Section 17 (7) of the National Conservation Act (2013)).*

*A person aggrieved by a decision of the National Conservation Council to impose a condition of approval may, within 21 days of the date on which the decision is received from the Central Planning Authority/Department of Planning, appeal against the decision of the Council to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013). We trust that this information will be relayed to the applicant in the Department of Planning's decision letter.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed swimming pool and equipment is located on Conch Point Road in West Bay.

### **Zoning**

The property is zoned Hotel Tourism.

## **Specific Issues**

### **1) DOE comments**

The proposed swimming pool and cabana meets all planning regulations including regulations 9(8) and 8(10)(b), the Authority is asked to consider the application in light of DOE's comments.

### **2.21 MARILYN NASIRUN (Abernethy & Associates) Block 75A Parcel 328 (P23-1025) (\$5,000) (NP)**

Application for a 9 lot subdivision (7 residential lots, 1 LPP and 1 road parcel).

#### **FACTS**

|                              |  |
|------------------------------|--|
| <i>Location</i>              | East of Aliceann Kirchmann Drive, East End |
| <i>Zoning</i>                | <b>LDR</b>                                 |
| <i>Notification Results</i>  | No objectors                               |
| <i>Parcel size</i>           | 2.554 acres                                |
| <i>Parcel size required</i>  | 10,000 sq. ft. for dwellings               |
| <i>Proposed lot sizes</i>    | 10,060 sq. ft. to 12,600 sq. ft.           |
| <i>Parcel width required</i> | 80 feet for dwellings                      |
| <i>Proposed lot widths</i>   | 81.8' to 120.7'                            |
| <i>Current use</i>           | Vacant                                     |

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

1) LPP area.

#### **AGENCY COMMENTS**

The Authority received comments from the Water Authority and Department of Environment.

##### **Water Authority Cayman**

*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.*

- *Please be advised that extensions in private roads are done at the owner's expense and the timing of any pipeline extension is at the sole discretion of the Water Authority.*
  - *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 – 20 Dec 2023**

*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).*

#### *Site Overview*

*The application site is predominately man-modified with regrowth and some areas of sparsely vegetated rock.*

#### *Advice to the Applicant*

*The Applicant should keep clearing and filling to a minimum and retain as much mature native vegetation as possible to incorporate it into the landscaping scheme for the development. Primary habitat and native vegetation can be retained and used in a variety of ways on a property:*

- *It can be retained along parcel boundaries and between buildings to serve as privacy, noise and sound buffers and screening.*
- *It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.*



- *It can serve as an amenity, providing green space and shade for those who live nearby or on the property.*
- *It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies. This habitat helps to contribute to the conservation of our local species.*
- *It can assist with drainage directly by breaking the momentum of rain, anchoring soil, and taking up water and indirectly by keeping the existing grade and permeable surfaces.*
- *It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.*
- *When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

*In addition, the sparsely vegetated rock found here can make an interesting feature in landscaping.*

*Advice to the Central Planning Authority/Planning Department*

*We have no environmental concerns with respect to this proposed subdivision.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located in East End, east of Aliceann Kirchmann Drive.

The property is currently vacant and the proposal is to create seven new residential lots, one parcel (4,235 square feet) as Lands for Public Purposes, and one road parcel.

Proposed residential lot sizes range from 10,060 square feet to 12,600 square feet. Rights of way over the proposed road parcel are also part of the application.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issue**

#### **1) LPP Area**

Regulation 28(1) states that according to the size of a subdivision, the Authority may require the applicant to set aside land not exceeding five percent of the gross area of the land being developed for public purposes.

In this instance, five percent of the gross area is 5,562.7 square feet and the applicant is proposing a 4,235 square foot parcel as LPP.

The Authority should discuss the appropriate area of LPP

**2.22 GEOFF & HILARY CAHILL Block 22D Parcel 401 (P23-0701) (AS)**

Application for an ATF 6' vinyl fence.

**FACTS**

|                    |                           |
|--------------------|---------------------------|
| <i>Location</i>    | Spinnaker Rd              |
| <i>Zoning</i>      | <b>LDR</b>                |
| <i>Parcel Size</i> | .3192 AC (13,904 sq. ft.) |
| <i>Current Use</i> | Residential               |

**BACKGROUND:**

Administrative approval for a duplex and two (2) pools was granted on 4<sup>th</sup> February 2022.

**AGENCY COMMENTS**

The Authority received comments from the Department of Environment.

**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.*

**PLANNING DEPARTMENT ANALYSIS**

**General**

Application is for a 6 ft vinyl fence constructed from an existing seawall, along the side boundaries and 4 ft from Spinnaker Rd.

**Zoning**

The property is zoned low density residential.

**Specific Issues**

**1) Fence height**

CPA Guidelines state that the maximum height of a fence in a residential zone is four feet. The applicant is applying for an existing 6' fence.

The Authority should consider whether the fence height is satisfactory in this instance.

**2.23 JASON & STEPHANIE AZAN (Cayman Survey Associates Ltd.) Block 57E Parcel 242 (P23-0943) (\$8,900) (MW)**

Application for a 5 lot subdivision.

**FACTS**

|                             |                                 |
|-----------------------------|---------------------------------|
| <i>Location</i>             | Frank Sound Rd., North Side     |
| <i>Zoning</i>               | <b>Agricultural/Residential</b> |
| <i>Notification result</i>  | No Objectors                    |
| <i>Parcel size proposed</i> | 9.99 ac. (435,164.4 sq. ft.)    |
| <i>Parcel size required</i> | 0.5 ac. (21,780 sq. ft.)        |
| <i>Current use</i>          | Existing residence              |

**BACKGROUND**

November 19, 2002 – approval granted for a house

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

- 1) NRA's comments

**AGENCY COMMENTS**

The Authority received comments from the Water Authority, National Roads 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**

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

**Stormwater Management**

- *This development is located over the (North Side) **fresh water lens** or within the 500m buffer zone of the lens. In order to protect the fresh water lens, the Water Authority requests that stormwater drainage wells are drilled to a **maximum depth of 80ft** instead of the standard depth of 100ft as required by the NRA.*

**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 memo dated October 27th, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

#### **General Issues**

- ***The NRA is advising the applicant to construct a turning circle at the end of the cul de sac in order to allow for the adequate movement of commercial vehicles. See attached acceptable terminals for cul de sacs.***
- ***As per the NRA's Design and Construction Specifications for Subdivision Roads & Property Development:***

***o 5.0 Access Requirements All subdivisions must have access to an existing Stormwater Management Issues Infrastructure Issues a public access to subdivisions.***

***The applicant is required to apply for an access road to be parcelled to the subdivision and resubmit.***

#### **Stormwater Management Issues**

*A comprehensive drainage plan needs to be provided by the applicant for the entire project.*

*The applicant shall demonstrate that the Stormwater Management system can be designed to include storm water runoff produced from a rainfall intensity of 2 inches per hour for*

*one hour of duration and ensure that surrounding properties that are lower, and nearby public roadways are not subject to stormwater runoff from this site.*

*The applicant is encouraged to consider stormwater management techniques other than deep wells, and to contact the NRA for advice on these alternative control measures.*

### ***Infrastructure Issues***

*The NRA advises the CPA to require the developer to provide for signage (stop signs, etc.), street lighting and any other traffic calming measures on the proposed roads of the subdivision. Once the roadway has been taken over as a public road, the NRA can then assume that responsibility. This site will need a stop sign with stop bars at the junction of Frank Sound Road.*

*A thirty (30) ft. wide road parcel needs to be provided in order to have adequate access as the NRA does not endorse the use of vehicular ROWs.*

*The subdivision's road base shall be constructed to NRA minimum design and construction specifications for subdivision roads - this includes elevations, minimum longitudinal slopes and minimum cross fall of minus 2 percent from the centre line to the shoulder.*

*The roadway shall be HMA. The NRA shall inspect and certify the road base construction prior to HMA surfacing activities.*

*All internal roadway curves (horizontal alignment) shall be no less than 46 feet centreline radius. This requirement ensures that the minimum vehicle sweeps for a standard garbage and/or fire truck can be accommodated by the site layout.*

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

### **Department of Environment (22 November 2023)**

*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).*

### ***Site Overview***

*The application site is located over a water lens and consists of some areas of primary dry forest and shrubland, particularly where the new lots will be formed. 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.*

### ***Advice to the Applicant***

*The Applicant should keep clearing and filling to a minimum and retain as much primary habitat as possible to incorporate it into the landscaping scheme for the development.*

*Primary habitat and native vegetation can be retained and used in a variety of ways on a property:*

- It can be retained along parcel boundaries and between buildings to serve as privacy, noise and sound buffers and screening.*
- It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.*
- It can serve as an amenity, providing green space and shade for those who live nearby or on the property.*
- It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies. This habitat helps to contribute to the conservation of our local species.*
- It can assist with drainage directly by breaking the momentum of rain, anchoring soil, and taking up water and indirectly by keeping the existing grade and permeable surfaces.*
- It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.*
- When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

#### ***Advice to the Central Planning Authority/Planning Department***

*As the site is primary habitat, we would recommend not including a condition requiring each lot to be cleared and filled. We note that the application is for a subdivision, we would **not** support the clearing of this site at this time. Land clearing should be reserved until the development of individual lots is imminent (through the granting of planning permission for development on those particular lots). This allows the opportunity for the individual lot owners to retain as much native vegetation as possible. Clearing the entire site prematurely removes the choice from the individual lot owners and removes the value the habitat could provide in the time between the preparation of a subdivision and the development of an individual lot.*

*If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed subdivision, the DoE recommends the inclusion of the following condition in any planning permission to minimise impacts on this valuable habitat:*

- 1. There shall be no land clearing, excavation, filling or development of the resultant parcels without planning permission for such works being granted.*

## **Fire Department**

*The Fire department have no objection and save comments for future development. The Cayman Islands Fire Service adheres to the 2006 Fire Brigade Law, 1995 revision Fire Brigade law of the 1994 Standard Fire Prevention Code, the 1997 Fire Code, and all relevant NFPA Codes.*

## **Department of Agriculture**

*No comments received to date.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a 5 lot subdivision to be located on Frank Sound Rd., North Side.

### **Zoning**

The property is zoned Agricultural Residential. There are no particular concerns with the proposal.

## **2.24 LEVIN VALLO & JEROME TUTOR (CS Design) Block 4E Parcel 807 (P23-0883) (\$400,000) (MW)**

Application for a house with attached carport.

### **FACTS**

|                                     |                                 |
|-------------------------------------|---------------------------------|
| <i>Location</i>                     | Off Powell Smith Rd., West Bay  |
| <i>Zoning</i>                       | <b>High Density Residential</b> |
| <i>Notification result</i>          | No Objectors                    |
| <i>Parcel size proposed</i>         | 0.1391 ac. (6,059.196 sq. ft.)  |
| <i>Parcel size required</i>         | 5,000 sq. ft.                   |
| <i>Current use</i>                  | Vacant                          |
| <i>Proposed building size</i>       | 1,584 sq. ft.                   |
| <i>Total building site coverage</i> | 26.14%                          |
| <i>Required parking</i>             | 1                               |
| <i>Proposed parking</i>             | 2                               |

### **BACKGROUND**

NA

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

- 1) Front setback (13'-2" (porch step) / 17'-2 ¾" (septic) vs. 20'-0")
- 2) Rear setback (19'-4" (rear step) vs. 20'-0")
- 3) Side setback (7'-3 ¾" (septic tank) vs. 10'-0")

### **APPLICANT'S LETTER**

*With reference to the subject above, we hereby request for the following variance:*

- Road Setback = 13'-2" front porch
- Road Setback = 17'-2" Carport column
- Road Setback = 19'-1" Septic Tank
- Side Setback = 7'-3" Septic Tank (10'-0" minimum)

*Despite the proposed site coverage being only 26% and the total building area being 1,584 sq.ft., it is challenging to adhere to the prescribed setbacks due to the irregular shape of the lot. Furthermore, some of the surrounding buildings have been constructed outside the required setbacks. For instance, Block 4E Parcel 803 has buildings that are approximately 9'-0" from the rear boundary line.*

*As per Regulation 8(13)(b) setback variances are: (i) consistent with the character of the surrounding area; (iii) 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.*

*We have notified affected property owners via registered mail, and are currently not aware of any objections to the setbacks, or any other matters related to the proposed project.*

*Given the above, we ask that you consider our request. Should you need further information, please do not hesitate to contact us.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is for a two bedroom house with attached carport; 1,584 sq. ft. located off Powell Smith Rd., West Bay.

#### **Zoning**

The property is zoned High Density Residential.

#### **Specific Issues**

##### **1) Front Setback**



Regulation 9(6)(h) of the Development & Planning Regulations (2022 Revision) states “*the minimum front setbacks are 20’-0”*”. The proposed front porch steps would be 13’-2” from the fronting road boundary with the proposed septic tank encroaching the fronting road boundary at 17’-2 ¾” a difference of 6’-10” (porch steps) & 2’-9 ¼” (septic tank).

## **2) Rear Setback**

Regulation 9(6)(h) of the Development & Planning Regulations (2022 Revision) states “*the minimum rear setbacks are 20’-0”*”. The proposed rear step would be 19’-4” from the rear parcel boundary with a difference of 8”.

## **3) Side Setback**

Regulation 9(6)(i) of the Development & Planning Regulations (2022 Revision) states “*the minimum side setbacks is 10 feet for a building of one storey”* The proposed septic tank would be 7’-3 ¾” from the side boundary a difference of 2’-8 1/4”.

### **2.25 SIMON & ALECIA CHIN YEE (OA & D Architects) Block 32C Parcel 303 (P23-0937) (\$850,000) (EJ)**

Application for three-bedroom house.

#### **FACTS**

|                                     |                             |
|-------------------------------------|-----------------------------|
| <i>Location</i>                     | Valley Drive, Savannah      |
| <i>Zoning</i>                       | <b>LDR</b>                  |
| <i>Notice Requirements</i>          | No objections               |
| <i>Parcel Size proposed</i>         | 0.2885 ac. (12,567 sq. ft.) |
| <i>Parcel size required</i>         | 10,000 sq. ft.              |
| <i>Current use</i>                  | Vacant                      |
| <i>Proposed building size</i>       | 3,857 sq. ft.               |
| <i>Total building site coverage</i> | 30.69%                      |
| <i>Required parking</i>             | 1                           |
| <i>Proposed parking</i>             | 1                           |

#### **BACKGROUND**

NA

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

- 1) Site Coverage variance (30.69% vs 30%).

## **APPLICANT'S LETTER**

*On behalf of our clients Mr. Simon & Mrs. Alecia Chin Yee we are requesting a site coverage variance for this Block 32C Parcel 303. This is a very small overage of .69% or 86.9 sq. ft. This proposal is at 30.69% vs 30% max allowed or 3,857 sq. ft. vs 3,770 sq. ft. It appears that most houses in the amide area are very nice but also exceeding the allowable coverage area. We are sure the CPA will be understanding and sympathetic to our clients wishes. This request is made under Regulation 8(13)(b) of the Development and Planning Regulations (2018 Revision).*

*We are therefore asking for special consideration from the Authority.*

- 1. This house is designed be consistent with the character of the surrounding area.*
- 2. This proposed variance 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. There are other houses in the neighbourhood which have greater site coverage than our clients proposed house.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a 3,857 sq. ft. three-bedroom house is located on Valley Drive in Savannah.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issue**

#### **1) Site Coverage**

As proposed, the three-bedroom single-storey house would be over the allowed site coverage at 30.69% vs 30% (0.69% or 86.90 sq. ft.) over regulations 9(8)(h) for a maximum of 30%.

The applicant has notified the adjacent parcels and the department is not in receipt of any objections.

## **2.26 HERITAGE HOLDINGS Block 20C Parcel 86 (P23-0900) (\$8,000) (NP)**

Application for a fence.

### **FACTS**

*Location*

Airport Connector Road, George Town

*Zoning*

**Marine Commercial**

|                             |                |
|-----------------------------|----------------|
| <i>Parcel size proposed</i> | 3.283 acres    |
| <i>Parcel size required</i> | 20,000 sq. ft. |
| <i>Current use</i>          | Vacant         |

### **BACKGROUND**

NA

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

- 1) Proposed fence height (6' vs 4')

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The applicant is proposing to construct a new 6 foot high fence along the western frontage (Airport Connector Road frontage) of the subject lands.

The property is presently vacant.

#### **Zoning**

The property is zoned Marine Commercial.

#### **Specific Issues**

##### **1) Proposed fence height**

The applicant proposes a height of 6 feet whereas 4 feet is the permitted height per the Authority's guidelines.

The applicant's agent has indicated on the plans that the fence is necessary to protect equipment that may be used in the future on the subject lands.

#### **2.27 OLSON JACKSON (Eric Cronier) Block 27E Parcel 66+72 (P23-1038) (\$10,000) (EJ)**

Application for combination/subdivision.

#### **FACTS**

|                             |                            |
|-----------------------------|----------------------------|
| <i>Location</i>             | Leonce Drive in Newlands   |
| <i>Zoning</i>               | <b>LDR</b>                 |
| <i>Notification result</i>  | No objectors               |
| <i>Parcel size proposed</i> | 2.94 ac. (128,066 sq. ft.) |
| <i>Parcel size required</i> | 10,000 sq. ft.             |
| <i>Current use</i>          | Vacant                     |

## **BACKGROUND**

NA

**Recommendation:** Grant planning permission.

## **AGENCY COMMENTS**

The Authority received comments from the Water Authority, National Roads Authority and Department of Environment.

### **Water Authority Cayman**

*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).*

### Site Overview

*The application site is man-modified and of limited ecological value. Part of the site contains regrowth that could host native and ecologically important species.*



*Figure 1. The application site with the parcel boundaries highlighted in red (Aerial Imagery Source: UKHO, 2021).*

### Advice for the Applicant

*We note that the application is for a subdivision, we would **not** support the clearing of this site at this time. Land clearing should be reserved until the development of individual lots is imminent (through the granting of planning permission for development on those particular lots). This allows the opportunity for the individual lot owners to retain as much native vegetation as possible. Clearing the entire site prematurely removes the choice from the individual lot owners and removes the value the habitat could provide in the time between the preparation of a subdivision and the development of an individual lot.*

*Native vegetation can be retained and used in a variety of ways on a property:*

- It can be retained along parcel boundaries and between buildings to serve as privacy, noise and sound buffers and screening.*
- It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping. Native plants are best suited for the conditions of the site, including the*

*temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.*

- *It can serve as an amenity, providing green space and shade for those who live nearby or on the property.*
- *It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies. This habitat helps to contribute to the conservation of our local species.*
- *It can assist with drainage, directly by breaking the momentum of rain, anchoring soil, and taking up water and indirectly through keeping the existing grade and permeable surfaces.*
- *It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.*
- *When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

#### ***Section 41(3) Recommendations***

*If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed subdivision, the DoE recommends the inclusion of the following condition:*

1. *There shall be no land clearing, excavation, filling or development of the resultant parcels without planning permission for such works being granted.*

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

*On behalf of our client, we hereby apply for a variance to allow the proposed sub-division to be approved as submitted.*

*The purpose of the sub-division is to create two 50 ft. wide lots (lots 2 & 3) which will be combined to create a larger 100 ft. wide lot.*

*The new 100 ft. wide lot will therefore exceed the minimum 80 ft. requirement.*

*A planning restriction can be registered on Lots 2 & 3 to ensure that they are combined.*

*We therefore kindly request your approval as it relates to Section 8 (13) of the Development and Planning Regulations (2018 Revision), the application can be considered for approval, since subsection (b) (iii) states that "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."*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposal is to take a portion of 27E 66 and a portion of 27e 72 and combine them to create a new, third parcel. The site is located on Leonce Drive in Newlands.

### **Zoning**

The property is zoned Low Density Residential. There are no particular concerns with the application, provided a condition is included to ensure lots 2 and 3 are combined.

#### **2.28 BCQS (Darius Development) Block 14BG Parcel 71 (P23-0867) (\$100,000) (NP)**

Application for a parking lot.

### **FACTS**

|                             |                                 |
|-----------------------------|---------------------------------|
| <i>Location</i>             | School Road, George Town        |
| <i>Zoning</i>               | <b>Neighbourhood Commercial</b> |
| <i>Parcel size</i>          | 21,344.4 sq. ft.                |
| <i>Parcel size required</i> | 20,000 sq. ft.                  |
| <i>Current use</i>          | Two houses                      |
| <i>Proposed use</i>         | Paved Parking Lot               |

### **BACKGROUND**

NA

**Recommendation:** Grant planning permission.

### **AGENCY COMMENT**

The Authority received comments from the Department of Environment and the National Roads Authority.

#### **Department of Environment - 8 Nov 2023**

*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 site is man-modified and of limited ecological value. We recommend that the applicant consider the incorporation of sustainable design features such as porous surfaces, and renewable energy in the form of solar panels over the parking spaces which would also provide covered parking and the incorporation of native vegetation. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They*

*are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services. Native trees can also provide shade within the parking lot.*

## **National Roads Authority**

### **Memorandum 1**

*As per your memo dated October 30th 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 parking lot; however, the applicant is required to update their site plan showing the proposed long-term road corridor for Section 26 Roads Law (2005 Revision), see pictured below. Please have this applicant make the adjustments and resubmit.*



### **Memorandum 2**

*As per your memo dated December 1<sup>st</sup>, 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 revised proposed parking lot, as the applicant has satisfied adding the proposed long-term corridor for Section 26 Roads Law (2005 Revision) to the updated site plan.*



## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located along School Road, in Downtown George Town.

The applicant seeks permission to demolish the existing houses and create a total of 52 paved parking spaces on the property.

The parking lot will have a 6 foot high fence situated along School Road and a gate recessed 16 feet from the edge of the road boundary.

### **Zoning**

The property is zoned Neighbourhood Commercial.

#### **2.29 SHORELINE DEVELOPMENT COMPANY LTD. (Eric Cronier) Block 19A Parcel 4 Rem 6 (P23-0601) (\$8,000) (NP)**

Application for a 2 lot subdivision.

### **FACTS**

|                              |  |
|------------------------------|--|
| <i>Location</i>              | Allie B. Drive, George Town  |
| <i>Zoning</i>                | Heavy Industrial, General Commercial, Marine Commercial, Hotel/Tourism, Light Industrial |
| <i>Notification Results</i>  | No objectors   |
| <i>Parcel size</i>           | 2.082 acres  |
| <i>Parcel size required</i>  | 20,000 sq. ft.   |
| <i>Parcel width required</i> | CPA Discretion   |
| <i>Proposed lot sizes</i>    | 2.082 acres & 77 acres   |
| <i>Proposed lot widths</i>   | 1 @ 355' & 1 @ +400'   |
| <i>Current use</i>           | Laundry Facility on proposed parcel  |

### **BACKGROUND**

September 2, 2020 (CPA/14/20; item 2.6) – approval granted for a laundry facility and diesel generator

**Recommendation:** Grant planning permission

## **AGENCY COMMENTS**

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

### **Department of Environment 17 Nov 2023**

*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 proposal appears to be subdividing the area of the parcel housing the laundry facility. DoE confirms that we have no objections to the subdivision as this area of the site is man-modified and of limited ecological value.*

### **National Roads Authority**

*As per your memo November 14th, 2023 the NRA has reviewed the above-mentioned planning proposal.*

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

### **Water Authority Cayman**

*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.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on Allie B. Drive in George Town.

The property is over 79 acres in area and the proposed lot is presently the site of a laundry facility building.

The proposal is to divide the existing parcel into two lots, with one proposed lot having 2.082 acres and the other having 77 acres.

The area where the proposed 2.082 acre lot is located is zoned Heavy Industrial.

### **Zoning**

The property is zoned Heavy Industrial, General Commercial, Marine Commercial, Hotel/Tourism, Light Industrial.

The area of the proposed lot is zoned Heavy Industrial.

## **2.30 COUNTRY CORNER LTD. (Architextura) Block 28D Parcel 12 (P23-1081) (\$35,000) (NP)**

Application to enclose an existing porch.

### **FACTS**

|                             |                                 |
|-----------------------------|---------------------------------|
| <i>Location</i>             | Hirst Road, Savannah            |
| <i>Zoning</i>               | <b>Neighbourhood Commercial</b> |
| <i>Notification Results</i> | Not Applicable                  |
| <i>Parcel size</i>          | 0.99 acres                      |
| <i>Parcel size required</i> | CPA Discretion                  |
| <i>Current use</i>          | Restaurant approved             |
| <i>Proposed Use</i>         | Enclose existing porch          |

### **BACKGROUND**

December 18, 2019 (CPA/26/19: Item 2.35) – Planning permission granted for a change of use to a restaurant on the second floor of the Cimboco building.

**Recommendation:** Grant planning permission

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is part of the Country Corner Plaza on Hirst Road in Savannah.

The application is to expand the approved restaurant by enclosing an existing porch located on the second floor of the Cimbooco building. The existing porch consists of approximately 310 square feet.

Parking required is an additional 2 parking spaces and there is presently a surplus of 12 spaces on the property.

### **Zoning**

The property is zoned Neighbourhood Commercial.

## **2.31 ANDREW MURRAY (DDL Studio Ltd) Block 24E Parcel 396 (P23-1048) (\$0) (NP)**

Application to modify planning permission to reduce the number of apartments from 10 to 8.

### **FACTS**

|                             |                           |
|-----------------------------|---------------------------|
| <i>Location</i>             | Rosemary Street, Prospect |
| <i>Zoning</i>               | Low Density Residential   |
| <i>Parcel size</i>          | 0.9789 acres              |
| <i>Parcel size required</i> | 25,000 sq. ft.            |
| <i>Current use</i>          | 5 Townhouses              |
| <i>Proposed use</i>         | 8 Apartments              |

### **BACKGROUND**

March 1, 2023 (CPA/05/23; Item 2.5) – The Authority resolved to grant planning permission for 10 apartment units in a second building (P22-0991).

**Recommendation:** Modify Planning Permission.

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located along Rosemary Street in Prospect.

The proposed modification is to reduce the number of apartment units in the approved second building from 10 units to 8 units.

There is an existing building on the property with a total of 5 townhouse units. Reducing the number of proposed apartment units in the proposed second building will not impact the required parking or the approved setbacks and site coverage.

**Zoning**

The property is zoned Low Density Residential.

**2.32 PALM SUNSHINE (Arco Ltd.) Block 12C Parcel 27 (P23-0918) (\$100,000) (MW)**

Application to modify planning permission to revise the floor plan layout & to add 725.8 sq. ft.

**FACTS**

|                                     |                             |
|-------------------------------------|-----------------------------|
| <i>Location</i>                     | West Bay Rd., West Bay      |
| <i>Zoning</i>                       | <b>Hotel Tourism</b>        |
| <i>Notification result</i>          | No Objectors                |
| <i>Parcel size proposed</i>         | 2.14 ac. (93,218.4 sq. ft.) |
| <i>Parcel size required</i>         | ½ Acre (21,780 sq. ft.)     |
| <i>Current use</i>                  | Existing Hotel              |
| <i>Proposed building size</i>       | 725.8 sq. ft.               |
| <i>Total building site coverage</i> | 29.35%                      |
| <i>Required parking</i>             | 71                          |
| <i>Proposed parking</i>             | 77                          |

**BACKGROUND**

December 15, 2015 – Hotel addition; spa; 260 sq. ft. – the application was considered and it was resolved to grant planning permission.

November 12, 2014 – Addition to hotel (CPA/27/14; Item 2.4) – the application was considered and it was resolved to grant planning permission.

November 13, 2013 – Addition to hotel; 12,934 sq. ft. (CPA/24/13; Item 2.5) – the application was considered and it was resolved to grant planning permission.

November 9, 2011 – Addition; 407 sq. ft. (CPA/23/11; Item 2.1) – the application was considered and it was resolved to grant planning permission.

**Recommendation:** Modify planning permission.

## **AGENCY COMMENTS**

The Authority received comments from the Department of Environment.

### **Department of Environment (27 December 2023)**

*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.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a modification to floor layout & addition; 725.8 sq. ft. located on West Bay Rd., West Bay.

### **Zoning**

The property is zoned Hotel Tourism. The proposed development meets all requirements per the respective zone regarding site coverage, parking & setbacks. There are no particular concerns with the proposal.

### **2.33 NHDT - Apple Blossom (Eric Cronier Surveying) Block 4C Parcel 585 (P23-1042) (\$1,500) (NP)**

Application to modify planning permission to revise the subdivision design for 1 additional lot.

### **FACTS**

|                              |  |
|------------------------------|--|
| <i>Location</i>              | Capt. Joe & Osbert Road in West Bay                          |
| <i>Zoning</i>                | <b>Medium Density Residential</b>                            |
| <i>Notification Results</i>  | No objectors   |
| <i>Parcel size</i>           | 10.57 acres  |
| <i>Parcel size required</i>  | 7,500 sq. ft. for dwellings<br>20,000 sq. ft. for apartments |
| <i>Parcel width required</i> | 60 feet for dwellings<br>100 feet for apartments             |
| <i>Proposed lot sizes</i>    | 5,500 sq. ft. to 8,000 sq. ft.                               |
| <i>Proposed Lot Width</i>    | 15 feet and above  |

## **BACKGROUND**

July 19, 2023 (CPA/16/23; Item 2.7) – Planning permission was granted for a 61 lot subdivision, subject to several conditions.

**Recommendation:** Modify Planning Permission

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located in West Bay along Captains Joe and Osbert Road.

The property currently contains several dilapidated dwellings.

Planning permission was granted in July 2023 for 59 new residential lots, one parcel (23,000 square feet) as Lands for Public Purposes, and one road parcel.

The proposed modification is to add one additional residential lot, which is the result of a subdivision redesign.

Proposed residential lot sizes range from 5,500 to 8,000 square feet and variances were granted by the Authority previously for lot size and lot width.

### **Zoning**

The property is zoned Medium Density Residential.

## **3.0 DEVELOPMENT PLAN MATTERS**

## **4.0 PLANNING APPEAL MATTERS**

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

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