

Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on **January 18, 2023 at 10:00am in Conference Room 1038, 1st Floor, Government Administration Building, and Elgin Avenue.**

2nd Meeting of the Year

CPA/02/23

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

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

List of Applications Presented at CPA/02/23

- 2.1 KANDEEN MCLEOD (Platinum Crew General Maintenance & Repair) Block 27B Parcel 61 (P22-0736) (\$450,000) (MW) 4**
- 2.2 KAVADAS & PARSON (MJM Design Studio) Block 12C Parcel 451 3H10H10 (P22-0198) (\$1.0 million) (NP) 10**
- 2.3 GENESIS TRUST (Kariba Architecture) Block 8A Parcels 49, 103 & 109 (P22-0928) (\$5,320,000) (NP) 16**
- 2.4 MARY DE GUZMAN (Great Elegance Consulting) Block 1C Parcel 79 (P21 1142) (\$50,000) (NP) 24**
- 2.5 R&S PROPERTY HOLDINGS LTD (Coe Group Ltd) Block 14BG Parcel 50 (P22-0626) (JP) 30**
- 2.6 CAYMAN SHORES DEVELOPMENT LTD (Decco Ltd) Block 13C Parcel 31 (P22-1029) (\$38,000) (JP) 34**
- 2.7 PISCES BAY LTD. (Robert Towell Architect Ltd.) Block 64A Parcels 21 (P22-0918) (\$18,000,000) (MW) 37**
- 2.8 HOLIDAY INN (Heritage Holdings) Block 17A Parcel 375 (P22-1000) (\$50,000) (NP) 42**
- 2.9 ELDON RANKINE (TAG) Block 14E Parcel 626 (P22-0783) (\$332,875) (NP) 45**
- 2.10 ELDON RANKINE (TAG) Block 14E Parcel 626 (P22-0782) (NP) 49**
- 2.11 COLIN STEVE TAYLOR (Darius Development) Block 44B Parcel 326 (P22-0631) (\$50,000) (JP) 50**
- 2.12 NWPR GROUP (Eric Cronier) Block 2C Parcel 204 (P22-0997) (\$10,000) (NP) 52**
- 2.13 ROLPHIE BRAGGS (TSC Architecture) Block 1D Parcel 474 (P22-0856) (\$125,000) (EJ) 53**
- 2.14 GARGARO RESIDENCE (BDCL) Block 15D Parcel 170 (P22-0412) (\$75,000) (JP) 54**
Application for a pool. 54
- 2.15 SHIRLEY NICOLLETA (TAG Ltd) Block 20D Parcel 436 H23 (P22-0824) (\$17250) (JP) 55**
- 4. 1 WATERFRONT CENTRE LTD. Block OPY Parcel 193 (CE22-0170) 58**
- 4. 2 RAUL GONZALEZ JR. & ANGIE DEE GONZALEZ Block 27C Parcel 374 (CE22-0061) 58**

APPLICANTS ATTENDING THE AUTHORITY'S MEETING

Applicant Name	Time	Item	Page
Kandeen McLeod	10:30	2.1	4
Parsons & Kavadas	11:00	2.2	10
P22-0928 CIHS	11:30	2.3	16
P21-1142 Mary De Guzman	1:00	2.4	24
Waterfront Centre	1:30	4.1	58
Raul Gonzalez	2:30	4.2	58

1. 1 Confirmation of Minutes CPA/01/23 held on 4th, January 2023.

1. 2 Declarations of Conflicts/Interests

Item	Member

2.0 APPLICATIONS **APPEARANCES (Items 2.1 to Item 2.4)**

2.1 KANDEEN MCLEOD (Platinum Crew General Maintenance & Repair) Block 27B Parcel 61 (P22-0736) (\$450,000) (MW)

Application for 4 apartments.

FACTS

<i>Location</i>	Candover St., Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.34 ac. (14,810.4 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	2,291 sq. ft.
<i>Total building site coverage</i>	15.47%
<i>Allowable units</i>	5
<i>Proposed units</i>	4
<i>Allowable bedrooms</i>	8
<i>Proposed bedrooms</i>	5
<i>Required parking</i>	6
<i>Proposed parking</i>	7

BACKGROUND

November 30, 2004 – Four Bedroom House – the application was considered and it was determined to grant planning permission.

October 26, 2022 (CPA/26/22; item 2.9) – application adjourned to invite in the applicant to discuss concerns regarding suitability and lot size

Recommendation: Discuss the application, for the following reasons:

- 1) Suitability
- 2) Lot size (14,810.4 sq. ft. vs. 25,000 sq. ft.)

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 1,250 US gallons for the proposed, based on the following calculations:*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
<i>Proposed Apartments</i>	<i>3 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>450</i>
	<i>1 x 2-Bed Unit</i>	<i>225gpd/2-Bed</i>	<i>225</i>
TOTAL			625

- *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

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 memo dated August 4th, 2022 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by a residential development of four (4) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by 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 onto Candover Street is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak 20% In	AM Peak 80% Out	PM Peak Hour Total Traffic	PM Peak 65% In	PM Peak 35% Out
27	2	0	2	3	2	1

Based on these estimates, the impact of the proposed development onto Candover Street is considered to be minimal.

Access and Traffic Management Issues

Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide. Please have the applicant revise the site plan.

Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft. Please have the applicant revise the site plan.

A six (6) foot sidewalk shall be constructed on Candover Street, within the property boundary, to NRA standards. Please have the applicant revise the site plan.

Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is not reduced below the sixteen (16) feet minimum. Please have the applicant revise the site plan.

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 Candover Street. 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 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.

Department of Environmental Health

Solid Waste Facility:

1. This development require 4 (33) gallon bins and an enclosure built to the department's requirements.

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

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

Department of Environment

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

The application site is man-modified and of limited ecological value. The DoE recommends that the applicant plants and incorporates native vegetation in the landscaping scheme for the development. Native vegetation is best-suited for the habitat conditions of the Cayman Islands. Native species require less maintenance and irrigation. Once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands' biodiversity by providing habitat and food for native fauna.

Fire Department

1994 Standard Fire prevention code -602.6.1 Every building hereafter constructed shall be accessible to fire department apparatus by way of access roadways with all-weather driving surfaces of not less than 20 ft. (6.1 m) of unobstructed width, with adequate roadway turning radius

capable of supporting the imposed loads of fire apparatus and having a minimum vertical clearance of 15 ft.

APPLICANT'S LETTER

We are requesting a variance for the above block and parcel to seek relief of required (four-unit) apartments which was the goal of my client when purchasing this property, however we didn't realize that the zoning does not acquire apartments here as me the agent is just learning more and more about Cayman Islands zoning.

Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvement in the zoning district in which the subject property is located.

The granting of variance will have no effect on the adjoining properties. This zoning release will not cause any detriment to the common good, as the literal interpretation and strict application of the applicable zoning requirements of this chapter would cause substantial undue and unnecessary hardship to the current property owner, just a casual/ discretionary inconvenience to the property owner.

The requested variance would be consistent with the spirit and purpose of this chapter and the neighbourhood of proposed units, these proposed units will blend with the new homes in the neighbourhood and will be in the spirit of the street and community.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a (4) Unit Apartment Building; 2,291 sq. ft. with Lot size variance located on Candover St., Bodden Town.

Zoning

The property is zoned Low Density Residential and the Department would offer the following comments regarding the specific issue noted below.

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, apartments and vacant parcels within the nearby vicinity.

- 27B110:- Silver Springs Apartments

- 27B35:- Champs Fleur Villas (Appvd. 01-09-2009)
- 27C483:- Duplex
- 27C736:- Seven (7) 8,196 sq. ft. Apartments (Appvd. 31-8-22)(CPA/21/22; Item 2.12)

2) Lot size

Regulation 9(8)(f) of the Development & Planning Regulations (2021 Revision) states “ *the minimum lot size for guest houses and apartments is 25,000 sq. ft.* ” The proposed lot would be approximately 14,810.4 sq. ft. a difference of 10,189.6 sq. ft.

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans.

2.2 **KAVADAS & PARSON (MJM Design Studio) Block 12C Parcel 451 3H10H10 (P22-0198) (\$1.0 million) (NP)**

Application for a house addition, pool extension & sea wall

Appearance at 11:00 am

FACTS

<i>Location</i>	Ritz Carlton Road, Deck Houses
<i>Zoning</i>	Hotel/Tourism
<i>Notification Results</i>	Objection
<i>Parcel size</i>	16,130.3 sq ft
<i>Parcel size required</i>	10,000 sq ft
<i>Current use</i>	residential
<i>Proposed use</i>	residential
<i>Building Area</i>	2,089 square feet

Recommendation: Discuss planning permission for the following reasons:

- 1) pool canal setback (15’11” vs 20’)
- 2) side setback (9’8” vs 15’)
- 3) rear setback (13’8” vs 20’)
- 4) Concerns of the Objector

AGENCY COMMENTS

The following comments have been received to date:

Department of Environment

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

The application is man-modified with limited ecological value. However, the DoE is aware that practices such as sanding down polystyrene which is used as part of wall finishing and window moulding can result in polystyrene beads getting blown into the surrounding area and canal in significant quantities. These beads are very difficult to remove especially if they enter the marine environment and they do not naturally break down. In addition, we recommend adherence to best management practices during the construction of the dock extension and house additions.

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

- *All construction materials shall be stockpiled a minimum of 20ft from the canal edge to reduce the possibility of rainwater runoff washing material and debris into the canal causing turbidity and impacting water quality.*
- *If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent canal.*
- *The dock decking shall have a minimum of ½ inch spacing between decking boards to allow light penetration to occur to support marine life under the dock.*
- *The dock extension construction area shall be fully enclosed with silt screens with a 4-foot minimum skirt depth to contain any sedimentation or debris arising from the construction of the dock extension.*
- *The silt screens shall be left in place until the water contained inside the screens has cleared to the same appearance as the water immediately outside of the screens.*

We also recommend that the dock has a minimum finished dock height of 4 feet above Mean Sea Level.

In addition, we recommend that the applicant plants and incorporates native vegetation into the landscaping scheme for the development. Native species 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 habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

OBJECTOR LETTER

We are instructed by Mark Lewis the owner of Block 12C 45 1/3H 10H9.

We write in connection with the planning application (the “Application”) recently submitted by Alexandra Kavadas & Craig Parsons (the “Applicant”) with respect to Block 12C Parcel 451/3H 10H10 (the “Property”). The Application includes a request for permission to construct a new “game room” on top of the existing guest house. That structure is located less than 10 feet from our client’s property.

We write on behalf of our client to formally object to the Application. The grounds of our client’s objection are set out below, we however, reserve our client’s right to amend or supplement these objections in the future.

As a starting point, it is important to recognize setbacks are an integral component of development planning. As recorded in section 2.6 of the Development Plan 1997 (the “Development Plan”) the provision for setbacks have been put in place to achieve the following:

- a) to provide adequate natural light, ventilation and privacy to all buildings;*
- b) to provide amenity space and to facilitate landscaping around buildings;*
- c) to maintain and enhance the quality and character of development fronting a road;*
- d) to provide a buffer between buildings and neighbouring lots; and*
- e) to avoid or minimize any negative impact the development or use of one lot may have on the occupants of a neighbouring lot.*

In furtherance of the foregoing, the Development and Planning Regulations (2022 Revision) (the “Regulations”) establish the minimum setbacks for development within the various development zones. The Property, which is located in Hotel/Tourism zone, is subject to Regulation 10(g) of the Regulations which states:

“for a detached house or duplex, the minimum side set back is 10 feet for a building of one storey, 15 feet [or a building not exceeding three storeys and 20 feet for a building exceeding 3 storeys”

The Property is accordingly subject to a 10 foot side setback for a one storey building and a 15 foot setback for a building not exceeding three storeys. As the Application seeks to construct a second floor to facilitate a “game room”, the relevant side setback is

15 feet. The Application does not comply with the side setback requirement and accordingly, absent a variation being granted, it must be refused.

Regulation 8(13) of the Regulations sets out in what circumstances a variation will be permitted. As set out therein, the Authority will only permit a variation if it is satisfied that there is sufficient reason to grant a variance and an exceptional circumstance exists. Importantly, the Authority must also be satisfied, in circumstances where a lesser setback is sought, that the adjoining property owner has been notified and given the opportunity to object.

The reason for notification is that all landowners in the Cayman Islands rely upon the fact that all construction or alterations on their property or on their neighbors properties are subject to compliance with all local laws and regulations. The enforcement of those laws and regulations allows purchasers to have confidence that they will have peaceful enjoyment of their property and that their privacy, access to light, wind, view and free space will not be interfered with unless such interference is permissible by law. It is for this specific reason that the Authority requires notification and will place considerable weight on any objections raised by adjoining property owners.

With respect to the Application, it is respectfully submitted that the Applicant cannot possibly meet the requirements to satisfy the Authority that a variation should be granted. We highlight the following:

- 1. The Applicant does not have a sufficient reason for the variation. While it is acknowledged that the Applicant wishes to construct a “game room”, the following facts remain:*
 - a. The Applicant must be taken to have been aware of the Property and the restrictions upon its further development at the time it was purchased. Given the location of the guest cottage it has always been the case that it could not be converted into a multi storey building;*
 - b. The variation sought could not in any way be regarded as anything but an increase in the already considerable opulence of the Property. It is not in any way necessary. It is purely an enhancement;*
 - c. Given the size of the Property if the Applicant wishes to construct a game room there is no reason that alternative arrangements could not be made which do not require trespass upon the setback.*
- 2. The Applicant cannot establish that any exceptional circumstance exists. Points (a) —(c) above are of equal application and are repeated. Further, it is clear that contrary to Regulation 8(13)(b)(iii) the proposed construction will be materially detrimental to our client and contrary to the objectives of the section 2.6 of the Development Plan, in that:*
 - a. It will interfere with our client’s right to space, light and privacy. The Property and our client’s property are located on the Deckhouse*

peninsula, which form part of the Ritz-Carlton Hotel complex and are a premium housing location in the Cayman Islands. The existing Deckhouse homes, particularly the new Deckhouses under construction, have been built to a very high standard. Maintaining adequate space between the properties is of significant importance. The proposed development will significantly reduce the free space as between the properties. While currently the the guesthouse on the Property is hidden by vegetation, if the Application were permitted, it would loom over our client's property:

- b. It will have a negative impact on our client as:*
 - i. The prevailing winds in the Cayman Islands source mainly from the North- East. This was an important factor in our client's selection of his property and adds to its value. The proposed development will negatively impact the breeze our client would otherwise receive;*
 - ii. The windows in the proposed second storey will directly overlook our client's property from close proximity;*
 - iii. The canal and golf course views are of considerable importance with respect to both the enjoyment and value of the properties in the development. The views from our client's entrance way, south east facing balcony and kitchen will be adversely impacted by the proposed development as it will effectively block out views to the Ritz Carlton Canal and across the Ritz- Carlton Canal to the Ritz-Carlton Golf Course;*
 - iv. Many of the properties in the development including the Property and our client's property are designed with their main living space and front entrance on the mid-level floor, meaning relatively steep, stepped, sloped pathways have been constructed at many of the Deckhouses to allow visitors/guests to get from ground level to front doors of Deckhouses. If a second storey is built on the Property, it will have a significant impact on the on the guest entry/front door/arrival area of our client's property. Any visitors arriving at our clients property will have to approach along a pathway that runs close to the boundary line with the Property where a second story on the Property cottage will dominate the sky line within 8'6" of the our client's boundary line; and*

- v. *The construction of a second storey on the guest house and the overall increase in size of that building will have a material adverse effect on the value of our client's property.*

It is submitted that for the reasons set out above the application should be refused. There is simply no basis for the Applicant to be permitted to construct a structure contrary to the relevant setbacks. It is not required and would adversely impact our client.

APPLICANT'S LETTER

With respect to our February 28 2022 submission for a House and guest house extension on 12C 451/3H10H10. We hereby request a variance on side and road setback to allow:

- 1. New garage with gym above (two story) to be 13'-8 ½" from the road boundary.*
- 2. Proposed game room on top of existing guest house to be 9'-8 ½" from side boundary.*

In making the application for such a variance, our client is mindful of provisions of Regulations 8

(13) of the Development and Planning Regulations, and would submit that there is sufficient reason and exceptional circumstances that would permit such setback allowance, in that:

- (i) The characteristics of the proposed development are consistent with the character of the surrounding area.*
- (ii) The proposed structures will not be materially detrimental to persons residing in the vicinity, to the adjacent properties, or to the neighboring public welfare.*

Please also take into to consideration the following:

- (iii) The unique circumstance surrounding the development. The parcel boundaries are inclusive of the canal and inlet, creating a significant reduction in the parcel depth. However, the building and pool fall within the actual boundary setback lines. All other setbacks have been adhered to.*

We thank you for your consideration of this matter and look forward to a favorable decision on this application in due course.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Ritz Carlton Road in West Bay.

The proposal involves the following:

- Proposed two storey double garage with a gym on the second floor
- Proposed second storey addition to existing guest house which will contain a games room
- Proposed office and elevator addition to third floor of the existing house
- Proposed pool extension
- Proposed dock addition
- Proposed canal seawall to replace an existing rip rap wall

Abutting landowners were notified and one objection letter has been submitted.

Zoning

The property is zoned Hotel/Tourism.

Specific Issues

1) Canal Setback (15'11" vs 20')

Regulation 8(10)(ea) requires a minimum 20 foot setback where the shoreline is a canal.

The applicant is proposing a 15'11" canal side setback for the proposed pool extension.

2) Proposed Side Setback (9'8" vs 15')

Regulation 10(1)(g) states that side setbacks shall be a minimum of 15 feet where the building is between one and three storeys.

In this instance the proposed addition of a second storey games room on to the existing guest house will result in a side setback of 9'8".

The applicant has submitted a variance letter and the Authority should discuss whether the request is justified in this instance.

3) Proposed Rear (road) Setback (10'(septic) & 18'11"(house) vs 20')

Regulation 10(1)(h) states that road setback shall be a minimum of 20 feet.

In this instance the applicant is proposing to construct a two storey garage addition to the house.

The proposed road setback to the house is 13'8".

The applicant has submitted a variance letter and the Authority should discuss whether the proposal is justified in this instance.

2.3 GENESIS TRUST (Kariba Architecture) Block 8A Parcels 49, 103 & 109 (P22-0928) (\$5,320,000) (NP)

Application for an animal shelter, caretakers unit, generator, & 2 signs

Appearance at 11:30am

FACTS

<i>Location</i>	Captain Reginald Parsons Road in West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	Objection
<i>Parcel size</i>	16.11 acres.
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Vacant
<i>Building Area</i>	16,501 sq. ft.
<i>Site Coverage</i>	7.2 %
<i>Parking Required</i>	50
<i>Parking Provided</i>	22

Recommendation: Discuss the application, for the following reasons:

- 1) Suitability for an Animal Shelter
- 2) Parking Requirement
- 3) Concerns of the Objector

AGENCY COMMENTS

Comments received to date are noted below.

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/BLDG</i>	<i>GPD</i>
<i>Building #1</i>	<i>3,176 sq. ft.</i>	<i>3,176 x 0.1 (kennel factor)</i>	<i>318</i>
<i>Building #2</i>	<i>4,283 sq. ft.</i>	<i>4,283 x 0.1 (kennel factor)</i>	<i>428</i>
	<i>1 x 1-Bed Unit</i>	<i>150gpd/1-Bed</i>	<i>150</i>

<i>Building #3</i>	<i>7,393 sq. ft.</i>	<i>7,393 x 0.1 (kennel factor)</i>	<i>739</i>
<i>TOTAL</i>			<i>1,635</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.*

Hair Interceptor Redequir

An approved hair interceptor is required for the proposed salon. The developer is required to submit a plan of the salon that includes the number of service chairs and wash basins to determine the capacity of interceptor required. Details can be sent via email to development.control@waterauthority.ky

Generator and Fuel Storage Tank(s) Installation

In the event underground fuel storage tanks (USTs) are used the Authority requires the developer to install monitoring wells for the USTs. The exact number and location(s) of the monitoring wells will be determined by the Authority upon receipt of a detailed site plan showing location of the UST(s) and associated piping. The monitoring wells shall comply with the standard detail of the Water Authority linked below. All monitoring wells shall be accessible for inspection by the Authority. In the event above ground fuel storage tanks (ASTs) are used, monitoring wells will not be required.

https://www.waterauthority.ky/upimages/download/USTMonitoringWellFeb2013_1445632994.pdf

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.

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 DoE recommends that the applicant retains as much of the existing native vegetation as possible and incorporates it into the planned vegetation buffers and landscaping scheme. Native species 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 habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services. The DoE is encouraged to see that the plans include elevating the ground floor level of the development but recommends that Hazard Management Cayman Islands is also consulted on the potential flood risk of the project to ensure that it is future-proofed.

Department of Environmental Health

OBJECTION LETTER

We are the owners of Block and Parcel 3D138 on which we have our home and we have lived here in this low residential area since 1991. We understand that this application is most likely a very special application given the intended use and we can imagine that the land has been

provided to the Humane Society either as a donation or at a very helpful cost. For these reasons we do not want to try and stop this application but we do have a number of concerns and we are asking that if the CPA approves this application, they do so with conditions which will address our concerns.

Concern No 1.

The land zoning is low density residential. This is a commercial application. Our concern is that this approval will be a green light to further commercial activity in a residential area that we think should be preserved as residential. This area is one of the few areas that did not flood during Ivan and we think that sensible planning should try to preserve this area of West Bay for residential use. Hopefully if the CPA is minded to approve this application they could make it clear in the approval that it is being done solely because of the wider societal benefit of the project and the substantial benefit that a charitable organization is receiving by being allowed to do this project in this location and that it is an exception to the zoning which the CPA has no intention of repeating.

Concern No. 2

We keep our sidewalk trimmed and lawned. We already have an issue with people walking their dogs and not removing their dog's waste. Having the shelter nearby could exacerbate this problem many times over and turn this pleasant and attractive neighborhood into a septic wasteland. If the CPA is minded to approve please require the operators to ensure that this does not happen on penalty of having their licence to operate suspended until any non-compliance is corrected.

Concern No. 3

The signage should only be allowed if it is small and discrete. Large signage will certainly destroy the residential vibe of the neighborhood. Approval should either not allow the road signage or if it is allowed it should be large enough to be found by someone who is looking but not large enough to act as a billboard advertisement.

Concern No. 4

The application speaks of an "in-house veterinary service". If it is solely an in-house service that would probably be a good condition for approval. However we are concerned that whilst it may start as "in-houser" a future application to make it available to the district will turn it in to a full blown commercial venture most likely on the grounds that it will assist with the Society's funding or because the residents of the district ask for it. This should not be considered a regular commercial operation and a condition of the approval should be that the services will never be allowed to become commercial - that is, available to outside users.

The CPA should understand that this area is one of the nice residential areas of West Bay that is not in a gated community. There is plenty of land available for future residential development and the CPA should try to protect this area for the overall good of the future home owners of the district.

APPLICANT'S LETTERS

Letter 1

This letter is to accompany the drawings submitted as a Planning application for the new Cayman Islands Humane Society (CIHS) shelter located on Block 8A, Parcel 49. The purpose of this application is for the construction of a new animal shelter that will have adequate space to house rescue animals and facilitate the general operations of the shelter. The proposed building's orientation and site area provides the opportunity for expansion if required in the future. The existing CIHS shelter does not have any room for expansion and there is a large demand to house and care for companion animals. The current shelter location is also prone to flooding which results in animals having to be evacuated on a regular basis. A modern purpose-built facility will greatly improve the charity's ability to support the community through its endeavors. The CIHS is excited to work with the Trustees of the Irvin and Ardyth Smith Charitable Trust, the Cayman Islands Government and other stakeholders in furthering this project which will greatly increase the impact of the CIHS' work to improve the lives of the animals within our community.

Letter 2

Please accept this letter as a response to the objection received to the Cayman Islands Humane Society (CIHS) animal shelter planning application for consideration by the CPA. The responses have been listed in order of the concerns received from the objector.

Concern No. 1 – Zoning:

We understand that the new animal shelter is a specialized application and would not be classed as commercial use, and instead it would be considered as conditional use under Low Density Residential Zoning. We believe that the approval of the CIHS animal shelter should not constitute a precedence that would be followed by the CPA in the future or any other applications in this area.

Concern No. 2 – Dog waste on neighbouring properties:

The new animal shelter will include fenced dog playing fields and hand cleared trails across the 15 acres site which will be used for dog walking. The attached drawing, A1-01, shows the indicative location of the dog walking trails dashed in blue. As part of the waste management plan, designated dog waste bins will be provided on the trails and the Shelter will be in control of maintaining and managing the dog walking areas on the site. Below is an example image of a hand cleared walking trail that currently exists on the site.



Fig. 1: *Example of existing walking trail on site*

Concern No. 3 – Signage:

It is not the intention for the road signage to act as a billboard advertisement nor will it exceed the 28 square feet that has been applied for in the planning application. The signage will solely be notifying visitors of the shelter's location, as opposed to advertising.

Concern No. 4 – Veterinary Service:

Please refer to the attached letter from the Cayman Islands Humane Society which respond to concerns regarding the in-house veterinary service.

In addition to the above comments, we would like to make the CPA aware that we are preparing a noise impact assessment report in response to DEH's comments; this is anticipated to be completed by 18 January. The other items that the DEH have requested (approved wastewater treatment plan and a waste management plan) have been addressed and uploaded on the OPS.

Dear Planning Committee,

I am writing to provide some additional details about the in-house veterinary services included in our planning application. I hope that the information in this letter might go some way to addressing the expressed concerns over the planning application.

We are a registered not-for-profit organisation. We do not intend to run a commercial veterinary service. We have no intention of going into competition with the private vets on the island, upon whose support we depend, and we cannot envisage changing that. Running a for-profit veterinary clinic would not fit with our mission and purpose as an organisation.

We do envisage some traffic to our veterinary clinic both for our animals who are in foster care and from members of the community who cannot afford to go to a private vet. This is important to protect the welfare of animals on the island and we intend to continue this at the new premises. This is currently done on a not-for-profit basis and is subsidized by other sources of funding. It takes place during routine business hours. We do not intend to grow this area of activity as that would be too costly for us.

I would also like to note that we do not offer a full range of veterinary services and surgeries, not even for our own animals. We provide spay and neuter surgeries; preventative medicine; routine surgical and medical care during business hours. We do not provide hospital treatment or emergency trauma care, etc. Our out of hours service is very limited, primarily for our own animals. We do not plan to extend our hours of business or our out of hours veterinary care. Our focus is, and will remain, shelter medicine.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in West Bay on Capt Reginald Parsons Dr.

Adjacent landowners were notified by Registered Mail and newspaper ads were placed in a local newspaper on two occasions. One objection was received within the permitted time period.

Zoning

The property is zoned Low Density Residential.

Specific issues

1) Suitability for an Animal Shelter

The subject property is zoned Low Density Residential and is located on Captain Reginald Parsons Road in West Bay.

Regulation 9 (5) states the following:

“No use of land in a residential zone shall be dangerous, obnoxious, toxic or cause offensive odours or conditions or otherwise create a nuisance or annoyance to others”.

The Authority should also note that Regulation 9(1) states that in a residential zone, the primary uses are residential and horticultural. In addition, Regulation 9(3) notes that other uses may be permitted in suitable locations.

The Authority should determine if the subject property is a suitable location for an animal shelter.

2) Proposed Parking

The Department has assessed the application as a Commercial use as this is the closest use to those listed in Regulation 8. As such, the commercial parking requirement is one parking space for every 300 square feet of commercial area.

Based upon a 16,501 square foot building, a total of 50 parking spaces would be required. The applicant is proposing a total of 22 parking spaces. Given that the proposed use isn't commercial in the usual sense, it is suggested a sufficient number of spaces likely lies somewhere between the 50 and 22 and it is noted that there is area on site to add additional parking spaces should the Authority determine this is warranted.

2.4 MARY DE GUZMAN (Great Elegance Consulting) Block 1C Parcel 79 (P21 1142) (\$50,000) (NP)

Application for a food truck.

Appearance at 1:00pm

FACTS

<i>Location</i>	North West Point Road in West Bay
<i>Zoning</i>	Neighbourhood Commercial
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	0.54 acres
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Vacant
<i>Proposed use</i>	Food Truck
<i>Building Footprint</i>	427.8 square feet
<i>Parking Required</i>	3 spaces
<i>Parking Provided</i>	3 spaces

BACKGROUND

September 28, 2022 (CPA/23/22 Item 2.7) - It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding:

- 1) Use of shipping container for dining
- 2) The aesthetics of the proposed shipping container

Recommendation: Discuss planning permission for the following reasons:

- 1) Use of shipping container for dining
- 2) The aesthetics of the proposed shipping container
- 3) NRA comments regarding the need for a sidewalk

AGENCY COMMENTS

The following comments have been received to date:

National Roads Authority

As per your memo dated November 6th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by the above proposed development of 382 sq. ft. has been assessed in accordance with ITE Code 933 – Fast Food Restaurant. The anticipated traffic to be added onto North West Point Road is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak In</i>	<i>AM Peak Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak In</i>	<i>PM Peak Out</i>
215	13	8	5	8	4	4

Based on these estimates, the impact of the proposed development onto North West Point Road is considered to be minimal.

Access and Traffic Management Issues

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. **Please have applicant reduce the width of the driveway.***

A six (6) foot sidewalk shall be constructed on North West Point Road, within the property boundary, to NRA standards. Please have applicant provide.

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 North West Point 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 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.

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 DoE confirms that we have no comments at this time as the application site is man-modified and of limited ecological value.

Department of Environmental Health

Insufficient information submitted to complete the assessment.

The food truck on the application will require additional information before a complete assessment can be done.

The applicant must submit the following:

- 1. Specifications for: a. All kitchen equipment b. Hot water heater and c. Exhaust hood.*
- 2. The plumbing details for the gray water and potable water system. The dimensions of the grey and potable water tanks must be indicated.*
- 3. The following sinks are required: a. two compartment prep sink b. three compartment warewashing sink*
- 4. A brief description of the type of menu that will be offered.*

Solid Waste Facility: The applicant must indicate on the drawing to location of the solid waste facility.

Water Authority Cayman

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 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.*

Grease Interceptors

The Water Authority is not currently requesting the installation of a grease interceptor for the proposed development. The developer shall be required to complete a Conditional Exemption form which can be found below.

- ***Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards.** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- ***To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'10" 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).*
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.*

Fire Department

The Fire Department has stamp approved the drawings.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on north West Point Road, directly across the street from Macabuca/Cracked Conch and next to the former automobile museum.

The proposal is for a food truck and dining container with 3 parking spaces in an existing gravel area.

Adjacent landowners were notified by Registered Mail and two ads were placed in a local newspaper. No objections have been received.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) Gravel Parking

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

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

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans.

2.0 APPLICATIONS

APPEARANCES (Items 2.5 to 2.15)

2.5 R&S PROPERTY HOLDINGS LTD (Coe Group Ltd) Block 14BG Parcel 50 (P22-0626) (JP)

Application to modify planning permission for the approved warehouse development to revise the site plan and floor plan layout with an additional 1,871 sq ft.

FACTS

<i>Location</i>	Rock Hole Road, George Town
<i>Zoning</i>	NC
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.42 ac. (18,295 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	6970 sq. ft.
<i>Total building site coverage</i>	38%
<i>Required parking</i>	7
<i>Proposed parking</i>	8

BACKGROUND

November 6, 2019 (CPA/23/19; item 2.12) – application for warehouses approved (P19-0569)

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

- 1) Parking functionality
- 2) Site entrance

AGENCY COMMENTS

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

Water Authority

Please be advised that the Water Authority's requirements for this development have been determined based on the understanding that the parcels in question are to be combined. Requirements for proposed 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, based on the following calculations:***

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD</i>
<i>Proposed Warehouse</i>	<i>5 x Units</i>	<i>150gpd/Toilet</i>	<i>750</i>
<i>TOTAL</i>			<i>750</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.*

Traffic Rated Tank and Covers

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

Water Supply

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

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

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

Department of Environmental Health

Solid Waste Facility:

The location of the garbage enclosure is unsatisfactory.

1. *The location of all mechanically serviced containers shall be approved by the Department of Environmental Health. The applicant shall submit plans showing the proposed location of the enclosure. The enclosure shall be placed such that access to the enclosure can be kept clear at all times. The enclosure shall be centrally located, and so placed, as to allow easy access for servicing by the Department's vehicles. The enclosure shall be located so that the vehicle can access the container directly and have adequate room to lift it into the discharge position.*
2. *The enclosure shall be located such that the vehicle will not impede normal vehicular flow or create potentially dangerous traffic situations while the container is being serviced.*
3. *A minimum vertical clearance of 32 feet above the enclosure itself or where the bin will be serviced is required.*
4. *The service vehicles shall be able to enter and exit the site without having to reverse onto the highway.*
5. *The enclosure shall be located away from overhead power lines and other protrusions that can cause electrical shock, injury, or other difficulties during servicing.*
6. *A vertical clearance of at least 15 feet is required over the entire approach to and from the enclosure.*
7. *A minimum straight approach of 50 feet should be provided directly in front of the facility to allow the vehicle sufficient area to back out of the facility. A turn around or separate exit that allows the truck to move forward rather than backwards is preferred.*

8. *The driveway shall be constructed to withstand trucks weighing up to 62,000 lbs.*
9. *Generally the service shall be able to approach the container directly. Where an enclosure is located at the side of an access way the angle of approach made with the access way shall not exceed 22.5 degrees.*
10. *The turning radius required for access to the enclosure must be adequate for a 3-axil truck. The over overall length of the truck is 36 feet and the overall width is 8 feet. A minimum outside turning radius of 46 feet is required. The minimum inside radius shall be 33 feet.*

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, except that if possible, the trees along the southern boundary should be retained.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located within the George Town area of the Island in an area which is predominantly characterized by parking facilities together with informal mature vegetation. Access to the site is achieved from Rock Hole Road which forms the northern boundary; the site is triangular in shape.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) Parking functionality

Members attention is drawn to spaces 2 and 3, the receiving ramp for unit 5 and the U-shape design of the proposal. These factors results in the spaces 2 and 3, in particular 3, being constrained representing poor site functionality with regards to parking.

2) Site entrance

The proposed site entrance is very wide whereby the entire frontage would form an access. Not only is this aesthetically detrimental such a design could result in harm to road users owing to the anticipated chaotic nature of traffic movements on site.

2.6 CAYMAN SHORES DEVELOPMENT LTD (Decco Ltd) Block 13C Parcel 31 (P22-1029) (\$38,000) (JP)

Application to modify planning permission to revise the site plan.

FACTS

<i>Location</i>	Athena Way George Town
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	5.53 ac. (241,000 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Residential/under construction

BACKGROUND

Extensive history with regards to modifications and revisions, however, the key principle of development was established on:

November 14, 2018 (**CPA/25/18; item 2.4**) – Application for 124 unit residential development approved (P18-0951)

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

- 1) Location of garbage enclosure on neighbouring land
- 2) DEH response

AGENCY COMMENTS

Department of Environmental Health

Regulations:

In reference to OLEA's intent to use a private contractor. Please note that the decision to grant permission for such service cannot be given by the CPA.

*Refer to the **Public Health (Garbage and Refuse Disposal) Regulations (2011 Revisions)**:*

Section 4. (1) *The use of the garbage collection service in service areas is mandatory save for large commercial establishments specifically exempted by the Department.*

The CPA cannot make such approvals on behalf of the DEH Director.

Solid Waste Facility:

The solid waste facility does not meet the requirements of DEH.

1. Location of enclosure

The location of all mechanically serviced containers shall be approved by the Department of Environmental Health. The applicant shall submit plans showing the proposed location of the enclosure. The enclosure shall be placed such that access to the enclosure can be kept clear at all times. The enclosure shall be centrally located, and so placed, as to allow easy access for servicing by the Department's vehicles. The enclosure shall be located so that the vehicle can access the container directly and have adequate room to lift it into the discharge position. The enclosure shall be located such that the vehicle will not impede normal vehicular flow or create potentially dangerous traffic situations while the container is being serviced.

2. Minimum vertical clearance

A minimum vertical clearance of 32 feet above the enclosure itself or where the bin will be serviced is required.

APPLICANT'S LETTER

When considering the original application for 124 units (P18-0951), CPA was advised of the intent to use private trash collection services. At the CPA meeting, it was further mentioned that IWC had reviewed and supported the proposed site layout and containers. The application was approved with a condition to provide a copy of a signed contract with a private solid waste collection company (CPA/25/18; Item 2.4). It may be helpful to note that 10 residences along OLEA Drive are occupied and are being serviced by IWC and the subject enclosure.

The trash enclosure is being extended northward to allow for improved truck maneuvering and does not significantly alter current servicing. Recognizing the enclosure is proposed on Parcel 34, note that both parcels are owned by Cayman Shores Development Ltd. (CSDL) and lie within the Camana Bay PAD. It is intended to extend Olea Drive and Cordia Boulevard beyond Parcel 31 to support adjacent new development as well as expand connectivity throughout the PAD. It is understood that the trash enclosures will require relocation and redesign at this stage and will form part of the subsequent planning application.

PLANNING DEPARTMENT ANALYSIS

General

Basic description and location

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Location of garbage enclosure on neighbouring land

The revised location of the garage enclosure is sited on land outside the application site on adjacent land.

Members are invited to note the applicant currently owns the adjacent parcel, however, there is no guarantee the land remains in such ownership and there is always potential for land to be sold at a later date. Such a move could put usability of the garbage enclosure in jeopardy.

A mechanism to overcome this could involve subdividing and combining a portion of the adjacent parcel with the application site.

Members are invited to consider content in the applicants letter.

2) DEH response

Members are invited to consider the revised garbage location only. The manner in which the waste is collected is not part of the determination process.

Members are invited to consider DEH's response and the applicant's letter to determine whether a private contractor for waste collection is acceptable.

2.7 PISCES BAY LTD. (Robert Towell Architect Ltd.) Block 64A Parcels 21 (P22-0918) (\$18,000,000) (MW)

Application for 22 apartments, 2 cabanas, shade canopy, pool & 4' fronting boundary wall.

FACTS

<i>Location</i>	Pisces Way, East End
<i>Zoning</i>	Beach Resort Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	1.17 ac. (50,965.2 sq. ft.)
<i>Parcel size required</i>	0.5 ac. (21,780 sq. ft.)
<i>Current use</i>	Vacant
<i>Proposed building size</i>	63,842 sq. ft.
<i>Total building site coverage</i>	28.68%
<i>Allowable units</i>	23
<i>Proposed units</i>	22
<i>Allowable bedrooms</i>	70
<i>Proposed bedrooms</i>	54
<i>Required parking</i>	33
<i>Proposed parking</i>	42

BACKGROUND

N/A

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

- 1) Suitability
- 2) Building height

AGENCY COMMENTS

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

Water Authority

The Water Authority's requirements for the proposed development are as follows:

Wastewater Treatment and Disposal

The developer, or their agent, shall submit an Onsite Wastewater Treatment Proposal, per the attached Form, which meets the following requirements. Water Authority review and approval of the proposed system is a condition for obtaining a Building Permit.

- The proposed development **requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification** that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed system shall have a treatment capacity of at least 5,700 US gallons per day (gpd), based on the following calculations.**

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD</i>	
<i>Ground Floor</i>	<i>4 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	<i>900</i>	<i>1,500</i>
	<i>2 x 3-Bed Units</i>		<i>600</i>	
<i>Second Floor</i>	<i>4 x 2-Bed Units</i>	<i>300gpd/3-Bed</i>	<i>900</i>	<i>1,500</i>
	<i>2 x 3-Bed Units</i>		<i>600</i>	
<i>Third Floor</i>	<i>4 x 2-Bed Units</i>		<i>900</i>	<i>1,500</i>
	<i>2 x 3-Bed Units</i>		<i>600</i>	
<i>Fourth Floor</i>	<i>4 x 3-Bed Units</i>		<i>1,200</i>	<i>1,200</i>
			<i>TOTAL</i>	<i>5,700</i>

- **Treated effluent from the ATU 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 6".** 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 ATU must enter the disposal well at a minimum invert level of 4'7" 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.

Underground ATUs

The drawings indicate that the wastewater treatment plant is proposed to be buried and/or is located within a traffic area. Please note, the Water Authority will not approve buried ATUs with the **exception** of those proposed under approved designated handicapped parking.

Queries regarding the burial of ATUs and additional requirements can be forwarded to development.control@waterauthority.ky.

Elevator Installation

Hydraulic elevators are required to have an approved pump with oil-sensing shut off installed in the sump pit. Specifications of the proposed pump shall be sent to the Water Authority at development.control@waterauthority.ky for review and approval.

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 will 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

None received at this time.

Department of Environmental Health

Solid Waste Facility:

Due to the fact that the development is located on a dead end street, consideration is given for the access and exiting of the truck.

Swimming Pool:

A swimming pool application should be submitted for review and approval prior to construction.

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 adjacent to a Marine Reserve (a Protected Area under the National Conservation Act). As such, it is important that the construction will not have any unacceptable effects on the Protected Area. The DoE is aware that practices such as sanding down polystyrene which is used as part of wall finishing and window moulding can result in polystyrene beads getting blown into the surrounding area and the canals in significant quantities. These beads are very difficult to remove especially if they enter the marine environment and they do not naturally break down.

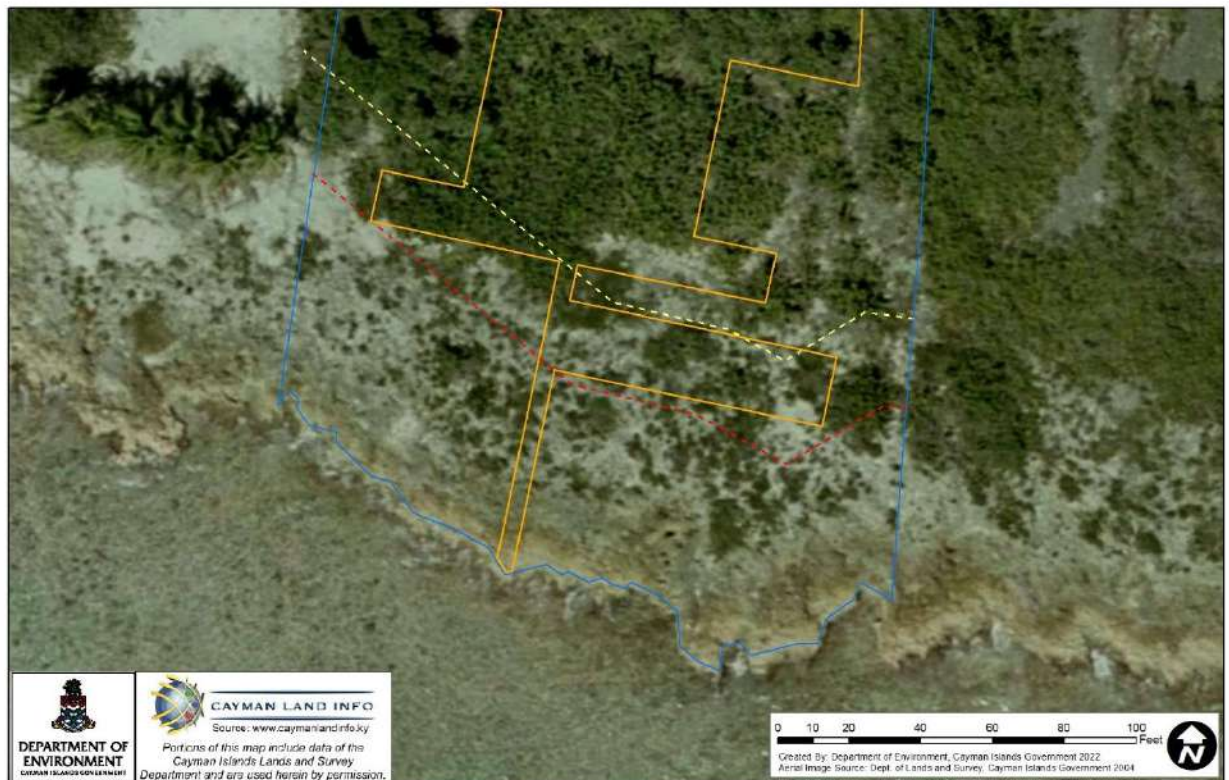


Figure 1: Aerial imagery showing the site before it was cleared with the 50 ft setback line (red) 75 ft setback line (yellow) and the proposed development footprint (orange) (LIS 2004).

The Department of Environment is also concerned about the proposed coastal setbacks of 50 ft for this development given that this coastline is very exposed, due to the lack of significant offshore reef protection, and therefore susceptible to wave impacts during severe weather. This area of coastline is low lying ironshore where the natural vegetation line indicates that wave impacts reach further than the proposed 50 ft inland of the Mean High Water Mark (MHW), as shown in Figure 1 above. Coastal setbacks are particularly important given climate change predictions for the region and the increasing prevalence of severe storm events and coastal erosion associated with inappropriately sited development. The Department of Environment would therefore recommend that the application be revised in order to **increase the coastline setback of all structures to a minimum of 75 ft**. A 75 ft coastal setback would allow the positioning of structures at the point where they do not extend closer to the sea than the historical vegetation line and therefore will be less susceptible to wave impacts during severe weather.

DIRECTED CONDITIONS

The site is adjacent to a Marine Protected Area under the National Conservation Act (NCA). Without appropriate environmental management practices, storage of materials too close to the protected area and shaving of the polystyrene without a method of capturing the waste materials can result in adverse effects on that protected area through the run-off of materials and debris. Storms, high waves, high tides, rainy weather, or construction practices can result in the material entering the Marine

Protected Area. Without appropriate environmental management practices, there would or would be likely to be an adverse effect on the Marine Protected Area, namely:

- *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.*

*On the basis of the above information, 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:*

- 1) All construction materials and debris shall be stockpiled at least 50 ft from the Mean High Water Mark to prevent material entering the Marine Protected Area. Materials, equipment and debris shall be stockpiled landward of any beachside construction fencing, if installed.*
- 2) 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 Marine Protected Area offshore.*

These conditions are directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources.

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.

Fire Department

Approved for Planning Permit Only 24 Nov 22

APPLICANT'S LETTER

We write to the Planning Board to request a variance for the total height of the building facing the ocean side of the project. The Planning application complies with the Planning regulations facing the main access road as follows:

As per Development and Planning Regulations (revision 2022) regulation 8, section 2 (f) in a Beach Resort/Residential zone, shall not exceed fifty-five feet or four storeys, whichever is the less; and, where the height of a building is four storeys, the building shall be so designed that no continuous vertical facade or elevation exceeds twenty-five feet or two storeys in height;

As per Section 4, Sub-regulation (2) does not apply to any chimney, storey below grade, church spire, dome, cupola, stage tower, water cooling tower, elevated water storage tank, elevator tower, radio or television antenna tower, smokestack, parapet wall or structure of a like nature, non-habitable ancillary spaces, and any necessary mechanical appurtenances thereof.

The main ground floor slab level has been designed @ 14'-0" msl to minimize any possible storm surge during future hurricanes. The intended spaces below this main slab will be utilized solely for the pool, pool deck & equipment, below grade parking use and non-habitable ancillary spaces for the occupants.

We believe our design meets the intent of the current Planning regulations and will deliver alternative accommodation and interest to the Eastern districts. Should you require additional information to make your decision please let us know.

PLANNING DEPARTMENT ANALYSIS

General

The application is for 22 apartments, 2 cabanas, shade canopy, pool & 4' fronting boundary wall to be located on Pisces Way., East End.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Suitability

Section (15)(2) states the following development is permitted in a Beach Resort Residential Zone.

- (a) detached & semi-detached houses.
- (b) duplexes
- (c) beach resorts; and
- (d) in locations considered by the Authority to be suitable, guest houses and apartments, cottage colonies and tourism related development.

The immediate neighborhood consists mostly of a vacant parcels, a few single-family homes and two duplexes (64A 140 and 27H16). The Authority did recently approve 68 apartments on 64A 41& 176 (CPA/06/22; 2.13), but that development is not on the sea and is in a different subdivision further west of the subject site.

2) Building height

The maximum allowable building height in the BRR zone is 4 storeys and 55'.

The design of the building includes an entry for the basement parking on the west elevation and an exit on the east elevation resulting in a building height of 64' in those areas. Likewise, the building includes a cantilevered area over the pool deck and a portion of the pool and this also results in a building height of 64'.

2.8 HOLIDAY INN (Heritage Holdings) Block 17A Parcel 375 (P22-1000) (\$50,000) (NP)

Application to for an entrance driveway relocation.

FACTS

<i>Location</i>	Holiday Inn on Crighton Drive
<i>Zoning</i>	Hotel/Tourism
<i>Current use</i>	Vacant
<i>Proposed use</i>	New Driveway

Recommendation: Discuss the application for the following reason:

- 1) NRA comments

AGENCY COMMENTS

National Roads Authority

As per your memo dated December 1st 2022 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 driveway relocation as it meets minimal NRA specifications in terms of sight line and width. The only concern the NRA would have is the proposed adjacent parking lot access on Block 17A Parcel 146 for the new development on Block 17A Parcel 376 (Your Ref: P21-1260), as it would not minimal separation as per the NRA specifications,

7.2 ACCESS ROADS: Single family, residential driveways may be no closer to each other than twenty feet (20') and, must be a minimum of thirty feet (30') from intersections. Commercial driveways on these roads must be no closer to each other than thirty feet (30') and, located at least seventy-five feet (75') from intersections.

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

Department of Environment

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

The application site is man-modified with limited ecological value. The Department of Environment has no environmental concerns at this time. However, we recommend that the Public Lands Commission be consulted as we understand from the Registry Map Extract that the road that is to be relocated is also registered as a Public Right of Way.

Water Authority

Wastewater Treatment

The existing development is connected to the West Bay Beach Sewerage System (WBBSS).

- *The developer should note that all pipework **upstream of connection to the public sewerage system is considered a private sewer.** As this existing pipeline only serves the Holiday Inn Resort, any modifications of this pipeline (e.g., relocation) are the sole responsibility of the developer.*

- *The developer may contact the Water Authority's Engineering Department at 949-2837 EXT: 3000 with any questions.*

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.*

PLANNING DEPARTMENT ANALYSIS

General

The proposal is to relocate and shorten the existing Holiday Inn entrance to Crighton Drive.

Zoning

The property is zoned Hotel/Tourism.

Specific Issues

1) NRA comments

The comments as provided seem somewhat contradictory in that it is stated there is no objection to the proposal, but at the same time there is a concern that the new entrance will be too close to the entrance for the parking area for the approved Prisma development. It is unclear how to reconcile the comments.

2.9 ELDON RANKINE (TAG) Block 14E Parcel 626 (P22-0783) (\$332,875) (NP)

Application for 5 townhouses.

FACTS

<i>Location</i>	East Boulevard in George Town
<i>Zoning</i>	High Density Residential
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	11,761.2 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>	2,668 sq. ft.
<i>Building Area</i>	2,668 sq. ft.
<i>Site Coverage</i>	22.6%
<i>Number of Units Allowed</i>	6
<i>Number of Units Proposed</i>	5
<i>Number of Bedrooms Allowed</i>	11
<i>Number of Bedrooms Proposed</i>	5
<i>Parking Required</i>	8
<i>Parking Proposed</i>	9

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

- 1) Suitability for Apartments
- 2) Lot Width (22' vs 60')
- 3) Proposed Rear Setback (17' vs 20")
- 4) Landscape Strip (0 vs 4')
- 5) Solid Waste Location (2'4" vs 6')

AGENCY COMMENTS

Agency comments received to date have been provided below:

Department of Environment

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

The application site is man-modified and of limited ecological value. The filling and development of this low lying land area will reduce the site's natural capacity to retain storm water. Therefore, it is recommended that measures such as reducing the area of filling to just the proposed building and building footprint and use of permeable paving

are implemented to reduce the storm water runoff from the site into the surrounding areas.

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, based on the following calculations:

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
Proposed Townhouse	5 x 1-Bed Units	150gpd/1-Bed	750
TOTAL			750

- 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 4'9" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

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

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

7. A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.

Traffic Rated Tank and Covers

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

Water Supply

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

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

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

Department of Environmental Health

Solid Waste Facility:

1. *This development require 5 (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.*

LETTER FROM THE APPLICANT

Further to the application submitted in relation to the above-referenced Project, we hereby request a lot width variance which requires a minimum of 100 feet per Planning Regulation 9(6)(f); a setback variance which requires a minimum of 20 feet rear setback per Planning Regulation 9(6)(h); a solid waste storage setback variance which requires a minimum of 6 feet from the adjacent property boundaries per Planning Regulation 8(7).

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

- (1) Under Regulation 8 (13)(b)(i), the characteristics of the proposed development are consistent with the character of the surrounding area; Regulation 8 (13)(b)(ii), unusual terrain characteristics limit the site's development potential; or Regulation 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 neighbourhood, or to the public welfare :***

The total area of the project site is 11,830 sq ft, wherein Planning Regulation allows us to have 6 units with 11 bedrooms. The proposed project is only 5 units with 5 bedrooms. However, due to the odd shape and orientation of the land, we are compelled to request a rear setback variance. Only a portion of the building is beyond the setback line, and still approximately 17 feet away from the nearest boundary line.

Additionally, the site is surrounded by neighboring lots, thus limiting the project site's frontage to approximately 28'-11". This frontage is also the only legal access to the site.

Lastly, DEH requires the garbage bins to be located close to the road for ease of collection. Since the frontage of the site is very narrow, and while the minimum two-way driveway width is 22 feet, there is insufficient space to have the garbage bins 6 feet away from the boundary. The proposed garbage bin is now approximately 2'-4" away from the boundary line which will be screened with vegetation and fencing. We hope that the CPA board will find this request acceptable as there is no other location we can fit this on-site.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on East Boulevard in George Town.

The property is currently vacant and the proposal is for 5 townhouses.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Suitability for Apartments

Regulation 9(6) states that apartments are permissible in suitable locations. In this instance, there are several other apartment development in the area and there is sufficient infrastructure to support the proposal. It would appear that the site is a suitable location for apartments.

2) Minimum Lot Width

Regulation 9(6)(f) states that the minimum lot width for apartments is 60 feet in the HDR zone.

The subject parcel is flag shaped and is 22 feet wide at its narrowest point.

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

3) **Rear Setback (17' vs 20')**

Regulation 9(6)(h) requires a minimum rear setback of 20 feet.

The proposal is for a minimum 17 foot rear setback.

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

4) **Landscape Strip**

The Department encourages a minimum 4 foot wide landscape strip abutting driveways and parking areas in order to buffer adjacent properties.

In this instance the driveway does not have a landscape strip on the east side of the driveway.

5) **Solid Waste Enclosure**

Regulation 8(7) requires a solid waste enclosure to be setback a minimum of 6 feet from property boundaries and to be screened with vegetation.

In this instance the proposal is for a setback of 2 feet 4 inches.

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

2.10 **ELDON RANKINE (TAG) Block 14E Parcel 626 (P22-0782) (NP)**

Application for a 6 lot land strata subdivision.

FACTS

<i>Location</i>	East Boulevard in George Town
<i>Zoning</i>	High Density Residential
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	11,761.2 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>	2,668 sq. ft.
<i>Building Area</i>	2,668 sq. ft.
<i>Site Coverage</i>	22.6%
<i>Number of Units Allowed</i>	6
<i>Number of Units Proposed</i>	5
<i>Number of Bedrooms Allowed</i>	11
<i>Number of Bedrooms Proposed</i>	5
<i>Parking Required</i>	8
<i>Parking Proposed</i>	9

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

- 1) Comments provided for the associated Townhouse application (P22-0783)

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on East Boulevard in George Town.

The property is currently vacant and the proposal is for a six-unit strata, with one of the lots being for common purposes.

Zoning

The property is zoned High Density Residential.

2.11 COLIN STEVE TAYLOR (Darius Development) Block 44B Parcel 326 (P22-0631) (\$50,000) (JP)

Application for an after-the-fact addition to a house to create a duplex.

FACTS

<i>Location</i>	Mijall Road, Bodden Town
<i>Zoning</i>	MDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.43 ac. (18,902 sq. ft.)
<i>Parcel size required</i>	15,000 sq. ft.
<i>Current use</i>	Residential
<i>Proposed building size</i>	5964 sq. ft.
<i>Total building site coverage</i>	24.87%
<i>Required parking</i>	4
<i>Proposed parking</i>	8

BACKGROUND

October 20, 2022 (**Administrative Approval**) – Planning Permission granted for a duplex (P22-0632)

September 2nd, 2020 (**CPA/14/20; item 2.4**) – Application for four apartment units refused for the following reasons (P19-0671):

- 1) The applicant failed to demonstrate that the site was a suitable location for apartments per Regulation 9(7).
- 2) The lot size does not comply with the minimum requirement per Regulation 9(7)(d) and (f) and the applicant failed to demonstrate that there was sufficient reasons and exceptional circumstance per Regulation 8(13)(b) to warrant allowing a lesser lot size.
- 3) The rear setback does not comply with the minimum requirement per Regulation 9(7)(i) and the applicant failed to demonstrate that there was a sufficient reason and exceptional circumstance per Regulation 8(13)(b) to warrant allowing a lesser

setback.

27th March, 2018 (**Administrative Approval**) Planning Permission granted for a cabana (P18-0227)

6th June, 2014 (**Administrative Approval**) Planning Permission granted for a swimming pool (P14-0467)

9th December, 1982 (**Administrative Approval**) Planning Permission granted for a house (P82-4997)

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

- 1) Side setback variance (6'-7" v 10')

APPLICANT'S LETTER

With respect to our submission for a after-the fact application on 44B 326 located on Mijall Road in Bodden Town; we hereby request variances as follows:

1. *Setback Variance for existing single-storey duplex to be located 6'-7" from the side boundary (north) shared with parcel 44B326 positioning the corner of the building 3'-5" into the 10' side setback line.*

In making the application for such a variance, our client is mindful of provisions of Regulations 8 (13) of the Development and Planning Regulations, and would submit that there is sufficient reason that would permit such variances, in that:

- (i) *The characteristics of the proposed development are consistent with the character of the surrounding area.*
- (ii) *The proposed structures will not be materially detrimental to persons residing in the vicinity, to the adjacent properties, or to the neighboring public welfare.*

We thank you for your consideration of this matter and look forward to your favorable decision on this application in due course

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in the Bodden Town area of Grand Cayman, occupying a corner lot within an established residential area. Mijall Road, which serves the site, forms the south-western boundary and a private road, providing a vehicular right of way to the application site, runs along the south-eastern boundary. To the northeast and northwest existing residential properties share their boundaries with the application site.

The surrounding area is characterised as residential consisting, predominantly, of extensive single family and/or duplexes set within significant curtilages. The nature and

form of development is suburban in appearance having regard to the smaller lot sizes and higher density afforded to the properties located along the Bodden Town Road.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Side setback variance (6'-7" v 10')

Regulation 9(7)(j) requires a minimum side setback of 10'.

The unauthorised addition is sited 6'-7" from the side boundary.

Members are invited to consider the content of the applicant's letter in determining whether an exceptional circumstance exists to permit a variance to the Regulations.

2.12 NWPR GROUP (Eric Cronier) Block 2C Parcel 204 (P22-0997) (\$10,000) (NP)

Application for a 4 lot land strata subdivision.

FACTS

<i>Location</i>	North West Point Road in West Bay
<i>Zoning</i>	Beach Resort Residential
<i>Notification Results</i>	No Objections

BACKGROUND

November 24, 2001 (CPA/24/21; Item 2.3) – Planning permission for 32 Apartments, 3 Pools, and a Sign granted by the central Planning Authority.

Recommendation: Discuss the application for the following reason:

- 1) Discretion afforded by Regulation 15(4)(a)(iv)

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on North West Point Road in West Bay.

The property is currently vacant and construction has recently commenced on the footings for the proposed apartment structure.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Lot size, lot width, et al

The application is associated with the previously approved apartment development. It appears the intent of the application is to create a separate strata

plan for the three seaward apartments. The strata subdivision will create lots for each of the three apartment units as well as lots for two parking spaces. Lots 3 and 4 will be undersized, but the Authority is reminded of Regulation 15(4)(a)(iv) which states that the minimum lot size, lot width, setbacks and site coverage for land strata lots intended to allow the conveyance of dwelling unit in an approved apartment building shall be at the discretion of the Authority.

2.13 ROLPHIE BRAGGS (TSC Architecture) Block 1D Parcel 474 (P22-0856) (\$125,000) (EJ)

Application for a house.

FACTS

<i>Location</i>	Hell Road & Miss Daisy Lane, West Bay
<i>Zoning</i>	HDR
<i>Notification result</i>	NA
<i>Parcel size proposed</i>	0.27 ac. (11,751 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House & Butcher Shop
<i>Proposed building size</i>	413 sq. ft.
<i>Total building site coverage</i>	22%
<i>Allowable units</i>	2
<i>Proposed units</i>	1
<i>Allowable bedrooms</i>	NA
<i>Proposed bedrooms</i>	1
<i>Required parking</i>	2
<i>Proposed parking</i>	2

BACKGROUND

October 31, 2001 (**P01-105699**) - The Authority granted permission for an after-the-fact meat stand.

August 08, 2006 (**P06-1064**) - The Authority granted permission for duplex.

April 3, 2013 (P13-0077) – The Authority granted permission for a meat shop addition.

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

- 1) Accuracy of proposed site plan.

PLANNING DEPARTMENT ANALYSIS

General

The one-bedroom house is located on Hell Road & Miss Daisy Lane, West Bay

Zoning

The property is zoned High Density Residential.

Specific Issues

As proposed, the house meets planning regulation for this high-density residential zone.

1) Accuracy of Plans

The proposed meets planning regulations for this zone, but the Department is concerned with the accuracy of the proposed site plan vs aerial map; however, the agent contends that the site plan is accurate.

2.14 GARGARO RESIDENCE (BDCL) Block 15D Parcel 170 (P22-0412) (\$75,000) (JP)

Application for a pool.

FACTS

<i>Location</i>	South Sound Road, South Sound
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.52 ac. (21,780 sq. ft.)
<i>Current use</i>	Residential/under construction

BACKGROUND

August 14, 2019 (CPA/17/19; item 2.12) – Planning Permission was granted for a duplex, garage, swimming pool and deck subject to the following (P19-0535):

- 1) The applicant shall submit a revised site plan showing the pool and deck with a minimum 60' high water mark setback and the deletion of the seaside retaining wall

The Department received a revised plan conforming to the 60' setback.

Recommendation: Discuss the application, for the following reason:

- 1) Procedural

AGENCY COMMENTS

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).

We note from aerial imagery that the pool and deck have already been constructed in the present location with a variance on the coastal setback, and that the variance to the

coastal setback had been approved previously by the Central Planning Authority. Therefore, we have no further comments.

PLANNING DEPARTMENT ANALYSIS

General

The application seeks to rectify a procedural issue relating to the swimming pool.

The application site is located within the South Sound area of the Island which is immediately characterised by detached houses set within substantial grounds. South Sound Road forms the northern boundary and the Caribbean Sea is to the rear. A neighbouring property is to the east and vacant land remains to the west.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Procedural

The application submits outstanding notices which were not issued on the original application P19-0535 and consequently called into question the validity of Planning Permission relating to the pool.

No amendments have taken place, no objections have been received and no concerns have been raised by the Department of Environment. Therefore, the principle of development remains consistent with the original Planning application. No new matters have been raised.

2.15 SHIRLEY NICOLLETA (TAG Ltd) Block 20D Parcel 436 H23 (P22-0824) (\$17250) (JP)

Application for a proposed balcony.

FACTS

<i>Location</i>	Old Crewe Road, George Town
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.029 ac. (1285 sq. ft.)
<i>Current use</i>	Residential
<i>Proposed building size</i>	2262 sq. ft.
<i>Total building site coverage</i>	72%

BACKGROUND

Several similar balconies have been approved in the apartment complex over the past few years.

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

- 1) Side setback (0' and 11'10" vs 15')
- 2) Rear setback (12'6" vs 20')
- 3) Site coverage (72% vs 30%)

APPLICANT'S LETTER

Further to the application submitted to the Proposed Back patio extension, we hereby request a setback variance which requires a minimum of 20 ft rear setback and 15 ft minimum side setback per Planning Regulation 9 (8)(i).

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

1. *Under Regulation 8 (13)(b)(i), the characteristics of the proposed development are consistent with the character of the surrounding area: While we have complied with the minimum required setback, we would like to request a variance due to the application of a back patio extension.*

The Building in the subject was already built in 2006-2007, the client would want to extend her back patio for additional use of space. Though the back patio is 4" on the left side, 11' - 9 ¾" on the right, and 12'-6" at the rear setback, the building itself is within the setback requirement. Additionally, more than 10 units/application has been granted on the same development and we are hoping you would also grant the same for this application.

PLANNING DEPARTMENT ANALYSIS

General

The application site is served off Old Crewe Road within an established townhouse complex. The application site faces south at the rear. The property is mid-terrace and therefore bound on one side by adjoining neighbours.

The application seeks Planning Permission to install a balcony.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Side setbacks (0' and 11'-10" v 15')

Regulations 9(8)(j) of the Development and Planning Regulations 2022 requires minimum side setback of 15'.

The proposed balcony would be sited along the side boundary with a neighbouring property affording no setbacks and 11'10" from the eastern boundary.

Members are invited to reflect upon the variance letter and revised Regulations.

2) Rear setbacks (12'6" v 20')

Regulation 9(8)(i) requires a minimum rear setback of 20'.

The proposed balcony would be sited 12'-6" from the rear boundary.

Members are invited to reflect upon the variance letter and revised Regulations.

3) Site coverage (72% v 30%)

Regulation 9(8)(h) of the Regulations required a maximum site coverage of 30%.

The resultant lot would equate to 72% coverage.

Members are invited to reflect upon the variance letter and revised Regulations.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

4.1 WATERFRONT CENTRE LTD. Block OPY Parcel 193 (CE22-0170)

Appeal against the issuance of an Enforcement Notice.

Appearance at 1:30

FACTS

<i>Location</i>	Seafarers Way, George Town
<i>Parcel</i>	OPY 193
<i>Zoning</i>	General Commercial (GC4)

Recommendation: Discuss the information provided by the appellants and determine whether the appeal should be allowed or dismissed.

APPENDIX A

- Enforcement notice
- Site photographs
- Notice of appeal

PLANNING DEPARTMENT ANALYSIS

On October 18, 2022, the Director issued an enforcement notice per Section 18 of the Development and Planning Act for:

- Unauthorized concrete slab built on ironshore without the grant of Planning permission

On November 1, 2022, the owners of the land appealed the issuance of the enforcement notice per Section 19 of the Act.

4.2 RAUL GONZALEZ JR. & ANGIE DEE GONZALEZ Block 27C Parcel 374 (CE22-0061)

Appeal against the issuance of an Enforcement Notice.

Appearance at 2:30

FACTS

<i>Location</i>	Water St, Savannah
<i>Parcel</i>	27C 374
<i>Zoning</i>	Low Density Residential

BACKGROUND

October 18, 2022 (CPA/25/22; item 4.6) – an appeal hearing was scheduled, but the appellant nor their representative were present

Recommendation: Discuss the information provided by the appellants and determine whether the appeal should be allowed or dismissed.

APPENDIX B

- Enforcement notice
- Site photographs
- Notice of Appeal

PLANNING DEPARTMENT ANALYSIS

On April 11, 2022, the Director issued an enforcement notice per Section 18 of the Development and Planning Act for:

- ii) Breach of planning conditions 4) and 5) of CPA/04/22; item 2.5 in that the property was being used for commercial purposes and commercial vessels were docking at the property

On April 22, 2022, the owners of the land appealed the issuance of the enforcement notice per Section 19 of the Act.

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

6.0 CPA MEMBERS INFORMATION/DISCUSSION