

Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on **October 25, 2023 at 10:00am** in Conference Room 1038, 1st Floor, Government Administration Building, 133 Elgin Avenue

25th Meeting of the Year

CPA/25/23

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/25/23

- 2.1 INVICTA CONSTRUCTION LTD. (Abernethy & Associates) Block 74A Parcel 88 and 98 (P23-0610) (\$158,034) (NP) 4**
- 2.2 CASABELLA DEVELOPMENT LTD. (Abernethy & Associates) Block 58A Parcels 150 Rem 1, 109 Rem 1, 137-140, 152 & 154 (P23-0643) (\$220,223) (NP) 15**
- 2.3 K ROCK LTD. (Roland Bodden & Co. Ltd) Block 43A Parcel 417 (P22-0839) (\$30.0 million) (NP) 21**
- 2.4 ALLAN BROWN (Frederick & McRae) Block 44B Parcel 431 (P23-0377) (\$1.5 million) (NP) 35**
- 2.5 ANDRE HAMILTON (Garden City Designs) Block 4E Parcel 10 (P23-0273) (\$25,000) (NP) 42**
- 2.6 BRUCE REYNOLDS (Architectural Designs & Cayman Contemporary Style) Block 1D Parcel 665 (P23-0247) (\$370,000) (EJ) 48**
- 2.7 CAYMAN ENGINEERING LTD (AMR Consulting Engineers) Block 6D Parcel 63 (P23-0642) (\$600,000) (NP) 51**
- 2.8 CARLOS FRANKY (Duro Architecture and Design) Block 4C Parcel 75 (P23-0433) (MW) 60**
- 2.9 DESPERINE BROWN (Platinum Crew General Maintenance) Block 32D Parcel 132 (P23-0484) (\$271,000) (MW) 68**
- 2.10 HAMLIN STEPHENSON (Cayman Surveys Associates) Block 38B Parcel 493 and 624 (P23-0771) (\$29,000) (EJ) 69**
- 2.11 DAVID & SHEMEYN COOKE (GMJ Home Plans Ltd.) Block 14D Parcel 98H31 (P23-0301) (\$15,000) (MW) 74**
- 2.12 ADENA MILLER (Island Drafting) Block 27E Parcel 100 (P23-0269) (\$130,000) (MW) 76**
- 2.13 CICILY ELIZABETH ROULSTONE (Tropical Architecture Group Ltd.) Block 14E Parcel 83 (P23-0720) (EJ) 78**
- 2.14 DAN COLLINS (GMJ HOME PLANS LTD.) Block 33E Parcel 82 (P23-0578) (\$75,000) (MW) 81**
- 2.15 DMS PROPERTIES (EKT Architecture) Block 20C Parcel 172 (P23-0374) (\$7.0 million) (NP) 87**
- 2.16 BRENDA TIMOTHY (Abernethy & Associates) Block 1D Parcel 185 (P23-0065) (\$5,089) (MW) 94**
- 2.17 INGRID BUSH. Block 4b Parcel 576 (P23-0671) (\$4500) (AS) 98**
- 2.18 KIRK COLLINS, Block 49A Parcel 60 (P23-0658) (\$21,000) (AS) 99**
- 2.19 RAYAL BODDEN (Cayman Survey Associates) Block 20E Parcel 315 (P23-0678) (\$5,000) (EJ) 101**

APPLICANTS ATTENDING THE AUTHORITY'S MEETING

Applicant Name	Time	Item	Page
Invicta Subdivision	10:30	2.1	4
Casabella	11:00	2.2	15
Krock Excavation	11:30	2.3	21
Allan Brown	1:00	2.4	35
Andre Hamilton	1:30	2.5	42
Bruce Reynolds	2:00	2.6	48
Cayman Engineering	3:00	2.7	51

- 1. 1 Confirmation of Minutes CPA/24/23 held on 11th October 2023.**
Confirmation of Minutes CPA/24A/23 held on 13th October 2023.

- 1. 2 Declarations of Conflicts/Interests**

Item	Member

2.0 APPLICATIONS **APPEARANCES (Items 2.1 to Item 2.7)**

2.1 INVICTA CONSTRUCTION LTD. (Abernethy & Associates) Block 74A Parcel 88 and 98 (P23-0610) (\$158,034) (NP)

Application for a 184 lot subdivision (180 residential lots, 3 LPP and 1 road parcel).

Appearance at 10:30

FACTS

<i>Location</i>	Austin Connolly Drive, East End
<i>Zoning</i>	LDR & AG/RES
<i>Notification Results</i>	Objection
<i>Parcel size</i>	43.6 acres
<i>Current use</i>	Vacant
<i>Parcel size required</i>	10,000 sq. ft. for dwellings 25,000 sq. ft. for apartments
<i>Parcel width required</i>	80 feet for dwellings 100 feet for apartments
<i>Proposed lot sizes</i>	7,195 sq. ft. to 38,640 sq. ft.
<i>Proposed lot width</i>	44'2" and above

BACKGROUND

NA

Recommendation: Discuss the application for the following reasons:

- 1) Zoning/lot size (most lots under 10,000 sq. ft.)
- 2) Lot width (most lots under 80')
- 3) Road connections to adjoining parcels
- 4) Lots 174 to 179 not perpendicular to the road
- 5) Agency comments
- 6) Concerns of the Objector

AGENCY COMMENTS

The Authority received comments from the Department of Environment, Water Authority, national Roads Authority

Department of Environment

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

Ecological Overview

*The application site consists of a mixture of primary dry forest and woodland and primary dry shrubland habitat. These habitats are of high ecological value and provide a biodiverse habitat for native wildlife including Grand Cayman Blue Iguanas (*Cyclura lewisi*). Part of the application site is also located over the East End water lens.*

Importance of Primary Habitat

Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species.

Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human uses. For this reason, the DoE does not support speculative or wholesale clearing of subdivision sites. In principle, land clearing should be reserved until the development of individual lots is imminent (through the granting of planning permission for development on those particular lots). This allows the opportunity for the individual lot owners to retain as much native vegetation as possible. Native vegetation is best suited for the habitat conditions of the site and requires less maintenance which makes it a very cost-effective choice.



Figure 1: Drone imagery of the application site showing the pristine primary habitat within the site (Source: DoE, 2023).



Figure 2: Drone imagery of the application site showing the pristine primary habitat within the site. Silver Thatch Palms are slow-growing trees, and the height of the palms indicates the vegetation is very old (Source: DoE, 2023).



Figure 3: Drone imagery of the application site showing the pristine primary habitat within the site. The section of lower-height vegetation is primary semi-permanently flooded grasslands/ sedge wetlands (Source: DoE, 2023).

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

- It can be retained along parcel boundaries and between buildings to serve as privacy, noise and sound buffers and screening.*
- It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.*
- It can serve as an amenity, providing green space and shade for those who live nearby or on the property.*
- It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies. This habitat helps to contribute to the conservation of our local species.*

- *It can assist with drainage, directly by breaking the momentum of rain, anchoring soil, and taking up water and indirectly by keeping the existing grade and permeable surfaces.*
- *It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.*
- *When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

Impacts on Blue Iguanas

The subject parcels fall within the natural distribution range of the Blue Iguanas that have been released into the Colliers Wilderness Reserve and their presence has been confirmed on Colliers Wilderness Reserve Rd. and to the south. Blue Iguanas are listed as endangered on the IUCN Red List and they are a Part 1 protected species under the National Conservation Act (2013) making them a species 'protected at all times'.

Blue Iguanas are endemic to Grand Cayman meaning they are unique to Cayman and found nowhere else on Earth. They are an iconic Caymanian flagship species and their presence serves as a valuable tourism asset. Blue Iguanas typically live solitary, territorial lives. As they recover from the brink of extinction, and reproduce and seek to establish territory, the urbanisation of valuable primary habitat continues to be a concern for the future of our wild population that rely on this habitat to forage, shelter and nest.

*Heavy machinery can crush or bury iguanas and their nests. It is therefore crucial **that no mechanical clearing, excavation or filling takes place prior to DoE consultation.** Should minor clearing be required, mechanical clearing must not take place during the Blue Iguana nesting season (1 June – 30 September yearly) without DoE consultation. Blue Iguanas can be easily startled and go into retreats where they would remain unseen, putting them at risk.*

Strategic Overview

The vast majority of the application site is zoned agriculture/residential with the smaller parcel (74A/98) being zoned low-density residential. However, most of the proposed lots do not meet the minimum lot size even for low-density residential.

Although the DoE can appreciate the need for affordable housing, there has not been a demonstrated need for a subdivision of this density in this area. The Government is actively working on an updated Development Plan for the country which is to consider population growth and sustainable development. Without an updated plan, a rezone of this scale is not justifiable. In the absence of an updated Development Plan providing a strategic framework for development, particularly large-scale proposals, the DoE strongly recommends that before determining this planning application, a comprehensive review of the 'need' for the subdivision of more parcels is undertaken. The impact of a further residential subdivision on existing infrastructure and the environment of the island should

be properly considered and evaluated. The overall impact on the infrastructure and population of East End should also be considered given there would be significant pressure on the infrastructure and amenities in the area should the subdivision be built out.

*We do not support the Central Planning Authority's position of clearing and filling all lots regardless of imminent development when granting permission for a subdivision. Natural habitat and native vegetation can be incorporated into parks, play areas, and amenity spaces to provide multiple benefits to a community, but that opportunity is lost when the area is prematurely cleared. There are subdivisions which were cleared and filled over 30 years ago and have never been developed, resulting in biodiversity loss, proliferation of invasive species and habitat fragmentation with no social or economic benefit to offset it. The site is a total of **52.4 acres of primary habitat**. If there is no intention to develop these lots, then there is no social benefit or improved living environment for the people of East End to set against the environmental harm from habitat fragmentation and loss, as well as the resource implications that result from the construction of roads and development of infrastructure for the subdivision.*

There are environmental consequences from the continued approval of large-scale subdivisions similar to this. These include:

- The construction of the roads creates a direct loss of habitat by clearing and filling.*
- The presence of the roads creates habitat fragmentation, which is a key driver of biodiversity loss because it makes natural areas smaller and more isolated from each other.*
- The road provides easier access for invasive species such as rats, cats and dogs.*
- There are 'edge effects' where the area directly next to the road is degraded by the presence of the roads. There are barriers to moving between fragments of habitat, changes to the community composition, and changes to aspects such as climate, sunlight, nutrients, and microclimate.*
- The development of the resultant lots increases the above effects and increases the direct loss of habitat, habitat fragmentation, presence of invasive species, and impacts on surrounding areas.*
- Issues with resource use with partially-developed, sprawled subdivisions serving only a small number of people.*

DoE Recommended Conditions

*For reasons highlighted throughout this review, the DoE **does not** support the approval of this application. Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposed subdivision, the DoE recommends the inclusion of the following conditions in the Planning approval to minimise impacts on Part 1 Protected Species and this important primary habitat.*

1. *There shall be no land clearing, excavation, filling or development of the resultant parcels without planning permission for such works being granted.*
2. *Any future development, clearing, filling or excavation of the resultant subdivided parcels shall be the subject of a separate consultation with the National Conservation Council.*

Water Authority Cayman

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

Wastewater Treatment

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

Stormwater Management

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

Water Supply

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

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

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

National Roads Authority

As per your memo dated July 31st, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issues

- *The NRA would like the applicant to provide a comprehensive phasing plan of the project.*
- *There is only one main access point to the development and the NRA is concerned that there are no other means of entry to the proposed subdivision. Applicant should provide at least 2 – 3 other means of entry to surrounding parcels.*

-Per NRA's Design and Construction Specifications for Subdivision Roads & Property Development –

1. Section 2.2 Collector Roads

- (a) provide direct access to residences and other property, and (c) provide access to the arterial road system.)*

2. Section 5.1 - Access Requirements

All subdivisions are required to provide road connections to adjacent property for access or for future extensions

- *For a subdivision with over 150 lots it is required for the applicant to provide a turning lane into the subdivision, which is possible as the owners also own the adjacent property 74A37.*
- *A comprehensive traffic calming plan will be required for a subdivision of this scale, where traffic controls are in place to mitigate speeding and other unwanted behaviours on the road.*

Stormwater Management Issues

Stormwater control should be considered as an integral component of any subdivision or site development. It is the responsibility of the developer to ensure that the quantity of stormwater runoff is reduced and prevent uncontrolled runoff flow to buildings and large impervious surfaces that could cause flooding resulting in an environmental impact forming a breeding area for mosquitos. A comprehensive drainage plan needs to be provided by the applicant for the entire project.

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

surrounding properties that are lower, and nearby public roadways are not subject to stormwater runoff from this site.

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

Infrastructure Issues

The NRA advises the CPA to require the developer to provide for signage (stop signs, etc.), street lighting and any other traffic calming measures on the proposed roads of the subdivision. Once the roadway has been taken over as a public road, the NRA can then assume that responsibility.

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

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

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

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

Department of Agriculture

Comments not yet received.

OBJECTOR LETTER

We own Block and Parcel 74A97 on Austin Conolly Rd, East End, Grand Cayman. We stayed there about five months out of the year, ever since we have owned it, with the exception of the Covid years.

We would like to voice our objection to Invicta Construction Limited's plan for Block and Parcel 74A88, 74A98 "A combination and subsequent 180 residential lot, 3 LPP lot, and 1 road lot subdivision.

To us, this represents a possible 360, or more, vehicles dumping traffic onto Austin Conolly Drive. I don't think this road could support this kind of an increase in traffic without creating other problems. We don't like the idea of having high density housing in the area. This is too many houses in such a small space.

Thank you for your consideration.

APPLICANT'S LETTER

I am writing to formally request a variance for the subdivision of Block 74A Parcels 88 and 98 in East End. Our proposal seeks to change the current zoning classification from Low Density Residential Development to Medium Density Residential parcels. This

variance is of paramount importance as it will allow us to reduce parcel sizes by approximately 33% and subsequently lower the price per parcel.

The primary objective of our project is to address the pressing need for more affordable housing options. By increasing the number of parcels through Medium Density Residential zoning, we can significantly decrease the cost per parcel and make land more accessible to local residents at more affordable prices.

The proposed development entails several key components to achieve our affordable housing goals. Firstly, we estimate that the initial infrastructure costs, including land clearing, road filling, water supply installation, and road paving, will amount to approximately KYD\$5,000,000. However, by dividing these expenses among a larger number of buyers, we can reduce the individual cost per parcel and make homeownership within reach for a broader segment of potential purchasers.

In addition to the cash cost of the project, we would like to highlight the cost of the land itself for the roads and the 5% required for LPP. This equates to approximately 7.25 acres of the total 43.75 acres being utilized for the subdivision. We are committed to utilizing the land efficiently and ensuring that the development maximizes the available space while still meeting the requirements set forth for having LPP.

Moreover, we are dedicated to offering some parcels with Owner Financing options to qualified purchasers. This initiative will empower individuals who may face challenges in securing traditional financing methods to become homeowners and invest in their properties.

Furthermore, our project team is diligently working on designing homes with affordable options within the development. These housing plans will cater to the specific needs of individuals and families seeking more economical housing solutions in the area. By providing affordable house plans, we aim to further reduce the overall cost of the development and make it more accessible to potential buyers.

To ensure a comprehensive and responsive approach, we envision implementing this project in 4 to 5 phases, contingent upon the level of demand generated. This phased strategy will enable us to gauge the market response and align the development with the preferences and requirements of the local community effectively.

In light of the aforementioned reasons, we kindly request the Central Planning Authority's careful consideration of our project. By granting the variance for Medium Density Residential parcels, we will be able to provide lower-cost options for local residents, address the need for affordable housing, and contribute to the overall development and growth of the East End community.

Thank you for dedicating your time and consideration to our proposal. We are optimistic about your support and eagerly anticipate a favorable response.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in East End, on the west side of Austin Conolly Drive.

The property is currently vacant and the proposal is to create 180 new residential lots, three parcels (94,990 square feet) as Lands for Public Purposes, and one road parcel.

Proposed residential lot sizes range from 7,195 sq. ft. to 38,640 sq. ft.

Adjacent properties were notified by Registered Mail and one objection has been received.

Zoning

The property is zoned Low Density Residential and Agricultural/Residential.

Specific Issues

1) Zoning (Lot size, lot width)

Regulation Section 21 of the Development and Planning Regulations state the following:

“Two houses per acre may be built on agricultural/residential land but if the Authority is satisfied that any such land is not situated over a water lens and is not particularly suited to agriculture, it may permit any development which complies with the requirements for low density residential areas.”

Parcel 88 is zoned and A/R and Parcel 98 is zoned LDR. Parcel 88 is 38 acres in size which would allow 76 lots at 2 per acre. The applicant is proposing 168 lots in the A/R zone. As noted in the applicant's letter, they have approached the subdivision design on the basis of the lots size and lot width standards of the MDR zone, although they have not submitted a rezone application. Regulation 21 is clear that the Authority does have some discretion to allow development in the A/R zone on the basis of the low density residential zone provisions – which would mean a minimum lot size of 10,000 sq ft and a lot width of 80'. The applicant's proposal shows almost all of the lots in the A/R zone at the MDR lot size of 7,500 sq ft. and with lot widths well below 80'.

In regard to the provisions of Regulation 21, the Water Authority has indicated that the subject site is situated over the East End water lens. The Department of Agriculture were circulated the plan, but comment have not been received to date. The Agricultural Classes map of The Development Plan shows classes 1 through 6, 1 being the best and 6 the worst. Approximately 2/3 of the proposed lots would fall within classes 5 and 6 with the remaining lots in class 4.

2) Road connections to adjacent lands

Should the Authority be mindful to grant planning permission, the Department would recommend future road links to lands located adjacent to the proposed subdivision. This is especially important since there is only one proposed access point for the entire 180 residential lots that are proposed. This would also help ensure access during emergencies as well as good traffic patterns should the abutting lands develop with residential uses in the future.

3) Lots 174 to 179 not perpendicular to the road

When proposed lot lines are not perpendicular to the adjacent roadway it can lead to setback discrepancies and potential for future land use conflicts between neighbours.

The Authority should discuss if the proposed subdivision design is acceptable in this instance.

2.2 CASABELLA DEVELOPMENT LTD. (Abernethy & Associates) Block 58A Parcels 150 Rem 1, 109 Rem 1, 137-140, 152 & 154 (P23-0643) (\$220,223) (NP)

Application for a 257 lot subdivision (253 residential lots, 2 LPP, 2 road parcels)

Appearance at 11:00

FACTS

<i>Location</i>	Frank Sound Road, North Side
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	Objection
<i>Current use</i>	Vacant
<i>Parcel size</i>	77.46 acres (combined)
<i>Parcel size required</i>	10,000 sq. ft. for dwellings 25,000 sq. ft. for apartments
<i>Parcel width required</i>	80 feet for dwellings 100 feet for apartments
<i>Proposed lot sizes</i>	10,020 sq. ft. and above
<i>Proposed Lot Width</i>	40' and above
<i>LPP</i>	3.91ac (5.1%)

BACKGROUND

NA

Recommendation: Discuss the application for the following reasons:

- 1) Lot width (several lots under 80')
- 2) Road connections to adjoining parcels
- 3) Agency comments
- 4) Concerns of the Objector

AGENCY COMMENTS

Agency comments received to date are 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).

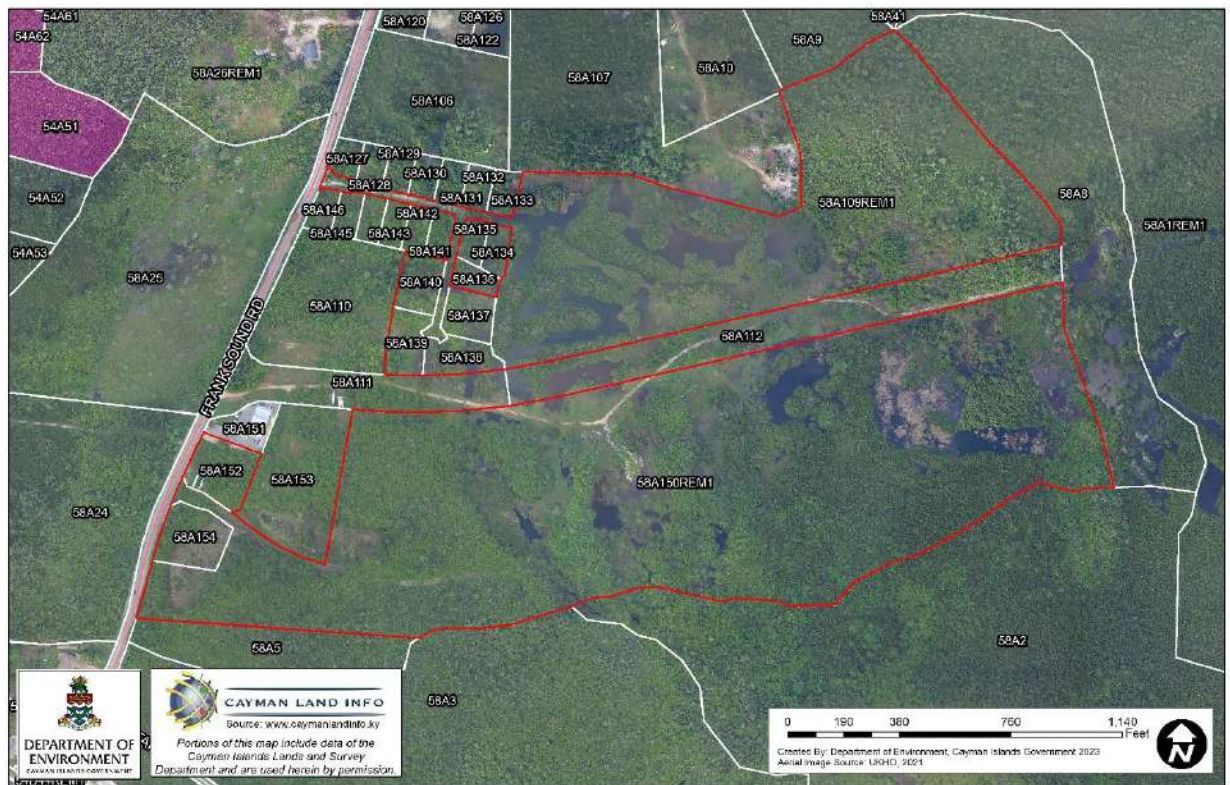


Figure 1: Extents of the proposed subdivision outlined in red (Aerial Image Source: UKHO, 2021).

We note that the application is for a subdivision (refer to Figure 1, showing the subdivision extents), we would not support the clearing of the site at this time. Land clearing should be reserved until the development of the individual lots is imminent (through the granting of planning permission for development on those particular lots). This allows the opportunity for the individual lot owners to retain as much native vegetation as possible. Clearing the entire site prematurely removes the choice from the individual lot owners and removes the value the habitat could provide in the time between the preparation of a subdivision and the development of an individual lot.

The application site is largely man-modified, although the proposed subdivision contains areas of seasonally flooded mangrove forest and woodland, along with a small portion of primary dry forest and dry shrubland (refer to Figure 2).

The site is extremely low lying, averaging around +3ft Mean Sea Level. The wetland habitat at the center of the proposed subdivision is becoming extremely scarce and there are certain areas which are open water. When development of individual lots comes forward, the majority of the lot would likely need to be filled. At the time of writing this review, the source of the fill had not been identified in the application for planning permission. We recommend that the need for this many subdivision lots be considered along with any artificial demand for fill that it is likely to create. We highly recommend that applicant considers the implementation of a phasing plan, with specific and measurable build out triggers included. This would also allow the wetland habitat to continue to provide ecosystem services until development is imminent.

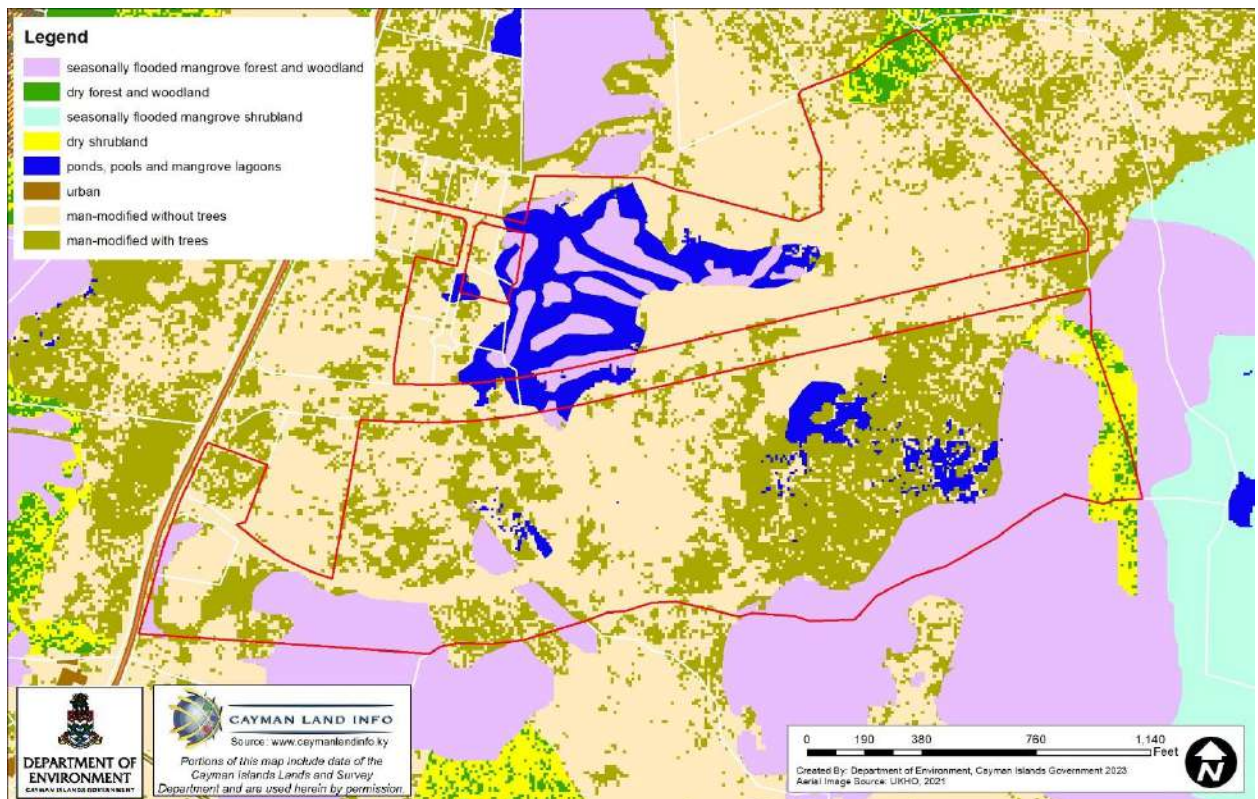


Figure 2: Land cover map of the proposed subdivision site (Source: DoE, 2013).

As shown in Figure 3, many lots are relatively small and would be in close proximity to the proposed East-West Arterial with no screening or buffer that would reduce these environmental effects on the residents.

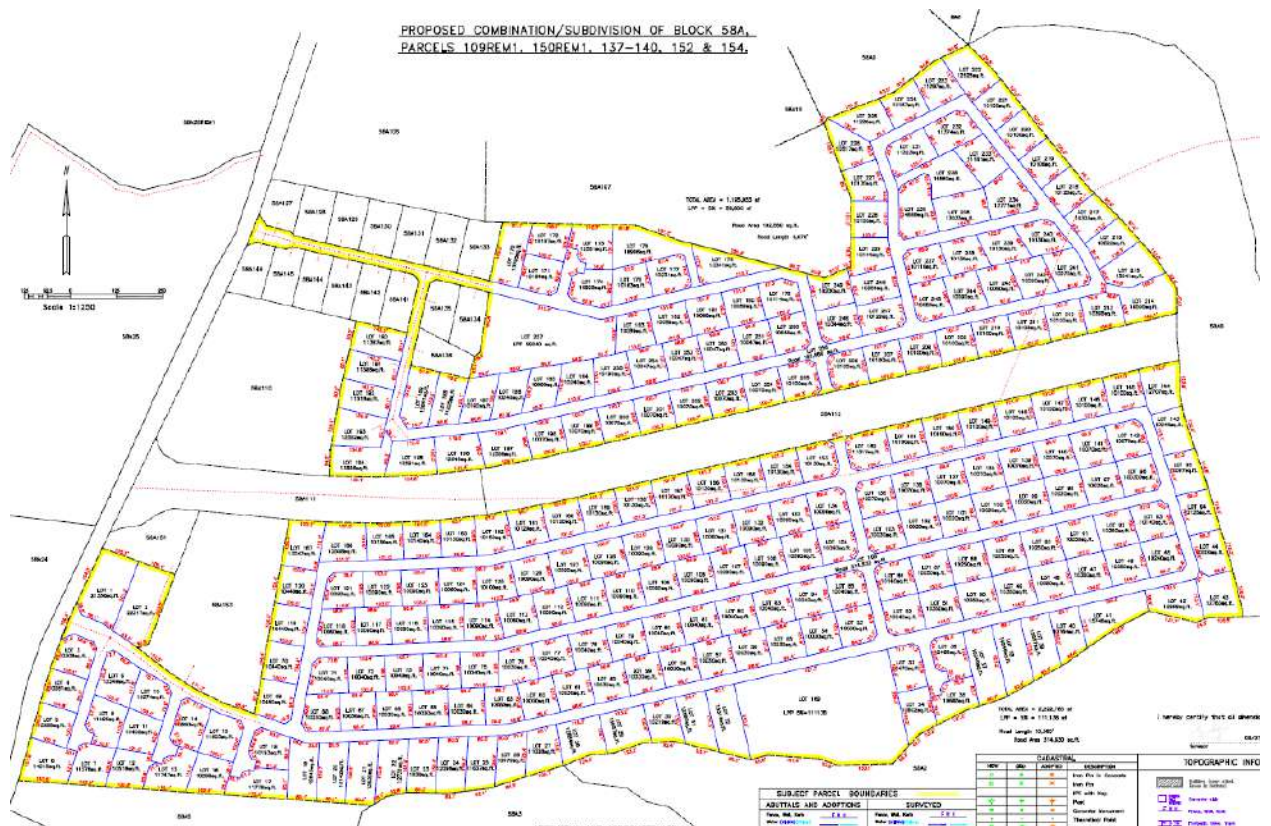


Figure 3: Extract from the application plans showing the extent of the proposed subdivision and number of lots (Source: Applicant Plans).

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

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

Water Authority Cayman

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

Wastewater Treatment

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

Stormwater management

- This development is located over the North Side freshwater lens or within the 500m buffer zone of the lens. To protect the freshwater lens, the Water Authority requests

that stormwater drainage wells are drilled to a depth of 80 ft instead of the standard depth of 100ft as required by the NRA.

Water Supply

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

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

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

National Roads Authority

See Appendix A

OBJECTION LETTER

I own the developed parcel fronting Frank Sound Road 58A/151; operating as a (neighborhood) commercial retail plaza for Grand Cayman Villas and Condos.

I have not received written notice of the subject development plan above. As an adjacent property owner, especially while operating as a commercial enterprise, I should have been notified and provided an opportunity to be informed, and if averse to my interests, an opportunity to object.

I have only seen one drawing of the proposed subdivision.

I have some concerns, most notably with the legally-recorded reciprocal vehicular rights of way between 58A/151 and 58A/152, to permit access to my commercial plaza, once the traffic circle is built for the east-west arterial.

The National Road Authority, in the original subdivision of the properties, required a reciprocal 30ft vehicular right of way as between these two lots (151 and 152). The road ingress/egress to Frank Sound Road is too close to the (gazetted) traffic circle so as to be safe to turn into or out of the southbound land of Frank Sound Road.

I spent some time in 2016 with Mrs. Pandohie in her office to fully understand these rights as well as what would be required.

I see online today that today, August 14th, is the last day to object. I would like to object until such time as I have notice from planning explaining how both the zoning impacts and the vehicular rights of way are preserved.

I also want to be part of a mutual solution. I am in favor of development of the Frank Sound Corridor and wish to be as least impactful myself on the island-style neighborhood commercial feel of our retail plaza.

APPLICANT'S VARIANCE LETTER

Enclosed please find the relevant documents relating to the proposed subdivision. Most of the lots meet the lot width requirement, but due to lots being on corners of roads, lots 7, 8, 13, 14, 17, 35, 36, 41, 42, 43, 144, 167, 173, 174, 176, 178, 194, 213, 214, 215, 222,

225 and 226 have less than the required 80' minimum width. All parcels have ample buildable area though. We are asking for a variance on the lot width for these parcels under the Planning Regulation 8(13) (b) (iii) to accommodate this.

PLANNING DEPARTMENT ANALYSIS

General

The subject properties are located in Frank Sound, on the east side of Frank Sound Road in the vicinity of the Jacques Scott liquor store.

The properties are currently vacant and the proposal is to create 253 new residential lots, two parcels (170,378 square feet) as Lands for Public Purposes, and two road parcels.

Proposed residential lot sizes are all above 10,020 square feet.

It should be noted that a review of available records shows that the objector was notified of the application.

Zoning

The properties are zoned Low Density Residential.

Specific Issues

1) Lot width

The vast majority of the proposed lots have a minimum width of 80 feet, with a few lots as low as 40 feet. The proposed lots that are 40 feet or less are generally located in the vicinity of turnarounds for vehicles.

Regulation 9(8)(g) from the Low Density Residential zone requires a minimum lot width of 80 feet.

The applicant has submitted a variance letter and the Authority should consider if a variance is warranted in this instance.

2) Road Connection to Adjacent Lands

Should the Authority be mindful to grant planning permission, the Department would recommend future road link blocks to lands located adjacent to the proposed subdivision. This would also help ensure good traffic patterns should the abutting lands develop with residential uses in the future.

2.3 K ROCK LTD. (Roland Bodden & Co. Ltd) Block 43A Parcel 417 (P22-0839) (\$30.0 million) (NP)

Application for a 50' deep (3.2 million cubic yards) commercial quarry.

Appearance at 11:30

FACTS

<i>Location</i>	Meagre Bay Pond, Bodden Town
<i>Zoning</i>	Agricultural/Residential
<i>Notice Requirements</i>	Objections
<i>Parcel Size</i>	66.4 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Commercial Quarry

BACKGROUND

NA

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

- 1) The comments of the Aggregate Advisory Committee
- 2) The comments of the Department of Environment
- 3) Concerns of the objectors

AGENCY COMMENTS

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

Department of Environment

In accordance with Section 43 of the National Conservation Act, the National Conservation Council (NCC) has determined that an Environmental Impact Assessment (EIA) is required for this proposed quarry.

*Given the type of development (i.e. a quarry), the scale and the location of the project, the proposed quarry was screened for an EIA as outlined in Schedule 1 of the National Conservation Council's Directive for EIAs issued under section 3(12)(j) and which has effect under section 43(2)(c) of the National Conservation Act. The EIA Screening Opinion (enclosed) concluded that the proposed quarry **does** require an EIA.*

It is noted that the Central Planning Authority (CPA) has an Aggregate Policy which was approved by Cabinet and has been in force since 2004. The minutes of the CPA's Aggregate Advisory Committee (AAC) meeting held on 9 December 2022 to discuss this application have been reviewed and it is our understanding that the AAC have recommended that approval not be granted based on the Aggregate Policy's Aggregate Reserves Threshold indicating that there is currently a sufficient supply of aggregate at licenced quarries to meet demand.

If the CPA is minded to agree with the advice of the AAC and refuse the application for the proposed quarry, the NCC supports this decision.

If the CPA is minded to disagree with the advice of the AAC and consider the application, then the application must be adjourned until an EIA is conducted in accordance with Section 43(1) of the NCA and the NCC provides consultation under Section 41(3) and/or Section 41(4) of the NCA given the presence of the Meagre Bay Pond Protected Area to the southeast of the proposed quarry and the potential of the quarry to cause adverse effects to the Protected Area.

In accordance with the NCC's Directive for EIAs, the proponent (KRock Ltd) shall have a period of up to 28 days to respond in writing to confirm whether they wish to proceed with the EIA or withdraw the application. The period shall commence following notification from the CPA to the Applicant as to their decision.



**DEPARTMENT OF
ENVIRONMENT**
CAYMAN ISLANDS GOVERNMENT

***Screening Opinion for a Quarry for Krock Limited (43A/417) 3 November 2022, Updated
7 December 2022***

Executive Summary

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) notes that all activities listed in Schedule 1 will be considered against

the screening criteria outlined in the Directive to determine whether an EIA may be required – quarries are included on that list.

The Proposed Quarry has an area of 66.4 acres and is situated between an existing complex of submerged quarries and the Meagre Bay Pond Protected Area. The Proposed Quarry has two lakes. Lake 1 is proposed to have a total yield of 2,943,740.532 cubic yards and Lake 2 is proposed to have a total yield of 2,035,698.541 cubic yards, both based on an estimated depth of 50 ft below Mean Sea Level. A 40 ft wide access is proposed around the exterior of these lakes. No further information has been provided as of the date of this Screening Opinion.

Meagre Bay Pond is one of Cayman's oldest protected areas. The pond and a 300 ft wide band of mangroves around its margin was originally protected as an Animal Sanctuary in 1976. The Meagre Bay Pond Protected Area Management Plan was adopted by Cabinet on 15 February 2022. The goals of the management plan which are relevant to this application are:

- To establish separation between waters of the protected area and adjacent submerged quarries,*
- To preserve the protected area's ability to overflow and discharge after extreme rain episodes,*
- To thereby facilitate natural regeneration of Black Mangrove forest and other wetland communities around the pond, and*
- To recover and maintain the historical seasonal patterns of diversity and abundance of bird life and other native species in the protected area.*

Quarrying was noted as a severe threat to biodiversity in Meagre Bay Pond in the Management Plan.

*Given that Meagre Bay Pond Protected Area is in hydrological continuity with the site and with the Central Mangrove Wetland to the north, and that there has been an adopted Management Plan which identifies quarrying as degrading the protected area, **the Department of Environment is of the opinion that the Proposed Quarry requires an EIA.***

The EIA is required to address potential significant adverse effects from the Proposed Quarry on terrestrial ecology and hydrology, especially on Meagre Bay Pond Protected Area. The National Conservation Act requires that the Proposed Quarry must be designed in such a way to reduce adverse effects on a protected area. The EIA must ensure that the Proposed Quarry is in accordance with the Meagre Bay Pond Management Plan which has been adopted by Cabinet.

In addition, a key goal of the EIA process is to ensure that an Environmental Management Plan is developed and implemented. The Environmental Management Plan will outline any monitoring that has been identified as necessary and will contain measures to mitigate significant impacts.

Introduction

The process for determining whether an Environmental Impact Assessment (EIA) is needed is a statutory process that is governed by the National Conservation Act (NCA). This first stage, where the relevant authorities decide if a development is one requiring an EIA (i.e. requires an EIA), is called screening.

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) issued under section 3(12)(j) and which has effect under section 43(2)(c) of the NCA, notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in sections 2 to 3 of Schedule 1 of the Directive to determine whether an EIA may be required. The Proposed Quarry falls within Schedule 1, i.e. excavation and extractive operations including marine dredging, quarries, extraction of minerals, deep drillings (including geothermal drilling), extraction of petroleum, natural gas or ores, an installation for the disposal of controlled wastes from mines and quarries.

The screening criteria include:

- *The type and characteristics of a development;*
- *The location of a development; and*
- *The characteristics of the potential impact.*

These screening criteria have been considered with respect to the Proposed Quarry in order to determine whether an EIA is required.

The Site

The site is located at Block 43A Parcel 417, located 500 feet north-west of the Meagre Bay Pond Protected Area (see Figure 1). It has an area of 66.4 acres and is characterised by seasonally flooded mangrove wetland. It is contiguous with the Central Mangrove Wetland, forming part of its southern extent. The site is located to the east of a complex of submerged quarries.

Meagre Bay Pond is one of Cayman's oldest protected areas. The pond and a 300 ft wide band of mangroves around its margin was originally protected as an Animal Sanctuary in 1976. The Animal Sanctuary designation was transitioned to a Protected Area designation under the National Conservation Act 2013.

In 2004, Hurricane Ivan, tracking along the south coast of Grand Cayman, caused extensive mangrove death around Meagre Bay Pond. By this time, industrial quarrying below the water level had commenced nearby to the west of the protected area. In subsequent years, this quarry zone expanded dramatically, and by 2008, excavations had reached right up to the boundary of the sanctuary, leading to hydrological changes in the pond and concerns that its value to wildlife may be deteriorating as a result.

The Meagre Bay Pond Protected Area Management Plan was adopted by Cabinet on 15 February 2022. The goals of the management plan which are relevant to this application are:

- *To establish separation between waters of the protected area and adjacent submerged quarries,*
- *To preserve the protected area water level's ability to overflow and discharge after extreme rain episodes,*

- *To thereby facilitate natural regeneration of Black Mangrove forest and other wetland communities around the pond, and*
- *To recover and maintain the historical seasonal patterns of diversity and abundance of bird life and other native species in the protected area.*

Quarrying was noted as a severe threat to biodiversity in Meagre Bay Pond in the Management Plan.

In addition, an objective within this plan is to restore near-natural hydrology to Meagre Bay Pond through the following actions:

- *Establish Quarry Rim Elevation Standard,*
- *Enforce Quarry Rim Elevation Standard on all quarries in the Central Mangrove Wetland,*
- *Require raising quarry roads above to the elevation standard,*
- *Assess ability of Meagre Bay Pond to overflow into the Central Mangrove Wetland, and*
- *Add high water overflow culverts into the adjacent quarry if necessary.*

It is noted that the Meagre Bay Pond Management Plan was adopted by Cabinet in 2022, which is four years after the EIA Screening Opinion was issued for a nearby quarry application (Maurice Bloom, Block 43A Parcels 419 and

422) in April 2018. Therefore, the regulatory environment has changed and the Management Plan has further outlined threats to the protected area and actions which must be taken to safeguard the pond.

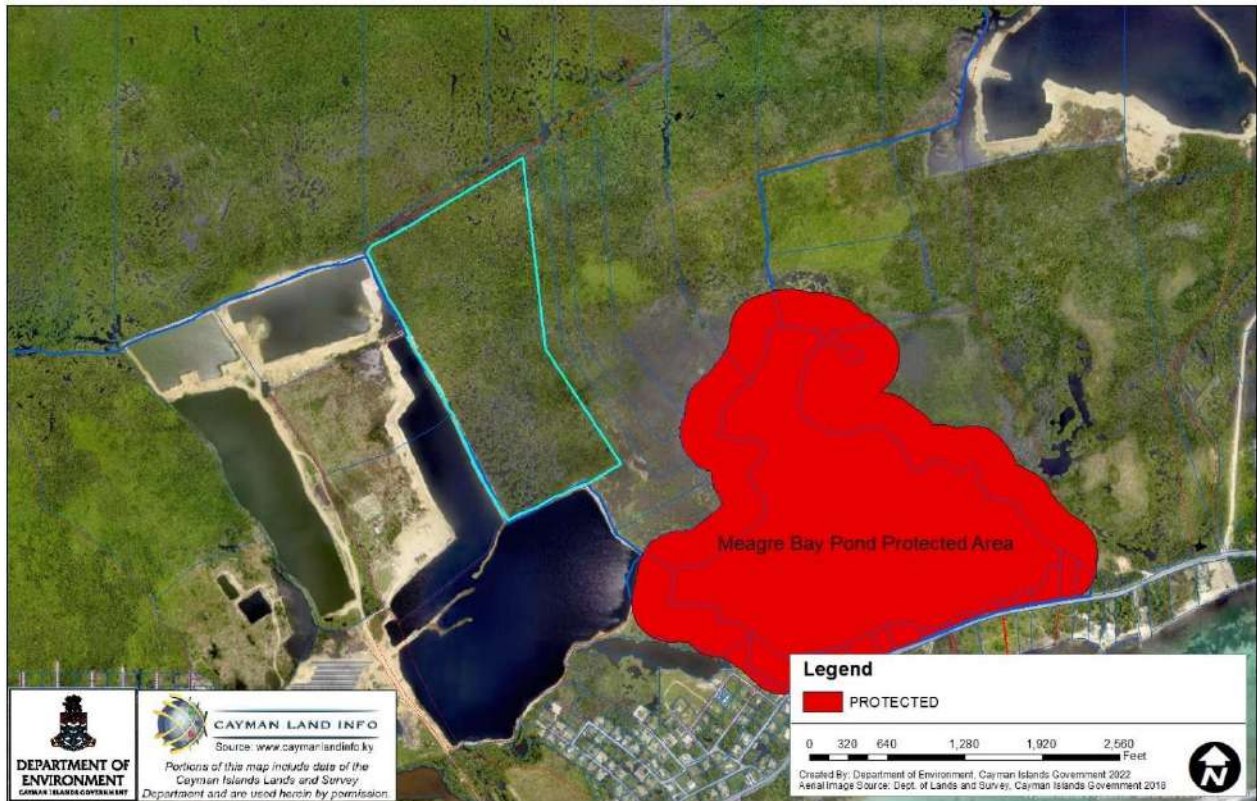


Figure 1: The Application Site outlined in blue, which is located between an existing quarry complex and Meagre Bay Pond Protected Area.

Proposed Quarry

Description of the Proposed Quarry

The description of the Proposed Quarry submitted by the Applicant contains very little detail. The submission comprised a single site plan with two lakes identified. Lake 1 is proposed to have a total yield of 2,943,740.532 cubic yards and Lake 2 is proposed to have a total yield of 2,035,698.541 cubic yards, both based on an estimated depth of 50 ft below Mean Sea Level. A 40 ft wide access is proposed around the exterior of these lakes. No further information has been provided as of the date of this Screening Opinion.

Characteristics of Potential Impact

The baseline conditions, the potential impact of the Proposed Quarry and any likely significant effects have been qualitatively assessed for each of the below environmental aspects.

Terrestrial Ecology and Site Hydrology

The site is located 500 feet from the Meagre Bay Pond Protected Area and is highly likely to be in hydrological continuity with the pond. The site is part of the Central Mangrove

Wetland. Meagre Bay Pond is a seasonally important feeding resource for both resident and migratory water birds, due to the pond's high biological productivity. Alone and in combination with the much more extensive Central Mangrove Wetland, this protected area meets criteria for designation as a Ramsar site. Should this level of protection be approved for this wider area, it will assist in meeting the Cayman Islands' commitments under the Ramsar Convention, the Convention on Migratory Species and the Convention on Biological Diversity.

The seasonal drying of Meagre Bay Pond Protected Area is one of the characteristics of the site that led to its designation as an Animal Sanctuary. When the water level of Meagre Bay Pond decreases, there is a concentration of fish in the shallower water leading to an aggregation of resident and migratory water and shore birds. The natural phenomenon of mass aggregations of birds has not recently been witnessed at Meagre Bay Pond and it is considered by the Department that this may be due to the inability of Meagre Bay Pond to appropriately drain.

Therefore, there are two main interruptions to the natural Meagre Bay Pond Protected Area hydrological regime. The first is the prevention of the movement of water north through the Central Mangrove Wetland when the water level is high in Meagre Bay Pond. The second is water overflow from the quarries into the pond, preventing Meagre Bay Pond Protected Area from drying out. The overall effect is that Meagre Bay Pond is wetter, not becoming seasonally dry, potentially expanding as the surrounding mangrove buffer drowns from a higher water level, and potentially becoming more saline from the frequent influx and evaporation of brackish water.

*The water in the quarries is brackish and the connectivity between the quarries and Meagre Bay Pond is likely altering salinity levels in the Pond during rainy periods when the main water input to the Pond is normally fresh rainwater. When the brackish water from the quarries overflows into Meagre Bay Pond, and then evaporates, it can concentrate the salt and increase the salinity in the pond. There is some evidence to suggest that white mangroves (*Laguncularia racemosa*) around Meagre Bay Pond are becoming salt stressed.*

If the Proposed Quarry does not have adequate environmental controls, it may exacerbate and worsen the changes to the hydrological regime of Meagre Bay Pond.

However, the solution to these problems is not as straightforward as including a berm around the proposed quarry. The Department does not hold sufficient information on the hydrological regime of Meagre Bay Pond to adequately predict the effect of the Proposed Quarry. While a berm may address the issue of water overflowing from the quarry into Meagre Bay Pond, it may worsen the ability of Meagre Bay Pond to drain north by blocking water movement across the Proposed Quarry. As shown in Figure 2 below, there is a road and a beach ridge to the south of Meagre Bay Pond, preventing any surface water run-off from travelling south. Although the area to the north of Meagre Bay Pond is at a low elevation, there appear to be dry islands at a slightly higher elevation along the northern shore. These are noted in Figure 2 as subtle dark green islands north of the pond. There are no dry islands at the Application Site and it is probable that this is the easiest path for surface water to flow, allowing Meagre Bay Pond to drain in to the Central Mangrove

Wetland to the north. Therefore, if this area was to become a quarry and the quarry was to be surrounded by a berm, it may cause a significant adverse effect to the Meagre Bay Pond Protected Area.

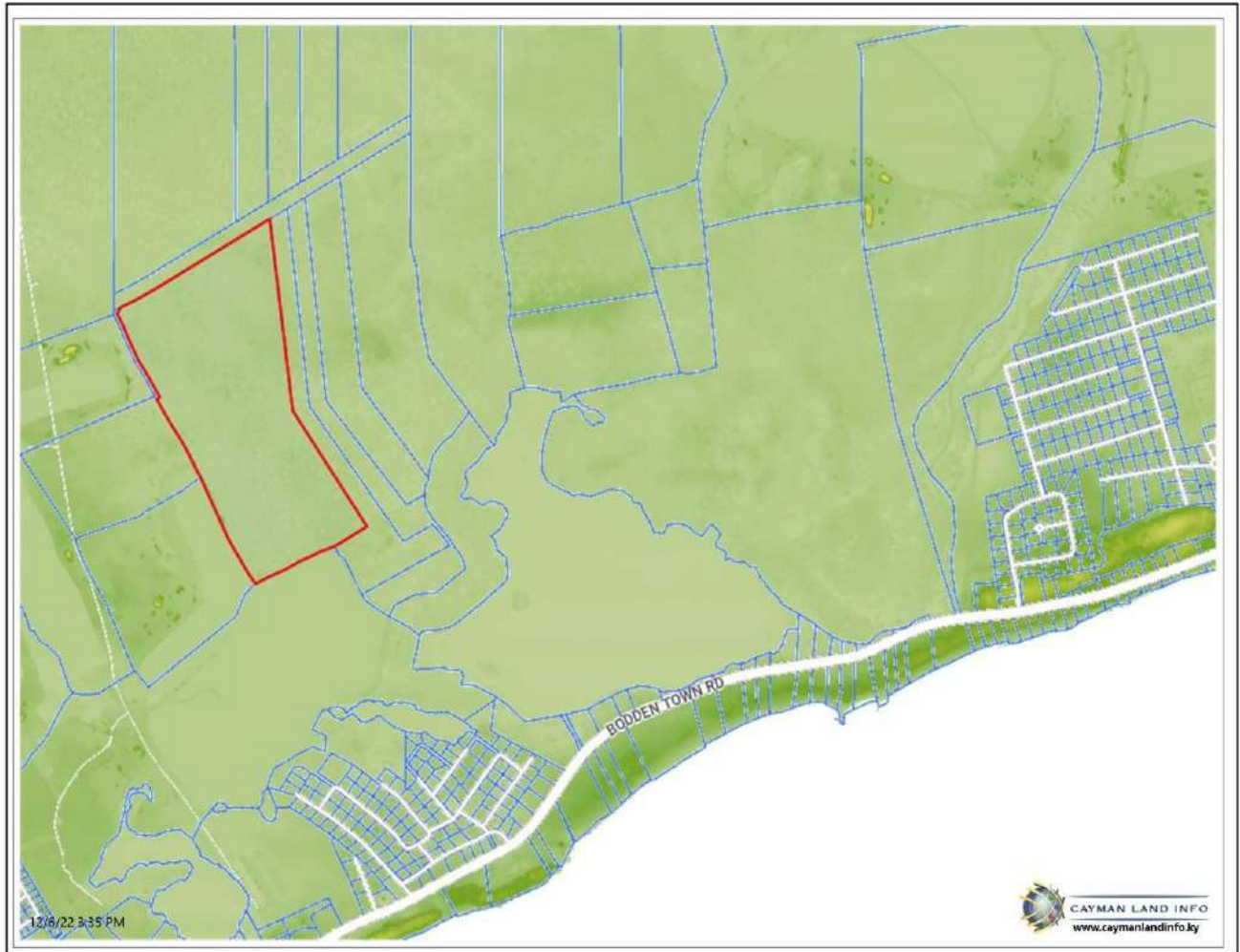


Figure 2: The Application Site outlined in red, which appears to be an area of low elevation where water is likely to flow through between Meagre Bay Pond and the Central Mangrove Wetland. The light green is an area of low elevation and the darker green is a higher elevation (Source: Cayman Land Info).

*As identified in the Management Plan, the existing quarries are already adversely impacting the Protected Area. Given the lack of any environmental consideration or mitigation measures presented in the Applicant's plan, it is highly likely that the introduction of a new quarry may result in new significant adverse effects and may amplify existing risks to Meagre Bay Pond Protected Area with respect to terrestrial ecology and site hydrology. **An EIA is required to address these impacts.***

Air Quality - Dust

Although there is no current monitoring data for air quality in this area, anecdotal evidence suggests that there are nuisance dust emissions on the roads and surrounding areas near existing quarries in Cayman. The nature of the extraction processes and haulage of material offsite may cause dust to be created onsite and offsite on the vehicular routes. Additional dust may also be created by processing activities.

Regular and persistent nuisance may affect local amenity. The degree of nuisance experienced depends on the rate of deposition, and is discernible at two levels:

- Nuisance experienced when the dust cover is sufficient to be visible when contrasted to an adjacent clean surface, such as when a finger is wiped across the surface. This is particularly annoying when it occurs regularly over long periods; and*
- Severe nuisance experienced when the dust cover is perceptible without a clean reference surface for comparison. This usually occurs over short periods during very dusty conditions and the level of concern and potential for nuisance is normally directed related to the number and proximity of receptors.*

Nuisance complaints are usually associated with periods of peak deposition, occurring during particular weather conditions. There is a “normal” level of dust deposition in every community and it is only when the rate of deposition is high relative to the norm that complaints tend to occur. The effects of dust on a community will therefore be determined by three main factors:

- The short-term dustiness during periods of dry weather;*
- The frequency or regularity with which these occur; and*
- The duration of the site activities that contribute dust.*

Therefore, increasing the amount of quarrying activity and the number of vehicular trips with loaded material is likely to increase the effects of dust on a community and may increase the degree of nuisance. Compared to the 2010 population, according to the Economics and Statistics Office, Bodden Town recorded the highest growth rate at 40.8% in the 2021 census of population and housing. Therefore, there is an increasing number of residential receptors in the surrounding area of the site.

*The Proposed Quarry will likely exacerbate the existing nuisance issues given the application contains no discussion of control measures. **An EIA is required to address these impacts and mitigation is likely to include a Dust Management Scheme which shall be agreed prior to development commencing and implemented throughout the lifespan of the quarry working.***

Noise and Vibration

There is no relevant information readily available which quantifies the baseline acoustic environment at locations surrounding the Proposed Quarry. Although there are not residential receptors directly adjacent to the quarry, there are existing residential populations around Bodden Town. There are also existing quarrying activities within a relatively open and flat landscape where sound could potentially travel long distances. As

*outlined above with respect to air quality, the population of Bodden Town has grown 40.8% in the 11 years from 2010 to 2021 and is likely to continue to increase, introducing additional residential receptors near to the quarrying activities. The working processes, extraction, processing and exportation which will be conducted on site as part of the Proposed Quarry may have the potential to have an effect on the surrounding area in terms of noise. A noise assessment will assess the potential levels of noise generation and provide suggestions of suitable mitigation activities to be undertaken should they be required. **An EIA is required to address these impacts.***

Conclusions

The DoE recommends that the Proposed Quarry be the subject of an EIA.

The EIA is required to address potential significant adverse effects from the Proposed Quarry on terrestrial ecology and site hydrology, especially on Meagre Bay Pond Protected Area. The National Conservation Act requires that the Proposed Quarry must be designed in such a way to reduce adverse effects on a protected area. The EIA must ensure that the Proposed Quarry is in accordance with the Meagre Bay Pond Management Plan which has been adopted by Cabinet.

In addition, a key goal of the EIA process is to ensure that an Environmental Management Plan is developed and implemented. The Environmental Management Plan will outline any monitoring that has been identified as necessary and will contain measures to mitigate significant impacts on the Protected Area.

After considering the Screening Opinion detailed above, the NCC is required to issue its decision to the originating entity on the requirement for an EIA, pursuant to Section 43 (1).

Aggregate Advisory Council

As requested, the Aggregate Advisory Committee submits the following recommendations on the application to open a new quarry at Block 43A Parcel 417. Please advise if further information is required.

The Aggregate Advisory Committee (AAC) met on 9 December 2022 with representatives for KRock to discuss their proposal to open a new quarry in the Pease Bay area at Block 43A parcel 417. In attendance were Vickie Gibbs and James Miller for KRock, and representatives from Department of Planning, Water Authority, Department of Environment and National Roads Authority were present for AAC. The Committee was not provided with sufficient information, such as a complete site plan, cross sections, details of the property prior to excavation and an operations and water quality maintenance plan to review prior to the meeting, so the majority of the time was used in discussion to learn of details of the proposal. A summary of the proposal is as follows.

- *The entire property of 66.4 acres, less a buffer zone of 50 ft at the property boundary, is proposed for excavation.*

- *Proposed depth of excavation is 50 feet with a total yield of aggregate estimated at 6 million cubic yards (the plans indicate 4.9 million yards) over 15 years and an annual production rate of 420,000 cubic yards. The land elevation is approximately 1 to 2 feet and the overburden of peat is approximately 2 feet.*
- *Equipment proposed for excavation would be a hydraulic excavator with boom extension and not a dragline (the Committee questions if the proposed annual production could be met with this type of equipment). Rock crushing and stockpiling would be done on site.*
- *The quarry site is about 250 feet from Meagre Bay Pond, which is a protected area under the National Conservation Act, and the applicants proposed creating a berm along the southern and eastern borders of the site to mitigate against impacts to the Pond. No details were given of the proposed berm. A 50 foot vegetated buffer was proposed around the site (although the plans show a 40 foot buffer).*

The Committee asked the applicant to provide further details for information that had not been available in their proposal. A summary of answers is as follows.

- *Closure Plan: The Committee explained the CPA Aggregate Policy includes a requirement for leaving the closed quarry site in a state that is in some way productive and clean. The applicants suggested planting trees to create an area conducive to wildlife and the lake would become a recreational area.*
- *Phasing: The Committee explained that the Policy includes a phased approach dividing the quarry into sections to assist in monitoring compliance with Planning Conditions and to link phases with implementation of the Closure Plan. The applicants agreed that dividing the quarry into 10 acre phases would be acceptable.*
- *Site Access: The Committee questioned the route that trucks and equipment would use to access the site since a portion of one of the two access roads had been removed and the second crosses into privately owned property. The applicants suggested that eventually they would use the East-West Arterial once constructed, and initially try to gain access through a marl road that passes west and north of existing quarries.*

Following the consultation with the applicants the Committee discussed the merits of the proposal based on the mandate of the AAC which is to ensure that the aggregate supply meets demand at a reasonable cost while mitigating environmental impact through site selection, operational controls, and the implementation of a closure plan at the end of the quarrying. Our conclusions and recommendations to the Central Planning Authority are as follows.

- *While the proposed quarry is sited adjacent to existing quarry operations the Committee stated concerns regarding adverse impacts to Meagre Bay Pond and the perceived damage that may have been caused by quarrying in that area. Members expressed the need for additional information on potential impacts to the protected area before new quarries are approved in this area. It was noted that the National Conservation Council is considering the need for an Environmental Impact Assessment for the proposed quarry.*

- *The applicant will need to provide written plans for missing information to include closure plan and on-going site maintenance, adequate access roads, site plans with operational information such as maintenance areas and crushing operations, and phasing that is linked to the closure plan. In addition the applicant should be required to provide a water quality maintenance programme for the operational period of the quarry and also for the long term after closure of the quarry.*
- *The issue of primary concern to the Committee is the Policy regarding limiting the number of quarries to only what is needed to fill the demand. The Policy provides a threshold limit for an Aggregate Reserve which is 5 times the annual aggregate demand. At the time the Policy was written this was 5 million cubic yards. The Committee believes this figure needs to be updated to reflect current growth and trends; however, the estimated Aggregate Reserve is approximately 30 million cubic yards, which is well beyond the 5 year demand. It is the opinion of the AAC that opening a new quarry is not justified based on a shortage of aggregate.*
- *The Committee noted that an application for a new quarry in the same area was denied by the CPA in 2018. In addition, we have had enquiries from other potential quarry operators who have held off submitting applications based on the CPA's Aggregate Policy. We would further note that the criterion for opening new quarries is to be based on the application with the best productivity with the least environmental damage – and not on a first come, first served basis. It is the Committee's opinion that in fairness to other potential applicants and past refused applicants that allowing this new quarry is not justifiable.*

Water Authority

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

CPA Aggregate Policy - Consultation with the Aggregate Advisory Committee

The aggregate that is generated at the proposed quarry will be used at other properties than the property on which the excavation will take place. As such, the proposed quarry excavation falls under the provisions of the CPA's Aggregate Policy. Prior to review of the proposal by the CPA, a pre-application consultation is required with the Aggregate Advisory Committee (AAC). The AAC is a multi-agency technical group with members from Water Authority, National Roads Authority, Planning Department and Dept. of Environment, which will advise the CPA on the proposed quarry in the context of the CPA's Aggregate Policy. Please contact the chairman of the AAC Mr. Scott Slaybaugh (Scott.Slaybaugh@gov.ky) to schedule the meeting.

Requirements from the Water Authority

1. Water Authority Act - Requirement for Quarry Permit

The Water Authority is charged under the Water Authority Act to protect groundwater. Section 34 (1) of Water Authority Act (2022 Revision) requires that anyone who

undertakes quarrying obtains a permit from the Authority, subject to such terms and conditions as it deems fit. Regulation 22 (1) of the Water Authority Regulations (2022 Revision) states that a permit to quarry shall be required whenever it is intended to remove any geological stratum from its natural environment and export it to another location, whether for sale or not.

2. Specific requirements from the Water Authority

Provided the proposed excavation is granted approval by the CPA, a quarry permit will be considered by the Authority upon receipt of a completed quarry permit application form, the application fee and required submittals. The application form may be downloaded from the Water Authority website:

<http://www.waterauthority.ky/upimages/pagebox/QuarryPermitApplicationRevNOV20181541708195.pdf>

In the event the quarry permit is granted by the Water Authority, the developer is required to maintain the water quality of the proposed quarry lake with the following measures:

- No direct discharge of stormwater into the excavation;*
- Shoreline grading to minimize, slow and filter stormwater flow into the excavation including a perimeter berm around the lake and a shallow, sloped shelf, at least 10 ft. wide, extending into the lake for the establishment of native wetland plants;*
- Provide a Water Quality Management Plan for long-term maintenance of the excavated lake to minimize future water quality problems. The property owner shall be responsible for the long-term water quality management, unless this responsibility is transferred via restrictive covenants or similar legal instrument;*

The Water Quality Management Plan shall include Best Management Practices for long term maintenance of the lake upon completion of the excavation.

Please be advised that submitting a quarry permit application to the Authority does not guarantee that the permit will be issued. If a quarry permit is issued the Authority may require modifications of plans and/or impose specific conditions to protect surface and groundwater and to ensure that the applicant complies with the conditions of the permit.

National Roads Authority

The NRA has yet to provide comments regarding the proposal.

OBJECTIONS

Objector 1

*With reference to the above please be advised that we the undersigned **do object** to this application as follows:*

- Due to not receiving any polling notification of which we are of the opinion that the requirement of a majority of approvals have not been met.*

- *The precedent was set and is in Government Policy that no new quarries should be approved until the reserves are less than 5 million yards.*

We trust the above will clarify our objections.

Objector 2

We am in receipt of a Planning Notice for a quarry on the above stated parcel, posted 1st November 2022

Please accept this email as our official objection. The following are some of the reasons to start with, for objecting:

- 1) Based on existing Government policy, for which precedent has already been set by the CPA, no "New" (additional) quarries should be approved, prior to approved reserves to be excavated, dropping below five million cubic yards.*
- 2) We have not received the required polling.*

Our legal representative will be providing a more detailed scope of objection, should this application proceed.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a 50' deep commercial quarry (3,274,105 Cubic Yards). The applicant has satisfied the notification requirements and polling was not required due to the fact that the parcel is zoned Agricultural/Residential.

Zoning

The property is zoned Agriculture/Residential.

Specific Issues

1) Zoning and Suitability

Although the site is zoned Agriculture/Residential, the proposed quarry is located adjacent and near to several existing commercial quarries. Therefore, the proposal is consistent, in terms of suitability, with past quarry permissions.

2.4 ALLAN BROWN (Frederick & McRae) Block 44B Parcel 431 (P23-0377) (\$1.5 million) (NP)

Application for 6 townhouses.

Appearance at 1:00

FACTS

<i>Location</i>	Off of Spice Drive in Bodden Town
<i>Zoning</i>	Medium Density Residential
<i>Notification Results</i>	No objections
<i>Parcel size</i>	16,552.8 sq ft
<i>Parcel size required</i>	20,000 sq ft
<i>Current use</i>	Vacant
<i>Proposed use</i>	6 Townhouses
<i>Building Footprint</i>	4,547.4 sq ft
<i>Building Area</i>	4,547.4 sq ft
<i>Units Permitted</i>	6
<i>Units Proposed</i>	6
<i>Bedrooms Permitted</i>	11
<i>Bedrooms Proposed</i>	6
<i>Parking Required</i>	9
<i>Parking Proposed</i>	9

BACKGROUND

August 23, 2023 (CPA/18/23; Item 2.11) – The Authority resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding lot size, lot width and the lack of a constructed access road. The Authority also directs the Department to try again to obtain comments from the National Roads Authority.

Recommendation: Discuss planning permission for the following reasons:

- 1) Lot Size (16,552.8 vs 20,000)
- 2) Lot Width (83'7" vs 100')
- 3) Road access

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 site is man-modified with regrowth. Retaining native vegetation even in a predominantly man-modified area can still provide benefits to the property owner and the surrounding area. For example, retaining vegetation can:

- Provide habitat and food for wildlife such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.*
- Provide sound and privacy buffers from the road and neighbouring properties/developments.*
- Provide mature vegetation which can enhance landscaping and immediately offer shade.*
- Assist with the management of run-off and drainage.*
- Reduce carbon emissions by leaving the habitat to act as a carbon sink through avoiding its destruction and allowing natural processes to occur which assist with the removal of carbon dioxide in the atmosphere the amount of greenhouse gas emissions.*

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

We recommend that the applicant incorporates Sustainable Drainage Systems (SuDS) into the stormwater management plan for the site. SuDs are drainage solutions that provide an alternative to the direct channeling of surface water through pipes and deep wells. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity, and reducing the transport of pollution to the water environment. Measures could include permeable and sustainable materials within the parking area. The applicant may also wish to consider leaving some areas of landscaping at the existing grade and using porous or permeable surfaces in areas of hardstanding (such as the driveway) to allow for rainwater infiltration and assist with stormwater management.

Best management practices should be adhered to during construction to reduce impacts on the environment. In particular, control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those

used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

Lastly, we recommend that, wherever possible, sustainable design and energy efficiency features are included in projects such as this one. We especially encourage renewable energy installations given that the Cayman Islands has a target of 70% of energy generation being renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). Photovoltaic solar panels in particular could be installed on suitable roof space or over the proposed parking spaces.

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

- 1. If the construction uses insulating concrete forms (ICF) 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 are completely captured on-site and does not enter the nearby water bodies or impact the surrounding areas.*

Water Authority Cayman

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 with a capacity of at least 1,750 US gallons for the proposed, based on the following calculations:*

<u>BUILDING</u>	<u>UNITS/BLDG</u>	<u>GPD/UNIT</u>	<u>GPD</u>
<i>Proposed Apartments</i>	<i>6 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>900</i>
<i>TOTAL</i>			<i>900</i>

- The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards.*

The minimum well casing diameter for this development shall be 4". Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.

- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'6" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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

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

Water Supply

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

Table 1: Minimum Enclosure Dimensions

Number of Containers	Minimum Dimensions (feet)		
	Width	Length	Height
6	5.00	7.50	2.50

National Roads Authority

As per your email dated June 1st, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issues

The proposed driveway is located on an un-built section of road. The applicant will need to construct the road to meet minimal [NRA specifications for subdivision roads \(including drainage conveyance requirement\)](#), from Spice Drive up to the subject parcel by the time of final inspection.

Road Capacity Issues

The traffic demand to be generated by a residential development of six (6) dwelling units has been assessed in accordance with ITE Code 220 – Apartments. Thus, the assumed average trip rates per dwelling unit provided by the ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added to the un-built road north of parcel 431 is as follows:

Expected Daily Trips	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
40	3	1	2	4	2	2

Based on these estimates, the impact of the proposed development on the un-built road north of parcel 431 and on Spice Drive is considered to be minimal.

Access and Traffic Management Issues

Entrance and exit curves shall be no less than fifteen (15) feet in radius. Entrances shall be between twenty-two (22) and twenty-four (24) feet wide.

A six (6) foot sidewalk shall be constructed along the un-built road north of parcel 431 within the property boundary, to NRA specifications.

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

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

Stormwater Management Issues

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

- *The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- *The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.*
- *Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from or onto the un-built road north of parcel 431. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk details need to be provided as per [NRA specifications](#).*

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

Fire Department

The Fire Department has requested that a fire well be shown on the site plan and the applicant has revised the site plan to address this issue.

APPLICANT'S LETTER

On behalf of our client Ms. Dorothy Scott, we are seeking a variance for the above—mentioned project and

request variances on the required site area and site width as follows;

- *Regulation 9 (7) (f) the minimum lot size for guest houses and apartment buildings or townhouses is 12,500 square feet and 20,000 square feet respectively.*

We confirm the site area as being 16,566.62 sq ft. The variance request in relation to the above regulation is on the basis of there being similar sized existing developments in the immediate vicinity. We note the adjoining site 44B 344 contains 4 housing units.

Additionally, we note that currently there is a shortage of affordable housing on the Cayman Islands. This complex of small housing units of approximately 725 sq ft each would provide clean affordable housing accommodation and is located within close distance to the Primary School.

We note that the proposal meets the requirements for parking and site coverage is less than the allowed site coverage density. Additionally, the site area ratio allows for a maximum of 7 bedrooms. This proposal requests permission to construct 6 single bed units.

And

- *Regulation 9 (7) (g) the minimum lot width for detached houses and duplexes is 60 feet and for*

guest houses and apartment buildings or townhouses is 100 feet.

We confirm that the (front) road boundary indicated as being 83.5 ft, however the sites have tapering

/ varying dimensions. We confirm that both sites 44B, 431 and 432 are in the process of being combined as a single site. We note that the site width does not dramatically impact the development potential as ample space existing to have adequate landscaping and foliage while meeting all other site requirements.

We request that you review the proposed development and grant its approval on the basis that the development provides desirable, clean, durable, and affordable accommodation.

We confirm that with the rapidly increasing requirement for housing, a project of this size provides a manageable solution in filling the need for housing.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located off of Spice Drive in Bodden Town. A portion of Spice Drive does not appear to be built.

The proposal is for six townhouses with six bedrooms and 9 parking spaces.

Adjacent landowners were notified by Registered Mail and no objections have been received.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Lot size

Regulation 9(7)(f) states that the minimum lot size for apartments and townhouses in a MDR zone is 20,000 square feet.

The application is for townhouses on a parcel with 16,552.8 square feet.

The CPA should discuss whether a variance is warranted in this instance.

2) Lot width (83'7" vs 100')

Regulation 9(7)(g) states that the minimum lot width is 100 feet.

The subject parcel, when combined, would have a lot width of 83'7".

The CPA should discuss whether a variance is warranted in this instance.

SUPPLEMENTARY ANALYSIS

The applicant has been invited to appear before the Authority and comments from the National Roads Authority have now been received (see above).

2.5 ANDRE HAMILTON (Garden City Designs) Block 4E Parcel 10 (P23-0273) (\$25,000) (NP)

Application for a temporary tire shop.

Appearance at 1:30

FACTS

Location

Hell Road in West Bay

Zoning

High Density Residential

<i>Notification Results</i>	No Objections
<i>Parcel size</i>	1.22 acres
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Vacant
<i>Proposed use</i>	Temporary Tire Shop
<i>Buildings Footprint</i>	720 sq. ft.
<i>Buildings Area</i>	720 sq. ft.

BACKGROUND

August 30, 2023 (CPA/19/23; Item 2.14) – The Authority resolved to adjourn the matter and invite the applicant to appear before the Authority to discuss concerns regarding the temporary nature of the business, the visual appearance of the operation, the proposed driveway and parking area surface material and the lack of a sidewalk on the east side of the driveway.

Recommendation: Discuss planning permission for the following reasons:

- 1) The temporary nature of the business
- 2) The visual appearance of the operation
- 3) The lack of a sidewalk on the east side of the driveway
- 4) The proposed driveway and parking surface

AGENCY COMMENTS

Agency comments that have been received to date are listed 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 site is man-modified. A review of Lands and Survey Department's historical aerial imagery confirms that the site has experienced sustained instances of land clearing over the years. However, there has been significant regrowth of now mature vegetation.

The DoE recommends that the applicant clears only the development footprint and retains as much native vegetation as possible and incorporate it into the landscaping scheme. Retaining vegetation, (even in a predominately man-modified site) can still provide benefits to the property owner and the surrounding area. For example retaining vegetation can:

- *Provide habitat and food for wildlife such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services;*
- *Provide sound and privacy buffers from the road and neighbouring properties/developments;*
- *Provide mature vegetation which can enhance landscaping and immediately offer shade;*
- *Assist with the management of run-off and drainage;*
- *Reduce the amount of greenhouse gas emissions by avoiding the unnecessary clearing of vegetation which releases carbon dioxide into the atmosphere.*

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.

Fire Department

The Fire Department has written that they approve the drawings.

Water Authority

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

Wastewater Treatment & Disposal

- *The Water Authority accepts the use of the portable toilet(s) for the proposed temporary tire shop granted the toilet(s) are being maintained and pumped regularly by a licensed septage hauler.*
- *Should the owner/developer plan to convert this development into a permanent structure of similar size & function in future, a septic tank with a minimum capacity of 1,000 US gallons shall be required.*
- *Additional requirements will be subject to review of developmental plans in the future.*

Water Resource Protection

The site operator and staff shall, at all times, employ Best Management Practices (BMPs) to prevent contamination of water resources by accidental spills of hazardous materials stored / used at the facility. BMPs shall include the following:

- *Vehicle service and other industrial workshops where fuels, greases, oils or solvents are stored and/or handled shall have all floor drains plumbed to an oil/water separator. The outlet of the separator shall be plumbed to a disposal well. Oil/water separators must meet Water Authority standards, per attached guidelines.*

- *Conduct maintenance and repairs on a non-porous surface (concrete, not asphalt or soil). Protect the concrete work area with a sturdy rain canopy that extends two feet beyond the concrete work area. Berm the concrete work area to contain any spills. Use drip pans and oil change catch basins to minimize spills.*
- *Use dry methods (absorbent material such as sand, cat litter, or rags) to clean up any drips or spills that do occur. Collect soiled absorbent materials for delivery to the George Town Landfill for proper disposal. Call 949-8793 before delivering the wastes.*
- *Minimize inventory of fluids and chemicals: stock only what is needed in the near term. Store fluids and chemicals in their original containers; transfer fluids using funnels or drum pumps to minimize spills. Use less toxic or nontoxic solvents for parts cleaning; e.g., terpenes and citric acid or microbial or water-based cleaners.*
- *Collect and store liquid wastes to be recycled in an area protected from the rain. Store wastes in labelled drums with bung closures. Store waste drums within a secondary containment structure designed to contain 110% of the storage capacity. Store lead-acid batteries upright in a single layer, within an acid-resistant secondary containment bin. Limit the amount of wastes stored by regularly delivering them to the George Town Landfill recycling drop-off. Call 949-8793 before delivering the wastes.*

Water Supply

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

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

National Roads Authority

As per your email dated May 11th, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issues

- 1) *A six (6) foot sidewalk shall be constructed on Hell Road within the property boundary, to [NRA specifications](#).*
- 2) *Entrances shall be between twenty-two (22) and twenty-four (24) feet wide.*
- 3) *Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.*

Please have the applicant to revise the site plan to comply with these requirements prior to granting planning approval.

Road Capacity Issues

The traffic demand to be generated by a temporary tire shop of 720 square feet has been assessed in accordance with ITE Code 848 – Tire Store. Thus, the assumed average trip rates per thousand square feet of shop space provided by the ITE for estimating the daily, AM and PM peak hour trips are 24.87, 2.89 and 4.15 respectively. The anticipated traffic to be added to Hell Road is as follows:

Expected Daily Trips	AM Peak Hour Total Traffic	AM Peak 63% In	AM Peak 37% Out	PM Peak Hour Total Traffic	PM Peak 43% In	PM Peak 57% Out
18	2	1	1	3	1	2

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

Access and Traffic Management Issues

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

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

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

Stormwater Management Issues

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.
- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Hell Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.
- Curbing is required for the parking areas to control stormwater runoff.

- *Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk details need to be provided as per [NRA specifications](#).*

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

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

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

Department of Environmental Health

The DEH has advised that they have no objection to the proposal.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in West Bay on Hell Road, just west of Hell.

The property is vacant and the proposal is to place a 40 foot container, a 20 foot container, and a 12 foot container on the site in order to create a temporary tire shop. A portable toilet is also proposed.

Abutting properties were notified by Registered Mail and two advertisements were placed in a local newspaper. No objections have been received to date.

Zoning

The property is zoned High Density Residential.

Specific Issues

- 1) The lack of a sidewalk on the east side of the proposed driveway

The NRA has indicated that a sidewalk is required along the frontage of Hell Road. The applicant has provided the sidewalk but only on the west side of the driveway due to the specific lease area.

The Authority should discuss whether the proposed sidewalk is satisfactory for a temporary tire shop.

2) The temporary nature of the business

The applicant's agent has indicated that the proponent is leasing a portion of the property and that the business will be temporary.

3) Proposed parking and driveway surface

The applicant has indicated a gravel parking and driveway surface instead of hard surfacing.

The Authority should discuss whether this is acceptable for a temporary business.

SUPPLEMENTARY ANALYSIS

The applicant has modified the site plan to indicate a concrete driveway and parking areas.

2.6 BRUCE REYNOLDS (Architectural Designs & Cayman Contemporary Style) Block 1D Parcel 665 (P23-0247) (\$370,000) (EJ)

Application for a duplex.

Appearance at 2:00

FACTS

<i>Location</i>	Ebanks Road in West Bay
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.3319 ac. (14,457 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Approved duplex
<i>Proposed building size</i>	1,650 sq. ft.
<i>Total building site coverage</i>	22.83%
<i>Required parking</i>	4
<i>Proposed parking</i>	7

BACKGROUND

March 1, 2023 (**P23-0123**) - The Department granted permission for a duplex.

August 23, 2023 (**CPA/18/23; Item 2.19**) – The Authority adjourned a duplex application in order to invite the applicant to appear before the Authority to discuss concerns regarding the lot size.

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

- 1) Lot size variance (14,457 sq. ft. vs 25,000 sq. ft.),

APPLICANT'S LETTER

On behalf of my client Mr. Bruce Reynolds, we wish to apply for a variance in regards to the proposed 2nd duplexes on Block: 1D Parcel: 665. The request for a variance pertains to the lot size being less than what is required for 2 duplexes. Base on site coverage we are only at 23% of the allowed 30%. Also the building are (1) story, which the land has an allowable of (3) story. So base on the amount of stories & site coverage, we are under developing this property by far.

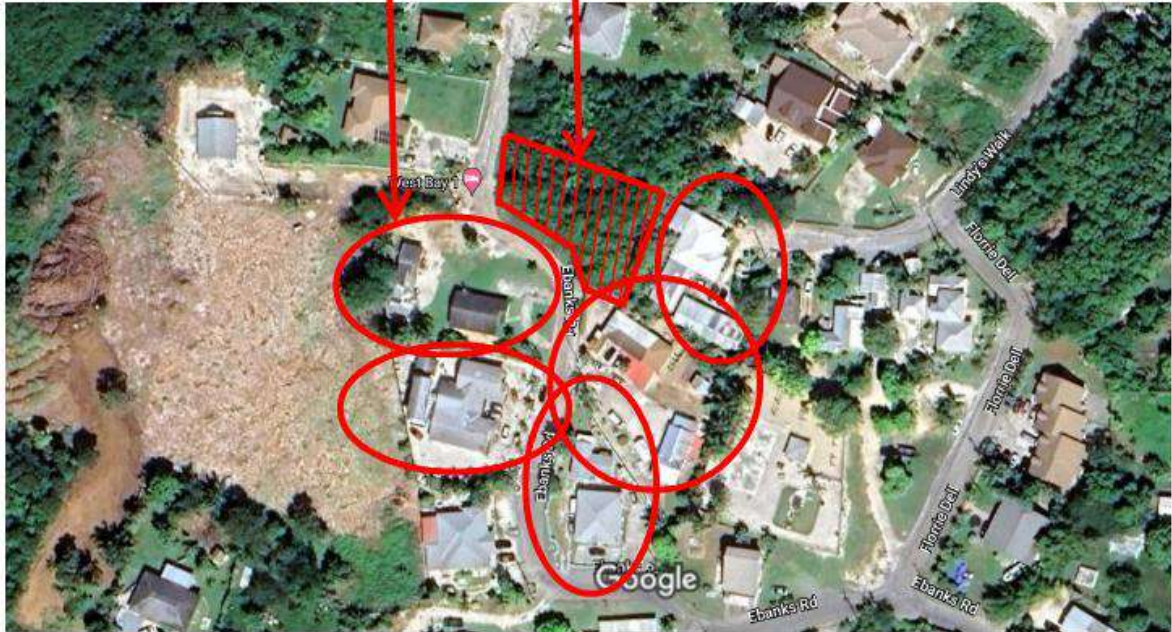
Base on regulations 8 (13) most of the properties in the immediate area, have 2 buildings with multiple units in them. Which is of the same characteristics of our proposal. I have attached an area shot of these existing properties on the same road.

We hope the CPA will favourably consider our proposal. Base on the fact that we are only enhancing what already existing in the neighborhood.

EXISTING LOTS WITH 2 BUILDINGS THAT DON'T MEET THE LOT SIZE REQUIREMENTS CIRCLED

Google Maps

OUR LOT 1D 665



Imagery ©2023 Airbus, CNES / Airbus, Maxar Technologies, Map data ©2023 20 m

PLANNING DEPARTMENT ANALYSIS

General

The applicant proposed a second duplex for the subject parcel which is located on Ebanks Road in West Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Minimum Lot Size for Duplex –

On March 1, 2023 administrative approval was granted for a 2x2 bedroom 1,650 sq. ft. duplex; now the applicant is seeking permission for a second duplex; however, the proposed lot is at 14,457 sq. ft. vs 25,000 sq. ft. or a difference of 10,543 sq. ft. under; which does not meet regulations 9 (8)(e) 12,500 sq. ft. per duplex. Therefore, the applicant is seeking a lot size variance for the proposed duplex.

Other than lot size variance, the proposed meets all other planning regulations and the applicant has notified the adjacent parcel and the department is not in receipt of any objections.

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans.

2.7 CAYMAN ENGINEERING LTD (AMR Consulting Engineers) Block 6D Parcel 63 (P23-0642) (\$600,000) (NP)

Application to replace a seawall.

Appearance at 3:00

FACTS

<i>Location</i>	South Church Street in George Town
<i>Zoning</i>	Heavy Industrial & Beach Resort Residential
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	3.6 acres
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Oil Tank Farm & Accessory Structures
<i>Building Footprint</i>	5,024 sq. ft.

BACKGROUND

Existing fuel tank complex

October 11, 2023 (CPA/24/23; item 2.16) – current application adjourned to invite in the applicant to address the provisions of Section 41(3) of the NCA as it pertains to the definition of adverse effect

Recommendation: Discuss the application for the following reasons:

- 1) Section 41(3) of the NCA and the definition of adverse effect
- 2) HWM setback (32'1" vs 50')
- 3) Height of seawall (11.7 feet)
- 4) DOE comments

AGENCY COMMENTS

Comments received to date are noted 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 site is adjacent to a Marine Reserve (a Protected Area under the National Conservation Act (NCA)). Construction-related debris and sediment must not enter the marine environment. Poor construction management practices can degrade the environment by:

- Movement of sediments and pollutant-laden runoff such as concrete slurry which can enter the marine environment through natural fissures in the ironshore;*
- Washing stockpiled aggregates, loose material or bulk material into the marine environment, causing turbidity and impacting water quality; and*
- Polluting the marine environment with wind-borne debris. Practices such as sanding down ('keying') polystyrene, Styrofoam or insulating concrete forms (ICFs) which are used as part of wall finishing and window moulding can result in polystyrene waste materials getting blown into the sea in significant quantities.*

Best management practices should be adhered to during construction to reduce impacts on the environment. These adverse impacts to a Marine Protected Area have been identified based on repeated observed incidents where conditions were not included to prevent/mitigate the effects. Both the DoE and the Department of Planning have received numerous complaints from members of the public who have been adversely affected directly or who have noted the adverse effects on the marine environment from poor construction management practices.

Polystyrene Impacts on the Protected Area

Polystyrene-based products are commonly used in a variety of applications on construction sites and without appropriate best management practices, impact the surrounding area including the marine environment. Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down (Figures 1-3).



Figures 1-3: DoE site visit photos showing the bits of white polystyrene material littering local development sites. The beads from the first two images made their way into the adjacent Marine Reserve and neighbouring properties. Developers attempted to remedy the situation by cleaning neighbouring pools and yards daily but it was impossible to collect all of the beads, especially once they entered the marine environment.

Inappropriate Location of Stockpiles

Storage of materials too close to the water's edge can result in pollution of the marine environment. The DoE has responded to numerous incidents where poor construction management practices such as the storing of aggregates or loose materials at the water's edge has resulted in that material entering the marine environment, causing turbidity and impacting water quality. Sedimentation and pollutant-laden runoff also can affect marine species such as seagrass and corals as they rely on good water quality to survive. Depending on the amount of turbidity that occurs and the length of time that it is present, it could adversely and irreversibly affect the marine organisms that have been exposed. The location of stockpiles needs to take into account storms such as hurricanes and nor'westers, and even temporary or informal stockpiles can be impacted by wave activity and impact the marine environment.

Therefore, it is important that construction materials and debris are stored as far away from the water's edge as possible or at least at the minimum coastal setback which is outlined in the Development and Planning Regulations. Not only does this mitigate impacts to the environment, but it also can be considered a public health and safety measure and a cost-saving measure. It would prevent the loss of materials to the marine environment, reduce the likelihood of prosecution for marine offences and/or prevent the cost of cleaning up and restoring the marine environment.



Figures 4 and 5. The DoE responded to a complaint from the public that this stockpiled material was causing considerable turbidity and siltation of the marine environment.



Figures 6 and 7. Loose materials and construction debris being stored on the water's edge, and that material entering into the marine environment.



Figure 8. Stockpiling and on-land activities impacting the marine environment through turbidity and deposition of waste



Figures 9 and 10. Material stockpiled on the edge of the water interacting with moderate wave activity and entering the marine environment



Figure 11. The same site as Figures 9 and 10, showing the interaction of stockpiled materials entering the marine environment during moderate wave activity.



Figure 12. Material stockpiled too close to the water's edge which would or would be likely to enter the marine environment during a storm.

In this instance, given the nature of the project, the Applicant must provide a Construction Environmental Management Plan which outlines how they will prevent adverse effects on the Marine Protected Area. Measures could include using sandbags to reduce run-off and stockpiling materials away from the water's edge.

Section 41(4) Considerations

The site is adjacent to a Marine Protected Area under the NCA. Without appropriate environmental management practices, storage of materials too close to the protected area and inadequate management of construction wastes and debris can result in adverse effects on that protected area through the run-off and escape 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 during construction, 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 and in accordance with the recent Court of Appeal judgement, in the exercise of powers which have been conferred through express delegation by the National Conservation Council pursuant to section 3(13) of the National Conservation Act (2013), the Director of DoE considers it necessary for **the Central Planning Authority to apply for approval from the NCC under section 41(4) of the NCA prior to determining this application.***

In order to provide the Authority with an indication of the DoE's section 41(5) response on behalf of the NCC, a draft of the Directed Conditions which will be required to form part of the approval for this project are appended. Should the CPA wish to propose other conditions as a means of mitigating the adverse impacts identified please provide those conditions at the time of application for the DoE's review and approval. Once the DoE has received the CPA's application under Section 41(4) we will supply our Section 41(5) response in line with Appendix 1 within one week.

Appendix 1 – Draft Directed Conditions

The following contains an indication of the DoE's section 41(5) response on behalf of the NCC and a draft of the Directed Conditions which will be required to form part of the approval for this project following application under section 41(4) of the NCA.

- 1) *The Applicant shall prepare a Construction Environmental Management Plan for review and approval by the Department of Environment on behalf of the National Conservation Council. Written confirmation of the approval must be received by the Planning Department prior to the issuance of a Building Permit.*

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.

APPLICANT'S LETTER

This letter is to formally request your consideration and approval of our plan to realign the terminal's Seaside bund wall which forms a critical part of the Jackson Point Terminal infrastructure. The structural integrity of the existing footprint is deteriorating and in need

of upgrading. While it is prudent to construct a new wall on the seafront, we wish to extend the wall further seaward, towards the shoreline in which, when executed would:

1. Enclose the receiving manifold within the property as per two drawings attached. This manifold is instrumental to receiving Jet A1, Diesel and Gasoline product at both Sol' and Rubis' Jackson Point Marine Terminals.

A. The existing manifold is exposed to the public and is easily accessible for the likelihood of sabotage or terrorist attack.

B. This asset is critical to bring fuel to our shore and to supply power generation fuel to CUC at a heavy maintenance cost given it is steel and is exposed to the direct sea water elements. Enclosing this asset with the seaside bund wall realignment would aid in reducing maintenance costs and minimize the risk of premature failure.

C. The receiving manifold, given its exposure to the direct elements of the environment and sea, runs the risk of premature failure. If this occurs, there would be a significant environmental impact to the land, sea, and sensitive areas. Neighboring Vol's property at the Riviera seafront, approximately 300ft away is a coral aquaculture whiCh is at risk during an environmental impact.

Enclosing this asset within the seaside bund wall realignment would allow for 100% containment within the bund area which includes the bulk storage tanks and eliminates the possibility of an environmental impact.

2. Minimize hazards to the public who access the limestone for daily exercise.

3. Reduce security risk at the bulk storage facility in which is a high risk, classified zone.

4. Protect the existing assets at the bulk storage facility and help minimize direct sea blast.

As shown on the submitted C01 Site Plan drawing a setback variance will be required for approximately 92'-10" length of northern section of the proposed seaside bund wall realignment. A variance is required as this section does not meet the 50ft. setback requirement from the Ironshore shoreline High Water Mark. It is important to note that approximately 50'-0" of the existing northern bund wall section does not meet the 50ft. setback requirement from the Ironshore shoreline High Water Mark.

Given that this bulk storage facility is a critical infrastructure we are requesting to have this planning submission considered for expedited review and approval.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in George Town on South Church Street.

The proposal is for a seawall replacement at the existing Sol tank farm. The proposed seawall would be 15.2 feet above the mean sea level and 11.7 feet above the ironshore. At its closest, the proposed seawall would be situated 32'1" from the ironshore.

Zoning

The property is zoned Heavy Industrial and Beach Resort Residential.

Specific Issues

1) HWM setback (32'1" vs 50')

Regulation 10(c) states that in areas where the shoreline is ironshore, all structures and buildings, including ancillary buildings, walls and structures, shall be setback a minimum of fifty feet from the high water mark.

In this instance the seawall would be situated 32'1" at its nearest point to the ironshore high water mark.

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

2) Height of Wall

The proposed seawall would be 15.2 feet above the mean sea level and 11.7 feet above the ironshore.

The Authority should discuss the proposed height of the seawall.

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans.

2.0 APPLICATIONS

(Items 2.8 to 2.24)

2.8 CARLOS FRANKY (Duro Architecture and Design) Block 4C Parcel 75 (P23-0433) (MW)

Application for 40 apartments.

FACTS

<i>Location</i>	Capt's Joe and Osbert Rd., West Bay
<i>Zoning</i>	High Density Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	1.101 ac. (47,959.56 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Existing structure to be demolished.
<i>Proposed building size</i>	24,674 sq. ft.
<i>Total building site coverage</i>	25.72%
<i>Allowable units</i>	27
<i>Proposed units</i>	40
<i>Allowable bedrooms</i>	46
<i>Proposed bedrooms</i>	40
<i>Required parking</i>	60
<i>Proposed parking</i>	53

BACKGROUND

NA

Recommendation: Discuss the application, for the following reasons:

- 1) Suitability
- 2) Unit density (40 units vs. 27 units)
- 3) Front setback (7'-1" for Building 1 vs. 20')
- 4) Rear setback (15' for Buildings 3, 4 & 5 vs. 20')
- 5) Side setback (16'-10" for Building 5 vs. 20')
- 6) Parking (53 vs. 60)
- 7) DEH Comments

AGENCY COMMENTS

Comments from the Water Authority, National Roads Authority, Department of Environmental Health and Department of Environment 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, is required to 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 6,000 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
<i>Building 1</i>	8	150	1,200	1,200
<i>Building 2</i>	8	150	1,200	1,200
<i>Building 3</i>	8	150	1,200	1,200
<i>Building 4</i>	8	150	1,200	1,200
<i>Building 5</i>	8	150	1,200	1,200
TOTAL				6000 GPD

- 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 4'5" 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.***

Water Supply

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

- The developer is required to notify the Cayman Water Company without delay, to be advised of the site-specific requirements for connection.***

- *The developer shall provide water supply infrastructure per CWC's specification and under CWC's supervision.*

National Roads Authority

No comments received at this time.

Department of Environmental Health

Solid Waste Facility:

This application is not approved due to the location of the solid waste enclosure being unsatisfactory. The applicant must refer to the guidelines below:

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.

Minimum vertical clearance

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

Access to enclosure

The service vehicles shall be able to enter and exit the site without having to reverse onto the highway. The enclosure shall be located away from overhead power lines and other protrusions that can cause electrical shock, injury, or other difficulties during servicing. A vertical clearance of at least 15 feet is required over the entire approach to and from the enclosure. 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 required. A minimum backup distance of 50 feet is required for any maneuver and must be in a straight line. The driveway shall be constructed to withstand trucks weighing up to 62,000 lbs.

Angle of approach

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.

Turning radius

The turning radius required for access to the enclosure must be adequate 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 (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).

The site is man-modified and of limited ecological value. However, the DoE note that the application site and surrounding area are susceptible to surface water flooding. To mitigate the risk of inundation, we recommend that instead of a paved driveway, a more permeable design is used. In addition, the applicant should consider incorporating Sustainable Drainage Systems (SuDS) into the stormwater management plan for the site to mitigate inundation. SuDs are drainage solutions that provide an alternative to the direct channeling of surface water through pipes and deep wells. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity and reducing the transport of pollution to the water environment.

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

The DoE recommends that, wherever possible, sustainable design and energy efficiency features are included in projects such as this one. We especially encourage renewable energy installations given that the Cayman Islands has a target of 70% of energy generation being renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). Photovoltaic solar panels in particular could be installed on suitable roof space or over the proposed parking spaces.

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

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

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

Fire Department

Awaiting revised Fire comments

APPLICANT'S LETTER

Letter #1

With respect to our submission for an Apartment Complex totalling 24,674 square feet over Five (5) Two (2) Story Buildings on a 1.10 ac Lot in a High Density Residential Zone (HDR), Block 4C Parcel 75 located on the corner between Cinder Ln., Capts Joe and Osbert Rd., and Aurora Dr. in West Bay, Grand Cayman. We hereby request variances as follows:

- 1. Unit Density Variance - Proposed at 40 units from max allowed 27.5 units*
- 2. Rear Setback Variance - Proposed at 15 feet from min 20 feet required*
- 4. Side Setback Variance - Proposed 15 feet from minimum required 20 feet*

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. Per Section 8(13) of the Regulation, the adjacent properties were notified by registered mail and there have been no objections to date.*

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

Please do not hesitate to contact us for any further information.

Letter #2

I am writing to provide some context to our proposal and request approval for a residential development project in Parcel Block West Bay 4C 75. Bahia West's project aims to construct 40 one-bedroom units and provide 52 parking stalls.

	Allowed	Proposed
Rooms	46.2	40
Parking per room	0.892	1.3
Units	27.5	40
Parking per unit	1.5	1.3

Parcel 4C 75 falls under the High-density residential classification, which permits 25 units and 42 bedrooms per acre. The parcel is 1.1 acres in size, allowing for 28 units and 46 bedrooms. It is crucial to note that the proposed project adheres to these density guidelines, providing 40 units and 40 bedrooms, well within the allowed 46 bedrooms. The key distinction lies in the layout.

Regarding setbacks, I would like to provide information on our approach. This lot is unique as it is a corner lot with three sides out of four adjacent to a road. For the longest sides, we are using a 20-foot setback, which is in line with regulations. However, we are requesting a 15-foot setback on the side that does not have an adjacent road and on the shortest side adjacent to a road. This setback variance is intended to honour the spirit of the planning guidelines, considering the lot's unique configuration while still adhering to the overall permitted density.

Additionally, I'd like to highlight that the project offers a parking ratio of 1.3 stalls per unit, slightly less than the required 1.5 stalls per unit. However, it meets the regulation in terms of parking availability when considering the number of bedrooms. With more than 1.3 stalls per bedroom, my project surpasses the required ratio, which would be 42 stalls for 28 units with 46 bedrooms. This parking ratio is appropriate for one-bedroom units, considering the intended residents and their transportation needs. The reduced parking ratio ensures efficient land use while maintaining functionality within the development.

Moreover, it's essential to consider current urban planning trends and sustainable development practices. My project aligns with the global movement towards compact, transit-oriented communities, encouraging alternative transportation options such as public transit, walking, and cycling. It is conveniently located just two blocks away from the Wes Bay bus route.

Furthermore, my development addresses the demand for affordable housing in the Cayman Islands. Providing 40 one-bedroom units caters to individuals and small families seeking quality housing at an affordable price point. This project supports the government's goal of promoting accessible and diverse housing options for the local community.

In summary, I respectfully request your consideration of my proposal for a high-density residential development with 40 one-bedroom units and 53 parking stalls. It is crucial to emphasize that my project aligns with the permitted density guidelines, with the only deviation being the layout adjustments to accommodate the unique lot configuration. These adjustments still honour the spirit of the planning guidelines.

I am available to provide additional information, attend meetings, or make necessary adjustments to ensure the successful implementation of this project. Thank you for your time and consideration, and I look forward to a positive response.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 5 building (40 unit) apartment development; 24,674 sq. ft. to be located on Capts Joe and Osbert Rd., West Bay.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Suitability

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

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

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

- 4C 608:- Suelles Estates
- 4C 496:- Duplex
- 4C 568:- Lofters Villas
- 4C 455:- Alhambra Apartments
- 4C 474:- Duplex
- 4C 475:- Duplex
- 4C 476:- Apartments
- 4C 487:- Smith's Apartments
- 4C 505:- Viewpoint Villas
- 4C 534:- Park View Townhouses

2) Unit Density

Regulation 9(6)(c) states “*the maximum number of apartment buildings or townhouses is 25 per acre with a maximum of 42 bedrooms per acre.*” The current proposed lot size is

1.101ac. which would allow a maximum of (1.101ac x 25) 27.525 units & (1.101ac x 42) 46.242 bedrooms. Although the bedroom amount is less than the maximum proposed the applicant has proposed a total of 40 units which would be more than the maximum allowable with a difference of 12.475 units respectively.

3) Front Setback

Regulation 9(6)(h) states “*the front setbacks are 20’*” Although the fronting boundaries of the proposed parcel are in the middle of the fronting access road (Capts Joe and Osbert Rd.) the proposed building 1 is 20’-8” from the actual boundary however it is only 7’-1” from the road edge which would be a difference of 12’-11” respectively.

4) Rear Setback

Regulation 9(6)(h) states “*the rear setbacks are 20’*” The proposed buildings 3,4 & 5 all encroach on the rear property setbacks at a distance of 15’-0” a difference of 5’-0” respectively.

5) Side Setback

Regulation 9(6)(i) states “*the minimum side setback is 15’ for a building of more than one storey*” The proposed building 5 is located adjacent to the access road “Aurora Dr” which would require a minimum 20’ setback, however the applicant has proposed a side setback of 16’-10” a difference of 3’-2” respectively.

6) Parking

Regulation 8(1)(vii) states “*apartments and cottage colonies – one and one half spaces per apartment*” The proposed development of 40 units would require a total of 60 spaces, however the applicant has only proposed a total of 53 spaces, a difference of 7 spaces. The first two parking spaces at the entrance will require vehicles to exit into the road and will likely prevent vehicle stacking. Also, the applicant is proposing 17 spaces in a row with no landscape break next to the main road. The Authority generally encourages a landscape break every 10 spaces. If these two issues are addressed then the total number of parking spaces would decrease to 50.

7) DEH Comments

The Department of Environmental Health has submitted comments regarding the proposed location of the garbage enclosure (listed above), the applicant has not to date submitted revised plans addressing the concerns.

The Authority should assess if there is sufficient reason and an exceptional circumstance that exists in accordance with Section 8(13) to warrant granting the unit density, front, side & rear setbacks & parking variances.

2.9 DESPERINE BROWN (Platinum Crew General Maintenance) Block 32D Parcel 132 (P23-0484) (\$271,000) (MW)

Application for a house.

FACTS

<i>Location</i>	Natures Cir., Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.3157 ac. (13sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Existing residence (889 sq. ft.)
<i>Proposed building size</i>	970 sq. ft.
<i>Total building site coverage</i>	13.52%
<i>Required parking</i>	2
<i>Proposed parking</i>	4

BACKGROUND

October 18, 2010 – House – the application was considered and it was resolved to grant planning permission.

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

- 1) Lot size (13,751.892 sq. ft. vs. 20,000 sq. ft.)

APPLICANT’S LETTER

We are requesting a variance for the above referenced block and parcel to seek relief for the acquired 970 sq.ft 3 bedroom house with a lot size variance. I hereby submit it to the Department of Planning. For the reasons outlined below, the proposed dwelling will be beneficial to us and the community and the district of beach bay.

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

- *The granting of the variance will have no effect on any adjoining or nearby properties. The requested zoning relief 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.*

- *We would like to note that the size and the quality of the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property to the*

neighborhood or to the public welfare. the requested variance would be consistent with the spirit and purpose of this chapter and the district of beach bay as our new home will blend and will prove beneficial to the citizens of beach bay community.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a three-bedroom house; 970 sq. ft. to be located on Natures Cir., Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Size

Regulation 9(8)(d) states “*the minimum lot size for each detached house is 10,000 sq. ft.*”. The proposed lot is currently 13,751.892 sq. ft. and as there is an existing residence on site which would require an additional 10,000 sq. ft. for the proposed residence, the proposed lot would have a difference of 6,248.108 sq. ft. less than the required.

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

2.10 HAMLIN STEPHENSON (Cayman Surveys Associates) Block 38B Parcel 493 and 624 (P23-0771) (\$29,000) (EJ)

Application for a 19 lot subdivision (17 residential lots, 1 LPP & 1 road lot).

FACTS

<i>Location</i>	Ellis Connolly Drive, Beach Bay
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	6.03 ac. (262,666 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant

BACKGROUND

May 10, 2023 (**CPA/11/23; Item 2.5**) - The Authority refused planning permission for the same applicant for 16 apartments on parcel 38B 503 & 507 now 624 for the following reasons:

- 1) The Authority is of the view that the applicant failed to demonstrate that the subject site is a suitable location for apartments per Regulation 9(8). In this regard, the Authority is of the view that the proposed apartments are not in keeping with the

character of the area in terms of mass, scale and intensity of use and this will detract from the ability of surrounding land owners from enjoying the amenity of their properties.

- 2) The access road is winding and as narrow as 18' wide in places resulting in traffic congestion and conflicts with passing vehicles as evidenced by the objectors and the cautionary note provided by the National Roads Authority (NRA) in its review of the proposed development. The Authority is of the view that the additional traffic generated both during construction and occupancy of the proposed apartments using the road will exacerbate the existing conditions which will negatively affect the public safety and amenity of the area and detract from the quality of life of the existing residents living along the road.

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

- 1) Proposed lot identified for future apartments
- 2) Minimum lot width
- 3) DOE's comments.

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment

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

Stormwater Management

- *This development is located over the **Lower Valley fresh water lens** or within the 500m buffer zone of the lens. In order to protect the fresh water lens, the Water Authority requests that stormwater drainage wells are drilled to a **maximum depth of 60ft** instead of the standard depth of 100ft as required by the NRA.*

Water Supply

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

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the piped water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*

- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>.*

Existing Water Authority Infrastructure

- *The developer is advised that the proposed development has existing Water Authority's pipe infrastructure. Therefore, the developer shall immediately contact Water Authority's Engineering Services Department at 949-2837, (ext 3000) to be advised of the location, site specific requirements and pipe relocation.*

Until the infrastructure has been relocated to Water Authority's requirements, no construction/site clearing or excavation shall commence. Failure to comply with the Authority's requirements may lead to the developer covering the cost of damages and or repairs.

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

Department of Environment

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

The site consists of agricultural land under current cultivation (refer to Figure 1) and is prime agricultural land located over the Lower Valley Water Lens. There are environmental issues that result from the conversion of agricultural land to residential. As more farmland is lost to residential developments, farmers are forced to seek out other land on which to raise livestock and grow crops. This typically results in the conversion of further primary habitat to agricultural land, which then may also later be converted to residential land, perpetuating the cycle.



Figure 1: Aerial photography of the site showing agricultural land under cultivation (Source: UKHO, 2021).

Primary habitat is the most valuable, as it has the highest biodiversity value and is irreplaceable within the scale of a human lifespan. However, agricultural land can also hold environmental value. The conversion of agricultural land to residential use often also leads to environmental degradation. Agriculture, when practiced sustainably, can assist with preservation of natural habitats, support biodiversity and help to mitigate the negative effects of climate change through practices such as crop rotation and soil conservation. The transformation of these lands to housing developments means the loss of any environmental benefit provided by the land. The construction of buildings as well as new infrastructure, including roads, can also disrupt local ecosystems and exacerbate issues such as soil erosion and water pollution. This is of particular concern given the location of the property above the water lens.

Therefore, the environmental effects of approving this development are two-fold: direct impacts from converting agricultural land to residential lots, and indirect impacts from the off-site conversion of primary habitat to agricultural land.

We highly recommend that the Central Planning Authority seeks the input of the Department of Agriculture prior to considering this subdivision.

APPLICANT'S LETTER

Please find attached our scheme to Combine & simultaneously Subdivide the captioned parcels into:

- 16 Residential Lots. All exceeding 10,000 sq.ft.*
- 1 Apartment Lot*
- 1 Lot as the 5% LPP*
- 1 Road Lot.*

Prior to Combination the 2 parcels will be Transferred into same ownership. Access to the development will be through the public road system, Lemon Rd. & Silverdale Cl.

Due to the shape of the parent parcel and the road layout, Variances are required for some lot dimensions where they are below 80'.

We make specific reference to Regulation 8(13)(b), and believe this will not have a detrimental effect on the adjacent properties.

We trust the forgoing is satisfactory, but should you have any queries, please do not hesitate to contact us.

PLANNING DEPARTMENT ANALYSIS

General

The proposed 19 lot subdivision (17 residential lots, 1 LPP lot and 1 road parcel lot) is off Silverdale Close in Northward, Beach Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Future apartments

As noted in the Background section above, the Authority recently refused apartments on one of the subject parcels (38B 624). The current subdivision application identifies one of the proposed lots for the future use of apartments. That parcel would have access from the new subdivision road as well as Ellis Connolly Dr. The narrow width of Ellis Connolly Dr was one of the reasons for refusing permission for apartments on 38B 624.

2) Minimum lot width

The proposed meets all planning regulations; however, if regulations 9 (8)(g) 80' width for houses & duplexes is applicable to the "road width", then the proposed LPP lot is only 77' vs 80' and parcel 17 is 30' vs 80' in width; therefore, the authority is asked to confirm if this is acceptable per regulations.

2.11 DAVID & SHEMEYN COOKE (GMJ Home Plans Ltd.) Block 14D Parcel 98H31 (P23-0301) (\$15,000) (MW)

Application for an after-the-fact rear porch addition.

FACTS

<i>Location</i>	Paxton St., George Town
<i>Zoning</i>	Medium Density Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.0673 ac. (2,933 sq. ft.)
<i>Parcel size required</i>	7,500 sq. ft.
<i>Current use</i>	Existing residence with ATF structure
<i>Proposed building size</i>	122 sq. ft.
<i>Total building site coverage</i>	34.84 %

BACKGROUND

The subject building is an “apartment unit” in an existing subdivision with linked units.

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

- 1) Site coverage (34.84% vs. 30%)
- 2) Rear setback (16’-3” vs. 20’-0”)
- 3) Side setback (4’-8” vs. 10’-0”)

APPLICANT’S LETTER

We write on behalf of the applicants, Shemeyn & David Cooke, who are asking the Authority to grant the following variance in order to retain the subject after-the-fact addition for their personal use:

- *A site coverage variance – where the subject addition has resulted in site coverage to exceed the prescribed limit by 4.86%. The subject parcel is registered as 0.0673 acres or 2,931.6 sqft. And required a maximum built area of 879.47 sqft for a medium density residential. The existing approved dwelling is 900sqft.*
- *A rear setback variance – of 3ft 11in. as the subject house exists 16ft 1in. from the rear property line instead of the required 20ft.*

As such, permission is requested for the subject addition and we humbly give the following reasons:

1. *Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail and there were no objections to the current location of the after-the-fact structure from the property line.*
2. *Per section 8(13)(b)(iii) of the Planning Regulations, granting the variances to allow the after-the-fact structure to remain as built will not cause it to be materially detrimental to persons residing or working in the vicinity, nor to the adjacent property, nor to the neighborhood, or to the public welfare going forward.*
3. *The subject porch appears to have been soundly built. The construction consists of a timber framed superstructure anchored to a reinforced concrete foundation with a tiled finish. The structure is aesthetically pleasing and has not negatively affected the harmonious look of the area. Its location is the most suitable area on this parcel for the applicants and to relocate it would be cumbersome and costly exercise for them.*
4. *There are existing developments on adjacent properties within this community with similar conditions. Therefore, the setback of the proposed development is deemed consistent with the established character of the area and it will not detract from the ability of adjacent land owners to enjoy the amenity of their parcels.*
5. *The application complies with all other relevant planning requirements.*

We look forward to your favorable response to this variance request. Should you have any queries, please do not hesitate to contact us at 947-7020 or via email at gmj@candw.ky.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an ATF rear porch addition; 122 sq. ft. to be located on Paxton St., George Town.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Site Coverage

Regulation 9(7)(h) states “*the maximum site coverage for detached houses, duplexes, guest houses and apartment buildings or townhouses is 30%*”. The ATF porch addition would take the current site coverage to 34.84% a difference of 4.84% over the maximum allowable.

2) Rear Setback

Regulation 9(7)(i) states “*the minimum front & rear setbacks are 20’*”. The existing ATF porch addition is currently 16’-3”, a difference of 3’-9”.

3) Side Setback

Regulation 9(7)(j) states “*the minimum side setbacks are 10’ for a building of one story*”. The existing ATF porch addition is currently 4’-8” from the side boundary a difference of 5’-4”.

2.12 ADENA MILLER (Island Drafting) Block 27E Parcel 100 (P23-0269) (\$130,000) (MW)

Application for an addition to a house to create a duplex and applications for an after-the-fact storeroom and after-the-fact rear patio.

FACTS

<i>Location</i>	Moonbeam Dr, Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.2932ac. (12,632.4 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Existing residence with ATF structures
<i>Proposed building size</i>	1,015.7 sq. ft.
<i>Total building site coverage</i>	22.73%
<i>Required parking</i>	2
<i>Proposed parking</i>	2

BACKGROUND

August 8, 1996 – House addition – the application was forwarded to CPA.

February 20, 2007 – House addition – the application was considered and it was resolved to grant planning permission.

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

- 1) Rear setback (4’-11” (ATF Patio) / 3’-2” (ATF Shed) vs. 20’-0”)
- 2) Front setback (16’-6” (Addition) vs. 20’-0”)
- 3) Side setback (3’-9”(ATF Shed) vs. 10’-0”)

APPLICANT’S LETTER

We have submitted an After the Fact application on behalf of Adena Miller on the above-mentioned block and parcel and who is desirous of obtaining consideration/approval of 259sq. ft. added to existing house.

Notwithstanding 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, nor to the public welfare;

And notwithstanding regulation 8 (13) (d) in the case of an application where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, the adjoining property owners have been notified of the application.

Setback variance for the side boundary which is required to be 10'-0", (presently the setback as shown as 3'-0" – shortfall of 7'-0"), and Setback variance for the rear boundary which is required to be 20'-0" (presently the setback shown as 3'-0" - shortfall of 17'-0").

As submitted, we would therefore like to request a side and rear setback variance to be granted to allow the proposed addition to be fully approved.

We look forward to the Board's favorable decision to this request and await response at your earliest convenience.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an addition to create a duplex; 656.70 sq. ft., ATF storeroom; 100 sq. ft. & ATF rear patio; 259 sq. ft. to be located on Moonbeam Dr., Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Rear setback

Regulation 9(8)(i) states "*the minimum front & rear setbacks are 20'*". The existing residence is already 18'-1" from the rear boundary, however the ATF patio would be 4'-11" from the rear boundary and the ATF shed would be 3'-2" from the rear boundary, a difference of 15'-1" (ATF patio) & 16'-10" (ATF shed) respectively.

2) Front setback

Regulation 9(8)(j) states "*the minimum side setback is 10' for a building of one storey.*" The proposed addition which borders the fronting road (Tridelphia Way) would require a setback of 20', however the applicant has proposed a roadside setback of 16'-6" a difference of 3'-6".

3) Side setback

Regulation 9(8)(j) states "*the minimum side setback is 10' for a building of one storey.*" The ATF shed is currently 3'-9" from the side boundary a difference of 6'-3".

2.13 CICY ELIZABETH ROULSTONE (Tropical Architecture Group Ltd.) Block 14E Parcel 83 (P23-0720) (EJ)

Application for after-the-fact four (4') & six (6') wood and wire fence with wood columns.

FACTS

Location South Church Street & Melmac Avenue

Zoning **LDR**

Parcel size proposed 0.10 ac. (4,356 sq. ft.)

Parcel size required 10,000 sq. ft.

Current use House & ATF Fence

BACKGROUND

House existing prior to 1958.

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

- 1) Lack of wall setback from road (0' vs 4')
- 2) aesthetics

AGENCY COMMENTS

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

National Roads Authority

As per your email dated September 25th, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issues

Per Regulation 8 (18) of the Development and Planning Regulations (2022 Revision), "Walls and fences adjacent to a road shall be setback a minimum of four feet from the roadside parcel boundary".

The NRA requests that the CPA have the applicant set the fence back to meet this requirement.

Department of Environment

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

APPLICANT'S LETTER

Thank you for your enforcement notice regarding the unauthorized wooden fence on our client's property at 14E 83.

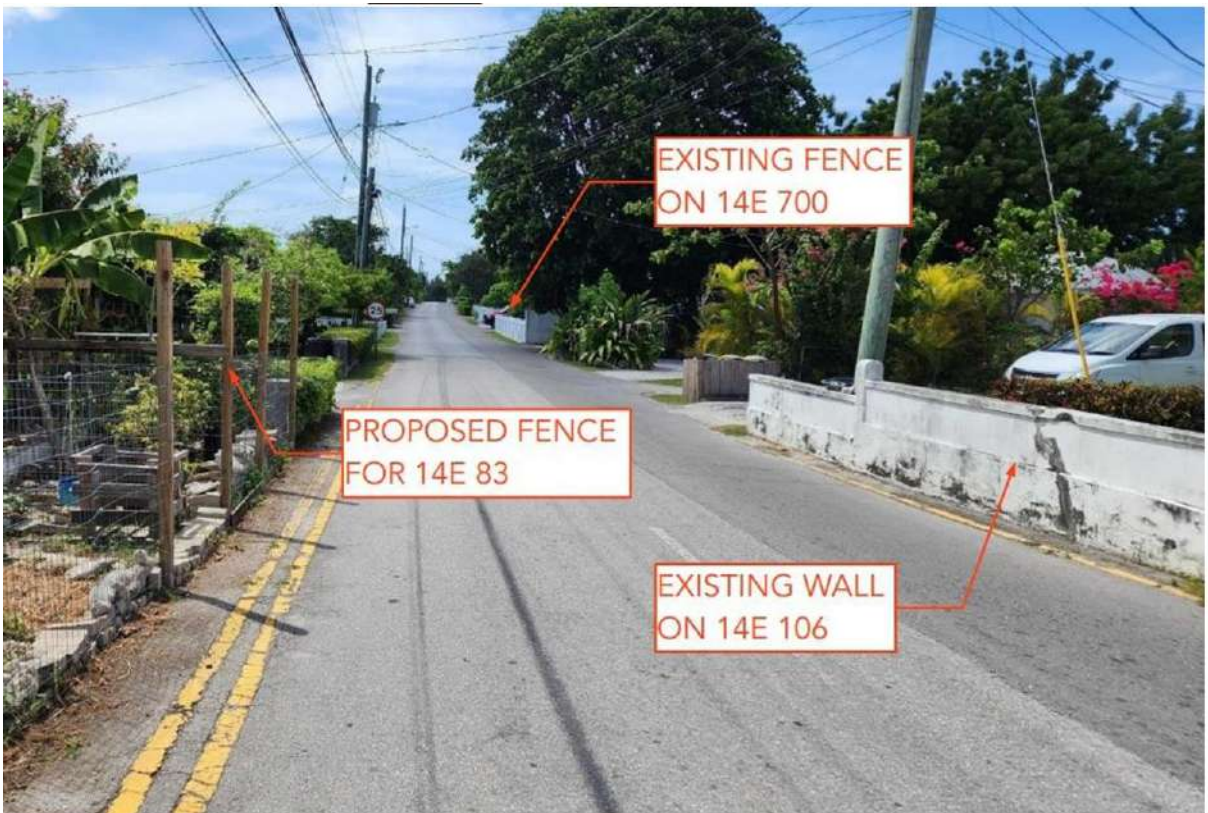
We would like to explain the circumstances that led to the construction of the fence and request your leniency in this matter.

Our client has been a long-time resident of the property, which originally had a concrete wall/fence along the road in the 1950s. Unfortunately, the wall/fence was destroyed by Hurricane Ivan, and our client had to rebuild it using wood as a more affordable and accessible material. Our client was not aware that she needed Planning Permission to repair the fence, as she was simply restoring it to its previous condition.

The fence serves an important purpose for our client, as it provides her with privacy and security on her property. She has experienced several incidents of trespassing and theft (tools, equipment, fruits, and rare plants), and the fence is her only means of deterring such unwanted activities.

We are also cognizant of the new Planning Regulations that stipulate a minimum setback of 4 feet from the road for any fence or wall. However, we would like to ask for your consideration, as there are some practical challenges that prevent our client from complying with this requirement. First, the water meter bank of the property is located approximately 2 feet from the road, and it needs to be accessible for servicing. Second, without the fence, our client's land would be vulnerable to being used as a parking lot or a turning area for vehicles, which could damage the pipes and incur additional costs for our client. Third, many other properties in the vicinity still have their fences and walls built right up to their property boundaries, creating an inconsistent and unfair situation (see the next page for photos of adjacent properties with existing fences and walls).

We hope that you will understand our client's situation and grant her some flexibility in this case. If you have any questions or concerns, please do not hesitate to contact us at the phone numbers and email address below. We appreciate your cooperation and understanding.



PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking after-the-fact permission from the Authority for the 4' & 6 wire and wood located at the corner of South Church Street & Melmac Avenue.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Wall & fence Road Setback

The application is the result of enforcement action (CE23-0067); the after-the-fact fence runs the entire length of Melmac Avenue and does not meet regulations 8 (18) for walls and fences adjacent to the road be setback a minimum of four feet from the road-side boundary; therefore, the applicant is seeking permission for the ATF wall which is setback at 0' vs 4'.

In addition to the aesthetics and whether the fence is in keeping with the character of the area, the Authority is asked to consider the merits of the applicants request and to also consider the NRA comments.

2.14 DAN COLLINS (GMJ HOME PLANS LTD.) Block 33E Parcel 82 (P23-0578) (\$75,000) (MW)

Application for a pool.

FACTS

<i>Location</i>	Water Cay Rd., North Side
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.467 ac. (20,342.52 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Existing residence & Gazebo

BACKGROUND

There is no record of the existing house under the current parcel number, but it has existed since at least 1994.

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

- 1) HWM setbacks
 - Planter/steps (41'-2" vs 75')
 - Pool (47'-3" vs 75')
 - Pool deck (45'-3" vs 75')

AGENCY COMMENTS

Comments from the Department of Environment are noted 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).

Site Overview



Figure 1. Existing development on site with the parcel boundary highlighted in red (Aerial Imagery Source: UKHO, 2021).

As seen in Figure 1, there has been an existing house on the application site since the 1990s. Although the site is man-modified and of limited ecological value, it is adjacent to a Marine Protected Area, namely a Marine Reserve (a Protected Area under the National Conservation Act (NCA)).

Climate Change

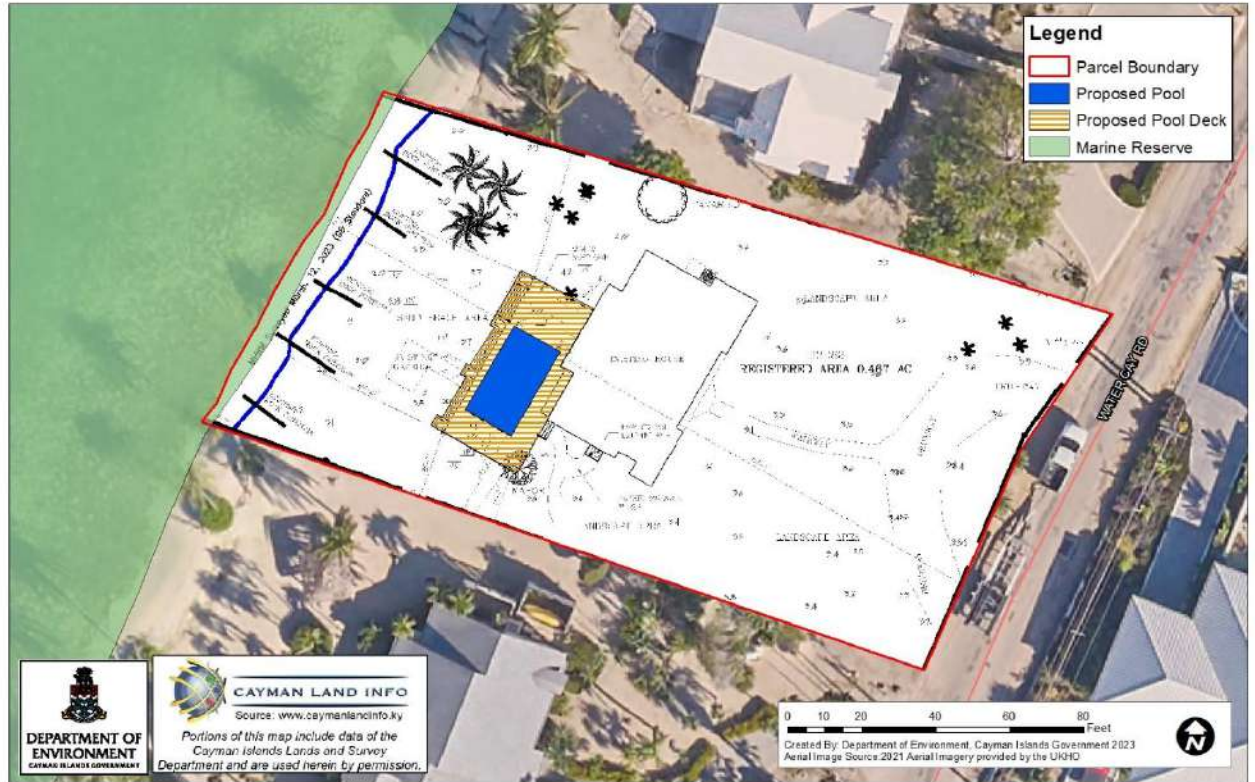


Figure 2. The proposed pool (blue) and deck (gold) with the parcel boundary (red) and location in reference to a Marine Protected Area (Aerial Imagery Source: UKHO, 2021).

As shown in Figure 2, we note that the setback of the proposed pool and deck falls short of the minimum required setbacks from the registered Mean High Water Mark (MHWM) under section 8(10)(b) of the Development and Planning Regulations (2022 Revision). We note that the proposed pool and pool deck are as close as approximately 50 feet and 42 feet respectively from the MHWM which does not meet the minimum 75-foot coastal setback for beaches required in the Development & Planning Regulations. The Department strongly maintains its stance that coastal setbacks should not be reduced but instead should be treated as a minimum (as prescribed in the Development & Planning Regulations). Setbacks seek to reduce the impacts of storm-related damage upon coastal infrastructure and ensure that development does not encroach onto the “active” part of a beach, as the back beach holds reserves of sand that are critical for sediment supply during periods of storm activity and erosion.

The importance of setbacks is amplified when considered within the context of climate change predictions for the region, which include sea-level rise and increased intensity of storm events (including storm surge). Inappropriately sited development (either on the active beach or too close to the MHWM) reduces a beach’s potential to recover after major

events. We do note that this coastline is a man-made coastline and not subject to natural replenishment cycles and coastal processes, which reinforces the need for adherence to the minimum setbacks for coastal development. We recommend that the applicant explores other options for the location of the pool that would remove it from the 75-foot minimum coastal setback.

Construction Impacts on the Environment

The application site is adjacent to a Marine Protected Area, namely a Marine Reserve (a Protected Area under the National Conservation Act (NCA)). Construction-related debris must not enter the marine environment. Poor construction management practices can degrade the environment by washing stockpiled aggregates, loose material or bulk material into the marine environment, causing turbidity and impacting water quality

DIRECTED CONDITIONS

The site is adjacent to a Marine Protected Area under the NCA. Without appropriate environmental management practices, storage of materials too close to the protected area and inadequate management of construction wastes and debris can result in adverse effects on that protected area through the run-off and escape 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 during construction, 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 shall be stockpiled at a minimum of 75 feet from the Mean High Water Mark (MHW) to reduce the possibility of run-off washing material and debris into a Marine Protected Area causing turbidity and impacting important marine resources.
2. Any beach quality sand excavated during construction shall be retained on-site and placed along the active beach profile. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move sand off-site, it should be the subject of a separate consultation with the Planning Department and National Conservation Council.

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.

APPLICANT'S LETTER

We write on behalf of our client, Mr. Dan Collins, with regards to the application for a 24' long 12' wide swimming pool and a 48' long pool deck with planters and fixed seating.

We are asking the Authority to allow the proposed pool to be constructed with a rear setback of 48'0" (45' from pool deck, 41'3" from deck planters/step) instead of the required 75' from the High Water Mark of March 12th, 2023.

We humbly offer the following reasons:

- 1. Per section 8(13)(d) of the Planning Regulations, the adjacent property owners have been notified and there have been no objections to date;*
- 2. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare;*
- 3. The pool is proposed at the rear of the existing house which is the most suitable area on this parcel. Its location will offer the convenience and safety between the main recreational areas of the existing house and cabana.*
- 4. The proposed design ensures that the existing tropical aesthetic and scenic views in the immediate surroundings will not be diminished.*
- 5. In the recent past the CPA have approved the following applications in the area that included a lesser set back than the prescribed 75';*
 - February 02, 2022 – Parcel 33B181 – Rum Point – 54'*
 - March 01, 2022 – Parcel 33E111 – Rum Point – 42' 1"*
 - March 16, 2022 – Parcel 57A8 – North Side – 65'*
 - August 31, 2022 – Parcel 33B5 – Rum Point – 60'2"*
- 6. According to regulations (2022 Revision). Pursuant to Regulation 8(11), the Authority may allow a lesser setback having regard to:*
 - a) the elevation of the property and its environs. The proposed application respects the existing shoreline and other physical features of the property.*
 - b) the geology of the property. The geology of the land is suitable to the proposed use and method of construction. The existing shoreline and vegetation will be preserved.*

- c) *the storm/beach ridge. The proposed pool is landward of the storm/beach ridge on the property and respects the topographical profiling of this coastline.*
- d) *the existence of a protective reef adjacent to the proposed development; The subject parcel is located with the North Sound which has a protective reef. This parcel is located within a sheltered lagoon in the North Sound which is protected by a reef. As such the lagoon has experienced a lower risk of erosion and damage by waves and surge during a storm.*
- e) *the location of adjacent development. The pool on adjacent property to the right is 40'5" from the high-water mark which closer than this application. In addition, there are multiple properties along this coastline with pool or structures closer to the shoreline than this coastline with pools or structures closer to the shoreline than this application. Therefore, the proposed reduced setback from the high-water mark is typical to the established development character of the community.*
- f) *any other material consideration which the Authority considers will affect he proposal. There is an existing cabana which is closer to the high-water mark than the proposed pool and its location has not negatively affected the coastline. And there is no evidence to suggest the proposed pool would cause an adverse effect to the coastline.*

7. *The application complies with all other relevant planning requirements.*

We look forward to your favorable response to this variance request. Should you have any queries, please do not hesitate to contact us at 947-7020 or via email at gmej@candw.ky.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a swimming pool & deck to be located on Water Cay Rd., North Side.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) HWM Setback

Regulation 8(10)(b) states *"in areas where the shoreline is beach or mangrove (except in a Hotel/Tourism zone), all structures and buildings, including ancillary buildings, walls and structures, shall be setback a minimum of 75' from the high water mark"*. The proposed deck planters & steps would be 41'-2", with the proposed deck & pool being 45'-0" & 47'-3" from the HWM. The proposed structures would have a difference of 41'-2" (planters / steps) & 30'-0" (deck) & 27'-9" (pool) respectively.

The Authority should assess if there is sufficient reason and an exceptional circumstance that exists in accordance with Section 8(11) to warrant granting the HWM setback variance.

2.15 DMS PROPERTIES (EKT Architecture) Block 20C Parcel 172 (P23-0374) (\$7.0 million) (NP)

Application for a warehouse.

FACTS

<i>Location</i>	Cico Avenue in George Town
<i>Zoning</i>	Light Industrial
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	2.93 acres
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Vacant
<i>Proposed use</i>	Warehouse
<i>Building Footprint</i>	37,156 sq. ft.
<i>Building Area</i>	37,156 sq. ft.
<i>Site Coverage</i>	87.0% (building and parking)
<i>Parking Required</i>	39
<i>Parking Proposed</i>	56

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

- 1) Site coverage (87.0% vs 75.0%)
- 2) NRA comments regarding reversing into a ROW

AGENCY COMMENTS

Comments received to date are noted below.

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

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD</i>
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Warehouse	1 x Toilet	150gpd/Toilet	150
TOTAL			150

- *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 4'8" 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.

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.

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.

Fire Department

The Fire Department has stamp approved the drawings.

Department of Environment

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

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

We recommend that the applicant incorporates Sustainable Drainage Systems (SuDS) into the stormwater management plan for the site. SuDs are drainage solutions that provide an alternative to the direct channeling of surface water through pipes and deep wells. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity, and reducing the transport of pollution to the water environment. Measures could include permeable and sustainable materials within the parking area.

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

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

Lastly, we recommend that, wherever possible, sustainable design and energy efficiency features are included in projects such as this one. We especially encourage renewable energy installations given that the Cayman Islands has a target of 70% of energy generation being renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). Photovoltaic solar panels in particular could be installed on suitable roof space or over the proposed parking spaces.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed re-development of the site, the DoE recommends the inclusion of the following condition in any planning permission:

- 1. If the construction uses insulating concrete forms (ICF) 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 are completely captured on-site and does not enter the nearby water bodies or impact the surrounding areas.*

Department of Environmental Health

Solid Waste Facility:

This development requires (1) 8 cubic yard container with once per week servicing.

Table 1: Specifications for Onsite Solid Waste Enclosures

<i>Container size (yd3)</i>	<i>Width (ft)</i>	<i>Depth (ft)</i>	<i>Height (ft)</i>	<i>Slab Thickness (ft)</i>	<i>Requirements</i>
8	10	10	5.5	0.5	<i>Water (hose bib), drain, Effluent Disposal well; guard rails</i>

NOTE:

The drain for the enclosure must be plumbed to a garbage enclosure disposal well as per the Water Authority's specifications

National Roads Authority

Memorandum #1

As per your memo dated May 11th, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issue

- *Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft.*
- *Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.*
- *Reversing into a road is discouraged and therefore the parking lot should be redesigned with access to parking stalls internally, where the road is not being used as the manoeuvring area.*

[illegible]

The traffic demand to be generated by the above proposed warehouse storage facility of 40,694 sq. ft. has been assessed in accordance with ITE Code 150 - Warehouse. The anticipated traffic to be added onto Cico Avenue is as follows:

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

One-way driveway aisles with diagonal parking shall be a minimum of twenty (20) wide.

A six (6) foot sidewalk shall be constructed on Cico Avenue, within the property boundary, to NRA standards.

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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 Cico Avenue. 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

Memorandum #2

As per your memo dated May 11th, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issue

The staff parking located on the south side of the building reversing onto an access road which connects to the Airport is discouraged by the NRA. While there are no regulations for this type of parking, the NRA remains concerned that this may cause a safety issue to members if the users of that roadway. However, all other conditions mentioned in NRA's memorandum dated August 17th 2023 remain applicable.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in George Town, on Cico Avenue.

The property is currently vacant.

The proposed 37,156 square foot building is divided into two separate storage areas – the south one that would have parking for a total of 192 vehicles (stacked four high) and a north area that would be traditional storage space.

Zoning

The property is zoned Heavy Industrial.

Specific Issues

1) Site Coverage

Regulation 8(1) states that in no case may the building plus car parking area exceed 75 per cent of the lot area.

In this instance the proposed building and parking area (including driveways) total 87 per cent.

The applicant has included grasscrete for a portion of the parking area in order to bring the site coverage down to 75%.

The Authority should determine whether the use of grasscrete is acceptable for an industrial building in this instance.

2.16 BRENDA TIMOTHY (Abernethy & Associates) Block 1D Parcel 185 (P23-0065) (\$5,089) (MW)

Application for a 5 lot subdivision (4 residential lots & 1 road parcel)

FACTS

<i>Location</i>	Off Sky Way, West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	1.5 ac. (65,340 sq. ft.)

Parcel size required

10,000 sq. ft.

BACKGROUND

NA

Recommendation: Discuss the application, for the following reasons:

- 1) Access (24' vs 30')
- 2) Lot width (66.2' and 61.5' vs. 80')

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:

*Please be advised that the development is **outside** the Water Authority's West Bay Beach Sewage System (WBBSS) collection area; therefore, the required onsite treatment of wastewater will be specified by the Water Authority when the proposal for built development is reviewed.*

Water Supply:

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

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

National Roads Authority

As per your email dated March 15th, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

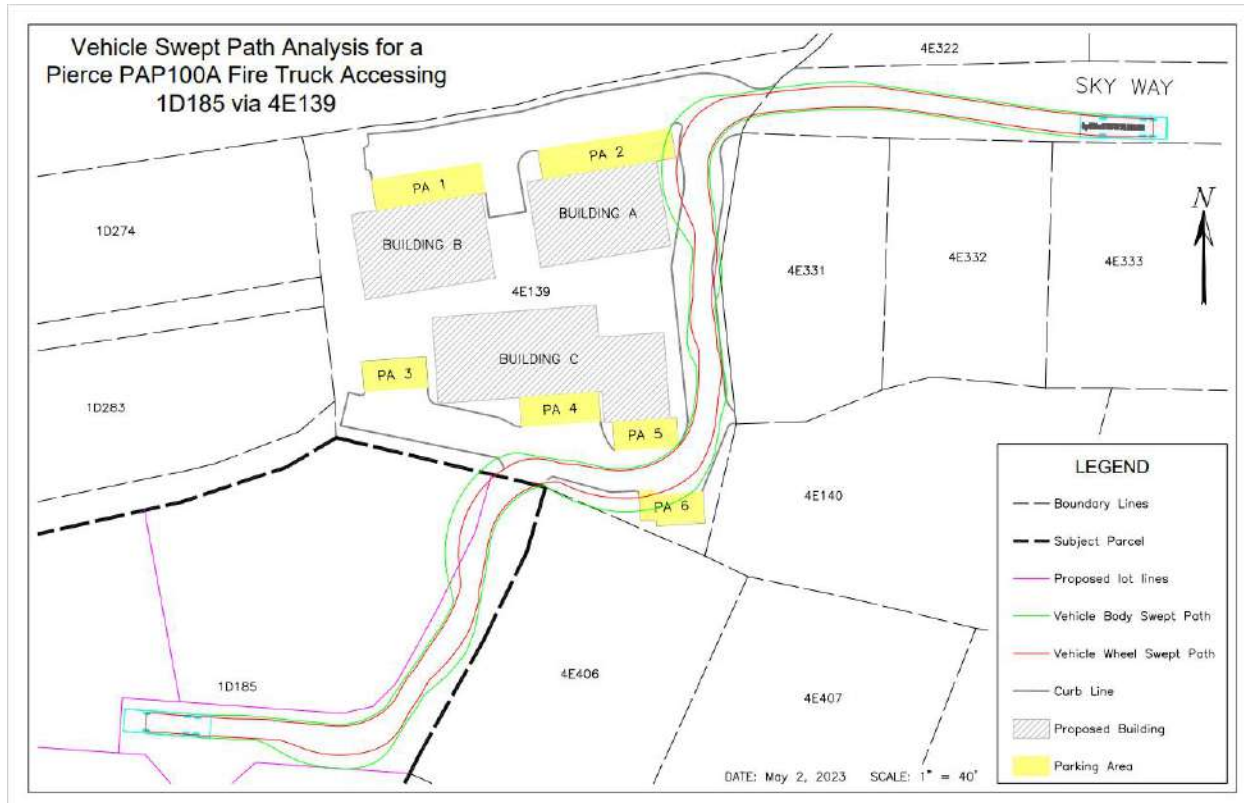
General Issues

The proposed subdivision does not have access to a public road. The intended access, the right-of-way via 4E139, will need to be built out to the minimum NRA standards for subdivision roads including the drainage conveyance requirement up to Sky Way.

The NRA's primary concern with the access to the proposed subdivision via 4E139 is that the approved site plan for that parcel will not be able to accommodate passage of the Cayman Islands Fire Service's 100-foot ladder truck, as demonstrated in the attached vehicle swept path analysis for a Pierce PAP100A fire truck. This is further compounded by the fact that lot number 3 of the proposed subdivision is large enough to accommodate apartments making it imperative that it is accessible to a fire truck of this size.

Unless a suitable access is negotiated, the NRA cannot endorse this development.

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, having been fully cleared in the past although significant regrowth of now-mature vegetation has occurred.

*We note that the application is for a subdivision, clearing should be limited to the extent required to establish the road parcel. We would **not** support the clearing of the entire site at this time. Land clearing should be reserved until the development of individual lots is imminent (through the granting of planning permission for development on those particular lots). This allows the opportunity for the individual lot owners to retain as much*

native or mature vegetation as possible. Clearing the entire site prematurely removes the choice from the individual lot owners and removes the value the habitat could provide in the time between the preparation of a subdivision and the development of an individual lot.

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

- 2. There shall be no land clearing, excavation, filling or development of the resultant residential lots (Lots 1, 2, 3 and 5) without planning permission for such works being granted.*

APPLICANT'S LETTER

Letter #1

Attached is the amended design to meet the radius specs supplied by NRA.

The subject parcel has a vehicular right of way from Sky Way through 4E 139. 4E 139 has an approved development that has a roadway design along this easement and will be built to NRA specifications.

If you have any questions, please let me know.

Letter #2

We have been in discussions with the developers of Block 4E Parcel 139 and the National Road Authority and have re-designed the subdivision to meet all parties needs and requirements. Please find attached the new proposed design.

If you have any questions, please let me know.

Letter #3

*Enclosed please find the relevant documents relating to the proposed subdivision. Lots 1 & 2 are at the end of the turn around and their common boundary is less than the required 80' width, but both lots have more than and 80' * 80' square that fit within the lots and have ample buildable area. We are asking for a variance on the lot width under the Planning Regulation 8(13) (b) (iii) to accommodate this.*

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for a (5) Lot Subdivision (4 residential lots & 1 road parcel) to be located off Sky Way, West Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Access

The proposed subdivision lots will gain access over an internal 30' wide road parcel, but the access to the site itself is a 24' wide vehicular right-of-way over the adjoining Parcel 4E 139. As noted by the NRA, the 24' right-of-way is situated over the drive aisle for an approved apartment development. The Authority needs to determine if the 24' wide right-of-way is an adequate width for the proposed 4 new lots.

2) Lot Width

Regulation 9(8)(g) states "*the minimum lot width for detached and semi-detached houses and duplexes is 80 feet.*" The proposed width of Lot 1 (66.2') & Lot 2 (61.5') a difference of Lot 1 (13.8') & Lot 2 (18.5') respectively. These deficient lot widths are due to the lots being situated on a hammerhead turnaround.

2.17 INGRID BUSH. Block 4b Parcel 576 (P23-0671) (\$4500) (AS)

Application for an after-the-fact porch.

FACTS

<i>Location</i>	Banson Dr
<i>Zoning</i>	HDR
<i>Parcel Size</i>	.2508 AC (10,924 sq. ft.)
<i>Current Use:</i>	Residential
<i>Existing House Footprint:</i>	2695 sq ft
<i>ATF Porch Footprint:</i>	41 sq ft
<i>Site Coverage:</i>	25.04%
<i>Notices</i>	No objections

Recommendation: Discuss the application for the following reason:

- 1) Rear setback (14'-11" vs 20')

APPLICANT'S LETTER

"I am requesting a variance for the above address to seek relief of the acquire rear setback. For the reasons below. The propose reduction of the rear yard setback will allow the owner to keep this back porch which is built 14'-11" away from the rear setback that will be in contact of the surrounding homes along the street.

(1). *The strict application of the requirements of this zoning chapter would deprive the property owner of rights and privileged currently enjoyed on this site and by other property owners in the same zoning district. I am requesting a reduction in the required rear setback to 14'-11" the deck porch footprint to remain as is currently.*

(2). *Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.*

(3). *The granting of the variance will have no effect on my adjoining properties. This zoning relief requested 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 not just a casual/discretionary inconvenience to the property owner.*

(4). *The requested variance would be consistent with the spirit and purpose of this chapter and the district of WESTBAY as this extended rear deck being built will blend with the new homes in the neighborhood and will be well within the spirit of the street and community."*

PLANNING DEPARTMENT ANALYSIS

General

The application is for an atf 41 sq ft porch constructed at the rear of the existing house.

Zoning

The property is zoned High Density Residential.

Specific Issue

1) Rear setback

Pursuant to Section 9 (7) (i) of the Development and Planning Regulations (2022 Revision) the minimum rear setback is 20 ft. The porch is located 14 ft 11 in from the rear property boundary.

2.18 KIRK COLLINS, Block 49A Parcel 60 (P23-0658) (\$21,000) (AS)

Application for an after-the-fact shed.

FACTS

<i>Location</i>	Sandstone Drive
<i>Zoning</i>	MDR
<i>Notification result</i>	no objections
<i>Parcel Size</i>	.2401 AC (10,458 sq. ft.)
<i>Current Use:</i>	Residential
<i>Existing House Footprint:</i>	505 sq ft

Proposed Building Footprint: 121 sq ft
Site Coverage: 5.98%

Recommendation: Discuss the application for the following reason:

- 1) Rear setback (13' vs 20')

AGENCY COMMENTS

Comments were received from the Department of Environment

Department of Environment

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

APPLICANT'S LETTER

We write on behalf of our client, Mr. Kirk Collins, with regards to the following variance;

- *A rear setback variance — of 4ft 7in. as the subject structure exists 15ft5 in. front the rear property line instead of the prescribed 20ft for a Low'-Density Residential property.*

As such, permission is requested for the subject structure and we humbly give the following reasons:

1. *Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail.*
2. *Per section 8(13)(b)(iii) of the Planning Regulations, granting the variances to allow this structure to remain as shown has not and will not cause it to be detrimental to persons residing or working in the vicinity, nor to the adjacent property, nor to the neighborhood, or to the public welfare going forward.*
3. *The storage shed appears to have been soundly built. It consists of a concrete roof top over concrete block walls that are anchored to a concrete foundation. The structure is aesthetically pleasing and should not negatively affected the harmonious look of the area. It would be a cumbersome and a costly exercise for the applicant to relocate the shed.*
4. *The application complies with all other relevant planning requirements.*

We look forward to your favorable response to this variance request.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an after the fact 121 sq ft shed.

Zoning

The property is zoned Medium Density Residential.

Specific Issue

1) Rear setback

Pursuant to Section 9 (7) (i) of the Development and Planning Regulations (2022 Revision) the minimum rear setback is 20 ft. While the applicant's cover letter states that shed is located 15 ft 5 in from the rear property line, there are steps that further encroach resulting in a setback of 13 ft.

2.19 RAYAL BODDEN (Cayman Survey Associates) Block 20E Parcel 315 (P23-0678) (\$5,000) (EJ)

Application for a 2 lot subdivision.

FACTS

<i>Location</i>	Glenmont Close in George Town
<i>Zoning</i>	MDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.56 ac. (24,393 sq. ft.)
<i>Parcel size required</i>	Lot A: 0.29 acres (12,732 sq. ft.) Lot B: 0.27 acres (11,692 sq. ft.)
<i>Current use</i>	Duplex under construction

BACKGROUND

July 21, 2021 (CPA/15/21; Item 2.37) - The Authority granted permission for a duplex.

Recommendation: Grant Planning Permission

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

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

APPLICANT'S LETTER

Please find attached our Application to Subdivide 20E 315 into 2 lots so that the duplex can sit on its own parcel.

20E 315 currently has a 13.1' frontage on Glenmont Close with additionally a 7' Right of Way over adjacent parcel 20E 173. Having reached an agreement with the adjoining owner, it is our intention to Register a Variation of Easement with our Survey to increase the overall access width to 22' and simultaneously Register a new 22' wide Easement so that 20E 313 can benefit from the same access point, as they are both owned by the Bodden family.

The boundaries and dimensions as shown on our diagram have been taken from GB4017, so we are able to quote distances and offsets to a precision of 0.1' throughout.

PLANNING DEPARTMENT ANALYSIS

General

The proposed two (2) lot subdivision is located on Glenmont Close in George Town.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Access

The submitted subdivision plan shows lot B gaining access over lot A via a new 20' vrow. The overall subject parcel does benefit from a 7' vrow over the adjacent parcel 20# 173. As noted in the applicant's letter, they plan on increasing the vrow for B over A to 22' and increasing the vrow over 20E 173 from 7' to 22'. The 22' vrow would also be extended west to 20E 313. On the basis of the vrows being increased to 22' and registered there is no concern with the application.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

6.0 CPA MEMBERS INFORMATION/DISCUSSION

Appendix A



TO: DIRECTOR OF PLANNING
FROM: MANAGING DIRECTOR (JH)
DATE: OCTOBER 6TH 2023
OUR REF: RDS/DEV/58A

YOUR REF: P23-0643

SUBJECT: Proposed 253 Residential Lot, 2 LPP Lot, and 1 Road Lot Subdivision on Block 58A Parcel 109REM1 – Frank Sound Road

As per your memo dated August 16th, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issues

- The applicant should contribute to the construction cost of one lane in each direction on the future East West Arterial corridor for an alternative means of access to the development.
- The connector roadway to the East West Arterial should have at least 150 ft of length before internal intersections are introduced.
- The NRA would like the applicant to provide a comprehensive phasing plan of the project.
- While there are two access points to this development, the NRA is concerned that there are no other means of entry to the proposed subdivision. Applicant should provide at least 2 other means of entry to surrounding parcels. -Per NRA's Design and Construction Specifications for Subdivision Roads & Property Development –
 1. Section 2.2 - Collector Roads
 - (a) provide direct access to residences and other property
 2. Section 5.1 - Access Requirements

All subdivisions are required to provide road connections to adjacent property for access or for future extensions.
- For a subdivision with over 150 lots it is required for the applicant to provide a turning lane into the subdivision along Frank Sound Road.
- A comprehensive traffic calming plan will be required for a subdivision of this scale, where traffic controls are in place to mitigate speeding and other unwanted behaviours on the road.

Stormwater Management Issues

Stormwater control should be considered as an integral component of any subdivision or site development. It is the responsibility of the developer to ensure that the quantity of stormwater runoff is reduced and prevent uncontrolled runoff flow to buildings and large impervious surfaces that could cause flooding resulting in an

environmental impact forming a breeding area for mosquitos. A comprehensive drainage plan needs to be provided by the applicant for the entire project.

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

Infrastructure Issues

The NRA advises the CPA to require the developer to provide for signage (stop signs, etc.), street lighting and any other traffic calming measures on the proposed roads of the subdivision. Once the roadway has been taken over as a public road, the NRA can then assume that responsibility.

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

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

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

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


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

Transportation Planning Unit
For Managing Director

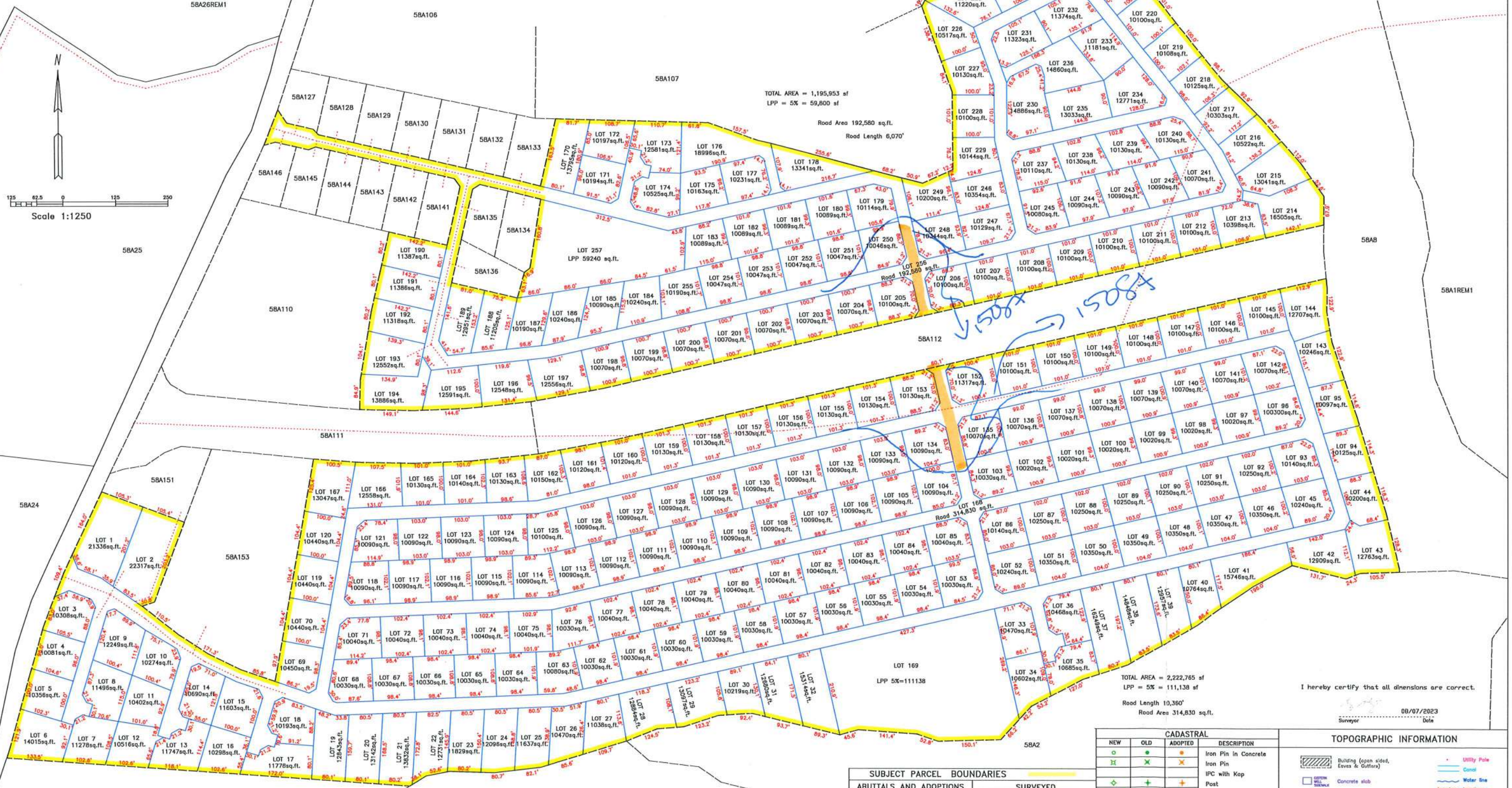
National Roads Authority

1:46 pm, Oct 06 2023

Transportation Planning Unit


NATIONAL ROADS
AUTHORITY

PROPOSED COMBINATION/SUBDIVISION OF BLOCK 58A,
PARCELS 109REM1, 150REM1, 137-140, 152 & 154.



ABERNETHY AND ASSOCIATES LTD.
LICENSED LAND SURVEYORS
P.O. BOX 11134 GRAND CAYMAN, KY1-1008
PH. 947-1582 CEL. 925-2816
DRAWING # 23309APP

SUBJECT PARCEL BOUNDARIES















ABUTTALS AND ADOPTIONS	SURVEYED
Fence, Wall, Kerb	Fence, Wall, Kerb
Water (natural/other)	Water (natural/other)
Demarcated	Demarcated
Undemarcated	Undemarcated
Bluff (Top, Bottom)	Bluff (Top, Bottom)

EXISTING	NEW
Private R.O.W.	Private R.O.W.
Public R.O.W.	Public R.O.W.

RIGHTS OF WAY
Bluff (Top, Bottom)

EXISTING	NEW
Private R.O.W.	Private R.O.W.
Public R.O.W.	Public R.O.W.

NEW	OLD	ADOPTED	DESCRIPTION
+	+	+	Iron Pin in Concrete
+	+	+	Iron Pin
+	+	+	IPC with Kap
+	+	+	Concrete Monument
+	+	+	Theoretical Point
+	+	+	Tree
+	+	+	Control IP or Nail
+	+	+	Control IPC
+	+	+	Control IPC Brass Mark
+	+	+	Topographical Fix
+	+	+	User defined
+	+	+	User defined

TOPOGRAPHIC INFORMATION	
	Building (open sided, Eaves & Gutters)
	Concrete slab
	Fence, Wall, Kerb
	Footpath, Dyke, Track
	Edge of formation
	Top (Bottom) Bluff
	Utility Pole
	Canal
	Water Line
	Ironshore
	Mangrove
	Hedge
	Tree (Type)
	Edge of Canopy
ROAD GAZETTEMET	
Road Name	Gazetting plan and nominal/minimum width