

Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on **August 30, 2023 at 10:00am** in Conference Room 1038, 1st Floor, Government Administration Building, and Elgin Avenue

19th Meeting of the Year

CPA/19/23

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/19/23

- 2.1 SDG GROUP LTD. (AD Architecture Ltd.) Block 37E Parcels 164 & 165 (P23-0103) (\$2,285,000) (MW) 5**
- 2.2 DENNIS FIGUEROA (TSC Architectural Designs) Block 28C Parcel 526 (P23-0142) (\$175,000) (NP) 12**
- 2.3 ONIEL EWERS (Roland Bodden and Co.) Block 25C Parcel 383 (P23-0378) (\$4,250) (MW) 13**
- 2.4 DENA RYAN (Abernethy & Associates) Block 4E Parcel 362 (P23-0502) (\$3,613) (NP) 16**
- 2.5 WINSOME PRENDERGAST (JMP Construction) Block 9A Parcel 11 (P23-0078) (\$10,000) (MW) 18**
- 2.6 ROHAN WALTERS (GMJ Home Plans Ltd.) Block 38E Parcel 30 (P23-0074) (\$710,000) (MW) 25**
- 2.7 ADRIAN & ORLEE EBANKS (TSC Architecture) Block 5C Parcel 244 (P23-0497) (\$780,000) (EJ) 31**
- 2.8 LESLIE HARVEY (Whittaker & Watler) Block 14D Parcel 450 (P23-0440) (\$2.0 million) (NP) 38**
- 2.9 PAUL PARCHMENT Block 1D Parcel 76 (P23-0442) (\$775,000) (NP) 45**
- 2.10 RICHARD LONNIE PARCHMENT (Roland Bodden) Block 1D Parcel 76 (P23-0418) (\$6,000) (NP) 51**
- 2.11 ROUSSEAU LTD. (Johnson Design & Architecture) Block 43A Parcel 61 (P23-0260) (\$485,000) (NP) 53**
- 2.12 ELDON KIRKCONNELL (MKS International) Block 28E Parcel 158 (P23-0309) (\$100,000) (EJ) 60**
- 2.13 TORRANCE BOBB (Brewster's Designs) Block 22E Parcel 72 (P23-0251) (\$7,200) (NP) 65**
- 2.14 ANDRE HAMILTON (Garden City Designs) Block 4E Parcel 10 (P23-0273) (\$25,000) (NP) 66**
- 2.15 LYDIA & BENJAMIN BOOKER (Kariba Architecture) Block 24D Parcel 73 (P23-0125) (\$13,520) (NP) 71**
- 2.16 GREEN TEA LIMITED (John Doak Architecture) Block 15D Parcel 168 (P23-0485) (\$50,000) (EJ) 117**
- 2.17 GREG SWART (OAD) Block 23C Parcel 252 (P23-0348) (\$1.3 million) (NP) 127**
- 2.18 JEHROME ESLUZAR (AMR Consulting Engineers) 12E Parcel 115 (P23-0520) (\$100,000) (NP) 132**
- 2.19 POLISHED REAL ESTATE HOLDINGS (CCS Ltd.) Block 72C Parcel 434 (P23-0423) (\$100,000) (EJ) 135**
- 2.20 ROGER WOOD (Tony Lattie) Block 4B Parcel 806 (P22-0951) (\$100,000) (EJ) 137**

**2.21 SCHMARRAH MCCARTHY (AMR Consulting Engineers) Block 6D Parcel 63
(P23-0526) (\$600,000) (NP) 139**

APPLICANTS ATTENDING THE AUTHORITY'S MEETING

Applicant Name	Time	Item	Page
SDG Group Ltd	10:30	2.1	6
Dennis Figueroa	11:00	2.2	13
Oniel Ewers	11:30	2.3	14
Dena Ryan	1:00	2.4	17
Winsome Prendergast	1:30	2.5	20
Rohan Walters	2:00	2.6	26

1.1 Confirmation of Minutes CPA/18/23 held on 23rd August 2023.

1.2 Declarations of Conflicts/Interests

Item	Member

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

2.1 SDG GROUP LTD. (AD Architecture Ltd.) Block 37E Parcels 164 & 165 (P23-0103) (\$2,285,000) (MW)

Application for 8 apartments

Appearance at 10:30

FACTS

<i>Location</i>	Lily Dawn Cl., Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.5796 ac. (25,247.376 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Existing house to be demolished
<i>Proposed building size</i>	9,140 sq. ft.
<i>Total building site coverage</i>	20.57%
<i>Allowable units</i>	8 (8.69)
<i>Proposed units</i>	8
<i>Allowable bedrooms</i>	13 (13.91)
<i>Proposed bedrooms</i>	14
<i>Required parking</i>	12
<i>Proposed parking</i>	15

BACKGROUND

May 24, 2023 (CPA/12/23; item 2.12) – the application was adjourned to invite in the applicant to discuss concerns regarding suitability

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

- 1) Suitability

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment & Disposal

- The developer shall provide a **septic tank(s)** with a capacity of at least 2,500 US gallons for the proposed, based on the following calculations:

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
Proposed Apartments	4 x 1-Bed Units	150gpd/1-Bed	600
	2 x 2-Bed Units	225gpd/2-Bed	450
	2 x 3-Bed Units	300gpd/3-Bed	600
TOTAL			1,650

- The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.
- Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be **4"**. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.
- To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of **5'1"** 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.

At Max for Septic Tank(s)

The developer is advised that the proposed development on this parcel brings it to the maximum size/use allowed for treatment by a septic tank(s). Further development on this parcel, including any change of use which increases the estimated wastewater flows past the maximum allowance for septic tanks, will require that all wastewater generated on the parcel (from proposed and existing structures) shall be treated by an onsite aerobic wastewater treatment system(s).

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

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

National Roads Authority

Memo 1

As per your memo dated March 15th , 2022 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 NRA has no objections or concerns with the proposed application, however the accessibility of parking space 11 and 6 requires reconsideration as accessibility in and out of the parking lot will be hindered by other users especially with the handicap parking space being in the center.

Road Capacity Issues

The traffic demand to be generated by a residential development of Eight (8) apartments has been assessed in accordance with ITE Code 220 - apartment. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Hudson Drive is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 20% In</i>	<i>AM peak 80% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 65% In</i>	<i>PM Peak 35%Out</i>
<i>53</i>	<i>4</i>	<i>1</i>	<i>3</i>	<i>5</i>	<i>3</i>	<i>2</i>

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

Access and Traffic Management Issues

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

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

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

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:

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.

- 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 Hudson Drive. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*

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

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

- *Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)*

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the abovenoted stormwater requirements would cause a road encroachment under Section 16 (g) of The Page 3 of 3 Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as

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

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

Memo 2

As per your memo dated April 26 th , 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

The NRA has no objections or concerns regarding the above proposed SDG Group Apartment revision to reduce the parking spaces, however all other conditions apply that are referenced in previous letter dated March 22nd , 2023.

Department of Environmental Health

Solid Waste Facility:

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

NOTE:

The drain for the enclosure must be plumbed to a garbage enclosure disposal well as per the Water Authority's specifications. Contact development.control@waterauthority.ky for deep well details.

Department of Environment

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

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

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

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

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

Fire Department

Approved for Planning Permit Only 17 Mar 23

APPLICANT'S LETTER

In relation to the above-mentioned subject and on behalf of our client, we hereby requesting your good office to grant us an approval for the variance of:

- 1. **Bedroom Density** – The proposed apartment is fitted for the 2 parcels which are parcels 164 and 165. These parcels have a total of 0.5796 acre which is allowed for 8.7 units and 13.9 bedrooms. We are proposing for 8 units and 14 bedrooms. The proposed structure is less of 0.70 for the unit and exceeds a 0.10 for the bedroom. The client is looking to maximized what they can built on site without compromising the characteristic, function and compliance to the law.*

Despite of the above-mentioned request, we are mindful and took considerations of the provisions under the following regulations:

Regulation 8 (13)(b)

- (i) where the characteristics of the proposed development are consistent with the character of the surrounding area:*
- (ii) unusual terrain characteristics limit the site's development potential; or*
- (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public.*

Below is list of items in consideration to the design and in compliance of the structure:

- 1. The structure was designed to perfectly fit on the location without compromising the setbacks on all sides of the property.*
- 2. The site development is in compliance to the requirements and satisfactions of other government agencies.*
- 3. Ample space for vegetation/landscape.*
- 4. Ample parking provided for the number of units.*

We are looking forward for your kind consideration and approval on this matter.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an 8 unit apartment development; 9,140 sq. ft. located on Lily Dawn Cl., Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

Section (8) states the following development is permitted in a Low Density Residential Zone.

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

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

- 37E 187:- Duplex
- 37E 272:- Duplex

2) Bedroom Density

Regulations 9(8)(c) states “*the maximum number of apartments is 15 per acre with a maximum of 24 bedrooms*”. The proposed development is proposing a total of 14 bedrooms which is a difference of 0.0896 bedrooms more than the maximum allowable of 13.9104 bedrooms respectively.

SUPPLEMENTAL ANALYSIS

The Authority should be reminded the above-mentioned application was seen on May 24, 2023. The application was considered and it was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding suitability of the site for apartments. There have been no changes to the plans.

2.2 **DENNIS FIGUEROA (TSC Architectural Designs) Block 28C Parcel 526 (P23-0142) (\$175,000) (NP)**

Application for an addition to create a duplex

Appearance at 11:00

FACTS

<i>Location</i>	Country Road in Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Parcel size</i>	12,806.1 sq. ft.
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	House
<i>Proposed use</i>	Addition to create a Duplex

BACKGROUND

June 21, 2023 (CPA/14/23; Item 2.15) – The Authority resolved to adjourn the application in order to have the applicant address the width of Country Road.

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

- 1) Country Road width (15’)

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Country Road in Bodden Town.

The property presently contains a 960 square foot house and the application proposes to add an 861 square foot addition consisting of a separate unit. The end result will be a duplex on the property.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Width of Country Road

In the past, the Authority has refused an application for an apartment complex on a neighbouring property due to the insufficient width of Country Road, which is 18 feet wide.

At least one additional vehicle will be using Country Road.

The Authority should discuss whether the lot is suitable for a duplex.

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans.

2.3 ONIEL EWERS (Roland Bodden and Co.) Block 25C Parcel 383 (P23-0378) (\$4,250) (MW)

Application for a 4 lot land strata subdivision.

Appearance at 11:30

FACTS

<i>Location</i>	Raven Ave., Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	0.3166 ac. (13,791.096 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant

BACKGROUND

March 25, 2010 – Three by Three Bedroom Duplex – the application was considered and it was resolved to grant planning permission.

November 4, 2021 – Five (5) Bedroom Duplex – the application was considered and it was resolved to grant planning permission.

May 22, 2023 – Six (6) Bedroom Duplex – the application was considered and it was resolved to grant planning permission.

Recommendation: Discuss the application, for the following reasons:

- 1) Compliance to Regulation 9(8)(ja)
- 2) Objectors concerns

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment

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

Water Supply

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

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

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

Department of Environment

This review is provided by the Director of the Department of Environment (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 low ecological value.

We note that the application is for a subdivision, we would not support the clearing of this site at this time. Land clearing should be reserved until the development of individual lots is imminent (through the granting of planning permission for development on those particular lots). This allows the opportunity for the individual lot owners to retain as much native vegetation as possible. We recommend that native plants are incorporated into any future 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.

APPLICANT'S LETTER

On behalf of our client, Mr. Oniel Ewers, we are kindly requesting a variation on the minimum lot sizes for the proposed Raw Land Strata lots, as it relates to Planning Regulation 8(13).

This housing development has been submitted for approval and we are kindly requesting the stratification of the building footprint. This will include land usage for unit entitlement for the new owners to enjoy private and personal space which is more geared towards a duplex concept. We are kindly requesting a favorable review into this proposal.

Your approval for the variation would be greatly appreciated. Should you have any questions or require any additional data please call our office.

OBJECTIONS

Letter #1

I am writing in respect of the application for Block 25C383 to divide a piece of land into four raw land state lots.

I wish to object on the basis that the subdivision in which this property is located is intended for single family dwellings only.

Letter #2

We are writing in respect of the application for Block 25C383 to divide a piece of land into four raw land state lots.

We wish to object on the basis that the subdivision in which this property is located is intended for single family dwellings only.

Attached are the covenants for the subdivision which show this in Item 1 of the Second Schedule. These covenants have been registered.

Shamrock Heights Development Co., Ltd.

P.O.Box 30828

Grand Cayman KY1-1204

25C304

Covenant Documents

See Appendix A

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 4 lot land strata subdivision located on Raven Ave., Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Compliance to Regulation 9(8)(ja)

As noted above, a duplex has been granted planning permission on the subject property. The applicant now wishes to create a 4 lot land strata subdivision that included a lot for each side of the duplex, lots for the rear and side yard areas for each side of the duplex and a common area between the duplex and the road. Regulation 9(8)(ja) states “*the minimum lot size, lot width, setbacks and site coverage for land strata lots and volumetric parcels which are intended to allow the conveyance of dwelling units in an approved duplex, apartment building or townhouse shall be at the discretion of the Authority.*” The Authority should consider if the proposed development can be considered under the above-mentioned regulation.

2.4 DENA RYAN (Abernethy & Associates) Block 4E Parcel 362 (P23-0502) (\$3,613) (NP)

Application for a 2 lot subdivision.

FACTS

<i>Location</i>	Oswald Drive in West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	5,662.8 sq ft
<i>Parcel size required</i>	10,000 sq. ft. for dwellings
<i>Parcel width required</i>	80 feet for dwellings
<i>Proposed lot sizes</i>	1,250 sq ft & 5,200 sq ft
<i>Proposed lot widths</i>	67.7' & 66.9'
<i>Current use</i>	Two houses

BACKGROUND

NA

Recommendation: Discuss planning permission for the following reasons:

- 1) Lot width (67.7' & 66.9' vs 80')

- 2) Lot size (1,250 sq ft & 5,200 vs 10,000 sq ft)
- 3) Deficient setbacks on both parcels

AGENCY COMMENTS

Comments have been received from the following agencies:

Water Authority Cayman

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

Existing Septic Tanks

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

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

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.*

APPLICANTS LETTER

Enclosed please find the relevant documents relating to a 2-lot subdivision.

The purpose of the subdivision is to separate the dwelling on Lot 1 from the parent parcel.

The occupant of the dwelling on Lot 1 is a relative of the proprietor of 4E 363 and it is our understanding that in the future 4E 363 will be combined with Lot 1 or 4E 363 will be subdivided in such a way that the building on Lot 1 will have its own parcel number.

We are asking for a variance on the lots size, width, and setbacks under the Planning Regulation 8(13) (b) (iii) to accommodate this.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Oswald Drive in West Bay.

The property currently has two dwellings.

The proposal is to divide the existing parcel so that each proposed parcel has a dwelling.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Width of the proposed lots (67.7' & 66.9' vs 80')

Proposed Lot 1 would have a width of 67.7 feet and proposed Lot 2 would have a width of 66.9 feet.

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

The Authority should discuss whether variances for lot width are warranted in this instance.

2) Lot sizes (1,250 sq ft & 5,200 sq ft vs 10,000 sq ft)

Regulation 9(8)(d) requires a minimum lot size of 10,000 square feet for a dwelling.

According to the surveyor, proposed lot 1 would have 1,250 square feet and proposed Lot 2 would be 5,200 square feet.

The Authority should discuss whether variances are warranted in this instance.

3) Deficient Setbacks

As proposed, both dwellings would have numerous deficient setbacks on their respective parcels.

The Authority should discuss whether setback variances are warranted in this instance.

2.5 WINSOME PRENDERGAST (JMP Construction) Block 9A Parcel 11 (P23-0078) (\$10,000) (MW)

Application to modify planning permission to relocate a fence & gate.

Appearance at 1:30

FACTS

<i>Location</i>	Adonis Dr., West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	Objector
<i>Parcel size proposed</i>	1.244 ac. (54,188.64 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Approved Apartments

BACKGROUND

March 20, 2011 – Six lot subdivision – the application was considered and it was resolved to grant planning permission.

June 28, 2019 – (20) Apartments, clubhouse & gym with trellis, (9) raw land strata lots, swimming pool, 6’ perimeter wall and sign – the application was considered and it was resolved to grant planning permission. (CPA/13/19; Item 2.4)

April 3, 2020 – Modify planning permission to revise the site layout and revise the interior and exterior of the buildings which includes an additional 63 sq. ft. of floor area- the application was considered and it was resolved to grant planning permission. (CPA/06/20; Item 2.5)

September 1, 2021 – Modification to revise site plan to relocate cuc transformer & increase building heights for buildings 1 through 4 & clubhouse/ gym – the application was considered and it was resolved to grant planning permission.

July 19, 2023 (CPA/16/23; item 2.5) – the current application was considered and it was resolved to adjourn the application at the request of the objector’s Attorney.

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

- 1) Safety
- 2) Objectors Concerns

AGENCY COMMENTS

Comments from the National Roads Authority are noted below.

National Roads Authority

As per your memo dated July 19th, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

The NRA has no objections or concerns’ regarding the above proposed modification to Fence/Gate layout.

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

APPLICANT’S LETTER

We write in relation to the Planning Application submitted for the Modification of the Site Plan for the LaPaidion development situated at Block 9A Parcel 11, 125 Adonis Drive, West Bay, Grand Cayman.

The Application is seeking formal approval to erect a standard 4-foot metal picket fence at a portion of the Eastern Boundary of the property and the erecting of 2 gates at the entrance to the development site in question.

Gates:

On making enquiries about the application, and upon review of the minutes of a meeting of the Central Planning Authority held on April 26, 2023 “Matters from the Director of

Planning” Item 5.2, we came to the realization that the CPA has concerns regarding the safety of individuals/pedestrians using the walk gate while the sliding gate is in motion.

We are eager to relay to the CPA and the Planning department that we have considered potential risks including concerns regarding safety and “entrapment zones” associated with both property gates.

To mitigate any potential risk of harm occurring to persons using both gates, the following non-contact photoelectric sensors will be installed:

- 1. A safety photo eye will be installed in the pedestrian opening that will stop the gate from moving when a person is in that area.*
- 2. A second photo eye and/or edge sensor will be installed in front of the gate. Therefore, if anyone is approaching the pedestrian gate from the inside the property it will stop the gate from moving until the person has passed through.*

In addition to the non-contact sensors, the LiftMaster operator has built in contact protection which causes the moving gate to stop and/or reverse if it encounters an obstacle.

For a demonstration of the above, please see the video link below

<https://www.youtube.com/watch?v=xrH3CUJlxkM>

Please see the below document at Appendix I which includes all safety devices needed to comply with planning requirements.

Fence:

In regards to the proposed fence revisions, please note the said fence will be will be fully erected within the boundary of Block 9A Parcel 11. The fence will not be straddle over the adjoining property boundary line.



ISLAND BLISS
CAYMAN LIMITED

P.O. Box 12053 / Grand Cayman, KY1-1010 / CAYMAN ISLANDS

Appendix 1: Invoice and price to install the Photo Eye system at Entrance Gates

Quote



Address
La Paidon

Invoice For
Philip

Date 24/07/2023
Invoice #
Customer ID

Quotation valid until: 20/10/2022
Prepared by: Anthony

Comments or Special Instructions

Salesperson	W.O. Number	Ship Date	F.O.B. Point	Terms
Anthony				Due on receipt

Item	Description	Unit Price	Taxable?	Amount
1	Liftmaster commercial duty slide gate motor, including exit sensor, photo eye SCS, and built in battery back up. 2 additional safeties for pedestrian gate.			\$ 5,300.00
2	remotes, 25 each at time of install.	\$ 25.00		
entry system	cell based telephone entry system mounted on gooseneck			\$ 3,500.00

Please make cheque payable to Island Property Services LTD
Butterfield midtown plaza, Chequing, 1361785360016.

Thank you for your business!

Subtotal	
Tax Rate	
Sales Tax	\$ -
Deposit Received	
TOTAL	

90 Godfrey Nixon Way, H15, George Town, Email: islandbliss345@gmail.com. Tel: 1(345) 5165241

3

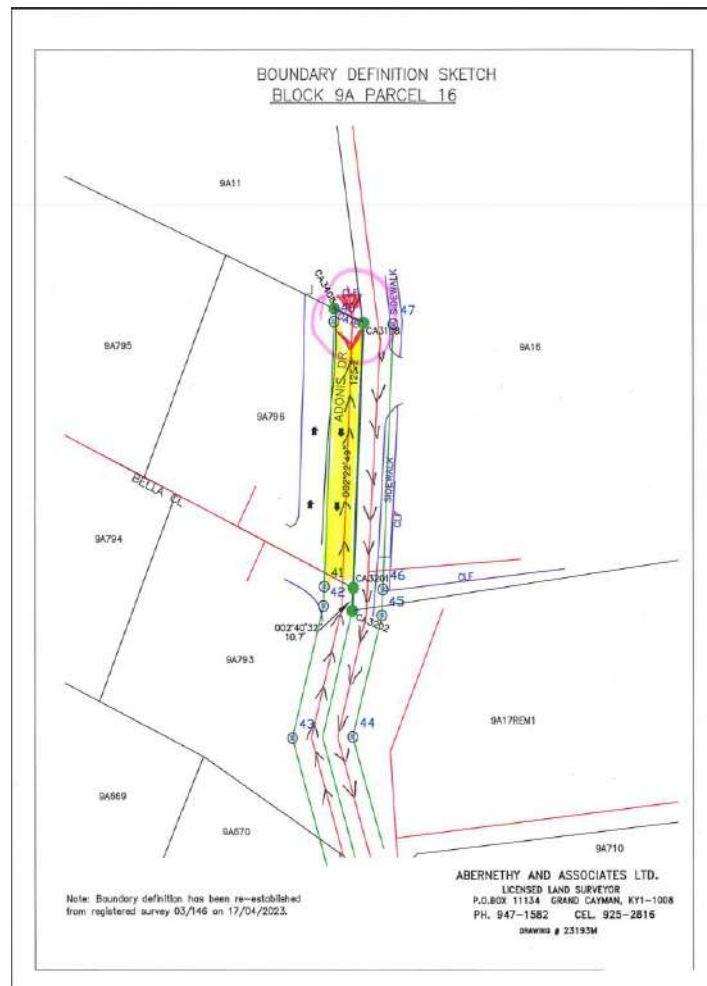
OBJECTIONS

Letter #1

I object to the proposed development.

Grounds: The development as proposed will interfere with the existing right of way enjoyed by 9A16 and the Proprietors of Strata 570. Further, without trespassing on my property, the development on 9A16 enjoys only a 15' right of way between 9A17 REM 1 and 9A16.

Comments: The depicted traffic flow on the applicant's plans shows that traffic exiting the gate southbound will drive on the same lane which has been enjoyed and utilized as a duly registered northbound vehicular right of way by 9A16. Approval of this application will result in opposite direction traffic in the same lane, that is to say, traffic exiting 9A11 will flow southbound in the lane that has been designated for northbound traffic. A sketch is attached





View of road from north 9A16 Kel Thompson



View of road from south 9A16 Kel Thompson

Letter #2

See Appendix B

PLANNING DEPARTMENT ANALYSIS

General

The application is for a modification to site; relocate fence & gate to be located on Adonis Dr., West Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Access

The issue of a dispute regarding access to the subject site in relation to the adjoining land owner was considered by the Authority at CPA/10/23; item 5.3 on April 26, 2023 as follows:

The Authority notes that Adonis Dr consists of a series of private rights-of-way. The Authority determined that the developer of 9A 11 benefits from the legal grant of Planning Permission and has constructed the 30 easement that is in favour of that property. The Authority is of the view that any claim regarding legal access over the rights-of-way comprising Adonis Dr is a civil matter between land owners in the area and is not a matter for the Department or the Authority to address.

2) Safety

The Department notes the applicant has proposed a new swinging pedestrian gate next to the sliding vehicular gate and there is a safety concern because if the sliding gate is in motion whilst a pedestrian is trying to enter or exit the pedestrian gate there is a potential for that person to be harmed. It is suggested that the sliding gate be changed to a swinging gate which would not hinder pedestrians entering or exiting the site whilst the gate is in motion.

SUPPLEMENTAL ANALYSIS

There have been no changes to the plans.

2.6 ROHAN WALTERS (GMJ Home Plans Ltd.) Block 38E Parcel 30 (P23-0074) (\$710,000) (MW)

Application for a duplex.

Appearance at 2:00

FACTS

<i>Location</i>	Twig Dr., Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	Objector
<i>Parcel size proposed</i>	0.22 ac. (9,583.2 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3,544 sq. ft.
<i>Total building site coverage</i>	22.9%
<i>Required parking</i>	2
<i>Proposed parking</i>	4

BACKGROUND

NA

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

- 1) Lot Size (9,583.2 sq. ft. vs. 12,500 sq. ft.)
- 2) Concerns of the objector

APPLICANT'S LETTER

We write on behalf of the applicants, Mr. Rohan Walters, with regards to the following variance;

- *A lot size variance – where the subject parcel is registered as 0.22 acres or 9,583.20 sqft which is 2,916.80 sqft smaller than the required 12,500 sqft for a duplex development in areas zoned Low Density Residential.*

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

1. *Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail. There have been no objections to date.*
2. *Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.*

3. *The precedent for duplexes on lot size less than required has been set in the immediate area. Most notably on nearby parcels 38B143 (0.25 Acres), 38B137 (0.25 Acres) and 38B341 (0.23 Acres).*
4. *Although the lot is below the prescribed lot size for a duplex, the development proposed is comfortably below the required site coverage. It equates to only 22.85 percent of the property.*
5. *The application complies with all other relevant planning requirements.*

We look forward to your favourable 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.

OBJECTIONS

Thanks for your time in considering this limited objection to the captioned project, which is made partly due to the lack of communication concerning the objection of a boundary survey regarding the same property I filed with the Registrar of Lands more than a year ago (January 2022) and partly due to the uncertainty of the current rockwall boundary that exists between the two properties in the planning application for 38E30.

My wife and I have had no response from the Registrar regarding the boundary objection and do not know what has occurred, if anything, regarding the resolution of the boundary survey matter. As stated in the 10 Jan 2022 letter to Ms. Williams, we would be happy to mediate a solution to this with the property owner, the Registrar or both whenever is convenient.

The rock wall between properties 38E38 and 38E30 has existed for more than 20 years and, due to ongoing works (proceeding without planning permission, as far as I am aware) on neighboring property 38E34, the south-western most portion of the wall has already been destroyed. This was done by individuals working on 38E34 digging underneath the wall causing a corner of it to collapse. I can provide photographs to show the wall's existence prior to the unpermitted excavation and after it, if these are needed.

If there was planning permission granted for this project on 38E34, I have never been provided notice of it and was given no opportunity to object. I understand that a survey boundary exercise is to be carried out on 21 April 2023 on the site, after the land has been cleared and the foundations of a large building there have already been laid. We complained previously to the Planning Department in 2021 about the land clearing and received no response at that time.

Returning to the 38E30 project, I am concerned that the portion of the remaining rock wall, which has been in place since at least the 1990s, will face further destruction by the ongoing works. I would wish assurances from the developer that this will not occur and that care will be taken to avoid further damage to this structure which has always been the natural boundary between the two properties.

Thanks for considering this brief note. I believe this matter can probably be resolved by mediation or informal resolution efforts. It is not my wish to hold up progress in Cayman.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a duplex; 3,544 sq. ft. with lot size variance located on Twig Dr., Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Size

Regulation 9(8)(e) of the Development & Planning Regulations (2022 Revision) states “ *the minimum lot size for each duplex is 12,500 sq. ft.* ” The proposed lot is currently 0.22 ac. (9,583.2 sq. ft.) a difference of 2,916.8 sq. ft.

2) Site Photos (21-06-23)









2.0 APPLICATIONS

(Items 2.7 to 2.23)

2.7 ADRIAN & ORLEE EBANKS (TSC Architecture) Block 5C Parcel 244 (P23-0497) (\$780,000) (EJ)

Application for a duplex.

FACTS

<i>Location</i>	Boggy Sand Road, West Bay
<i>Zoning</i>	LDR (with Historic Overlay)
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.29 ac. (12,632 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Two-Houses
<i>Proposed building size</i>	3,120 sq. ft.
<i>Total building site coverage</i>	13.88%
<i>Required parking</i>	2
<i>Proposed parking</i>	2

BACKGROUND

March 26, 2004 – Planning permission was granted for a house.

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

- 1) Side setback variance (10' vs 15')
- 2) Historic overlay
- 3) DOE's comments

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

The subject parcel is man-modified, with an established traditional Caymanian house on the property. The subject parcel is also located across Boggy Sands Road from designated Critical Habitat under the Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) and hybrids (2020) issued under section 17 (7) of the National Conservation Act (2013) (refer to Figure 1).



Figure 1. The location of the subject parcel (outlined in blue) in relation to designated Sea Turtle Critical Habitat (Aerial Imagery Source: UKHO, 2021).

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

Turtle friendly lighting has been a legal requirement in ordinances in the United States for over 30 years. It is a proven solution to prevent the misorientation of sea turtles whilst safely and effectively lighting beachside properties. The Department strongly recommends the use of turtle friendly lighting on turtle nesting beaches.

Historic Overlay Zone

The subject parcel is located within a Historic Overlay Zone (refer to Figure 2). Under the Development and Planning Regulations (2022), the following requirements are stated:

16. (1) *In a Historic Overlay zone, the Authority shall have a duty to promote and encourage the preservation of historic buildings and conserve their historic architectural heritage.*
- (2) *In considering any application for permission to develop within a Historic Overlay zone, the Authority shall, in its discretion, ensure that the development-*
- (a) confirms to the traditional workmanship, design, scale, massing, form, materials, decoration, colour and methods of construction of the buildings and the location of windows and doors in them; and*
 - (b) in its setting, reflects the historic pattern of development in the Islands.*



Figure 2. *The location of the subject parcel (outlined in blue) within the limits of the Historic Overlay Zone (Aerial Imagery Source: UKHO, 2021).*

There is a traditional Caymanian house already located on the parcel, which the planning application drawings make no reference to. This property house is listed on the National Trust for the Cayman Islands' Heritage Register under WB 003-01 as Herbert Parson's House. It was constructed using ironwood stilts, shiplap timber and a zinc roof. The date of construction is not known although it appears to long pre-date any available aerial imagery for the area.

There is no reference to this existing house on the planning submission drawings, but it is clear from the application drawings that the existing buildings are incompatible with the proposed development and that it would be required to be demolished to accommodate the proposed duplex. The proposed development has no characteristics that would be in keeping with the established historical, architectural or cultural character of the area (refer to Figure 3). Heritage is finite, and to demolish this historic house for construction

of the proposed duplex would be in direct contradiction to the intent and aims of the Historic Overlay Zone. The importance of protecting heritage assets was also reflected in the draft National Planning Framework, 2018.



Figure 3. Side by side comparison of the proposed duplex (left) with the existing traditional building on site (right). Note that the proposed duplex has no characteristics that are in keeping with the established historical, architectural or cultural character of the area (Source: Submitted plans, 2023 / DoE, 2023).

The existing buildings are a good example of traditional Caymanian architecture and heritage on a road within a Historic Overlay Zone (refer to Figure 4).



Figure 4. Aerial view of the subject parcel (Source: DoE, 2023)

The proposed development leaves a large area of space in the rear of the parcel. The historic house should remain in situ, visible from the road frontage and within its existing context, and the northern part of the parcel (away from Boggy Sand Road) could potentially accommodate additional sensitive development. The historic house should be preserved for the benefit of the community and the cultural heritage of the area.



Figure 5. Proposed site plan overlaid on 2021 Aerial Imagery (Aerial Imagery Source: UKHO, 2021). Note that the footprint of the existing dwelling falls within the area of the proposed driveway / parking area.

Recommendations

For reasons highlighted above, it would be inappropriate to approve the application at this time given that:

- *The Central Planning Authority (CPA) has a duty to promote and encourage the preservation of historic buildings and conserve their historic architectural heritage within a Historic Overlay Zone. Therefore, the CPA has a duty to consider the heritage of the traditional Caymanian House (Herbert Parson's house).*
- *The CPA also has a duty to consider the proposed development in the context of the Historic Overlay Zone and the purpose of this zone under the Development and Planning Regulations.*
- *There is no mention of the fate of the existing house on the property in the application drawings, and no cover letter was provided.*

In light of the above, the DoE recommends the following:

- *We highly recommend that the applicant withdraws their application and takes the time to revisit the design for the proposed development to retain the historic properties and to propose a development in keeping with the unique characteristics and cultural heritage of the Historic Overlay Zone.*
- *Considerations for preservation of the existing historic buildings on site should be made.*

DIRECTED CONDITIONS

*The site has the potential to impact Critical Habitat under the Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) and hybrids (2020) issued under section 17 (7) of the National Conservation Act (2013)*

Without appropriate controls, there would or would likely be an adverse effect on the designated sea turtle critical habitat, namely:

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

*On the basis of the above information, 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 **respectfully directs that the following conditions be imposed by the Central Planning Authority or Planning Department,** as part of any agreed proposed action for planning approval:*

Prior to the Issuance of a Building Permit

- 1) *Prior to the issuance of a Building Permit, the applicant shall prepare and submit a plan for review and approval to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. Guidance on developing a lighting plan can be found in the Department of Environment's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <https://doe.ky/marine/turtles/tfl/>. The DoE's written approval must be received by the Planning Department prior to the issuance of the Building Permit.*

Prior to the Issuance of a Certificate of Occupancy

- 2) *Lighting and/or specifications for visible light transmittance shall be installed and maintained in accordance with the turtle friendly lighting plan which has been reviewed and approved by the Department of Environment. Once construction is complete, prior to the issuance of the Certificate of Occupancy, the Department of*

Environment will inspect the installed lighting for compliance with the approved turtle friendly lighting plan. Confirmation of the Department of Environment's written approval of the installed exterior lighting after the inspection must be received by the Planning Department prior to the issuance of the Certificate of Occupancy.

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

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

APPLICANT'S LETTER

This letter is written on behalf of Adrian and Orlee; they recently applied to the department for a 2- story Duplex on the referenced property. The total square footage is 3120. As required, notices were sent by registered mail to all owners within an 80 feet radius on July 12th, 2023. They request side setback variance and would like the board's consideration.

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

PLANNING DEPARTMENT ANALYSIS

General

The proposed duplex is located on Boggy Sand Road in West Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Minimum Side Setbacks – 10'.0" vs 15'

The proposed two-storey duplex is at 10' vs 15' which does not meet the Regulations 9 (8)(j) 10' for the side for multi-storey; therefore, the applicant is seeking side setback for both sides.

2) Historic Overlay Zone –

The proposed will cause the existing homes to be demolished, bearing in mind that some structures on the site existing as far back as the 1958 aerial maps and giving that the subject parcels is in a Historic Overlay Zone and regulations 9 (1) states that “in a Residential zone, the primary uses are residential and horticultural. Applicants for permission to effect any development in a Residential zone shall ensure that the massing, scale, proportion and design of such development is consistent with the **historic architectural traditions of the Islands.**

Additionally, regulations 16. (1) In an Historic Overlay zone, the Authority shall have a duty to promote and encourage the preservation of historic buildings and conserve their historic architectural heritage. (2) In considering any application for permission to develop within an Historic Overlay zone, the Authority shall, in its discretion, ensure that the development — (a) conforms to the traditional workmanship, design, scale, massing, form, materials, decoration, colour and methods of construction of the buildings and the location of windows and doors in them; and (b) in its setting, reflects the historic pattern of development in the Islands.

2.8 **LESLIE HARVEY (Whittaker & Watler) Block 14D Parcel 450 (P23-0440) (\$2.0 million) (NP)**

Application for a commercial building & 2 signs.

FACTS

<i>Location</i>	Smith Road in George Town
<i>Zoning</i>	Neighbourhood Commercial
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	26,571.6 sq. ft.
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Building Footprint</i>	5,197 sq. ft.
<i>Building Area</i>	13,881 sq. ft.
<i>Site Coverage</i>	74.9% (parking & buildings)
<i>Parking Required</i>	46
<i>Parking Proposed</i>	43

BACKGROUND

NA

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

- 1) parking variance (43 vs 46)

- 2) fence height (5' vs 4')
- 3) Size & Number of Signs
- 4) Parking & Future Restaurant Uses

AGENCY COMMENTS

Agency comments provided to date are listed below.

Department of Environmental Health

DEH has no objections to the proposal.

Fire Department

The Fire Department has approved the proposal

Water Authority

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

Wastewater Treatment & Disposal

- *The developer shall provide a septic tank(s) with a capacity of at least 2,500 US gallons for the proposed, based on the following calculations:*

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD</i>
<i>Harvey's Center</i>	<i>12 x Units 10,449 sq. ft.</i>	<i>10,449 x 0.15 (retail factor)</i>	<i>1,567.35</i>
<i>TOTAL</i>			<i>1,567.35</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 **4'8"** 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.*

Potential High-Water Use

The plans submitted do not indicate the types of tenants to be included. Therefore, the above requirements are based on low-water-use tenants; i.e., those where wastewater generation is limited to employee restrooms/breakrooms. Should high-water-use tenants; e.g., food service, laundry, etc., be anticipated at this stage, details should be provided to the Water Authority thereby allowing requirements to be adjusted accordingly. Any future change-of-use applications which indicate an increase in water use will require an upgrade of wastewater treatment infrastructure which may include in-the-ground interceptors (for grease or oil-grit or lint) and/or an upgrade to an Aerobic Treatment Unit.

The developer is advised to contact development.control@waterauthority.ky to discuss requirements to accommodate potential high-water use tenants.

Water Supply

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

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

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

Department of Environment

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

The application site is man-modified with limited ecological value. Therefore, 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.

We also 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.

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

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.*

National Roads Authority

As per your email dated June 20th, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by an office building of 29,215 square feet has been assessed in accordance with ITE Code 710 – General Office. Thus, the assumed average trip rates per thousand square feet provided by the ITE for estimating the daily, AM and PM peak hour trips are 11.03, 1.56 and 1.49 respectively. The anticipated traffic to be added to Smith Road is as follows:

Expected Daily Trips	AM Peak Hour Total Traffic	AM Peak 88% In	AM Peak 12% Out	PM Peak Hour Total Traffic	PM Peak 17% In	PM Peak 83% Out
322	46	40	6	10	8	36

Based on these estimates, the impact of the proposed development on Smith 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. Entrances shall be between twenty-two (22) and twenty-four (24) feet wide.

A six (6) foot sidewalk shall be constructed on Smith Road 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 and onto Smith 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.

APPLICANT'S LETTER

On behalf of my client, I would like to request a 1 ft. high variance for the height of the proposed chainlink fence. The client would like to have a 5 ft. high chainlink fence to the sides and back of the property for privacy & security purposes because of the proposed commercial building to be built on this land.

The total area of the building is 13, 881.00 sq. ft. and we would need 46 parking slots. The building design in a such way that the common area added up to be 3,462.00 sq. ft. Although we do understand that parking is based on the total sq. ft. of the building. We would like to request a variance for 3 parking slots. The area of the rentable is only 10,419.00 sq. ft. which will require 35 parking slots.

We are looking forward for your good office for consideration and approval of the variance request.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Smith Road in George Town.

The property presently contains a house that would be demolished as part of the proposal.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) Parking variance (43 vs 46)

Regulation 8(1)(iv) requires a minimum of one parking space for every 300 square feet of commercial area. In this regard, the gross floor area of the building is 13,881 square feet and would require 46 parking spaces.

The applicant is proposing a total of 43 parking spaces and has requested a variance for the three parking spaces.

The variance letter references the leasable area versus the gross floor area of the building.

Another issue that should also be taken into account is that of future restaurant uses. It is quite common for commercial building to be approved and then subsequent change of use applications are submitted for restaurants and those will be assessed at a one space per 200 square foot basis (Regulation 8(1)(iii)) and as the applicant already requires a parking variance it would only be exacerbated should such change of use applications be approved.

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

2) Fence height (5' vs 4')

The applicant is proposing a five foot high chainlink fence along the two side boundaries as well as the rear boundary.

CPA Guidelines speak to a maximum four foot high fence.

3) Signage

The proposal includes an application for a building sign as well as a monument sign and they comply with the Authority's guidelines. It should be noted that any future signage for individual tenants would require separate applications and would also have to be assessed against the guidelines.

2.9 PAUL PARCHMENT Block 1D Parcel 76 (P23-0442) (\$775,000) (NP)

Application for 5 townhouses, cabana & pool.

FACTS

<i>Location</i>	Annie Agnes Close in West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No objections
<i>Parcel size</i>	32,992.3 sq ft (.7573 ac)
<i>Parcel size required</i>	25,000 sq ft
<i>Current use</i>	5 Townhouses under construction
<i>Proposed use</i>	5 Townhouses, Cabana & Pool
<i>Building Footprint</i>	3,071 sq ft
<i>Building Area</i>	5,632 sq ft
<i>Units Permitted</i>	11
<i>Units Proposed</i>	5 + 5 existing
<i>Bedrooms Permitted</i>	18
<i>Bedrooms Proposed</i>	18 (total)
<i>Parking Required</i>	15
<i>Parking Proposed</i>	16 (total)

BACKGROUND

May 25, 2022 (CPA/14/22; Item 2.13) – Planning permission granted for 5 Townhouses and 9 bedrooms (P21-0995).

Recommendation: Discuss planning permission for the following reasons:

- 1) Front setback (8' vs 20')
- 2) Side setback (11' vs 15')
- 3) NRA Comments regarding the road Access
- 4) Impact of proposed subdivision (P23-0418)

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 and of low ecological value. We note that Phase 1 of this development appears under construction and that the Phase 2 area appears to have been cleared and filled.

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.

Water Authority Cayman

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

Background - Phase I

The Water Authority previously submitted requirements for Phase I of this development on 1 October 2021 (Planning Ref: i092921-120731, P21-0995). Be advised that the requirements within this current memorandum supersede the previous requirement allowing a septic tank as the total calculated wastewater output for the Block/Parcel now exceeds 1,800 gallons per day (gpd). The development therefore shall install an ATU as per the calculations below.

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 2,100 US gallons per day (gpd), based on the following calculations.*

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD/BLDG</i>	<i>GPD</i>
<i>Phase I</i>	<i>1 x 1-Bed Unit</i>	<i>150gpd/1-Bed</i>	<i>150</i>	<i>1,050</i>
	<i>4 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	<i>900</i>	
<i>Phase II</i>	<i>1 x 1-Bed Unit</i>	<i>150gpd/1-Bed</i>	<i>150</i>	<i>1,050</i>
	<i>4 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	<i>900</i>	
<i>TOTAL</i>				<i>2,100</i>

- Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 6". Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.
- To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'8" 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.

Proposed Subdivision and Combination

With regards to the proposed subdivision of Block/Parcel 1D 76 (Planning Ref: i061423-155105-18, P23-0418) and combination of Lot 1 with Block/Parcel 1D 745, please note:

- The Water Authority advises that all wastewater infrastructure, including septic tanks, deep wells, ATUs, etc. must be contained within the boundaries of the parcel on which the building stands.

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 memo dated June 20th, 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.

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

The proposed driveway is located on an unbuilt section of road that is only 15 feet wide (Turtle Crescent) and a twenty-four (24) ft. wide road needs to be provided in order to have adequate access as the NRA does not endorse the use of vehicular ROWs. The NRA cannot support this application at this time.

Road Capacity Issues

The traffic demand to be generated by a residential development of two (2) multi-family units has been assessed in accordance with ITE Code 220 – Multifamily Housing. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily,

AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Andrew Drive is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 20% In</i>	<i>AM Peak 80% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 65% In</i>	<i>PM Peak 35% Out</i>
40	3	1	2	4	2	1

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

Access and Traffic Management Issues

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

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 Andrew Drive. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.
- Curbing is required for the parking areas to control stormwater runoff.
- Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.
- Sidewalk detail needs to be provided as per NRA specifications. See

<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Detail.s.pdf>

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as "any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such canal, conduit, pipe"

Fire Department

The Fire Department has approved the proposal.

APPLICANT'S LETTER

As per the current Planning Review, Record No. P23-0442 and actions arising from the application for Annie's Retreat, and as stipulated in the Development and Planning Regulations 2021 revisions.

I am hereby requesting under section 8.13(b) that the Authority grant permission for the variances stipulated below.

- a. From the required 100' lot width to the existing lot width of 95.1" that currently exists, under section 8.13(b), previously submitted to the CPA on November 22, 2021, and approved.*
- b. A septic tank is less than 20 feet from the roadside boundary, we are therefore asking for a variance to this regulation.*
- c. The rear balconies exceed the regulated setback, we are therefore asking for a variance to this regulation*

Under Section 8.13 (b), we confirm that;

- 1. The integrity of the surrounding properties will not be adversely affected by this variance and the proposed development will enhance the property value of the surrounding properties.*
- 2. The unusual shape of the property limits the frontal side development*
- 3, The entrance to the development will not be materially detrimental to affect the residents of the development nor any adjoining residents in the community, nor to the public's welfare,*

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Red Robin Drive in Bodden Town.

The proposal is for five townhouses with 10 bedrooms and 10 parking spaces.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Suitability

While the Authority is obligated to consider whether the site is a suitable location for apartments, the Authority has already determined the site to be suitable when planning permission was granted for the first 5 townhouses.

2) Front setback (8' vs 20')

Regulation 9(8)(i) requires a minimum 20 foot front setback.

The proposed septic tank is setback 8 feet from the road boundary.

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

3) Side setback (11' vs 15')

Regulation 9(8)(j) requires a minimum side setback of 15 feet for a two storey building.

The second storey balconies would be setback 11 feet from the side boundary.

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

4) NRA comments regarding road access

The National Roads Authority has stated that the width of the existing road in front of this property is not satisfactory.

The Authority is reminded that when the first application for 5 townhouses was considered, the NRA raised the same concern. At that time, the Authority was aware that the subject site had a 22' easement over 1D 93 and that the applicant had submitted signed grant of easement forms to obtain 22' wide vehicular easements over 1D 91 and 296 which would lead to Bonaventure Rd, a public road. Those easements have now been registered. Further, a condition of approval for the first 5 townhouses was included requiring construction of the access road to NRA standards. It would appear that the only issue now regarding access is if the Authority is satisfied with an additional 5 townhouses utilizing the 22' wide easements.

5) Impact of proposed subdivision (P23-0418)

There is a proposed subdivision application for this parcel that is also on the agenda (P23-0418). That application proposes a subdivision of 3,822 square feet from this property and a combination with an adjacent property.

The removal of 3,822 square feet would reduce the parcel area to 0.6697 acres for the newly configured lot and would result in the maximum allowable number of

townhouses and bedrooms of 10 and 16, respectively. The applicant is proposing 10 townhouses and 18 bedrooms and therefore would require a variance. The new lot line would comply with the required 20' setback from the proposed 5 townhouses.

The Authority should discuss the impact of the proposed subdivision and whether a bedroom variance for the new parcel is justified.

2.10 RICHARD LONNIE PARCHMENT (Roland Bodden) Block 1D Parcel 76 (P23-0418) (\$6,000) (NP)

Application for a subdivision & combination.

FACTS

<i>Location</i>	Annie Agnes Close in West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No objections
<i>Parcel size</i>	32,992.3 sq ft
<i>Parcel size required</i>	25,000 sq ft
<i>Proposed parcel size</i>	3,822 sq ft

BACKGROUND

May 25, 2022 (CPA/14/22; Item 2.13) – Planning permission granted for 5 Townhouses and 9 bedrooms. (P21-0995).

Recommendation: Discuss planning permission for the following reasons:

- 1) Impact of proposed subdivision on the townhouse application (P23-0442)

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

Water Authority Cayman

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.

Proposed Subdivision and Combination

The Water Authority advises that all wastewater infrastructure, including septic tanks, deep wells, ATUs, etc. must be contained within the boundaries of the parcel on which the building stands.

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.*

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on a right of way linked to Annie Agnes Close in West Bay.

The proposal is to subdivide a 3,822 square foot parcel and combine it with Block 1D Parcel 745, which is located to the north of the subject property.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Impact of proposed subdivision on townhouse application (P23-0442)

There is a proposed townhouse application for this parcel that is also on the agenda (P23-0442). That application proposes a total of 5 townhouses with 9 bedrooms.

The removal of 3,822 square feet would reduce the parcel area to 0.6697 acres for the newly configured lot and would result in the maximum allowable number of townhouses and bedrooms of 10 and 16, respectively. The applicant is proposing 10 townhouses and 18 bedrooms and therefore would require a variance. The new lot line would comply with the required 20' setback from the proposed 5 townhouses.

The Authority should discuss the impact of the proposed subdivision and whether a bedroom variance for the new parcel is justified.

2.11 ROUSSEAU LTD. (Johnson Design & Architecture) Block 43A Parcel 61 (P23-0260) (\$485,000) (NP)

Application for a restaurant.

FACTS

<i>Location</i>	Anton Bodden Road in Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	15,246 sq. ft.
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Vacant
<i>Building Footprint</i>	1,136 sq. ft.
<i>Building Area</i>	1,136 sq. ft.
<i>Site Coverage</i>	7.5% (building)
<i>Parking Required</i>	6
<i>Parking Provided</i>	8

BACKGROUND

March 29, 2023 (CPA/08/23; item 2.24) – 2 lot subdivision adjourned for the following reason:

- 1) The Department is directed to contact the applicant to explain the Authority's concern with future access points for lot A on two busy public roads and the proximity to the intersection of the two roads and to discuss possible options to mitigate that concern.

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

- 1) Suitability for a restaurant
- 2) Size of sign
- 3) Access

AGENCY COMMENTS

Comments received to date are noted below.

Fire Department

The Fire Department has stamp approved the drawings.

Water Authority

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

Historical

- The Authority has previously addressed the subdivision of the existing Block/Parcel under Planning Ref: i021123-102318-60, P23-0064.
- This memorandum issues requirements specific to the proposed Lot A.

Wastewater Treatment & Disposal

- The developer shall provide a **septic tank(s)** with a capacity of at least 1,000 US gallons for the proposed Burger King restaurant.
- 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.

Grease Interceptor Required

A grease interceptor with a minimum capacity of 1,000 US gallons is required to pre-treat flows from kitchen fixtures and equipment with grease-laden waste; e.g., pot sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. The outlet of the

grease interceptor shall be plumbed to the sanitary sewage line leading to the septic tank. Where two tanks are used to achieve the required capacity, they shall be installed in series with the larger tank first (600 US gallon minimum).

Traffic Rated Tank and Covers

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

Water Supply

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

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

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

Department of 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 low 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 also be adhered to during construction to reduce impacts on the surrounding environment. 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, we recommend the inclusion of the following conditions in the approval:

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

National Roads Authority

Memo 1

As per your memo dated April 19th, 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 NRA is concerned that there will be a queue of customers on Bodden Town Road that may cause traffic delays on a primary road. The preferred entrance and exit should only be located on Anton Bodden Drive. Please have applicant revise site plan accordingly.

A six (6) foot sidewalk shall be constructed on Bodden Town Road and Anton Bodden Drive, within the property boundary, to NRA standards.

Site plan is showing incorrect street name, should be Anton Bodden Drive. Please have applicant comply and resubmit.

Road Capacity Issues

The traffic demand to be generated by the above proposed Burger King of 1,136 sq. ft. has been assessed in accordance with ITE Code 934 – Fast Food with Drive Thru. The anticipated traffic to be added onto both Bodden Town Road and Anton Bodden Drive is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak In 51%	AM Peak Out 49%	PM Peak Hour Total Traffic	PM Peak In 52%	PM Peak Out 48%
546	50	13	12	36	9	9

Based on these estimates, the impact of the proposed development onto Bodden Town Road and Anton Bodden Drive is considered to be minimal

Access and Traffic Management Issues

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

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

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

Stormwater Management Issues

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- Construct a gentle ‘hump’ at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Bodden Town Road and Anton Bodden Drive. 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).

Memo 2

As per your revised memo dated June 20th, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

The NRA does not have any issues or concerns with the revised proposal to remove the entrance and exit on Bodden Town Road and the adding a 6' sidewalk along the property boundary that meets NRAs standards.

However, all other conditions of the original comments remain applicable.

Department of Environmental Health

Restaurant:

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

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

Solid Waste Facility:

This development requires (1) (4) cubic yard container with once per week servicing.

Table 1: Specifications for Onsite Solid Waste Enclosures

Container size (yd3)	Width (ft)	Depth (ft)	Height (ft)	Slab Thickness (ft)	Requirements
4	10	8	5.5	0.5	Water (hose bib), drain, Effluent Disposal well; guard rails

NOTE:

The drain for the enclosure must be plumbed to a garbage enclosure disposal well as per the Water Authority's specifications. Contact development.control@waterauthority.ky for deep well details.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in Bodden Town at the intersection of Anton Bodden Road and Bodden Town Road.

The proposal is for a 1,136 square foot predominantly take out restaurant.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability for Restaurant

The subject property is zoned Low Density Residential.

Regulation 9 (5) states the following:

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

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

The Authority should determine if the subject property is a suitable location for a fast food restaurant.

2) Size of Sign

One of the proposed signs exceeds the maximum permitted by CPA sign guidelines at approximately 168 sq ft.

The Authority should discuss the size of the sign and whether it is appropriate for this area of Bodden Town. The Department is of the opinion that a standard pylon sign may be more appropriate and less distracting to motorists passing by on Bodden Town Road.

3) Access

As noted in the Background section above, a previous application for a 2 lot subdivision was adjourned in March, 2023 in order to obtain additional information from that applicant regarding potential access points for the proposed corner lot. The site plan for the current restaurant application is essentially the previously proposed corner lot. The NRA has provided comments that with the submission of a revised site plan showing access only from Anton Bodden Dr that they have no concerns with the application. It would appear that on this basis the applicant for the subdivision should be able to bring that application back to the Authority for consideration.

2.12 **ELDON KIRKCONNELL (MKS International) Block 28E Parcel 158 (P23-0309) (\$100,000) (EJ)**

Application for a pool.

FACTS

<i>Location</i>	Shamrock Road, Spotts Newlands
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.8.22 ac. (358,063 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House & Ancillary Structures

BACKGROUND

December 16, 2014 – The Department granted permission for a 128 sq. ft. house addition.
2017 – The Department granted permission for a 237-gallon diesel generator.

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

- 1) High Water Mark setback variance (38'1" and 33'.0" vs 50')

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).

The property is man-modified, containing a house with a seawall, and beach access ramp (refer to Figure 1).

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

As per Sections 41 (4) and (5) of the National Conservation Act (NCA), this designation of critical habitat means that adverse impacts to the habitat either have to be avoided or be able to be mitigated with the imposition of conditions of approval. It also means that the National Conservation Council is able to direct the inclusion of those conditions in any planning permission that may be given.

The main threats from development on sea turtles relates to artificial lighting causing mature females to be deterred from nesting and hatchling turtles to crawl away from the sea, where they will die from dehydration, exhaustion, predators, or vehicles.



Figure 1. Aerial imagery of the site with the location of the proposed pool. Note that the shoreline in front of the property is designated as Critical Sea Turtle Nesting Habitat (Source: UKHO, 2021 / DoE, 2023).

Development Setbacks

Given the climate change predictions for the region, including sea level rise and increased intensity of storm events (including storm surge), coastal setbacks should not be reduced but instead should be treated as minimum (as prescribed in the Development and Planning Regulations). Although we note that the proposed pool would be separated from the sea by the presence of a seawall, and elevated roughly 19' above Mean Sea Level, the location of the proposed pool is closer to the Mean High Water Mark than the minimum required setback under the Development and Planning Regulations. Aerial imagery appears to show that waves and salt spray do overtop the wall in inclement weather (refer to Figure 2).

It is important to highlight that setbacks seek to provide protection to properties against these inevitable effects of climate change such as coastal flooding and erosion by ensuring that hard structures are not located in an area susceptible to these hazards.

The property appears to have ample space to relocate the pool away from the minimum setbacks and we would highly recommend that the applicant takes the opportunity to revise the location of the proposed pool.



Figure 2. Aerial imagery of the site showing apparent damage due to salt spray / waves overtopping the wall (Source: UKHO, 2021).

Artificial Lighting

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

Turtle friendly lighting has been a legal requirement in ordinances in the United States for over 30 years. It is a proven solution to prevent the misorientation of sea turtles whilst safely and effectively lighting beachside properties. The Department strongly recommends the use of turtle friendly lighting on turtle nesting beaches. Figures 3-5 show examples of properties in Grand Cayman that have turtle friendly lighting installed.



Figures 3-5: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman (Source: DoE, various).

Although the pool itself is unlikely to be visible from the nesting beach, it is important that any elevated lighting on the pool deck is turtle friendly due to the risk of misorientations from the adjacent beach.

DIRECTED CONDITIONS

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

Without appropriate controls, there would or would likely be an adverse effect on the designated sea turtle critical habitat, namely:

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

*On the basis of the above information, 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 **respectfully directs that the following conditions be imposed by the Central Planning Authority or Planning Department,** as part of any agreed proposed action for planning approval:*

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

*These conditions are directed to prevent the 'take' of sea turtles (Part 1 Schedule 1 species of the National Conservation Act) and adverse impacts on the critical habitat of sea turtles, which is defined in the Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other*

species that may occur in Cayman waters including Kemp's Ridley turtles (Lepidochelys kempii) (issued under Section 17 (7) of the National Conservation Act (2013)).

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

APPLICANT'S LETTER

We are seeking Planning approval for a pool as per site plan submitted. The property has an elevation of approximately 20'. The shoreline is ironshore with a concrete seawall/retaining wall that was built when the property was first developed over 40 years ago.

Since the seawall has existed for decades without any changes to the shoreline we are asking for an exemption from a HWM Survey. We are also seeking a HWM setback variance of 38' and 41'-5" (vs 50') for the pool and deck.

PLANNING DEPARTMENT ANALYSIS

General

The proposed swimming pool is located off Shamrock Road in Spotts Newlands.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) HWM survey exemption

Regulations 6 (3) states unless exempted by the Authority, an application for planning permission with any setback adjacent to the sea shall include a Mean High Water Mark survey physically defined on ground no more than six months prior to the application being submitted, and the survey plan shall be authenticated by the Department of Lands and Survey. The applicant is seeking for this requirement to be waived as outlined in their letter above.

2) High Water Mark Setbacks – 38'1" and 33'0" vs 50'

The applicant is seeking permission for the proposed swimming pool and deck, which is located 38'.1" and 33'.0" vs 50' that is required under regulations 8 (10)(c); bearing in mind that the subject parcel is mostly ironshore and some beach but elevated approximately 19' above sea level.

2.13 TORRANCE BOBB (Brewster's Designs) Block 22E Parcel 72 (P23-0251) (\$7,200) (NP)

Application for an after the fact storage shed.

FACTS

<i>Location</i>	Poinsettia Lane in George Town
<i>Zoning</i>	Medium Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	10,000 square feet
<i>Parcel size required</i>	7,500 sq. ft.
<i>Current use</i>	House & Storage shed

BACKGROUND

- CE21-0205 - Nov 24/21, photos taken of the start of a block foundation for a shed
 - Jan 20/22, enforcement notice issued
 - Mar 22/22, follow up photos shows block shed completed

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

- 1) Rear setback (4'8" vs 20')
- 2) Side setback (4'8" vs 10')
- 3) After the fact nature of the application

APPLICANT'S LETTER

We write on be-half of our client, we are requesting a variance for 144 sq. IL storage building that was built without planning approval and have been there for years. The structure is a wooden building and is built out side the planning setbacks the setbacks are 3fL and 5fL which is a lot less than the planning requirements.

We kindly ask for permission to keep the building as is and have spoken to neighbours and served notices by registered mail to the adjoining land owners

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Poinsettia Lane in George Town.

The property contains a house.

The applicant is seeking after the fact permission for an existing 144 square foot storage shed that was constructed in the northwest corner of the property without planning permission.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Rear setback (4'8" vs 20')

Regulation 9(7)(i) requires a minimum rear setback of 20 feet.

The existing storage shed has been constructed with a 4'8" rear setback.

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

2) Side setback (4'8" vs 10')

Regulation 9(7)(j) requires a minimum side setback of 10 feet for a one storey building.

The existing storage shed has been constructed with a 4'8" side setback.

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

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

Application for a temporary tire shop.

FACTS

<i>Location</i>	Hell Road in West Bay
<i>Zoning</i>	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

NA

Recommendation: Discuss planning permission for the following reasons:

- 1) The lack of a sidewalk on the east side of the driveway.
- 2) The temporary nature of the business
- 3) The proposed driveway and parking surface
- 4) Visual appeal

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.

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.

4) Visual appeal

The proposal includes a 20' container and 40' container with zinc roofing connecting the two. The site is highly visible on Hell Rd and the Authority should determine if the visual appearance of the proposal is appropriate.

2.15 LYDIA & BENJAMIN BOOKER (Kariba Architecture) Block 24D Parcel 73 (P23-0125) (\$13,520) (NP)

Application for a cabana & dock extension.

FACTS

<i>Location</i>	Reverie Road in Spotts
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size</i>	16,892.6 square feet
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House

BACKGROUND

June 21, 2023 (CPA/14/23: Item 2.24) – The Authority resolved to adjourn the application because the applicant’s submitted letter lacks sufficient detail to support the granting of a setback variance. Accordingly, a more detailed and comprehensive letter is required.

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

- 1) Rear Setback (8’5” vs 20’)
- 2) Applicant’s additional letter

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 (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).

The DoE notes that the proposed cabana structure is located within the required 20’-0” setback from the canal. Whilst the proposed development is not located on an ambulatory coastline, the DoE would like to reiterate the importance of strict adherence to the minimum setbacks under the Development and Planning Regulations (2022). In addition to providing a buffer between infrastructure and the marine environment, setbacks are important to help reduce damage to waterfront property during storm events such as hurricanes

APPLICANT’S LETTERS

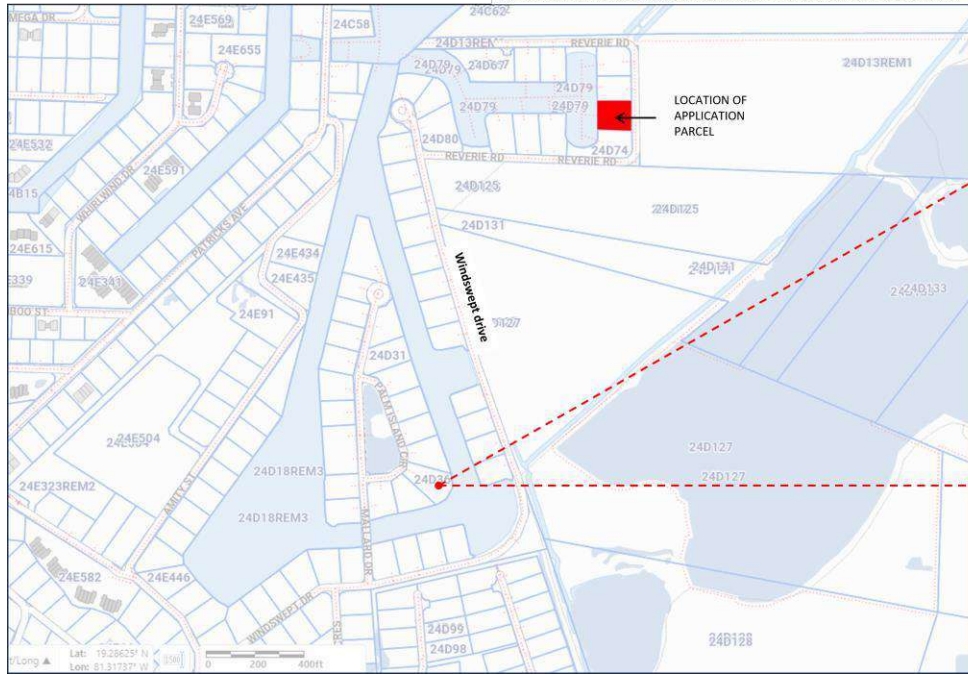
Letter #1

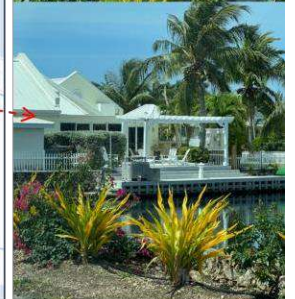
This letter is to apply for a variance setback for the cabana. This will improve connection to the dock extension

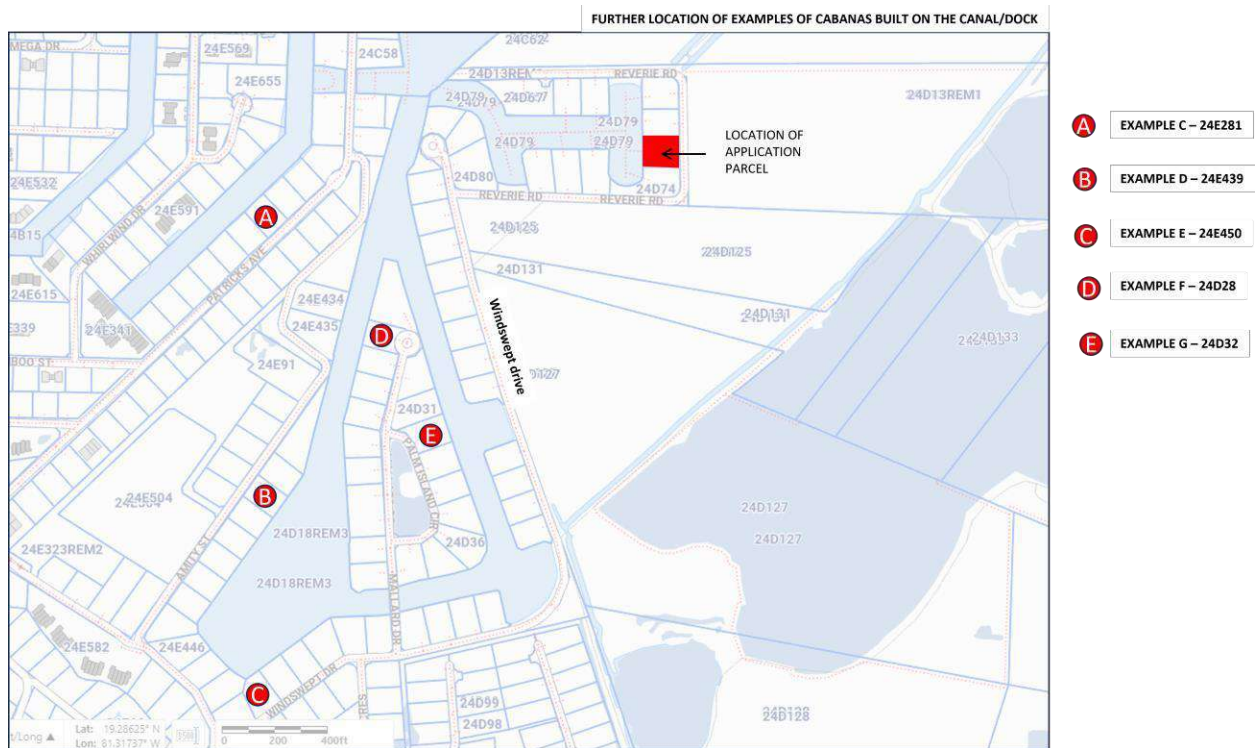
Letter #2

This letter is to apply for a variance setback for the cabana. This will improve connection to the dock extension. There are various other built examples of this request in the neighboring parcels. See below for reference.

EXAMPLE A: 24D36 Has a cabana built right on the water overhanging into the water.







We would like the same advantage of the cabana.

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Reverie Road in Spotts.

The property contains a house.

The subject application is for a 196 square foot cabana and 16.75 foot long dock extension.

Zoning

The property is zoned Low Density Residential.

Specific Issue

1) Canal setback

Regulation 8(10)(d) requires a setback of 20 feet from a canal.

The proposed cabana would have an 8'5" setback from the canal wall.

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

2.16 GREEN TEA LIMITED (John Doak Architecture) Block 15D Parcel 168 (P23-0485) (\$50,000) (EJ)

Application for an after-the-fact addition to a cabana & proposed modification to house.

FACTS

<i>Location</i>	South Sound Road
<i>Zoning</i>	BRR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.95 ac. (41,382 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House & Ancillary Structures
<i>Proposed building size</i>	833 sq. ft.
<i>Total building site coverage</i>	12.4%

BACKGROUND

July 11, 2014 – approval granted for a 403 sq. ft. addition to house (P14-0581).

August 8, 2022 – approval granted for a 24Kw generator and 100-gallon lpg tank (P22-0255).

May 5, 2023 (CE23-0053) – an enforcement notice was issued for the after-the-fact addition

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

- 1) Side setback variance (10' vs 15')

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

The site of the proposed development is a turtle nesting beach and is adjacent to a Marine Reserve (a Marine Protected Area under the National Conservation Act).

Impacts on the Marine Protected Area

As the application site is adjacent to a Marine Reserve, a Protected Area under the National Conservation Act, best management practices must be implemented to avoid, minimise and mitigate impacts on the Marine Protected Area. In particular, 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; 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.*

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

Impacts on Turtle Nesting

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

The main threats to sea turtles from development are:

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

Construction Impacts on Turtle Nesting

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

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

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



Figures 1 & 2: Sea turtle tracks showing that the sea turtle has crawled up the beach until it reached a construction site (Source: DoE and Tammy Kelderman, 2021). The fence pictured is dangerous to sea turtles as it is sharp, rusty and not secure.



Figures 3 & 4: DoE photo showing turtle tracks within a construction site on a turtle nesting beach. This site did not have temporary beachside construction fencing to prevent turtles from entering the site. The turtle could have or may have been injured by construction materials and debris on-site (Source: DoE, 2023).



Figure 5: A dead sea turtle hatchling, which was killed by heavy equipment operating on the beach (Source: DoE, 2022).

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

Temporary beachside construction fencing must be:

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



Figure 6: An example of suitable construction fencing to protect turtles (Source: DoE, 2022).

Impacts of Artificial Lighting on Turtle Nesting

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

Turtle friendly lighting has been a legal requirement in ordinances in the United States for over 30 years. It is a proven solution to prevent the misorientation of sea turtles whilst safely and effectively lighting beachside properties. Figures 7-9 show examples of properties in Grand Cayman that have turtle friendly lighting installed. Artificial lighting

from the proposed property would have the potential to impact the turtle nesting beach therefore, the submission of a turtle friendly lighting plan will be required to minimise the impacts of artificial lighting.



Figures 7-9: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman.

DOE RECOMMENDATIONS

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

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

reviewed and approved by the Department of Environment. The DoE will inspect the exterior lighting and specifications for visible light transmittance for compliance with the approved turtle friendly lighting plan once construction and the installation of the fixtures are complete. Confirmation of the Department of Environment's written approval of the installed exterior lighting after the inspection must be received by the Planning Department prior to the issuance of the Certificate of Occupancy.

- 6) Should there be any sand excavated during construction, beach-quality sand shall be retained on-site and placed along the active beach profile. If sand is to be placed on the beach during turtle nesting season (1st May – 30th November yearly), the express consent of the DoE is required to ensure that turtle nests are not adversely impacted.*
- 7) If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand off-site, it should be the subject of a separate consultation with the National Conservation Council.*

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 and debris shall be stockpiled at least 75 ft from the Mean High Water Mark to prevent material from entering the Marine Protected Area. If beachside construction fencing is required or will be installed, all construction materials, fill, sand, equipment and/or debris shall be stockpiled landward of the beachside construction fencing.*
- 2. Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.*

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

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

APPLICANT'S LETTER

In response to the below notification from the Planning Department we write on behalf of Green Tea Limited to seek a variance for the side setback for the extension to an existing cabana at 15D168, noting as follows:

- The Woodford residence was originally approved by the Central Planning Authority in 2002 (see file F02-0255) and has since been modified for various extensions and modifications approved in 2004, 2010, 2014.*
- The existing poolside cabana was included in earlier submissions along with the swimming pool.*
- The existing cabana for which we seek approval to extend in length, sits within the 20ft setback required in BRR zones, noting that consent for the current setback of the cabana was granted permission in an earlier submission to the CPA.*
- The application is for a single-family residence in a Beach Resort Residential zoned property where the CPA has approved 15ft setbacks being acceptable for single family homes, likewise that road setbacks would be 20ft.*
- At this time we seek the CPA's consent to extend the cabana as shown and located in the drawings.*

The planner has asked for the Applicant to consider the below referred clause 8(13) in the Planning Laws and we respond as follows:

13) Notwithstanding subregulations (1), (2), (5), (7) and (9) and regulations 9(6), (7) and (8), 10, 12, 13, 14, 15, 23, 26 and 27, the Authority may grant planning permission to carry out development that does not comply with all or any of those provisions, with the exception of the number of permitted storeys in subregulation (2), if the Authority is satisfied that —

*(a) the development is a government-approved low-cost housing programme; **this application is not a low cost housing programme***

(b) there is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that —

*(i) the characteristics of the proposed development are consistent with the character of the surrounding area; **the variance request is for an existing structure previously approved to be built***

*(ii) unusual terrain characteristics limit the site's development potential; **there are no characteristics that limit the extension of the existing cabana***

or

(iii) *the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; **the proposed extension of the cabana will not be materially detrimental***

or

(c) *the development is a planned area development pursuant to regulation 24 (1), **the application is not a PAD proposal** and, in the case of an application where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, the Authority shall in addition be satisfied that the adjoining property owners have been notified of the application. **The adjacent property owners have been notified via Section 15(4) notice.***

The Applicant requests the CPA's favourable review of the above noted variance requests.

PLANNING DEPARTMENT ANALYSIS

General

The after-the-fact cabana extension and veranda to the existing house is located on South Sound Road and the results of code enforcement CE23-0053.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Minimum Side Setbacks – 15'0" vs 20'

The after-the-fact cabana addition exists at 15' vs 20' which does not meet the Regulations 15 (4)(b)(i); therefore, the applicant is seeking side setback for cabana addition, bearing in mind the original cabana existed at 10' from the side boundary.



Photos courtesy of CE23-0053.

Additionally, the proposed plan seeks to extend the seawall 5-ft to make it align squarely with the existing wall, nevertheless meeting the requirements proposed at 89'10" vs 75' as required under regulations 8 (10)(f).

The applicant is also seeking an after-the-fact roof lanai and modification to floor area, however, the department has no concerns for this aspect of the application as it meets all planning regulations and is within the existing seawall.



Photos courtesy of CE23-0053.

2.17 GREG SWART (OAD) Block 23C Parcel 252 (P23-0348) (\$1.3 million) (NP)

Application for a house, garage with dwelling unit and pool.

FACTS

<i>Location</i>	Prospect Point Road in Prospect
<i>Zoning</i>	Beach Resort Residential
<i>Notification result</i>	No Objectors
<i>Parcel size</i>	32,670 square feet
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	House
<i>Building size</i>	5,975 sq ft
<i>Site coverage</i>	12.4%
<i>Parking required</i>	2
<i>Parking proposed</i>	4

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

- 1) Side setback (north) (10' vs 20')
- 2) Side setback (south) (15'2" 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 (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).

The majority of the subject parcel is man-modified with an existing residential property proposed to be demolished (refer to Figure 1).



Figure 1: Aerial imagery showing the subject parcel with the existing structures on site (Aerial Imagery Source: UKHO, 2021).

The DoE notes that the proposed development features a larger setback from the measured Mean High Water Mark (MHW) than that required under the Development and Planning Regulations (refer to Figure 2). We strongly support this practice, especially in the context of climate change predictions for the region, including sea level rise and the increased intensity of storm events (including storm surge) as well as the nature of this coastline.



Figure 2: Proposed site plan, showing the location of the structures on site relative to the minimum required 75 ft setback (Aerial Imagery Source: UKHO, 2021).

The site is adjacent to a Marine Reserve (a Protected Area under the National Conservation Act (NCA)), the South Sound Marine Reserve. As such, best management practices must be implemented to avoid, minimise and mitigate impacts on the Marine Reserve. In particular, 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; 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.

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

to cause blockages in their digestive systems. These beads are very difficult to remove once they enter the water and they do not naturally break down.

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 and debris shall be stockpiled at least 75 ft from the Mean High Water Mark to prevent material from entering the Marine Protected Area. If beachside construction fencing is required or will be installed, all construction materials, fill, sand, equipment and/or debris shall be stockpiled landward of the beachside construction fencing.*
- 2. Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.*

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

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

OTHER RECOMMENDED CONDITIONS

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

- 1. Any beach quality sand excavated during demolition or 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 Central Planning Authority and National Conservation Council.*

APPLICANT'S LETTER

On behalf of our client Mr. & Mrs. Greg Swart we are requesting a North side variance to 10'-0" versus 20'-0" as required. Also requesting a South side variance to 15'-2" versus 20'-(1" as required. These setbacks from boundaries are shown on the revised site plan. This request is made under Regulation 8(13)(b) of the Development and Planning Regulations (2018 Revision).

Please note, this site plan is revised to reflect the new subdivision which was approved by Planning and Lands and Survey earlier this year. The nearest setback on the water side is now 86'-91 1/2", therefore a water side variance is not required. Please also note there is an existing house and garage on this site. The garage is 10'-0" and the house is 12'-0" from South the boundary. The house is 14'-0" from the North boundary. We are therefore asking for special consideration from the Authority.

- 1. This house and garage is designed be consistent with the character of the surrounding area.*
- 2. This proposed location will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.*
- 3. There are other houses in the neighbourhood which are closer to the boundary than this request.*

We look forward to your kind consideration

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Prospect Point Road in Prospect.

The property contains a house that will be demolished and replaced with a house, detached garage, pool, and four foot high wall.

It is noted that the existing house on the property does not satisfy the required north and south side setbacks.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Side setback (north) (10'vs 20')

Regulation 15(4)(b) requires a setback of 20 feet.

The proposed detached garage and pool would have a 10' setback from the north boundary.

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

2) Side setback (south) (15'2" vs 20')

Regulation 15(4)(b) requires a setback of 20 feet.

The proposed house would have a 15-2" setback from the south boundary.

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

2.18 JEHRONE ESLUZAR (AMR Consulting Engineers) 12E Parcel 115 (P23-0520) (\$100,000) (NP)

Application for a reverse osmosis plant.

FACTS

<i>Location</i>	Access from West Bay Road in George Town
<i>Zoning</i>	Neighbourhood Commercial
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	13.76 acres
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Chiller Plant
<i>Building Footprint</i>	320 sq. ft.
<i>Building Area</i>	320 sq. ft.

BAKGROUND

Various applications related to Camana Bay and the underpass

Recommendation: Discuss the application for the following reason:

- 1) Suitability for an industrial use

AGENCY COMMENTS

Comments received to date are noted below.

Water Authority

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

Water Production:

Under the Water Authority Act (2022 Revision), the developer is required to write to OfReg to request a water production license. OfReg then refers the request to the Water Authority, which has an advisory and administrative role for these licenses. If OfReg grants a water production license, the developer is required to obtain a groundwater abstraction license and a disposal permit from the Authority.

Groundwater abstraction licences are issued under section 22 of the Water Authority Act (2022 Revision) and a discharge permit under section 34 of the Water Authority Act (2022 Revision). Applications for a groundwater abstraction license, and a discharge permit can be found via the following links to the Water Authority's web site:

https://www.waterauthority.ky/upimages/pagebox/GroundwaterAbstractionApplication_FILLABLE_Sept2020_1600369278.pdf

https://www.waterauthority.ky/upimages/pagebox/DischargePermitApplication_FILLABLE_Sept2020_1600369155.pdf

To protect groundwater resources, the Water Authority will determine specific conditions for the groundwater abstraction license, such as maximum abstraction rate and well design. Once production commences, the Authority requires production records of the plants and calculates the royalties charged to the licensee.

Wastewater Treatment:

The proposed development is located within the Camana Bay Planned Area Development (CB PAD).

- *All development within the CB PAD shall be connected to the Water Authority's West Bay Beach Sewerage System (WBBSS) via Camana Bay's Sewerage System (CBSS).*

- *The developer shall notify the Water Authority's Engineering Department at 949-2837 EXT: 3000, as soon as possible to ensure that:*
 - *the site-specific connection requirements are relayed to the developer,*
 - *any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the developer would be held responsible), and*
 - *the Authority can make necessary arrangements for connection.*
- *The developer shall submit plans to the Water Authority for approval, which show details including piping, invert levels, etc. of the section of CBSS associated with the proposed development's direct or indirect connection to the WBBSS. All direct connections to the WBBSS shall be made by the Water Authority, the cost of which shall be borne by the developer.*
- *The developer shall make an application with the Water Authority's Customer Service at 814-2144 for the additional wastewater services.*

Water Supply:

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

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

Department of Environment

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

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in George Town between the Esterley Tibbetts Highway and West Bay Road, generally west of Camana Bay.

The proposal is for a 320 square foot reverse osmosis plant housed in a 40 foot container.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) Suitability for industrial use

The subject property is zoned Neighbourhood Commercial.

Regulation 13 (1)(b) states the following:

“Neighbourhood Commercial zones are zones in which the primary use is a less intense form of development of that permitted in a General Commercial zone and which cater principally for the needs of persons resident in, or in the vicinity of, the zone”.

The Authority should determine if the subject property is a suitable location for a reverse osmosis plant. In this regard it should be noted that there is a chiller plant located on the property. The proposed development exceeds minimum setbacks and can be required to be well landscaped as a condition of planning approval.

2.19 POLISHED REAL ESTATE HOLDINGS (CCS Ltd.) Block 72C Parcel 434 (P23-0423) (\$100,000) (EJ)

Application for garage, cabana with trellis, pool and staircase.

FACTS

<i>Location</i>	John McLean Drive & Sea View, East End
<i>Zoning</i>	MDR
<i>Notification result</i>	No objectors.
<i>Parcel size proposed</i>	0.9415 ac. (41,016 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House
<i>Proposed building size</i>	902 sq. ft.
<i>Total building site coverage</i>	14.26%

BACKGROUND

February 3, 2004 – approval granted for internal changes to the house (former parcel 68).

July 16, 2008 – approval granted for a house addition (former parcel 68).

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

- 1) Side setback variance (0' vs 10').

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).

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

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

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

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

APPLICANT'S LETTER

I write of behalf of my client, Polished Real Estate Holdings Ltd., to request a variation for their Planning Application of their land on Block 72C,434.

The existing House is located on the ridge next to Sea View Road – the ground floor is at road level and the Second Floor at grade at the top of the ridge. Consequently there is a fall on the ridge of some 14 feet.

They want to install a pool and pool decking to the west side of the existing property with the pool level close to the existing second floor elevation on top of the ridge.

The infinity pool and jacuzzi are located 10' from the boundary per the Planning Regulations but the decking and access stairs to the Pump room are within the setback zone.

The adjoining proprietor, Mr. Steve Broadbelt, is happy with this situation (see Letter attached).

We request that the board approve this variance request.

PLANNING DEPARTMENT ANALYSIS

General

The proposed Garage, Cabana with Trellis, and Swimming Pool with Jacuzzi and new parking spaces is located on a parcel between John Mclean Drive and Sea View Road in East End.

Zoning

The property is zone Medium Density Residential.

Specific Issues

1) Minimum side setbacks

The staircase is proposed at 0' vs 10' setback from the side, additionally, the pool is proposed at 9'3" from the side boundary, therefore, the applicant is seeking setback variance from the Authority as the aforementioned does not meet regulations 9(7)(j).

2.20 ROGER WOOD (Tony Lattie) Block 4B Parcel 806 (P22-0951) (\$100,000) (EJ)

Application for a patio addition with bathroom.

FACTS

<i>Location</i>	Allamanda Drive, West Bay
<i>Zoning</i>	HDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.1202 ac. (5,235 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	House
<i>Proposed building size</i>	412.36 sq. ft.
<i>Total building site coverage</i>	29.69%

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

- 1) Rear setback variance (10' vs 20')

APPLICANT'S LETTER

We write on behalf of our client Mr. Woods for the above application. The proposed addition is for the family to have a covered and secure area to enjoy, relax, dining, entertainment family and friends.

The positioning of the existing house does not allow for adequate spacing for the proposed addition to fit within the 20'-0" rear setback, the proposed addition would leave a 10'0" rear setback.

We are hereby seeking approval from the CPA for a lesser rear setback variance of 10 feet for our proposed house addition rear patio under the below

- 1. We are seeking a lot size variance under **regulation 8(13) (b) & (d)** of 10' vs 20', under the following conditions*
- 2. The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.*
- 3. Where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, the Authority shall in addition be satisfied that the adjoining property owners have been notified of the application.*

Overall the proposed addition meets the required front and side setback conditions, given that this is the only variance being requested of the CPA.

We thank you for your consideration of this matter and look forward to the decision on this application.

PLANNING DEPARTMENT ANALYSIS

General

The proposed enclosed rear porch addition with a guest half bath is located on Allamanda Drive in West Bay.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Minimum rear setback – 10' vs 20'

The proposed is at 10'0" vs 20' which does not meet regulations 9 (6)(h); therefore, the applicant is seeking a rear setback variance from the Authority.

2.21 SCHMARRAH MCCARTHY (AMR Consulting Engineers) Block 6D Parcel 63 (P23-0526) (\$600,000) (NP)

Application for a fuel oil tank replacement.

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

Various applications for Sol/Eso, but nothing specific to this application.

Recommendation: Grant Planning Permission.

AGENCY COMMENTS

Comments received to date are noted below.

Fire Department

The Fire Department has no objection to the proposal.

Department of Environmental Health

The DEH has no objection to the proposal in principle.

Department of Environment

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

The site is adjacent to a Marine Reserve (a Protected Area under the National Conservation Act (NCA)). As such, best management practices must be implemented to avoid, minimise and mitigate impacts on the Marine Reserve. In particular, demolition and construction-related debris must not enter the marine environment. Poor demolition and 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.

The DoE had concerns about hydrocarbons entering the Marine Reserve during the demolition and removal of the existing fuel storage tank. We reached out to the applicant

to confirm whether or not there was a fuel/oil spill contingency plan included in their methodology for the removal and reinstallation of the fuel tank and foundation. A methodology was supplied and reviewed. We consider that the methodology would minimise impacts to the Marine Protected Area subject to the directed conditions below.

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. In particular, given the nature of this project as the demolition of an industrial bulk fuel storage tank, there are heightened risk to the Marine Protected Area from the release of hydrocarbons and fuel.

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 and debris shall be stockpiled landward of the existing sea/retaining wall on site to prevent material from entering the Marine Protected Area.*
- 2. The removal and replacement of the existing fuel storage tank (#9) shall be conducted in accordance with the proposed methodology provided in the letter dated 24 July 2023 and submitted with the planning application.*

These conditions are directed to prevent contaminated 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

Thank you for your email of 14 July 2023 sent to Ms. Schmarrah McCarthy in response to the Planning Application for replacement of Sol Terminal Tank #9 and its concrete foundation system.

Sol's responses to your queries are outlined below to assist Planning/DOE in their consideration and approval of our planning request. Please note: Tank #9 is a key component of Sol's diesel fuel storage infrastructure and supply network, providing CUC with 40% of its diesel fuel requirements necessary to supply electrical power to Grand Cayman. Tank #9 is not being used to its design capacity due to shell deterioration and is reaching the end of its useful lifecycle; this project seeks to remove (raze) and rebuild the tank using the same footprint to restore diesel bulk fuel storage to its intended design capacity. The replacement tank and foundation design will meet updated and current American Petroleum Institute (API) standards, reduce risks of an environmental incident, and also improve resilience to hurricanes using an anchor bolt securing system. While the upgrade project is underway, Sol's contingency plan is in place to ensure Sol meets its volume commitments to CUC, Retail and Commercial demand.

1. Where will the tank be disposed of? The steel structure will be cut into manageable sections, removed from site and shipped overseas for recycling by the steel manufacturer supplying the steel material for the new tank structure or disposed of locally as per local guidelines.

2. Does the removal methodology for both the existing tank and foundation account for any oil/fuel or containment spill? If so, how does your methodology account for this? Yes, the removal methodology accounts for oil/fuel and contamination spills. Currently, there is no breach in the tank's containment. The tank's contents will be removed safely, the tank cleaned and certified gas free prior to commencing tank demolition in accordance with established petroleum industry procedures. Please refer to Schedule I: Tank Decommissioning, Cleaning, Certification and Demolition/Removal Procedure.

Schedule I: Tank Decommissioning, Cleaning, Certification and Demolition/Removal Procedure.

A. Tank Decommissioning:

I. The diesel contents of the tank will be drawn down to the lowest point via the tank's normal discharge outlet using the Loading Rack and CUC transfer pumps to supply the fuel to our customers. II. Following this, the remaining contents will be drawn from the tank via the tank's quick flush system, this suction being from the lowest point of the tank. The contents drained via this method will be disposed of to meet local requirements of the Department of Environment & Health Hazardous Waste Management Policy. III. All fuel product lines attached to the tank will then be isolated by closed valves and application of established Lock Out Tag Out (LOTO) system procedures. Product lines will be drained using established operating procedures to prevent spills to ground and blanked where required by LOTO procedures.

B. Tank Venting:

I. Following the removal of all liquids from the tank, the tank will be vented via the roof manway & nozzles in a controlled procedure using a compressor and venturi system. The

tank will be tested for explosive vapors via an industry standard gas detector and tubing to test the atmosphere down to the lower-level of the tank. II. Once the vapor concentration reaches the acceptable limit, the test is successful, and the tank shell manways can be removed, and extractor fans installed there for further ventilation. III. In addition, to completely isolating the tank product transfer lines, receiving lines, water draw off and other tank attachments from the Terminal fuel pipeline network, they will be removed to physically disconnect and isolate the tank from any outside source of petroleum product. LOTO will be placed on all isolation valves and electrical system (if any) to the tank. IV. After this is completed, the tank is prepared for tank entry.

C. Tank Entry:

I. Trained, certified and competent personnel will enter the tank with Self-Contained Breathing Apparatus (SCBA) and HAZMAT suits to check for any contaminants and to test and verify that the tank is safe for further personnel entry and tank cleaning. II. During all tank entry tasks, a trained and competent emergency response team will be on standby outside of the tank to retrieve an entrant if an emergency develops inside the tank. The team will be equipped with HAZMAT Suits and SCBA. A tank entrant (hole watch) will be stationed at the tank entry point to constantly monitor personnel within the tank. As a further safety measure, all personnel who enters the tank, do so with the appropriate PPE inclusive of a safety harness and lifeline. The lifeline terminates outside of the tank to facilitate swift retrieval of any tank entrant without the need to enter the tank in the event of an emergency.

D. Tank Cleaning:

I. After the tank interior contaminant levels are tested and verified that they are below the requirements for personnel to commence cleaning, trained, certified and competent personnel will enter the tank in pairs wearing Self-Contained Breathing Apparatus (SCBA) and HAZMAT suits to begin cleaning the tank. II. Squeegees and brooms will be used to push all residue towards the tank sump (lowest point). Residue will be extracted via a diaphragm pump and hoses connected to Tote Containment tanks located on the tank's exterior. The Tote tanks will be set up with Spill containment to prevent spillage to ground. III. A commercial pressure washer will be used to begin water washing the tank's interior, commencing with the 1st shell course and tank bottom areas. All residue and contact water drains towards the center sump and is extracted and contained via the tote tanks. IV. At this point, "Simple Green" - an environmentally friendly, non-toxic and biodegradable cleaner will be introduced into the tank to aid in the removal of all diesel residue within the 1st shell course and tank bottom. Simple Green all-purpose cleaner has an NFPA/HMIS rating of Zero, minimal for Health, Fire and Reactivity. (See attached SDS). The cleaning Team would utilize appropriate personnel protective equipment to ensure safe handling of this product. Simple Green will be applied to the aforementioned interior surfaces of the tank via the pressure washer, then allowed some time to soak before pressure washing off. The residue liquids will continue to be collected in the Tote containers as previously highlighted. V. Once a Tote Containment tank reaches 75% capacity, it will be sealed and relocated to a Contained area on site at the Terminal. In the unlikely event that a Tote tank leaks or collapses the entire contents would be contained within the terminal oil water separator connected to the Containment area. Consulting with DEH, the Totes containing hazardous waste will be disposed of in

accordance with the Waste Management Policy. VI. Following cleaning of the lower tank (1st shell course and tank bottom), a further gas vapor test will be performed to confirm that there are no further contaminants and that the air quality is suitable for tank entry using a full or half face respirator set instead of the SCBA. VII. On confirmation of the tests in VI above, the cleaning team will mobilize scaffolding (tubing & clamps) and erect a mobile scaffold inside the tank's interior. Once the scaffold is erected, it would be inspected and certified for use. VIII. Next, using the mobile scaffold to reach the inside upper heights of the tank, the tank would be sequentially pressure washed commencing with the interior roof area, then the 6 th shell course, downwards repeating steps III through V using the Simple Green cleaner. IX. On completion of the roof and tank inner shell washing, the 1st shell course and tank bottom would be rewashed and all liquids (contact water) will be disposed of using the procedures as per previously detailed. X. Following this, the tank will undergo final tests and checks to certify that it is free of all petroleum products, vapors, contaminants and is safe for tank entry and the next phase, Tank Demolition.

E. Tank Demolition

I. An appropriate exclusion zone will be established around the tank demolition site to segregate this work from all other works in the terminal, to control access and eliminate unauthorized personnel from entry. II. Following confirmation certification of the tank that it is gas free, clear of petroleum products/contaminants, the tank will be prepared for demolition. The respective safe to work permits: work at heights, hot works, etc. will be developed for this specific works in addition to a JSA (Job Safety Analysis). These will be reviewed with and signed off by Sol (the owner) authorizing the work to take place, and with the contractor/employees undertaking the assignment. III. The general procedure is for the tank roof to be prepared for removal by cutting the existing weld seams on the plates. A crane would be set-up, lifting lugs would be installed on each plate and in a controlled procedure, each plate is removed from the roof and lowered to the ground level. IV. Next steps: the rafters are removed followed by the tank's center column in a similar controlled procedure. V. Following the removal of the roof and associated appurtenances, the circumference shell plates will be cut along the existing weld seams; utilizing the crane and lifting gear, the shell plates will be removed in a sequential manner, starting from the 6th shell course moving downwards until the 1st shell course is completed and the tank wall removed. VI. After the shell is removed, but prior to the removal of the tank bottom plates, further checks using the gas vapor detector will be used to test the interstitial space using the tell-tale pipes around the tank foundation. Then holes will be drilled into the tank bottom (1" Ø) at strategic locations to allow gas testing of the containment space below the tank bottom. The gas vapor detector is the method used to confirm that there are no hydrocarbons present in the tank foundation. VII. Following successful testing results, the tank bottom plates will be cut along the existing weld seams, weld lifting lugs will be attached to each plate and the plates removed in a sequential manner until completed. VIII. All the steel from the tank demolition will be removed and temporarily stowed at the Sol lay down yard (located in the Riviera Complex) adjacent to the Jackson Point Terminal. The plates would then be cut into further sections and packaged for shipment to the steel manufacturer overseas.

F. Foundation Demolition

I. Following removal of the tank bottom, the sand bed will be dug and tested to verify that there are no hydrocarbons present. A sample will be taken and tested to further confirm this. II. Upon confirmation, the sand bed will be removed and disposed of via DEH waste disposal policy. III. The tank Cathodic Protection system (previously isolated) will have all wiring removed from the within the foundation. IV. The environmental (containment) liner will be checked for any breach and then removed. The area below the liner will be checked and sampled to ensure there is no contamination below the liner. This sample would be shipped overseas to an approved laboratory. V. Next, the foundation demolition will commence using an excavator and demolition hammer. The waste generated will be loaded into a dump truck and taken to the local dump and disposed of via DEH policy. VI. After removal of the existing foundation, the area would be excavated to the desired depth and opening for commencing the new foundation.

Schedule II: Tank Erection Procedure.

G. Foundation installation

I. After removal of the existing foundation, Cayman Rock material will be laid out to the desired height and compacted to 95% modified proctor density using heavy machinery. A test would be performed to confirm that the compactness is minimum 95%. II. Next, the center of the tank will be established via surveying inclusive of the cardinal point system. III. The steel cage would then be formed with rebars for the foundation (footing) and ring wall. IV. The anchor bolts to anchor the tank will be installed and supported. V. The formwork will be installed and properly supported. VI. The foundation will be poured to concrete compressive strength of 4,000 psi and samples taken for testing. VII. The concrete ringwall will next be poured and samples taken for testing. VIII. Quality control of the concrete will follow. IX. Level survey of the foundation will be completed along with confirming the tank center and cardinal points. X. Installation of an environmental (containment) liner. Following installation, all seams of the liner would be tested to ensure that it is seal tight and there are no breaches in the final product. XI. Installation of chloride free sand (6" layer). XII. Installation of the Cathodic protection system. XIII. Installation of leak detection (tell-tale) piping. XIV. Backfill tank foundation to finished grade & slope with chloride free sand. XV. Compact with plate compactor to remove any voids/pockets.

H. Tank Rebuild

I. The new tank bottom plates will be laid out, fitted, and welded. II. Find the center of floor and scribe circumference of the tank shell to ensure proper shell location. III. Rig, stand and secure 1st shell course and leave out an 8ft opening for access/egress to equipment, personnel, machinery (tank would not be a confined space). Fit and weld the vertical seams. IV. Fit and weld the shell to bottom joints internally and externally. V. Perform quality control: testing of welds on the tank bottom and shell to bottom joints. VI. Rig, stand and secure the 2nd shell course and weld all of the vertical seams. VII. Fit and weld and 1st horizontal seam adjoining the 1st to 2nd shell course. VIII. Repeat steps VI & VII until the 6th shell course is installed and last (5th) horizontal seam is welded. IX. At this point, perform quality control: testing of the welds, dimensional measurements on the shell. X. Fit and weld the top curb angle. XI. Stand the center column to support the roof and secure with cables. XII. Commence installation of the rafters. XIII. Fit and

weld/bolt all rafters in position. XIV. Commence lifting, installation, fitting and welding of the roof plates. XV. Cut hole in roof plates and install roof nozzles and manways. XVI. Cut hole in 1st shell course and install shell nozzles and manways. XVII. Fit and weld all tank anchor chairs to the foundation anchor bolts. XVIII. Fit final plate in shell 1st course that was left out and weld off. XIX. Tank is now a confined space and additional permit to work and control measures to be implemented. XX. Complete all quality control measures: testing of welds, visual inspection, dimensional measurements, etc. XXI. Clean tank and remove all construction waste and dispose of per local requirements. XXII. Box tank up: installation of blinds on tank nozzles, manways in preparation for Hydrostatic testing. XXIII. Perform hydrostatic testing of the tank (filling with water) to 95% capacity to confirm leak tightness, structural integrity. Water would be supplied from the fire suppression system (via a deep well and 500gpm pump) and would be disposed of inside of the tank's bunded area. XXIV. Following construction of the tank, the tank would be painted, internally and externally and then interconnected to the pipeline network to commission same into Diesel service.

Notes:

- 1) *The Fire Fighting System at the terminal is tested weekly and would be tested daily during hot works activities. All personnel involved will be trained in how to operate this system in the event of an emergency.*
- 2) *Petroleum Regulators (OFREG) & Fire Department will be notified of when these works are being undertaken to ensure that, in the event of an emergency, a timely response can be undertaken.*
- 3) *A Fire Watch is mandatory per Sol Policy during all hot work activities.*
- 4) *Hole (tank entry) watch is mandatory per Sol Policy during all tank entry tasks.*
- 5) *Sol safe work permits and procedures along with detailed job safety analysis will be implement during all steps of the works.*
- 6) *Schedule I & II Procedures are generic procedures. Once a certified and competent Contractor is selected for the Works, they will be required to submit their own procedure which will follow along the lines of what is included herein but specific to the job/vendor.*
- 7) *All Hazardous waste will be handled and disposed of in accordance with the Department of Environment policy.*

Successful Undertakings at Jackson Point Terminal in last 5-years:

- 1) *Tank #8 Major Repairs: tank decommissioning, cleaning, replacement of tank shell course and roof.*
- 2) *Tank #6 Major Repairs: tank decommissioning, cleaning, replacement of the tank bottom, roof and localized areas on tank shell. Based on our experience trying to salvage tank 6 rather than rebuilding the tank, the project timeline significantly overextended, and the costs exceeded building a new tank. Furthermore, many tank builders would not even bid for such repairs due to the many risks/unknowns and potentially time-consuming activities.*
- 3) *Tank #10: new construction of 18,000 Bbls. above ground tank inclusive of Foundation*

PLANNING DEPARTMENT ANALYSIS

General

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

The proposal is for a 5,024 square foot oil tank replacement at the existing Sol tank farm.

The tank location is an existing one that is located 306 feet from the water's edge and 56 feet from the south property boundary.

Zoning

The property is zoned Heavy Industrial and Beach Resort Residential.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

6.0 CPA MEMBERS INFORMATION/DISCUSSION

Appendix A

FIRST SCHEDULE

In common with all other persons who have, or may hereafter have, the like:

1. Right and liberty to pass and re-pass over and along the roadways shown on the plan with or without vehicles, which roadways shall be of at least the minimum width acceptable to the Central Planning Authority.
2. Right and liberty to use any parkland shown on the plan for the purposes of recreation only.
3. Right and liberty to connect up with and use water mains, and electricity and telephone cables and wires at any time running over or under the roadways of the lot hereby contracted to be sold and any other lot or lots.

SECOND SCHEDULE

Restrictive Agreements

I. General

The Purchaser, with intent and so as to bind the Lot into whosoever hands the same may come and to benefit and protect with intent and so or any part thereof hereby covenants with the Vendor that the Purchaser and the successors in title of the Purchaser will, at all times hereafter, observe and perform the stipulations and restrictions here following, in relation to the Lot to be transferred pursuant to this agreement:

1. Not to erect or maintain on the Lot any apartment buildings, duplexes, town houses, or other multi-storey building other than a single family dwelling house with a minimum floor area of two thousand (2,000) square feet with necessary outbuildings and garage accommodation as approved from time to time by the Central Planning Authority of the Cayman Islands Government.
2. Not to erect any dwelling house with a zinc roof.
3. Not to erect, place, or alter any building on the Lot unless the quality of workmanship and materials and harmony of external design conforms to good and proficient building practices.
4. Unless otherwise designated as “commercial” by the Vendor, all Lots shall only be used for residential purposes. Not to use any dwelling house or building erected or to be erected on the Lot other than for the purpose of a single dwelling house, and not to do any act or thing on the Lot which shall be a nuisance to the owners or

occupiers of any of the lots forming part of the subdivision. No trade or business whatsoever shall be carried on at or from within the Development or the Lot.

5. Not to allow the right of way referred to in the First Schedule hereto to fall into disrepair and the Purchaser shall maintain or pay a due proportion of the cost of upkeep of the said roads and right of way in common with the owners of the lots forming part of Shamrock Heights sub-division until adopted by the Government of the Cayman Islands.
6. Not to keep within the dwelling house or cartilage on any part of the Lot any livestock or animals other than the usual household pets.
7. Not to subdivide the said Lot or construct thereon any chain link fence or any other fence exceeding four (4) feet in height.
8. Not to permit the accumulation of garbage, trash, rubbish, or disused vehicles of any kind on the Lot nor burn any garbage, trash, or rubbish thereon.
9. Not to erect any clotheslines, yard equipment or storage piles unless screened by a service yard, drying yard, or other similar facility to conceal them from view of neighboring lots, roads, or other property.
10. Not to erect any sign, advertisement, billboard, or advertising structure of any kind without the consent of the Vendor.
11. Not to store boats for any commercial use on the Lot.
12. Not to raise, breed, keep, farm, or produce any bird livestock, poultry or animal of any kind on the Lot for sale or commercial purposes.

13. Not to display to the public view on the premises any sign of any kind, except one sign of not more than five square feet advertising the Lot for sale or rent, or signs used by a builder to advertise the Lot during the advertising and sales period.
14. Not to erect any corrugated iron (zinc) roof or fence on or around any building on the Lot.
15. Not to erect, maintain or use on the Lot at any time, either temporarily or permanently, any structure of a temporary character, trailer, house trailer or tent, shack, garage, shed, barn, barracks-type structure or other outbuilding, provided that necessary construction sheds may be temporarily maintained during construction of the dwelling provided they are promptly removed upon substantial completion of the dwelling and in any event not later than one month after substantial completion of construction.
16. All buildings on the Lot shall be kept in a good state of repair and appearance and the Lot shall be kept clean and tidy at all times and otherwise hidden from view by a structural wall or fence as prescribed.
17. Not to construct or erect on the Lot any outdoor toilet or lavatory other than of a temporary type used only during the period of construction of the dwelling or other building.
18. If the owner of any Lot in the Development shall violate or attempt to violate any of the covenants herein, it shall be lawful for the Vendor or any other owner within the Development to pursue any proceedings at law or in equity against such covenants, either to restrain him from such violation or to recover damages therefor, or both.

19. Although the Vendor may enforce the covenants contained herein, he shall not be obligated to do so. Any person, including the Vendor, who shall bring successful legal proceedings to enforce the said covenants shall be entitled to recover his costs and reasonable expenses of such proceedings, from any person found to be in violation of the said covenants, provided the violator shall have first been given written notice of his violation and at least 30 days in which to correct it.

21. Invalidity of any one or more of these covenants and restrictions by judgment or court order shall not affect any of the other provisions which shall remain in full force and effect.

22. Where any subsequent purchaser or mortgage acquires any interest in the Lot, that interest shall be subject to the provisions herein contained, and any purchase at any sale, public or otherwise, resulting from exercise of a power of sale under any mortgage, enforcement of any judgment, lien or legal proceeding or process, likewise shall acquire any interest in the Lot subject to the covenants, stipulations and restrictions recited herein.

23. The Purchaser hereby admits and agrees that nothing hereinbefore contained shall prevent or impede the Vendor from acquiring, developing and subdividing further lots of land adjacent to the Development at any time hereafter and connecting or procuring the connection of all utilities presently or in future to be enjoyed by the Purchaser and his successors in title, including but without prejudice to the generality of the foregoing water, electricity, telephone, streets and entrance to the Development.

24. Notwithstanding the provisions in Covenant 23 above, not at any time to use the Lot or allow the Lot to be used as a means of access to any adjoining or neighbouring property and not to construct or allow to be constructed on the Lot

any road, footpath or other means of access to any adjoining or n e i g h b o u r i n g property.

25. Notwithstanding anything to the contrary herein contained or implied, the Vendor is entitled to move the access to and egress from the Development for the purpose of facilitating future development in any manner in which it, in its absolute discretion considers appropriate, provided always that the Development shall have unimpeded vehicular and pedestrian access and egress to and from the rights-of-ways and roadways referred to in the First Schedule and that the costs associated therewith shall be paid by the Vendor.

26. A Purchaser shall procure that his successor or successors in title shall enter into these Restrictive Covenants simultaneously with the transfer of any of the Property to, or by him covenanting to comply with such Restrictive C o v e n a n t s herein contained.

27. Notwithstanding the provisions contained in Covenants 1 and 4 of this Second Schedule and in accordance with the provisions of Covenant 16 of the Third Schedule hereof permission is hereby given to the purchaser of Registration Section: Spotts, Block 25C, Parcel 383 to erect on Parcel 383 a duplex of no less than 2,000 square feet of living space, provided, that the architectural plans for such duplex are first submitted to and approved by the Vendor before and after they are submitted to the Planning Department for approval, and further provided that the duplex is built in accordance with such final approved plans.

II. Parkland

1. These covenants may be amended as follows:-
 - 1.2 By the Vendor or the Vendor's successor in title so long as he owns one or more lots in the said Development; or
 - 1.3 By written consent of the owners of a two-thirds majority of the residential Lots of the Development.

Such modifications shall take effect when duly executed and filed with the Registrar of Lands of the Cayman Islands Government.

- 2 The Vendor reserves the right to designate, formally or informally, certain areas of the subdivision as "parkland" and to plant, clear and landscape any or all parkland; to construct and maintain pathways and access routes for pedestrians thereon and to utilize such tracts generally for doing any other thing necessary or desirable, in the opinion of the Vendor, directly or indirectly, to maintain or improve Shamrock Heights, including the making of any regulations governing the parkland in the subdivision.

III Release from Restrictions

The Vendor reserves the right in its absolute uncontrolled discretion to modify waive or release any of the said stipulations and restrictions relating to any lot or lots in the Development whether imposed or entered into before, at the same time as or after the date hereof and whether or not imposed or entered into under this instrument; and the right to sell or otherwise deal with any lots unsold either subject to or free from all or any of the stipulations and restrictions imposed thereon by this instrument and the exercise of the said right in relation to any lot shall not release the purchaser of any other lot from any of the said stipulations obligations and provisions affecting or imposed upon such purchaser and shall not give rise to any right of action or claim against the Vendor or any person.

THIRD SCHEDULE

Exceptions and Reservations

16. The Vendor shall have the full right at any time within twenty-one (21) years hereafter to enter upon and on to the Lot and construct and lay electricity poles, cables, telephone and television lines, and drains, sewer and water mains thereunder within a distance of five (5) feet from the perimeter thereof and in common with the owners or occupiers for the time being of other Lots, freely to run and pass water and soil through and along the same, with power for the Vendor and his/hers successors in title and assigns, at any time thereafter, to enter for the purpose of cleaning, repairing, and renewing the same, doing as little damage as possible and making good the surface without unnecessary delay, at its own cost and making compensation for any damages done or occasioned by the exercise of such powers, as well as the right to impose conditions on unsold properties of the subdivision from time to time.

FOURTH SCHEDULE

Maintenance Provisions

1. The Purchaser or the proprietor for the time being of the Lot, and his/hers successors in title, at all times, will make a contribution, along with the owners of the other lots in Shamrock Heights towards the cost of maintenance.
2. In this context, the following words shall bear the following meanings:
 - a. “Contribution” shall mean the amount payable by a lot owner within the subdivision and shall be assessed in accordance therewith. The total cost of maintenance as aforesaid shall be ascertained and then divided between the

lots comprised in the subdivision in proportions to the size of the lots, and each lot therein shall bear the cost assigned to it.

b. “Maintenance” shall include the following:

i. Facility: Any utility or service to be used for the benefit of all the owners for the time being of the Lots and the common areas.

ii. Landscaping: The care of any open and garden areas, including the employment of necessary labour for watering the said areas, a reasonable volume of soil, plants and the treatment thereof may be incurred without prior consultation with the contributors as hereinafter provided.

iii. Road: The repair of the road within the said subdivision so as to keep it at all times in reasonable condition for use by motor vehicles.

iv. Water: The disposal of surface water from the said roads, as well as storm water drains.

3. The contributions, as foresaid, shall be assessed periodically (but not more often than monthly) and be payable within twenty-one (21) days of demand by the contributor to the Vendor or any home owner’s association and shall thereafter be recoverable by action.

Appendix B

The Chairman of the Central Planning Authority
Cayman Islands Government Administration Building
Grand Cayman, Cayman Islands

By Email

18 August 2023

Dear Sir,

Re: Block 9 A Parcel 11 – (P23-0078) Application to modify planning permission to extend the perimeter fence and relocate the access gate

We write on behalf of our client, Mr. Kel Thompson, the registered proprietor of Block 9A Parcel 16, which directly adjoins the Applicant's parcel.

Our client strenuously objects to the subject application for modification and we make reference to our firm's letter of 14 June 2023, which letter outlines the Applicant's multiple current breaches of planning control. A copy of that letter, which was sent to the Director of Planning via email on 14 June 2023, is attached hereto for your ease of reference and is relied upon by our client in respect of his objection to this application.

Our client objects to the application for modification on the basis that it is very clear that the Applicant is in breach of the existing planning permission and therefore an active breach of planning control in respect of Condition 8 of the original planning permission pertaining to the subject development. Given that the Applicant is committing an active breach of planning control, our client submits that it would be appropriate and in fact obligatory for the Director of Planning to issue an enforcement notice in respect of such breach, and it is submitted that, in light of this it would be not appropriate for the Authority to grant any additional approvals of modifications of planning permission pending the Applicant's non-compliance with the original grant of planning permission, as the same could be construed by the Applicant and others as tacit approval of such breach and/or waiver of the obligation to enforce such conditions of planning approval.

Furthermore, as outlined in detail in our letter of 14 June 2023, the current location of the Applicant's "driveway", which is in fact a partially shared easement over a third party's land which our client shares, is causing very serious public safety issues as the Applicant has purported to direct outbound traffic from its

development directly into the lane carrying incoming traffic travelling in the opposite direction over the easement enjoyed by the land comprising our client's development, as can be clearly seen in the map and pictures appended to our 14 June 2023 letter.

This serious traffic hazard, which is a direct result of the Applicant's breach of the original planning conditions, constitutes a material planning consideration, and it is submitted that the same therefore falls squarely within the remit and responsibility of the Authority to resolve.

It is therefore submitted that unless and until this issue is resolved, and the hazard to public safety resulting from the Applicant's breach of existing planning conditions is eliminated, it is entirely inappropriate for the Authority to approve any further amendments to the planning permission, particularly for the development of walls and gates around the development as these will likely inhibit the relocation of the existing driveway, which is clearly what is necessary in order to prevent serious risk and injury to the public.

In summary, the Applicant's driveway is currently causing a serious public safety risk to the public at large as well as our client and the residents of the Mizpah development. This issue is within the remit of the Authority and constitutes a material planning consideration. We recognize that any civil dispute between our client and the Applicant in respect of the Applicant's trespass and interference of our client's easement rights are matters which will need to be litigated in the Grand Court, but these are nonetheless issues which are separate and apart from the planning issue outlined herein, which falls within the Authority's purview to resolve.

As such, it is our client's position that the circumstances are such that if an enforcement notice is not urgently issued against the Applicant for its breach of Planning Control, then the CPA is obliged to exercise section 17 of the DPA in order to modify the subject planning permission so as to resolve the public safety hazard which is currently being caused as a result of the Applicant's breach of planning permission.

Our client therefore respectfully asks that the CPA exercises its lawful authority and performs its statutory duty to ensure that the public is no longer subjected to the serious safety hazard which currently exists as a result of the Applicant's breach of planning control and that the subject application for modification is refused pending resolution of the issue of the driveway's location and the hazardous traffic flow thereby created.

Sincerely,

JacksonLaw

JacksonLaw

Mr. Haroon Pandohie
Director of Planning/Executive Secretary
Central Planning Authority
Cayman Islands Government
Government Administration Building

14 June 2023

By Email

Dear Sir,

Re: Block 9 A Parcel 11 – Breach of Planning Conditions

We write on behalf of our client, Kel Thompson, who is the registered proprietor of Block 9A Parcel 16.

We have been instructed to write to you in order to address our client's concerns in respect of an egregious breach of conditional planning approval which has resulted in the creation of a serious traffic hazard which has been caused by certain development of the above-named parcel.

By way of background, on 8 July 2019, the Central Planning Authority issued a decision letter ("the Decision Letter") whereby it granted planning permission to Winsome Prendergast in respect of the captioned parcel to develop twenty apartments, clubhouse and gym with trellis, nine raw land strata lots, swimming pool, 6' perimeter wall and sign (P19-0521).

The Minutes of the CPA meeting of 28th June 2019, where the subject application was considered, provide at page 13, under the title "PLANNING DEPARTMENT ANALYSIS", that:

"The subject property has vehicular right-of-ways over Block 9A Parcels 516, 671 and 795. However in order to legally traverse Adonis Dr. the property lacks legal access over several other parcels. Typically, the Authority would want this issue resolved prior to approval being granted."

It is clear from the Decision Letter that the Central Planning Authority attempted to resolve this concern by imposing a number of conditions, to wit:

"In addition to the Building Permit requirements, conditions (7-8) listed below shall be met before a Building Permit can be issued."

...8) The applicant shall demonstrate that the subject site has legal vehicular access over all relevant portions of Adonis Dr."

It is not within our client's knowledge *how* and on what evidence the applicant was able to obtain a building permit, despite the fact that the subject site does **not**, to date, have legal vehicular access over all of the relevant parcels forming "Adonis Drive". This is a matter of fact, not opinion, as the subject site does not possess a legal vehicular right of way over our client's land. As can be clearly seen in the survey map at Appendix 2 hereto, in order to pass through Adonis Drive, the owners and visitors of the subject parcel pass over a portion of our client's land when they traverse the road, without having any legal vehicular right of way over the same. It is therefore clear that the applicant has obtained a building permit without lawfully satisfying the conditions of planning approval and is therefore acting in breach of planning control.

Furthermore, aside from the clear breach of her conditional planning approval, apparently in an effort to try to circumvent the satisfaction Central Planning Authority's conditions, the applicant has created a very serious issue to public safety and welfare by attempting to create the requisite 30' vehicular driveway into the subject property in such a way as to utilize an adjoining parcel to make up for the missing 15' feet of vehicular access that would have properly been required over our client's land. In so doing, the applicant has created a long "roadway" along which the direction of vehicular traffic is entirely reversed against the oncoming flow of traffic along Adonis Drive. This has created hazardous road conditions for any person who drives along Adonis Drive as it requires persons leaving the applicant's development to drive in the opposite direction of traffic traversing their legally obtained access to our client's site. The reversal of the traffic flow can be clearly seen in the appended photographs and aerial overlay map.

Our client has also just become aware, by chance, that the matter of this planning permission was raised generally before the Central Planning Authority on 26 April 2023, presumably because our client voiced concerns about the traffic hazard being cause by the subject development. However, our client was never notified that the matter was to come before the Central Planning Authority and was therefore precluded from making necessary submissions in respect of the state of affairs to the Board, and there is good cause for our client to believe that had the Board had the benefit of such submissions by our client, it would not have come to the decision which it did at that date.

Indeed, the Minutes of the recent meeting of the Central Planning Authority provide that the reasons for the decision are to wit:

“The Authority notes that Adonis Drive consists of a series of private rights-of-way. The Authority determined that the developer of 9A 11 benefits from the legal grant of Planning Permission and has constructed the 30 easement that is in favour of the property. The Authority is of the view that any claim regarding legal access over the rights-of-way comprising Adonis Dr is a civil matter between landowners in the area and is not a matter for the Department to address.”

Based on that stated rationale, it is clear that the Central Planning Authority did not possess the correct information as to matters of fact and law which would have been necessary in order for the board to make a lawful and rational determination of this issue. As a matter of fact and law, the issue in respect of this development is an issue of significant public import insofar as it creates a truly dangerous traffic control issue. In any event, it is our client's position that there is a breach of planning control insofar as the applicant has not satisfied Condition 8 of the relevant planning approval.

In light of the clear breach of planning control by the applicant, and the public danger resulting thereby, our client humbly requests that the Director of Planning should exercise his powers under the Development and Planning Act, to issue and serve enforcement and stop notices against the applicant and to thereby require the applicant to remove the driveway which is causing a public safety hazard by reversing the flow of traffic against oncoming vehicular traffic and to halt the issuance of any building permit until the applicant has complied with condition 8 of the relevant planning approval and obtained legal access across the entirety of Adonis Drive and satisfies the Director that such access will not cause any further danger to other road-users.


It is our client's position that the exercise of the Director's powers to issue enforcement and stop notices is the most appropriate and essential way to remedy the clear breach of planning control and public safety hazard caused by the applicant's development.

Alternatively, our client submits that the fact that the breach of planning control in the subject matter is causing a public safety hazard, it would also be appropriate for the Central Planning Authority to exercise its power under section 17 to revoke the subject planning permission, or to amend the same so as to ensure that the development will not cause dangerous traffic conditions.

In light of the current public safety hazards caused by the current state of affairs in respect of the subject development, our client would ask that this matter be given

urgent attention, before any person is involved in a traffic accident as a result of the subject development and the applicant's breach of the relevant planning condition.

Sincerely,



JacksonLaw

BOUNDARY DEFINITION SKETCH
BLOCK 9A PARCEL 11



Note: Boundary definition has been re-established
from registered survey 03/146 on 17/04/2023

BERNETHY AND ASSOCIATES LTD.
LICENSED LAND SURVEYOR
P.O. BOX 11434 GRAND CAYMAN, KY-1008
PH: 947-1582 CEL: 925-2816
DRAWING # 23193M



Central Planning Authority

Minutes for a meeting of the Central Planning Authority held on June 28, 2019 at 10:00 a.m. in the Room 4021, 4th Floor, Government Administration Building, Elgin Avenue.

13th Meeting of the Year

CPA/13/19

Mr. A. L. Thompson (Chairman)

Mr. Robert Watler Jr. (Deputy Chairman) (apologies)

Mr. Kris Bergstrom (left 12:00, returned 1:30)

Mr. Peterkin Berry

Mr. Edgar Ashton Bodden (left 11:50, returned 12:30)

Mr. S. T. (Tommie) Bodden

Mr. Joseph Coe (apologies)

Mr. Ray Hydes (except 2.3) (left 2:20)

Mr. Trent McCoy (left 2:10)

Mr. Rex Miller (except 2.12)

Mr. Eldon Rankin

Mr. Selvin Richardson (absent)

Mr. Fred Whittaker (left 2:20)

Mr. Haroon Pandohie (Executive Secretary) (except 2.11)

Mr. Ron Sanderson (Deputy Director of Planning (CP))

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

- The Authority noted a concern with the proposed HWM setbacks.
- Mr. Ebanks advised that one area of the shoreline had eroded which resulted in the building being closer to the sea. The Authority noted that there could be structural issues with a building being less than 4' from the HWM.
- Mr. Ebanks advised that they may apply to fill the eroded area and they could put in sheet piling behind the mangroves to help with storm protection.
- The Authority noted that a substantial portion of the building is entirely within the HWM setback.

2.4 WINSOME PRENDERGAST Block 9A Parcel 11 (F11-0080) (P19-0521) (\$3,863,625) (MW)

Application for twenty (20) apartments, clubhouse and gym with trellis, nine (9) raw land strata lots, swimming pool, 6' perimeter wall and sign.

Appearance at 12:30

FACTS

<i>Location</i>	Adonis Drive, West Bay
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	450' Radius
<i>Parcel Size Proposed</i>	1.25 Ac. (54,450 sq. ft.)
<i>Parcel Size Required</i>	25,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Apartments, Townhouses, Clubhouse and gym with trellis, Raw Land Strata Lots, Swimming Pool, 6' Perimeter Wall and Proposed Sign
<i>Building Size</i>	30,029 sq. ft.
<i>Density</i>	20 units
<i>Allowable Density</i>	18.75 units
<i>Building Coverage</i>	24.9%
<i>Proposed Parking</i>	35 spaces
<i>Required Parking</i>	30 spaces
<i>Number of Units</i>	20 units

BACKGROUND

May 20, 2011 (CPA/09/11; Item 2.7) – Six (6) lot subdivision approved.

Decision: It was resolved to grant planning permission, **subject to the following conditions:**

Conditions (1-6) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system). The treatment system must be labelled as either a septic tank or an aerobic wastewater treatment system, whichever is applicable.
- 2) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 3) The applicant shall submit a Stormwater Management plan designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority. **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 4) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 5) Construction drawings for the proposed wastewater treatment system and disposal system shall be submitted to the Water Authority for review and approval. The Central Planning Authority must receive confirmation of the Water Authority's approval.
- 6) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.

In addition to Building Permit requirements, conditions (7-8) listed below shall be met before a Building Permit can be issued.

- 7) The construction drawings for the proposed swimming pool shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool is constructed in accordance with the submitted plans it will conform to public health requirements.
- 8) **The applicant shall demonstrate that the subject site has legal vehicular access over all relevant portions of Adonis Dr.**

- 9) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 10) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level.

Provision shall be made for the **removal of solid waste**, including **construction and demolition waste**, from the site on a regular basis during the construction period.

The applicant shall provide adequate number of **sanitary facilities during the construction stage**.

To prevent potential delays and save money, the applicant may wish to coordinate with the following agencies prior to commencing any construction: **Caribbean Utilities Company, a Telecommunication Company of your preference and the Cayman Water Company and/or the Water Authority – Cayman.**

Reasons for the decision:

1. Per Regulation 9(8) of the Development and Planning Regulations (2018 Revision), the Authority is satisfied that the site location is suitable for apartments as follows:
 - There are no physical constraints on the site that would prevent the development of apartments.
 - There are several apartment developments in the surrounding area and the proposed apartments are consistent and compatible with the established building character of the area.
 - There is sufficient infrastructure at this site (e.g. public road, water line, electrical service) and in the area (commercial retail, grocery stores, etc.) to support the residents of the proposed apartments.
2. With the exception of the apartment/bedroom densities, front and rear setbacks and the strata lot size/width/site coverage/setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2018 Revision).
3. The proposed application does not comply with the maximum allowable apartment/bedroom densities, the minimum required lot size/lot width/site coverage/setbacks for the land strata lots, and the minimum required front and rear setbacks for the apartments per Regulations 9(8)(c)(f)(g)(h) and (i) of the

Development and Planning Regulations (2018 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the additional density and site coverage and lesser lot size, lot width and setbacks as follows:

- a) The characteristics of the proposed development are consistent with the character of the surrounding area;
- b) The land strata lots are being created simply to effect the registration of a strata and are not lots for the purpose of development and would therefore be consistent with the character of the surrounding area;
- c) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
- d) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

AGENCY COMMENTS

Comments from the Water Authority are noted below.

Water Authority

“Please be advised that 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 4,846 US gallons per day (gpd).***
- ***Treated effluent from the ATU shall discharge to an effluent disposal well, constructed by a licenced driller in strict accordance with the Authority’s standards. Licenced 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."*

LETTER FROM APPLICANT

"Further to the application submitted in relation to the above referenced project, we hereby request for a density variance which requires a minimum of 15 apartment units and 24 bedrooms per acre per Planning Regulation 9 (8)(c); lot size variance to a Strata Plan which requires a minimum of 10,000 sq. ft. per lot per Planning Regulation 9 (8)(d); lot width variance which requires a minimum of 80 ft per Planning Regulation 9 (8)(g); and a setback variance to a site plan which requires a minimum of 20 ft front and rear setbacks per Planning Regulation 9 (8)(i).in a Medium Density Residential Zone.

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

- (1) Under Regulation 8 (13)(b)(i), the characteristics of the proposed development are consistent with the character of the surrounding area: The total area of the project site is 1.25 acres, wherein the Planning Regulation 9 (7)(c) allows us to have 19 apartment units (18.75 to be exact) and 30 bedrooms. While we have exceeded by (1) apartment unit and 10 bedrooms to the maximum allowed, we have tried to make up for this excess by having our site coverage way lower than the 30% maximum limit. The proposed site coverage for this development is only 24.28%. We hope that the board will find this more acceptable than increasing our unit sizes and consuming more building space on site.*
- (2) Under Regulation 8 (13)(b)(ii), the unusual terrain characteristics limit the site's development potential: While we have complied with the required minimum 20ft front and rear setback, we would also like to request for a setback variance due to the odd shape/orientation of the lot. The actual proposed apartment and townhouse buildings are within the required minimum setbacks. Only part of the townhouse back patio is beyond the setback line. These areas will also be heavily landscaped, which will serve as a privacy screen for both properties. We hope that the CPA board will find this acceptable since there is no other place we can properly fit these areas other than its current proposed location. For the lot size and lot width, as required by the Building Control Unit, townhouses must be within an individual Raw Land strata lot; which is limited to the separation wall of each*

unit.

- (3) ***Under 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 neighborhood, or to the public welfare: The proposed 5ft perimeter wall (fence) was intended to be built to give privacy and additional security within the development.***

If you require additional information or further clarification, please don't hesitate to contact us at the numbers and email below. Thank you and God bless."

PLANNING DEPARTMENT ANALYSIS

General

The application is for twenty apartments, two (2) buildings 16,350 sq. ft. townhouses, 1,641 sq. ft. clubhouse and gym with trellis, nine (9) raw land strata lots, swimming pool, 6' perimeter wall and sign to be located on Adonis Drive, West Bay.

Zoning

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

Specific Issue

a) Suitability

The proposed apartments are in an area where similar applications have been approved on neighbouring parcels.

- 9A 16 Apartments:- (Approved 7-25-07 CPA/23/07; Item 2.12)
- 9A 17REM1 32 Apartments:- (Approved CPA/21/07; Item 2.21)
- 9A 517 5 Apartments:- (Approved 7-23-98)
- 9A 518 24 Apartments:- (Approved 5-8-02 CPA/12/02; Item 5.02(A))

b) Legal access

The subject property has vehicular right-of-ways over Block 9A Parcels 516, 671 and 796. However, in order to legally traverse Adonis Dr, the property lacks legal access over several other parcels. Typically, the Authority would want this issue resolved prior to approval being granted.

c) Building #4 Front Setback / Building #3 Rear Setback

Regulation 9(8)(i) states "*the minimum front and rear setbacks shall be 20'-0"* in a LDR zone. The proposed apartment building #3 would be 16'-4" from the rear boundary, Apartment building #4 would be 15'-11" from the front boundary a difference of 3'-8" and 4'-1" respectively.

d) Apartment / Bedroom Density

Regulation 9(8)(c) states the maximum number of apartments is fifteen per acre with a maximum of twenty-four bedrooms. The current lot size (1.25 ac.) Block 9A Parcel 11 allows for 18.75 units with a maximum of 30-bedrooms.

The proposed project proposes twenty (20) units and 40-bedrooms a difference of 1.25 units and 10-bedrooms respectively.

e) Lot Size and Lot Width (Strata)

Regulation 9(8)(f) states “*the minimum lot size for apartments is 25,000 sq. ft*”. The proposed strata lots would be a minimum of 1,019 sq. ft. (units) a difference of 23,981 sq. ft. respectively. Regulation 9(8)(g) states “*the minimum lot width for apartments is 100*”. The proposed would be a minimum of 16’ (units) a difference of 84’ respectively.

f) Fence Height

The CPA fence guidelines stipulate that the maximum height of a fence in a residential zone is 48” which the proposed fence exceeds. The proposed fence would be a 5’ concrete fence which borders the boundary of the property, a difference in height of 1’ respectively.

At 12:30pm, Darrel Ebanks appeared on behalf of the applicant. There was discussion regarding the application and summary notes are provided as follows:

- The Authority noted that the main issue is legal access over the road.
- Mr. Ebanks noted that the road has been there many years, was built by Government and maintained by Government, but is partially over private land. His client has been trying to secure the necessary easements, but hasn’t got them all yet.
- Mr. Ebanks advised that a 6 lot subdivision was previously approved and this issue wasn’t raised. He explained that everyone uses the road including apartments nearby.