

# Central Planning Authority

**Agenda** for a meeting of the Central Planning Authority to be held on **8 May 2024 at 10:00am** in Conference Room 1038, 1st Floor, Government Administration Building, 133 Elgin Avenue

## 14<sup>th</sup> Meeting of the Year

CPA/14/24

Mr. Ian Pairaudeau (Chair)

Mr. Handel Whittaker (Deputy Chair)

Mr. Joshua Bernard

Mr. Gillard McLaughlin

Mr. Charles Russell Jr.

Mr. Peterkin Berry

Mr. Peter Campbell

Mr. Kenneth Ebanks

Ms. Danette McLaughlin

Ms. Shakina Bush

Ms. Christine Maltman, MCIP, AICP

Ms. Celecia Bancroft

Mr. Ashton Bodden

Mr. Haroon Pandohie (Executive Secretary)

Mr. Ron Sanderson (Deputy Director of Planning - Current Planning)

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

## List of Applications Presented at CPA/14/24

- 2.1 MUNDY LEWIS (GMJ Home Plans Ltd.) Block 32B Parcel 486 (P22-0227) (\$80,000) (EJ) 5**
- 2.2 ATHONY M. CHAMBERS (GMJ Home Plans Ltd.) Block 72C Parcel 342 (P23-0466) (\$90,000) (EJ) 7**
- 2.3 MICRIS LTD. (BDCL Architects) Block 12C Parcel 504 & 505 (P23-0300) (\$22,000,000) (MW) 10**
- 2.4 HOWARD FRAZER (LSG Designs Ltd.) Block 37A Parcel 47 (P24-0066) (\$1.8 million) (NP) 18**
- 2.5 ISLAND PROPERTIES LTD. (TAG) Block 1C Parcel 279 (P23-1151) (\$5,000) (NP) 25**
- 2.6 GH GROUP LTD. (PPDS) Block 22E Parcel 446 (P23-0916) (\$16.0 million) (NP) 27**
- 2.7 20 NORTH DEVELOPMENT (TAG) Block 5C Parcel 77 (P23-0940) (\$12.658 million) (NP) 36**  
48
- 2.8 K & B LTD. (TAG) Block 5B Parcel 162 (P23-1008) (\$5,000) (NP) 48**
- 2.9 JONATHAN MCLEAN (Johnson Design & Architecture) Block 22C Parcel 96 (P23-0800) (\$1,000,000) (AS) 53**
- 2.10 JUDITH HUDGSON Block 44B Parcel 364 (P24-0037) (\$10,000) (JS) 59**
- 2.11 GARY EBANKS (TSC Architecture) Block 28C Parcel 462 (P24-0010) (\$550,000) (EJ) 60**
- 2.12 ANTHEA MATTHEWS (Platinum Crew General Maintenance and repair) Block 28B Parcel 328H1 (P24-0118) (\$270,000) (JS) 66**
- 2.13 JODY & AMANDA JERVIS (Tropical Architectural Group Ltd.) Block 13D Parcel 7 & 131 (P24-0030) (\$1,371,100) (EJ) 68**
- 2.14 PAUL & LINDA CZUDNOCHOWSKY (CS Designs) Block 33E Parcels 41 & 43 (P24-0261) (\$935,100) (NP) 76**
- 2.15 VINCENT & MARCHIA DAVIS (Tony Lattie) Block 38C Parcel 158 (P24-0195) (\$85,000) (EJ) 86**
- 2.16 NICHOLAS JOHNSON (ORIA) Block 20C Parcel 78 (P24-0021) (\$25,000) (NP) 89**
- 2.17 ANNIE ROSE MOXAM (PPDS) Block 57E Parcel 144 (P24-0169) (\$15,000) (NP) 91**
- 2.18 HERITAGE HOLDINGS LTD. Block 5B Parcel 148 (P24-0277) (\$270,000) (JS) 98**
- 2.19 LENNIN HERNANDEZ (Benitez & Sons) Block 9A Parcel 837 (P24-0113) (\$795,000) (JS) 99**
- 2.20 TROY PEARSON (Island Drafting) Block 14D Parcel 141 (P18-1003) (\$85,240) (JS) 100**
- 2.21 BRYANT TERRY (TSC Architecture) Block 27C Parcel 543 (P24-0122) (\$512,875) (JS) 101**

- 2.22 JAVIER MEDINA (Abernethy & Associated Ltd.) Block 59A Parcel 323 (P24-0230) (\$4,043 (EJ) 103**
- 2.23 JEHROME ESLUZAR (AMR Consulting Engineers) Block 33C Parcel 31 (P23-1093) (\$120,000) (NP) 105**
- 2.24 LAURA ROBINSON (JMP Construction) Block 4E Parcel 231 (P24-0228) (\$20,000) (JS) 107**
- 2.25 DONALD LOYD (Caribbean Home Planners) Block 27C Parcel 242 (P23-1067 & P23-1068) (\$54,000) (EJ) 108**
- 2.26 CAYMAN PROPERTY INVESTMENTS LTD. (MJM Design Studio) Block 5B Parcel 151 (P24-0155) (\$10,000) (MW) 110**
- 2.27 BUTTONWOOD PARTNERS LTD. (Kariba Architecture) Block 20E Parcel 87 (P23-0967) (\$4,200) (NP) 113**
- 2.28 NATIONAL HOUSING DEVELOPMENT TRUST (Whittaker & Watler) Block 72B Parcel 200 (P23-0827) (\$130,800) (KM) 113**
- 2.29 EMMA CASSIDY & MICHAEL CHARLTON (Design (Cayman)Ltd.) Block 61A Parcel 115 (P24-0128) (\$2.1million) (JS) 117**
- 2.30 TARON JACKMAN (Huckleberry Design Studio) Block 27C Parcel 695 (P24-0178) (\$75,000) (EJ) 120**
- 2.31 PARAKLETOS LTD. (CG Associates) Block 27D Parcel 514 (P24-0105) (\$20,000) (NP) 122**
- 2.32 VICTOR LOOK LOY (Dwayne Construction) Block 14D Parcel 424 (P24-0249) (\$40,000) (NP) 123**

APPLICANTS ATTENDING THE AUTHORITY’S MEETING

Applicant Name	Time	Item	Page
Mundy Lewis	10:30	2.1	5
Anthony Chambers	11:00	2.2	7
MICRIS Ltd	11:30	2.3	10
Howard Frazer	1:00	2.4	18
Island Properties	1:30	2.5	25
GH Group	2:00	2.6	27
20 North	2:30	2.7	36

**1.1 Confirmation of Minutes CPA/13/24 held on 24 April 2024**

**1.2 Declarations of Conflicts/Interests**

Item	Member

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

- 2.1 MUNDY LEWIS (GMJ Home Plans Ltd.) Block 32B Parcel 486 (P22-0227) (\$80,000) (EJ)**  
Application for after-the-fact house addition and 3’ metal fence with 5’ concrete columns.  
**Appearance at 10:30**

**FACTS**

<i>Location</i>	Brookshire Way & Walbridge Drive, Lower Valley
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2384 ac. (10,384 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Three-Bedroom House
<i>Proposed building size</i>	382 sq. ft.
<i>Total building site coverage</i>	15.6%

**BACKGROUND**

February 6, 2019 - The Department granted planning permission for a three-bedroom house.

August 5, 2019 - The Department modified planning permission to adjust house location.

September 14, 2022 (CPA/22/22; Item 2.2) – The Authority adjourned the application at the applicants request.

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

- 1) Wall setback from road (0’ vs 4’)
- 2) NRA comments

**AGENCY COMMENTS**

The Authority received comments from the National Roads Authority.

**National Roads Authority**

*Per the fence please have the applicant setback at minimum 3ft as well as meet the below NRA specifications for sight Distance on 25MPH roads. 4.6.3*

*SIGHT DISTANCE: The minimum intersection sight distances as measured from a point 15 feet back along the centreline of the minor road and three and one half feet (3 1/2')*

above the road surface shall be one-hundred and fifty feet (150') and, two-hundred and thirty feet (230') for major road speed limits of 25 MPH and 30 MPH respectively, as measured along the near edge of the running carriageway.

### **APPLICANT'S LETTER**

We write on behalf of our client, Ms. Mundy Lewis, with regards to the following variance;

- A roadside setback- The applicants has requested a variance to allow the after-the-fact fence to remain as built with on the property line instead of the required 4ft setback.

We request permission for these variations as shown and humbly give the following reasons:

- 1) Per section 8(13)(d) of the Planning Regulations, the adjacent property owners been notified and there were no objections;
- 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, the neighborhood, or to the public welfare;
- 3) The applicant was not aware of the 4ft setback requirement for a fence along the roadside and assumed that building the fence along the property line would be keeping with numerous existing fences within the subdivision. Note that there are twenty one similar cases within subdivision or that 20% of the properties in the subdivision have already been built on the roadside boundary line.
- 4) Although the columns for the fence are higher, the panels between the columns 32" in height which lends to safe visibility at adjacent intersection.
- 5) It would be cumbersome and costly to relocate the existing fence
- 6) The application complies with all other relevant planning requirements.

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The after-the-fact rear porch addition and metal fence with concrete columns is located on the corner of Brookshire Way & Walbridge Drive, Lower Valley.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) Wall & fence road setback**

Regulations 8 (18) states that walls and fences adjacent to the road shall be setback a minimum of four feet from the road side parcel boundary; however, the 3' metal fence with 5' concrete columns exists at 0' vs 4' along Walbridge Drive.

### **SUPPLEMENTARY ANALYSIS**

No changes have been made to the plans as the wall already exists.

**2.2**     **ATHONY M. CHAMBERS (GMJ Home Plans Ltd.) Block 72C Parcel 342 (P23-0466) (\$90,000) (EJ)**

Application for an after-the-fact house and storage shed & proposed addition to the atf house.

**Appearance at 11:00**

**FACTS**

<i>Location</i>	John McLean Drive, East End
<i>Zoning</i>	<b>MDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.4309 ac. (18,770 sq. ft.)
<i>Parcel size required</i>	7,500 sq. ft.
<i>Current use</i>	ATF House & Shed
<i>Proposed building size</i>	637 sq. ft. (425 atf, 127 proposed, 85 shed)
<i>Total building site coverage</i>	3.39%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

**BACKGROUND**

February 18, 2022 (**CE22-0018**) - The Department issued an enforcement notice  
January 3, 2024 (**CPA/01/24; Item 2.5**) – It was resolved to adjourn the application and re-invite the applicant to appear before the Authority to discuss concerns regarding the deficient setbacks and the aesthetics of the building.

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

- 1) Side setback variance (2'-9" vs 10')
- 2) Aesthetics.

**AGENCY COMMENTS**

The Authority received comments from the Department of Environment.

**Department of Environment (September 12, 2023)**

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

*The application site is predominantly man-modified with primary habitat along the eastern edge of the parcel. Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed.*

*These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.*

*We note that the application appears to be partially after-the-fact and partially in response to enforcement action (CE22-0018). Provided that no further land clearing is undertaken, we have minimal environmental concerns with the approval of the application.*

*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.*

*Best management practices should also be adhered to during construction to reduce impacts on the environment, including impacts to water quality. 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 additions, 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.*

### **APPLICANT'S LETTER**

*We write on behalf of the applicant, Mr. Anthony Chambers, who is asking the Authority to allow variance in order to retain the location of subject house:*

- A side setback variance - of 8ft 0in. as the subject addition exists at 2ft 0in. from the side property line instead of the required 10ft for a single storey dwelling.*

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

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



3. *The construction consists of a timber-framed floor anchored to reinforced block and concrete piers, a timber siding over framed walls and zinc roofing on timber-framing. Aerial imagery reveals that the house has existed from year 2012. Mr. Chamber has informed that he occupied the property throughout the period since 2010 and to relocate the structure would costly exercise for him.*
4. *The application complies with all other relevant planning*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The After-the-fact one-bedroom house and storage shed & proposed addition to house is located on John McLean Drive in East End. The applicant is seeking permission for additions to the south (front) portion of the house creating bedroom #2 and a shower to the existing bedroom #1.

**Zoning**

The property is zoned Medium Density Residential.

**Specific Issues**

**1) Minimum side setbacks**

The applicant is seeking permission for the after-the-fact addition to the house which exist at 2’ vs 10’ from the right-side boundary, therefore, not meeting regulations 9(7)(j)

**2) Aesthetics**

The Authority is asked to also consider the aesthetics and to satisfy itself that the design of the development is consistent with the historic architectural traditions of the Islands under regulations 9(1).

**SUPPLEMENTARY ANALYSIS**

There have been no changes to the plans.



**PHOTOS COURTESY OF CE22-0018**

**2.3 MICRIS LTD. (BDCL Architects) Block 12C Parcel 504 & 505 (P23-0300) (\$22,000,000) (MW)**

Application for 27 apartments, pool, roof-top hot tubs, entrance gates with 4' boundary wall & generator.

**Appearance at 11:30**

**FACTS**

<i>Location</i>	Clipper Bay Dr., West Bay
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	Objections
<i>Parcel size proposed</i>	1.8682 ac. (81,378.792 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	74,586 sq. ft.
<i>Total building site coverage</i>	23.18%
<i>Total site coverage</i>	45.92%
<i>Allowable units</i>	28
<i>Proposed units</i>	27
<i>Allowable bedrooms</i>	44
<i>Proposed bedrooms</i>	45
<i>Required parking</i>	41
<i>Proposed parking</i>	68

**BACKGROUND**

November 22, 2017 (CPA/24/17: Item 2.2) – planning permission granted for 9 apartments, fitness centre, generator, pool & dock

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

- 1) Suitability
- 2) Bedroom density
- 3) Canal setbacks
- 4) Building height
- 5) parking

**AGENCY COMMENTS (Section 7 DPA)**

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

**Water Authority**

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

**Wastewater Treatment and Disposal**

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

- ***The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer’s guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 5,400 US gallons per day (gpd), based on the following calculations.***

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>
Floor 1	4 x 1-Bed Units	150gpd/1-Bed Unit	600
	4 x 2-Bed Units	225gpd/2-Bed Unit	900
	1 x 3-Bed Units	300gpd/3-Bed Unit	300
Floor 2	4 x 1-Bed Units	150gpd/1-Bed Unit	600
	4 x 2-Bed Units	225gpd/2-Bed Unit	900
	1 x 3-Bed Units	300gpd/3-Bed Unit	300
Floor 3	4 x 1-Bed Units	150gpd/1-Bed Unit	600
	4 x 2-Bed Units	225gpd/2-Bed Unit	900
	1 x 3-Bed Units	300gpd/3-Bed Unit	300
<b>TOTAL</b>			<b>5,400</b>

- ***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 5’8” 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.***

**Elevator Installation**

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

### **Generator and Fuel Storage Tank(s) Installation**

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

[https://www.waterauthority.ky/upimages/download/USTMonitoringWellFeb2013\\_1445632994.pdf](https://www.waterauthority.ky/upimages/download/USTMonitoringWellFeb2013_1445632994.pdf)

### **REQUIREMENT FOR CANAL PERMIT PER WATER AUTHORITY ACT**

*The Water Authority is charged under the Water Authority Act to protect groundwater. Section 34 (1) of the Water Authority Act (2022 Revision) requires that anyone who undertakes the construction, replacement or alteration of canals is required to obtain a permit from the Authority, subject to such terms and conditions as it deems fit. Section 2 (1) the Water Authority Act (2022 Revision) defines canals as any channel works which provide sea water direct access to inland areas which would not normally be in direct contact with the sea.*

*A canal permit will be considered by the Authority upon receipt of a completed canal permit application form, the application fee and required submittals. The application form may be downloaded from the Water Authority website:*

[http://www.waterauthority.ky/upimages/pagebox/CanalWorksApplicationRevNOV2018\\_1541708130.pdf](http://www.waterauthority.ky/upimages/pagebox/CanalWorksApplicationRevNOV2018_1541708130.pdf)

*In the event the canal permit is granted by the Water Authority, the developer is required to maintain the water quality of the proposed canal by ensuring that there is no direct discharge of stormwater into the canal.*

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

### **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**

*Approved by NRA (Craig Dilbert) November 21, 2023, however no memo was ever uploaded.*

**Department of Environmental Health**

*Solid Waste Facility:*

*This development requires (1) 8 cubic yard container with twice 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](mailto:development.control@waterauthority.ky) for deep well details.*

*Swimming Pool:*

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

**Department of Environment (8-November-23)**

*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).*

*As seen in Figure 1 below, the application site is man-modified with mangroves bordering the edges of the parcels.*



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

As shown in Figure 2 below, there are mangroves along the canal's edge. Mangroves are Part 2 Schedule 1 protected species under the National Conservation Act (2013) with an adopted Mangrove Conservation Plan (2020). It is an offence to remove mangroves unless permission is explicitly sought to remove them either through a coastal works permit, planning permission or a National Conservation Council Section 20 permit.

The mangroves along the canal's edge should be retained wherever possible. Mangroves provide a nursery habitat for fish and other marine life and are vital in helping to maintain good water quality. Both mangroves and other canal-side vegetation provide a natural buffer that helps to intercept surface water that may run off the land into the canal.

With guidance, mangroves can be trimmed to give vistas without causing severe injury to or killing mangroves. Should the applicant wish to trim the mangroves to give a view of the canal, it must be done in accordance with the Department of Environment's Mangrove Trimming Guidelines ([www.doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/](http://www.doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/)).

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

## **Fire Department**

Please see notes depicted on the drawings.

- (1) Install a S.O.S. on the main gate.

(2) *Ensure median is tapered to allow fire appliance to drive over it if needed.*

**OfReg**

*Requirements for the generator*

1. *Install concrete bollards to protect generator from vehicular traffic. Pollards must be at a minimum of 48" above grade and 3" in diameter*
2. *Generator must site on a steel reinforce concrete pad*
3. *Clear path provided for fuelling the generator. Must accommodate the fuel truck to park and extend hose to generator*
4. *Depending on its tank capacity, the setbacks to important buildings and boundary line must meet the requirements of NFPA 30 section 22.*
5. *If propane is on site all propane tanks must be at least 20ft away from generator.*
6. *Tank shell must be independently electrically grounded.*

**APPLICANT'S LETTER**

*Dear Sir, We write to request variances to the Development and Planning Regulations as follows:*

***Variances:***

- *Balcony projection into the canal setback and balcony projection into the canal basin setback.*
- *Swimming pool setbacks from the canal.*

***Justification:***

- *In order to reduce the mass and scale of the building as seen from the canal, we projected two sections of the balconies 2' into the 20' canal setback. These features coupled with the void where one structural bay has been removed serve to significantly break up the linearity of the façade. See north elevation. We also projected a section of balcony 2' into the 20' canal basin setback for the same reasons. See east elevation.*
- *The swimming pool is located 4'-7" (average) from the canal basin wall to the north of it and 6'-0" from the canal basin wall to the east of it. The canal basin is owned by the developer and is a part of the development. The swimming pool is 114'-3" from the north boundary of the property and 145'-4" from the east boundary of the property. In such a location, it does not visually impact any adjacent property.*

*We believe there is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that:*

- A. *The characteristics of the proposed development are consistent with the character of the surrounding area and the light industrial activities.*
- B. *The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare.*

*We now look forward to your approval of our request for this variance. If you require additional information, please contact this office.*

## **OBJECTIONS**

### **Letter #1**

*We are writing in regards to the Notice of Application for Planning Permission in relation to the proposed development of a 27 unit apartment building along Clipper Bay Drive.*

*We, as the proprietors of block and parcel 12C56, object to the application. The neighborhood should remain a low-density residential area.*

*A 27 unit development would place an additional burden on the existing infrastructure and have a material impact on what is already heavy traffic. We have canvassed a number of neighbors (who did not receive the benefit of the notice) who feel the same way and agree that the neighborhood should remain a low-density residential area.*

### **Letter #2**

*We act for Mrs Sophie Olde, a joint proprietor of Block 12C, Parcel 516. This email is sent to lodge our client's objection against the proposed application for development of 27 units with various amenities.*

*Our client is objecting to the development based on the number of units and lack of parking to facilitate 50+ vehicles which would inevitably cause people to start parking on roundabout access to Clipper Bay, and also the possibility that access to the Clipper Bay neighbourhood would be blocked due to the road side parking. Our client is also concerned that the increased traffic flow will pose a danger to the children playing and walking outdoors in the Clipper Bay neighbourhood. This neighbourhood has a number of very small children who enjoy the outdoor space.*

*Further grounds of objection will be provided in due course and as may be required by the CPA. We will also lodge letters of support from the Clipper Bay HOA in this regard.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for an apartment development (27 units); 72,054 sq. ft. (15) roof-top pergolas; 2,532 sq. ft.; swimming pool, (15) roof-top hot tubs; (2) entrance gates with 4' boundary wall & generator to be located on Clipper Bay Dr., West Bay.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

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

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



An overview of the proposed site shows that there are other apartment developments in the surrounding area:

- 12C 519:- Plymouth
- 12C 352:- Southhampton Gardens
- 12C 520:- One Canal Point
- 12C 513:- SMB Investment Ltd. (36 Apartments, pool, pool house, cabana & wall) Approved CPA/21/22; Item 2.9

## **2) Bedroom density**

Regulation 9(8)(c) of The Development & Planning Regulations (2022 Revision) states “*the maximum number of apartment buildings or townhouses is 15 per acre with a maximum of 24 bedrooms.*” The proposed lot (**1.8682 ac.**) would allow for a maximum of **44.8368** bedrooms, to which the applicant has proposed 45 bedrooms.

## **3) Canal setbacks**

Regulation 8(10)(ea) of The Development and Planning Regulations (2022 Revision) states “*in areas where the shoreline is a canal, all structures and buildings, including ancillary buildings, walls and structures, shall be setback a minimum of 20’ from the physical edge of the canal.*” The proposed balconies along the northern & eastern boundaries would be **18’-0”** from the physical edge of the canal in addition the proposed pool along the eastern boundary would be **4’-3” & 6’-0”**.

## **4) Building height**

Regulation 8(2)(c) of The Development and Planning Regulations (2022 Revision) states “*in a high density Residential zone, medium density Residential zone or low density Residential zone, is 40’ or three storeys, whichever is the less; and, where the height of a building is three storeys, the building shall be so designed that no continuous vertical façade or elevation exceeds 25’ or two storey in height.*” The proposed development would be **38’-0”** in height from finished grade to the finished roof of the third floor, however the applicant has proposed a roof top terrace which will have (15) roof top pergolas which would increase the building height to **46’-6”** a difference of **6’-6”**.

Regulation 8(4) makes reference to “non-habitable ancillary spaces” being exempt from subregulation 8(2), if the Authority determines that the proposed roof top areas & pergolas are considered “non-habitable ancillary spaces” under Regulation 8(4), however it is up to the Authority to determine if the proposed is acceptable and not considered an additional storey.

Additionally, the basement parking is about 50% below grade. The Authority needs to determine if this is sufficient per Regulation 894) so as not to be counted as a storey.

## **5) Parking**

It is suggested that it may be difficult for vehicles to enter and exit parking spaces 30 and 31. Parking spaces 51-53 and 65-68 will be on the slope ramp to the basement parking. The plans indicate the ramp will have a 4% slope and the Authority should consider if the slope ramp poses any functionality problem for those parking spaces.

**2.4 HOWARD FRAZER (LSG Designs Ltd.) Block 37A Parcel 47 (P24-0066) (\$1.8 million) (NP)**

Application for 15 townhouses.

**Appearance at 1:00**

**FACTS**

<i>Location</i>	Pauleach Road, Lower Valley
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification Results</i>	Objections
<i>Parcel size</i>	43,560 sq ft
<i>Parcel size required</i>	25,000 sq ft
<i>Current use</i>	Vacant
<i>Proposed use</i>	15 Townhouses
<i>Building Footprint</i>	11,370 sq ft
<i>Building Area</i>	11,370 sq ft
<i>Site Coverage Permitted</i>	30%
<i>Building Site Coverage Proposed</i>	26.1 %
<i>Total site coverage proposed</i>	54.3%
<i>Units Permitted</i>	15
<i>Units Proposed</i>	15
<i>Bedrooms Permitted</i>	24
<i>Bedrooms Proposed</i>	15
<i>Parking Required</i>	23
<i>Parking Proposed</i>	30

**BACKGROUND**

NA

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

- 1) Suitability for townhouses
- 2) Concerns of the Objectors

## **AGENCY COMMENTS (Section 7 DPR)**

The Authority received comments from the DOE, Water Authority, NRA, Fire Department, and DEH.

### **Department of Environment (September 21 2023)**

*This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.*

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

*As seen in Figure 1, the application site is man-modified and of limited ecological value.*



*Figure 1. The application site with the parcel boundary highlighted in blue (Aerial Imagery Source: Cayman Land Info, 2023).*

*The DoE recommends that native vegetation is retained wherever possible and incorporated into the landscaping scheme. Native species are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.*

The applicant may wish to consider the use of porous or permeable paved surfaces in areas of hardstanding, such as the proposed driveway and parking area, to allow rainwater infiltration and help manage the impacts of stormwater run-off.

Advice to the Central Planning Authority/Planning Department

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

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

**Water Authority Cayman**

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

Wastewater Treatment and Disposal

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

- The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer’s guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 2,250 US gallons per day (gpd), based on the following calculations.

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD</i>
<i>Building 1 (Unit 1-7)</i>	<i>7 x 1-Bed Units</i>	<i>150gpd/1-Bed Unit</i>	<i>1,050</i>
<i>Building 2 (Unit 8-15)</i>	<i>8 x 1-Bed Units</i>	<i>150gpd/1-Bed Unit</i>	<i>1,200</i>
<i>TOTAL</i>			<i>2,250</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 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.*
- *The drawings indicate that the wastewater treatment plant is proposed to be buried and/or is located within a traffic area. The Water Authority will not approve buried ATUs with the exception of those proposed under approved handicapped parking\* OR within non-traffic, landscaped areas of the property.*

*Queries regarding the burial of ATUs and additional requirements can be forwarded to [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky).*

*\* All components of the ATU must be located within the handicapped parking spaces.*

#### 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 60 ft instead of the standard depth of 100ft as required by the NRA.*

#### Water Supply

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

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

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

**Department of Environmental Health**

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

*Enclosure internal dimensions: Length: 10 feet Width: 10 feet Height: 5.5 feet Slab thickness: 6 inches*

*NOTE: The drain for the enclosure must be plumbed to a garbage enclosure disposal well as per the Water Authority’s specifications.*

**National Roads Authority**

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

*Road Capacity Issues*

*The traffic demand to be generated by a residential development of fifteen (15) dwelling units has been assessed in accordance with ITE Code 220 – Apartments. Thus, the assumed average trip rates per dwelling unit provided by the ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added to Pauleach Road is as follows:*

<i>Expected Daily Trips</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>100</i>	<i>8</i>	<i>2</i>	<i>6</i>	<i>9</i>	<i>6</i>	<i>3</i>

*Based on these estimates, the impact of the proposed development on Pauleach 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 twenty- four (24) feet wide.*

*A six (6) foot sidewalk shall be constructed on Pauleach Road within the property boundary, to NRA specifications (available on our website at: <https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20>).*

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

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

## *Stormwater Management Issues*

This development is located either over the Lower Valley freshwater 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 60 feet instead of the standard depth of 100 feet as required by the NRA.

*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 Pauleach 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 (Per NRA specifications (available at: [https://www.caymanroads.com/upload/files/4/628e65\\_99be2c9.pdf](https://www.caymanroads.com/upload/files/4/628e65_99be2c9.pdf)) are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk details need to be provided per NRA specifications (available on our website at: <https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20>).*

*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.*

### **Fire Department**

The Fire Department has approved the proposal.

### **OBJECTION LETTERS**

Please see Appendix A

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The subject property is located on Pauleach Road in Lower Valley.

The proposal is for 15 townhouses with 15 bedrooms and 30 parking spaces.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) Suitability for townhouses**

There do not appear to be any existing townhouses/apartments in the vicinity according to Cayman Land Information. The Authority needs to determine if there are other factors to be considered when determining if the site is suitable for the proposed townhouses.



**2.5 ISLAND PROPERTIES LTD. (TAG) Block 1C Parcel 279 (P23-1151) (\$5,000) (NP)**

Application for an after-the-fact railing on a seawall.

**Appearance at 1:30**

**FACTS**

<i>Location</i>	North West Point Road, West Bay
<i>Zoning</i>	BRR/LDR
<i>Notification result</i>	Objector
<i>Current use</i>	Townhouses

**BACKGROUND**

April 28, 2021 (CPA/9/21; Item 2.7) – Planning permission was granted for 52 apartments on the property (P21-0151).

**Recommendation:** Discuss Planning Permission for the following reason:

- 1) Concerns of the Objector

**OBJECTION LETTER**

*We are attorneys instructed by Sheffield Properties Ltd. (our Client), the registered proprietor of property known as 121 Coconut Bay, West Bay, situated at Block 1C Parcel 213h21, (the Property). We write this letter to register our Client's formal objection to Planning Notice P23-1151 (the Notice) pursuant to Regulation 8(12E) Development and Planning Regulations (2021 Revision). The Notice comprises an application to modify existing plans relating to the ongoing construction of a development known as Sunset Point on Northwest Point Road, situated at West Bay North West, Block 1C Parcel 279 (the Development), particularly to include the construction of a "handrail" or similar fence along the top of a sea wall.*

*The Property is a condo in the Coconut Bay condos, which is situated upon the parcel immediately to the east of the Development. The Property is a waterfront unit which is the closest unit to the border between Coconut Bay and the Development.*

*Construction of the Development was commenced after permission was granted by the Department of Planning (Planning). Planning granted permission for the construction of the Development on the basis of plans (the Plan) submitted by the developer, Tropical Architectural Group Ltd. (Tropical). The Plan submitted by Tropical in support of their application for planning permission showed the land on the interior of the sea wall would be increased from a natural ground level (NGL) height varying between 2 feet to 4.5 feet above mean sea level (MSL) to a finished ground level (FGL) of 8 feet above MSL.*

*Our Client believes, and has been informally advised by a knowledgeable third party, that the height of the land immediately inside the sea wall on the Development appears to be in the region of 10 to 12 feet above MSL, and the corresponding sea wall is higher still than that. Further, a large pile of what appears to be topsoil (see photograph 2 from the*

*Schedule) is presently situated upon the area inside the sea wall at the already raised FGL, which, if distributed upon the surrounding area, will increase the FGL further.*

*The views from the Property have already been severely impacted by the Development's construction. The view towards the sea from the patio area at the rear of the Property and the view through the large window to the side of the Property facing the Development have been reduced and impacted by the Development. The addition of a large, unsightly fence on top of the sea wall will further impact the views and the peaceful enjoyment of the Property by the occupant, and risks reducing the market value of the Property as a result. We provide herewith a Schedule of Photographs (comprising 4 photographs) of the said views from the Property, for your information and by way of explanation.*

*Our Client considers it will be necessary for an independent surveyor to investigate the Development, and to advise upon the height of the sea wall, the FGL of the Development inside the sea wall, and whether these comport with the Plan provided to Planning. At present, whilst our Client has grave concerns in this regard, it is impossible formally to make submissions as to the Development's construction without a report by a qualified surveyor.*

### Objections

*Our Client therefore objects to the Notice on the following grounds:*

- 1. The construction of the Development included provision for a sea wall, but did not include any retaining fence, handrail, or similar structure.*
- 2. The addition of the fence on the top of the sea wall will effectively increase its height by a further 3-4 feet, and will further obscure the views of the sea from the Property;*
- 3. The sea wall itself appears to have exceeded the proposed height described the Plan, which must be investigated prior to the installation of any further structures on the top of it.*
- 4. The Development land appears to have been over-filled to an FGL 2-4 feet higher than that described in the Plan;*
- 5. The existing construction appears to be in breach of the plans, investigation of which must be made before any modification is permitted.*

*We trust the content herein is sufficiently clear and await your response.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject parcel is located on North West Point Road and the townhouse development is known as Sunset Point.

The property contains existing townhouses and a pool.

The applicant is seeking planning permission for an after-the-fact railing placed on top of an existing seawall that is located on the property.

**Zoning**

The property is zoned Beach Resort Residential/Low Density Residential.

**2.6 GH GROUP LTD. (PPDS) Block 22E Parcel 446 (P23-0916) (\$16.0 million) (NP)**

Application for a commercial & residential building.

**Appearance at 2:00**

**FACTS**

<i>Location</i>	Unnamed private road, Grand Harbour
<i>Zoning</i>	<b>Neighbourhood Commercial</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	0.9185 acres (40,010 sq dt)
<i>Parcel size required</i>	20,000 sq ft
<i>Current use</i>	Vacant
<i>Proposed use</i>	Residential & Commercial Complex
<i>Proposed Building Footprint</i>	28,232 sq. ft.
<i>Proposed Building Area</i>	57,069 sq. ft.
<i>Maximum Site Coverage</i>	75%
<i>Proposed Site Coverage</i>	77.7 %
<i>Number of Proposed Apartments</i>	28
<i>Number of Permitted Apartments</i>	CPA Discretion
<i>Number of Proposed Bedrooms</i>	30
<i>Number of Permitted Bedrooms</i>	CPA Discretion
<i>Parking Required</i>	152 (calculation provided below)
<i>Parking Proposed</i>	119

**BACKGROUND**

Site has been used for informal parking and storage of shipping containers

January 3, 2024 (**CPA/01/24; Item 2.6**) – It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss the following matters:

- 1) Deficient number of parking spaces based on incorrect parking calculation
- 2) Use of stacked parking lifts as primary parking spaces
- 3) Specify type of proposed parking lift
- 4) Excessive site coverage

- 5) Justify apartment density that exceeds what would be allowed in the HDR zone
- 6) Landscaping adjacent to the road instead of the sidewalk
- 7) DEH comments

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

- 1) Parking
- 2) Site Coverage (77.7 % vs 75%)
- 3) Landscaping adjacent to road versus sidewalk

**AGENCY COMMENTS**

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

**Water Authority Cayman**

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

Wastewater Treatment and Disposal

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

- *The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer’s guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 26,061 US gallons per day (gpd), based on the following calculations.*

<i>BUILDING</i>	<i>UNITS</i>	<i>GPD/UNIT</i>	<i>GPD/BLDG</i>	<i>GPD</i>
<i>Ground floor (F&amp;B Unit)</i>	<i>667 SF</i>	<i>1.8</i>	<i>1.8 x 667</i>	<i>240.12</i>
<i>Second floor (F&amp;B Units)</i>	<i>11,572 SF</i>	<i>1.8</i>	<i>1.8 x 11,572</i>	<i>20,829.6</i>
<i>Second floor (Office Unit)</i>	<i>4,273 SF</i>	<i>0.15</i>	<i>0.15 x 4,273</i>	<i>640.95</i>
<i>Third floor (1 Bedroom Units)</i>	<i>26 (1-Bed Units)</i>	<i>150</i>	<i>150 x 26</i>	<i>3,900</i>
<i>Third floor (2 Bedroom Units)</i>	<i>2 (2-Bed Units)</i>	<i>225</i>	<i>225 x 2</i>	<i>450</i>
<i>TOTAL</i>				<i>26,060.67</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 8’’. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*

- *To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'5" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

#### Underground ATUs

*The drawings indicate that the wastewater treatment plant is proposed to be buried and/or is located within a traffic area. The Water Authority will not approve buried ATUs with the exception of those proposed under approved handicapped parking\* OR within non-traffic, landscaped areas of the property.*

*Queries regarding the burial of ATUs and additional requirements can be forwarded to [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky).*

*\* All components of the ATU must be located within the handicapped parking spaces.*

#### 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](mailto:development.control@waterauthority.ky) to discuss requirements to accommodate potential high-water use tenants.*

#### Grease Interceptor Required

*A grease interceptor with a minimum capacity of 6,000 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 ATU / septic tank / WBBSS. 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). Note: All developments proposing to utilize a commercial dish washer will have to install a drain tempering valve (DTV) before the grease interceptor.*

#### Elevator Installation

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

#### Generator and Fuel Storage Tank(s) Installation

*In the event underground fuel storage tanks (USTs) are used the Authority requires the developer to install monitoring wells for the USTs. The exact number and location(s) of*

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

[https://www.waterauthority.ky/upimages/download/USTMonitoringWellFeb2013\\_1445632994.pdf](https://www.waterauthority.ky/upimages/download/USTMonitoringWellFeb2013_1445632994.pdf)

### Water Supply

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

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

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

### **Fire Department**

The Fire Department has stamp approved the drawings.

### **Department of Environmental Health**

*Solid Waste Facility: This development will require (3) 8 yd<sup>3</sup> containers with 4 times per week servicing.*

*This application is not recommended for approval due to the location of the garbage enclosure.*

#### *Location of enclosure*

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

#### *Minimum vertical clearance*

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

#### *Access to enclosure*

*The service vehicles shall be able to enter and exit the site without having to reverse onto the highway. The enclosure shall be located away from overhead power lines and other protrusions that can cause electrical shock, injury, or other difficulties during servicing. A vertical clearance of at least 15 feet is required over the entire approach to and from the enclosure. A minimum straight approach of 50 feet should be provided directly in front of the facility to allow the vehicle sufficient area to back out of the facility. A turn around or separate exit that allows the truck to move forward rather than backwards is required. A minimum backup distance of 50 feet is required for any maneuver and must be in a straight line. The driveway shall be constructed to withstand trucks weighing up to 62,000 lbs.*

#### *Angle of approach*

*Generally the service shall be able to approach the container directly. Where an enclosure is located at the side of an access way the angle of approach made with the access way shall not exceed 22.5 degrees.*

#### *Turning radius*

*The turning radius required for access to the enclosure must be adequate a 3-axil truck. The over overall length of the truck is 36 feet and the overall width is 8 feet. A minimum outside turning radius of 46 feet is required. The minimum inside radius shall be 33 feet.*

#### *Swimming pool*

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

#### *Food and Beverage Areas:*

*In addition to the above, the following must be submitted at the BCU stage for review for all (food and beverage areas:*

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

#### **National Roads Authority**

*As per your email dated October 13th, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

#### **General Issues**

*The garbage truck would not be able to access the garbage enclosure in its proposed location. Should the containers be moved into the driveway so that the truck would not have to turn to face the enclosure, the driver still would not be able to empty the containers into truck as the lifting mechanism has working height of approximately 22 feet which*

exceeds the proposed 13'-10' distance between the finished grade and the bottom of the second storey slab.

**Road Capacity Issues**

The traffic demand to be generated by the proposed mixed-use development has been assessed in accordance with ITE Codes: 820 – Shopping Centre, 710 – General Office, and 220 – Apartment. Thus, the assumed average trip rates are as follows:

1. Shopping Centre (12,238 sq. ft.): per thousand square feet of retail space provided by the ITE for estimating the daily, AM and PM peak hour trips are 42.70, 0.96 and 3.71 respectively;
2. General Office (4,273 sq. ft.): per thousand square feet of office space provided by the ITE for estimating the daily, AM and PM peak hour trips are 11.03, 1.56 and 1.49 respectively; and
3. Apartments (28 Units): per dwelling unit provided by the ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively.

The anticipated traffic to be added to the road connecting to Edgewater Way is as follows:

SHOPPING CENTRE (12,238 SQ. FT.)	Expected Daily Trips	AM Peak Hour Total Traffic	AM Peak 62% In	AM Peak 38% Out	PM Peak Hour Total Traffic	PM Peak 48% In	PM Peak 52% Out
		523	12	5	3	45	14
OFFICE (4,273 SQ. FT.)	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
		47	7	6	1	6	1

APARTMENTS (28 DU)	Expected Daily Trips	AM Peak Hour Total Traffic	AM Peak 20% In	AM Peak 80% Out	PM Peak Hour Total Traffic	PM Peak 65% In	PM Peak 35% Out
		186	14	3	11	17	11
MAX TOTAL	756	33	14	15	68	26	27

It is to be noted that on August 18th, 2020, Cabinet approved the gazettal of Boundary Plan 637 pursuant to Section 3 of the Roads Act (2005 revision) – that boundary plan will connect Edgewater Way to Crewe Road in the vicinity of Kings Sports Centre by the intersection of Crewe Road and the Linford Pierson Highway. The gazette scheme was published in Extraordinary Gazette No 70/2020 on August 26th, 2020. A copy of Boundary



*Plan is attached to this memorandum for the Planning Authority's perusal. BP637 will provide an additional means of access to the Grand Harbour Development project.*

*Additionally, there are planned improvements along Crewe Road call for the introduction of a third travel lane in each direction along Crewe Road, a new and improved roundabout intersection at Linford Pierson Highway, Crewe Road and new Edgewater Way and the addition of a third lane in each direction along Pierson Highway. These planned roadway improvements are tentatively scheduled to be completed by the end of 2025.*

*The traffic estimates of the proposed development will therefore be spread over two separate intersections in the arterial roadway network: one on Crewe Road (BP637), and one on the existing intersection with Shamrock Road. With the planned roadway improvement mentioned above, the impact of the proposed development on Edgewater Way will easily be mitigated by the additional physical capacity of the road network.*

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

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

*A six (6) foot sidewalk shall be constructed on the road connecting to Edgewater Way within the property boundary, to NRA specifications (available on our website at: <https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20>).*

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

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

### **Stormwater Management Issues**

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

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

*4 inches. Trench drains often are not recommended.*

- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins (Per NRA specifications (available at: [https://www.caymanroads.com/upload/files/4/628e65\\_99be2c9.pdf](https://www.caymanroads.com/upload/files/4/628e65_99be2c9.pdf)) are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk details need to be provided per NRA specifications (available on our website at: <https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20>).*

*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;"*

### **Department of Environment (26 October 2023)**

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

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

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

*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.*

### **APPLICANT'S LETTERS**

Please see Appendices B and C

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The subject property is located in Grand Harbour, in close proximity to the skateboard park, on an unnamed private road that leads to Edgewater Way.

The proposal is for a three storey building with a small amount of retail and a courtyard on the ground floor, retail and restaurants on the second floor, and residential on the third floor.

There are dedicated motorcycle and bicycle parking spaces in the scheme.

## **Zoning**

The property is zoned Neighbourhood Commercial

## **Specific Issues**

### **1) Parking**

Based on the floor areas provided, 61 parking spaces are required for the food and beverage areas and 49 spaces are required for the retail areas. There are 28 apartments, therefore 42 parking spaces are required for those units. The total required number of spaces is 152 and the applicant is proposing 119.

In reviewing the applicant's analysis, they did not include the circulation corridors on the second floor in their parking calculation, which doesn't comply with the Development and Planning Regulations.

The Authority also needs to be aware that of the 119 proposed parking spaces 108 are double stacked mechanical spaces. The Authority needs to determine if this type of parking is suitable for the proposed development.

### **2) Site Coverage (77.7 % vs 75%)**

Regulation 13 (11) states that site coverage shall not exceed 75% in a Neighbourhood Commercial zone.

The proposed development would have a site coverage of 77.7 %.

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

### **3) Landscaping adjacent to road versus sidewalk**

The proposed site plan indicates that there will be landscaping adjacent to the access road and then a sidewalk.

The proposed arrangement is contrary to having a sidewalk adjacent to the roadway.

The Authority should discuss the proposed sidewalk location.

## **2.7 20 NORTH DEVELOPMENT (TAG) Block 5C Parcel 77 (P23-0940) (\$12.658 million) (NP)**

Application for apartments, cabanas, pool, gym, storage, sign

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

#### **FACTS**

<i>Location</i>	Willie Farrington Drive in West Bay
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification Results</i>	Objections
<i>Parcel size</i>	6.34 acres
<i>Parcel size required</i>	25,000 sq ft
<i>Current use</i>	Dwelling

<i>Proposed use</i>	Apartments
<i>Building Footprint</i>	46,854 square feet
<i>Building Area</i>	84,389 square feet
<i>Building site coverage allowed</i>	30%
<i>Building site coverage proposed</i>	16.96%
<i>Units Permitted</i>	95
<i>Units Proposed</i>	95
<i>Bedrooms Permitted</i>	152
<i>Bedrooms Proposed</i>	119
<i>Parking Required</i>	143
<i>Parking Proposed</i>	177

## **BACKGROUND**

### Previous application

July 19, 2023 (**CPA/16/23; Item 2.3**) – The Authority resolved to adjourn the matter in order to obtain NRA comments as well as confirm the number of objectors on file.

August 16, 2023 (**CPA/17/23; Item 2.5**) (**P23-0186**) – It was resolved to refuse planning permission for the following reasons:

- 1) The Authority is of the view that the applicant failed to demonstrate that the subject site is a suitable location for apartments per Regulation 9(8). In this regard, the Authority is of the view that the proposed apartments are not in keeping with the character of the area in terms of mass, scale and intensity of use and this will detract from the ability of surrounding land owners from enjoying the amenity of their properties.

### Current application

The apartment and density number for P23-0186 are the same as for the current application. The proposed number of parking spaces has decreased from 219 to 177. The building designs are the same and the general circulation though the site is essentially the same. The new application does include a drainage swale around the perimeter of the property and the court yards will be used as catch basins.

March 13, 2024 (**CPA/09/24; item 2.4**) - current application adjourned and re-scheduled for March 27, 2024 at 2:30pm.

March 27, 2024 (**CPA/10/24; item 2.6**) - Prior to a full review under the Development and Planning Act (2021 Revision), The Development Plan 1997 and the Development and Planning Regulations (Rev 2022) the Authority reviewed the DOE's response to DPA s7 consultation and determined that, as part its consideration of Section 41 of the National Conservation Act (2014) (NCA), it would review with the applicant the list of definitions of adverse effects in Section 2 (a-1) of the NCA. After doing so, it was resolved to adjourn the application and refer the matter to the National Conservation Council pursuant to

Section 41(3) of the NCA as there may be potential adverse effects per s2(b) and (d).

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

- 1) Suitability for apartments
- 2) Lot width (87' vs 100')
- 3) Concerns of the Objectors

### **AGENCY COMMENTS (Section 7 DPR)**

The Authority received comments from the DOE, NRA, Fire Department and Water Authority Cayman

#### **Department of Environment – November 1, 2023**

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

*The application site consists primarily of tidally flooded mangrove forest and woodland (refer to Figure 1) and features several ponds or pools.*

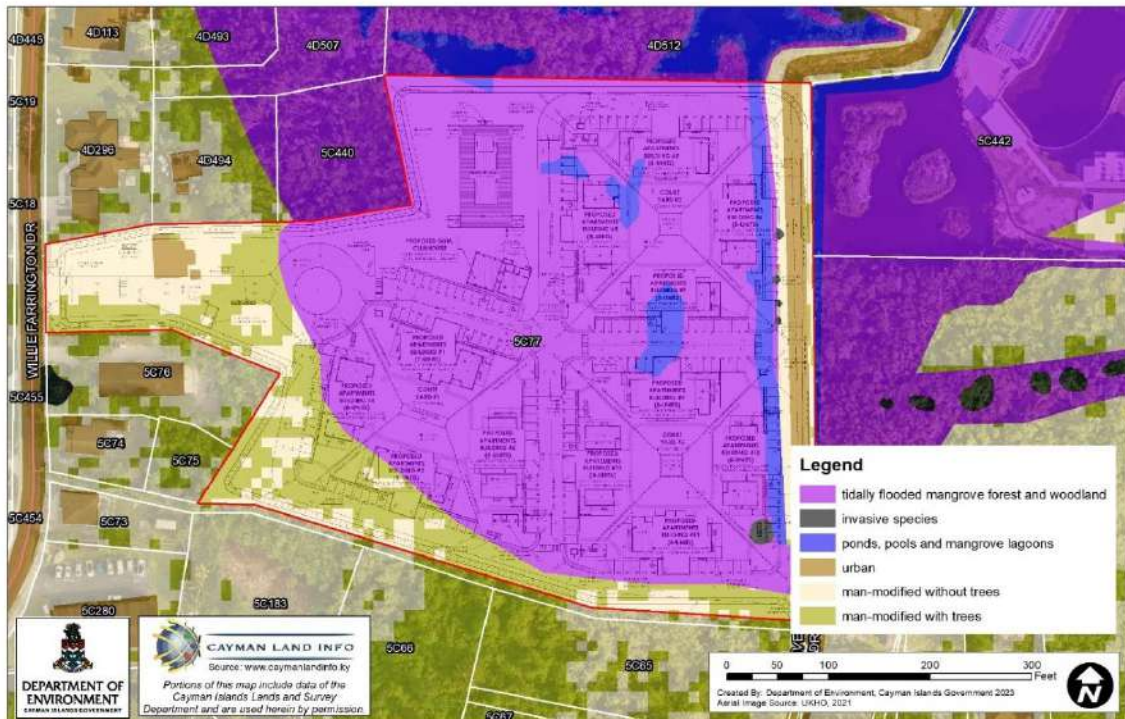
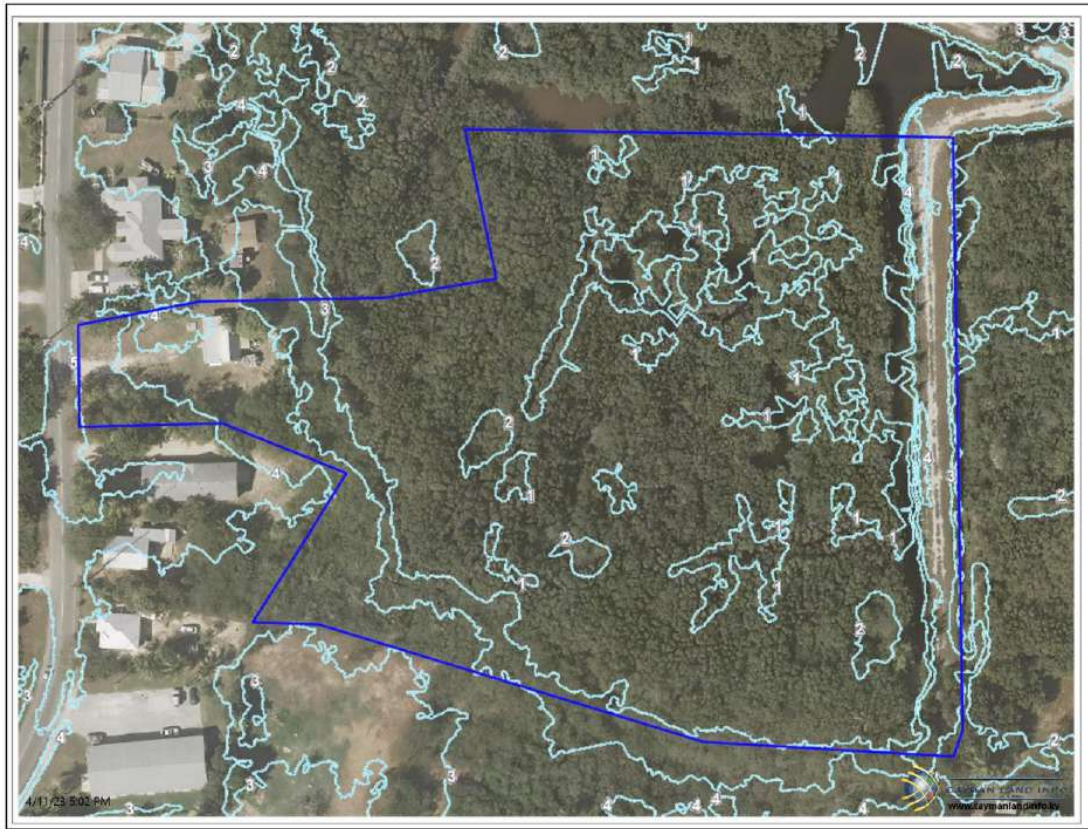


Figure 1: Land cover map overlaid on proposed site plan, note the majority of the site is covered by tidally flooded mangrove forest and woodland (Source: DoE, 2023)

*The site is very low lying, averaging around 1 foot above Mean Sea Level (refer to Figure 2). As such, drainage is likely to be a significant concern. We are pleased to see that the revisions to the plan feature a number of areas that have been used to incorporate detention basins or retention ponds and the perimeter of the property features a swale. If incorporated effectively, these measures can be beneficial to the drainage of the site, as well as the surrounding area. We have not been provided with a comprehensive Stormwater Management Plan for detailed review, however we do support the inclusion of these aspects.*

*We further recommend that the applicant considers the use of porous or permeable paved surfaces in areas of hard standing such as the driveways and parking areas.*



*Figure 2: Site contours overlaid on 2018 aerial imagery (Source: LIS, 2018)*

*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 the amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services. Stormwater management, flooding and drainage could all be greatly improved by retaining as much of the original wetland vegetation as possible.*

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 proposed parking spaces.

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

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, 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 impact the surrounding areas.

### **Water Authority Cayman**

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 16,050 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>Building 1</i>	<i>5 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>750</i>	<i>750</i>
	<i>2 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	<i>450</i>	<i>450</i>
<i>Building 2-12</i>	<i>66 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>900</i>	<i>9,900</i>
	<i>22 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	<i>450</i>	<i>4,950</i>
<i>TOTAL</i>				<i>16,050</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 8". Licensed drillers are required to obtain the site-specific minimum borehole and



*grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*

- *To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'5" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

#### Water Supply

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

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

#### **National Roads Authority**

*As per your memo dated October 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*

*The NRA request that the CPA have the applicant provide and consider,*

1. *The overall intensity of the site and provide a comprehensive phasing plan;*
2. *The area is prone to flood and if this application is approved as is it will cause major flooding issues for homes etc. around it, therefore, the applicant needs to think more holistically. The applicant needs to keep in mind the intensity of the site as well as the use of fill and how it will affect the surrounding parcels; simply stated the SWMP will guide how the site is designed;*

*Therefore, the NRA requests that the CPA have the applicant develop a strategic SWMP not just for the site but for the area as a whole considering the most recent development on Block 5C Parcel 442;*

*It is noted that the applicant put a six (6) ft drainage swale around the site, this will be inadequate, a swale if used needs to be a minimum of ten (10) ft with a proper outflow; and*

3. *How will access be provided for a variety of parcels (specifically Block 5C Parcels 183, 66, and 65) in the area, who at the moment only have access off of a six (6) ft. public road. It is noted that the applicant has noted Genevieve Bodden Drive as an alternate access, however, Genevieve Bodden Drive is not built to minimal standards and will not be able to handle any additional traffic. The applicant will need to find an alternate route.*

*Road Capacity Issues*

*The traffic demand to be generated by a residential development of ninety-five (95) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, and PM peak hour trips are 6.65, 0.51 0.51 and 0.62 respectively. The anticipated traffic to be added onto Willie Farrington 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>
<b>631</b>	<b>48</b>	<b>10</b>	<b>38</b>	<b>59</b>	<b>38</b>	<b>21</b>

*Based on these estimates, the impact of the proposed development onto Willie Farrington Drive is considered to be moderate.*

*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 Willie Farrington Drive, within the property boundary, to NRA standards.*

*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 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 Willie Farrington 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.p>*

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

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

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

### **Fire Department**

The Fire Department has stamp approved the drawings.

### **OBJECTION LETTERS**

See Appendix D

### **APPLICANT'S LETTERS**

#### **Letter #1**

*Further to the application submitted in relation to the above referenced Project, we hereby request for a Lot Width Variance which requires a minimum 100' in a Low-Density Residential Zone.*

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

- (1) **Under Regulation 8 (13)(d), the adjoining property owners have been notified of the application.**
- (2) **Under Regulation 8 (13)(b), the characteristics of the proposed development are consistent with the character of surrounding area and the proposal will not be materially detrimental to persons residing to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare. We'd like to present the following points for consideration:**
  - a. *While the lot width adjacent to the main public road is at 87'-1" and below the required 100' minimum width wide, due to the irregular shape of the property.*

- b. *In consideration of the irregular shape of the property, the width of the general concentration of the development is approximately 418' wide and the entire lot size is more than sufficient to sustain the full capacity of the development.*
- c. *The design of the entire development does not intrude, obstruct, or disturb the existing community and neighborhood.*

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

Letter #2

See Appendix E

**PLANNING DEPARTMENT ANALYSIS**

**General**

The subject property is located on Willie Farrington Drive in West Bay.

The proposal is for 95 apartments with 119 bedrooms and parking for 177 vehicles.

Adjacent landowners were notified by Registered Mail and a total of 4 objections have been received. One of the objectors also provided photos of some existing flooding in the area. Another objection was received but was determined to be located beyond the notification radius.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

**1) Suitability for Apartments**

Regulation 9(8) states that apartments are permitted in suitable locations in a Low Density Residential Zone.

The Department has reviewed the GIS mapping for the area and would note that there appears to be apartments and townhouses existing to the east and south of the subject property.

The Authority should discuss whether the area is suitable for the proposed number of apartments. It should be noted that the previous application for 95 apartments was refused because the applicant failed to demonstrate that the site is suitable for apartments.

**2) Proposed Lot Width (87' vs 100')**

Regulation 9(8)(g) states that the minimum lot width for townhouses shall be 100 feet.

The subject parcel has a minimum width at the road of 87 feet and it is noted that the property flares out to a greater width where the majority of development is proposed.

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

## SUPPLEMENTARY ANALYSIS

In response to the Authority's Section 41(3) consultation, the National Conservation Council, via the Director of Environment, provided the following comments on April 11, 2024:

*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). This review is provided in accordance with Section 41(3) of the National Conservation Act (NCA) and the Section 41 Guidance Notes issued by the National Conservation Council.*

### Site Overview

*The application site consists primarily of tidally flooded mangrove forest and woodland (refer to Figures 1 and 2) and features several ponds or pools.*

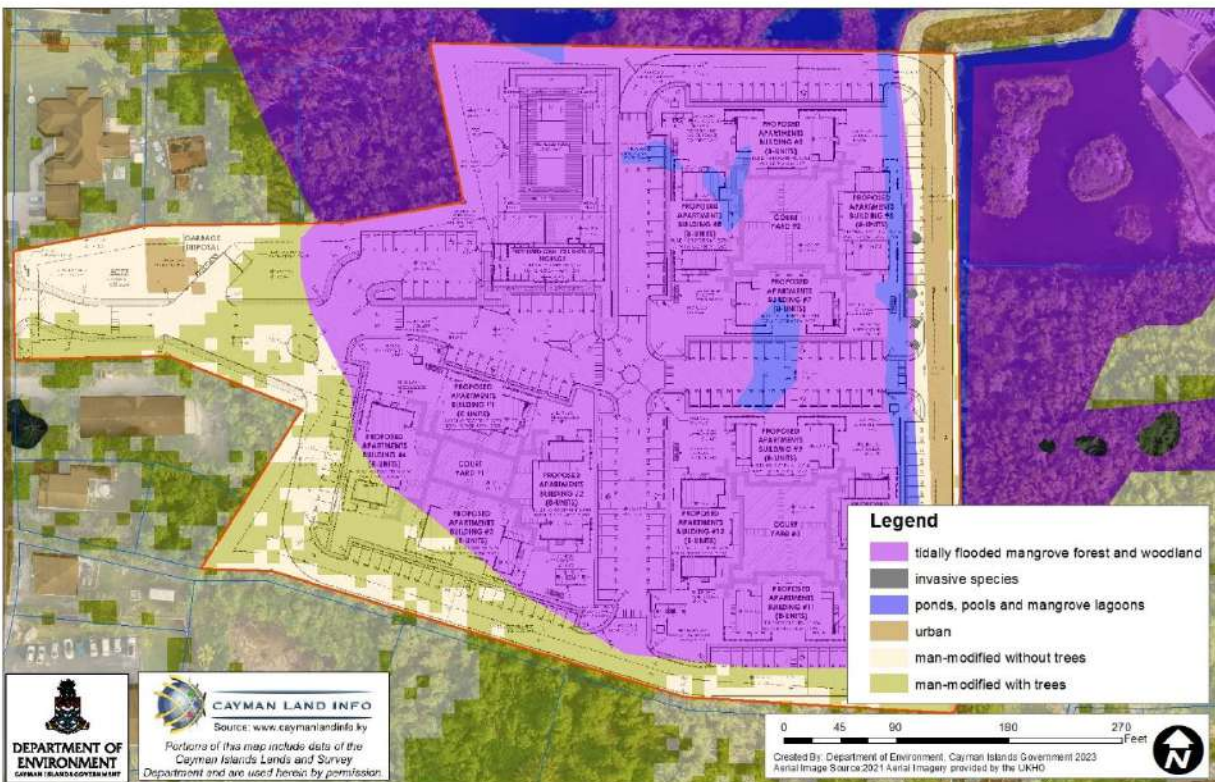


Figure 1: Land cover map overlaid on proposed site plan, note the majority of the site is covered by tidally flooded mangrove forest and woodland (Source: DoE, 2023)

*Mangroves are Part 2 Schedule 1 protected species under the National Conservation Act (2013) with an adopted Mangrove Conservation Plan (2020). It is an offence to remove mangroves unless permission is explicitly sought to remove them either through a coastal works permit, planning permission or a National Conservation Council Section 20 permit.*

*The site is very low-lying, averaging around 1 foot above Mean Sea Level (refer to Figure 2). As such, drainage of the site and surrounding area is likely to be a significant concern.*

**Advice to Applicant**

*We recommend that the applicant explores the use of porous or permeable paved surfaces in areas of hard standing such as the driveways and parking areas. The level of the site relative to the water table is likely to mean that commonly used drainage systems such as catch basins and deep wells are likely to be much less effective and may require additional maintenance over time to ensure they operate sufficiently. The proposed site plan features a number of courtyard areas which could be used to incorporate sustainable urban drainage systems (SUDS) such as detention basins or retention ponds. This would not only improve the drainage of the site but also the surrounding area. On-going maintenance of these areas will be important to maintain their effectiveness and prevent the breeding of pests such as mosquitos.*

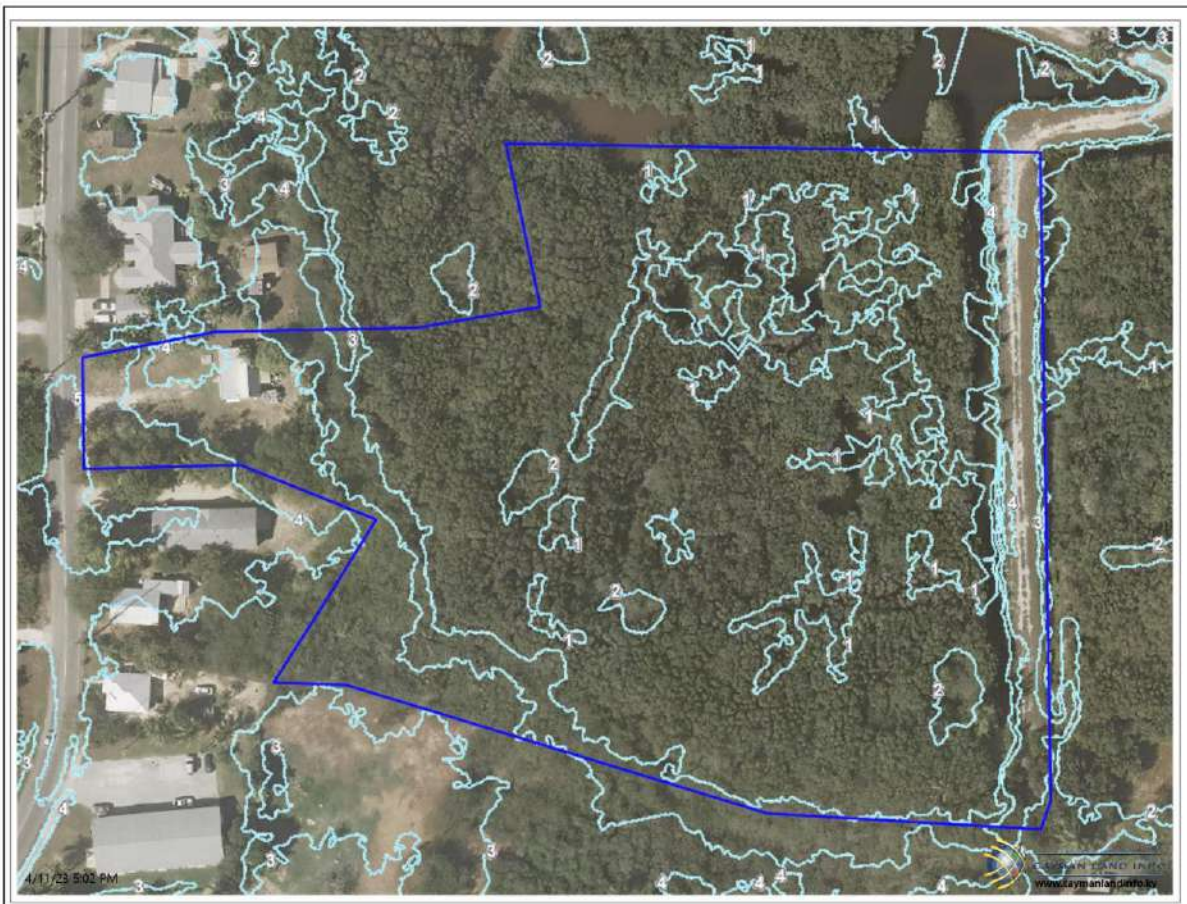


Figure 2: Site contours overlaid on 2018 aerial imagery (Source: LIS, 2018)

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

*and drainage could all be greatly improved by retaining as much of the original wetland vegetation as possible.*

*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 proposed parking spaces.*

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

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

*If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed 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 impact the surrounding areas.*

## **2.0 APPLICATIONS** **(Items 2.8 to 2.32)**

### **2.8 K & B LTD. (TAG) Block 5B Parcel 162 (P23-1008) (\$5,000) (NP)**

Application for a deck.

#### **FACTS**

<i>Location</i>	Boggy Sand Road, West Bay
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	1,306.8 square feet
<i>Parcel size required</i>	10,000 square feet
<i>Current use</i>	Concrete base
<i>Proposed use</i>	Deck on concrete base
<i>Permitted Site Coverage</i>	30 %
<i>Proposed Site Coverage</i>	94.0 %

#### **BACKGROUND**

Extensive background regarding a previous cabana that has been removed from the site

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

- 1) DOE Comments

#### **AGENCY COMMENTS (Section 7 DPR)**

The Authority received comments from the Department of Environment.

#### **Department Of Environment – 7 March 2024**

*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). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.*

#### ***Proposal***

*Having demolished and removed the existing cabana in November 2023, the applicant is now seeking to create a wooden deck on top of the existing structure. The Department of Environment (DoE) reported the partial construction of the deck as unauthorised works to the Department of Planning's Compliance Officers on 21 September 2023. Some of the framing of the deck has been installed, as shown in Figure 1, and remains in place.*





Figure 1. The site as of 7 December 2023 with a partially constructed deck (Source: DoE, 2023).

### ***Previous Submissions***

*The site has a long history, including forming the subject of a judicial review and subsequent appeal due to the unlawful approval of a cabana on this site.*

### ***Environmental Overview***

*The site is located on the south side of Boggy Sand Road, directly east of a Crown-owned parcel of land, which has a landward border comprising a sheet-piled seawall constructed by the National Roads Authority in 2005. The site is adjacent to the Seven Mile Beach Marine Reserve, which is a Marine Protected Area under the National Conservation Act (2013).*

*The site is not located on a current turtle nesting beach, albeit historically when the beach was present in this location it would have likely supported turtle nesting activity. The presence of built development and seawalls on the active beach has contributed to significant erosion in this area. There is a turtle nesting beach to the west and Critical Habitat to the east, as shown in Figure 2. Critical Habitat 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*) and hybrids (2020).*



*Figure 2. The site (blue), along with the presence of seawalls at properties to the east, has resulted in an area with no sea turtle nesting due to the lack of a beach. There is critical habitat (red) to the east and nesting habitat (yellow) to the west.*

*The site has a history of erosion, which coincides with the construction of hard structures, such as the seawall, on the active beach. In recent times, Hurricane Delta deposited significant volumes of sand in this location, as it passed on 5 October 2020. The beach then experienced further deposits as Tropical Storm Eta passed in November 2020. Since then, there has been erosion of the beach. The Nor'Wester in February 2024 deposited sand along the site, however the presence of hard infrastructure built on the active beach creates a trend of sustained erosion.*

### ***Meeting with the Applicant***

*The DoE met with the applicant on 16 January 2024 to discuss the proposal. As the site is located adjacent to a Marine Reserve, the DoE was concerned with impacts to the Marine Protected Area under the National Conservation Act. The applicant referred to an engineering report (Reed Consulting, dated 19 September 2023) which identified that the structure has an estimated lifespan of 10 years now that the loading from the cabana has been removed. The applicant stated that no works to the structure were required and no works would be required either from the beach or the sea. In the meeting we asked whether any works would be required on the outside of the seawall including for cosmetic purposes and the applicant stated there would not be.*

*The engineering report prepared by Reed Consulting Engineers and dated 19 September 2023 was sent to the DoE and we do not agree with the applicant's interpretation of the engineering report. The Executive Summary states, "The sea wall shows signs of distress and a serious degree of movement; beyond which would be acceptable as part of standard*

*design, based on code compliance. Scour, due to wave action, has undermined the foundations resulting in the rotational movement of the foundations and seawalls and is likely the key cause of the slab behind settling. The result is a very serious structural integrity issue relating to failure of the foundations.*

*As a result of the movement, additional forces will be also be exerted to the sea wall for which we would not expect to have been accounted for in the original sea wall design.*

*Although overall the concrete face of the sea wall visible at the time of inspection was generally in reasonable condition given its exposure; two structural cracks were identified which are significant and are deemed to negatively affect the overall strength.*

*The condition should be expected to continue to deteriorate and at some point result in catastrophic failure if remediation is not actioned.”*

*It concludes: “In the absence of the kind of events noted above or a force majeure, plus the avoidance of loading on the floor behind the sea wall, the guesstimated lifespan of the seawall to function in a similar manner to now may extent to 10+ years (crack repair should be assumed). This is not to say, that such a time span should be relied upon or that this suggests the structure will operate safely for such a time period. RCE strongly recommend that the seawall and associated structure be regularly inspected to check for any change in condition and this would offer the best estimation of life-span. For the area to operate as useable space and allow slab loading, remediation is certainly necessary and options for this route have been advised in our previous reports. **In any event, some form of remediation is recommended to provide a suitable level of confidence against risk of a life-safety event.**”*

*As the applicant has maintained that no remediation is necessary in the short-term and there is none proposed in the planning application under consideration, we sought to understand from the Planning Department whether remediation would be legally required in order to implement the proposed development. We sought information on 30 January 2024, 2 February 2024 and 8 February 2024 but have not received clarification. It is our understanding that Section 116 of the Building Code (IBC2009/Cayman Islands Building Code) places obligations on the building official to ensure that unsafe structures are taken down and removed or made safe.*

*Section 116.3 states, “116.3 Notice. If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time.”*

*Chapter 34 also refers to maintenance of existing buildings and outlines that the building official shall have the authority to require the elimination of conditions deemed dangerous. It is possible that the definition of dangerous may be deemed to apply to this structure.*

*Therefore:*

- *If no remediation is undertaken and the deck is constructed on the top of structure, there may be risk of a life-safety event as per the structural engineer’s report.*

- *If remediation is undertaken, there may be adverse effects to the Marine Protected Area depending on what comes forward.*

### ***Possibility of Remediation***

*If remediation is to be required, measures could include minor crack repair with injection epoxy, chipping out and removal of damaged concrete (with the possibility of material or debris entering the Marine Protected Area), treatment of corroded reinforcing steel with corrosion inhibitor (a chemical with risks of entering the Marine Protected Area), patching of the concrete, excavation or digging out to the foundations (leading to sedimentation risks), and/or jacking up the structure to correct for excess rotation (presenting logistical challenges of working in the marine environment). Depending on the nature of the work, and the state of the beach at the site, it is highly likely that these works would be taking place from within the Marine Protected Area or extremely close to it. Many of the Material Safety Data Sheets for products typically used in concrete repair state that they should not be allowed to enter surface water and should not be washed or discharged into the environment.*

*Sedimentation is one of the biggest potential sources of reef degradation by reducing the amount of light available for photosynthesis and by increasing sediment load on corals. Corals are all Schedule 1 Part 1 Protected Species, which are protected at all times, and the site is within the Marine Reserve, and contains an area of coral reef which has a very high economic value for Cayman's tourism both directly (diving, snorkelling) and indirectly (ecosystem services). Excessive sedimentation can affect the complex food web on the reef by killing not only corals, but also sponges or other organisms which serve as food for important fish species.<sup>1</sup>*

*Corals are under continuous stress from external sources (e.g. climate change, bleaching events, Stony Coral Tissue Disease) and adding further local stress could be the tipping point past which our corals cannot survive. Given that so many external stressors on corals are beyond the control of the Cayman Islands Government and statutory bodies (including the Central Planning Authority and the National Conservation Council), it is even more important that local decisions within Cayman's control take a more deliberate consideration of corals and the effect on the marine environment.*

*The DoE has discussed at length the grave concerns about the vulnerability of the development of this site, given its proximity to the sea and associated wave activity/loading and scour in the two previous planning applications for development on this site. The relentless force of the sea has destroyed this structure because it has been poorly positioned and poorly designed. Whilst the proposed deck may provide a cosmetic solution, the forces acting on the structures, e.g. wave loading, will persist and the sea will continue to scour and undermine the property. Based on well-documented climate change predictions for the region, the impacts of sea level rise and increased intensity of hurricane and storm activity will increase the vulnerability of this site. A major storm or hurricane which causes significant damage to the structure would likely result in debris being washed into the Marine Protected Area offshore, an impact which the DoE is keen to avoid. As outlined in our original reviews for the work on this site, it is very clear that this site is not*

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<sup>1</sup> Rogers, C.S. (1990). Responses of coral reefs and reef organisms to sedimentation. Marine Ecology Progress Series. 62(185-202).

*a good location for built development and the seawall probably should never have been granted planning permission a decade ago. It is evident that within a very short period the structure is failing, partly due to an inappropriate design and partly due to its position in an inappropriate location. It would therefore seem futile to try to permit further development on this problematic site. It is well within the authority of the building official to require the demolition of this structure if it is deemed unsafe.*

*The site is adjacent to a Marine Protected Area under the NCA. If remediation is required without securing 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.*

*If the CPA is minded to approve the proposed development and require changes to the structure, the CPA (or the Building Control Unit, as the case may be) are required to seek approval of the National Conservation Council under Section 41(4) of the National Conservation Act.*

*This should be cascaded to the Building Control Unit, as the Building Official noted in the Building Code, as if the CPA does not consider or require remediation, but the Building Control Unit later determines that remediation is needed then they would still be required to apply for approval under Section 41(4) of the National Conservation Act.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on Boggy Sand Road, directly south of the Sands residential development.

The property is the site of the former cabana that lead to much legal action between the DOE and Planning Department.

The cabana has been removed from the concrete base and the proposal is to place wooden decking on the concrete base. It is intended that the deck be used by the residents of the new Sands residential building in the vicinity.

### **Zoning**

The property is zoned Low Density Residential.

## **2.9 JONATHAN MCLEAN (Johnson Design & Architecture) Block 22C Parcel 96 (P23-0800) (\$1,000,000) (AS)**

Application for a house, pool & carport.

### **FACTS**

*Location* VROW from Spinnaker Rd

*Zoning* LDR

<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	3.14 AC (136,778 sq. ft.)
<i>Parcel size required</i>	10,000 sq ft
<i>Current use</i>	Vacant
<i>Proposed bldg footprint</i>	5,250 sq ft
<i>Proposed bldg area</i>	5,250 sq ft
<i>Site Coverage</i>	3.8%
<i>Required parking</i>	1 space
<i>Proposed parking</i>	3 spaces

### **BACKGROUND**

NA

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

- 1) HWM setbacks

### **AGENCY COMMENTS (Section 7 DPA):**

#### **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**

*As seen in Figure 1 below, the application site is man-modified consisting of regrowth in the central area of the parcel and mangroves around the edges of the parcel.*



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

### **Importance of Native Vegetation**

*We recommend that the applicant retains as much native vegetation as possible, particularly the mangroves on the edges of the parcel, and incorporates it into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and less supplemental irrigation, meaning once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.*

*The applicant is reminded that mangroves are Schedule 1, Part 2 Protected Species under the National Conservation Act (NCA) with an adopted Conservation Plan. It is an offence to remove mangroves unless permission is explicitly sought to remove them either through the granting and implementation of planning permission or a National Conservation Council Section 20 permit. The Mangrove Species Conservation Plan can be downloaded at the following link: <https://conservation.ky/wp-content/uploads/2021/01/Species-Conservation-Plan-for-Mangroves-FINAL.pdf>.*

*The DoE strongly encourages the applicant to consider planting more mangroves around the edges of the parcel as they will stabilize the shoreline and aid in preventing more erosion of the site. Mangroves provide natural infrastructure protection by preventing erosion and absorbing storm surge impacts during extreme weather events such as hurricanes. Both mangroves and other canal-side vegetation provide a natural buffer that helps to intercept surface water that may run off the land into the canal. Mangroves provide*

*a nursery habitat for fish and other marine life and are vital in helping to maintain good water quality. They are also an important natural asset for the Cayman Islands and form part of Cayman's Natural Capital Accounts. Mangrove wetlands are extremely effective at sequestering carbon from the atmosphere and serve as carbon sinks. The removal of mangrove habitat reduces the Island's natural carbon sequestration potential and the removal of mature vegetation and de-mucking of mangrove sites releases captured carbon into the atmosphere. The removal of mangrove habitats reduces the extent and value of this natural asset and removes the ecological services the habitat currently provides.*

*With guidance, mangroves can be trimmed to give vistas without causing severe injury to or killing mangroves. Should the applicant wish to trim the mangroves to give a view of the canal, it must be done in accordance with the Department of Environment's Mangrove Trimming Guidelines ([www.doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/](http://www.doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/)).*

### **Climate Change**

*As shown in Figure 2 below, we note that the setback of the proposed development falls short of the minimum required setbacks from the registered Mean High Water Mark (MHWM) under section 8(10)(b) of the Development and Planning Regulations (2022 Revision). We note that the proposed pool is as close as approximately 51 feet from the MHWM and the proposed house is as close as approximately 54 feet from the MHWM. Although the submitted plans indicate that the site has a 50-foot coastal setback, which is used for ironshore coastlines, it does not contain the elevated ironshore features that are more resilient against erosion and sea level rise. The site has a mangrove coastline and should adhere to the minimum 75-foot coastal setback for mangrove coastlines required in the Development & Planning Regulations. The Department strongly maintains its stance that coastal setbacks should not be reduced but instead should be treated as a minimum (as prescribed in the Development & Planning Regulations). Setbacks seek to reduce the impacts of storm-related damage upon coastal infrastructure.*





Figure 2. Proposed developments on site with the parcel boundary highlighted in red (Aerial Imagery Source: UKHO, 2021).

The importance of setbacks is amplified when considered within the context of climate change predictions for the region, which include sea-level rise and increased intensity of storm events (including storm surge). Inappropriately sited development that are too close to the MHWL reduces the site's potential to recover after major events.

The DoE is of the opinion that rebuilds, additions and modifications of developments should seek to build in a more sustainable and climate-resilient manner. For this reason, the Department does **not** support a coastal setback variance. The DoE recommends that the property is redesigned to ensure it meets the 75-foot mangrove coastline setback. Although the DoE supports the raised development design, we strongly encourage that the coastal setbacks are adhered to as it will further increase the resilience of the property against the inevitable effects of climate change such as coastal flooding, storm surge and erosion by ensuring that hard structures are located in a way that reduces their susceptibility to these hazards.

### **Construction Impacts on the Environment**

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.

### **Recommended Conditions**

*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. All construction materials shall be stockpiled at a minimum of 75 feet from the Mean High Water Mark (MHW) to reduce the possibility of run-off washing material and debris into the surrounding marine environment causing turbidity and impacting important marine resources.*
- 2. If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the surrounding marine environment.*

### **APPLICANT'S LETTER**

See Appendix F

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is for a four (4) bedroom, 5,240 sq ft house to be constructed on 10 ft columns. The application also includes a pool and a carport.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issue**

##### **1) HWM setbacks**

Pursuant to Section 8(10)(b) of the Development and Planning Regulations (2022 Revision) "in areas where the shoreline is beach or mangrove ( except in a Hotel/Tourism zone), all structures and buildings, including ancillary buildings, walls and structures, shall be a minimum of seventy-five feet from the high water mark."

In this instance, the applicant's agent has indicated that part of the shoreline is rip rap and that the setback from ironshore should apply in that area. The setbacks from the buildings to this portion of shoreline range from 64' to 75'. If the Authority agrees with the applicant then the buildings would exceed a 50' setback. If the Authority does not agree with the applicant then a HWM setback variance would be needed.

The remainder of the shoreline on the North Sound is mangroves therefore a 75' setback is required. The master bedroom portion of the house would have a 53' 10" setback. The closest point of the pool to the HWM is 59' 10".

It is unclear how DOE's HWM setback references were achieved.

Finally, the applicant's agent is referring to an incorrect section of the regulations for justifying a HWM setback variance. Regulation 8(13) does not apply in this instance.

Instead, reference should have been made to the criteria of Regulation 8(11). Pursuant to that Regulation, the Authority may allow a lesser setback having regard to:

- a) the elevation of the property and its environs;
- b) the geology of the property;
- c) the storm/beach ridge;
- d) the existence of a protective reef adjacent to the proposed development;
- e) the location of adjacent development; and
- f) any other material consideration which the Authority considers will affect the proposal.

**2.10 JUDITH HUDGSON Block 44B Parcel 364 (P24-0037) (\$10,000) (JS)**

Application for a 4' concrete wall & 4' vinyl fence.

**FACTS**

<i>Location</i>	Bodden Town Road in Bodden Town
<i>Zoning</i>	<b>Medium Density Residential</b>
<i>Current use</i>	House

**BACKGROUND**

Existing house approved September 26, 2007.

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

- 1) Wall location in road shoulder

**AGENCY COMMENTS (Section 7 DPA)**

The Authority received comments from NRA.

**National Roads Authority**

As per your email dated March 12<sup>th</sup>, 2024, 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 with the above-proposed development.**

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

**PLANNING DEPARTMENT ANALYSIS**

**General**

The subject parcel is located on Bodden Town Road in Bodden Town.

The application is for the erection of a 4' concrete and vinyl fence.

**Zoning**

The property is zoned Medium Density Residential.

**Specific Issues**

**1) Wall location**

The proposed 4' concrete and a part of the vinyl fence are proposed on the shoulder of the Bodden Town main road. Although NRA has expressed no objection to the application, it is suggested that the wall/fence could possibly be obstructive to oncoming traffic. The Authority should discuss this aspect of the application.

**2.11 GARY EBANKS (TSC Architecture) Block 28C Parcel 462 (P24-0010) (\$550,000) (EJ)**

Application for a commercial building which includes a restaurant.

**FACTS**

<i>Location</i>	Shamrock Road, Savannah
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.3285 ac. (14,309 sq. ft.)
<i>Parcel size required</i>	CPA discretion
<i>Current use</i>	Vacant
<i>Proposed building size</i>	2,000 sq. ft.
<i>Total building site coverage</i>	13.98% & (39.83% with parking)
<i>Required parking</i>	8 (3.7 restaurant; 4.3 retail)
<i>Proposed parking</i>	13

**BACKGROUND**

NA

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

- 1) Suitability
- 2) Lot size
- 3) No drive aisle buffer

**AGENCY COMMENTS (Section 7 DPA)**

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

## Water Authority

### Wastewater Treatment & Disposal

- The developer shall provide a **septic tank(s)** with a capacity of at least 1,500 US gallons for the proposed, based on the following calculations:

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
Proposed Mixed-Use Building	1 x Restaurant (684 sq.ft.)	1.0/sq.ft.	684
	3 x Retail Units (380 sq.ft.) each	0.15/sq.ft.	171
<b>TOTAL</b>			<b>855</b>

- The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.
- A **grease interceptor with a minimum capacity of 684 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). Note: All developments proposing to utilize a commercial dish washer will have to install a drain tempering valve (DTV) before the grease interceptor.
- 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 5'0" 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.

### **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 60 ft** instead of the standard depth of 100ft as required by the NRA.

### **Water Supply**

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

- The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the 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>

### **National Roads Authority**

As per your memo dated March 21st, 2024 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

### **Road Capacity Issues**

The traffic demand to be generated by a four unit commercial building consisting of one unit that is a 680 sq ft. restaurant and three retail units totalling 1,140 sq ft has been assessed in accordance with ITE Code 933 Fast Food w/o Drive Thru and 820 Shopping Center. The anticipated traffic to be added onto Shamrock Rd. is as follows:

Dev't Type	Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak In	AM Peak Out	PM Peak Hour Total Traffic	PM Peak In	PM Peak Out
Restaurant	716	44	26	18	26	13	13
Retail	362	10	4	2	29	9	10
Total	1,078	54	30	20	55	22	23

*Based on these estimates, the impact of the proposed development onto Shamrock Rd. is considered to be minimal.*

***Access and Traffic Management Issues***

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

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

*A six (6) foot sidewalk shall be constructed on Shamrock Rd., 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:*

- 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 Shamrock Rd. 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 or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;"*

**Department of Environmental Health**

Solid Waste Facilities:

*The solid waste facility does not meet DEH requirements.*

*This development will require a (8) eight cubic yard container serviced daily.*

**Table 1: Specifications for Onsite Solid Waste Enclosures**

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

**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](mailto:development.control@waterauthority.ky) for deep well details.*

**Restaurant:**

*The following must be submitted at the BCU stage for review for all kitchens:*

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



## **Department of Environment (February 22, 2024)**

*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).*

*It is noted that the site has been cleared and therefore, our ability to make meaningful comments with respect to the environmental impact of clearing the site or to retain native vegetation has been removed.*



*Figure 1: Photo showing apparent site as of 04 March 2024 (Source: DoE, 2024)*

*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.*

### **Fire Department**

*Please note, this development requires a Fire Hydrant, and the location shall be depicted on the site drawings. Chapter 6 of the 1994 Standard fire prevention code; 603.1.3 Fire Hydrants 603.1.3.1 Water Supply. Approved fire hydrants shall be provided for buildings to meet the necessary fire flow requirements as determined by the fire official.*

### **APPLICANT'S LETTER**

*This letter is written on behalf of Gary Ebanks. Approval was granted for a single-story commercial building with a take-out restaurant on the referenced property. The total square footage is 2,000. As required, notices were sent by registered mail to all landowners*

on March 11th, 2024, within a 500 radius. The ads will also be published in the Cayman Compass on March 15th and 22nd, 2024. The applicant meets planning regulations and would like the board's consideration to move forward with the building.

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed 2,000 sq. ft. commercial building has three-retail units and a restaurant located east of Country Corner shopping village and across from Domino's Pizza on Shamrock Road in Savannah.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

The proposed single storey, 2,000 sq. ft. building contains three retail units and a take-out restaurant. The Authority needs to determine if the proposal is in a suitable location under Regulations 9(3).

#### **2) Lot size**

The subject parcel is 0.3285 ac. (14,309 sq. ft.); therefore, the Authority should determine if the proposed is sufficient; mindful, that similar lots exist in the surrounding area with the mixture of low-density residential and neighbourhood commercial zones.

#### **3) Lack of buffer for the drive aisle**

The parking drive aisle is one the westerly property boundary so there is no space to provide screening or a buffer from the adjoining property.

## **2.12 ANTHEA MATTHEWS (Platinum Crew General Maintenance and repair) Block 28B Parcel 328H1 (P24-0118) (\$270,000) (JS)**

Application for an addition to an existing house.

### **FACTS**

<i>Location</i>	Roberta Way in Savannah
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Parcel size required</i>	10,000 sq. ft.
<i>Parcel size proposed</i>	6,747 sq. ft.
<i>Site coverage allowed</i>	30 %
<i>Proposed site coverage</i>	34.17 %
<i>Current use</i>	House
<i>Proposed use</i>	House addition

## **BACKGROUND**

The existing house was approved on August 9, 2011.

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

- 1) Site coverage
- 2) Front setback
- 3) Rear setback
- 4) Side setback

## **APPLICANTS LETTER**

We are requesting a variance for the above referenced block and parcel to seek relief for the acquired **ENCROACHING NORTHERN SETBACK, ENCROACHING EASTERN SETBACK, SEPTIC TANK ENCROACHING WESTERN SETBACK AND THE PLOT COVERAGE EXCEEDING 30%**. I hereby submit it to the Department of Planning. For the reasons outlined below, the proposed dwelling will be beneficial to us and the community and the district of newlands.

- Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.
- The granting of the variance will have no effect on any adjoining or nearby properties. The requested zoning relief will not cause any detriment to the common good. As the literal interpretation and strict application of the applicable zoning requirements of this chapter would cause substantial undue and unnecessary hardship to the current property owner.
- We would like to note that the size and the quality of the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property to the neighborhood or to the public welfare. the requested variance would be consistent with the spirit and purpose of this chapter and the district of newlands as our new home will blend and will prove beneficial to the citizens of newlands community.

Thank you for your consideration

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject parcel is located on Roberta Way in Savannah.

The application is for the addition to an existing house.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Site Coverage (30%. vs 34.17%)**

The required site coverage is 30% as can be seen in section (9) (8) (h), the proposed site coverage is 34.17%.

**2) Front Setback (8'6" vs 20')**

The required front setback is 20ft as can be seen in section (9) (8) (i). The proposed location for the septic tank falls within the required setback and is 8'6" from the boundary.

**3) Rear Setback (14'10" vs 20')**

The required rear setback is 20ft as can be seen in section (9) (8) (i). The proposed rear setback is 14'10".

**4) Side Setback (5'9" vs 15')**

The required side setback is 15ft as can be seen in section (9) (8) (j). The proposed side setback is 5'9".

**2.13 JODY & AMANDA JERVIS (Tropical Architectural Group Ltd.) Block 13D Parcel 7 & 131 (P24-0030) (\$1,371,100) (EJ)**

Application for eleven (11) apartments with one (1) office, one (1) sign and a four (4') wall.

**FACTS**

<i>Location</i>	Courts Roads, Spruce Lane & Sunfire Lane in George Town
<i>Zoning</i>	<b>HDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.43 ac. (18,730 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	House to be demolished
<i>Proposed building size</i>	9,140 sq. ft.
<i>Total building site coverage</i>	25.73%
<i>Allowable units</i>	10
<i>Proposed units</i>	11
<i>Allowable bedrooms</i>	18
<i>Proposed bedrooms</i>	15
<i>Required parking</i>	18
<i>Proposed parking</i>	17

**BACKGROUND**

No record of existing house

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

- 1) Suitability
- 2) NRA comments re: driveway location and sight lines
- 3) Parking spaces (17 vs 18)

**AGENCY COMMENTS**

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

**Water Authority**

*Please be advised that the Water Authority’s requirements for this development have been determined based on the understanding that the parcels in question are to be combined.*

Wastewater Treatment and Disposal

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

- *The proposed development **requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification** that, when operated and maintained per manufacturer’s guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed system shall have a treatment capacity of at least 2,020 US gallons per day (gpd)**, based on the following calculations.*

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>
Building 1	4 x 1-Bed Units	150gpd/1-Bed Unit	600
	2 x 2-Bed Units	225gpd/2-Bed Unit	450
Building 2	3 x 1-Bed Units	150gpd/1-Bed Unit	450
	2 x 2-Bed Units	225gpd/2-Bed Unit	450
	Office (470sq.ft.)	0.15gpd/sq.ft.	70.5
<b>TOTAL</b>			<b>2,020.5</b>

- *Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards. The minimum well casing diameter for this development shall be 6’’. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4’5’’ above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

Underground ATUs

- *The drawings indicate that the wastewater treatment plant is proposed to be buried and/or is located within a traffic area. The Water Authority will not approve buried ATUs with the exception of those proposed under approved handicapped parking\* OR within non-traffic, landscaped areas of the property.*

*Queries regarding the burial of ATUs and additional requirements can be forwarded to [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky).*

*\* All components of the ATU must be located within the handicapped parking spaces.*

#### Wastewater Treatment for Existing Structure

- *The existing building on the parcel is currently served by a septic tank. 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.*

#### Decommission Existing Septic Tank

- *The developer is advised that the Water Authority policy graduates the requirement for achieving “30/30” limits by applying it to larger developments, defined as those where calculated flows exceed 1,800 gallons per day (GPD) on a given parcel. The policy also applies to existing developments when there is a change of use or expansion of the development. Therefore, approval for the proposed development requires that all wastewater generated on the parcel; i.e., both proposed and existing structures, shall be treated in an onsite aerobic wastewater treatment system(s).*

*The existing septic tank shall be decommissioned as per the Water Authority’s Best Management Practices (BMP’s) below and the wastewater flows re-plumbed towards the Aerobic Treatment System.*

#### Water Supply

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

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

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

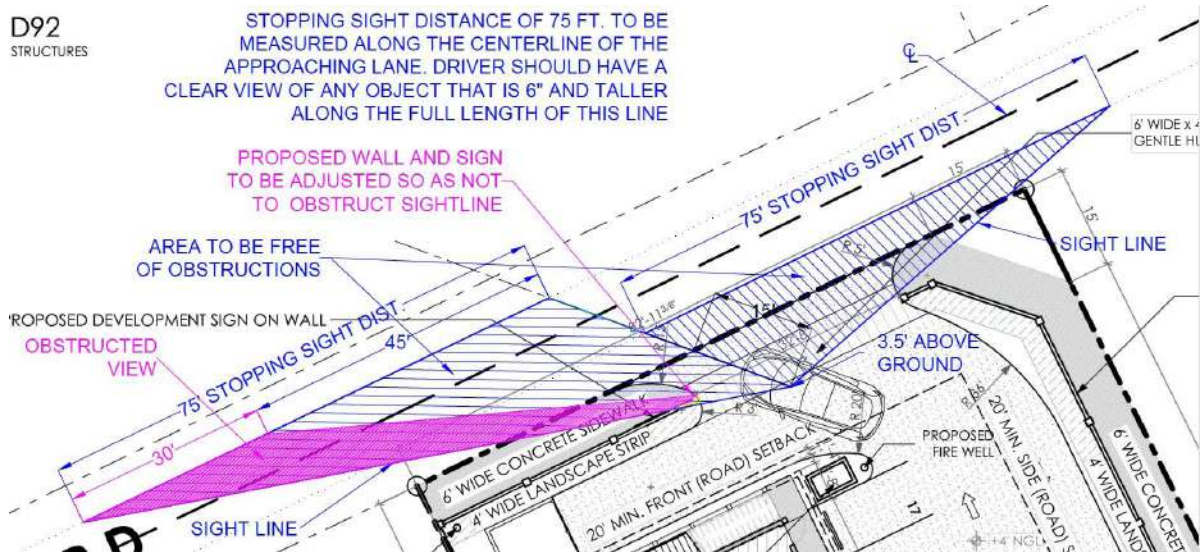
## National Roads Authority

As per your email dated April 5th, 2024, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

### General Issues

On access roads such as Courts Rd. and Spruce Lane:

- Commercial driveways must be located at least seventy-five feet (75') from intersections. If this requirement cannot be satisfied on Courts Road an access off Spruce Lane should be negotiated.
- The minimum stopping sight distance (horizontal alignment), shall be seventy-five feet (75') as measured between two (2) points on the centre of any lane and 3.5 feet above the carriageway. Please see the sketch below.



- 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.

The NRA requests that the CPA have the applicant revise the site plan so that the driveway is at least seventy-five feet away from the intersection and that the wall and sign do not obstruct the sightline.

**Road Capacity Issues**

The traffic demand to be generated by a residential development of eleven (11) multi-family units and an office of 420 sq. ft. has been assessed in accordance with ITE Codes 220 – Apartments, and 710 – Office. Thus:

1. The assumed average trip rates per dwelling unit provided by ITE Code 220 for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively; and
2. The assumed average trip rates per 1,000 sq. ft. office provided by ITE Code 710 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 onto Courts Road is as follows:

<b>APARTMENTS</b>	<b>Expected Daily Trips</b>	<b>AM Peak Hour Total Traffic</b>	<b>AM Peak 20% In</b>	<b>AM Peak 80% Out</b>	<b>PM Peak Hour Total Traffic</b>	<b>PM Peak 65% In</b>	<b>PM Peak 35% Out</b>
	<b>73</b>	<b>6</b>	<b>1</b>	<b>5</b>	<b>7</b>	<b>5</b>	<b>2</b>
<b>OFFICE</b>	<b>Expected Daily Trip</b>	<b>AM Peak Hour Total Traffic</b>	<b>AM Peak In 88%</b>	<b>AM Peak Out 12%</b>	<b>PM Peak Hour Total Traffic</b>	<b>PM Peak In 17%</b>	<b>PM Peak Out 83%</b>
	<b>5</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>TOTAL</b>	<b>78</b>	<b>7</b>	<b>2</b>	<b>5</b>	<b>8</b>	<b>5</b>	<b>3</b>

Based on these estimates, the impact of the proposed development on Courts 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 twenty- four (24) feet wide.

A six (6) foot sidewalk shall be constructed along Courts Road, Spruce Lane, and Sunfire Lane within the property boundary, to NRA specifications (available on our website at: <https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20>).



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

### ***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 Courts 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 (Per NRA specifications (available at: [https://www.caymanroads.com/upload/files/4/628e65\\_99be2c9.pdf](https://www.caymanroads.com/upload/files/4/628e65_99be2c9.pdf)) are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk details need to be provided per NRA specifications (available on our website at: <https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20>).*

*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;"*

**Department of Environment (April 16, 2024)**

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

***Site Overview***

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

***Advice to the Applicant***

*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.*

*To assist with drainage of the site, we recommend that the applicant considers the use of permeable or porous paving for areas of hard standing including the driveways and parking lot.*

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

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

## Department of Environment Health

### Solid Waste Facility:

*This development requires (1) 4 cubic yard container with twice 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	10	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](mailto:development.control@waterauthority.ky) for deep well details.*

### **Fire Department**

Approved for planning permit.

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The proposed two-buildings contains eleven-apartments with fifteen-bedrooms, one-office, one-sign and a four-foot concrete wall is located on the corner of Courts Road and Spruce Lane, in George Town.

#### **Zoning**

The property is zoned High Density Residential.

#### **Specific Issues**

##### **1) Suitability**

The area is a mix of various types of development including a church, pre-school and several apartment developments on 13D 9, 91, 92, 249 and 266.

##### **2) Parking spaces (17 vs 18)**

The proposed development requires 17 (**16.5**) parking spaces for the eleven-apartments and two (**1.50**) parking spaces for the 460 sq. ft. office for a total of 18 vs the 17 proposed.

**2.14 PAUL & LINDA CZUDNOCHOWSKY (CS Designs) Block 33E Parcels 41 & 43 (P24-0261) (\$935,100) (NP)**

Application for a boat garage with dwelling unit on second floor.

**FACTS**

<i>Location</i>	Water Cay Road, Cayman Kai
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Parcel size proposed</i>	29,333.3 (combined)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	House on Parcel 43
<i>Proposed Use</i>	Garage with dwelling
<i>Building area</i>	3,117 sq ft
<i>Permitted Site Coverage</i>	30 %
<i>Proposed Site Coverage</i>	14.3 % (existing house and proposed building)
<i>Parking Required</i>	2
<i>Parking proposed</i>	2

**BACKGROUND**

Existing house approved in 2006

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

- 1) Request for finished floor level (5' vs 7')

**AGENCY COMMENT (Section 7 DPR)**

The Authority received comments from the Department of Environment.

**Department of Environment -19 April 2024**

*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). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.*

## **Environmental Overview**

As seen in Figure 1 below, the application site is adjacent to a Marine Reserve (a Protected Area under the National Conservation Act).



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

## **Advice to the Applicant**

Based on 2023 imagery shown in Figure 2 below, we note that the site has been cleared leaving no opportunity to retain coastal vegetation on site.



*Figure 2. Aerial imagery of the application site in 2023 with the parcel boundary highlighted in red (Aerial Imagery Source: Cayman Land Info, 2023).*

*Coastal habitat incorporates a variety of salt and wind-tolerant flora. Native coastal vegetation is becoming rarer as development on the coast increases. Coastal shrubland is high in ecological value, providing a biodiverse habitat for native wildlife in addition to stabilising the shoreline and reducing erosion. Coastal vegetation is important for the integrity of the beach and, when cleared, often results in wind-borne erosion of the land and general coastal erosion. The DoE has noted that this area in particular experiences periods of increased erosion. Therefore, we recommend that the applicant plants native coastal vegetation on-site, particularly seaward of the proposed development, and incorporates it into the landscaping scheme.*

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

*As the site is adjacent to a Marine Reserve, a Marine Protected Area under the National Conservation Act, 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.*

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

#### *Polystyrene Impacts on the Protected Area*

*Polystyrene-based products are commonly used in a variety of applications on construction sites and without appropriate best management practices, impact the surrounding area including the marine environment. Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when they enter the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down (Figures 3-5).*



*Figures 3-5. DoE site visit photos showing the bits of white polystyrene material littering local development sites. The beads from the first two images made their way into the adjacent Marine Reserve and neighbouring properties. Developers attempted to remedy the situation by cleaning neighbouring pools and yards daily but it was impossible to collect all of the beads, especially once they entered the marine environment.*

#### *Inappropriate Location of Stockpiles*

*Storage of materials too close to the water's edge can result in pollution of the marine environment (Figures 6 to 11). The DoE has responded to numerous incidents where poor construction management practices such as the storing of aggregates or loose materials at the water's edge has resulted in that material entering the marine environment, causing turbidity and impacting water quality. Sedimentation and pollutant-laden runoff also can*

*affect marine species such as seagrass and corals as they rely on good water quality to survive. Depending on the amount of turbidity that occurs and the length of time that it is present, it could adversely and irreversibly affect the marine organisms that have been exposed. The location of stockpiles needs to take into account storms such as hurricanes and nor'westers, and even 'temporary' stockpiles can still be impacted.*

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



*Figures 6 and 7. The DoE responded to a complaint from the public that this stockpiled material was causing considerable turbidity and siltation of the marine environment.*





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



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



*Figure 11. Material stockpiled too close to the water's edge which would or would be likely to enter the marine environment during a storm.*

*It is a straightforward measure and good practice to avoid stockpiling materials too close to the marine environment, however, this practice still occurs, causing adverse effects on the marine environment. Therefore, this management practice must be secured by conditions to prevent adverse effects on the Marine Protected Area.*

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

*The site is adjacent to a Marine Reserve, a protected area under the NCA. It is important to ensure that the construction will not have any unacceptable adverse effects on the Marine Protected Area as it contains sensitive marine resources.*

*Without appropriate controls, there would or would likely be an adverse effect on the designated protected area, namely:*

- *Section 2(f) of the NCA: the discharge of pathogens, dissolved or suspended minerals or solids, waste materials, or other substances at levels that may be harmful to wildlife or the ecological or aesthetic value of the area.*

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

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

## **Appendix 1 – Draft Conditions**

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

### **Draft Directed Conditions**

- 1. All construction materials and debris shall be stockpiled at least 50 ft from the Marine Protected Area to prevent material from entering the marine environment and impacting the Marine Protected Area.*
- 2. If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent marine environment.*

*These conditions are directed to prevent debris from entering the Marine Reserve (a Protected Area) and impacting sensitive marine resources.*

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

### **APPLICANT'S LETTER**

*We are writing on behalf of our client to request a reconsideration regarding the proposed finished floor level of 5'-0" above mean sea level. We understand that for beachfront structures, the minimum finished floor level should be at least 7'-0" above mean sea level. However, the proposed structure is a two-storey building, with the ground floor exclusively designated for garage use, while the main livable spaces/ areas are located on the second floor, which significantly exceeds the minimum required finished floor level.*

*Given the above, we sincerely hope to receive your favorable approval on this matter.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The subject parcel is located on Water Cay Road in Cayman Kai.

Parcel 43 currently contains a house and garage.

Parcel 41 is vacant and is the site of an application for a garage with living quarters on the second level.

If planning permission is granted, the applicant would like to combine the two parcels.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

**1) Finished Floor Level**

Regulation 29(2) states that where land is adjacent to the sea, a canal or inland waterway, the finished floor level of all buildings on the land shall be at least seven feet above mean sea level.

The applicant is requesting to build the proposed structure with a finished floor level of five feet and has noted that there will only be storage on the ground floor.

The Authority is reminded that it has no legal discretion to vary the requirement of Regulation 29(2) as Regulation 8(13) does not include Regulation 29 in the list of Regulations that the Authority can vary.

**2.15 VINCENT & MARCHIA DAVIS (Tony Lattie) Block 38C Parcel 158 (P24-0195) (\$85,000) (EJ)**

Application for an after-the-fact bedroom & bath on second floor & atf addition to create third unit.

**FACTS**

<i>Location</i>	Shamrock Road, Bodden Town
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.6562 ac. (28,584 sq. ft.)
<i>Parcel size required</i>	TBD
<i>Current use</i>	Duplex and Commercial/Apartment building
<i>Proposed building size</i>	1,018 sq. ft.
<i>Total building site coverage</i>	23.37%
<i>Parking required for duplex</i>	2
<i>Parking existing for duplex</i>	4

## **BACKGROUND**

March 24, 2004 (**CPA/06/04; Item 2.12**) – Permission granted for a three-lot subdivision (38C35)

July 13, 2004 (**admin approve**) – Permission granted for a duplex (38C35).

August 5, 2009 (**CPA/21/09; item 2.14**) – approval granted for a commercial office/apartment building

March 16, 2011 (**CPA/05/11; item 2.4**) – approval granted for change of use from office to ice cream parlour

February 21, 2018 (**CPA/04/18; item 2.10**) – approval granted for change of use from office to takeout restaurant

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

- 1) Propose use (duplex vs 3 apartments)
- 2) Lot size

## **APPLICANT'S LETTER**

*We write on the behalf of the client the Davies, we are seeking to obtain planning approval for converting the existing back patio space into a kitchenette.*

*The conversion was done purely to help with the high cost of living and to give there 23 year old son some privacy and a sense of independence from his family. With the conversion of the existing patio space into a kitchenette next to the existing bedroom #3 create a guest suite for the eldest son (see sample "A") for floor layout.*

*The Davis family would be grateful if the board would consider the modification this will greatly help this young man to concentrate on his studies and a refuge from his baby brother.*

*The Davis family is now aware that even if the space is existing any type of walling up or modification to the exterior building is best to seek advice for proper clarification from a planning officer.*

*The Davis are aware that they made an error in judgment with preceding with the modification to the floor layout without proper approval. We are seeking to rectify the matter with the department by seeking approval from the board.*

*The use of the property will "remain as a duplex" as shown in (sample "A") the guest suite maintains the access to the existing living area.*

*We would also like to members to note the following below;*

- *The use of the property will remain as a duplex.*
- *The design and site layout is keeping in respect with the surrounding low density developments houses, duplexes, apartments, and commercial development within this area.*
- *There is sufficient infrastructure at this site (e.g. public road, water line, electrical service)*
- *In pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional*
  - a) The characteristics are consistent with the character of the surrounding area;*
  - b) The modification will not be materially detrimental to persons residing or working in the vicinity to the adjacent property, to the neighbourhood, or the public.*

Sample "A" modified floor layout



## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The after-the-fact bedroom & bath on second floor & atf addition to create third unit is located on Shamrock Road in Boddin Town.

### **Zoning**

The property is zoned Low Density Residential.



**Specific Issues**

**1) Propose use**

The applicant is seeking permission for the after-the-fact second floor bedroom and bathroom addition and a one-bedroom unit to the rear of one of the existing duplex units, potentially creating a third unit (apartments); however, the applicant maintains that the rear one-bedroom and kitchen is not a separate unit, but is for his son; therefore, the Authority is asked to decide on the matter as the applicant has not notified adjacent parcel owners.

**2) Lot size**

The lot size for the commercial building would have been at the discretion of the Authority, but the apartments would have needed 25,000 sq ft and the duplex would have required 13,500 sq ft. A review of the Minutes from 2009 reveals that there was no discussion regarding lot size, nor was it raised as a discussion item. Should the Authority deem the atf patio conversion to be a third unit, it will have to determine if the existing lot size is sufficient to accommodate the development on site.

**2.16 NICHOLAS JOHNSON (ORIA) Block 20C Parcel 78 (P24-0021) (\$25,000) (NP)**

Application for land clearing.

**FACTS**

<i>Location</i>	Owen Roberts International Airport
<i>Zoning</i>	<b>Light Industrial</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	343 acres
<i>Area to be cleared</i>	2.82 acres
<i>Current use</i>	Vacant
<i>Proposed use</i>	Parking Lot

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

- 1) Request to clear land by mechanical means for future staff parking.

**AGENCY COMMENTS (Section 7 DPA)**

The Authority received comments from the Department of Environment.

## **Department of Environment (4 March 2024)**

*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). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.*

### *Advice to the Applicant*

*The location of the proposed parking lot consists of primary tidally flooded mangrove habitat. Therefore, the applicant is reminded that mangroves are Schedule 1, Part 2 Protected Species under the National Conservation Act (NCA) with an adopted Conservation Plan. It is an offence to remove mangroves unless permission is explicitly sought to remove them either through the granting and implementation of planning permission or a National Conservation Council Section 20 permit. The Mangrove Species Conservation Plan can be downloaded at the following link: <https://conservation.ky/wp-content/uploads/2021/01/Species-Conservation-Plan-for-Mangroves-FINAL.pdf>. There is no exclusion for geotechnical surveys or site preparation works prior to the receipt of planning permission.*

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

*Mangroves provide natural infrastructure protection by preventing erosion and absorbing storm surge impacts during extreme weather events such as hurricanes. They are also an important natural asset for the Cayman Islands and form part of Cayman's Natural Capital Accounts. Mangrove wetlands are extremely effective at sequestering carbon from the atmosphere and serve as carbon sinks. The large-scale removal of significant tracts of mangrove habitat reduces the Island's natural carbon sequestration potential and the removal of mature vegetation and de-mucking of mangrove sites releases captured carbon into the atmosphere. The removal of mangrove habitats reduces the extent and value of this natural asset and removes the ecological services the habitat currently provides.*

*With the conversion of the mangrove habitat to hardstanding, drainage must be properly assessed. The Stormwater Management Plan should include measures to prevent*

*hydrocarbon-laden run-off from entering the North Sound. The wetland vegetation outside the parking lot footprint should be retained where possible to assist with on-site drainage. The applicant may also wish to consider the use of porous or permeable paved surfaces instead of non-porous materials such as asphalt to allow rainwater infiltration and help manage the impacts of stormwater run-off.*

Advice to the Planning Department/Central Planning Authority

*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. Land clearing shall be restricted to the footprint of the proposed parking lot as shown on the submitted plans (Drawing No. SLM-01).*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The entire airport property consists of 343 acres and the application pertains to 2.82 acres only. The subject portion of the property is located on the east side of the existing airport parking area.

The applicant is seeking permission to clear the land by mechanical means for the eventual construction of a staff parking lot. It is noted that the parking lot would require separate planning permission.

**Zoning**

The property is zoned Airport Lands.

**Specific Issue**

**1) Nature of the application**

Discuss the request to clear the lands for a future parking lot.

**2.17 ANNIE ROSE MOXAM (PPDS) Block 57E Parcel 144 (P24-0169) (\$15,000) (NP)**

Application for a 20 lot subdivision (18 residential lots, 1 LPP and 2 road parcels).

**FACTS**

<i>Location</i>	Old Robin Road, North Side
<i>Zoning</i>	<b>LDR</b>
<i>Notification Results</i>	No objectors
<i>Current use</i>	Vacant
<i>Parcel size</i>	6.91 acres

<i>Parcel size required</i>	10,000 sq. ft. for dwellings 25,000 sq. ft. for apartments
<i>Parcel width required</i>	80 feet for dwellings 100 feet for apartments
<i>Proposed lot sizes</i>	10,160 sq. ft. to 18,160 sq. ft.
<i>Proposed lot widths</i>	30' to 106'
<i>LPP proposed</i>	5%

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

1) Widths of lots 11, 12 and 13 at the hammerhead turnaround (30' - 40' vs 80').

### **AGENCY COMMENTS (Section 7 DPR)**

The Authority received comments from the DOE, Water Authority Cayman and NRA.

#### **Water Authority Cayman**

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

#### Wastewater Treatment

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

#### Stormwater Management

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

#### Water Supply

*The proposed development site is located within the Water Authority's piped water supply area, however, please be advised that the connection of a proposed development to the Water Authority's piped water supply may require an extension.*

- *Extensions in private roads are done at the owner's expense and the timing of any pipeline extension is at the sole discretion of the Water Authority.*

- *The developer shall contact The 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 – 21 March 2024**

*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). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.*

#### *Ecological Overview*

*As seen in Figure 1 below, the application site contains seasonally flooded mangroves and primary dry forest and shrubland. Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.*



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

The applicant is reminded that mangroves are Schedule 1, Part 2 Protected Species under the National Conservation Act (NCA) with an adopted Conservation Plan. It is an offence to remove mangroves unless permission is explicitly sought to remove them either through the granting and implementation of planning permission or a National Conservation Council Section 20 permit. The Mangrove Species Conservation Plan can be downloaded at the following link: <https://conservation.ky/wp-content/uploads/2021/01/Species-Conservation-Plan-for-Mangroves-FINAL.pdf>.

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

*Mangroves provide natural infrastructure protection by preventing erosion and absorbing storm surge impacts during extreme weather events such as hurricanes. They are also an important natural asset for the Cayman Islands and form part of Cayman's Natural Capital Accounts. Mangrove wetlands are extremely effective at sequestering carbon from the atmosphere and serve as carbon sinks. The large-scale removal of significant tracts of mangrove habitat reduces the Island's natural carbon sequestration potential and the removal of mature vegetation and de-mucking of mangrove sites releases captured carbon into the atmosphere. The removal of mangrove habitats reduces the extent and value of this natural asset and removes the ecological services the habitat currently provides.*

*Advice to the Applicant*

*We note that the application is for a subdivision, we would not support the clearing of this site at this time. If the applicant wishes to clear, we would only recommend the clearing of the road lot at this time but clearing of the individual lots should be reserved until the development of the individual lots is imminent (through the granting of planning permission for development on those particular lots). This allows the opportunity for the individual lot owners to retain as much native vegetation as possible. Clearing the entire site prematurely removes the choice from the individual lot owners and removes the value the habitat could provide in the time between the preparation of a subdivision and the development of an individual lot. In addition, the DoE notes that the proposed area of LPP contains wetland vegetation and part of the on-site pond. Therefore, we strongly recommend that the LPP is retained in its natural state.*

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

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

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

*Advice to the Planning Department/Central Planning Authority*

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

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

**National Roads Authority**

*As per your memo dated March 12", 2024 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

*General issue*

*As per NRA's Design and Construction Specifications for Subdivision Roads & Property Development,*

- *5.1 Access Requirements — All subdivisions are required to provide road connections to adjacent property for access or for future connections.*

*Stormwater Management Issues*

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

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

*Infrastructure Issues*

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



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

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

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

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

### **APPLICANT'S LETTER**

*Regarding the proposed subdivision and its adherence to regulatory requirements, we respectfully request the Central Planning Authority's consideration of a variance for the lot widths of specific residential parcels 9, 11-14.*

*As members are aware Regulation 9(8)(g) requires a minimum lot width of 80 ft for houses and duplexes. The proposed subdivision incorporates a turning head which results in lot widths of 30.2' to 65.5' for the proposed residential lots 9, 11-14.*

*For the avoidance of doubt, lot 10 is not a residential lot and in fact seeks to offer connectivity to future subdivisions to the south and east. This inclusion conforms with sound planning advice issued by Department of Planning at the review stage and is in line with Regulation 25(g) of the Development and Planning Regulations (2024 Revision).*

*In accordance with Regulation 8(13), we respectfully request the Central Planning Authority to consider and grant a variance for the proposed lot widths of the residential parcels 9, 11-14. We believe several factors support this request and demonstrates sufficient reason and exceptional circumstance:*

1) *Consistency with surrounding area character*

*- The characteristics of the proposed development align seamlessly with the existing character of the surrounding area, in particular existing cul-de-sacs located immediately to the west and 1,000' to the east which also include turning heads resulting in below the minimum lot widths.*

2) *Parcel size and consistency*

*- The resulting lots from the subdivision maintain sufficient size and area consistent with neighbouring land lots.*

*- The proposed development ensures suitable developable envelopes, fostering future development that aligns with the area's character.*

*In light of the considerations outlined above, we trust that the Central Planning Authority will recognise the merits of our request for the lot width variances and grant approval accordingly.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located in North Side, on Old Robin Road.

The property is currently vacant and the proposal is to create 18 new residential lots, one parcel (15,048 square feet) as Lands for Public Purposes, and two road parcels.

Proposed residential lot sizes range from 10,060 square feet to 12,600 square feet.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issue**

#### **1) Proposed Lot Widths (various vs 80')**

Regulation 9(8)(g) states that the minimum lot width in a Low Density Residential zone shall be 80 feet.

Proposed lots 11, 12 and 13 have less than the required lot width.

The applicant has submitted a variance letter and the Authority should discuss if lot width variances are appropriate in this instance.

#### **2.18 HERITAGE HOLDINGS LTD. Block 5B Parcel 148 (P24-0277) (\$270,000) (JS)**

Application for 2 real estate signs.

### **FACTS**

<i>Location</i>	West Bay Road in West Bay
<i>Zoning</i>	<b>Neighbourhood Commercial</b>
<i>Sign Height allowed</i>	12'
<i>Sign Height proposed</i>	8'
<i>Signage SF allowed</i>	32
<i>Signage SF proposed</i>	32

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

- 1) Timing of real estate signs

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject parcel is located on West Bay Road in West Bay.

The application is for the erection of a 2 real estate signs.

### **Zoning**

The property is zoned Neighbourhood Commercial.

### **Specific Issues**

#### **1) Signage**

As stated in the Cayman Islands Sign guidelines, real estate signs greater than 16 sq ft require planning permission. In this instance, each sign is 32 sq ft. The signs are intended to market and promote a residential development that has not yet been applied for. The Authority should determine if erecting the signs now is appropriate.

#### **2.19 LENNIN HERNANDEZ (Benitez & Sons) Block 9A Parcel 837 (P24-0113) (\$795,000) (JS)**

Application for a duplex.

### **FACTS**

<i>Location</i>	Up the Hill Road in West Bay
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Parcel size required</i>	12,500 sq. ft.
<i>Parcel size proposed</i>	10,023 sq. ft.
<i>Site coverage allowed</i>	30 %
<i>Proposed site coverage</i>	13.42 %
<i>Current use</i>	Vacant
<i>Proposed use</i>	Duplex
<i>Parking required</i>	2
<i>Parking proposed</i>	3

### **BACKGROUND**

NA

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

- 1) Lot size

## **APPLICANTS LETTER**

We would be Grateful for your consideration in respect to the following planning variances which relates to our client's Mr. LENNIN HERNANDEZ DUPLEX PROJECT (P24-0113) on 9A837. Please note the below variance request.

**Lot Size Variance**, We ask permission for this building that does not comply with the lot size regulation giving you the following reasons:

- a. Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail:
- b. Per section 8(13)(b)(iii) of the Planning Regulation, 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.
- c. There are other similar cases near the property.

We look forward to your favorable response to this request, your Understanding and approval will be greatly appreciated.

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject parcel is located on Up the Hill Road in West Bay.

The application is for the erection of a Duplex.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Lot size (10,023 sq. ft. vs 12,500 sq. ft.)**

The required lot size for a duplex is 12,500 sq. ft as can be seen in section (9) (8) (e), the proposed lot size is 10,023 sq. ft.

The Authority should consider discussing the request for a variance.

#### **2.20 TROY PEARSON (Island Drafting) Block 14D Parcel 141 (P18-1003) (\$85,240) (JS)**

Application for an After the Fact loft addition.

### **FACTS**

*Location*

Off of Smith Road in George Town

*Zoning*

**Neighbourhood Commercial**

<i>Parcel size existing</i>	13,068 sq. ft.
<i>Current use</i>	House
<i>Proposed use</i>	House

**BACKGROUND**

House approved in 2009  
House addition approved in 2014

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

- 1) Zoning

**PLANNING DEPARTMENT ANALYSIS**

**General**

The subject parcel is located Off of Smith Road in George Town  
The application is for an after the fact loft addition.

**Zoning**

The property is zoned Neighbourhood Commercial.

**Specific Issues**

**1) Zoning**

As per Section 13(9), in a Neighbourhood Commercial Zone, residential development is permissible if the development is not on the ground floor. Regulation 13(10)(a) states further that residential can be on any or all floors if the development is a replacement or redevelopment of an existing residential development. In this instance, there is an existing house and the application is for an after the fact loft addition. The Authority should consider discussing this proposal in conjunction with the Regulations noted above.

**2.21 BRYANT TERRY (TSC Architecture) Block 27C Parcel 543 (P24-0122) (\$512,875) (JS)**

Application for a duplex.

**FACTS**

<i>Location</i>	Winward Road in Newlands
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Parcel size required</i>	12,500 sq. ft.

<i>Parcel size proposed</i>	10,306 sq. ft.
<i>Site coverage allowed</i>	30 %
<i>Proposed site coverage</i>	18 %
<i>Current use</i>	Vacant
<i>Proposed use</i>	Duplex
<i>Parking required</i>	2
<i>Parking proposed</i>	3

**BACKGROUND**

NA

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

- 1) Lot size

**APPLICANTS LETTER**

This letter is written on behalf of Bryant Terry, he applied for a single-story Duplex on the referenced property. The total square footage is 1,850. As required, notices were sent by registered mail to all adjacent landowners on March 1st, 2023. A lot size variance is required because the 10,306.30 square feet does not meet the 12,500 s/f as per the regulations, and as such, the applicant would like the board's consideration.

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

Should further information be required, please feel free to contact the undersigned.

**PLANNING DEPARTMENT ANALYSIS**

**General**

The subject parcel is located on Winward Road in Newlands.

The application is for the erection of a one-storey Duplex.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

**1) Lot size (10,306 sq. ft. vs 12,500 sq. ft.)**

The required lot size for a duplex is 12,500 sq. ft as can be seen in section (9) (8) (e), the proposed lot size is 10,306 sq. ft. The Authority should consider discussing the request for a variance.

**2.22 JAVIER MEDINA (Abernethy & Associated Ltd.) Block 59A Parcel 323 (P24-0230) (\$4,043 (EJ)**

Application to modify planning permission of an approved subdivision to reduce the number of lots from 3 to 2.

**FACTS**

<i>Location</i>	Lariat Road in Frank Sound
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	NA
<i>Parcel size proposed</i>	0.7138 ac. (31,093 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant

**BACKGROUND**

August 29, 2023 (**admin approve**) - Permission granted for a three-lot subdivision (P23-0537).

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

- 1) ROW vs Road Parcel.

**AGENCY COMMENTS (Section 7 DPA)**

The Authority received comments from the Department of Environment.

**Department of Environment (July 24, 2023)**

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

*The application site mainly consists of man-modified habitat with low ecological value. There are wetlands located in Lot 2 and Lot 3. Inland wetlands in urban areas are valuable, counteracting the greatly increased rate and volume of surface-water runoff from areas of*

*hardstanding and buildings. Trees, root mats, and other wetland vegetation also slow the speed and distribution of stormwater. This combined water storage and braking action lowers flood heights and reduces erosion. In addition, inland wetlands improve water quality by filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants. The Department of Environment strongly recommends that if filling occurs in the parcel as part of this application, it should be limited to the proposed road lot (Lot 3).*

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

- 1. There shall be no filling of Lots 1 and 2 without planning permission for such works being granted.*

### **APPLICANT'S LETTER**

*We are asking the CPA for a modification of Planning permission for the design of the subdivision to a 2-lot residential subdivision labeled 23247APP2 with a shared driveway as well as a removal of conditions 1, 2b, and 2d. This is a family subdivision and after getting quotes for the construction of the road, the cost would be too unaffordable to the family. Please see the cover letter from the applicant and his quote for the construction of the road.*

*Thank you for your consideration and please do not hesitate to contact me if you have any questions or require additional information.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

Modification to reduce from three-lots to two-lots, the proposed is located on Lariat Road in Frank Sound North Side.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) Right-of-ways vs road parcel**

On August 29, 2023 administrative approval was granted for a three-lot subdivision which included a road parcel that serve the other two lots. Conditions of approval were included requiring the road to be constructed and a piped water line to be installed. Now the applicant is seeking a modification to reduce to two-lots by eliminating the road parcel. The result will be two flag shaped lots served by reciprocal 15' right-of ways. The



Authority needs to determine if the right-of-way proposal is acceptable or if there should be a road parcel.

**2.23 JEHROME ESLUZAR (AMR Consulting Engineers) Block 33C Parcel 31 (P23-1093) (\$120,000) (NP)**

Application for a communications tower

**FACTS**

<i>Location</i>	Rum Point Drive, North Side
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No objectors
<i>Current use</i>	Parking & Tennis Court

**BACKGROUND**

There are two existing tennis courts and a cabana on site, but there is no record of their approval.

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

- 1) Proposed tower height (130')

**AGENCY COMMENTS**

The Authority received comments received from the DOE, Fire Department and OfReg.

**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). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.*

***Site Overview***

*The application site is man-modified with regrowth.*

***Advice for the Applicant***

*Retaining native vegetation in a predominately man-modified area can still provide benefits for 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; and*
- *Reduce carbon emissions by leaving the habitat to act as a carbon sink through avoiding its destruction and allowing natural processes to occur which assist with the removal of carbon dioxide in the atmosphere the amount of greenhouse gas emissions.*

*Therefore, as part of best practice, it is recommended that the applicant only clears and fills the development footprint and retains the remaining vegetation outside the development footprint. For the avoidance of doubt, this includes the development, the proposed gravel access road and the proposed chain-link fence in line with the Building Research Establishment (BRE) definition.*

*It is noted from the plans that the proposed 12ft wide access road is gravel. The DoE is encouraged to see the use of a porous material which will assist with site drainage. The road is also not overly wide for its purpose.*

*Advice for the Central Planning Authority/Planning Department*

*We have no further specific environmental concerns for the Central Planning Authority and Planning Department.*

### **Fire Department**

*The Fire Department has no objection to the proposal.*

### **Of Reg**

*Of Reg has no comments.*

### **Civil Aviation Authority**

*Comments not yet received.*

### **MRCU**

*Comments not yet received.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject parcel is located on Rum Point Drive in North Side, very close to the eastern limits of Cayman Kai.

The property contains two tennis courts and a cabana. The courts are partially overgrown and do not appear to be maintained.

The applicant is seeking planning permission for a 130 foot high Logic Tower in the southwest corner of the property.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

**1) Proposed tower height**

The proposed structure is not reliant upon guys and Regulation 8(4)(b) would not apply.

The Authority should consider whether a 130 foot high communications tower is suitable in this area of North Side.

**2.24 LAURA ROBINSON (JMP Construction) Block 4E Parcel 231 (P24-0228) (\$20,000) (JS)**

Application to convert a garage to a man cave & office.

**FACTS**

<i>Location</i>	Townhall Road/Bushs Street in West Bay
<i>Zoning</i>	<b>High Density Residential</b>
<i>Parcel size required</i>	10,000 sq. ft.
<i>Parcel size proposed</i>	26,136 sq. ft.
<i>Current use</i>	House
<i>Proposed use</i>	House

**BACKGROUND**

October 11, 2005 (P05-0908) – approval granted for a house

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

- 1) Floor plan design and potential use

**PLANNING DEPARTMENT ANALYSIS**

**General**

The subject parcel is located on Townhall Road in West Bay.

The application is for the modification of a garage to change the internal layout to a man cave and home office.

**Zoning**

The property is zoned High Density Residential.

**Specific Issues**

**1) Floor plan design and potential use**

The conversion of the garage to a man cave and office could possibly result in later conversion to another unit. The Authority should consider the proposed design.

**2.25 DONALD LOYD (Caribbean Home Planners) Block 27C Parcel 242 (P23-1067 & P23-1068) (\$54,000) (EJ)**

Application for a dock & storage shed.

**FACTS**

<i>Location</i>	Hazel Street, North Sound Estates
<i>Zoning</i>	<b>LDR</b>
<i>Parcel size proposed</i>	0.2296 ac. (10,001 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	120 sq. ft.
<i>Total building site coverage</i>	1.20%

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

- 1) Lack of primary development on site

**AGENCY COMMENTS**

The Authority received comments from the Department of Environment.

**Department of Environment (January 24, 2024)**

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

***Site Overview***

*The application site is man-modified with some mangroves along the canal boundary based on the aerial imagery.*



*Figure 1: Aerial imagery showing the application site outlined in red (Image Source: Lands and Survey, 2023)*

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

*Mangroves are Part 2 Schedule 1 protected species under the National Conservation Act (2013) with an adopted Mangrove Conservation Plan (2020). Mangroves provide a nursery habitat for fish and other marine life and are vital in helping to maintain good water quality. Both mangroves and other canal side vegetation provide a natural buffer that helps to intercept surface water that may run off the land into the canal.*

*It is an offence to remove mangroves unless permission is explicitly sought to remove them either through a coastal works permit, planning permission, or a National Conservation Council Section 20 Permit. The site plans show that existing mangroves are to be retained on either side of the proposed dock, which we support.*

*With guidance, mangroves can be trimmed to give vistas without causing severe injury to or killing mangroves. Should the applicant wish to trim the mangroves to give a view of the canal, it must be done in accordance with the Department of Environment's Mangrove Trimming Guidelines ([www.doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/](http://www.doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/)).*

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

*It is noted from the plans that there is also a proposed 40 ft longshore parallel dock and deck shown on the plans in addition to storage shed.*

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

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

1. *If the construction of the proposed development 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.*
2. *All construction materials shall be stockpiled at a minimum of 20 feet from the canal edge to reduce the possibility of run-off washing material and debris into the canal causing turbidity and impacting water quality.*
3. *The dock construction area shall be fully enclosed with silt screens with a 4-foot minimum skirt depth to contain any sedimentation or debris arising from the construction of the dock. The silt screens shall remain in place until the water contained inside the screens has cleared to the same appearance as the water outside of the screens.*
4. *The dock shall have a minimum dock height of 4 feet and the installation of dock decking shall have a minimum of ½ inch spacing between decking boards to allow light penetration to occur to support marine life under the dock.*

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

*In regards to the storage shed I wish to build on Hazel Street North Sound Estate Block 27C Parcel 242 it is to use for storage of gardening equipment and tools.*

#### **PLANNING DEPARTMENT ANALYSIS**

##### **General**

The proposed 120 sq. ft. storage shed and 40' wide dock is located on Hazel Street in North Sound Estates.

##### **Zoning**

The property is zoned Low Density Residential.

##### **Specific Issues**

###### **1) Lack of primary development on site**

Currently there is no development on site and no application has been submitted for the primary development of the site, i.e. a house. The Authority needs to determine if the storage shed and dock are an acceptable use of the site at this time.

#### **2.26 CAYMAN PROPERTY INVESTMENTS LTD. (MJM Design Studio) Block 5B Parcel 151 (P24-0155) (\$10,000) (MW)**

Application for an illuminated sign (97 sq. ft.)

## **FACTS**

<i>Location</i>	West Bay Rd., West Bay
<i>Zoning</i>	<b>Neighborhood Commercial</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.2733 ac. (11,904.948 sq. ft.)
<i>Current use</i>	Approved apartments under construction
<i>Proposed sign size</i>	97 sq. ft.

## **BACKGROUND**

September 29, 2021 – Three story apartment building with amenities (CPA/20/21; Item 2.1) – the application was considered and it was resolved to grant planning permission.

February 13, 2024 – Modify planning permission to revise the site plan to reflect the final size of the sewage treatment plant & required garbage enclosure, add roof top storage and modify unit floor layout & pool deck (CPA/05/24; Item 2.18) – the application was considered and it was resolved to grant planning permission.

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

- 1) Compliance to sign guidelines.

## **AGENCY COMMENTS (Section 7 DPA)**

The Authority received comments from the Department of Environment.

### **Department of Environment ( 5-April-2024)**

*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 subject parcel is man-modified, having received approval for an apartment complex in September, 2021 (CPA/20/21; Item 2.1). The site is located within a Historic Overlay Zone and is close to a Marine Reserve, a Marine Protected Area (refer to Figure 1). The beach in this area supports turtle nesting. On the basis that the building will prevent the lighting from being visible from the beach and from indirectly illuminating the beach, mitigation measures for turtles are not required. It should be considered whether the backlit sign is in keeping with the intended purpose of the designated Historic Overlay Zone.*



Figure 1. The location of the subject parcel (in blue) within the limits of the Historic Overlay Zone and the Marine Protected Area (green) (Aerial Imagery Source: UKHO, 2021).

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for an illuminated sign; 97 sq. ft to be located on West Bay Rd., West Bay.

### **Zoning**

The property is zoned Neighbourhood Commercial.

### **Specific Issues**

#### **1) Compliance to Sign Guidelines**

The applicant is proposing (1) 97 sq. ft. illuminated sign attached to the northern façade of the existing approved development. The proposed illuminated sign will be 94” in height with a width of 150” and fabricated with 3” aluminium reverse illuminated channel letters, the proposed lettering will vary in height from 5 ½” to 5’-5” respectively.

The Department refers to Section 5.2 of the Sign Guidelines 2014:

b. Commercial Buildings (Single Tenant) – The total area of all fascia and window signs applied to any given façade shall not exceed 10% of the building façade, which includes window and door area.

DOE makes reference to the historic overlay zone, but the apartments have already been granted approval and the current application is simply for a building identifier sign. The



provisions of the historic overlay would not be applicable. These DOE comments represent yet another example of the DOE's inability to keep within their remit.

**2.27 BUTTONWOOD PARTNERS LTD. (Kariba Architecture) Block 20E Parcel 87 (P23-0967) (\$4,200) (NP)**

Application for a sign

**FACTS**

<i>Location</i>	Linford Pierson Highway
<i>Zoning</i>	Low Density Residential
<i>Proposed use</i>	Sign
<i>Sign Area</i>	84 sq ft

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

- 1) Size of sign

**PLANNING DEPARTMENT ANALYSIS**

**General**

The proposed sign would be located along the Linford Pierson Highway in Georgetown at the subdivision road that leads to the new Island Elementary school.

The size of the proposed sign is 84 square feet and would read "Buttonwood Park".

**Zoning**

The property is zoned Low Density Residential.

**Specific Issue**

**1) Size of Sign**

Section 5.1(b) of the Sign Guidelines state that the maximum area of a subdivision sign shall be 32 square feet.

The size of the proposed sign is 84 square feet.

The Authority should discuss the area of the proposed sign.

**2.28 NATIONAL HOUSING DEVELOPMENT TRUST (Whittaker & Watler) Block 72B Parcel 200 (P23-0827) (\$130,800) (KM)**

Application for a house.

## **FACTS**

<i>Location</i>	Marvelle McLaughlin Drive, East End
<i>Zoning</i>	MDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.1351 ac. (5,884.96 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1,090 sq. ft.
<i>Total building site coverage</i>	18.52%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

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

- 1) Side setback variance (12.2' vs 20')

## **AGENCY COMMENTS**

The authority received comments from the Department of Environment.

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

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

*As seen in Figures 1 and 2, the site is man-modified but the western half of the parcel contains primary habitat, namely dry shrubland and dry woodland. Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.*



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

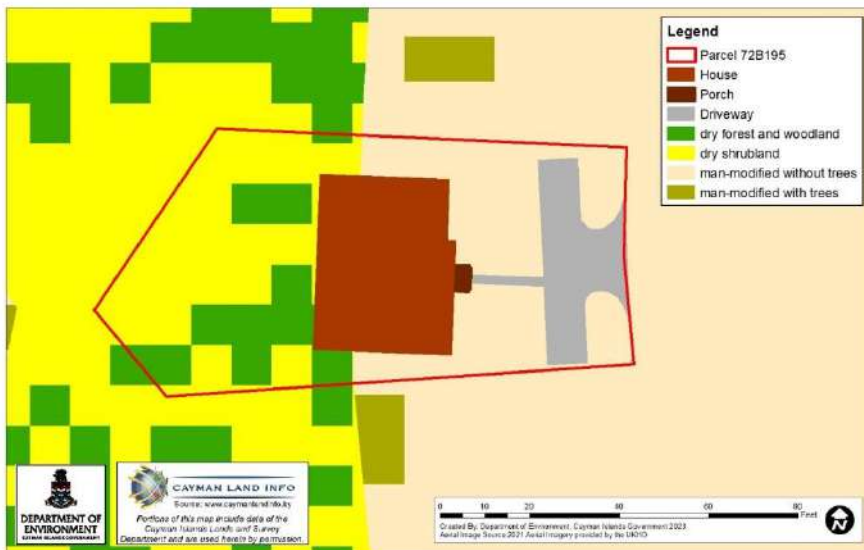


Figure 2. The application site with the parcel boundary highlighted in red and the different types of vegetation found on the site (Aerial Imagery Source: UKHO, 2021 & Vegetation Data Source: DoE, 2013).

*As seen in Figure 2, the applicant should retain as much native vegetation as possible and incorporate it into the landscaping scheme, particularly in the backyard area of the proposed house as it contains primary habitat. Primary habitat and native vegetation can be retained and used in a variety of ways on a property:*

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

*The DoE notes that the applicant intends to use concrete for the proposed driveway and parking. We encourage the applicant to use a more permeable material to help with on-site drainage and reduce the likelihood of surface water flooding.*

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

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

*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.*

**APPLICANT'S LETTER**

*On behalf of my client, I would like to request a side setback variance. The house will be over the left setback line by 7'-8". There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The proposed two-bedroom house is located on Marvelle McLaughlin Drive in East End.

**Zoning**

The property is zoned Medium Density Residential.

**Specific Issues**

**1) Side setback**

The proposed is 12.2' vs 20' from the left side boundary; therefore, the applicant is seeking a setback variance from the Authority. The proposed meets all other planning regulations and have notified the adjacent parcels and the Department is not in receipt of any objections.

**2.29 EMMA CASSIDY & MICHAEL CHARLTON (Design (Cayman)Ltd.) Block 61A Parcel 115 (P24-0128) (\$2.1million) (JS)**

Application for house with detached garage, cabana and swimming pool.

**FACTS**

<i>Location</i>	Queens Highway in East End
<i>Zoning</i>	<b>Low Density Residential (with Scenic Coastline overlay)</b>
<i>Parcel size required</i>	10,000 sq. ft.
<i>Parcel size proposed</i>	26,571 sq. ft.
<i>Site coverage allowed</i>	30 %

<i>Proposed site coverage</i>	14.79 %
<i>Current use</i>	Vacant
<i>Proposed use</i>	House

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

- 1) DOE's Section 41(3) recommendations

### **AGENCY COMMENTS (Section 7 DPA)**

The Authority received comments 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). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.*

#### **Site Overview**

*The application site consists of primary coastal shrubland habitat and is located on designated Scenic Coastline which has been identified as being of high landscape or scenic value and form an attractive feature of the Island scenic coastline. There is also a private right of way located in the northern section of the parcel parallel to the coast.*

#### **Advice to Applicant**

*Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.*

*The applicant should retain as much native vegetation as possible and incorporate it into the landscaping scheme. This could be done by limiting clearing to only the development footprint. For the avoidance of doubt, the development footprint includes buildings, structures, hardscape, parking areas etc. Primary habitat and native vegetation can be retained and used in a variety of ways on a property:*

- *It can be retained along parcel boundaries and between buildings to serve as privacy, noise and sound buffers, and screening.*

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

*The applicant could consider using porous or permeable paved surfaces in areas of hardstanding such as the driveway.*

#### ***Advice to Central Planning Authority***

*Given that the site is located on a Designated Scenic Coastline, The Development Plan requires the CPA “to ensure that the open character of scenic coastline land is preserved.” Therefore, no heavy machinery should operate on the ironshore and the ironshore should be conserved in its natural state especially since the development exceeds the minimum required 50 ft coastal setback on ironshore coastlines.*

*Best management practices also should be adhered to during construction to reduce impacts on the environment and the canal, including impacts to water quality. Materials should be stockpiled away from the canal’s edge to avoid run-off into the canal. 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.*

**Section 41(3) Recommendations**

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

- 1. All construction materials shall be stockpiled at a minimum of 50 feet from the Mean High Water Mark (ironshore edge) to reduce the possibility of run-off washing material and debris into the marine environment causing turbidity and impacting water quality.*
- 2. If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent marine environment.*
- 3. Heavy equipment shall not operate on the ironshore within 50 feet from the Mean High Water Mark and the ironshore shall be conserved in its natural state.*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The subject parcel is located on Queens Highway in East End

The application is for a two storey house with detached garage, cabana, LPG and swimming pool.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

As the application complies with all relevant provisions of the Regulations, the Authority should consider the DOE's 41(3) recommendation.

**2.30 TARON JACKMAN (Huckleberry Design Studio) Block 27C Parcel 695 (P24-0178) (\$75,000) (EJ)**

Application for gazebo and 4-ft fence.



## **FACTS**

<i>Location</i>	Royal Palm Drive, Savannah
<i>Zoning</i>	<b>LDR</b>
<i>Parcel size proposed</i>	0.3665 ac. (15,964 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Dock
<i>Proposed building size</i>	260 sq. ft.
<i>Total building site coverage</i>	1.63%

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

- 1) Lack of primary development on site

## **AGENCY COMMENTS**

The Authority received comments from the Department of Environment.

### **Department of Environment (April 17, 2024)**

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

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

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

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

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed 260 sq. ft. gazebo and 4' concrete post/timber and chain-link fence located on Royal Palm Drive, Savannah.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Lack of primary development on site**

The applicant is seeking permission for a 260 sq. ft. gazebo, a 4-ft concrete column/gate and timber fence at the front boundary and a 4-ft chain-link fence on each side extend to the canal along with an electrical meter; the site has no main structure other than a dock which was administratively approve on March 7, 2023.

#### **2.31 PARAKLETOS LTD. (CG Associates) Block 27D Parcel 514 (P24-0105) (\$20,000) (NP)**

Application for a generator.

### **FACTS**

<i>Location</i>	East of North Sound Estates
<i>Zoning</i>	<b>Agricultural/Residential</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	2.419 acres
<i>Parcel size required</i>	CPA Discretion

### **BACKGROUND**

Various approvals under the former Block and Parcel 31A 27 including a duplex and a change of use from the duplex to a health care facility on August 4, 2021 (CPA/16/21; item 2.13)

**Recommendation:** Grant planning permission.

**AGENCY COMMENTS**

The Authority received comments from DEH and Of Reg are noted below.

**Department of Environmental Health**

*DEH has no objections to the proposed generator. However, secondary containment is required. Conditional approval is given with the understanding that secondary containment must be identified on the drawing.*

**Of Reg**

*Ensure the generator is at a minimum of 5ft from any habitable building and boundary line. Mounted on a concrete base. if in an area where there is likely to be vehicular traffic, bollards must be installed to protect the generator. Generator's tank capacity is 142 USG*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The subject property is located east of North sound Estates.

The proposal is for a generator to service a medical office.

The proposed generator satisfies all applicable setbacks.

**Zoning**

The property is zoned Agricultural/Residential.

**2.32 VICTOR LOOK LOY (Dwayne Construction) Block 14D Parcel 424 (P24-0249) (\$40,000) (NP)**

Application for change of use from office to medical office.

**FACTS**

<i>Location</i>	Windward Centre, Smith Road
<i>Zoning</i>	<b>Neighbourhood Commercial</b>
<i>Office size</i>	930 sq. ft.
<i>Current use</i>	Office
<i>Proposed use</i>	Medical Office

**Recommendation:** Grant Planning Permission.

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject application is for a 930 square foot change of use at the Windward Centre on Smith Road.

The present use of the premises is as an office.

The proposed use of the space is as an expansion to the existing medical office.

There are no concerns with the proposed change of use to a physio business.

### **Zoning**

The property is zoned Neighbourhood Commercial.

## **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

FRAZER

**Popovich, Nicholas**

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**From:** Brittany Balli [REDACTED]  
**Sent:** Sunday, February 18, 2024 1:58 PM  
**To:** Popovich, Nicholas  
**Cc:** Aaron Hunt  
**Subject:** [EXTERNAL] Denial Letter for project P24-0066

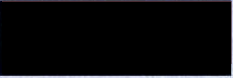
To Whom it May Concern,

We are the owners of block 37A parcel 100, address [REDACTED]. We received notice that there are plans to build a 15 unit condo development adjacent to our current home, also known as P24-0066. We want to reject this development as it does not appeal to many home owners in this area. In this area of Northward there are no other developments like this in our area, which mean this would be the first development like this in our area. Many of us moved to this area because it was single family homes and allowing a development like this would change the entire dynamic of the area and would take away the reason we all moved here in the first place. This current area and neighborhood is very quiet and peaceful. There aren't many cars that come to this area, which means less traffic, noise pollution, and a feeling of comfort that we are safe to walk the roads with our children and pets. If this development goes in it would take away all of the above reasons of why we moved and purchased homes in this area. There will be more noise pollution, cars, and traffic in the mornings. We already have to wait 20 min or more just to get out of the neighborhood in the mornings. Adding up to 15-28 cars would cause even more traffic wait times and frustrations to the people in this community in the mornings. Having single family homes means the neighbors are able to get to know one another better. If condos are put up, many of these will most likely be rentals and the neighbors in rentals would not have the same closeness as those of people who buy and live in single family homes. There is also issue of the wildlife living on this plot of land. There are Cayman parrots and Whistling ducks that nest in this plot of land. Also the endangered snake species the *Tropidophis caymanensis* also called the Cayman Dwarf Boa lives on this plot of land. There are also endangered plants such as the *Aegiphila caymanensis* and the Cayman Sage on this land. We do not want a 15 unit

condo development being built at all but before any development can be done on this land has a proper environmental impact assessment been done on this area by the department of environment, saying how development of any kind will affect these endangered species of the Cayman Islands. We can say with certainty that we do not want a development like this built anywhere near our area and want it to stay the quiet and peaceful single family home neighborhood that it has always been.

Thank you,

Brittany Balli and Aaron Hunt



## Popovich, Nicholas

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**From:** Vanessa Ebanks [REDACTED]  
**Sent:** Tuesday, February 20, 2024 7:43 AM  
**To:** Popovich, Nicholas  
**Cc:** Hylton Grace  
**Subject:** [EXTERNAL] Objection letter to project P24-0066

Department of Planning

To Whom it May Concern,

We are the home owners of block 37A parcel: 101, [REDACTED] and we received notice that there are plans to build a 15 unit condo development adjacent to our current home. We want to object to this development as it does not appeal to us and other home owners in this area. We moved from west bay to northward 6 years ago because it was single family homes neighborhood and allowing a development like this would change the entire dynamic of the area and would take away the reason we moved here in the first place. This current area and neighborhood is very quiet and peaceful. There aren't many cars that come to this area, which means less traffic, noise pollution, and a feeling of comfort that we are safe to walk the roads with our children and pets. If this development goes in it would take away all of the above reasons of why we moved and purchased homes in this area. There will be more noise pollution, cars, and traffic in the mornings. We already have to wait 20 min or more just to get out of the neighborhood in the mornings. Adding up to 15-28 cars would cause even more traffic wait times and frustrations to the people in this community in the mornings. Having single family homes means the neighbors are able to get to know one another better. There is also issue of the wildlife living on this plot of land. There are Cayman parrots and Whistling ducks that nest in this plot of land. Also the endangered snake species the Tropicophis caymanensis also called the Cayman Dwarf Boa lives on this plot of land. There are also endangered plants such as the Aegiphila caymanensis and the Cayman Sage on this land. We do not want a 15 unit condo development being built at all but before any development can be done on this land has a proper environmental impact assessment been done on this area by the department of environment, saying how development of any kind will affect these endangered species of the Cayman Islands. We can say with certainty that we do not want a development like this built anywhere near our area and want it to stay the quiet and peaceful single family home neighborhood that it has always been. Thank you.

Kind regards,  
Hylton & Vanessa Grace

[REDACTED]



Michael Moncrieffe [REDACTED]  
[REDACTED]

Grand Cayman KY1-1007  
Cayman Islands

February 13, 2024

Director of the Planning Department  
Box 113, Government Administration  
Grand Cayman KY 1-9000  
133 Elgin Ave. George Town

**Objection to planning application P24-0066 Howard Frazer (15 one bedroom units) Block 37A Parcel 47**

Dear Director of planning,

I am writing to express my strong objection to the proposed construction of 15 apartments in our quiet neighborhood. As a long-time resident of this community, I am deeply concerned about the potential negative impact that such a development would have on our peaceful environment.

Our neighborhood has always been known for its tranquil atmosphere, clean air, and sense of community. The addition of 15 apartments would undoubtedly lead to increased noise levels, traffic congestion, and a significant change in the character of our neighborhood. Furthermore, the infrastructure of the area may not be equipped to handle the increased demand on utilities and services that would come with the construction of such a large residential complex.

In addition to the environmental and infrastructural concerns, the proposed construction could also lead to the prospect of overcrowding and the loss of privacy.

I urge you to reconsider the decision to move forward with this development and to take into account the concerns of the residents who will be directly affected by this project.

I hope that you will give our objections the serious consideration they deserve and work with us to find a resolution that preserves the unique character of our neighborhood.

Thank you for your attention to this matter.

Kind regards,

Michael Moncrieffe

## Popovich, Nicholas

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**From:** J. Balli <[REDACTED]>  
**Sent:** Thursday, February 29, 2024 11:44 AM  
**To:** Popovich, Nicholas  
**Subject:** [EXTERNAL] Denial letter for Project P24-0066

Attn: Grand Cayman Department of Planning  
Re: Planning Development Project #P24-0066

To Whom it May Concern:

I am a property owner of Block 37A parcel 100, physical address: [REDACTED]. We received notice that there are plans to build a 15 unit condo development adjacent to our current home at the corner of Northward Rd. and Regina Ave., known as Project P24-0066. We want to register a formal objection to reject/deny this development as it does not appeal to many home owners in this area. In this area of Northward, there are no other such developments like this, which means this would be the first development of its kind in our area.

Many of us moved to this area because it was single family homes and allowing a development like this would change the entire dynamic of the area and would take away the reason we all moved here in the first place. This current area and neighborhood is very quiet and peaceful. There aren't many cars that come to this area, which means less traffic, noise pollution, and a feeling of comfort and safety to walk the roads with our children and pets. If this development goes in, it would take away all of the above reasons of why we moved and purchased homes in this area.

In addition, there will be more noise pollution, cars, and traffic in the mornings. We already have to wait 20 minutes or more just to get out of the neighborhood in the mornings to reach the main road of Shamrock. Adding up to 15-28 cars would cause even more traffic wait times and frustrations to the people in this community in the mornings.

Having single family homes means the neighbors are able to get to know one another better. If condos are put up, many of these will most likely be rentals and the neighbors in rentals would not have the same closeness and feeling of community as those people who buy and live in single family homes.

There is also issue of the wildlife living on this plot of land. There are Cayman Parrots and Whistling Ducks that nest in this plot of land. Also the endangered snake species, the Tropicodphis Caymanensis also called the Cayman Dwarf Boa, lives on this plot of land. There are also endangered plants such as the Aegiphila Caymanensis and the Cayman Sage on this land. Development of this land would be devastating to these animal and plant species.

We do not want a 15 unit condo development being built at all but before any development can be done on this land, has a proper environmental impact assessment been done on this area by the Department of Environment, saying how development of any kind will affect these endangered species of the Cayman Islands?

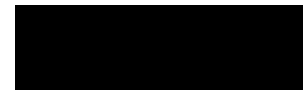
We can say with certainty that we do NOT want a development like this built anywhere near our area and want it to stay the quiet and peaceful single family home neighborhood that it has always been.

Please take these serious issues into consideration to not allow a condo development in this area. Thank you for your time and attention to this urgent matter.

Respectfully,

Janice Balli

## Appendix B



Via OPS

20<sup>th</sup> December 2023

Dear Board Members,

We are seeking Planning approval for a proposed mixed-use commercial and residential development on Block and Parcel No. 22E446, zoned Neighborhood Commercial (NC). The proposed development consists of nine (9) commercial units and twenty-eight (28) residential units.

It is our contention the proposed development provides commercial premises which 'cater principally for the needs of persons resident in, or in the vicinity' as intended in Regulation 13(1)(b).

**FACTS**

Block 22E Parcel 446 spans 0.9185 acres in the Grand Harbour commercial area. To the South-East is Hurley’s roundabout. On the East, the proposed development neighbours Harbour Walk. On the South side, opposite of the road, are the Harbour Shoppes. The proposed development is also adjacent to the Skatepark on the West and Periwinkle to the North.

The ground floor consists mainly of parking, save for the front façade that boasts a grand staircase and one (1) commercial unit. The second storey has commercial units exclusively, and the third floor consists of residential units, therefore, the proposal is in accordance with Regulation 13(9).

*13 (9) In a Neighbourhood Commercial zone or a Marine Commercial zone, residential development is permissible if the development is not on the ground floor of the building.*

<b>Ground Floor</b>	One (1) commercial unit, food & beverage	667 sq. ft.
<b>Second Floor</b>	Eight (8) commercial units, mix of office, retail and/or food & beverage	11,572 sq. ft.
<b>Third Floor</b>	28 residential units – total of 30 bedrooms Residence amenities	xx sq. ft. 2713 sq. ft.
<b>Roof</b>	Leisure/recreational facilities include raised pool deck and pool, private residential rooftop terraces, landscaping, and services.	

**HEIGHT OF DEVELOPMENT**

The proposed development consists of three (3) storeys with the roof deck finished floor slab reaching the forty (40) feet threshold in accordance with Regulation 13(7)(a).

While the raised pool deck and pool as well as the rooftop safety railings reach up to 48’, these items would be exempt from the 40-feet height restriction, failing which this minor variance should be granted in accordance with Regulation 8(13)(b).

The rooftop is proposed as a focal area for outdoor leisure activities for residents only. A swimming pool with deck is included which requires a pool equipment room. Moreover, the pool serves as a water cistern for the development. Other similar ancillary mechanical appurtenances are also installed on the rooftop, which are exempt from the height restrictions as per Regulation 8(4).

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

Furthermore, we note that the adjacent development, Harbour Walk, was permitted a building height reaching up to approximately 48' for top of pool equipment room and 52'7" above grade for demountable shade structures (CPA/12/19/2.2). In offering a similar rooftop environment and elevated pool, the proposed development's character is consistent with the character of the surrounding area. Yet, the proposed development remains below the overall height of the neighbouring Harbour Walk development.

The glass safety railings for the private rooftop terraces of the residential units should be exempt too as they ought to be deemed a "parapet wall or structure of a like nature" as per Regulation 8(4).

Considering the above, we are of the opinion that the proposed development meets the height requirements of NC zoning in accordance with Regulation 13(7)(a).

#### **SITE COVERAGE**

We seek a variance for the site coverage. The proposed development has a site coverage of 77.69% as opposed to the maximum site coverage of 75% permissible under Regulation 13(11). However, the grant of this variance aligns with the principles of Regulation 8(13)(b) insofar that:

- i. the characteristics of the proposed development are consistent with the character of the surrounding area;
- ii. unusual terrain characteristics limit the site's development potential;
- 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; and

The development potential of the proposed site is challenging given, among other factors, the existing 30-foot easement that runs through the parcel from North to South. Since the site coverage calculation in NC zones includes parking areas, driveways and service areas, the presence of the 30-foot right of way increases the site coverage of the proposed development.

We also note that the neighbouring Harbour Walk development was granted a variance on the site coverage (CPA/12/19/2.2). While Harbour Walk's site coverage was almost 92%, the proposed development has a site coverage of 77.69%. As with Harbour Walk, the proposed development seeks to address the imbalance with stronger landscaping in the interior of the building. Large scale palm trees on the interior of the building, planters on the grand staircase, landscaped green walls, the creation of internal courtyards, patios and terraces filled with green, and landscaped rooftop gardens all propose innovative solutions to the imbalance and correct the site coverage ratio when evaluated holistically.

#### **RESIDENTIAL DENSITY**

The permitted residential density in a NC zone is as per CPA discretion and we understand the surrounding area is considered to inform density thresholds for new development. The proposed development aims to achieve twenty-six (26) one-bedroom units and two (2) two-bedroom units, for a total of 30 bedrooms. Medium density (MDR) zoning allows for 30 bedrooms per acre. With an area close to one (1) acre, the proposed development seeks approval for thirty (30) bedrooms. We are of the view the proposed development density aligns with the surrounding areas.

The developments in the immediate vicinity include Harbour Walk, Arvia and Periwinkle. Harbour Walk was granted approval for 92 bedrooms, which meets the MDR regulations. Arvia was granted approval for 224 bedrooms over 7.28 acres, equating to slightly above the MDR zoning (CPA/17/18/2.1). More surprising however is that despite the NC zoning, this development was permitted to build residential components exclusively, with no commercial component in any capacity. Similar concessions were also granted to Periwinkle in allowing a multi-family residential development in a NC zone (CPA/03/17/2.3) while allowing a MDR density.

## **PARKING CALCULATIONS**

The proposed development aims to provide a state-of-the-art parking system, incorporating the latest technologies and the highest standards. To that end, the proposed development incorporates two-level mechanical parking on the ground floor and features on-site 24/7 valet service to all patrons. The proposed development offers 119 vehicular parking stalls and 6 motorcycle/scooter parking stalls. It also incorporates 25 bicycle parking spaces in furtherance of its commitment to sustainable development. The parking ratios also meet the required accessible parking and E.V. parking requirements for the development.

We understand from past applications before the CPA there is an openness and willingness to incorporate innovative solutions within developments. Specifically, the CPA has approved mechanical parking / lift parking (CPA/03/23/2.1). In incorporating mechanical parking and on-site 24/7 valet service, the proposed development is consistent with Section 1.3 of The Development Plan 1997 in that the proposed mechanical parking will ensure there is adequate parking for the commercial and residential uses of the site which will eliminate the potential for overflow parking onto adjacent roads and nearby properties thus improving this commercial area in Grand Harbour. Moreover, the proposed screening of the parking areas on the north and east sides of the site will provide a standard of design, construction and landscaping that is reflective of the local architectural heritage of this area. To aid member’s consideration of this feature Appendix 1 contains additional information relating to the specifications, operability, and maintenance.

While the commercial mix of the proposed development is yet to be determined, and to the extent that the commercial use of the different units impacts the parking requirement for a given development, identified below are two (2) possible scenarios.

<b>Scenario 1</b>			<b>Scenario 2</b>		
<b><i>Residential Parking</i></b>			<b><i>Residential Parking</i></b>		
<b>Number of Units</b>		<b>Req. Parking</b>	<b>Number of Units</b>		<b>Req. Parking</b>
<b>28</b>		<b>42</b> (28 x 1.5)	<b>28</b>		<b>42</b> (28 x 1.5)
<b><i>Commercial Parking</i></b>			<b><i>Commercial Parking</i></b>		
<b><u>Ground Floor</u></b>	<b>Sq. Ft.</b>	<b>Req. Parking</b>	<b><u>Ground Floor</u></b>	<b>Sq. Ft.</b>	<b>Req. Parking</b>
<b>F&amp;B Unit 0-01</b>	667	3.3	<b>F&amp;B Unit 0-01</b>	667	3.3
<b><u>Second Floor</u></b>	<b>Sq. Ft.</b>	<b>Req. Parking</b>	<b><u>Second Floor</u></b>	<b>Sq. Ft.</b>	<b>Req. Parking</b>
<b>F&amp;B Unit 1-01</b>	1937	9.7	<b>F&amp;B Unit 1-01</b>	1937	9.7
<b>F&amp;B Unit 1-02</b>	1248	6.2	<b>F&amp;B Unit 1-02</b>	1248	6.2
<b>F&amp;B Unit 1-03</b>	2228	11.1	<b>F&amp;B Unit 1-03</b>	2228	11.1
<b>F&amp;B Unit 1-04</b>	1184	5.9	<b>F&amp;B Unit 1-04</b>	1184	5.9
<b>F&amp;B Unit 1-05</b>	484	2.4	<b>F&amp;B Unit 1-05</b>	484	2.4
<b>F&amp;B Unit 1-06</b>	1055	5.3	<b>Retail Unit 1-06</b>	1055	3.5
<b>F&amp;B Unit 1-07</b>	3433	17.2	<b>Office Unit 1-07</b>	3433	11.4
<b>Office Unit 1-08</b>	4273	14.2	<b>Office Unit 1-08</b>	4273	14.2
<b>Total Commercial Parking Req.</b>		<b>75.3</b>	<b>Total Commercial Parking Req.</b>		<b>67.7</b>
<b>Total Residential Parking Req.</b>		<b>42</b>	<b>Total Residential Parking Req.</b>		<b>42</b>

<b>Grand Total Parking Required</b>	<b>117.3</b>	<b>Grand Total Parking Required</b>	<b>109.7</b>
<b>Parking Proposed</b>	<b>119 Regular 6 Motorcycle 25 Bicycle</b>	<b>Parking Proposed</b>	<b>119 Regular 6 Motorcycle 25 Bicycle</b>

Despite the absence of detail on prospective commercial tenants, it is safe to conclude the proposed development meets the parking requirements based on the potential or anticipated commercial uses of the tenable units.

Nevertheless, the proposed development presents opportunities for shared parking scenarios, which ease the need for higher parking ratios. A shared parking strategy will leverage the office spaces during off-peak hours, aligning with restaurant and bar usage patterns. Accordingly, we estimate that anywhere from 14 to 30 parking stalls can be utilized as part of the shared parking strategy from the office spaces.

Similarly, it is worth noting the proposed development encompasses 26 one-bedroom units of the total 28 units. While a parking ratio of 1.5 stalls per unit has been respected, it is unlikely that a typical one-bedroom unit will occupy such space. Moreover, the proposed development's inclusion of 25 cycle parking promotes sustainable transport, especially for the condo residents who will be seamlessly integrated with shopping, dining, entertainment and natural features within the proposed development and surrounding community. The proposed development's modelling therefore suggests that an additional 13 parking stalls would be made available as shared parking spaces from the residential allocation, for a total of 27 to 43 parking spaces that can be leveraged as part of the shared parking strategy.

**DEH & WASTE REMOVAL**

The proposed development seeks an exemption from the DEH for its waste collection services. Unfortunately, due to the challenging nature of the site, the proposed development cannot meet the DEH site requirements for the solid waste facility. Therefore, it is proposed to instead opt for third-party private services to ensure timely and responsible waste collection at the site.

Island Waste Carriers (IWC) has reviewed the proposed development and the site plan. Following its analysis, IWC is committed to service the proposed development for all waste collection needs. A proposed waste disposal plan from IWC is included in Appendix 2.

**NATIONAL ROADS AUTHORITY (NRA)**

NRA found the anticipated volume of traffic to be generated by the proposed development on 'Edgewater Way will easily be mitigated by the additional physical capacity of the road network' which is gazetted with planned improvements set for completion in 2025.

Despite the acceptability of the development upon the road network, NRA surprisingly disapproved the plans citing DEH considerations, which have been discussed above. In an effort to engage in dialogue with the NRA to understand their specific concerns have been made, but, unfortunately, the attempt has been overlooked and consequently no update can be provided.

Members are invited to note Square One is accessed off a private road parcel, not a public road. Therefore, the relevance of the NRA's review regarding refuse vehicle access to the site's garbage enclosure is debatable. As members are aware NRA's primary responsibility is to assess the impact of proposed developments on the public road network. Furthermore, typically, DEH is responsible for evaluating aspects such as manoeuvrability, height clearances, and angle of approaches for garbage enclosures. Therefore, for the purposes of considering anticipated traffic generation and the impact on the public road network members are invited to note no objection has been raised by NRA.

## **FIRE ACCESS**

The proposed development has adequate road access from at least three (3) sides of the building. On the West side, there is a 24' driveway extending the full length of the proposed development. Similarly, the front-facing road on the South side provides clear access. And finally, a 23' driveway on the East side of the lot also provides emergency access to the proposed development. While this roadway sits within the neighbouring parcel, at Harbour Walk, there is no fence or other obstruction that would impede on the fire access requirements. The Fire Department stamped approved the site plan.

## **WATER AUTHORITY (WAC)**

The existing wastewater infrastructure below the proposed site is intended to be relocated. The necessary procedures have already been undertaken and the WAC has provided its consent and approval for such relocation. As such, the proposed development does not interfere with any underground infrastructure, and access to all wastewater infrastructure is maintained. The Water Authority approved the submitted plans.

## **CLOSING REMARKS**

The proposed mixed-use commercial and residential development brings value to the Grand Harbour area. Despite the challenges of the site, the proposed development aligns with the Regulations and the ethos of Neighbourhood Commercial developments with only minor variances sought. In granting planning permission to this application, the Board will not only enhance the value of the Grand Harbour commercial area, but also allow for an iconic building and new landmark on the island which serves as a novel hub of living, shopping, working and playing for the community at large.

Sincerely,

Best regards



**Jess Peacey MRTPI AssocRICS**

Principal Planner

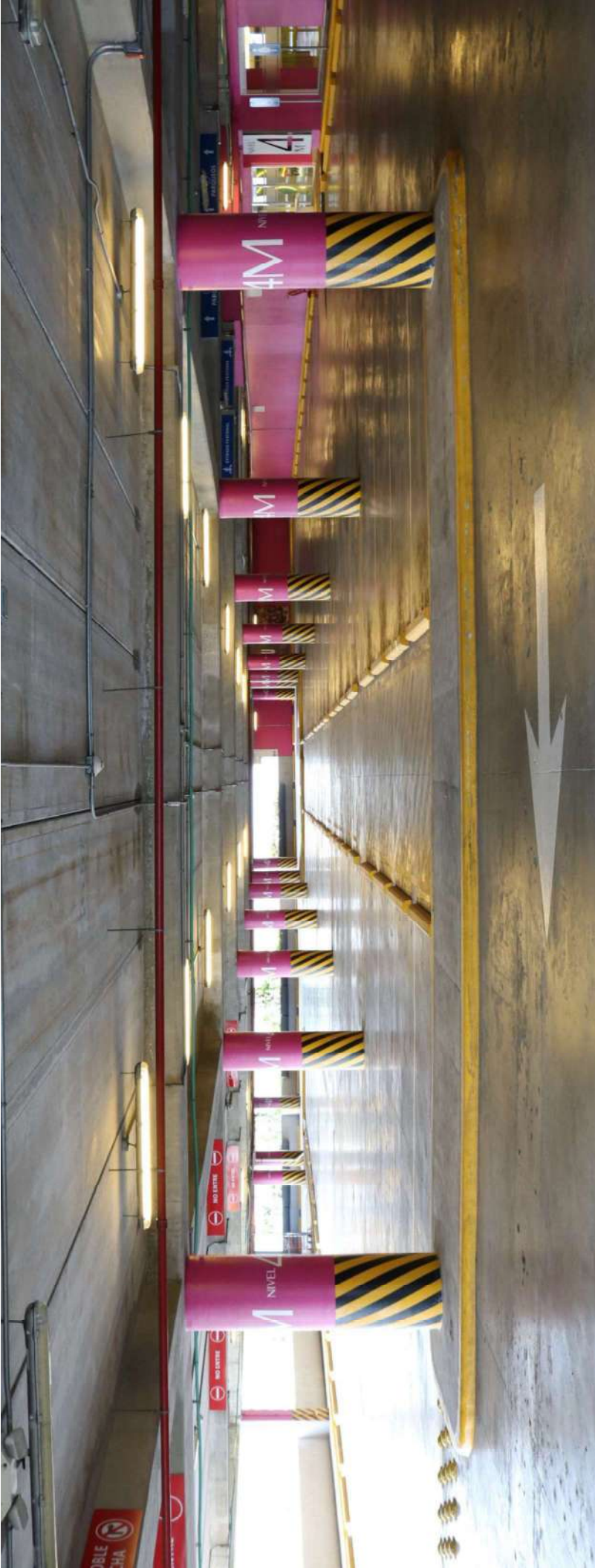
Professional Planning & Development Services (PPDS) Cayman Ltd



# Appendix 1

## Appendix 2

# Appendix 1



# Parking Management System

SQUARE ONE, GRAND CAYMAN

# Table of Contents

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1. What is a Parking Management System
2. Benefits of a Parking Management System
3. Main Components of a Parking Management System
4. Common Mechanical Parking Systems
5. Square One's Parking Area and PMS



# What is a Parking Management System (PMS)?





A Parking Management System (PMS) is a comprehensive solution that employs a combination of components to efficiently manage and monitor parking areas.

# SQUARE ONE'S Parking Management System (PMS)

*Innovative, yet practical.*

Square One's parking management system (PMS) optimizes parking spaces, manages the influx of cars, and ensures the safety of both cars and people.

Its 24/7 valet service further elevates the user experience for residents, commercial tenants and its employees, as well as visitors and customers.





# Benefits of a Parking Management System

2

# Benefits of a PMS

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Implementing a parking management solution offers numerous advantages for both parking operators and users. Some key benefits include:



Enhanced Efficiency



Better User Experience



Increased Security



Reduced Environmental Impact

# Enhanced Efficiency

BENEFITS OF A PMS

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Speeding up traffic flow



Quickly finding vacant spots



Minimizing search time and  
congestion



Facilitating smooth traffic flow

# Better User Experience

BENEFITS OF A PMS

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Makes finding parking  
effortless



Reduces frustration



Improves overall satisfaction



Quicker access to the  
destination

# Increased Security

BENEFITS OF A PMS

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Enhanced security for  
employees



Deterrence against criminal  
activities



Monitoring of vehicles  
entering and exiting the  
premises



Greater sense of security  
fosters a more engaged  
customer-base

# Main Components of a PMS

3

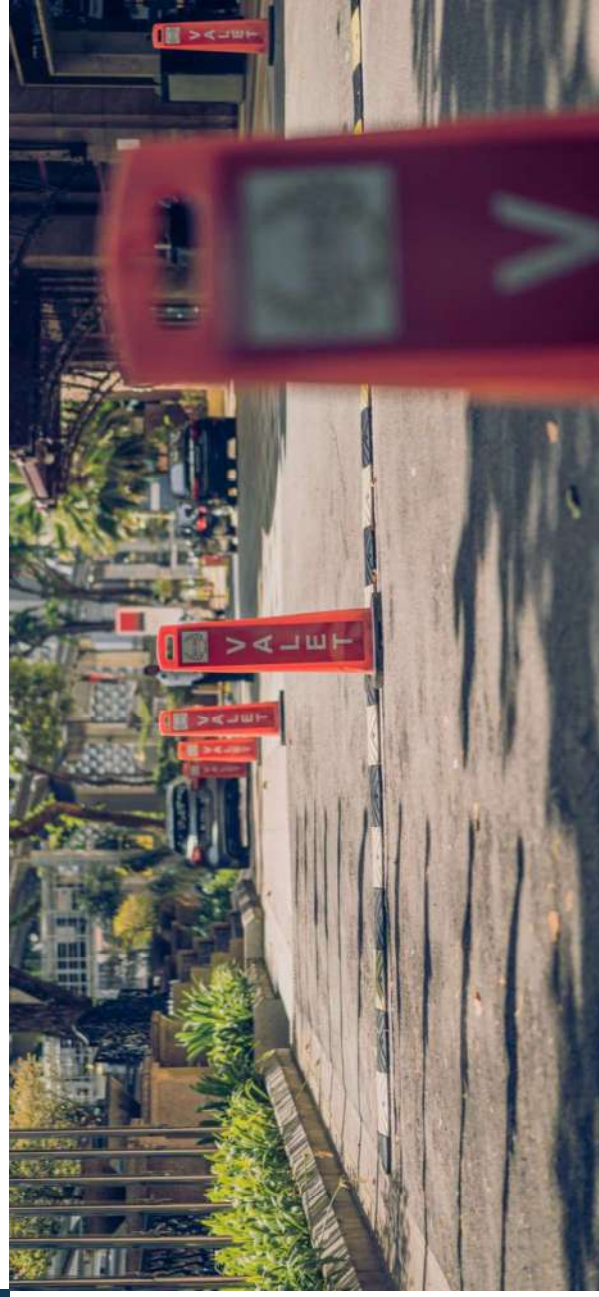
# Valet Service

## User Assistance

Having a valet on-site can provide assistance to users who may be unfamiliar with the system, ensuring a smoother and more comfortable experience, particularly for first-time users.

## Parking Optimization

An experienced valet can optimize the use of the available space within the system, ensuring that vehicles are parked efficiently and maximizing the system's capacity.





# Security & Surveillance

Security and surveillance include surveillance cameras, intercom systems, and access control devices to ensure the security of the parking area and deter any potential criminal activities.

Moreover, an attendant can enhance security by monitoring the parking area and ensuring that only authorized users access the system. They can also respond to emergencies or incidents promptly.





# Mechanical Parking Systems

Mechanical parking systems offer several benefits for mixed-use developments. They can be designed to fit various layouts, accommodating the specific needs of the development. As technology advances, these systems can be upgraded or adapted more easily than traditional parking structures. These systems typically require less space than traditional parking structures, allowing developments to dedicate more space for other, more purposeful uses that enhance the very mixed-use developments they serve.

Mechanical parking systems offer a great convenience to users as well. Users often find mechanical parking systems more convenient as they eliminate the need to search for parking spaces manually, leading to quicker access to their destinations.



# Common Mechanical Parking Systems





1 Independently Stacked

2 Puzzle Parking System

3 Carousel Parking System

4 Shuttle Parking System

5 Tower Parking System



# Mechanical Parking Systems

# Independently Stacked

## Common Mechanical Parking Systems

An independent stacked system, also known as a two-post mechanical parking system, is a type of automated parking system designed to maximize the efficient use of vertical space in parking facilities. This system is characterized by two vertical posts or columns that lift and lower individual vehicles independently to park them on multiple levels.

It utilizes vertical space efficiently, and allows for users to retrieve their cars relatively quickly since each vehicle is accessible independently.

It is the simplest mechanical parking system and one in which requires minimal maintenance as two-post systems generally have fewer moving parts.

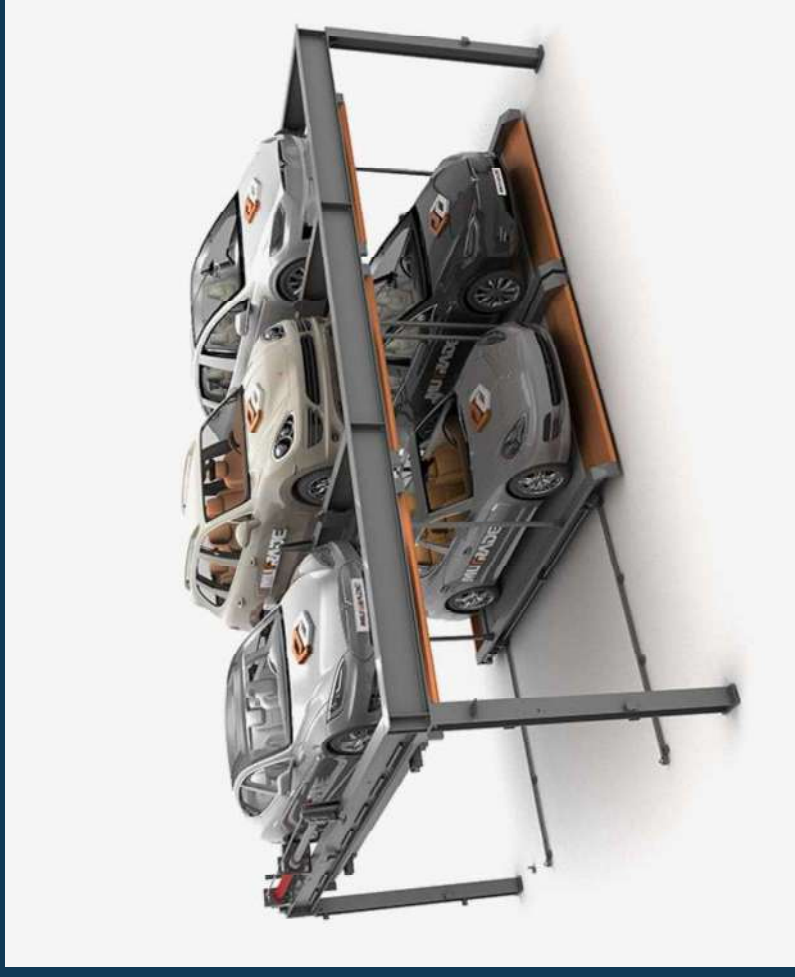


# Puzzle Parking System

## Common Mechanical Parking Systems

Puzzle parking systems are automated horizontal or vertical systems that move cars to a parking space automatically, similar to a puzzle. They often involve multiple rows of cars that can shuffle around multiple platforms that act as individual parking spots for vehicles. The retrieval of a vehicle is dependent on the rotation of other cars within the puzzle parking configuration.

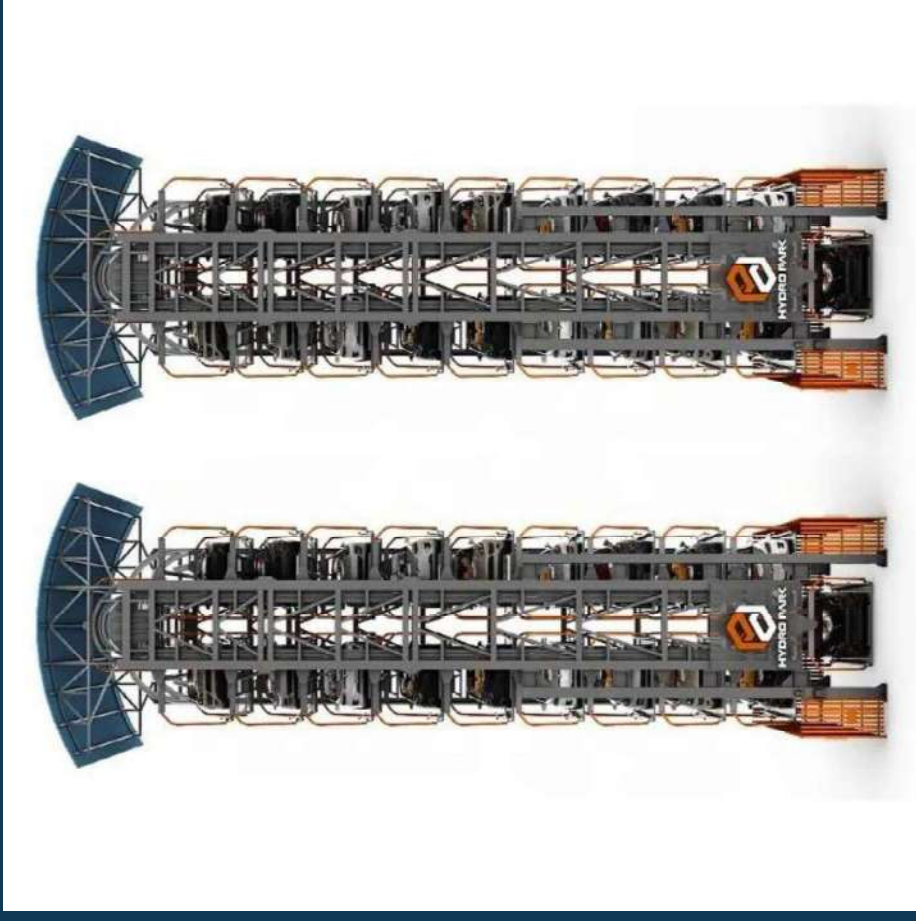
Puzzle parking systems can accommodate a large number of cars in a compact space and make use of odd-shaped spaces or tight corners effectively. They provide fully automated access to parking spaces, reducing the need for human intervention.



# Carousel Parking

## Common Mechanical Parking Systems

A carousel parking system, also known as a rotary system, are circular structures with multiple levels that rotate to bring cars to a designated exit point. Although most commonly seen vertically, these systems can also be incorporated in a horizontal manner.



# Shuttle Parking

## Common Mechanical Parking Systems

Shuttle systems use robotic shuttles to transport cars to and from parking spaces. The shuttles move horizontally and vertically within a structure to position the cars. This system proposes a fully-automated intelligent parking that can handle a large number of cars and adapts to various building shapes and sizes.

The shuttle parking, also known as intelligent or smart parking, is a fully-automated system that operates much like robotic valet parking. The driver drives the car into a transfer area. When driver and passengers have exited the car and left the transfer area, the mechanical system lifts the car and transports it to a pre-determined parking space in the system. More sophisticated systems will obtain the dimensions of cars on entry in order to place them in the smallest available parking space.



# Tower Parking System

## Common Mechanical Parking Systems

Tower parking systems are vertical structures with rotating platforms that store and retrieve cars. They can be cylindrical or rectangular. They utilize vertical space efficiently and are suitable for constrained sites.

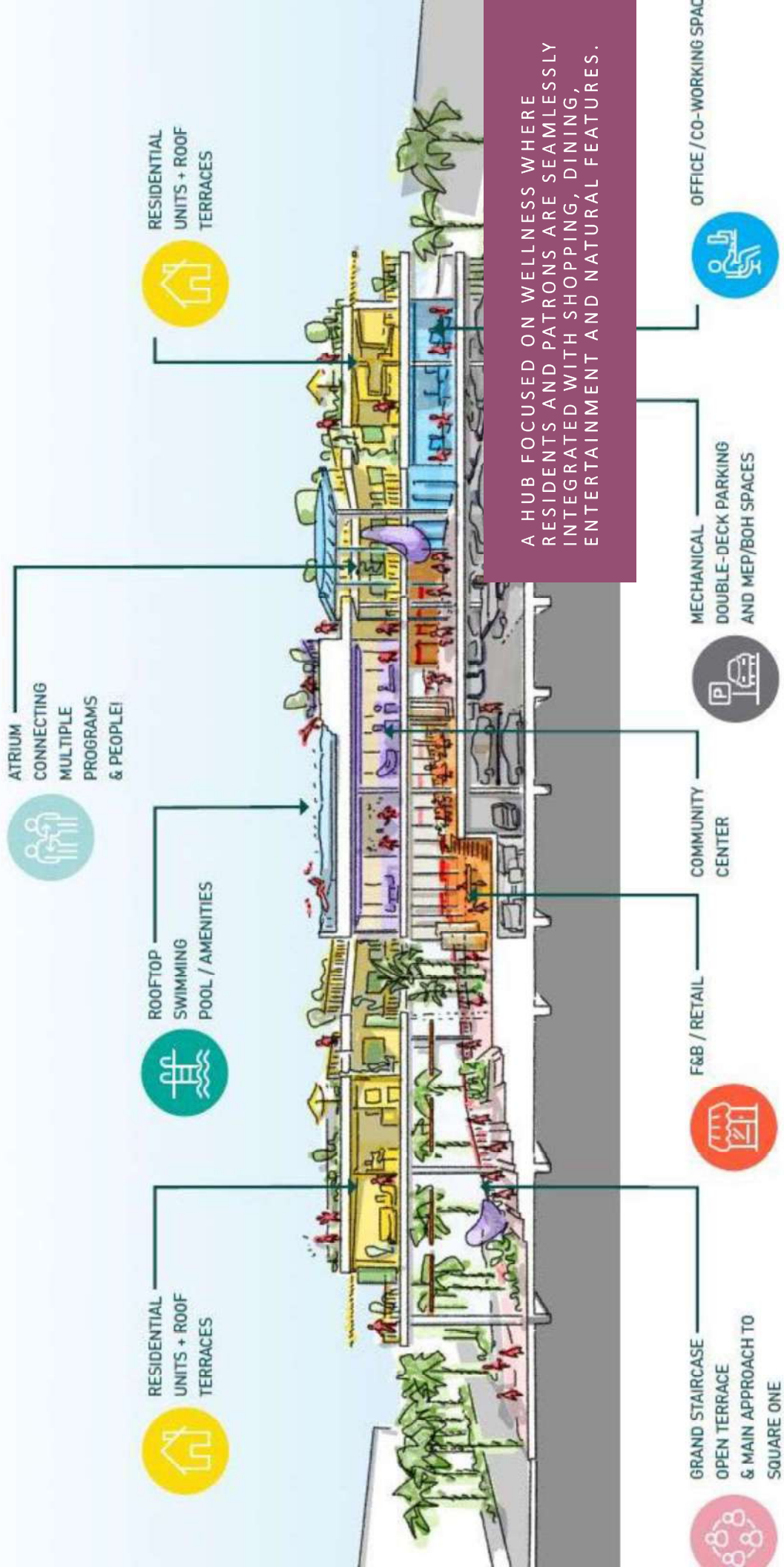
The automated tower lifter performs the operation of lifting & stacking cars systematically in available slots. Once the driver carefully parks the vehicle on the lifter, the system lifts and parks it in an empty slot or a pallet at the click of a button. The retrieval process for the vehicles is in reverse sequence of the above.



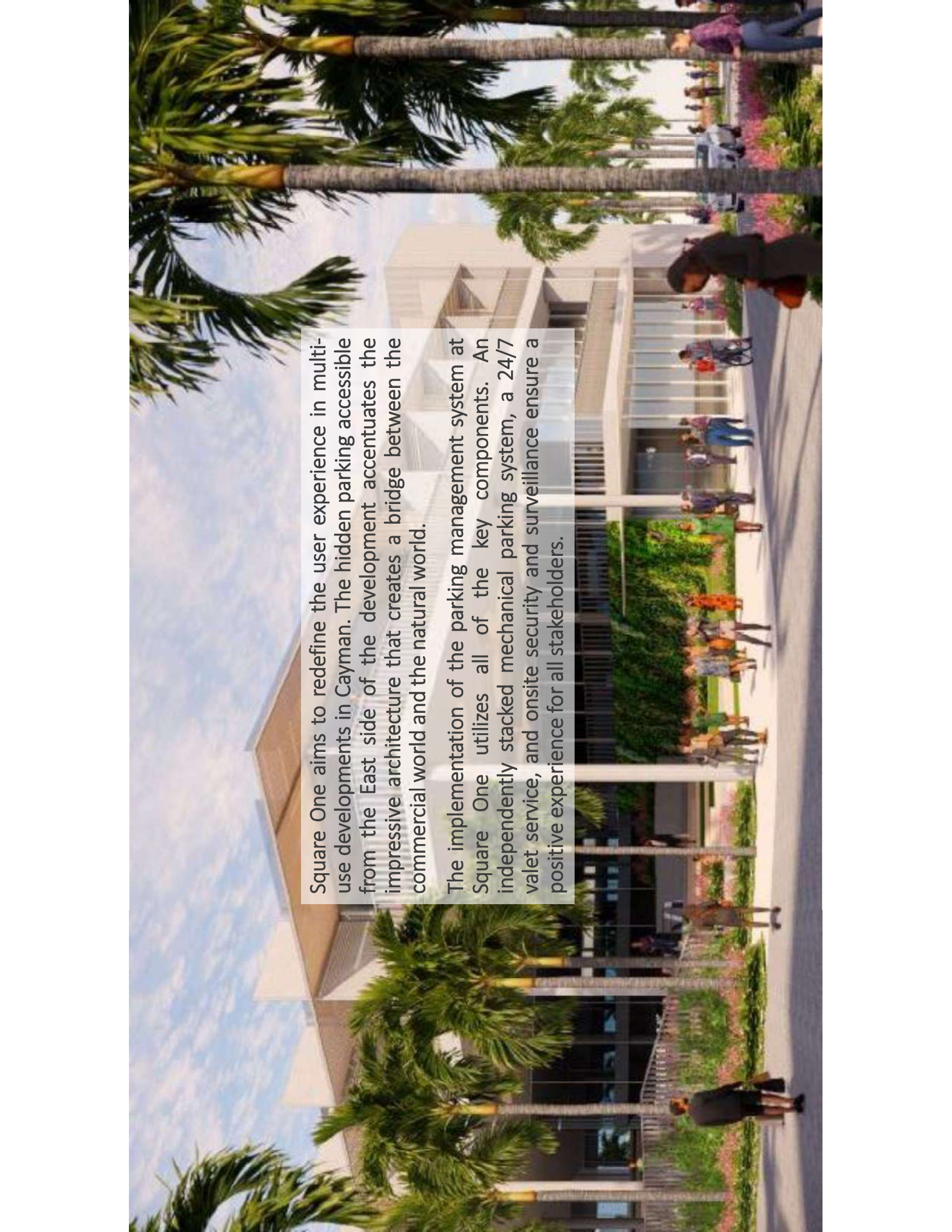


# Square One's Parking Area and PMS

5



A HUB FOCUSED ON WELLNESS WHERE RESIDENTS AND PATRONS ARE SEAMLESSLY INTEGRATED WITH SHOPPING, DINING, ENTERTAINMENT AND NATURAL FEATURES.

An architectural rendering of a modern, multi-story building with a light-colored facade and large glass windows. The building is surrounded by lush landscaping, including numerous tall palm trees and colorful flowers. In the foreground, a paved walkway is populated with several people, some walking and some standing, suggesting a vibrant, pedestrian-friendly environment. The sky is a clear, bright blue.

Square One aims to redefine the user experience in multi-use developments in Cayman. The hidden parking accessible from the East side of the development accentuates the impressive architecture that creates a bridge between the commercial world and the natural world.

The implementation of the parking management system at Square One utilizes all of the key components. An independently stacked mechanical parking system, a 24/7 valet service, and onsite security and surveillance ensure a positive experience for all stakeholders.



# Tuck-Under Parking – Independent Stacked System

# Parking Area

- 119 Vehicle Parking Spaces
- 6 Motorcycle / Scooter Parking Spaces
- 25 Bicycle Parking Spaces
- 2 E.V. Parking Spaces
- 5 Accessible/Disable Parking Spaces
- Double-deck Independently Stacked Mechanical Parking System
- 65 Ground-level Vehicle Parking Spaces
- 54 Double-deck Mechanical Parking Spaces
- 24 Feet Wide Driveway as per NRA Standards
- 22 Feet Wide Circulation Roadways as per NRA



Double-deck  
Independently Stacked  
Mechanical Parking  
System Design Inspiration



# Independent Stacked System

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Each parking space is essentially a separate platform that can be independently raised and lowered. This means that vehicles on different levels can be parked or retrieved simultaneously.

The operation of a two-post mechanical parking system is relatively straightforward. Users drive their cars onto a platform, and the attendant may lift the platform and the car to the second level.

Two-post systems typically have fewer moving parts compared to more complex mechanical parking systems, which can lead to lower maintenance requirements and reduced downtime.

Users can access their vehicles independently, eliminating the need to move other cars to retrieve a parked vehicle. This can lead to faster and more convenient access to parked cars.

These systems typically incorporate safety features such as sensors, barriers, and emergency stop buttons to ensure the safety of users and their vehicles during operation.



# Q&A on the Mechanical Parking

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## - Can the mechanical parking system be used for SUV or large vehicles?

Yes, the system accommodates all types and sizes of vehicles on either level. Two SUVs can be parked one above the other.

## - Can the system function in the event of a power failure?

Yes, the site is equipped with a generator to ensure continuous service of its parking system.

## - How long does it take to lift or lower a vehicle?

Raising a car takes 49 to 57 seconds, and 42 to 48 seconds to come down.

## - Is the operation of the system quiet?

Yes, the system is quiet, producing fewer decibels than a typical elevator.

## - Is the system adaptive to the Cayman environment?

Yes, the system is designed to operate between +40°F to +122°F and the structure is designed with anti-corrosion properties for 140+ years when exposed to elements.



## 24/7 Valet Service

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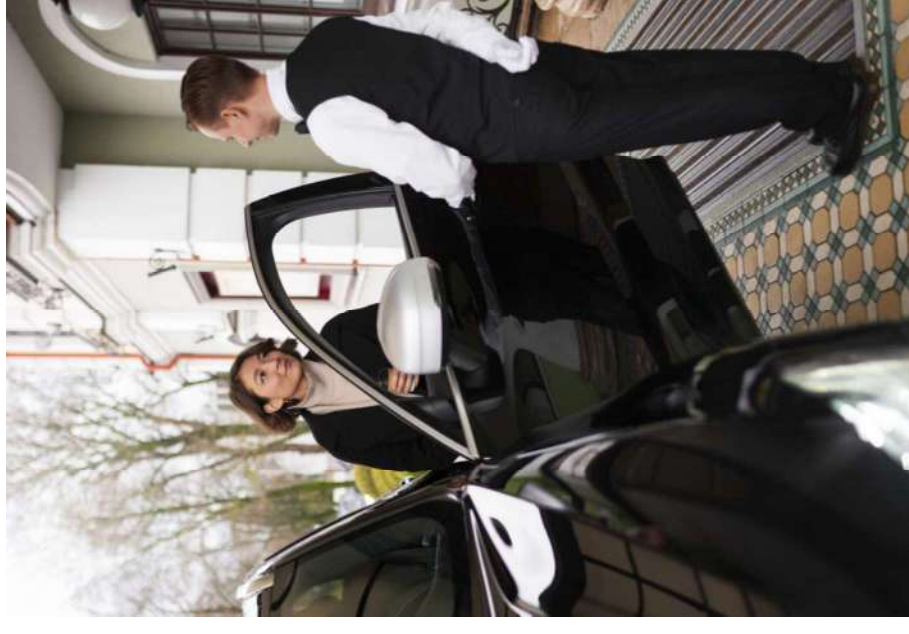
Having a valet on-site can provide assistance to users who may be unfamiliar with the system, ensuring a smoother and more comfortable experience, particularly for first-time users.

A valet can provide a high level of customer service, including helping users with luggage, groceries, or other items they are transporting to and from their vehicles.

An attendant can enhance security by monitoring the parking area and ensuring that only authorized users access the system. They can also respond to emergencies or incidents promptly.

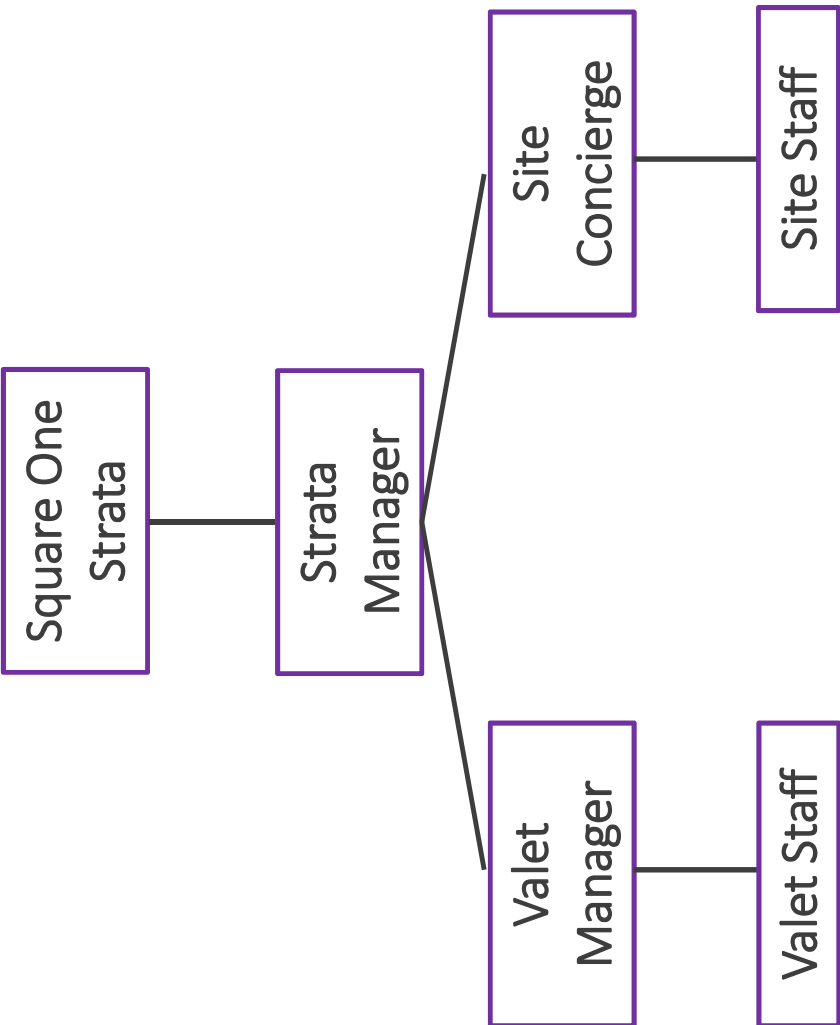
A valet can help identify and report any issues with the system, ensuring that maintenance and repairs are carried out promptly to minimize downtime.

A valet can optimize the use of the available space within the system, ensuring that vehicles are parked efficiently and maximizing the system's capacity.



# Operational Structure

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See you there!

## MORE PARKING IN LESS SPACE



## DOUBLE STACKER

A simple solution to immediately double your parking capacity.

Our **Double Stacker** is designed for fast and easy installation. This model is capable of parking SUVs on the ground and upper platform, and can handle up to 7,000lbs. Operation is done manually by an individual hydraulic power unit, or a master power unit supply, capable of operating up to 25 lifts at one time.

### We Listen. We Respond. We Deliver.

**Parkmatic** designs, manufactures, services, and installs automated and mechanical parking systems. This technology is designed to combat the growing problem of efficiently managing automobiles in areas where congestion, zoning, and crime are problems, and land is scarce and expensive.

## FEATURES AND BENEFITS



### ENVIRONMENTALLY FRIENDLY

Less pollution, no exhaust fumes driving up and down aisles and ramps looking for a spot.



### LOWER CONSTRUCTION COSTS

Less excavation costs and reduced floor slabs.



### LAND SAVINGS

Automated parking systems use 30-70% less land than needed versus a conventional garage.



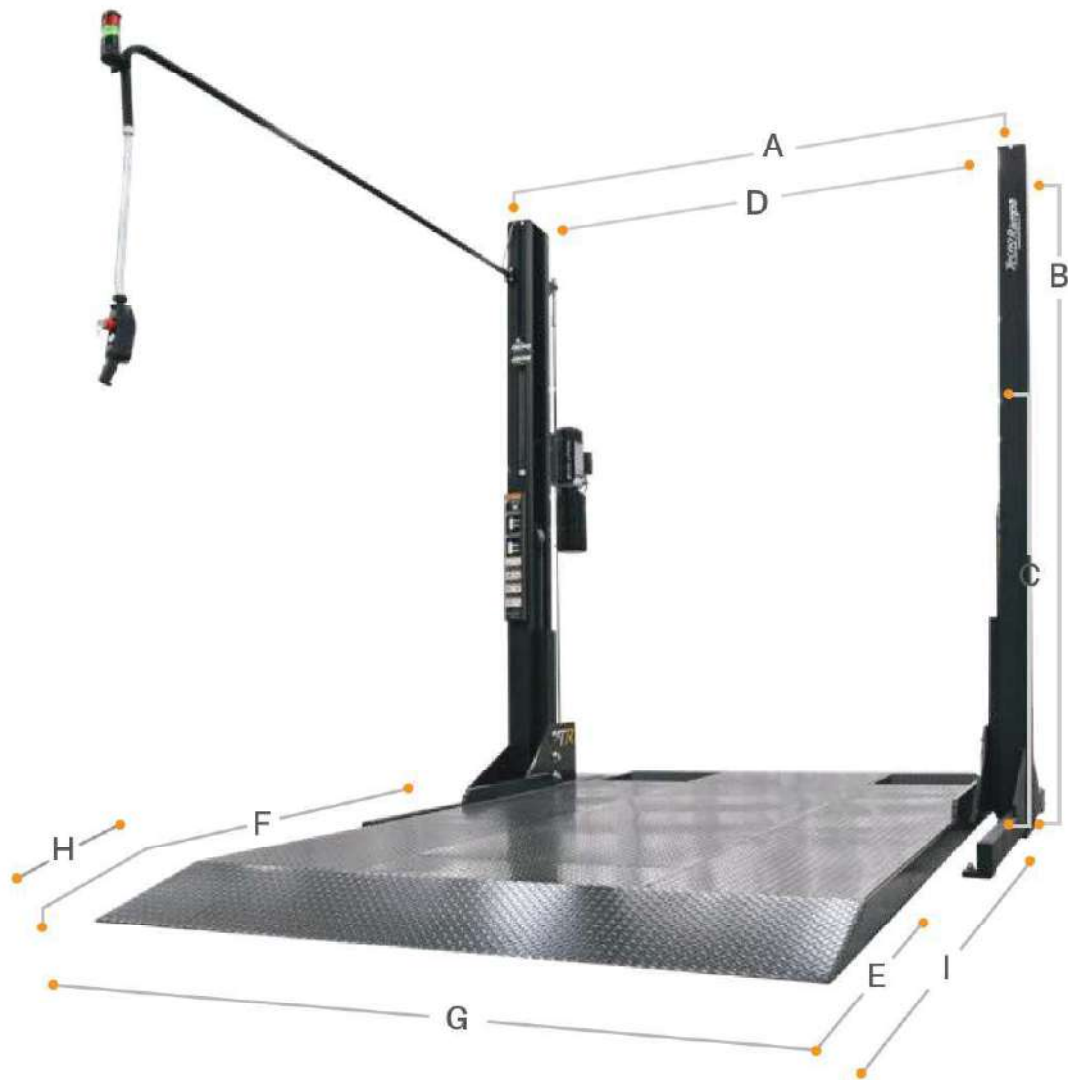
### LOW MAINTENANCE

Operation costs are low and requires less energy to run, usually ~1kw per cycle time.

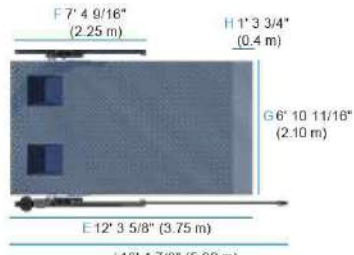


### INCREASED RENTABLE AREAS

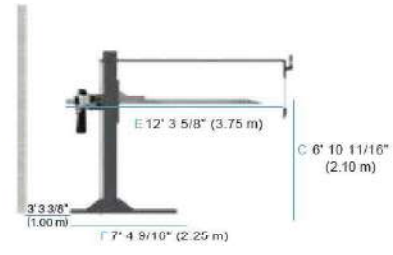
Gain back real estate for rentable areas or other amenities by only using half the space.



FRONT VIEW



TOP VIEW



SIDE VIEW

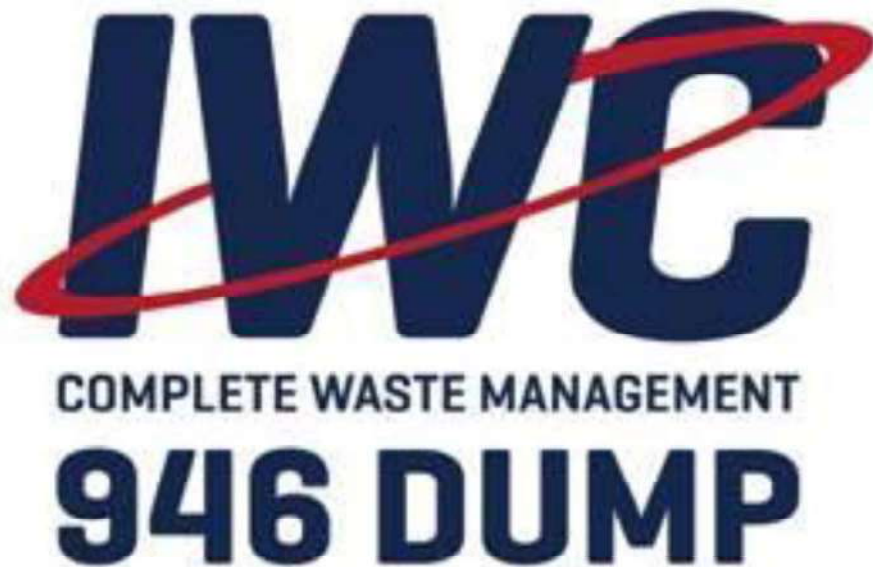


### Car Storage Facility | New Jersey Port

422 Double Stackers

As new cars are brought in from overseas, they are stored here at a New Jersey port until they are delivered to the dealerships. Parkmatic provided 422 Double Stackers, giving them 844 parking spaces.

## Appendix 2



## **Square One – Solid Waste Disposal Plan**

Provided by: **Island Waste Carriers Ltd.**

December 16, 2023

**This document contains confidential information. It is disclosed to you for informational purposes only. Its content shall remain the property of Island Waste Carriers Ltd. (IWC) and shall be returned to Island Waste Carriers Ltd. when requested.**

### Recommendation and Overview

The Development is going to be sought after property and must have a top-quality personalized waste disposal service to ensure that the property aesthetics are maintained. The client will need flexible service times so as not to disrupt residence and business activities.

Island Waste Carriers Ltd (IWC) have reviewed the client's site plan and looked at access and egress to the property along with efficiency for service. We recommend our (Mini Raer load Garbage Truck) with 3 – 2 Cubic yard plastic bins on wheels to service their waste enclosure on site plan. We are confident that we can service this site safely and efficiently from the proposed drawings. Please see images and information below.

### IWC Miniature Garbage Truck with Bin Lift system:





## Operating Equipment



## Service Plan

IWC will use a light duty garbage truck accompanied by 3- 2 cubic yard plastic specialized containers with locking lids. This will allow easy access and maneuvering capabilities on the property. All Containers will be equipped with drainage ports for washing and sanitation purposes. Operationally, the driver will pull up at a safe distance from the waste enclosure entrance for loading. The driver will wheel each container out to the truck where he has room and will lift and dispose of the contents of the bin into the truck. The space on the drawing attached allows for truck maneuvering and sufficient bin storage. The drawing also illustrates ease of access for our miniature truck considering height restrictions and room to safely wheel bins in and out. Please also see below a service location example (Mini warehouse 2) where we service an enclosure below a covered area. **(See appendix 1)** We recommend the property be serviced on a 3 day a week basis which will eliminate any odor or rodent problems. In addition to this we recommend our 3-step mobile wash and sanitization on your enclosures see below wash and sanitization plan.

## Personnel Plan

Island Waste Carriers Ltd. is fully staffed with well trained and experienced team of Administrators, Drivers, and Maintenance crew. Our team that handles overseeing the operation will ensure top-quality service.



Our Team are all OSHA safety trained and certified and will be properly uniformed in branded shirts, pants, caps, steel toe boots with reflective/safety gear.

### **General Information:**

1. Hours of Operation are 5 am to 4 pm Monday to Saturday. Emergency call out on Sundays as necessary.
2. Public Liability Insurance to protect our clients.
3. Workmen's Compensation and Medical Insurance for all staff.
4. Comprehensive insurance coverage on all Trucks and equipment which exist already.
5. Daily washing of truck/trucks used at service location.
6. Uniformed Men equipped with reflective/safety gear.

### **Wash and Sanitization Plan**

Our sanitation team will follow behind the service truck in (our mobile wash unit) on scheduled days to wash and sanitize containers in Trash enclosure daily/weekly or on demand. We use a three-step process with all biodegradables environmentally friendly products that cleans, disinfects, deodorizes and prevents insect infestation. Pricing includes labor, chemicals, gas to run mobile wash unit. The price does **not** include water. We have priced this service to use water from the Trash enclosures.

### **Contingency Plan**

IWC can offer an emergency call out service within operating hours so if additional pickups are needed daily, we can accommodate. Additionally, we can come out on holidays and Sundays to collect waste as needed.

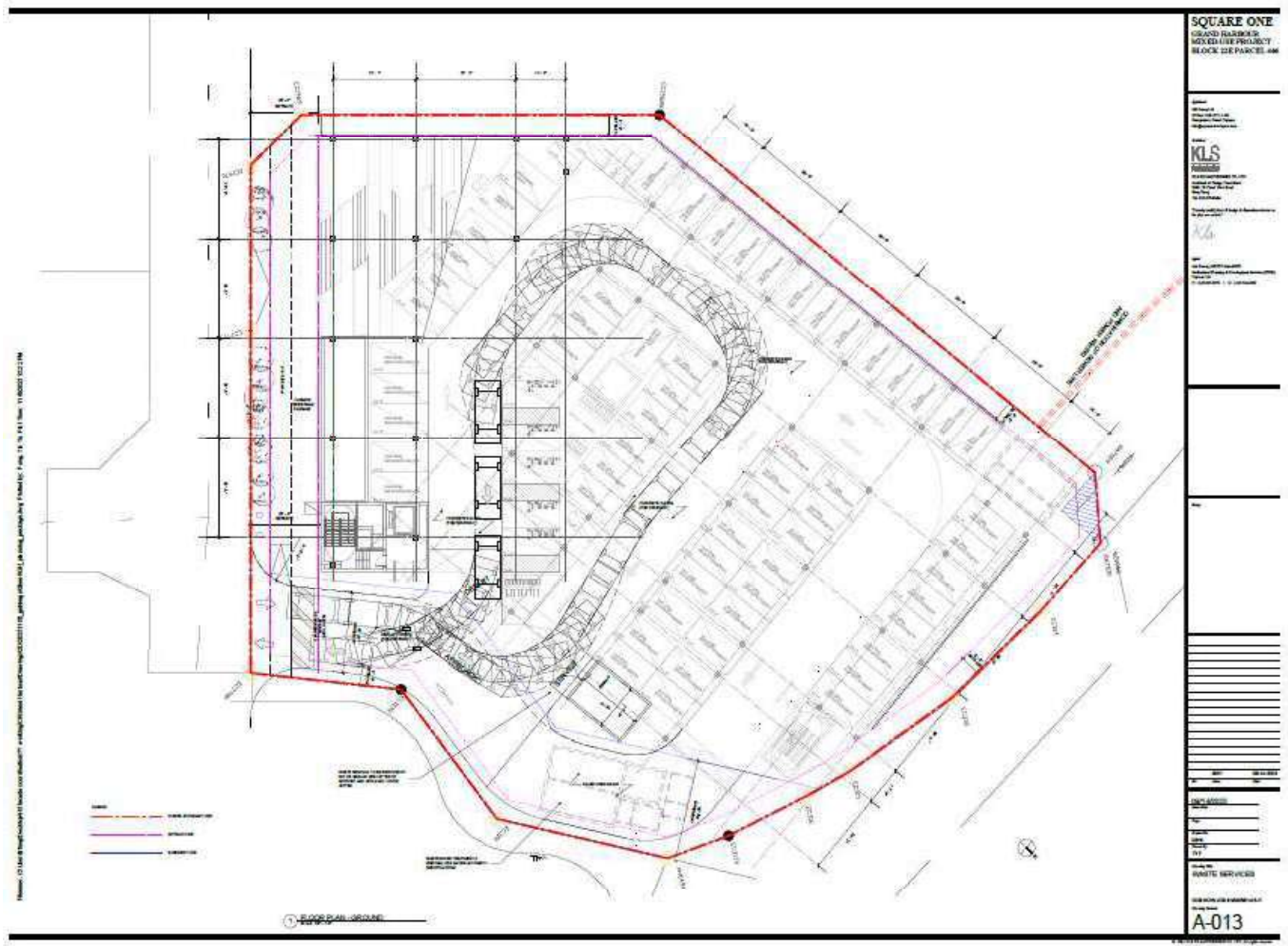
### **SUMMARY**

Our proposal is to provide a constant reliable garbage collection service using the most up-to-date equipment and services. Based on the drawing submitted by the clients we confirm that we can safely and efficiently service this location. IWC can also confidently provide flexible service times needed by the client.



Jason M Brown  
Director IWC

Appendix 1: Square One Site Trash Plan and example site



Example Location Mini Warehouse 2



# Appendix C



Via OPS

9<sup>th</sup> April 2024

### EXECUTIVE SUMMARY

#### Application for Planning Permission on Block and Parcel No. 22E446

Dear Board Members,

The subject property is located on Block and Parcel No. 22E446, zoned Neighborhood Commercial (NC), behind the Harbour Walk development. The proposal is for nine (9) commercial units totalling 16,512 square feet and twenty-eight (28) residential units with a total of 30 bedrooms.

### SPECIFIC ISSUES

#### 1. Deficient Number of Parking Spaces

- The proposed development proposes:
  - 119 vehicle parking spaces; 6 motorcycle parking spaces; 25 bicycle spaces.
- The development requires:
  - 42 vehicle parking spaces for the 28 residential units;
  - 75 vehicle parking spaces for the commercial square footage (based on 200 sq. ft./parking);
    - Total of 117 required vs. 119 proposed;
    - The motorcycle spaces are in addition to the vehicle spaces (total 125);
- The indoor public use areas should not be considered in the parking calculations as they are not “commercial areas”
  - We would appreciate if common spaces in the proposed development are not included in the parking calculations just as they were not for the Harbour Walk centre courtyard;
  - The grand staircase and common areas of the proposed development are akin to an elevated courtyard;

#### 2. Use of Mechanical Parking as Primary Parking Spaces

- 65 ground-level vehicle parking spaces (without requiring parking lifts);
- 54 double-deck mechanical parking spaces;
  - Double-deck stacked mechanical system so that each parking is independent;
- Exceptionally reliable system in existence for several decades;
- The proposed development seeks to implement a 24/7 valet system controlled by the Strata;
  - Strata Manager will be responsible for all staff, including a Valet Manager and Valet Clerks;
- Extra parts will always remain on-site for quick & efficient servicing;
  - On-site Strata staff will be trained for troubleshooting and repairs;
  - Manual overrides and safety measures available to ensure adequate functioning at all times;

#### 3. Type of Proposed Parking Lift

- ParkPlus Double Stacker;
  - Established over 50 years ago;
  - Examples include:

- Boston Massachusetts General Hospital (124 double stackers);
- The New York Wheel (400 double stackers);
- SLS Lux Condos, Miami (310 double stackers);
- Hoboken Waterfront (55 double stackers);
- Venice Beach Valet Parking (30 double stackers);
- Porsche Tower, Florida (32 double stackers);
- St. Regis, Miami Beach (286 double stackers);

#### 4. Site Coverage

- The proposed development has a site coverage of 77.69% (vs. 75% allowed);
- The proposed development seeks to address the imbalance with a stronger landscaping in the interior of the building through;
  - Large scale palm trees on the interior of the building;
  - Planters on the grand staircase;
  - Landscaped green walls;
  - Internal courtyards & patios filled with green;
  - Elevated terraces and resident-only parks on upper floor;
  - Landscaped rooftop gardens;
- We also note that the neighbouring Harbour Walk development was granted a variance on the site coverage with over 92% site coverage (CPA/12/19/2.2).

#### 5. Density

- The proposed residential density is 30 bedrooms (vs. CPA discretion in a NC zone);
- Most are 1-bed units;
- The proposed development aligns with the MDR zoning which permits 30 bedrooms per acre;
- The developments in the immediate vicinity, notably Harbour Walk, Arvia and Periwinkle, were all granted approval for a density that either meets or exceeds MDR regulations.

#### 6. Location of Road Sidewalk

- The sidewalk & landscaping are designed to be aligned with the sidewalk of Harbour Walk;

#### 7. DEH Comments

- Island Waste Carriers (IWC) is committed to service the proposed development for all waste collection needs (letter of support previously submitted).

Best regards



**Jess Peacey MRTPI AssocRICS**

Principal Planner

Professional Planning & Development Services (PPDS) Cayman Ltd

## Appendix D



**Gwendolyn McLaughlin**



November 19, 2023

Director of Planning  
PO Box 113  
Grand Cayman KY1-9000

Dear Sirs,

Notice of Application for Planning Permission by Tropical Architectural Group Ltd. on 5C 77

I am writing to lodge an objection to the above referenced application for planning permission. I reside on [REDACTED] on Willie Farrington Drive. This objection is being made for the following reasons:

1. Previous Applications

I previously objected to another application by Mr. Jonathan Murphy for a similar development which was refused by the CPA citing the following reason: "the authority is of the view that the Applicant **failed** to demonstrate that the subject site is a suitable location for apartments per Regulation 9(8). In this regard, the authority is of the view that the Apartments are not keeping with the Character of the area in terms of mass, scale and intensity of use and this will detract from the ability of surrounding land owners from enjoying the amenity of the properties." It is my understanding that there was no appeal process followed and that the applicant has proceeded to file a new application. There have been no changes to the residential neighborhood or the new proposed application which will change the grounds on which I based my previous objections. I enclose my previous letter for your information most of which is also repeated below. I reserve the right to make further submissions, especially in light of any response that might be issued by the Applicant in relation to any Regulation question that might be posed. I would be grateful if you would place this letter before the Central Planning Authority (CPA).

2. Buffer Zone

I again wish to point out that this development is going to be located in the vicinity of a buffer zone which is an integral area as it has long served as a buffer that protects the neighborhood during hurricanes. It should be noted that during Hurricane Ivan the sea caused damage to homes in the area with this buffer intact. If this buffer is removed, it could be catastrophic for the homes

in this area when faced with another hurricane as intense as Ivan. The area is low lying and even floods easily during regular rains or when there is high tide. There is also a certain amount of wild life in the zoned area and this development will disturb their natural habitat.

### 3 Low Density Residential Area

This area currently consists of mostly one story private single residences and this development should respect the character of this area. The proposed development should not be significantly higher than those currently in this area. A development of this magnitude will cause an increase in traffic and will completely change the neighborhood increase the noise level and privacy of existing residents. The fact that the CPA refused the previous application on these grounds supports my objection. In addition, the NRA in their review of the previous application confirmed that this development will have a moderate effect on traffic. It is my understanding that the use of moderate implies that it will cause a traffic issue. I am absolutely convinced of this.

I believe that the proposed development is a direct contravention for a Low Density Residential area. It does not respect the local context of the area and if approved would be entirely out of character with the area and detrimental to all residents living on Willie Farrington Drive.

Accordingly, having lived in this neighborhood since 1979, I am respectfully asking that this application is denied.

Yours sincerely

  
Gwendolyn McLaughlin

**Gwendolyn McLaughlin**



March 28, 2023

Director of Planning  
PO Box 113  
Grand Cayman KY1-9000

Dear Sirs,

Notice of Application for Planning Permission by William Santor on 5C 77

I am writing to lodge an objection to the above referenced application for planning permission. This objection is being made because the property is located in a low density area having a Buffer Zone and because it will alter the character of the neighborhood and have a major impact on the traffic flow. Although the current application is for a 12 unit block of apartments, the longer term plans show a much larger development. I reserve the right to make further submissions, especially in light of any response that might be issued by the Applicant in relation to any Regulation question that might be posed. I would be grateful if you would place this letter before the Central Planning Authority (CPA).

Objection No. 1 – Buffer Zone

This development is going to be located in the vicinity of a buffer zone which is an integral area as it has long served as a buffer that protects the neighborhood during hurricanes. It should be noted that during Hurricane Ivan the sea caused damage to homes in the area with this buffer intact. If this buffer is removed, it could be catastrophic for the homes in this area when faced with another hurricane as intense as Ivan. There is also a certain amount of wild life in the zoned area and this development will disturb their natural habitat.

Objection No. 2 - Low Density Residential Area

This area currently consists of one story private single residences and this development should respect the character of this area. The proposed development should not be significantly higher than those currently in this area. A development of this magnitude will cause an increase in traffic and will completely change the neighborhood increasing the noise level and privacy of existing residents.

Accordingly, I am respectfully asking that this application is denied or if approved that conditions be put in place to address the above concerns.

Yours sincerely



Gwendolyn McLaughlin

## Popovich, Nicholas

---

**From:** Jenny manderson [REDACTED]  
**Sent:** Wednesday, November 22, 2023 7:43 AM  
**To:** Popovich, Nicholas; Planning Info  
**Cc:** Ezmie Smith; Department of Planning; Pandohie, Haroon; Gwen McLaughlin; [REDACTED]@com; Howard, Edward  
**Subject:** [EXTERNAL] Re: Notice of Planning Application 5C77

Dear Mr. Popovich,

I would be grateful for an acknowledgment of my letter of 14th November objecting to the planning application referenced above, and to confirmation that it will be forwarded to the CPA for consideration.

I confirm that as of yesterday there was no notice of this application in my postal mail or otherwise.

Kind regards,

Jenny Manderson

On Nov 14, 2023, at 1:14 PM, Jenny manderson [REDACTED] wrote:

Dear Sirs,

I wish to register my objection to the above project on the basis of my earlier objection. The project was refused on 16th August, 2023 by the CPA. I was informed that the refusal was on the grounds that it was not in keeping with the character of the surrounding area. No mention was made of the flooding concerns, or of the concerns expressed by the objectors and the NRA about traffic.

The application is again on the CPA agenda and I have NOT yet been notified and given an opportunity to object.

I must object to the current application since I was not informed of any substantial changes to the earlier plan. I do not object to a residential project in this area but I objected and continue to object to the original application and to any other plan that will create a threat to my home and my neighborhood. The loss of the protective mangrove and wetlands constitutes a danger from rain and storm floods. The number of rooms with over 200 car parking spaces presents an unimaginable traffic hazard on the neighborhood road. The issue of the length of the roadside boundary is also a concern.

Please refer my objection to the CPA.

Kind regards,

Jenny Manderson

On Nov 14, 2023, at 10:36 AM, Popovich, Nicholas <Nicholas.Popovich@gov.ky> wrote:

Good morning,

Thank you for the emails pertaining to our application number P23-0940.

I have reviewed the notification documents provided by the applicant.

The applicant has provided the notice forms and proof of postage for all landowners located within 450 feet of the subject property boundaries.

I would suggest that affected landowners review the subject plans on our website ([www.planning.ky](http://www.planning.ky)) under the "planning notices" portal.

Please look for P23-0940 within that portal to view the plans.

If a landowner has yet to receive the notice in the mail, I would suggest that they contact the CI Post Office staff.

I hope that helps.

Please contact me if you have any questions.

Nick

**Nick Popovich M.PL, MCIP, RPP, AICP**  
Planning Officer | Current Planning



**DEPARTMENT OF PLANNING**  
Cayman Islands Government

**Government Administration Building**

**133 Elgin Avenue | George Town**

**P.O. Box 113 | Grand Cayman KY1-9000 | CAYMAN ISLANDS**

**+1 345 244-6501 (Main) | +1 345 244-6538 (Direct)**

**nicholas.popovich@gov.ky | [www.planning.gov.ky](http://www.planning.gov.ky)**

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**From:** Ezmie Smith [REDACTED]

**Sent:** Sunday, November 12, 2023 12:24 PM

**To:** Department of Planning <Planning.Dept@gov.ky>; Pandohie, Haroon <Haroon.Pandohie@gov.ky>; Popovich, Nicholas <Nicholas.Popovich@gov.ky>

**Cc:** [REDACTED] ven McLaughlin'

<[REDACTED]>

**Subject:** [EXTERNAL] RE: Re: Notice of Planning Application 5C77

Sirs

Sorry in error typed 5C113 which should "read 5C13". Apologies.

---

**From:** Ezmie Smith [mailto: [REDACTED]]  
**Sent:** Sunday, November 12, 2023 11:43 AM  
**To:** 'Department of Planning' <Planning.Dept@gov.ky>; 'Pandohie, Haroon' <Haroon.Pandohie@gov.ky>; 'Popovich, Nicholas' <Nicholas.Popovich@gov.ky>  
**Cc:** 'Jenny manderson' < [REDACTED] > 'Gwen McLaughlin' < [REDACTED] >  
**Subject:** Re: Notice of Planning Application 5C77

Dear Sirs,

In respect of the above subject matter kindly see the attachment.

The Notice of application for Planning Permission is only sent to me in respect of 5C113 instead of all the registered owners as listed on the land register. The other owners of the property has been excluded and for what reason. It does not work like this as all registered owners must be served. The previous notices in this matter included all the property owners. This is being brought to your attention to ensure that all registered land owners are properly served.

In addition to the above - the two other previous objectors who still fall within the radius of the above subject matter has not yet received notice of this **proposed new application**. Also others in the same tedious are still waiting to receive the required notice of the application. . On the Planning application site it states the date line for this matter expires within the next 12 days being 24.11.23.

This email is being sent to ensure that the procedure for the planning notification is carried out as laid out in the Statute.

I wait for a response as to why the Applicant has ignored the proper requirement.

Regards.

Ezmie Smith

## Popovich, Nicholas

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**From:** James Moore [REDACTED]  
**Sent:** Tuesday, November 14, 2023 2:37 PM  
**To:** Ezmie Smith  
**Cc:** Department of Planning; Pandohie, Haroon; Popovich, Nicholas; Jenny manderson; Gwen McLaughlin  
**Subject:** [EXTERNAL] Re: Re: Notice of Planning Application 5C77

Hello,

I would like to express my disappointment that this issue is once again being discussed and that the impacted homes and neighbors have not received any official notices or information.

I have not yet received notification or been given the chance to object, even though the application is once again on the CPA agenda.

When hurricane Ivan hit, the entire region was submerged under six feet of salt water. If a storm of that size ever occurs again and all of the mangrove and other vegetation is completely gone, it will only make the situation in the neighborhood worse than it was during Ivan.

It is also conceivable to clear the land here without planning permission, and I wish to strongly protest it. This is incorrect in a lot of ways.

I also want to protest the 1500 feet required by law to notify vestes parties; it is unfortunate to attempt to break the laws.

I have checked out mailing this past weekend and no mailing from the planning dept concerning this application there.

Sincerely  
James Moore

On Sun, Nov 12, 2023 at 12:24 PM Ezmie Smith <[REDACTED]> wrote:

Sirs

Sorry in error typed 5C113 which should "read 5C13". Apologies.

---

**From:** Ezmie Smith [mailto:[REDACTED]]  
**Sent:** Sunday, November 12, 2023 11:43 AM



To: 'Department of Planning' <[Planning.Dept@gov.ky](mailto:Planning.Dept@gov.ky)>; 'Pandohie, Haroon' <[Haroon.Pandohie@gov.ky](mailto:Haroon.Pandohie@gov.ky)>; 'Popovich, Nicholas' <[Nicholas.Popovich@gov.ky](mailto:Nicholas.Popovich@gov.ky)>

Cc: 'Jenny manderson' <[REDACTED]> 'Gwen McLaughlin' <[REDACTED]>

Subject: Re: Notice of Planning Application 5C77

Dear Sirs,

In respect of the above subject matter kindly see the attachment.

The Notice of application for Planning Permission is only sent to me in respect of 5C113 instead of all the registered owners as listed on the land register. The other owners of the property has been excluded and for what reason. It does not work like this as all registered owners must be served. The previous notices in this matter included all the property owners. This is being brought to your attention to ensure that all registered land owners are properly served.

In addition to the above - the two other previous objectors who still fall within the radius of the above subject matter has not yet received notice of this **proposed new application**. Also others in the same tedious are still waiting to receive the required notice of the application. . On the Planning application site it states the date line for this matter expires within the next 12 days being 24.11.23.

This email is being sent to ensure that the procedure for the planning notification is carried out as laid out in the Statute.

I wait for a response as to why the Applicant has ignored the proper requirement.

Regards.

Ezmie Smith

PO Box

Grand Cayman KY1-

14<sup>th</sup> November, 2023

Director of Planning

PO Box 113

Grand Cayman KY1-9000

Dear Sirs,

Re: Notice of Application for Planning Permission by 20 North Development Company on 5C 77 dated 2<sup>nd</sup> November 2023

This objection is made to the above mentioned Application in relation to a Low Density area having a Buffer Mangrove Zone to ensure that it is not destroyed during the development since such huge developments continue to grow larger in the Cayman Islands. We reserve the right to make further submissions, especially in light of any response that might be issued by the Applicant in relation to any Regulation question that might be posed. We would be grateful if you would place this letter before the Central Planning Authority (CPA).

The Mangroves:

Where the development is going to be located is in the vicinity of a Mangrove Area of an integral area. The buffer of mangroves has long served for protection during hurricanes. It has protected erosion in this area and property value.

1. The buffer area is very wet and swampy as it never seems to keep dry. This is important to note and important to surface water runoff. The site plan accounts for a drainage catchment and a deep well unlikely to be insufficient. The Notice of Application for planning permission is for proposed apartments (building 1-12) etc. whereas the site plan information shows up to 12 Building areas, a lot of construction digging would take place for a saturated area to be disturbed. We ask the Central Planning Authority (CPA) to consider this proposed development is an established residential area on Willie Farrington Drive and zoned Low Density.
2. This application also needs to be looked at in the nature of conservation of the kept flooded mangroves. The proposed development falls close by and would be a harmful precedent if approved for such a low lying area. This is important for the CPA to be minded of as this buffer area offers to the privacy to the neighbours as well. Section 26 of the Development and Planning Act sets out the Mangrove Buffer on the Development - shall not be subject of development or clearance other than by the person authorized in that behalf by the authority and to the extent and in the manner, if any, directed by them. There should be no directions to destroy such a protective area taking into consideration hurricanes. Hurricane Ivan certainly proved this.

3. It is a well known area that is within a flooded risk area, the proposed drainage as far as one would say is insufficient from the site plan to satisfy us.
4. The applicant needs to make clear that the Mangroves must be retained and should be identified on the site plan.
5. There is a certain amount of wild life in the zoned area that would be destroyed if such an application is approved.

#### Low Density Area - Willie Farrington Drive:

1. The development should respect the surrounding character area. The area on the proposed east side of Willie Farrington Drive is dominated by low density single storey houses. This development would be less uniform.
2. The proposed development should not be significantly higher than those found on this particular east side of Willie Farrington Drive as the homes are all single storey buildings in keeping with that side of Willie Farrington Drive as this is an established residential area.
3. The development could have a damaging effect in changing the neighbourhood particularly to that side of Willie Farrington Drive due to the current lay out. If this application is approved in a low density area definitely there will be concerns about possible future development.
4. It is also noted that the road side to the east of Willie Farrington Drive of the proposed development the density of the proposed new development is out of keeping with its surroundings and loss of amenity for neighboring houses. The NRA in their review of the previous application confirmed that this development will have a moderate effect on traffic

#### Previous Application versus current new application:

The previous application by the Applicant was refused by the Authority on the basis that the Applicant failed to demonstrate that the subject site is NOT a suitable location for apartments per Regulation 9(8). In this regard, the authority is of the view that the Apartments are not keeping with the Character of the area in terms of mass, scale and intensity of use and this will detract from the ability of surrounding land owners from enjoying the amenity of the properties."

It has only been less than 3 months since that decision was made and certainly the layout of the land and the neighbourhood has certainly not changed in such a short while.

The only change to the application is that the units are reduced to 95 units which is a small one for still a large development in a low density zone.

#### Notice of Application for Planning Permission

We are now in receipt of being served with notice of the proposed application. This application should be denied on the failure of effecting proper service also according to Section 40 of the current Development and Planning Act.

**We submit the foregoing reasons as outlined as to why the application should be denied again.**

**Yours respectfully**

**James Moore**

**Rebecca Moore**

**Rannielee Hyde**

---

[REDACTED]  
Grand Cayman KY1-1301

12<sup>th</sup> November 2023

Director of Planning

P.O. Box 113,

Grand Cayman KY1-9000

Cayman Islands

Dear Sir,

Re: Objection Letter to new Notice of Application for Planning Permission on 5C77 from Tropical Architectural Group Ltd dated 02, November 2023

This 3<sup>rd</sup> new application is now for the purpose of "proposed apartments (Building 1-12);proposed clubhouse, gym and 4 cabanas; proposed swimming pool & deck;30 sq. ft development sign attached to a free-standing wall; (2)signs attached to the building less than 30 sq. ft." for an entity on 5C77. We are writing once again to object to the application on the following additional grounds:

Previous Application(s)

The application was refused by the Central Planning Authority on the 16th August 2023 as per the CPA minutes of that date at 2.5. "Decision: It was resolved to refuse planning permission for the following reasons: 1) "the authority is of the view that the Applicant failed to demonstrate that the subject site is a suitable location for apartments per Regulation 9(8). In this regard, the authority is of the view that the Apartments are not keeping with the Character of the area in terms of mass, scale and intensity of use and this will detract from the ability of surrounding land owners from enjoying the amenity of the properties."

It has only been less than 3 months since this decision was made and certainly the nature of the ground, layout of the land and the neighbourhood has certainly not changed in such a short while.

The Applicant in this new application has not taken the steps laid down in The Development and Planning Act (2021 Revision) according to Section 48 of the Act. The Applicant has not exhausted his rights under the Statute. What has happened here the Applicant has by passed the Statute and gone to a fresh application. The Applicant cannot jump over what is laid down in the Statute. Section 48 (i) states:

"where any person who has applied for Planning Permission, or who has objected after being notified of the application in accordance with regulations under this Act, and who is aggrieved by a decision of the Authority in respect of the Application, may within 14 days of notification of that decision under Section

40, or within such longer period as the Tribunal may in any particular case allow good cause, appeal that decision to the Tribunal on the ground that it is –

- a) erroneous in law
- b) unreasonable
- c) Contrary to the principles of natural justice.”

This is a huge failure on the part of the Applicant and the Courts does not take lightly of an applicant who has failed to exhaust any rights laid down in a Statute and is the same laid down for all quasi bodies. It is outside the scope of the Central Planning Authority to entertain a new application on its final decision where no appeal has been made to the Planning Appeal Tribunal. The Authority now lacks the locus standi for hearing any new application.

New application dated 02 November 2023:

This new application is made under the same sections as the 2 previous applications. It appears that there is the lack of any substantial change. (By reducing the units to 95. NB the plan on the planning application site is not that legible). In order for an application to be considered to be a new application, it must be substantially different from the original application. The Courts will not take kindly to subtle inventions to circumvent the purpose of the law.

New Application sections:

The Development and Planning Act Section 15(4), The Development and Planning Regulations, Regulation 8(12A), 8(12B), 8(12C) and 8 (13) (d) gives rise to additional concerns:

Section 15(4) Development and Planning Act:

- i) Not all parties for 5C13 served as there are other registered owners and not mentioned on the notice of application. So far, a number of owners have to date complained to the planning that they have not received the formal notice of application.
- ii) The Development and Planning Regulations:

**Regulation 8 (12A):**The new application notice dated 2<sup>nd</sup> November 2023 proposes apartments (Buildings 1-12) and fails to give account of the number change of units. (Appears to be trying a way through the back door.) This regulation relates to eleven or more apartments or town houses at a radius of four hundred and fifty feet. The size of 5C77 is 6.34 acre according to the land register owned by 20 North Development Co. Ltd. **{1-12 building is still a lot for a low density residential area yet the amount of new units reduced for current application and no reduction to the amount of buildings).**

**Regulation 8 (12B):** This regulation relates to minor matters of development to be varied by the Authority such that adjoining owners are required to be notified. Not all owners are notified as of yet. Certainly this development is not of a minor matter from the objections heard on the 16<sup>th</sup> August 2023 based on the 2 previous notices whereby the application was denied.

Regulation 8 (12C): This requirement also mentions where a good cause exists. There is no justification for this with the size of the development and the number of buildings and parking required therefore it is no further justification for a 21 M\$ project. This regulation gives the right to an adjacent owner of legal capacity to lodge an objection stating the grounds. Therefore service on land owners is of importance not to be excluded.

Regulation 8 (13) (d): (if there is such a regulation). The authority must ensure compliance of the Statute of its refusal to grant an application if the applicant does not avail him or herself to adhere to the due process as to what is laid down. Therefore, this application should not be reheard.

We are not sure as to the position of the authority on this new application but still also maintain the objections below as there is really no significant change in the new application if the Authority is of the mind to discard Section 48 of the Act which should not be the case as per the Statute.

#### Low Density Residential

The reason why this application should be denied is that it is out of line of the character of the neighborhood which is exclusively single storey family homes. In a residential area the applicant shall ensure that the massing, scale, proportion and design of such development are consistent with the historic architectural tradition of the Islands. (Regulation 9 (1)). This new application simply remains a huge development into a small area that is zoned low density residential. On Willie Farrington Drive itself (not to be confused where the bypass comes out on John Jefferson Snr. Drive) there is no such buildings as those proposed by the Applicant. If a serious count was taken from the north to the south of Willie Farrington Drive (see attached Registry Map Extract) that is from the junction to Batabano and Mount Pleasant then to Fosters Republic junction it would prove that there is less than 40 residential homes. A view of the Aerial photography will definitely prove that this area is a very small community. This is all due to the layout of the land therefore it is for the Authority (CPA) in determining whether the applicant has satisfied the requirement of sub regulation 9 (1) to the compatibility of the buildings proposed with the land form. (Regulation 9 (2) (a)).

It is only recently in over more than 30 years only 4 new single storey homes has been built on Willie Farrington Drive that is because of the layout of the land. The few lots that remain vacant are family owned. This speaks for itself why the area is zoned as low density residential.

#### Harm to the Area

With the surrounding low density developed area this particular large development will take from the neighbours the enjoyment of the tranquility of the area where residents have long enjoyed. This could have a negative impact of the value of properties in the area. Now to have some development of that magnitude spoil such a nice area that is home to us is a disgrace for such a peaceful area.

---

Studies have proven that when a development of this size in a low-density residential area how the affects can be in respect of new buildings units whereby rents can decrease. This new development due to the large scale will change the face of the neighbourhood and more.

Willie Farrington Drive development as it stands is of a low density subject to the area requirement in law and should not be superseded by the development. The developer should be told that the development proceed in manner consistent with surrounding properties in order to permit the development. If this development is allowed it will only cause an impact of a high density residential when this area is zoned Low Density Residential and is clearly incompatible with the character of a low-density residential area. This could be a serious breach of the law.

In the circumstances we urge the CPA **not to approve** the project to such an unreasonable development by the 3<sup>rd</sup> new application having failed to comply with Section 48 of the Statute appeal process. There must be compatibility of any building with the land form.

It would be in the interest of the developer to sell off the land as individual plots to build single storey buildings for sale. This too could cause serious problems as this Mangrove land would be under threat of destruction and flooding to adjoining owners homes.

#### Mangrove Buffer Zone

The proposed development location will result in loss of mangroves and their ecological function. It should be noted that the Ramsar Convention has been extended to the Cayman Islands to keep our mangroves alive according to the Convention. In considering any matter relating to a Mangrove Zone the CPA shall have regard to the ecological function by the mangroves (Regulation 18(1)).

Planned area developments in all areas are permissible of the island and in all zones, except Industrial, Public Open Space AND MANGROVE BUFFER. (Regulation 24(3)).

#### Type of Land on which the proposed buildings will sit.

The development site consists of tidally flooded area that is considered primary habit tat which is likely would need to be filled in to build up the site. This could result in higher ground for water runoff to affect surrounding residential properties causing flooding to their homes. This would be critical to those homes. It must be ensured that the surrounding properties nearby is not subject to flooding.

#### Traffic

Traffic from the development of the apartments will lead to the main Willie Farrington Road from the development and certainly owners from the apartment units would rather use Willie Farrington Drive to get on the bypass rather than the south intersection opposite the Fosters Republic since it is closer by to the proposed voluminous apartments units. The proposed developer has not made any mention of another way to enter and exit from the now proposed application on to the bypass which will increase traffic on Willie Farrington Drive. However, the traffic impact in such a low residential density will affect



the residents greatly and has to be considered as a serious objection as the purposed development is not a small one.

Loss of Air and Light

The development as to air and light will be an impact to the closest surrounding properties as the project will be detrimental. These surrounding properties are occupied by single store-homes. The development should be consistent with historical architectural and traditions of the islands. (Regulation 9 (1)).

Noise

Noise could be a contributing factor from such a large development creating a nuisance such as audible noise. There are 4 cabanas for the proposed development.

Conclusion:

It is believed that the proposed development is a direct contravention for a Low Density Residential area. This development does not respect the local context of the area in particular the scale of the development and height of the buildings and would be entirely out of character of the area and detrimental of the whole of Willie Farrington Drive itself.

For the reasons outlined in the foregoing objections this application should be denied in its entirety again. Indeed now it is a clearer that a decision has been made, the Planning Department and the CPA (Central Planning Authority) is functus officio that is it has performed its function and the only thing left is to appeal it or seek a judicial review, which we think is likely to failure to exhaust Statutory remedies.

For the reasons outlined in the foregoing objections this application should be denied in its entirety again.

Yours respectfully

Ezmie Smith in her own right (joint owner)

Ezmie Smith for Nicole Hydes and Elijah Samson(all joint owners)

---

## Popovich, Nicholas

---

**From:** [REDACTED]  
**Sent:** Tuesday, November 14, 2023 1:14 PM  
**To:** Popovich, Nicholas  
**Cc:** Ezmie Smith; Department of Planning; Pandohie, Haroon; Gwen McLaughlin; [REDACTED] Howard, Edward  
**Subject:** [EXTERNAL] Re: Notice of Planning Application 5C77  
**Attachments:** image001.png.html; image001.png.html

Dear Sirs,

I wish to register my objection to the above project on the basis of my earlier objection. The project was refused on 16th August, 2023 by the CPA. I was informed that the refusal was on the grounds that it was not in keeping with the character of the surrounding area. No mention was made of the flooding concerns, or of the concerns expressed by the objectors and the NRA about traffic.

The application is again on the CPA agenda and I have NOT yet been notified and given an opportunity to object.

I must object to the current application since I was not informed of any substantial changes to the earlier plan. I do not object to a residential project in this area but I objected and continue to object to the original application and to any other plan that will create a threat to my home and my neighborhood. The loss of the protective mangrove and wetlands constitutes a danger from rain and storm floods. The number of rooms with over 200 car parking spaces presents an unimaginable traffic hazard on the neighborhood road. The issue of the length of the roadside boundary is also a concern.

Please refer my objection to the CPA.

Kind regards,

Jenny Manderson

On Nov 14, 2023, at 10:36 AM, Popovich, Nicholas <Nicholas.Popovich@gov.ky> wrote:

Good morning,

Thank you for the emails pertaining to our application number P23-0940.

I have reviewed the notification documents provided by the applicant.

The applicant has provided the notice forms and proof of postage for all landowners located within 450 feet of the subject property boundaries.

I would suggest that affected landowners review the subject plans on our website ([www.planning.ky](http://www.planning.ky)) under the "planning notices" portal.

Please look for P23-0940 within that portal to view the plans.

If a landowner has yet to receive the notice in the mail, I would suggest that they contact the CI Post Office staff.

I hope that helps.

Please contact me if you have any questions.

Nick

## Nick Popovich M.PL, MCIP, RPP, AICP

Planning Officer | Current Planning



Government Administration Building

188 Elgin Avenue | George Town

P.O. Box 118 | Grand Cayman KY1-9000 | CAYMAN ISLANDS

☎ +1 345 244-6501 (Main) | ☎ +1 345 244-6538 (Direct)

✉ [nicholas.popovich@gov.ky](mailto:nicholas.popovich@gov.ky) | [www.planning.gov.ky](http://www.planning.gov.ky)

This email, including any attachment, is strictly confidential and may also be subject to legal professional and other privilege. No confidentiality or privilege is waived by any error in its transmission. It is intended solely for the attention and use of the named addressee(s). If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are not authorized to and must not review, disclose, copy, distribute or retain this message or any part of it. If you have received this email in error, please delete it from your system and notify the sender immediately at the above email address or call 1-345-244-6548.

**From:** Ezmie Smith <[REDACTED]>  
**Sent:** Sunday, November 12, 2023 12:24 PM  
**To:** Department of Planning <Planning.Dept@gov.ky>; Pandohie, Haroon <Haroon.Pandohie@gov.ky>; Popovich, Nicholas <Nicholas.Popovich@gov.ky>  
**Cc:** [REDACTED] m>; Jrm [REDACTED]  
**Subject:** [EXTERNAL] RE: Re: Notice of Planning Application 5C77

Sirs

Sorry in error typed 5C113 which should "read 5C13". Apologies.

**From:** Ezmie Smith [[mailto:\[REDACTED\]](mailto:[REDACTED])]  
**Sent:** Sunday, November 12, 2023 11:43 AM  
**To:** 'Department of Planning' <Planning.Dept@gov.ky>; 'Pandohie, Haroon' <Haroon.Pandohie@gov.ky>; 'Popovich, Nicholas' <Nicholas.Popovich@gov.ky>  
**Cc:** 'Jenny manderson' <[REDACTED]>; 'Jrmoore1067@gmail.com' <[REDACTED]>  
**Subject:** Re: Notice of Planning Application 5C77

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tedious are still waiting to receive the required notice of the application. . On the Planning application site it states the date line for this matter expires within the next 12 days being 24.11.23.

This email is being sent to ensure that the procedure for the planning notification is carried out as laid out in the Statute.

I wait for a response as to why the Applicant has ignored the proper requirement.

Regards.

Ezmie Smith

## Popovich, Nicholas

---

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**Sent:** Sunday, November 12, 2023 12:24 PM  
**To:** Department of Planning; Pandohie, Haroon; Popovich, Nicholas  
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**Cc:** 'Jenny manderson' [REDACTED]  
[REDACTED]  
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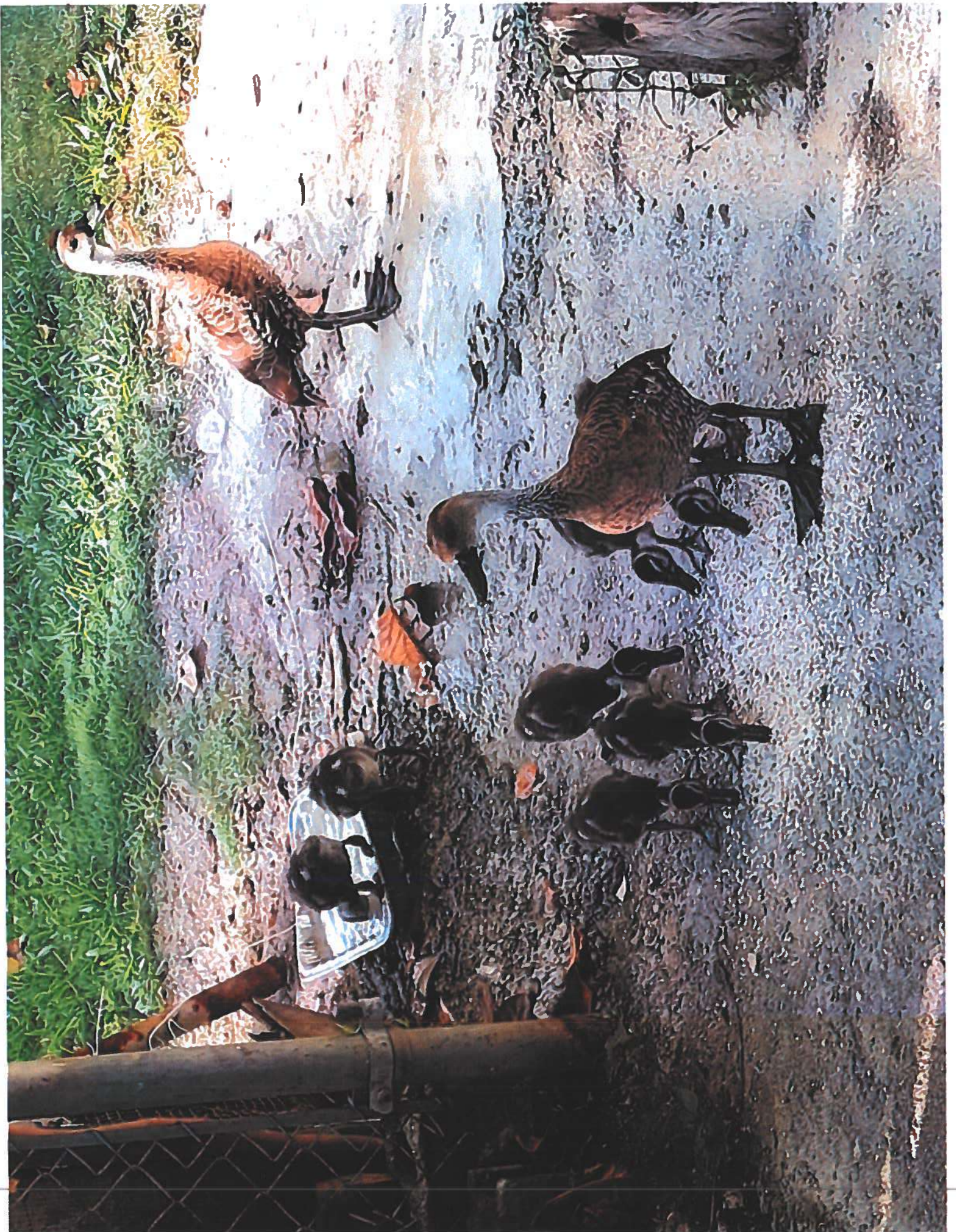
**I wait for a response as to why the Applicant has ignored the proper requirement.**

Regards.

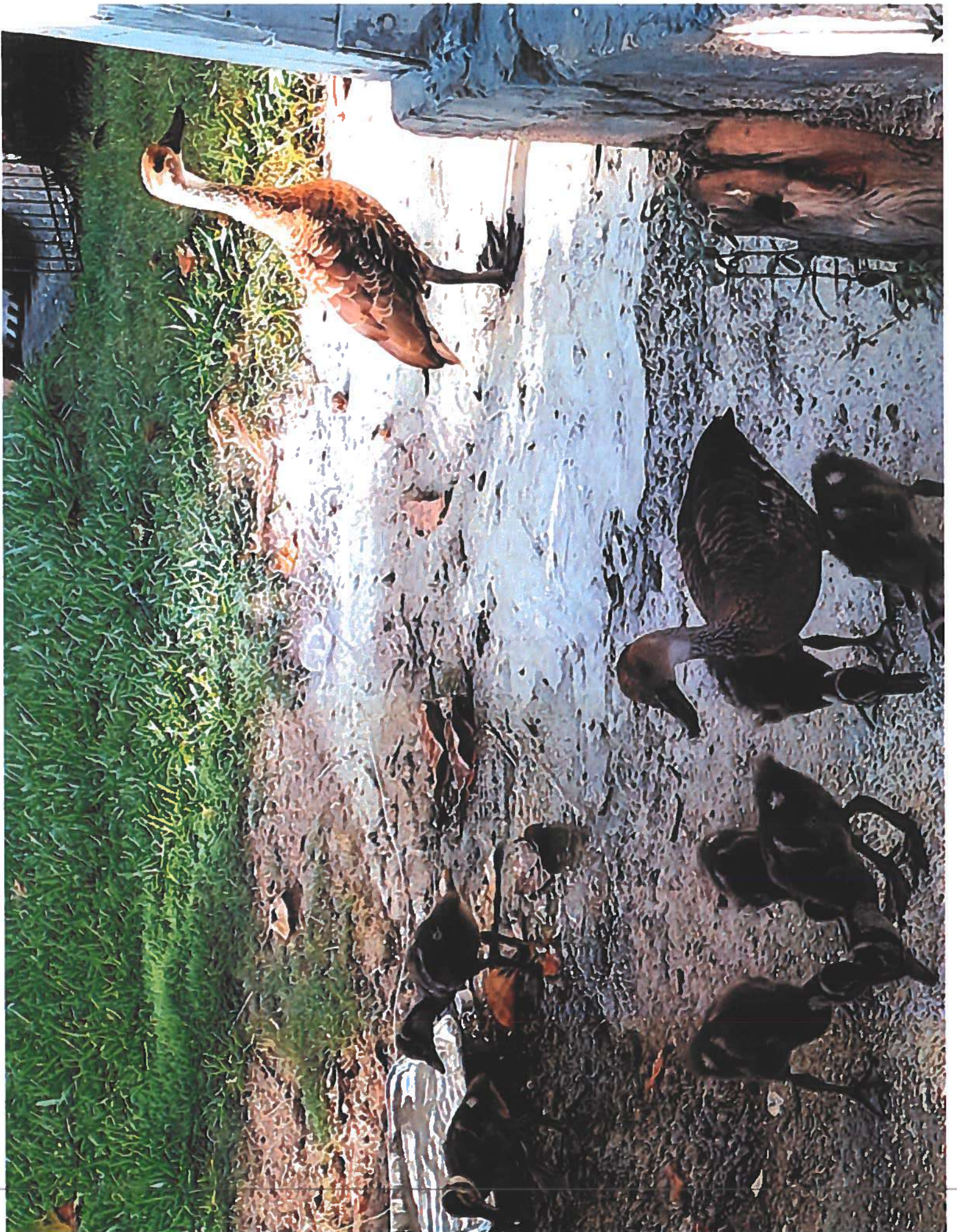
Ezmie Smith













# Appendix E

**20 NORTH DEVELOPMENT (5C77)  
P23-0940  
SUPPORTING DOCUMENTS**

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PROFESSIONAL PLANNING  
& DEVELOPMENT SERVICES  
CAYMAN LTD.

Jessica Peacey MRTPI AssocRICS

1<sup>st</sup> March 2024

Dear Central Planning Authority,

### **Application for residential development on 5C 77 (P23-0940)**

We are seeking approval for a multi-unit residential development on block 5C 77, zoned Low Density Residential (LDR). The proposed development consists of:

- 95 residential units arranged across 12 blocks with a mix of 24x 2-bedroom units and 71x 1-bedroom units.
- Pool.
- Gym/clubhouse.
- 4 cabanas.
- Sign.

It is our contention that the proposed development is sited in a suitable location and appropriately designed to ensure no detrimental harm to the amenity of neighbouring properties.

#### **1. Previous application**

Through the previous refusal (CPA/17/23; item 2.5 P23-1086) on 16<sup>th</sup> August 2023, we acknowledge the Authority's concerns that the application did not demonstrate suitability nor speak to conformity with Regulation 9(8) regarding mass, scale, and intensity of use. Our commitment to addressing these concerns consists of this document addressing the concerns and amendments made for the current application which are detailed below:

- (i) Integration of stormwater management features such as swales and catch basins.
- (ii) Enhancements in access and driveway design.
- (iii) A 4.06% reduction in floor area.
- (iv) A revised site layout aimed at increasing the distance of proposed units from shared boundaries.

#### **2. Application site**

The application site is 6.34 acres/276,170 sq ft of undeveloped land. It is zoned Low Density Residential with no overlays or designations requiring consideration.

The immediate area is residential in nature consisting of a mix of single family, duplexes, and apartments, additionally a CUC infrastructure site.

The site is accessed from Willie Farrington Drive which is fed by John Jefferson Snr Drive to the north, connector road to Esterley Tibbetts Highway (ETH), and West Bay Road to the south which leads to neighbourhood amenity facilities.

#### **3. Legislative and policy framework**

- (i) Development and Planning Regulations (2024 revision)  
*Regulation 8(1)(vii):*

This Regulation requires a minimum of 1.5 parking spaces per apartment/townhouse unit which equates to 143 parking spaces for the development.

**177** parking spaces are proposed of which **6** are designated as accessible parking spaces.

**Regulation 8(2)(c):**

This Regulation permits a maximum height of 3 storeys or 40 feet, whichever is less. The proposed development is a maximum of **2 storeys** in height with a measurement of **26'-6"** to the roof apex.

**Regulation 9(8):**

Permits apartments/townhouses in 'suitable locations' and subject to conformity with set parameters. Suitability shall be addressed later in this document, the following sets out the relevant criteria of this regulation and reflects upon the proposed development:

Regulation	Allowed	Proposed
(a) Nr of units and bedrooms	95 units 152 bedrooms	95 units 119 bedrooms
(b) Minimum lot size	25,000 sf	276,170 sf
(c) Minimum lot width	100 feet	87'-1"
(d) Maximum site coverage	30%	16.96%
(e) Front and rear setbacks	20 feet	286'-7" and 54'-3", respectively
(f) Side setbacks	10 ft (1 storey)/15 ft (1+ storey)	50'-1" (north) and 48'-5" (south)

Based on the above comparison table only one variance is required due to the lot shape. The architectural team have submitted a variance request for the lot width under separate cover.

(ii) **Development Plan 1997**

o 1.3 Strategy

Seeks to:

*"(a) accommodate the present and future population of the Cayman Islands to the best advantage having regard to the quality of life and the economic well-being of the people and to their individual requirements."*

The development responds to the market demand for affordable housing in Cayman, more specifically for the district of West Bay.

o 2.6 Other Material Considerations

Establishes the purpose of setbacks are to achieve the following:

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

The design of the development incorporates significant setbacks, often double than what is set out in the Regulations. Such an approach seeks to protect the amenities of neighbouring properties.

- Section 3.01

With regards to Residential Development Zones this section provides minimal guidance regarding development, however, it recognises:

*“The map indicates the location of three categories of residential zones, i.e. those intended primarily for low, medium and high density developments, respectively”.*

The site is located in the low density residential zone and the proposed development meets the density allowable for the number of units and proposes a mix of bedrooms which is below the maximum allowance.

#### 4. Suitability

##### (i) Community need

The documented surge in rental prices in Grand Cayman, particularly in West Bay and its neighbouring districts, highlights a critical need for affordable housing to meet market demand. The escalation in rental prices is well documented, Members are invited to consider the present and future need for affordable housing in Grand Cayman, and specifically West Bay and close by districts.

##### *Rental price*

The year-on-year escalation in rental prices, evidenced by the Economic and Statistics Office Annual Consumer Price Index reports, paints a compelling picture.

2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018	2016-2017
12.8% ↑	3.3% ↑	5.1% ↑	5.9% ↑	19.7% ↑	0.0% ↔	0.2% ↑

From 2016-2023, the percentages fluctuated along an increasing trajectory, with a significant 12.8% increase in 2022-2023 alone. The post-COVID recovery period has particularly witnessed a sharp rise in household rental costs, posing a direct challenge to the financial well-being of Cayman’s residents.

##### *Growth in West Bay*

Examining the 2021 Census Report from the Economic and Statistics Office further emphasises the urgency.

	2010	2021	% change
GT	12332	15331	24.32%
WB	4552	6408	40.77%
BT	3810	5478	43.78%
NS	540	726	34.44%
EE	502	696	38.65%

West Bay emerges as the second fastest-growing district in Grand Cayman, experiencing a remarkable increase in population from 2010 to 2021. The robust growth in West Bay, along with similar trends in neighbouring districts, underscores the need for additional housing options to accommodate the expanding

community. The development of apartments/townhouses represents an efficient and sustainable use of land.

*Upcoming developments*

In the short-medium term, a series of upscale hotel and luxury residence developments are will be completed in George Town and West Bay:

- Vida
- Dolphin Point
- Barkers Beach Resort
- Hotel Indigo
- The Shores
- Old Hyatt (ETH)
- Lacovia
- One GT
- Kailani
- Grand Hyatt
- The Watermark
- The Westin (extension)

The launch of these projects is expected to heighten the demand for labour, further intensifying the strain in available housing in these districts resulting in anticipated further increases in rental costs.

*Practical evidence*

As members are aware the applicant for this application also developed 19 North. The applicant retained several units as rental stock. They have experienced over the last three years for each advertised unit, an average of 10-15 enquiries with the unit normally rented within 24-48 hours of showings. As a recent explain the developer explained:

*"I recently put an advert up on 6<sup>th</sup> February around 4pm. I received 23 inquiries from time of upload to end of day on 7<sup>th</sup>. I coordinated 6 showings (post tenant screening) with 4 of the showings wanting the unit. Lease signed and deposit received same day as showing".*

This clearly demonstrates high demand for well located modern living residences.

*Rationale for additional units*

Given the escalating rental prices, the rapid growth in West Bay, and the impending surge in demand due to upcoming developments, the approval of the application for 95 additional units becomes not just a necessity but a logical response to the evolving needs of the community. The proposed units aim, to address the growing housing demand, ensuring that residents have access to affordable and suitable living spaces in the face of these changing dynamics. We urge the Authority to consider the broader context and the genuine necessity for expanding housing options in Grand Cayman, ultimately enhancing the quality of life for all residents.

(ii) Enhancing community diversity and inclusivity

One of the primary objectives of this proposed development is to contribute to the diversification of housing options within the community. The creation of apartment units is not only a response to the evolving housing needs of the area but an essential step towards fostering cohesive and inclusive communities. By offering a variety of housing choices, we aim to accommodate a wide range of residents, thereby enriching the social fabric of the neighbourhood and aligning with Strategy 1.3 of the Development Plan.



(iii) Harmonising with surrounding character

In designing the current proposal, the project team was critically aware that development along Willie Farrington Drive being between 15'-28' in height with one or two storeys, consisting of a mix of houses/duplexes and apartments, and being eclectic in design.

The resultant scheme incorporates a simple mono-pitch roof design with the upper measurement being 26'6" for two-storey development to minimise any impact on the surrounding area.

The developable area of the site is set back 286'-7" from the road frontage of Willie Farrington Drive and the built form is approximately 50' from the boundaries of the site. These factors, together with the two-storey nature of the development which is arranged as individual blocks of 8 units (plus one of 7) contributes to minimising the mass and scale of the development, consequently ensuring significant harm is not caused to the character of the area.

(iv) Intensity of use

We have reflected upon the density of other multi-unit developments in the immediate area:

Block	Parcel	Parcel size	# units	Density
5C	442	5 ac	75	15
5C	456	0.5646 ac	6	11
5C	76	0.40 ac	3	15
5C	280	0.40 ac	6	14.57
5C	458 (198)	1.051 ac	24	22.83
5B	369 (125)	1.399 ac	20	14.29
<b>Average</b>				<b>15.44</b>

The proposed development represents a density of 15 units/ac which is in line with the parameters of the Regulations and aligns with the density of other multi-unit developments in the area.

The bedroom density and site coverage fall below the thresholds allowed, this was a conscious decision by the project team to minimise the intensification of the site.

The development site is strategically positioned with the benefit of John Jefferson Snr Dr to the north, leading to ETH, being able to accommodate vehicles coming/going from the east and West Bay Road providing local access to community facilities and amenities sited to the south. Members are invited to consider this arrangement in reassessing the intensity of the development.

(v) Preserving amenity for neighbouring properties

Respecting the enjoyment of amenity for neighbouring properties is of paramount importance. As previously mentioned, the built form is sited a significant distance from shared boundaries, is two storey, and the development has been designed with balconies and patios facing inward towards a courtyard. These design characteristics contribute to negating any potential impact on the amenity attributes of neighbouring properties such as outlook, noise, and overshadowing.

(vi) Optimal parcel size

The development site exceeds the minimum lot size requirement for a apartments development and site coverage falls notably below the maximum permitted. This indicates efficient use of developable land and also ensures ample space to execute design with consideration to landscaping, stormwater management, liveability, and parking, which will ultimately enhance the quality of life for future residents.

(vii) Site constraints

The are no physical constraints on the site that would prevent the development of apartments.

(viii) Infrastructure

Sufficient infrastructure serves the site (e.g. public road, water line, electrical service) and in the area (commercial retail, recreational sports, religious centres, grocery stores, etc.) to support the residents of the proposed apartments, which also ensure future residents can integrate and contribute to the community.

## 5. Notification procedure and objections

In response to comments regarding the notification procedure, for the avoidance of doubt, notices were sent to 205 owners located within the defined 450' notification radius. Notably 57.07% of notices were issued to owners of apartments/townhouses. Of the 205 notices sent, owners of 7 block and parcels responded, often owners of more than one site, this represents 3.4% of the total number notified.

Some of the concerns raised can be covered by conditions. For the remaining ones relating to character, density, and amenity we consider the above content addresses the concerns.

## 6. Conclusion

The proposed development respects the maximum density allowances, incorporates stormwater management measures, provides ample parking, and limits the development footprint to nearly half of that permitted.

In conclusion, our development embodies a commitment to responsible and harmonious growth seeking to meet the needs of Cayman and the wider West Bay Community. We believe our vision contributes positively to community life, fostering inclusivity, and thoughtful design.

Best regards,



**Jess Peacey MRTPI AssocRICS**

Principal Planner

Professional Planning & Development Services (PPDS) Cayman Ltd



Mr. Roylee Moore

Director of Planning  
Govt. Admin. Bldg. Box 113  
133 Elgin Ave.  
Grand Cayman KY1-9000  
CAYMAN ISLANDS

Dear Sir,

**Re: 20 North Development Company Ltd. (the "Company") – Planning Application P23-0940**

I write to you in connection with the Company planning application P23-0940.

I am the owner of parcels 4D507, 5C440 and 4D475. I have lived in this area for approximately 40 years and specifically, occupy a home on parcel 4D475. The combined parcels represent 2.4656 acres that adjoin the applicants site, 5C77. I have reviewed the planning application and am in full support of the scheme.

Kind regards

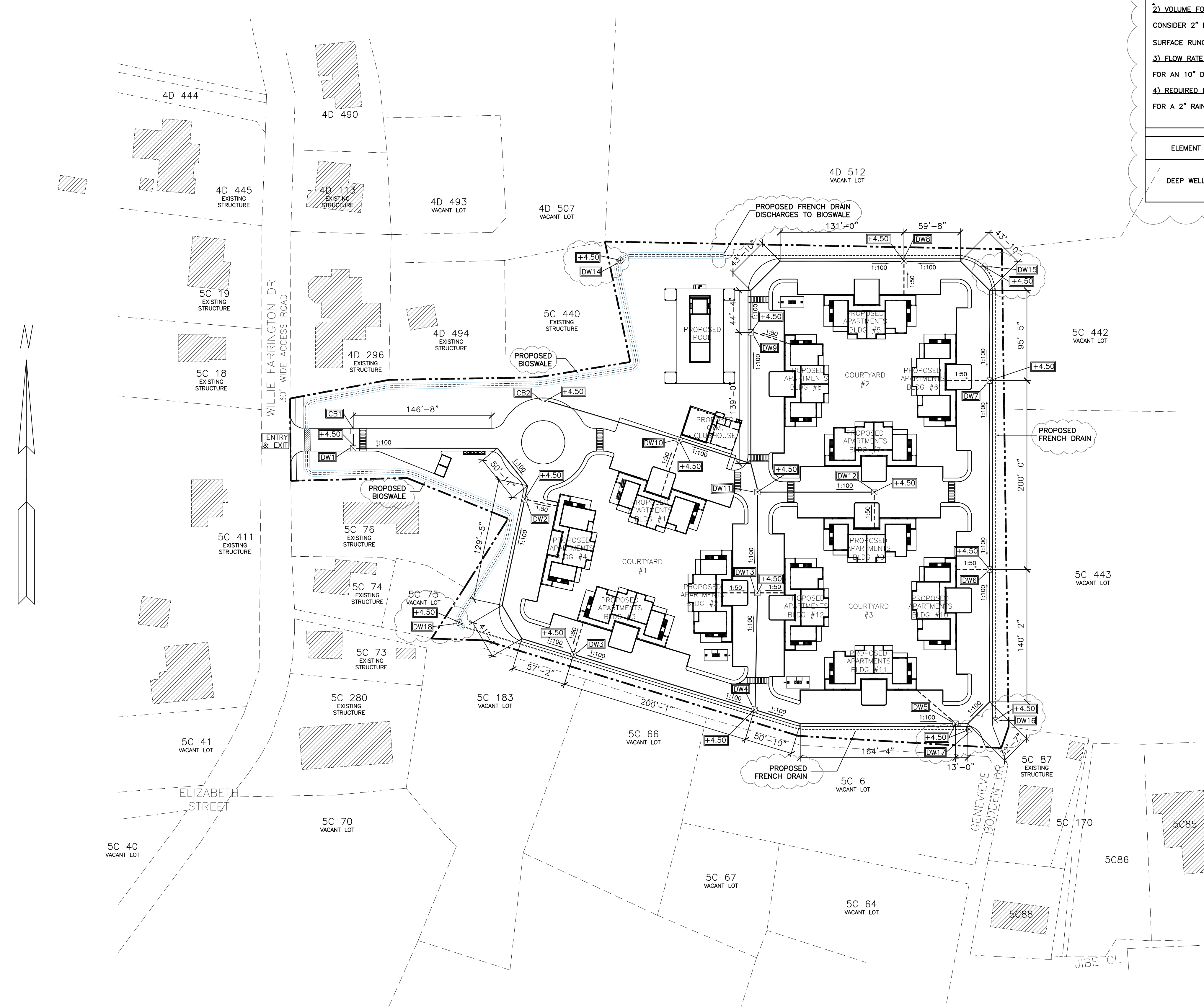


Mr. Roylee Moore

1) TOTAL AREA OF IMPERVIOUS AREAS OF DEVELOPMENT  
 A) TOTAL AREA OF BUILDING PLOTS = 47,498 SQ. FT.  
 CONSIDER 35% OF LOT AREA AS IMPERVIOUS  
 THEREFORE IMPERVIOUS LOT RUN-OFF AREA = 35% x 47,498 SQ. FT. = 16,624 SQ. FT.  
 B) TOTAL AREA ROAD AREA = 86,098 SQ. FT.  
 TOTAL IMPERVIOUS AREA = 16,624 + 86,098 = 102,722 SQ. FT.  
 2) VOLUME FOR RAINFALL INTENSITY  
 CONSIDER 2" RAINFALL IN 1 HOUR  
 SURFACE RUNOFF IN 1 HOUR = 102,722 x  $\frac{2}{12}$  = 17,120 CU. FT = 128066 GALLONS PER HOUR  
 3) FLOW RATE PER VERTICAL DRAIN WELL  
 FOR AN 10" DIAMETER WELL - 100 FT DEEP THE FLOW CAPACITY (Q) = 15000 GALLONS PER HOUR  
 4) REQUIRED NUMBER OF WELLS  
 FOR A 2" RAINFALL INTENSITY NO OF WELLS IS 128066/15000 = 13 NO PROVIDED

DRAINAGE SCHEDULE				
ELEMENT	REF	NUMBER PROVIDED	DETAILS	ADDITIONAL REQUIREMENT
DEEP WELL	DW	13 NO	SEE DRG SWM 02	DRAINAGE WELL - 2 NO PVC PIPE CASING

- KEY:-
- OUTLINE OF DRAINAGE AREA
  - 20g — OUTLINE OF PROPOSED PLOT AREA (WITH REFERENCE NUMBER SHOWN)
  - ⊗ DW1 — 3'x3' CATCH BASIN WITH DEEP WELL (WITH REFERENCE NUMBER)
  - CB1 — 2'x2' CATCH BASIN, NO DEEP WELL (WITH REFERENCE NUMBER)
  - 1:100 — DIRECTION OF FLOW/ROAD GRADIENT
  - 2.90+ — EXISTING GROUND LEVEL ABOVE MSL
  - +4.67 — PROPOSED ROAD LEVEL ABOVE MSL
  - +5.00 — PROPOSED GROUND LEVEL ABOVE MSL
  - CENTRE-LINE OF PROPOSED ROAD
  - 6" PVC DRAINAGE PIPE
  - PROPOSED SWALE
  - 4" SLOTTED PIPE FRENCH DRAIN



STORMWATER MANAGEMENT PLAN  
 (DEEP WELL POSITIONS)  
 SCALE : 1" = 60'

NOTE:  
 ALL LEVELS, DIMENSIONS, GRADIENTS, FLOW-LINES SHOWN ARE TYPICAL AND IT SHOULD BE NOTED THAT ARE NOT SHOWN IN ALL LOCATIONS FOR CLARITY REASONS.

DRAINAGE WELL - 6" WELL BY 100 FT DEEP, WITH PVC PIPE 20 FT DEEP FROM OGL.  
 CATCHBASINS WITH WELLS ARE 3'-0"x3'-0" CHAMBER; WHILE THOSE WITHOUT WELLS ARE 2'-0"x2'-0". ALL CATCH BASINS MUST BE INTERCONNECTED BY 6" PVC PIPE AS PER 2021 NRA REGULATIONS

1	Revised Site Plan	RC	RL	SS	03/01/24
0	First Issue	RC	RL	SS	07/28/23
Rev.	Amendments	Rev	Chkd	App	Date

SCHEME  
 20 NORTH SWMP  
 BLOCK 5C PARCELS 77  
 DRG. TITLE  
 STORM WATER MANAGEMENT  
 DETAILS - SHEET 1 OF 3

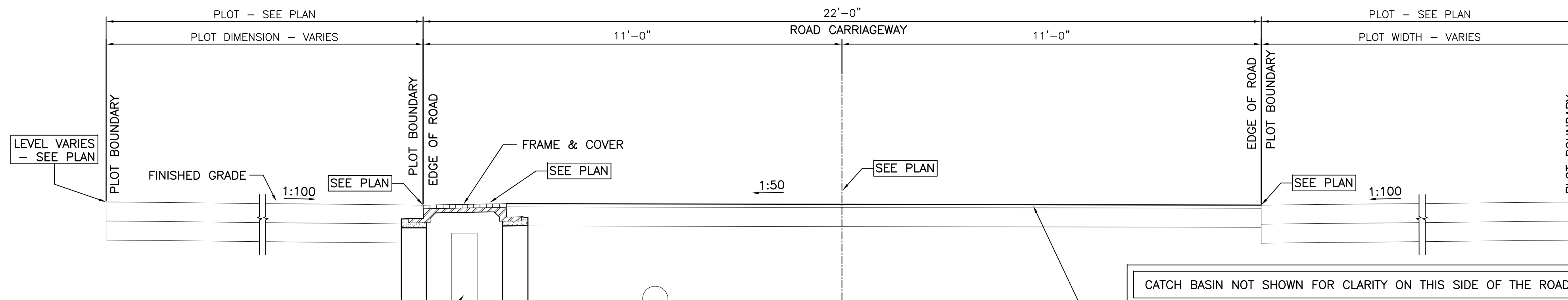


STRUCTURAL & CIVIL ENGINEERS  
 PROJECT MANAGERS

PO Box 309  
 Grand Cayman, KY1-1602, Cayman Islands  
 WhatsApp: 525 0209  
 Email: selsam@candw.ky

Status: BUILDING PERMIT ISSUE

First drawn by RC	Checked by RL	Approved by S. Small
Date 03/01/2024	Scale AS SHOWN	Original size 24"x 36"
Drawing No. D23 132/SWM01		Rev.



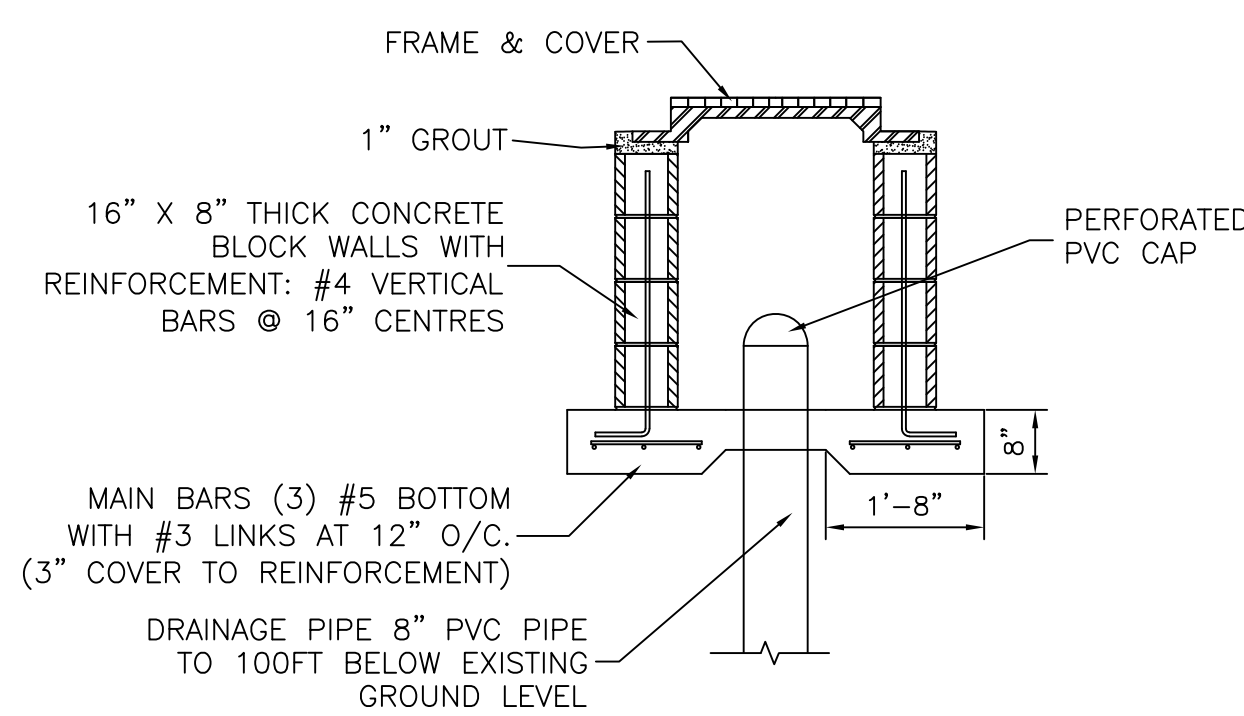
DRAINAGE WELL - 8" Ø WELL BY 100 FT DEEP, WITH PVC PIPE 20 FT DEEP FROM OGL.  
 CATCHBASINS WITH WELLS ARE 3'-0"x3'-0" CHAMBER; WHILE THOSE WITHOUT WELLS ARE 2'-0"x2'-0". ALL CATCH BASINS MUST BE INTERCONNECTED BY 6" Ø PVC PIPE AS PER 2021 NRA REGULATIONS

• WATER AUTHORITY MAINS PIPES SHALL BE INSTALLED IN ACCORDANCE WITH WA WATER GUIDELINES - JULY 2020  
 • CUC AND TELECOM SERVICES SHALL BE INSTALLED ON THE OTHER SIDE OF THE CARRIAGEWAY IN ACCORDANCE WITH CUC AND TELECOM GUIDELINES

• 1½" THICK (MIN) HOT MIX ASPHALT (ASPHALTIC CONCRETE PAVEMENT)  
 • 6 INCH THK BASE - THE BASE SHALL BE MARL OR CRUSHER-RUN THE MATERIAL SHALL BE COMPACTED TO A MINIMUM OF 98% OF THE LABORATORY DENSITY IN ACCORDANCE WITH (ASTM D1557). EACH LAYER SHALL, UPON COMPLETION, BE TESTED IN ACCORDANCE WITH (ASTM D2922) "DENSITY OF SOIL IN PLACE BY NUCLEAR METHOD."  
 • SUB-GRADE - ALL TOPSOIL, CLAY LUMPS AND, VEGETABLE MATTER SHALL BE EXCAVATED AND THE SUBGRADE SHALL BE LEFT CLEAR. IF THE SUBGRADE CONSISTS OF PEAT OR OTHER LOW LOAD-BEARING MATERIAL, THIS MUST BE SHOWN TO BE UNIFORM, NON-DEGRADABLE AND HAVE A MINIMUM CALIFORNIA BEARING RATIO (CBR) OF 2% AFTER SUBMERSION IN WATER FOR 4 DAYS IN ACCORDANCE WITH ASTM D1883 STANDARD METHOD OF TEST. THE SUBGRADE SHALL BE COMPACTED BEFORE PLACING SUB-BASE.

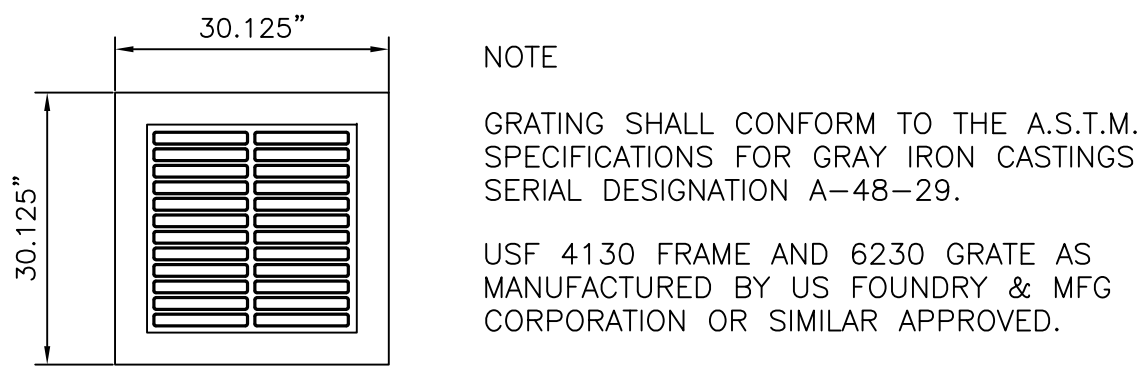
01 ROAD CROSS SECTIONAL DETAIL  
 SCALE : 1/2" = 1'-0"

01



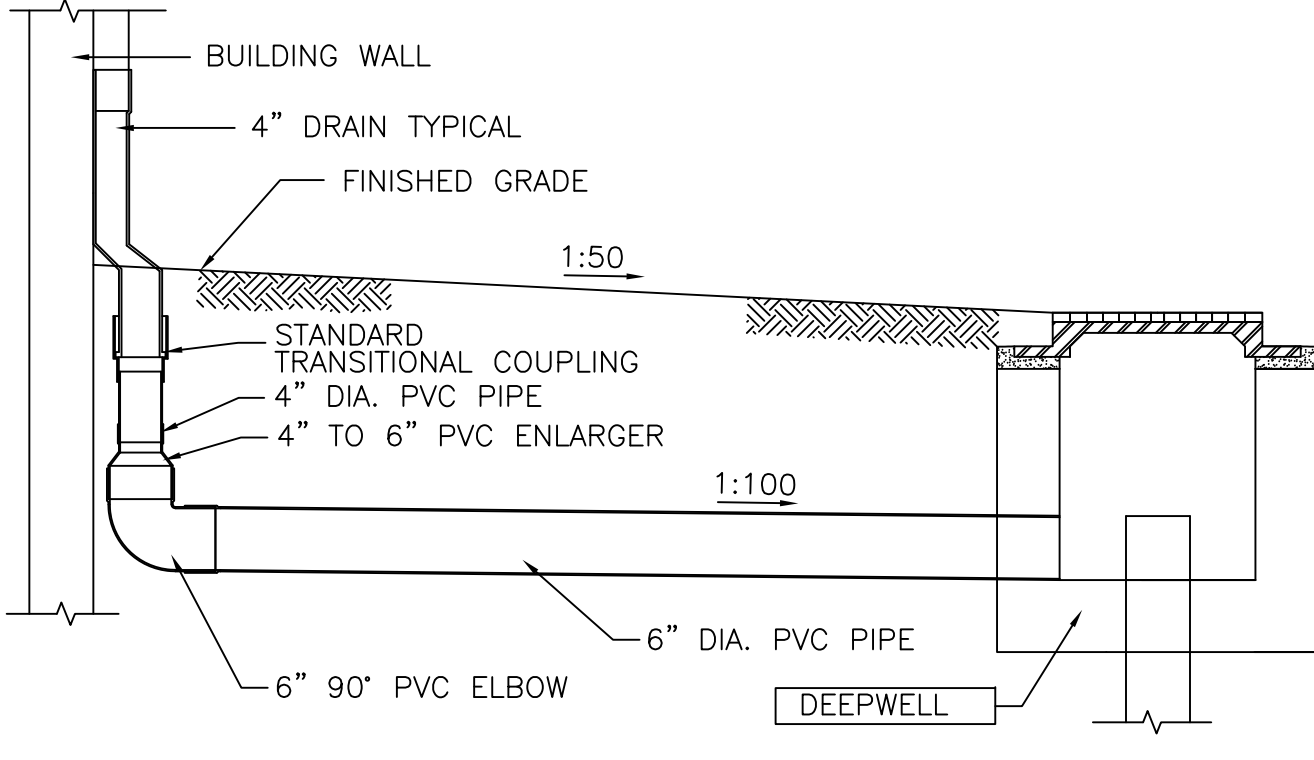
DEEP WELL DETAILS  
 SCALE : 1/2" = 1'-0"

02



PLAN ON GRATING  
 SCALE : 1/2" = 1'-0"

03



TYPICAL ROOF DRAIN DETAILS  
 SCALE : 1/2" = 1'-0"

04

CLASSES OF EMBEDMENT AND BACKFILL MATERIALS							
CLASS	TYPE	SOIL GROUP SYMBOL D 2487	DESCRIPTION	PERCENTAGE PASSING SIEVE SIZES			
				1 1/2 IN. (40 MM)	NO. 4 (4.75 MM)	NO. 200 (0.075 MM)	
IA	MANUFACTURED AGGREGATES OPEN-GRADED, CLEAN.	NONE	ANGULAR, CRUSHED STONE OR ROCK; CRUSHED GRAVEL, BROKEN CORAL, CRUSHED SLAG, CINDERS OR SHELLS; LARGE VOID CONTENT, CONTAIN LITTLE OR NO FINES.	100 %	≤ 10 %	< 5 %	
				100 %	≤ 50 %	< 5 %	
II	COARSE-GRAINED SOILS, CLEAN	GW	WELL-GRADED GRAVELS AND GRAVEL-SAND MIXTURES; LITTLE OR NO FINES.	100 %	< 50 % "COARSE FRACTION"	< 5 %	
				GP	POORLY-GRADED GRAVELS AND GRAVEL-SAND MIXTURES; LITTLE OR NO FINES.	> 50 % OF "COARSE FRACTION"	
				SW	WELL-GRADED SANDS AND GRAVELY SANDS; LITTLE OR NO FINES.		
				SP	POORLY-GRADED SANDS AND GRAVEL SANDS; LITTLE OR NO FINES.		
III	COARSE-GRAINED SOILS, WITH FINES	E.G. GW-GC, SP-SM.	SANDS AND GRAVELS WHICH ARE BORDERLINE BETWEEN CLEAN AND WITH FINES.	100 %	VARIES	5 % TO 12 %	
				GM	SILTY GRAVELS, GRAVEL-SAND SILT MIXTURES.	< 50 % OF "COARSE FRACTION"	12 % TO 50 %
				GC	CLAYEY GRAVELS, GRAVEL-SAND-CLAY MIXTURES.		
				SM	SILTY SANDS, SAND-SILT MIXTURES.	> 50 % OF "COARSE FRACTION"	
				SC	CLAYEY SANDS, SAND-CLAY MIXTURES.		

NOTES:

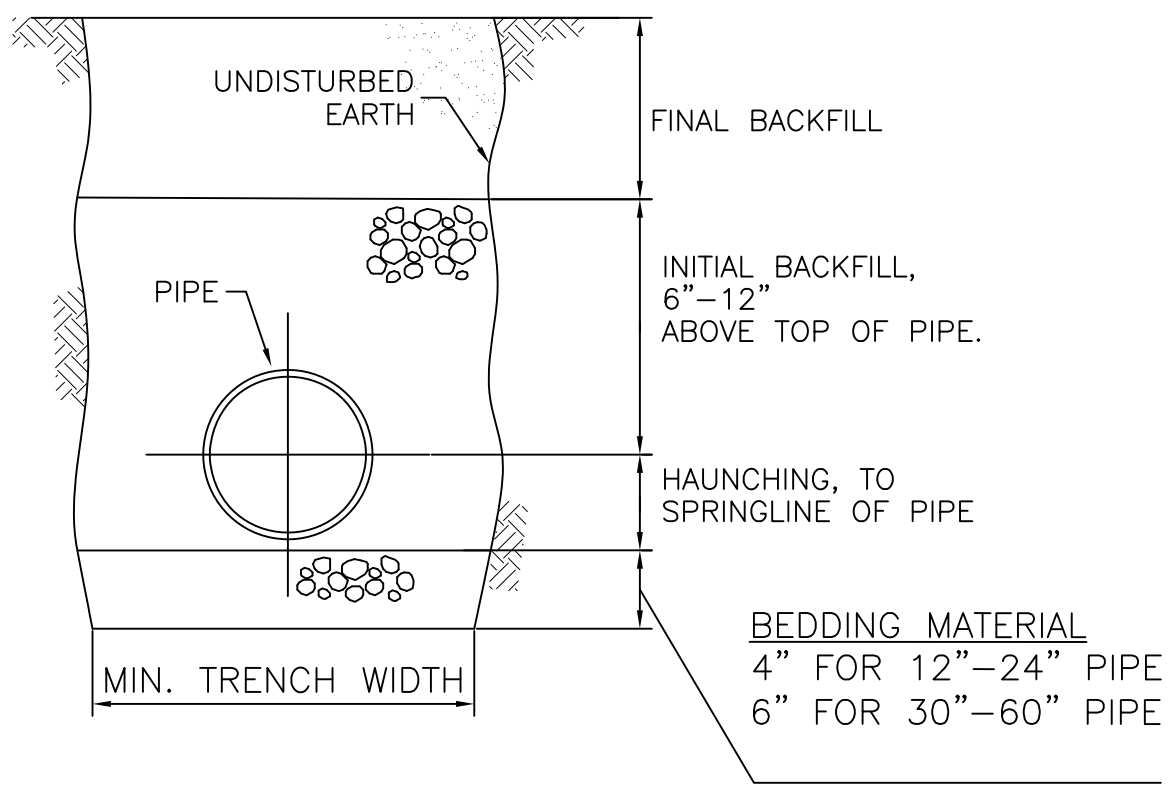
- ALL PIPE SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH ASTM D2321, "STANDARD PRACTICE FOR UNDERGROUND INSTALLATION OF THERMOPLASTIC PIPE FOR SEWERS AND OTHER GRAVITY FLOW APPLICATIONS", LATEST EDITION
- MEASURES SHOULD BE TAKEN TO PREVENT MIGRATION OF NATIVE FINES INTO BACKFILL MATERIAL, WHEN REQUIRED.
- FOUNDATION:** WHERE THE TRENCH BOTTOM IS UNSTABLE, THE CONTRACTOR SHALL EXCAVATE TO A DEPTH REQUIRED BY THE ENGINEER AND REPLACE WITH SUITABLE MATERIAL AS SPECIFIED BY THE ENGINEER. AS AN ALTERNATIVE AND AT THE DISCRETION OF THE DESIGN ENGINEER, THE TRENCH BOTTOM MAY BE STABILIZED USING A GEOTEXTILE MATERIAL.
- BEDDING:** SUITABLE MATERIAL SHALL BE CLASS I, II OR III. THE CONTRACTOR SHALL PROVIDE DOCUMENTATION FOR MATERIAL SPECIFICATION TO ENGINEER. UNLESS OTHERWISE NOTED BY THE ENGINEER, MINIMUM BEDDING THICKNESS SHALL BE 4".
- HAUNCHING AND INITIAL BACKFILL:** SUITABLE MATERIAL SHALL BE CLASS I, II OR III IN THE PIPE ZONE EXTENDING NOT LESS THAN 6" ABOVE CROWN OF PIPE. THE CONTRACTOR SHALL PROVIDE DOCUMENTATION FOR MATERIAL SPECIFICATION TO ENGINEER. MATERIAL SHALL BE INSTALLED AS REQUIRED IN ASTM D2321, LATEST EDITION.
- MINIMUM COVER:** MINIMUM COVER, H, IN NON-TRAFFIC APPLICATIONS (GRASS OR LANDSCAPE AREAS) IS 12" FROM THE TOP OF PIPE TO GROUND SURFACE. ADDITIONAL COVER MAY BE REQUIRED TO PREVENT FLOATATION. FOR TRAFFIC APPLICATIONS, MINIMUM COVER, H, IS 12" UP TO 48" DIAMETER PIPE AND 24" OF COVER FOR 54"-60" DIAMETER PIPE, MEASURED FROM TOP OF PIPE TO BOTTOM OF FLEXIBLE PAVEMENT OR TO TOP OF RIGID PAVEMENT.

UNLESS OTHERWISE SPECIFIED BY THE ENGINEER, MINIMUM TRENCH WIDTHS SHALL BE AS FOLLOWS:

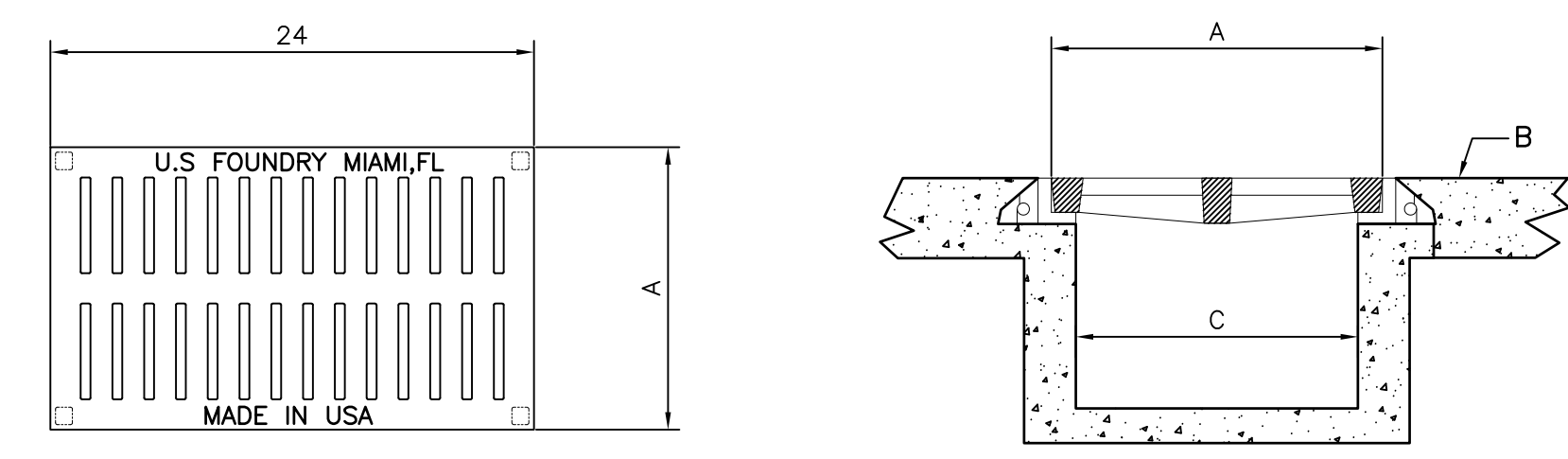
NOMINAL Ø in (mm)	MIN. RECOMMENDED TRENCH WIDTH in (mm)
4 (100)	21 (530)
6 (150)	23 (580)
8 (200)	25 (630)

PIPE BEDDING DETAILS  
 SCALE : 1/2" = 1'-0"

07



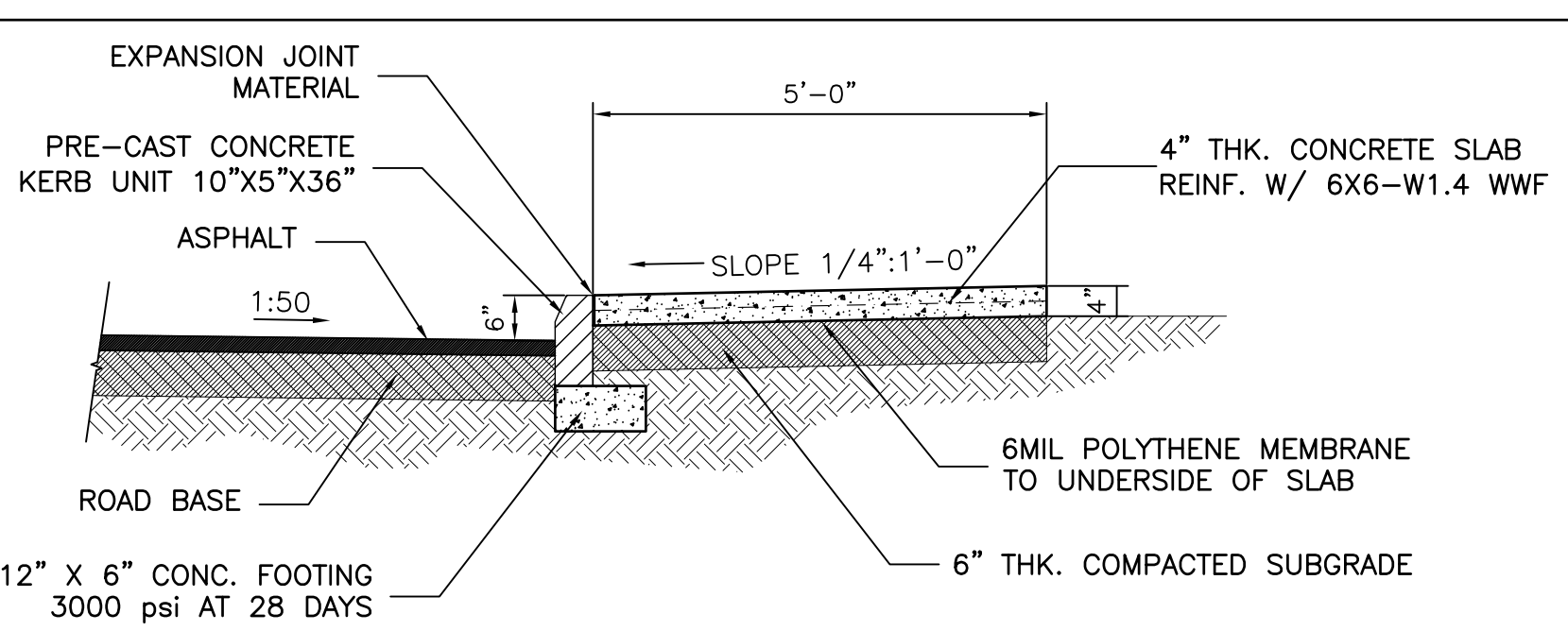
05



US FOUNDRIES TRENCH DRAIN 14" WIDE  
 MODEL NUMBER USF 6268

06

08



SIDEWALK AND KERB DETAILS  
 SCALE : 1/2" = 1'-0"

08

Rev.	Amendments	Rev	Chkd	App	Date
1	Revised Site Plan	RC	RL	SS	03/01/24
0	First Issue.	RC	RL	SS	07/28/23

SCHEME  
 20 NORTH SWMP  
 BLOCK 5C PARCELS 77  
 DRG. TITLE  
 STORM WATER MANAGEMENT  
 DETAILS - SHEET 2 OF 3



STRUCTURAL & CIVIL ENGINEERS  
 PROJECT MANAGERS

PO Box 309  
 Grand Cayman, KY1-1602, Cayman Islands  
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 Email: selsam@candw.ky

Status BUILDING PERMIT ISSUE

First drawn by	Checked by	Approved by
RC	RL	S. Small

Date 03/01/2024 Scale AS SHOWN Original size 24"x 36"  
 Drawing No. D23 132/SWM02 Rev.

**GENERAL NOTES:**

METER LOCATION AND EXTENT OF RAISED AREA TO BE DETERMINED BY WATER AUTHORITY - CAYMAN (WAC) QUALITY ASSURANCE INSPECTOR DURING INITIAL SITE VISIT AND AGREED WITH THE CUSTOMER

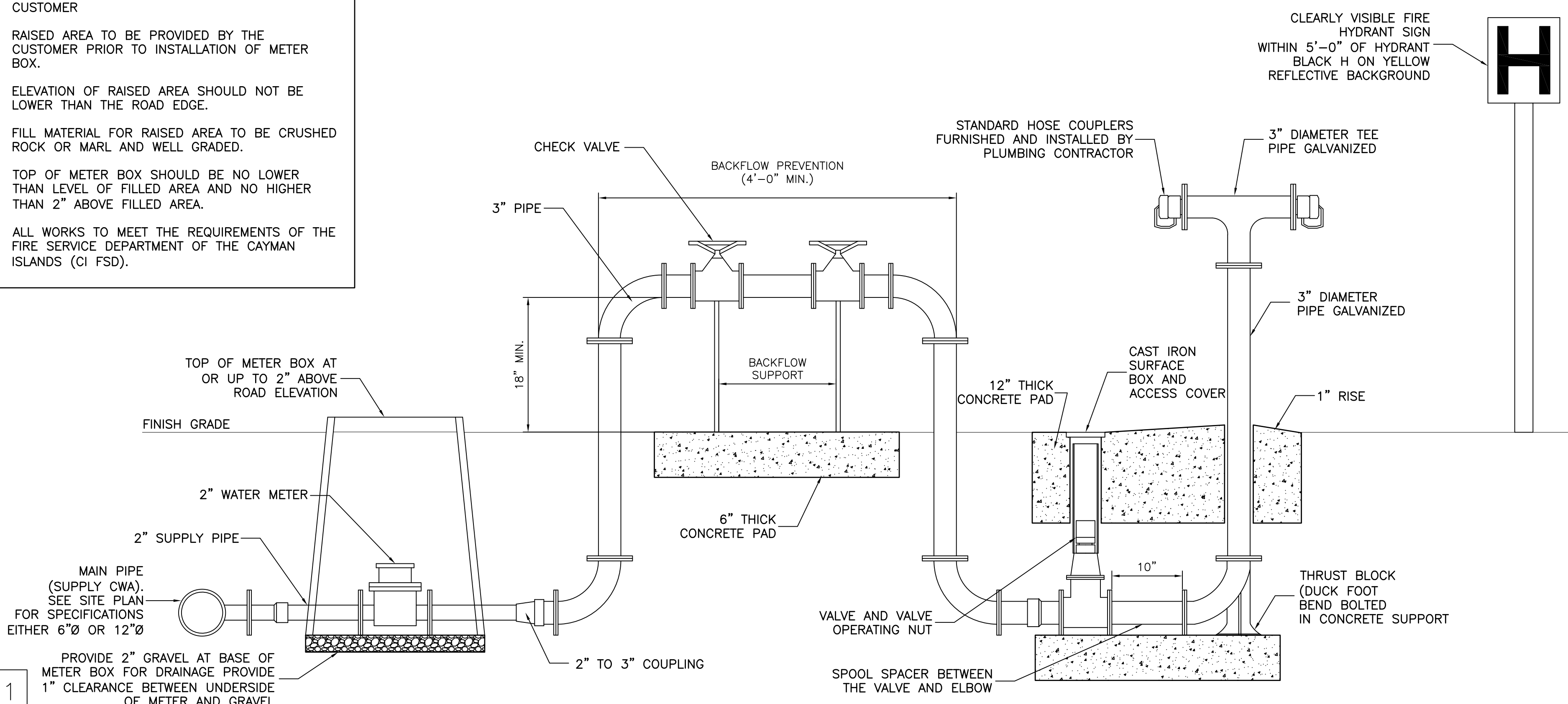
RAISED AREA TO BE PROVIDED BY THE CUSTOMER PRIOR TO INSTALLATION OF METER BOX.

ELEVATION OF RAISED AREA SHOULD NOT BE LOWER THAN THE ROAD EDGE.

FILL MATERIAL FOR RAISED AREA TO BE CRUSHED ROCK OR MARL AND WELL GRADED.

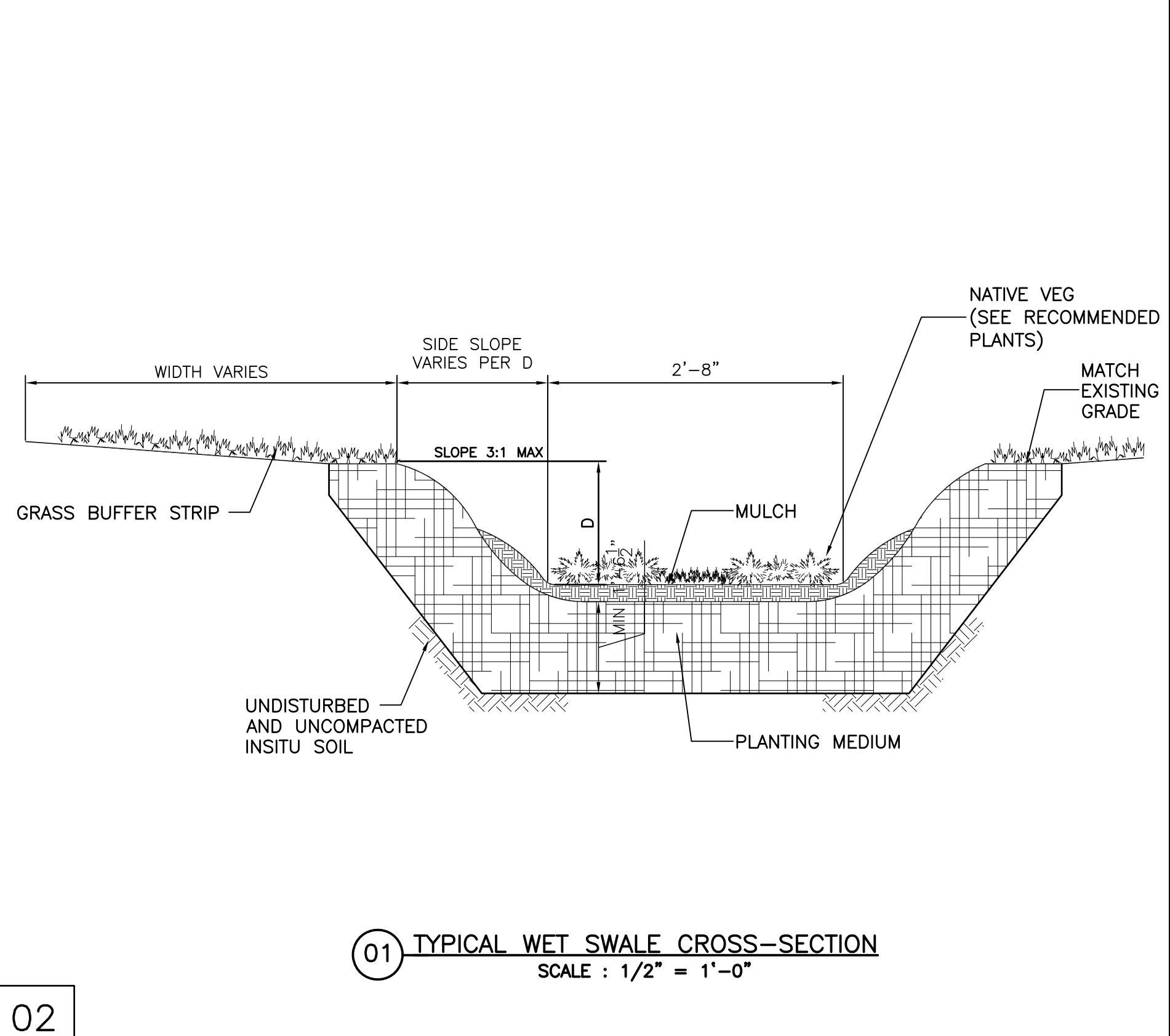
TOP OF METER BOX SHOULD BE NO LOWER THAN LEVEL OF FILLED AREA AND NO HIGHER THAN 2" ABOVE FILLED AREA.

ALL WORKS TO MEET THE REQUIREMENTS OF THE FIRE SERVICE DEPARTMENT OF THE CAYMAN ISLANDS (CI FSD).

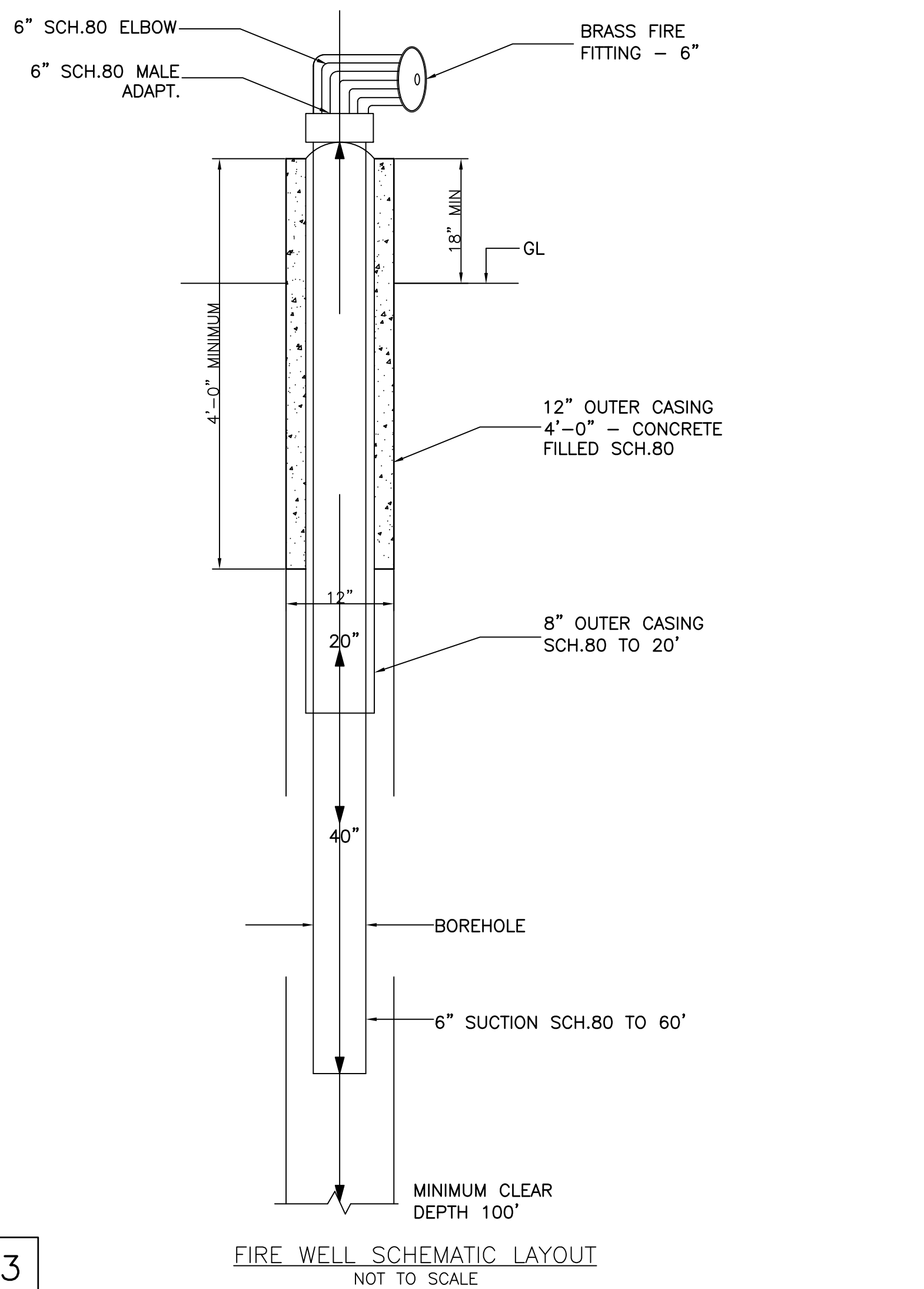


01

02

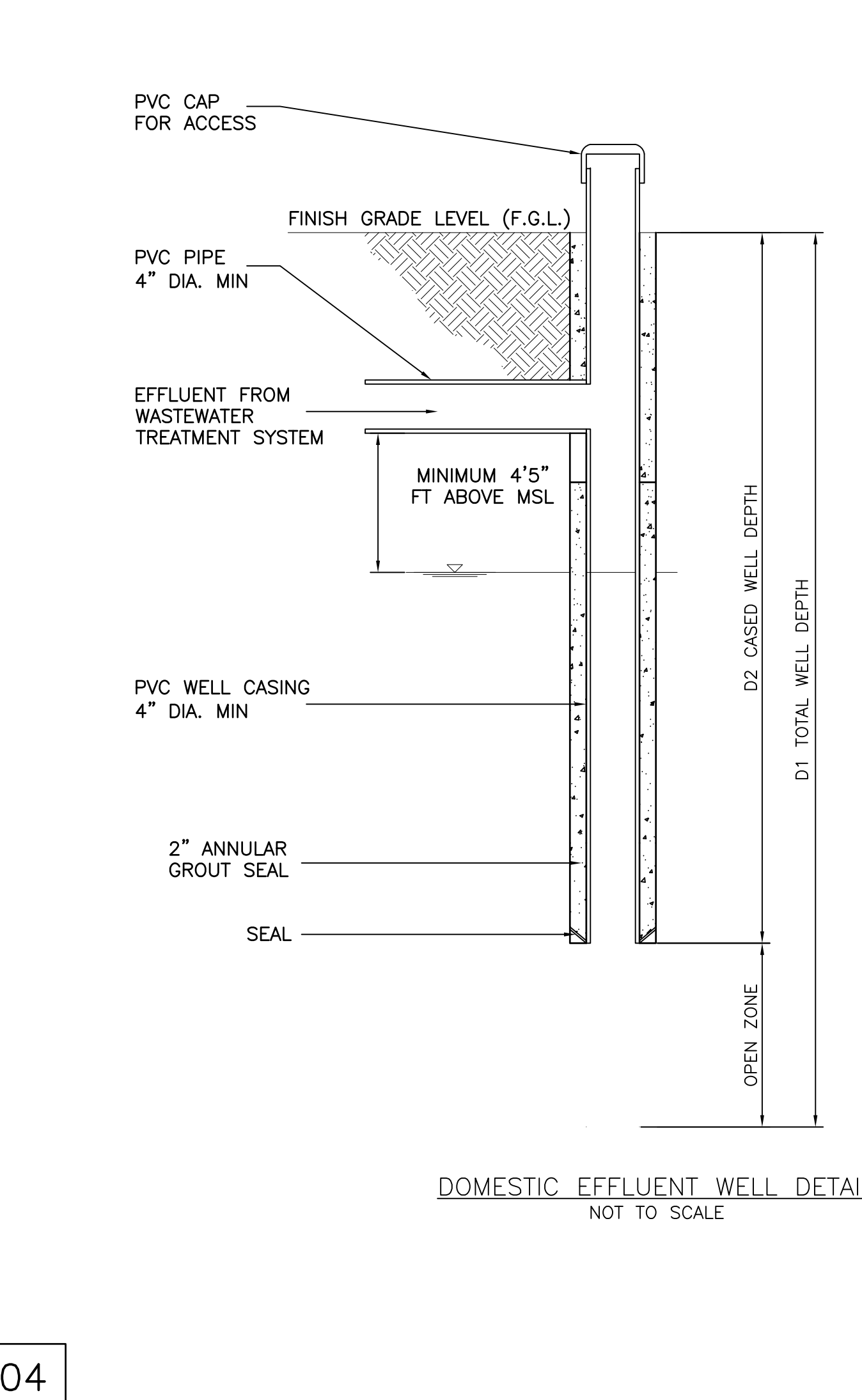


01 TYPICAL WET SWALE CROSS-SECTION  
SCALE : 1/2" = 1'-0"



03

FIRE WELL SCHEMATIC LAYOUT  
NOT TO SCALE



04

DOMESTIC EFFLUENT WELL DETAIL  
NOT TO SCALE

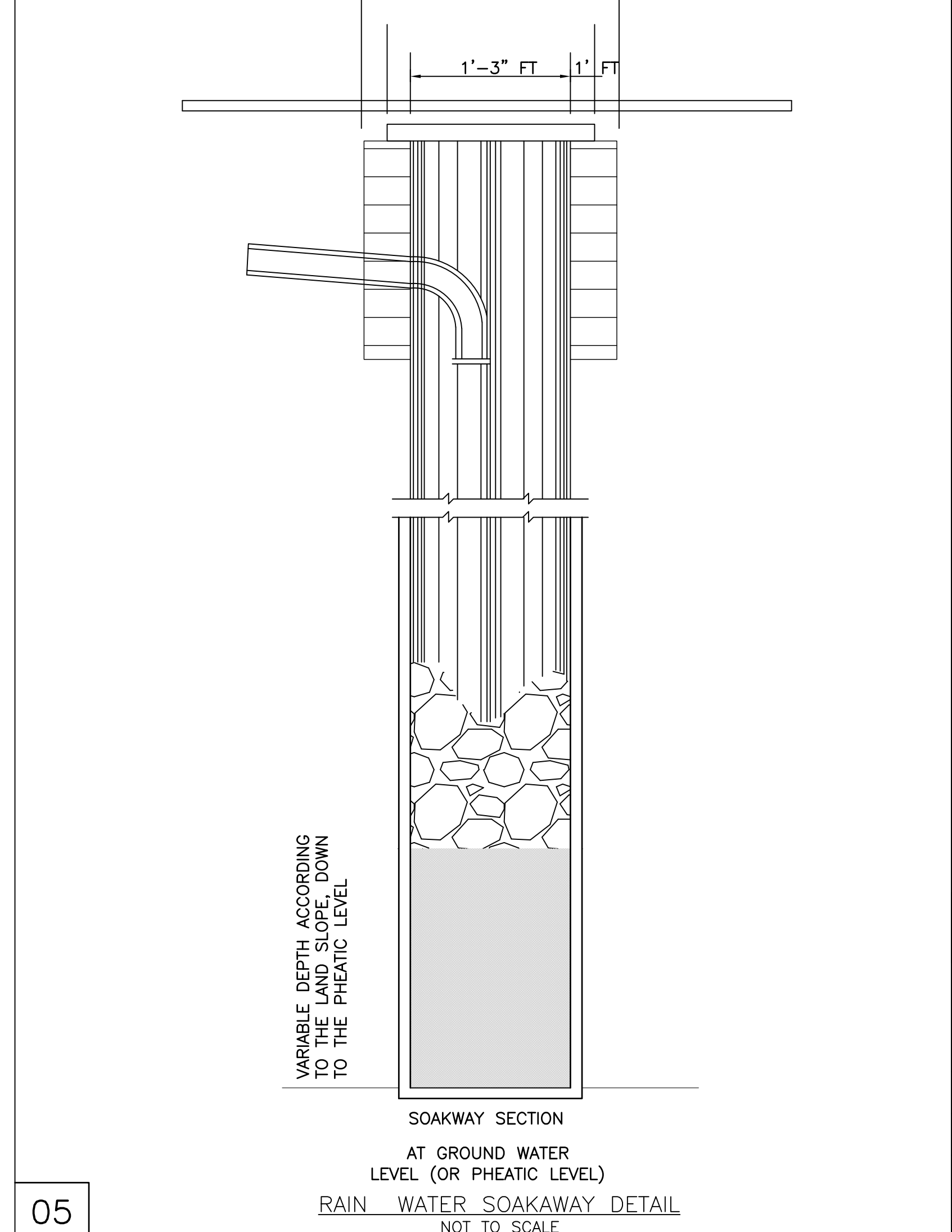
**NOTES:**

D1 AND D2  
D1 is the minimum total depth of the borehole.  
D2 is the minimum cased depth of the grouted casing.  
D1 and D2 are site specific value determined by elevation and proximity to water features; fresh water lenses, excavations, and coastal zone.  
The minimum depth of grouted casing is 40ft below the water table.  
Contact the Water Authority at [drillerinfo@waterauthority.ky](mailto:drillerinfo@waterauthority.ky) for site specific requirements for D1 and D2.

**OPEN ZONE (UNCASED PORTION FOR DISCHARGE)**  
The depth of the uncased portion of the borehole shall be minimum 10' and is dependent on the permeability of the formation.

**GROUTED CASING (ANNULAR SEAL)**  
The annulus shall be sealed with cement slurry, mixed as 1 bag cement with 6 Gallons of potable water and placed by pumping through a tremie pipe. Alternatively bentonite pellets shall be placed in the annular space.  
Cavities may be bridged with 3/8" clean gravel or well cuttings.

High Water Level (HWL) = High Tide Level + Perch Factor  
Minimum Invert Level = HWL + 2ft



05

SOAKWAY SECTION  
AT GROUND WATER LEVEL (OR PHEATIC LEVEL)  
RAIN WATER SOAKAWAY DETAIL  
NOT TO SCALE

SEL CONSULTING DOCUMENTS APPROVED FOR CONSTRUCTION  
By Sam Small at 12:39:32 PM, 3/1/2024

1	Revised Site Plan	RC	RL	SS	03/01/24
0	First Issue	RC	RL	SS	07/28/23
Rev.	Amendments	Rev	Chkd	App	Date
SCHEME					
20 NORTH SWMP BLOCK 5C PARCELS 77					
DRG. TITLE					
STORM WATER MANAGEMENT DETAILS - SHEET 3 OF 3					
<b>SEL</b>					
<b>CONSULTING</b>					
<b>STRUCTURAL &amp; CIVIL ENGINEERS PROJECT MANAGERS</b>					
PO Box 309 Grand Cayman, KY1-1602, Cayman Islands WhatsApp: 525 0209 Email: <a href="mailto:selsam@candw.ky">selsam@candw.ky</a>					
Status BUILDING PERMIT ISSUE					
First drawn by RC	Checked by RL	Approved by S. Small			
Date 03/01/2024	Scale AS SHOWN	Original size 24"x 36"			
Drawing No. D23 132/SWM03 Rev.					

# SIMULATED VIEW OF SITE DEVELOPMENT



# SIMULATED VIEW OF SITE DEVELOPMENT



West Bay South  
MP Office

Rachel's apartm...

Wilke Farrington Dr

Wilke Farrington Dr

Wilke Farrington Dr

Wilke Farrington Dr

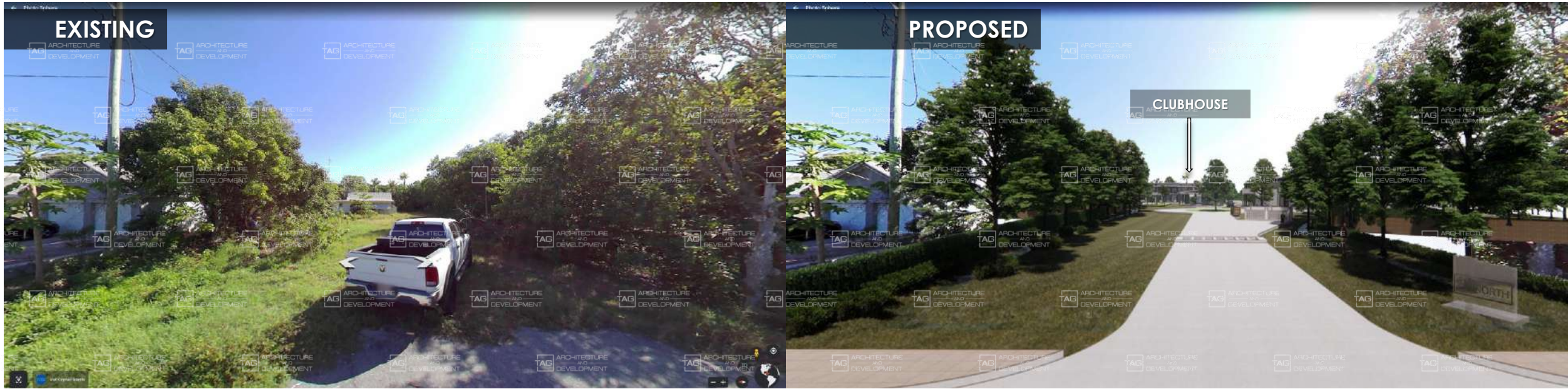
Lee Smith Dr

Lee Smith Dr

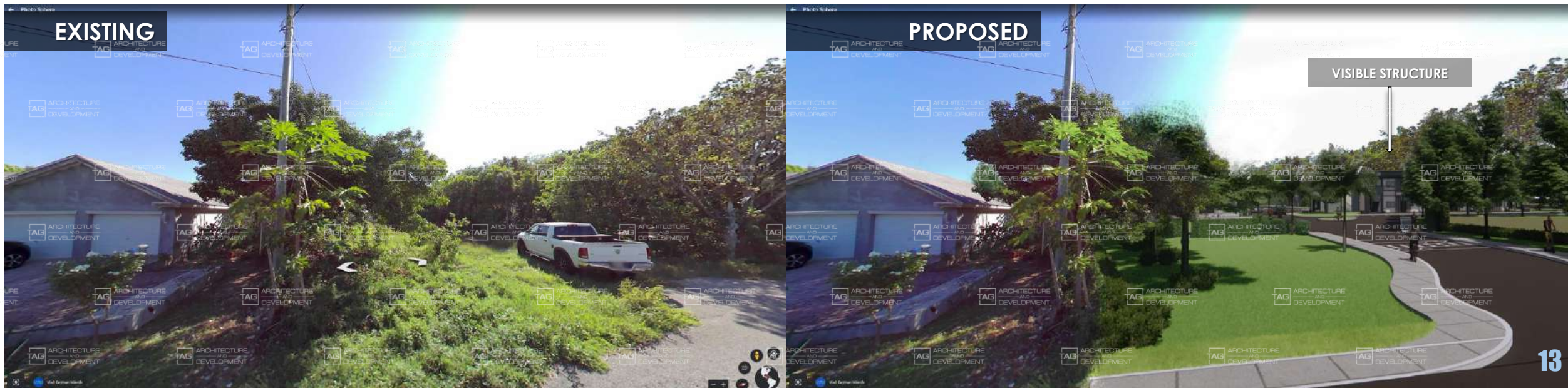
Elizabeth St Elizabeth St



# STREET VIEW FROM WILLIE FARRINGTON DRIVE



# STREET VIEW FROM WILLIE FARRINGTON DRIVE



# STREET VIEW FROM WILLIE FARRINGTON DRIVE



WILLIE FARRINGTON DR  
30' WIDE ACCESS ROAD

**ACTION**

- ..... 5C 77
- ..... Planning Permission
- ..... Apartments-OPS
- ..... Residential
- ..... Apartments
- ..... Vacant
- ..... Private
- ..... Lot Width

**TY**

- ..... 276,170.4 sq ft / 6.34 acre
- ..... Apartment Development with Pool, Cabana, Gym, and Clubhouse

ALLOWED/REQUIRED	PROPOSED
..... 1.5/acre = 95 Units	95 Apartment Units
..... 24/acre = 152 Bedrooms	119 Bedrooms
..... 25,000 sq ft	276,170.4 sqft
..... 100'	87'-11"
..... Footprint..... 30% of Lot Area = 82,851.12 sq ft	46,540 sq ft = 16.96%
..... 3 Storey / 40'	25'-0" & 26'-7" & 27'-0"
..... Front: 20'; Rear 20'; Sides 15'	Front: 20'; Rear 20'; Sides 15'
..... 167 Slots	177 Slots (15 Accessible)
..... 1.5/Unit=142.5 slot	1/100sqftCabana=6 slot
.....	1m.Clubhouse=18 slots

**±17%**

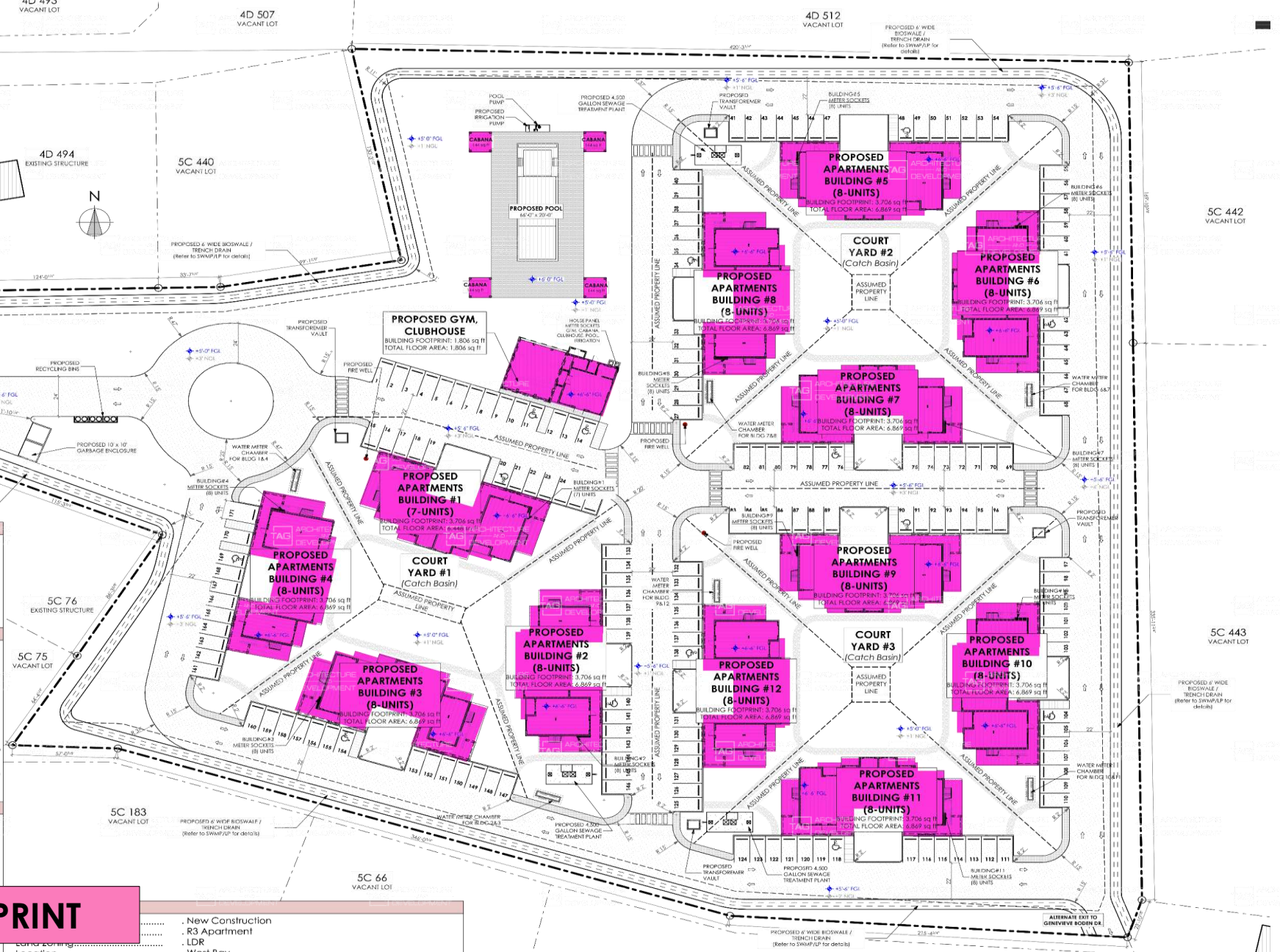
**BUILDING & UTILITIES FOOTPRINT**

Ground Floor	Second Floor	TOTAL
3,706 sq ft	2,742 sq ft	6,448 sq ft
3,706 sq ft	1,163 sq ft	6,869 sq ft
3,706 sq ft	1,163 sq ft	6,869 sq ft
3,706 sq ft	3,163 sq ft	6,869 sq ft
3,706 sq ft	3,163 sq ft	6,869 sq ft

3,706 sq ft	3,163 sq ft	6,869 sq ft
3,706 sq ft	3,163 sq ft	6,869 sq ft
1,806 sq ft	-	1,806 sq ft
144 sq ft	-	144 sq ft
144 sq ft	-	144 sq ft
144 sq ft	-	144 sq ft
144 sq ft	-	144 sq ft
<b>46,854 sq ft</b>	<b>37,535 sq ft</b>	<b>84,389 sq ft</b>

..... New Construction	..... None
..... R3 Apartment	..... None
..... LDR	..... 84,389 sq ft (Treillis Included)
..... West Bay	..... 84,389 sq ft (Apartments, Gym, Clubhouse, and Cabana)
.....	..... 86,098 sq ft (Parking & Driveway)
Gross Floor Area Existing Building.....	..... None
Footprint of Existing Building.....	..... None
Covered Area of Structure.....	..... 84,389 sq ft (Apartments, Gym, Clubhouse, and Cabana)
Footprint of proposed Structure.....	..... 84,389 sq ft (Apartments, Gym, Clubhouse, and Cabana)
Gross Area of Paved Surfaces.....	..... 86,098 sq ft (Parking & Driveway)
Parking & Driveway Surface.....	..... Asphalt Paving
Stormwater.....	..... Catch Basin & Deepwell





**PERMITS**

- 5C 77 Planning Permission
- 5C 78 Apartments-OPS
- 5C 79 Residential Apartments
- 5C 80 Vacant
- 5C 81 Private
- 5C 82 Lot Width

**CITY**

- 5C 83 276,170.4 sq ft / 6.34 acre
- 5C 84 Apartment Development with Pool, Cabana, Gym, and Clubhouse

ALLOWED/REQUIRED	PROPOSED
1.15/acre = 95 Units	95 Apartment Units
24/acre = 152 Bedrooms	119 Bedrooms
25,000 sq ft	276,170.4 sq ft
100'	87'-1"
30% of Lot Area = 82,851.12 sq ft	46,540 sq ft = 16.96%
3 Storey / 40'	25'-0" & 26'-7" & 27'-0"
Front-20'; Rear-20'; Sides 15'	Front-20'; Rear-20'; Sides 15'
167 Slots	177 Slots (15 Accessible)
1.5/Unit=142.5 slot	Parking Space included (1-Van & 14 Regular)
1/100sqft Cabana=6 slot	
1/100sqft Gym, Clubhouse=18 slots	

Ground Floor	Second Floor	TOTAL
3,706 sq ft	2,742 sq ft	6,448 sq ft

**±40%**

**GREEN SPACES**  
(Open spaces for Landscaping)

3,706 sq ft	3,163 sq ft	6,869 sq ft
3,706 sq ft	3,163 sq ft	6,869 sq ft
3,706 sq ft	3,163 sq ft	6,869 sq ft
3,706 sq ft	3,163 sq ft	6,869 sq ft

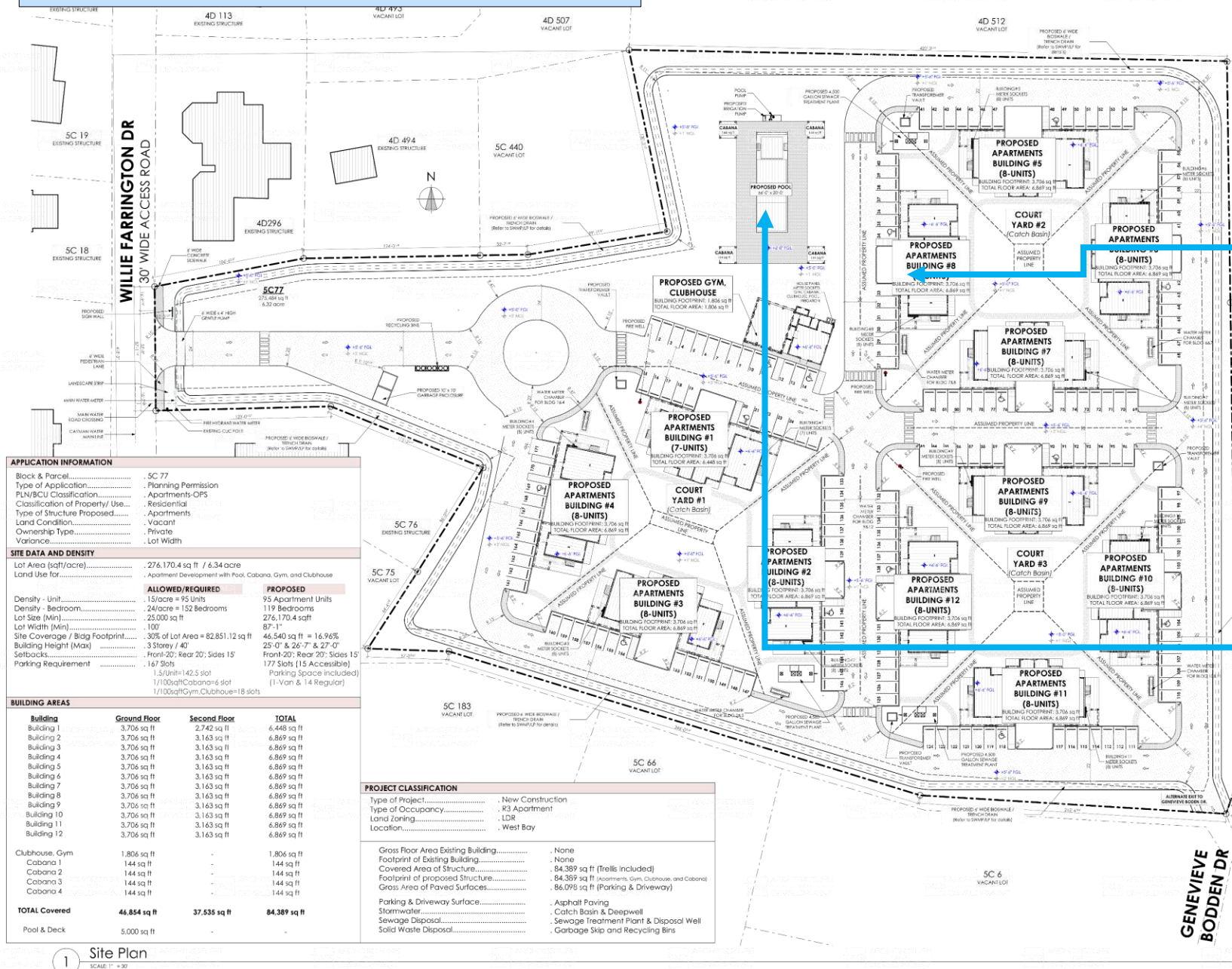
1,806 sq ft	-	1,806 sq ft
144 sq ft	-	144 sq ft

**PROJECT CLASSIFICATION**

Type of Project.....	New Construction
Type of Occupancy.....	R3 Apartment
Land Zoning.....	LDR
Location.....	West Bay

Gross Floor Area Existing Building.....	None
Footprint of Existing Building.....	None
Covered Area of Structure.....	84,389 sq ft (Trellis Included)

# VIEWS FROM AMENITY STRUCTURES



**APPLICATION INFORMATION**

Block & Parcel.....	5C 77
Type of Application.....	Planning Permission
PLU/UCU Classification.....	Apartment-CPS
Classification of Property/ Use.....	Residential
Type of Structure Proposed.....	Apartment
Land Condition.....	Vacant
Ownership Type.....	Private
Variance.....	Lot Width

**SITE DATA AND DENSITY**

Lot Area (sqft/acre).....	276,170.4 sq ft / 6.34 acre
Land Use for.....	Apartment Development with Pool, Cabana, Gym, and Clubhouse
Density - Unit.....	<b>ALLOWED/REQUIRED</b> 95 Apartment Units
Density - Bedroom.....	<b>PROPOSED</b> 119 Bedrooms
Lot Size (Min).....	25,000 sq ft
Lot Width (Min).....	87'-1"
Site Coverage / Bldg Footprint.....	30% of Lot Area = 82,851.12 sq ft
Building Height (Max).....	25'-0" & 26'-7" & 27'-0"
Setbacks.....	Front-20'; Rear-20'; Sides 15'
Parking Requirement.....	167 Slots (15 Accessible) 1.5/Unit=142.5 slot 1/100sqftCabana=6 slot 1/100sqftGym/Clubhouse=18 slots

**BUILDING AREAS**

Building	Ground Floor	Second Floor	TOTAL
Building 1	3,706 sq ft	2,742 sq ft	6,448 sq ft
Building 2	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 3	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 4	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 5	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 6	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 7	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 8	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 9	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 10	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 11	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 12	3,706 sq ft	3,163 sq ft	6,869 sq ft
Clubhouse, Gym	1,806 sq ft	-	1,806 sq ft
Cabana 1	144 sq ft	-	144 sq ft
Cabana 2	144 sq ft	-	144 sq ft
Cabana 3	144 sq ft	-	144 sq ft
Cabana 4	144 sq ft	-	144 sq ft
<b>TOTAL Covered</b>	<b>46,854 sq ft</b>	<b>37,535 sq ft</b>	<b>84,389 sq ft</b>
Pool & Deck	5,000 sq ft	-	5,000 sq ft

**PROJECT CLASSIFICATION**

Type of Project.....	New Construction
Type of Occupancy.....	R3 Apartment
Local Zoning.....	LDR
Location.....	West Bay
Gross Floor Area Existing Building.....	None
Footprint of Existing Building.....	None
Covered Area of Structure.....	84,389 sq ft (Trellis Included)
Footprint of proposed Structure.....	84,389 sq ft (Apartment, Gym, Clubhouse, and Cabana)
Gross Area of Paved Surfaces.....	86,098 sq ft (Parking & Driveway)
Parking & Driveway Surface.....	Asphalt Paving
Stormwater.....	Catch Basin & Deepwell
Sewage Disposal.....	Sewage Treatment Plant & Disposal Well
Solid Waste Disposal.....	Garbage Skip and Recycling Bins

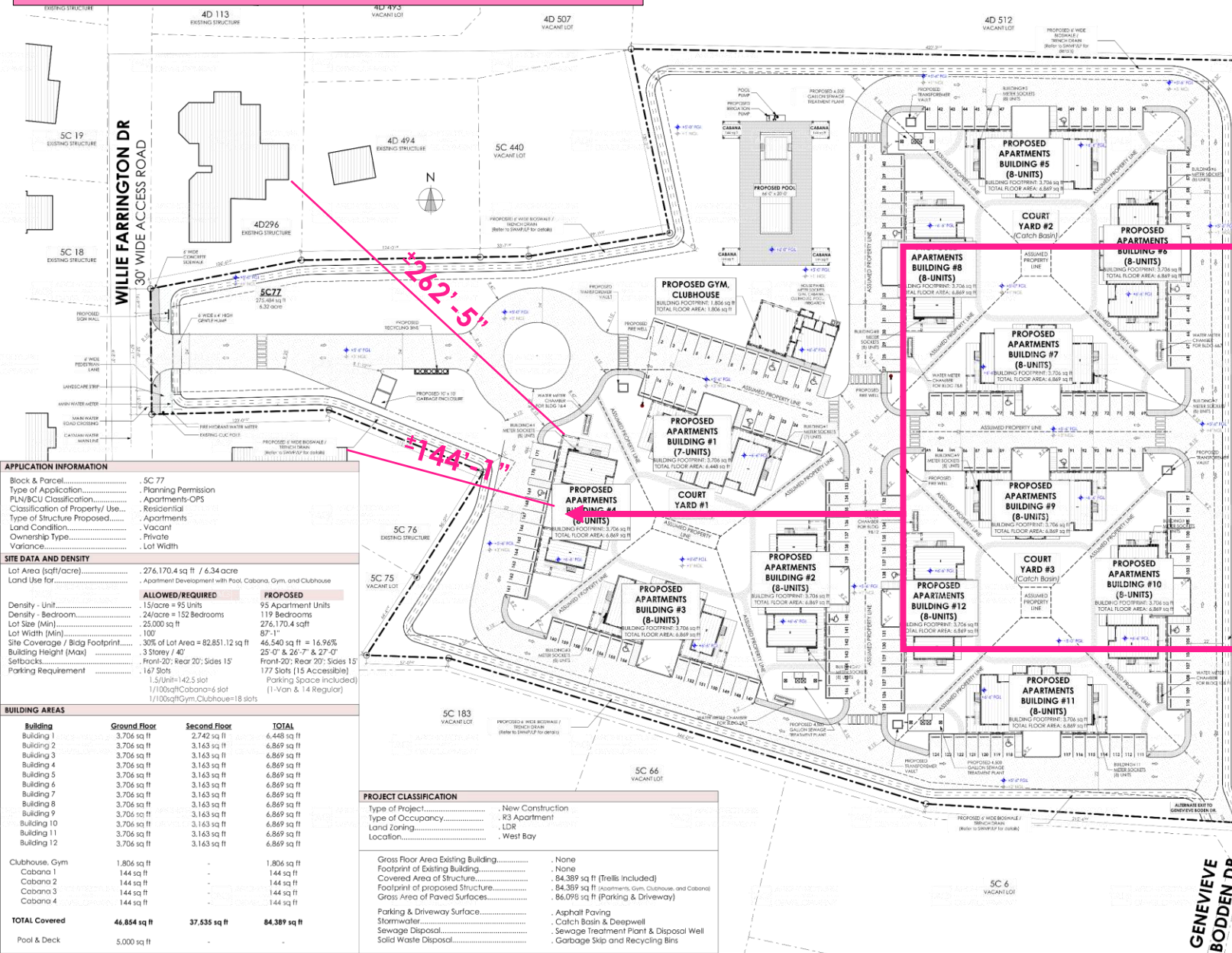


VIEW FROM BALCONY



VIEW FROM POOL DECK

# VIEWS FROM APARTMENT BUILDING



**APPLICATION INFORMATION**

Block & Parcel	5C 77
Type of Application	Planning Permission
PLU/UCU Classification	Apartment-CPS
Classification of Property/ Use	Residential
Type of Structure Proposed	Apartment
Land Condition	Vacant
Ownership Type	Private
Variance	Lot Width

**SITE DATA AND DENSITY**

Lot Area (sqft/acre)	276,170.4 sq ft / 6.34 acre
Land Use for	Apartment Development with Pool, Cabana, Gym, and Clubhouse
Density - Unit	15/acre = 95 Units
Density - Bedroom	24/acre = 152 Bedrooms
Lot Size (Min)	25,000 sq ft
Lot Width (Min)	87'-1"
Site Coverage / Blg Footprint	30% of Lot Area = 82,851.12 sq ft
Building Height (Max)	3 Storey / 40'
Setbacks	Front: 20'; Rear: 20'; Sides 15'
Parking Requirement	167 Spots
	1.5/Unit = 142.5 spot
	1/100sqftCabana+6 slot
	1/100sqftGym,Clubhouse+18 slots

**BUILDING AREAS**

Building	Ground Floor	Second Floor	TOTAL
Building 1	3,706 sq ft	2,742 sq ft	6,448 sq ft
Building 2	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 3	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 4	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 5	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 6	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 7	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 8	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 9	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 10	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 11	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 12	3,706 sq ft	3,163 sq ft	6,869 sq ft
Clubhouse, Gym	1,806 sq ft	-	1,806 sq ft
Cabana 1	144 sq ft	-	144 sq ft
Cabana 2	144 sq ft	-	144 sq ft
Cabana 3	144 sq ft	-	144 sq ft
Cabana 4	144 sq ft	-	144 sq ft
<b>TOTAL Covered</b>	<b>46,854 sq ft</b>	<b>37,535 sq ft</b>	<b>84,389 sq ft</b>
Pool & Deck	5,000 sq ft	-	5,000 sq ft

**PROJECT CLASSIFICATION**

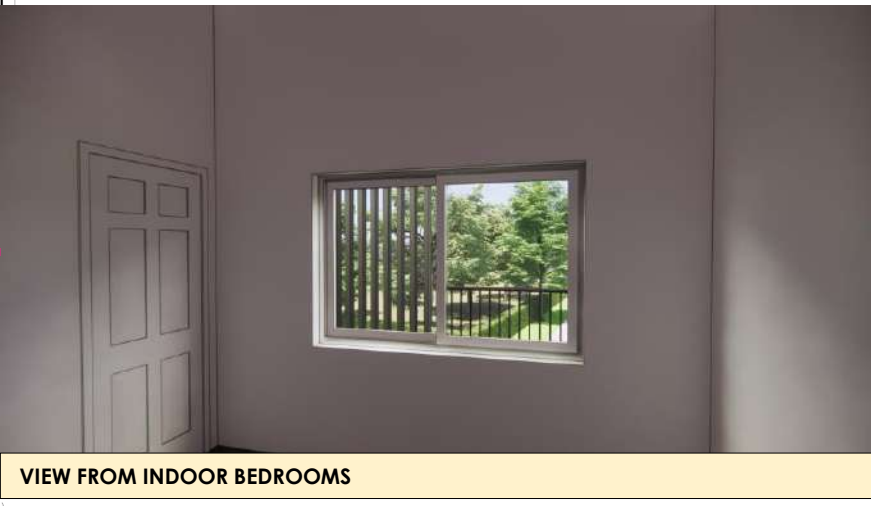
Type of Project	New Construction
Type of Occupancy	R3 Apartment
Local Zoning	LDR
Location	West Bay

Gross Floor Area Existing Building	None
Footprint of Existing Building	None
Covered Area of Structure	84,389 sq ft (Trellis Included)
Footprint of proposed Structure	84,389 sq ft (Apartments, Gym, Clubhouse, and Cabana)
Gross Area of Paved Surfaces	86,098 sq ft (Parking & Driveway)
Parking & Driveway Surface	Asphalt Paving
Stormwater	Catch Basin & Deepwell
Sewage Disposal	Sewage Treatment Plant & Disposal Well
Solid Waste Disposal	Garbage Skip and Recycling Bins

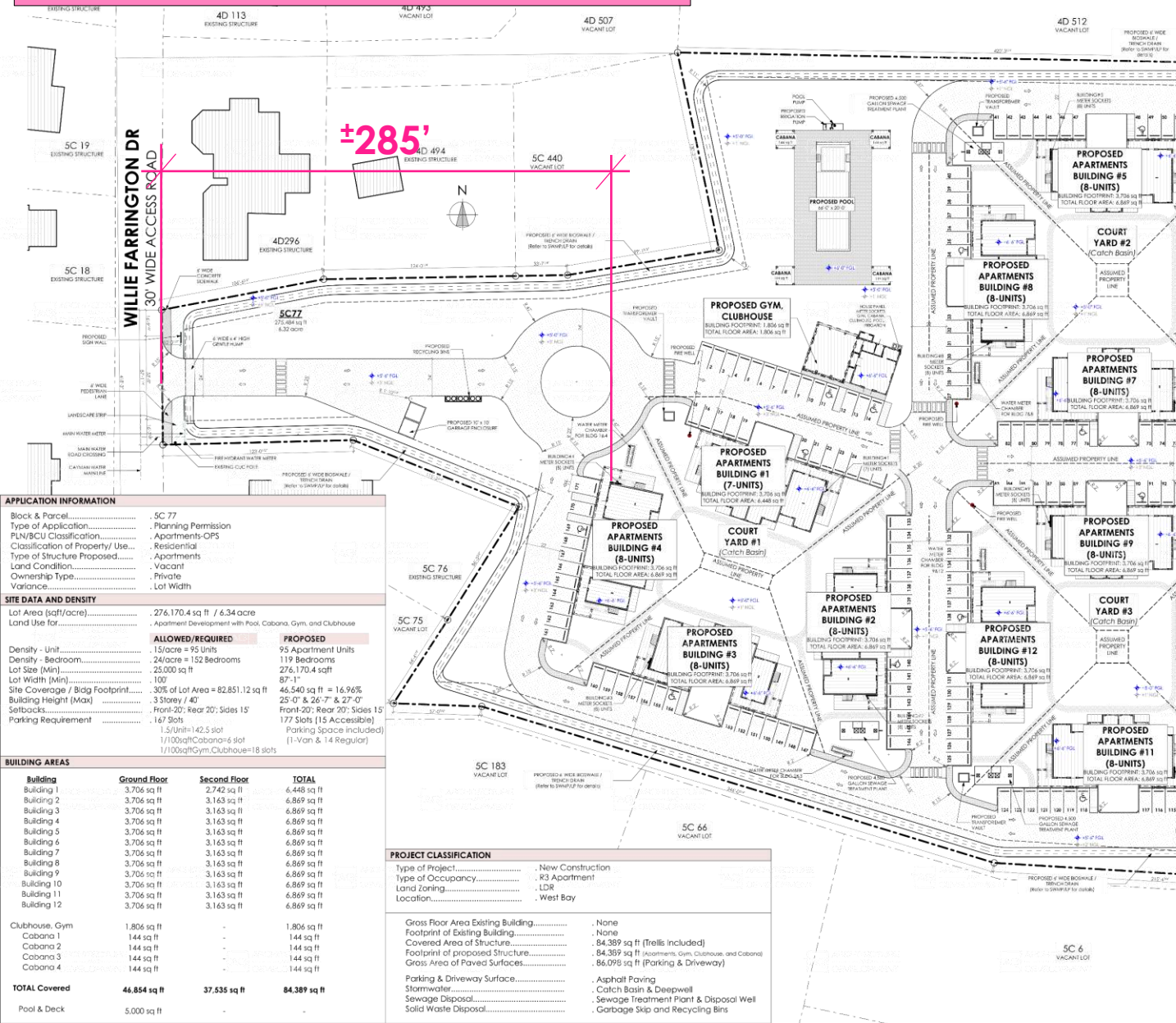


VIEW FROM BALCONY



VIEW FROM INDOOR BEDROOMS

# DISTANCE FROM WILLIE FARRINGTON



**APPLICATION INFORMATION**

Block & Parcel.....	SC 77
Type of Application.....	Planning Permission
PLN/BCU Classification.....	Apartment-CPS
Classification of Property/ Use.....	Residential
Type of Structure Proposed.....	Apartment
Land Condition.....	Vacant
Ownership Type.....	Private
Variance.....	Lot Width

**SITE DATA AND DENSITY**

Lot Area (sqft/acre).....	276,170.4 sq ft / 6.34 acre
Land Use for.....	Apartment Development with Pool, Cabana, Gym, and Clubhouse
<b>Density - Unit</b> .....	<b>ALLOWED/REQUIRED</b> 95 Apartment Units
Density - Bedroom.....	24/acre = 152 Bedrooms
Lot Size (Min).....	25,000 sq ft
Lot Width (Min).....	87'-1"
Site Coverage / Bltg Footprint.....	30% of Lot Area = 82,851.12 sq ft
Building Height (Max).....	25'-0" & 26'-7" & 27'-0"
Setbacks.....	Front: 20'; Rear: 20'; Sides: 15'
Parking Requirement.....	1.5/Unit = 142.5 slot 1/100sqft Cabana = 6 slot 1/100sqft Gym, Clubhouse = 18 slots

**BUILDING AREAS**

Building	Ground Floor	Second Floor	TOTAL
Building 1	3,706 sq ft	2,742 sq ft	6,448 sq ft
Building 2	3,706 sq ft	3,163 sq ft	6,869 sq ft
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Building 6	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 7	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 8	3,706 sq ft	3,163 sq ft	6,869 sq ft
Building 9	3,706 sq ft	3,163 sq ft	6,869 sq ft
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Building 12	3,706 sq ft	3,163 sq ft	6,869 sq ft
Clubhouse, Gym	1,806 sq ft	-	1,806 sq ft
Cabana 1	144 sq ft	-	144 sq ft
Cabana 2	144 sq ft	-	144 sq ft
Cabana 3	144 sq ft	-	144 sq ft
Cabana 4	144 sq ft	-	144 sq ft
<b>TOTAL Covered</b>	<b>46,854 sq ft</b>	<b>37,535 sq ft</b>	<b>84,389 sq ft</b>
Pool & Deck	5,000 sq ft	-	5,000 sq ft

**PROJECT CLASSIFICATION**

Type of Project.....	New Construction
Type of Occupancy.....	R3 Apartment
Local Zoning.....	LDR
Location.....	West Bay

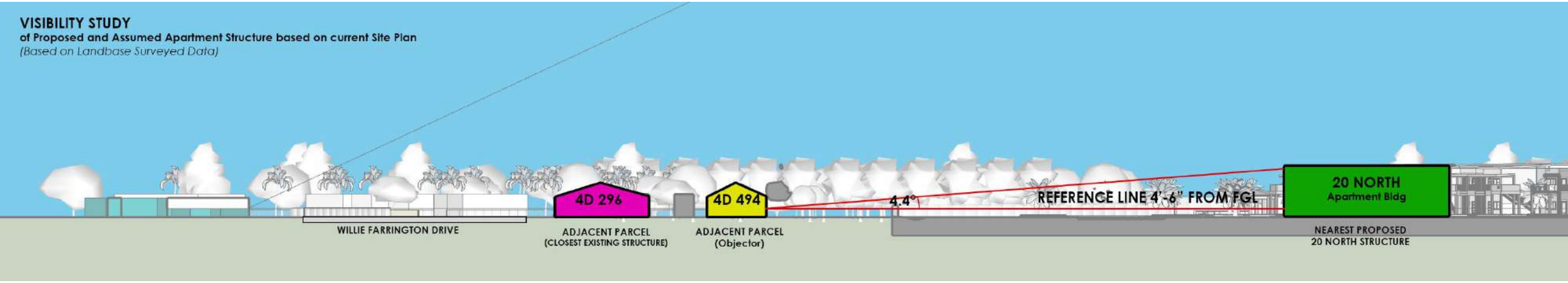
Gross Floor Area Existing Building.....	None
Footprint of Existing Building.....	None
Covered Area of Structure.....	84,389 sq ft (Trellis included)
Footprint of proposed Structure.....	84,389 sq ft (Apartment, Gym, Clubhouse, and Cabana)
Gross Area of Paved Surfaces.....	86,098 sq ft (Parking & Driveway)

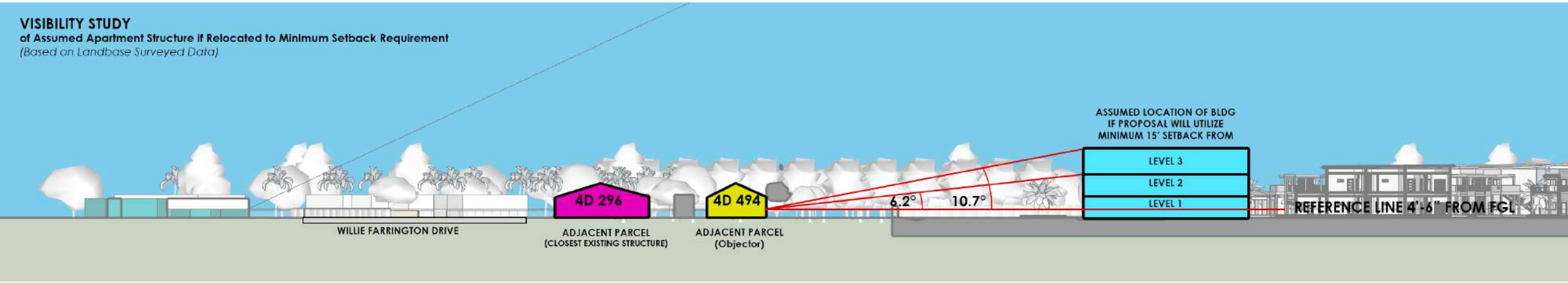
Parking & Driveway Surface.....	Asphalt Paving
Stormwater.....	Catch Basin & Deepwell
Sewage Disposal.....	Sewage Treatment Plant & Disposal Well
Solid Waste Disposal.....	Garbage Skip and Recycling Bins



**VISIBILITY STUDY**  
of Proposed and Assumed Apartment Structure based on current Site Plan  
*(Based on Landbase Surveyed Data)*

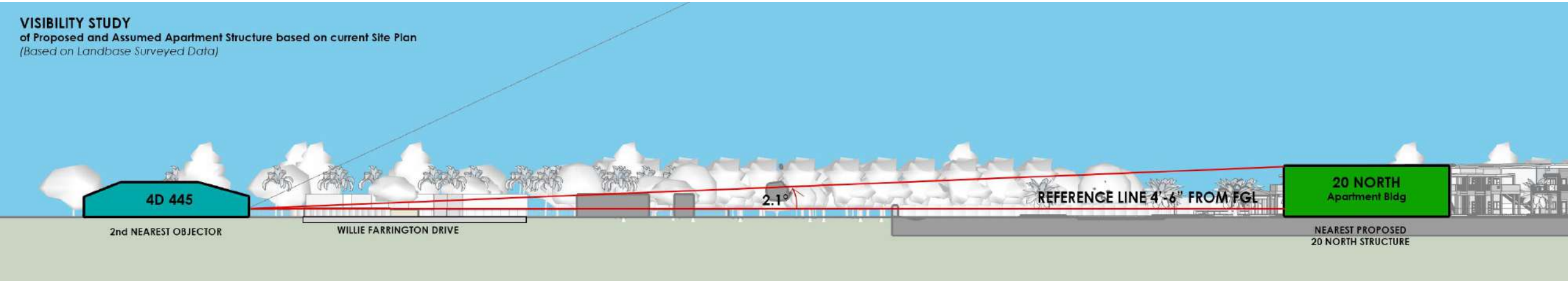


**VISIBILITY STUDY**  
of Assumed Apartment Structure if Relocated to Minimum Setback Requirement  
*(Based on Landbase Surveyed Data)*

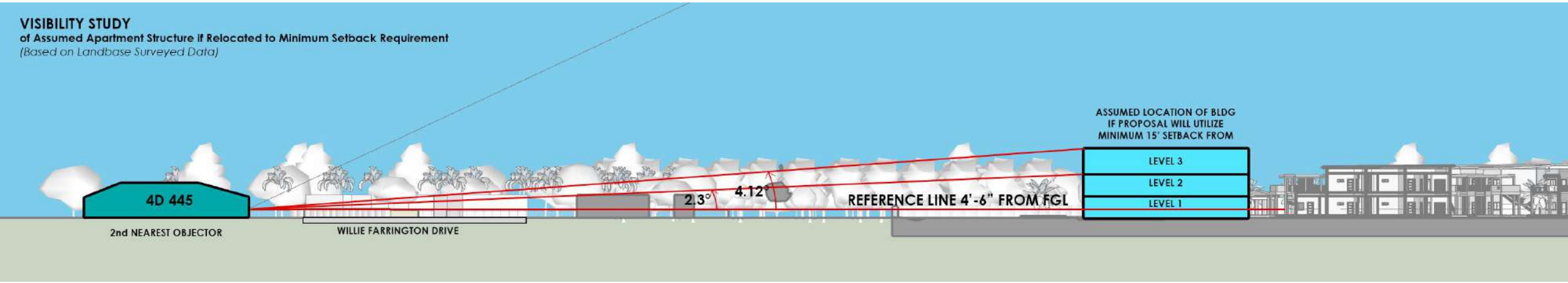




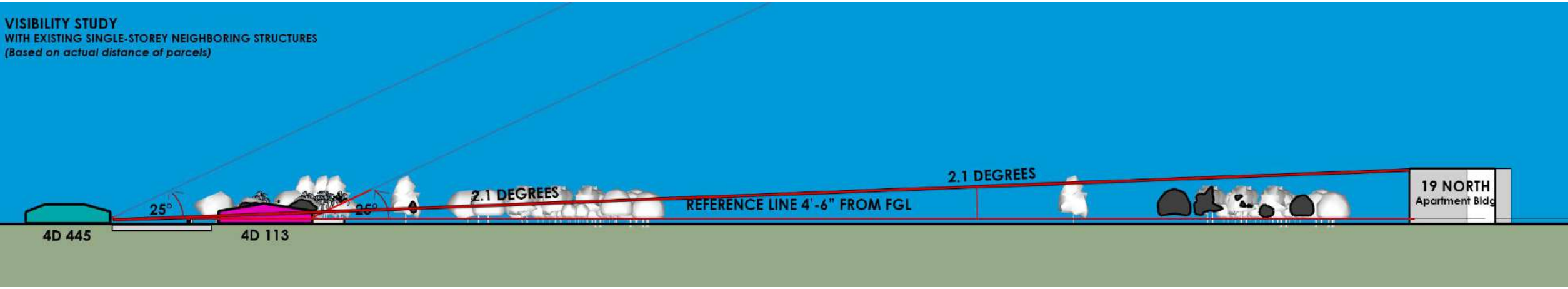
**VISIBILITY STUDY**  
of Proposed and Assumed Apartment Structure based on current Site Plan  
*(Based on Landbase Surveyed Data)*



**VISIBILITY STUDY**  
of Assumed Apartment Structure if Relocated to Minimum Setback Requirement  
*(Based on Landbase Surveyed Data)*



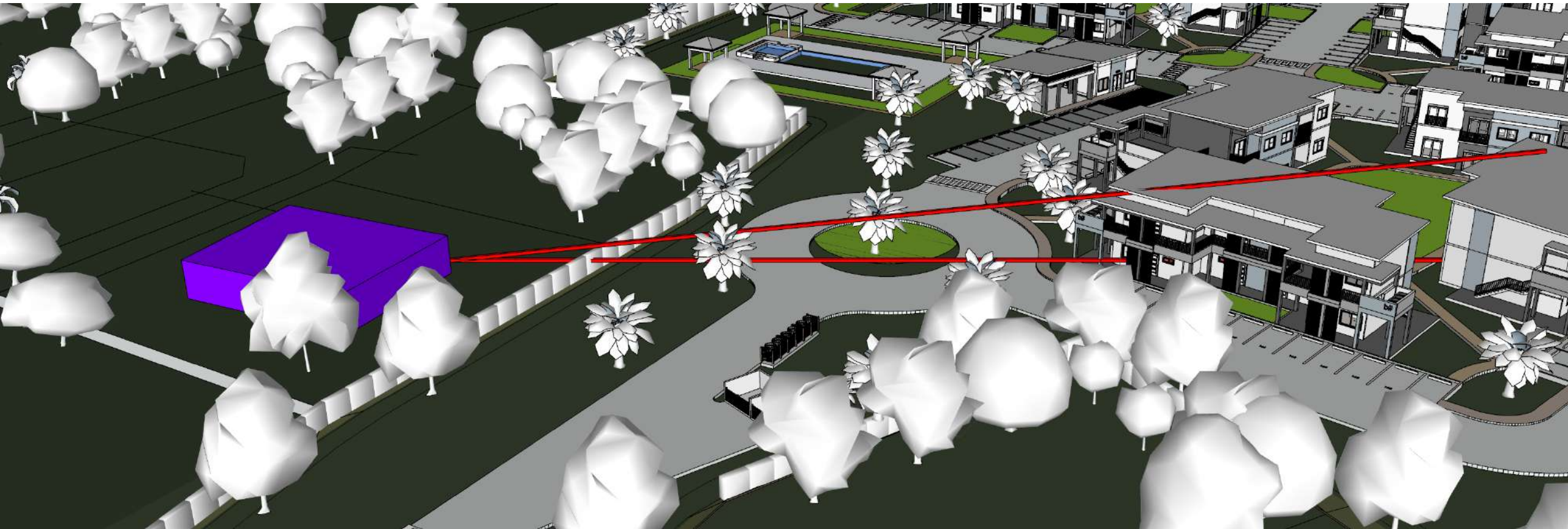
**VISIBILITY STUDY**  
WITH EXISTING SINGLE-STOREY NEIGHBORING STRUCTURES  
(Based on actual distance of parcels)



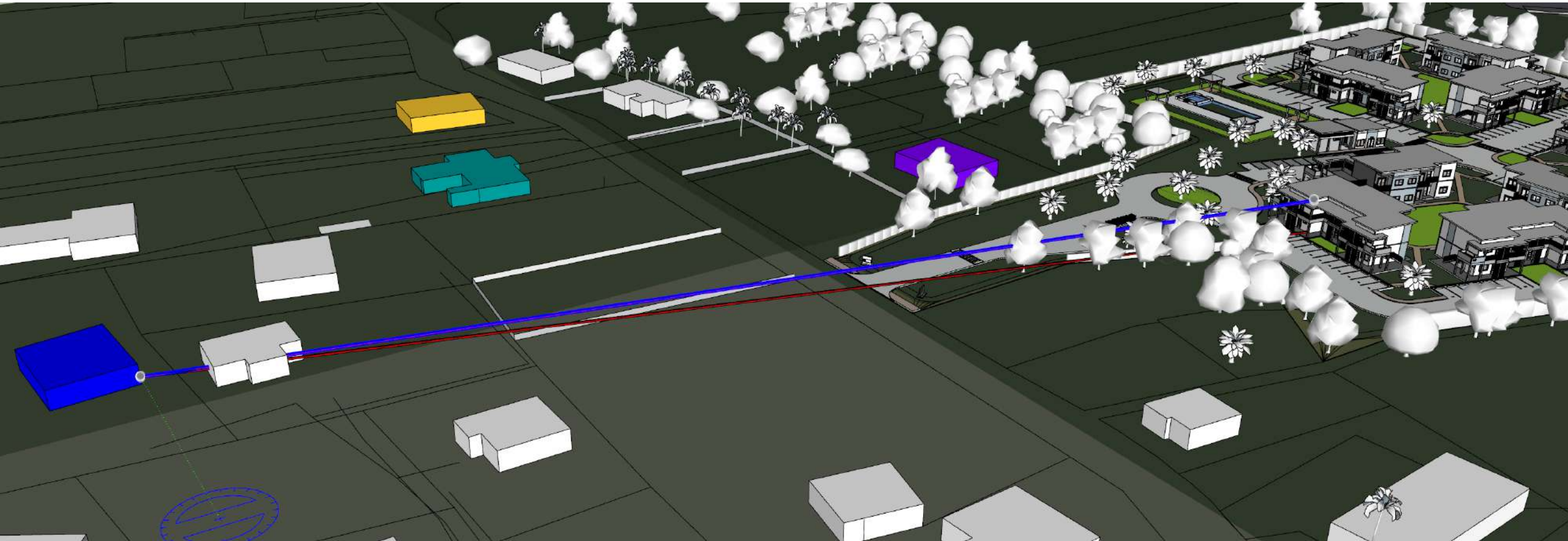
**VISIBILITY STUDY**  
WITH FROM EXISTING STRUCTURE WITHIN SIGHTLINE OF 20 NORTH & 19 NORTH  
(Based on actual distance of parcels)



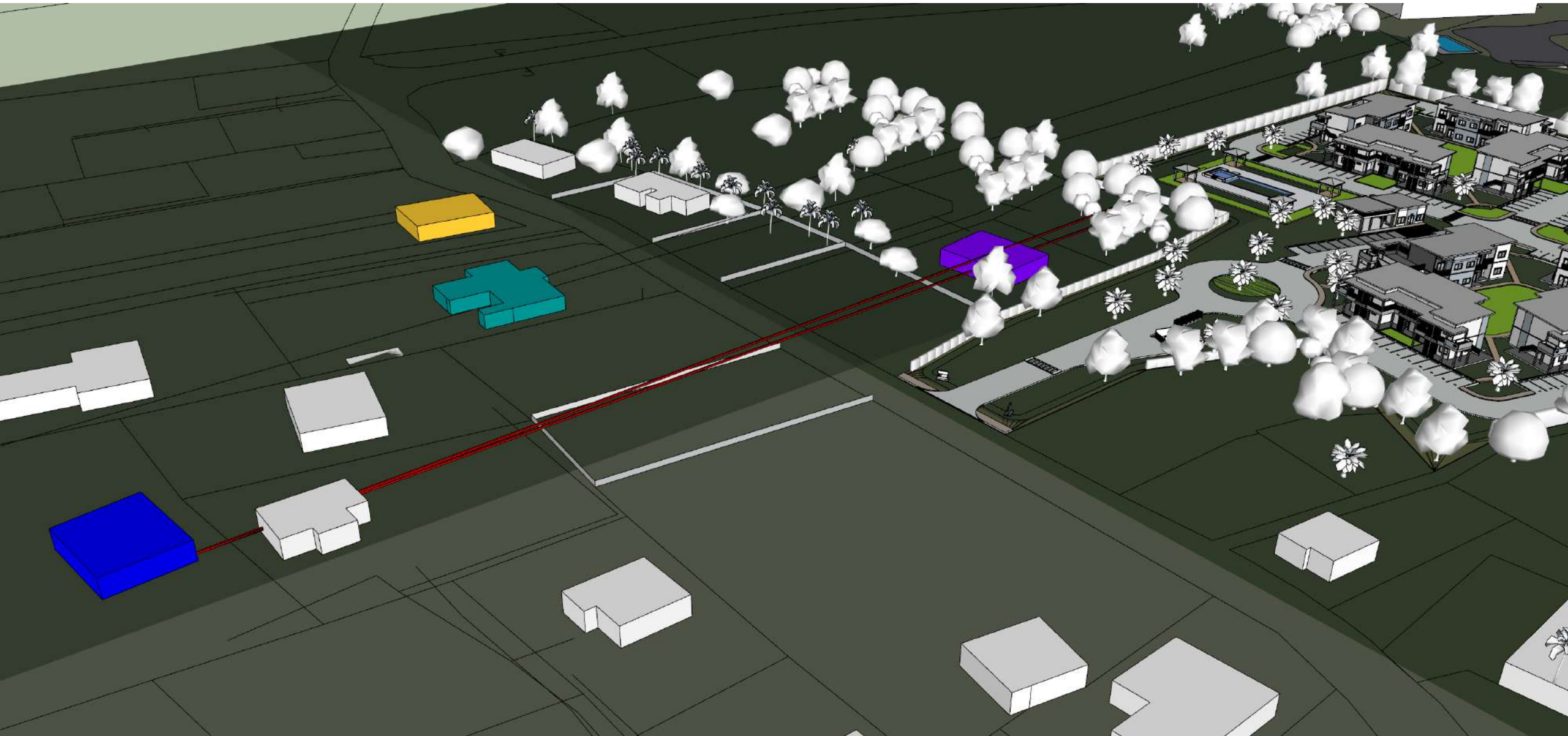
Angle of visibility of closest objector to nearest 20North Bldg. **6.1Degrees**



Angle of visibility of farthest objector to nearest 20North Bldg. **1.8Degrees**



Angle of visibility of farthest objector to nearest objector's Roof. **+/-1.0 Degrees**



Angle of visibility of farthest object to 19 North.  $\pm 1.7$  Degrees

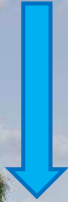


EYE-LEVEL VIEW of **20 NORTH**  
FROM 4D 494 @ 1<sup>ST</sup> LEVEL



EYE-LEVEL VIEW of **20 NORTH**  
FROM 4D 445 @ 1<sup>ST</sup> LEVEL

20 NORTH





EYE-LEVEL VIEW of **19 NORTH**  
FROM 4D 445 @ 1<sup>ST</sup> LEVEL



19 NORTH



# Appendix F



22C 96 Seafront parcel: Shoreline is Riprap (Red), Riprap and Mangroves (Green) and Canal (Purple).



Shoreline: Riprap and Mangroves (Left), Riprap Only (Right).

Please consider this request for these variances given the following points:

1. Section 8(13)(b)(i) states that the Authority may grant a variance if *“the characteristics of the proposed development are consistent with the character of the surrounding area”*. Other buildings and structures in this area have breached the High Water Mark in a similar manner to what’s being applied for here.
2. Section 8(13)(b)(iii) states that the Authority may grant a variance if *“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”*. This proposed variance would not be materially detrimental and given that there’s a riprap perimeter interior to the mangroves we believe it’s fair to request a typical riprap setback.

3. As per Section 8(13)(d), notification letters have been sent out to adjoining property owners regarding this setback variance and no objections have been made.

If you have any questions or comments, please contact me at 938-3828 or Robert@rjda.ky.

Yours truly,

A handwritten signature in black ink that reads "Rob Johnson". The signature is written in a cursive, slightly informal style.

Robert Johnson, B.Eng, M.Arch, NCARB  
Principle Architect, Johnson Design + Architecture