

Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on March 04, 2020 at **10:00a.m.** in the Conference Room, 1st Floor, Government Administration Building, Elgin Avenue.

5th Meeting of the Year

CPA/05/20

Mr. A. L. Thompson (Chairman)

Mr. Robert Watler Jr. (Deputy Chairman)

Mr. Kris Bergstrom

Mr. Peterkin Berry

Mr. Edgar Ashton Bodden

Mr. Roland Bodden

Mr. Joseph Coe

Mr. Ray Hydes

Mr. Trent McCoy

Mr. Jaron Leslie

Ms. Christina McTaggart-Pineda

Mr. Selvin Richardson

Mr. Fred Whittaker

Mr. Haroon Pandohie (Executive Secretary)

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

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

List of Applications Presented at CPA/05/20

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2. 4 GAYLIA ELAINE EDWARDS (Edward Apartments) Block 43E Parcel 189 (F19-0654) (P19-1288) (\$500,000) (JP) 25
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APPLICANTS APPEARING BEFORE THE CENTRAL PLANNING AUTHORITY

APPLICANT NAME	TIME	ITEM	PAGE
Elizabethan Square Apartments	10:30	2.1	6
Dillon Claassens	11:00	2.2	16
Angela & Ray McLaughlin	11:30	2.3	24
Gaylia Elaine Edwards	12:00	2.4	26
Corey Strander	1:00	2.5	32
Sapphire	1:30	2.6	36

1.0 CONFIRMATION OF MINUTES

1.1 Confirmation of Minutes of CPA/04/20 held on February 19, 2020.

2.0 APPLICATIONS APPEARANCES (Items 2.1 to 2.6)

2.1 ELIZABETHAN SQUARE APARTMENTS Block 5B Parcel 125 (391-97) (P19-1374) (\$4.2M) (JP)

Application for mixed use development of 13x 2 bedroom apartments and 7x 1 bedroom apartments, a pool, 4 retail/commercial units.

Appearance at 10:30

FACTS

<i>Location</i>	West Bay
<i>Zoning</i>	Neighbourhood Commercial/LDR
<i>Notice Requirements</i>	Objectors
<i>Parcel Size</i>	1.3998 AC/60,975 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Mixed use residential and commercial
<i>Parking Required</i>	41
<i>Parking Proposed</i>	50
<i>Site Coverage Allowed</i>	75%
<i>Site Coverage Proposed</i>	18.9%
<i>Number of Apartments Permitted</i>	20
<i>Number of Apartments Proposed</i>	20
<i>Number of Bedrooms Permitted</i>	33
<i>Number of bedrooms Proposed</i>	33

Recommendation: Discuss the application, for the following reasons:

1. Suitability of development
2. Objectors comments
3. Layout

AGENCY COMMENTS

Comments from the Department of Environment, Department of Environmental Health, National Roads Authority, Water Authority, Fire Department.

Department of the Environment

“Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment offers the following comments for your considerations.

The application site is considered to be man-modified with limited ecological value. Nonetheless it is recommended that native vegetation is incorporated into the landscaping scheme as native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a cost-effective and sustainable choice for landscaping.”

Department of Environmental Health

“1. DEH has no objections to the proposed in principle. This development requires (2) 8 cubic yard containers with once per week servicing.

a. An enclosure with the following minimum dimensions is required: 10ft W x 10ft D x 5.5ft H.

2. A swimming pool application must be submitted for review and approval prior to constructing the pool.”

National Roads Authority

“Road Capacity Issues

The traffic demand to be generated by a residential development of twenty-one (21) multi-family units has been assessed in accordance with ITE Code 220 - Apartments. In addition the traffic demand to be generated by the above proposed development of 3250 sq. ft. has also been assessed in accordance with ITE Code 710 – General Office. The anticipated traffic to be added onto West Church Street is as follows:

<i>Expect ed Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak In</i>	<i>AM Peak Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak In</i>	<i>PM Peak Out</i>
<i>139</i>	<i>11</i>	<i>2</i>	<i>9</i>	<i>13</i>	<i>9</i>	<i>4</i>
<i>36</i>	<i>5</i>	<i>4</i>	<i>1</i>	<i>5</i>	<i>1</i>	<i>4</i>

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

Access and Traffic Management Issues

As per discussions with the applicant, the NRA wishes to thank the applicant for providing the necessary widening at the junction of Elizabeth Street and West Church Street as well as along West Church Street.

The applicant has noted the electric pole at the junction of Elizabeth Street and West Church Street. The applicant is in conversations with CUC to move the pole at their cost. The NRA does ask that this be a condition of the applicant's approval.

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

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

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

A six (6) foot sidewalk shall be constructed on West Church Street, 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 use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff **is no worse than** pre-development runoff. To that effect, the following requirements should be observed:*

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

Street. Suggested dimensions of the ‘hump’ would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.

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

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 Law (2005 Revision). For the purpose of this Law, 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."

Water Authority

“Wastewater Treatment and Disposal

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

- ***The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer’s guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 4,447 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
<i>Building 1</i>	<i>4 Retail units & 4 x 2-Bed units</i>	<i>118 / Retail unit 225 / 2-Bed unit</i>	<i>1,372</i>	<i>1,372</i>
<i>Building 2</i>	<i>8 x 2-Bed units</i>	<i>225 / 2-Bed unit</i>	<i>1,800</i>	<i>1,800</i>
<i>Building 3</i>	<i>7 x 1-Bed & 1 x 2-Bed</i>	<i>150 / 1-Bed unit</i>	<i>1,275</i>	<i>1,275</i>

	units	225 / 2-Bed unit		
			TOTAL	4,447

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

Requirements based on Minimal Water Use – Change of Use to High Water Use will require upgrades.

In the absence of detail on prospective retail tenants, the requirements set out below are based on basic retail/office use; i.e., low-water use tenants. Any change-of-use to allow for a high-water use tenant; e.g., food service, or hairdresser, will require an upgrade of the wastewater treatment system. Required upgrades depend on the type of tenant and may include the installation of an in-the-ground grease interceptor and/or an increase in the capacity and/or type of treatment system installed. Given that after-the-fact upgrades can be disruptive and costly, the developer is advised to build in the flexibility for their range of desired tenants at this stage. Contact development.control@waterauthority.ky to discuss requirements to accommodate potential high-water use tenants.

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.***

If there are questions or concerns regarding the above, please email them to: development.control@waterauthority.ky

Fire Department

"Stamped approved site plan."

APPLICANT'S LETTER

"I would like to provide a brief description of our proposed project which consists of 3 buildings with total of 20 Units and a shared pool for the entire development. Building 1 will consist of retail / office space on the ground floor and 4 residential units on the upper Floor, building 2 consists of 4 residential units on the ground floor and on the second Floor, building 3 will have a total of (8) onebedroom unit apartments.

We find this mixed-use development essential for this location as the economy of the Cayman Islands is significantly growing and we need to respond to the real estate demand for our community and young professionals looking to purchase their first home or find affordable rent.

I would like to address both Mrs. Tricia McDoom's & Mr. Tyrone Leslie's objections and comments below:

Comments from Tricia McDoom

- 1. The notice was sent to an incorrect address. Are we certain that all of the other adjacent owners received notice and had an opportunity to respond? Response: Heritage Holdings Ltd., followed planning process by sending notices to all addresses provided by Lands and Survey within the buffer requirements.*
- 2. Zoning is partially Low Density Residential, partially Neighborhood Commercial Response: The proposed development has been designed according to the planning zoning guidelines.*
- 3. Either (8) adjacent properties & boundary walls. Response: Heritage Holdings Ltd., is proposing to have a landscape hedge along the 8 adjacent properties. This will be shown on the submitted landscape plan. There are no planning requirements to have a boundary walls on the site.*
- 4. Number of parking spaces & high traffic. Response: Parking requirement calculation has been provided on this application and we have extra parking to ensure no patrons, residents or guest will have to park outside the property. Furthermore; the application has been forwarded to NRA for their review for traffic concerns and they have no concerns. NRA has provided their approval.*
- 5. Locations of parking spaces and driveway Response: Parking lots and roadways are not required to have 15ft setback from the property boundary. We have provided adequate distance to have a separation and landscape hedge between our property and adjacent lots.*
- 6. Business detriment during construction. Response: As this project starts, all construction operations will be closely monitored by our Management Team and hours of operations will be standard to Cayman Islands construction practices with partially weekends off. Additionally, Heritage holding Design & Construction Team has drafted a construction operational plan which will be submitted to the Planning Department for review as part of their requirements.*

7. *Commercial and/or Industrial uses. Response: The intent of Building 1 ground floor occupancy use would be solely for retail shops/ office use only. There will not be any industrial use on this building nor truck & large vehicle traffic in the complex. The partial commercial & residential zoning require to have a mixed-use development.*

8. *Architectural design / aesthetics Response: The Architectural style of this development was driven by all practical design factors. The Flat roof and parapet wall were designed to hide the Mechanical HVAC System and Water Heater on the roof. This will enhance the aesthetic of the development by avoiding the visibility of equipment on the site as much possible. We felt the traditional architecture was not resolving our major design concerns for this project as to why we decided to adapt to a more Contemporary / Modern Architectural Style to the Development.*

Comments from Tyrone Leslie

1. *The wall is omitted from the plan Response: There is no perimeter fence wall around the site. Heritage Holdings Ltd. will propose a landscape hedge between our property and adjacent lots.* 2. *The LPG generator is missing on the plan. Response: The LPG & Generator were not on the site plan as our engineer consultants did not had the specific location at the time of planning submittal. Both the LPG & Generator have been removed and is not included on this application.* 3. *The proposed mixed-use development with 21 apartments, 4 retail units, pool sign, LPG generator and wall is overbearing. Response: The mixed-use development has been designed as per the zoning and planning guidelines. This includes the allowable units, parking requirements, site setbacks, site coverage and density etc. The Heritage Holdings Ltd Management Team carefully studied this development application and ensured to comply with planning requirements / regulations.*

4. *It appears from inspection the application has not been paid for at the time of sending out the notice. Response: The planning application has been paid for this project. Planning Department has a new online system.*

5. *West Church Street is already congested will cause more traffic problems and will create more hazards for motorist on our street. Response: The application has been forwarded to NRA for their review for traffic concerns and they have no concerns. NRA has provided their approval.*

6. *There appears to only be single lanes for a development of that size. Response: On the Proposed Site Plan it is clearly shown there are two lanes at the main entrance of the development as per NRA requirements.*

Heritage Holdings Ltd. has satisfactorily answered all objections, comments and concerns. We thank you for the consideration of this application."

OBJECTIONS

Objector 1

"I live within the radius to the proposed development site and I am writing to ask that the CPA refuse this application or either in the alternative pay keen attention to my listed comments in dealing with the application.

Here are my comments and objections relating to this planning application.

- 1. The wall is omitted from the plan. The apartment block will overlook my property; this will lead to the loss of privacy and peaceful enjoyment of my property. A wall will encourage more nuisances such as theft rather than a chain link fence. A chain link fence you can see through and does not take off breeze and sun light.*
- 2. The LPG generator is missing on the plan.*
- 3. The proposed mixed use development with 21 apartments, 4 retail units, pool sign, LPG generator and wall is overbearing. It is an inappropriate design for this part of the neighbourhood. Such a large building area would totally not be keeping with neighbouring properties, which are mainly smaller houses and single storey bungalow. The height of the building (2 stories) is unreasonable and private areas will be overlooked. (20 ft. from the road 6 ft. from the rear and sides)*
- 4. It appears from inspection the application has not been paid for at the time of sending out the notice.*
- 5. West Church Street is already congested will cause more traffic problems and will create more hazards for motorist on our street.*
- 6. There appears to only be single lanes for a development of that size.*

I trust that the above considerations will be taken fully into account in determining the application."

Objector 2

I have received notice re an application on the above property for a mixed used development.

I am the registered proprietor of one of the adjacent properties, at 5B 292.

In principle, I welcome some further development in this area. However, there are legitimate concerns to be dealt with satisfactorily prior to this application proceeding.

- 1. The notice was sent to an incorrect address. Are we certain that all of the other adjacent owners received notice and had an opportunity to respond? PO Box 30706 is an old mailing address which has not been on the registered title for many years. Ultimately, I managed to obtain the notice. My concern is that a similar mailing error may have been made on notice to the owners of the other (seven) adjacent properties. As far as I*

am aware at least one of the adjacent properties recently changed ownership and was subject to an ownership dispute, meaning that their addresses will have changed more recently than mine.

2. Zoning is partially Low Density Residential, partially Neighbourhood Commercial. It is unclear whether a special dispensation is sought for an application premised on the latter zoning and/or whether a change of zoning application has been submitted. The same split zoning applies on 5B 292. Accordingly, if the applicant's application is successful re 5B 125, I will require corresponding confirmation in principle from the Planning Department that the same zoning treatment applies as to 5B 292. This is an extremely important point as, among other things, the zoning treatment affects both the appraisals and marketability of both properties.

3. Either (8) adjacent properties & boundary walls. Confirmation is sought as to the applicant's legal responsibility to maintain these eight (8) boundary walls. Details as to the composition and height of boundary walls are required to our mutual satisfaction.

4. Number of parking spaces & high traffic. 51 Parking spaces for only 21 very small residential units, seems extraordinary. The prospect of high traffic is concerning – we can expect over 50 cars passing next to the boundary of 5B 292, and 6 other adjacent residential properties, on a daily basis.

5. Locations of parking spaces and driveway. A number of the parking spaces are not only within the 15' setback but are literally abutting the boundary with 5B 292. This further emphasises the concerns at 3. and 4. above.

6. Business detriment during construction. Neighbourhood properties including at 5B 292 are currently in use for tourism vacation rentals. My concern is that the noise levels during construction will adversely impact business profits during the period of construction. One of the major appeals to tourists in this area is being in a quiet residential neighbourhood.

The unsightly and noisy construction phase will no doubt be detrimental, particularly during high season.

7. Commercial and/or Industrial uses. The intended design and use for Building 1 is unclear. I could not see a Front Elevation plan for Building 1. Retail and/or Industrial use suggests the regular use of the complex by high traffic, large vehicles and/or heavy equipment. This further emphasises the concerns at 3. and 4 above. It strikes as rather odd to have such a mixed commercial/industrial and residential use with the commercial/industrial building and operations taking place at the front of the complex. Is there an intended future intention to convert to residential?

8. Architectural design / aesthetics. The ultra-modern architecture is not in keeping with any other properties in the neighbourhood. At the centre of the entrance, on W Church St, is a protected historic Caymanian home. The other adjacent homes are of standard/traditional architecture. The flat roof "and box" design are an eyesore relative to the neighbouring properties. If at the very least there are pitched roofs, that would

improve the aesthetic appeal: overall modern yet in relative congruence with other buildings in the area.

Suggestions from the applicant for resolving the above concerns are welcomed.”

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in the West Bay area of the island occupying an unusually shaped lot. A National Trust property cuts into the application site along the west, where West Church Street also forms the western boundary and services the site. Elizabeth Street and neighbouring properties form the northern boundary. A neighbouring lot is sited to the west which comprises of dense vegetation. An existing residential property forms the southern boundary.

The application seeks planning permission for the creation of mixed use development consisting of 20 apartments comprising 13x 2 bedroom and 7x 1 bedroom units, a pool is proposed to support the units and 4 commercial/retail units are also proposed.

Zoning

The land is split zoned with Neighbourhood Commercial and Low Density Residential.

Specific Issue

1) Suitability

Regulation 13(9) enables residential development in neighbourhood commercial zones providing it is not on the ground floor.

Regulation 13(10) does, however, permit residential on any or all floors in a neighbourhood commercial zone if:

- a. The development is a replacement or redevelopment of an existing residential development; or
- b. The development forms part of a mixed-use development situated on one parcel of land the planned development includes a mixture of commercial and residential uses proposed for close interaction.

For the avoidance of doubt:

- Building 1 sited to the north adjacent to West Church Street proposes commercial use on the ground floor with residential above.
- Building 2 located to the north east of the lot consists of two levels of residential use sited on the split between the two zones. Over three quarters of the building is located in the Low Density Residential zone. Units 1 (ground floor) and unit 5 (upper floor) partially fall in the neighbourhood commercial zone.

- Building 3 is located centrally within the site but wholly within the neighbourhood commercial zone. The entire building is dedicated solely to residential use.

Turning to the two tests provided at Regulation 13(10). Members should note that the site does not replace or redevelop an existing residential building, therefore, they may conclude that the proposal does not satisfy the first test. The second test relates to an addition/extension/enhancement of existing mixed use facilities. Given the site is currently vacant members may consider the second test difficult to address.

During the initial review stage the agent was invited to provide/reflect upon the provisions of Regulation 13(10). Members are invited to consider whether the agent's letter, provided above, successfully addresses the requirements of Regulation 13(10).

2) Layout

Members attention is drawn to the significant asphalt area to the east of the site. They are invited to consider whether such a large area of surfacing is appropriate in a residential setting.

2. 2 DILLON CLAASSENS Block 74A Parcel 34 (FA81-0022) (P19-1266) (P19-1265) (P19-1271) (\$2.5M) (BES)

Application for 18-apartments, swimming pool, 7-ft privacy wall.

Appearance 11:00

FACTS

<i>Location</i>	Austin Conolly Drive
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	1.66 AC
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Apartments
<i>Building Size Area</i>	16,752.9 sq. ft.
<i>Building Footprint</i>	6,605 sq. ft.
<i>Number of Units Allowed</i>	24
<i>Number Unites Proposed</i>	18
<i>Number of Bedrooms Allowed</i>	40

<i>Number of Bedrooms Proposed</i>	20
<i>Proposed Parking</i>	28
<i>Required</i>	27

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

- 1) Suitability
- 2) HWM setback (42'-2" vs. 75')
- 3) Parking layout

AGENCY COMMENTS

Comments from the Water Authority, National Conservation Council/Department of Environment, Cayman Islands Fire Service are noted below.

Water Authority

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

Wastewater Treatment and Disposal

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

- ***The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 3,000 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
<i>Building 1</i>	<i>4</i>	<i>150</i>	<i>600</i>	<i>600</i>
<i>Building 2</i>	<i>8</i>	<i>150</i>	<i>1,200</i>	<i>1,200</i>
<i>Building 3</i>	<i>6</i>	<i>150/300</i>	<i>1,200</i>	<i>1,200</i>
<i>TOTAL</i>				<i>3,000</i>

- ***Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards. Licenced drillers are required to obtain the site-specific minimum***

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

- ***To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'8" above MSL or 5'11" if installed less than 100ft from the sea. 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:

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 memo dated November 21st, 2019 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 a eighteen (18) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Austin Conolly Drive is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 16% In</i>	<i>AM Peak 84% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 67% In</i>	<i>PM Peak 33% Out</i>
120	9	2	7	11	7	4

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

Access and Traffic Management Issues

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

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 Austin Conolly Drive, within the property boundary, to NRA standards.

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

Stormwater Management Issues

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

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

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

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 Law (2005 Revision). For the purpose of this Law, 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."

NCC/DOE

"Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment (DoE) offers the following comments for your consideration.

The application site is predominately man-modified with some dry shrubland located on the section of the parcel landward of Austin Connolly Dr. We recommend the retention and incorporation of as much native vegetation as possible into the landscaping scheme. Native vegetation is perfectly adapted to the habitat conditions of the site resulting in landscaping which requires less maintenance, making it a very cost-effective choice.

The coastal side of the parcel is a primarily a perched beach atop ironshore, however, there are pockets of beach without ironshore (see Figures 1 & 2). Sand is naturally deposited onto this perched beach during storm events. We appreciate that there has been no request to nourish the beach in the applicant's submissions. However, in future, if the applicant does intend to nourish the beach, the source and quality and source of sand should be approved by the Department of Environment to ensure its compatibility with the marine environment offshore.



Figures 1 & 2: Site visit photos showing the coastline of the subject parcel.

The Department notes that areas of the development do not meet the minimum required coastal setback of 50 feet for ironshore as prescribed in the Planning Regulations. There is also no indication in the applicant's submissions that the development will have any climate-resilient features such as elevated structures or a wash-through ground floor to warrant a variance in the setback. Although the coastline of the subject parcel is relatively stable, it sustained major damage during Hurricane Ivan as evidenced by the quantity of sand thrown up and the removal of almost all of the vegetation on this and neighbouring properties (see Figures 3 & 4).



Figures 3 & 4: Aerial imagery showing the subject parcel in 2004 (pre-Hurricane Ivan and post-Hurricane Ivan).

Given the climate change predictions for the region, including sea-level rise and increased intensity of storm events (including storm surge), coastal setbacks should not be reduced but instead should be treated as a minimum (as prescribed in the Regulations). It is important to highlight that setbacks seek to enhance the resilience of properties against these inevitable effects of climate change, such as coastal flooding and erosion, by ensuring that hard structures are not located in vulnerable locations susceptible to these hazards. The Department does not support a variance in the coastal setback. Given the scale of the development and width of the narrow parcel, we recommend the apartments are redesigned to incorporate a wash-through ground floor to improve their climate resiliency.

If the CPA is minded to grant planning permission for this application, we recommend the inclusion of the below conditions in any grant of planning approval:

- Any sand that is to be excavated during construction should be retained on-site and beach quality sand should be placed along the active beach profile. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it should be the subject of a separate consultation with the National Conservation Council.
- All construction materials shall be stockpiled away from the sea to prevent run-off and debris from entering the marine environment.

Lastly, we note that the proposal also includes a dock and cabana. **Please note that the dock and cabana should be the subject of a Coastal Works Application.** Should the applicant wish to pursue a dock and cabana on the property, the applicant should contact the Ministry of Environment.”

Cayman Islands Fire Service

The CIFS approved the site layout.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission to construct 18-apartments (16 x 1 bedrooms units and 2-two bedrooms units), swimming pool, 7-ft high privacy wall near the swimming pool at the above-captioned property. The site is located on Austin Conolly Drive.

Zoning

The property is zoned Low Density Residential.

Specific Issues

a) Suitability

Pursuant to Regulation 9(8) of the Development and Planning Regulations (2018 Revision), apartments are permissible in suitable locations. The surrounding land uses in the area are single-family dwelling houses and vacant properties.

b) Setback from the HWM

Regulation 8(10)(b) of the Development and Planning Regulations (2018 Revision) states that the minimum setback from the high-water-mark is 75-ft, whereas the proposed setback is 42'-2".

For the Authority's information, on June 13, 2007 (CPA/17/07; Item 2.24) the CPA granted planning permission for a swimming pool on Block 74A Parcel 97 at a setback of 52-ft from the HWM. The existing house on the said parcel is approximately 49' from the HWM.

The Authority is reminded of Regulation 8(11), that the Authority may grant permission for a setback to be located at a lesser distance than that prescribed 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.

c) Parking layout

The proposed development requires 27 parking spaces. The applicant is providing 28 spaces, however:

- 11 parallel parking spaces are proposed along Austin Conolly Drive and while NRA has provided no comments on this issue, the Department suggest that this scenario poses a serious traffic safety problem
- It appears that 6 parallel spaces are provided in front of building 3 and the Department suggests that these space are not functional
- 6 parking spaces are being provided on the opposite side of Austin Conolly Drive and this also poses a safety issue for persons having to cross the public road.

In summary, the entire parking scheme does not appear to be functional or safe.

2. 3 ANGELLA & ROY MCLAUGHLIN Block 27D Parcel 385 (F19-0347) (P19-0608) (\$64,000) (MW)

Application for 416 sq. ft. addition to house to create a duplex.

Appearance at 11:30

FACTS

<i>Location</i>	Kimera Way, Bodden Town
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size Proposed</i>	0.1600 Ac./6,969.6 sq. ft.
<i>Parcel Size Required</i>	0.287 Ac. /12,500 sq. ft.
<i>Current Use</i>	Existing residence
<i>Proposed Use</i>	416 sq. ft. Addition to create Duplex
<i>Building Size</i>	1,641 sq. ft.
<i>Building Coverage</i>	23.5%
<i>Proposed Parking</i>	2
<i>Required Parking</i>	2
<i>Number of units</i>	2

BACKGROUND

November 20, 2019 (CPA 24/19; Item 2.26) – current application adjourned to invite in the applicant

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

- 1) Lot Size (6,969 sf vs 12,500 sf)
- 2) Rear Setback (17' 3" vs 20')

APPLICANT'S LETTER

"We write on behalf of the applicant's, Ray & Angella McLaughlin, with regards to the following:

- *A rear setback variance- to allow the proposed addition to be constructed with a setback less than the required 20ft from the property line.*
- *A side setback variance- to allow the proposed door landing to be constructed with a setback less than the required 10ft from the property line.,*

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

1. *Per section 8(13)(d) of the Planning Regulations, the adjacent property owners have been notified:*
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 the public welfare:*
3. *The applications complies with all relevant planning requirements.*

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 416 sq. ft. addition to create a duplex to be located on Kimera Way, Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

a) Lot Size

Regulation 9(8)(e) states “*the minimum lot size for each duplex is 12,500 sq. ft.*” The subject parcel is currently only 6,969.6 sq. ft. which was part of a previously approved subdivision has a difference of 5,530.4 sq. ft. respectively.

b) Rear Setback

Regulation 9(8)(i) states “ *the minimum front & rear setbacks are 20’ “. The proposed concrete landscape paver step would be 17’-3” from the rear boundary a difference of 2’-9” respectively.*

SUPPLEMENTARY COMMENTS

The Board should be reminded the mentioned application had been previously seen at the November 20th 2019 meeting (CPA/24/19; Item 2.26) *and it was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns with the application regarding the lot size and proposed setbacks.*

2. 4 GAYLIA ELAINE EDWARDS (Edward Apartments) Block 43E Parcel 189 (F19-0654) (P19-1288) (\$500,000) (JP)

Application for four apartments.

Appearance at 12:00

FACTS

<i>Location</i>	Sherborne Drive
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.3384 AC/14740.70 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Residential
<i>Parking Required</i>	6
<i>Parking Proposed</i>	6
<i>Site Coverage Allowed</i>	30%
<i>Site Coverage Proposed</i>	30.75%
<i>Number of Apartments Permitted</i>	5
<i>Number of Apartments Proposed</i>	4
<i>Number of Bedrooms Permitted</i>	8
<i>Number of Bedrooms Proposed</i>	8

BACKGROUND

CPA/03/20; Item 2.11 – Members adjourned consideration of the application to enable the applicant to appear before the board.

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

1. Suitability
2. Lot size (14,740 sf vs. 25,000 sf)
3. Site Coverage (30.75% vs. 30%)
4. NRA comments

AGENCY COMMENTS

Comments from the Department of Environment, Department of Environmental Health, National Roads Authority, Water Authority, Fire Department.

Department of the Environment

“Under delegated authority from the national conservation council (section 3 (13) of the national conservation law, 2013), the department of environment confirms that we have no objections at this time as the site is man-modified and of limited ecological value.”

Department of Environmental Health

- “1. DEH has no objections to the proposed.
2. The site plan indicates (2)33 gallon bins, this development will require (4) 33 gallon garbage bins within a 5ft W x 5ft L x 2.5ft H enclosure”

National Roads Authority

“Road Capacity Issues

The traffic demand to be generated by a residential development of a four (4) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Sherbone Drive is as follows:

<i>Expect ed Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 16% In</i>	<i>AM Peak 84% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 67% In</i>	<i>PM Peak 33% Out</i>
<i>27</i>	<i>2</i>	<i>1</i>	<i>1</i>	<i>2</i>	<i>1</i>	<i>1</i>

Based on these estimates, the impact of the proposed development onto Sherbone Drive is considered to be minimal and is in character for this class of road.

Access and Traffic Management Issues

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

Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft (please have applicant revise the entrance throat to 24 feet) in the final plan.

A six (6) foot sidewalk shall be constructed on Sherbone Drive, within the property boundary, to NRA standards – please have applicant revise site plan with a sidewalk shown.

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

Stormwater Management Issues

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

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

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

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 Law (2005 Revision). For the purpose of this Law, 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."

Water Authority

"Please be advised that the water authority's requirements for this development are as follows:

Wastewater treatment & disposal

- The developer shall provide a septic tank with a capacity of at least (1,500) us gallons for the proposed. The septic tank shall be constructed in strict accordance with the authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.
- Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the authority's standards. licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the authority prior to pricing or constructing an effluent disposal well.
- To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'5" above msl. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

Water supply

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

- The developer shall contact water authority's engineering services department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- The developer shall submit plans for the water supply infrastructure for the development to the water authority for review and approval.*
- The developer shall install the water supply infrastructure within the site, under the water authority's supervision, and in strict compliance with the approved plans and water authority guidelines for constructing potable water mains. the guidelines and standard detail drawings for meter installations are available via the following link to the water authority's web page:*

<http://www.waterauthority.ky/water-infrastructure>

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

Fire Department

Reviewed and stamped.

AGENTS LETTER

"With reference to section 8(13) regulation, kindly requesting lot size variance as per regulations of 12,500 sqft as minimum required, kindly please approve the Lot 43E 189 for a 4plex application which is 14,740.00 sqft. Which is more than the minimum required. As per section 8(13)(d) of the Planning Regulations, the adjoining property owners have been notified of the request for planning application of duplex."

PLANNING DEPARTMENT ANALYSIS

General

The application site is in the Bodden Town area of the District within a newly established subdivision which consists primarily of vacant lots. The wider area is characterised by houses and duplexes. The site is bound to the north, east and south by vacant lots. Sherborne Drive, which provides access to the site forms the western boundary beyond that a single dwelling house is located.

Zoning

The land is zoned Low Density Residential.

Specific Issues

a) Suitability of development

CPA is invited to consider the principle of apartments having regard to the surrounding area and Regulation 9(8) of the Development and Planning Regulations 2018.

Aerial photography with land ownership overlay demonstrates the area is characterised by dwellings and duplexes. Members are invited to consider the suitability of apartments in relation to the wider context of the area.

b) Lot size variance 25,000 sq ft v 14740 sq ft

Regulation 9(8)(f) requires a minimum lot size of 25,000 sq. ft. for apartments. The application site measures 14740 sq. ft.

Members are invited to reflect upon the agent's letter and determine whether adequate justification and demonstration of exceptional circumstance has been provided to allow a variance to this Regulation.

c) Site coverage variance 30.75% v 30%

Regulation 9(8)(h) requires a maximum site coverage of 30%. The application seeks 30.75%.

Members are invited to reflect upon the applicant's letter and determine whether adequate justification has been provided.

d) National Roads Authority

The NRA sought two amendments to the scheme, specifically:

- Fifteen feet radii curves and 24' access drive. The application has been revised to include this.
- Inclusion of a 6 foot sidewalk. The application does not address this requirement.

SUPPLEMENTARY COMMENTS

There have been no changes to the plans as the application was previously adjourned in order to invite the applicant to appear before the Authority.

2.5 CORY STRANDER Block 49C Parcel 46 (FA80-0145) (P19-0415) (P19-0889) (CS)

Application for an after-the-fact balcony, attached gazebos, and front façade renovations.

Appearance at 1:00

FACTS

<i>Location</i>	North Side Road, North Side
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.24 AC/10,454 sq. ft.
<i>Proposed Use</i>	Unknown
<i>Building Footprint</i>	3,634 sq. ft.
<i>Building Area</i>	7213 sq. ft.
<i>Site Coverage</i>	35%

BACKGROUND

July 11, 2018 – Modifications to the roof and exterior façade were administratively approved.

May 2019 – CPA determined that a high water mark survey would not be required for an application for gazebos.

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

1. Land Use
2. Parking
3. Side Setback Variance (5'5" & 10' vs. 15')
4. Site Coverage Variance (35% vs. 30 %)

AGENCY COMMENTS

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

Department of Tourism

Additional information is required for this project. questions below:

- 1. is this project intended to be a tourism accommodation?*

2. number of bedrooms required
3. overall property details required

this information should be submitted to jpawlik@caymanislands.ky for final decision from the department of tourism.

Department of Environmental Health

DEH has no objections to the proposed in principle.

Department of Environment

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

Please do not hesitate to contact the Department should you require further assistance.

National Roads Authority

As per your email dated December 13th, 2019 the NRA has reviewed the above-mentioned planning proposal.

The NRA has no objections or concerns with this application.

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

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 4,056 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Hotel Rooms	11 Rooms	100gpd/Room	1,100	1,100
Restaurant & Bar	2,956 sqft	1gpd/sqft	2,956	2,956
TOTAL				4,056

- ***Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards.*** Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.
- ***To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'7" above MSL or 5'10" if installed less than 100ft from the sea.*** 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.

Existing septic tank shall be decommissioned

The Existing septic tank shall be decommissioned as per the Water Authority's Best management: practices:

http://www.waterauthority.ky/upimages/download/BMPs_abandoned_WW_systems1_1423220782.pdf

Grease Interceptor Required

A grease interceptor with a minimum capacity of 2,956 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. Where 2 tanks are used to achieve the required capacity, they shall be installed in series with the larger tank first. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the ATU.

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.

APPLICANT LETTER

"We write on behalf of the applicant, Cory Strander, with regards to the following;

- A side setback variance - to allow the ATF Gazebos to remain as built with setback less than the required 15ft from the property line.*
- A site coverage Variance - We request permission for the subject matter per the drawings provided and humbly the following reasons:*

Per section 8(12)(d) of the Planning Regulations, the adjacent property owners have been notified;

Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare; The side setback for the gazebos falls in line with the setback of the sidewalls the existing structure. The gazebos have been built over an existing approved concrete deck.

The application complies with all other relevant planning requirements."

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for an After-The-Fact wrap-around balcony, two attached gazebos, and After-The-Fact front façade renovations.

Zoning

The property is zoned Low Density Residential.

Specific Issues

a) Land Use

The existing building appears to have been approved as apartments in 1980 and then changed to a hotel in 1995. For several years the building has been vacant. The applicant has started exterior renovations, without planning permission, which these applications aim to rectify.

The applicant has provided floor plans for informational purposes only (not to be considered by CPA). The floor plans show 11 bedrooms on the second floor and an open space on the ground level. There are no kitchen or laundry facilities provided.

Upon conducting a site visit, the building's interior has been gutted.

Based on the information provided, it is not clear what the intended use is for the property. The Department made attempts to seek clarification from the applicant, however the applicant never responded.

b) Parking

There is no parking provided on site. Regardless of what the building will be classified, parking will be required. Again the Department reached out to the applicant for an explanation with no response provided.

c) Side Setback

The existing building has an 11'2" and 8'10" side setback. With the after-the-fact renovations, the setbacks have been reduced to 10' and 4'10".

d) Site Coverage

Before the after-the-fact improvements were made, the site coverage was 30%. With the added balconies (which have columns on the ground) and gazebos, the site coverage has increased to 35%, which exceed the maximum permitted (30%).

SUPPLEMENTARY COMMENTS

There have been no changes to the plans as the application was previously adjourned in order to invite the applicant to appear before the Authority.

2. 6 SAPPHIRE APARTMENTS Block 2C Parcel 201 (Previously 151,153,157) (F19-0243) (P19-1406) (JP)

Application for 28 apartments, cabana with trellis, swimming pool, sign and fence

Appearance at 1:30

FACTS

<i>Location</i>	North West Point Road
<i>Zoning</i>	LDR
<i>Notice requirements</i>	Objectors
<i>Parcel size</i>	1.5 AC/65,340 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed use</i>	Residential
<i>Apartments permitted</i>	22
<i>Apartments proposed</i>	28
<i>Bedrooms permitted</i>	35
<i>Bedrooms proposed</i>	32
<i>Parking required</i>	42
<i>Parking proposed</i>	48

BACKGROUND

October 23, 2019 (CPA/22/19; Item 2.6) (P19-0818) – The Authority adjourned determination of the planning application to reconvene at a later date with the presence of the objector.

June 5, 2019 (CPA/11/19; Item 2.9) (P19-0369) - The Authority granted planning permission for three duplexes, fourteen 2-storey apartments, cabana, twelve raw land strata subdivision, cabana, sign, wall and pool.

Recommendation: Discuss the application for the following reasons:

- 1) Suitability
- 2) Variance for number of units 28 v 22
- 3) Rear setback variance 15' 10" v 20'
- 4) Side setback variance 9' 3" v 15'
- 5) The objector's concerns.

AGENCY COMMENTS

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

Department of Environment

The DoE recommends that wherever possible sustainable design features are included in projects such as this one, especially renewable energy installations given the target that 70% of energy generation be 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. The DOE would also recommend the use of native plants in landscaping as it is more sustainable, generally being best suited to the climate and conditions, and more ecologically valuable.

Department of Environmental Health

1. *The property requires an 8yd3 container with servicing twice per week.*
2. *The location of the waste container does not meet DEH requirements and must be moved.*
3. *The pool specifications must be provided to the department prior to construction of the swimming pool.*

National Roads Authority

Road Capacity Issues

The traffic demand to be generated by a residential development of a thirty (30) One-Bedroom multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Northwest Point Road is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak 16% In	AM Peak 84% Out	PM Peak Hour Total Traffic	PM Peak 67% In	PM Peak 33% Out
200	15	3	12	19	12	7

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

Access and Traffic Management Issues

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

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

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

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

Stormwater Management Issues

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*

- *The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- *Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Northwest Point Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*

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 Law (2005 Revision). For the purpose of this Law, 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.

Water Authority

Wastewater Treatment and Disposal

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

- The proposed development **requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification** that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed system shall have a treatment capacity of at least 4,200 US gallons per day (gpd),** based on the following calculations.

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Building 1 Apartment (Type A)	8	150	1,200	1,200
Building 2 Apartment (Type A)	8	150	1,200	1,200
Building 3 Apartment (Type B)	6	150	1,800	1,800
Building 4 Apartment (Type B)	6	150	1,800	1,800
TOTAL				4,200 GPD

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

Traffic Rated Tank and Covers

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

Water Supply:

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.*

Cayman Islands Fire Service

Stamped approved drawings.

APPLICANT LETTER

Further to the application submitted in relation to the above referenced Project, we hereby request for a density variance which requires a maximum of 15 apartment units and 24 bedrooms per acre per Planning Regulation 9 (8)(c); and a setback variance to a site plan which requires a minimum of 20 ft rear setback and 15 ft side setback per Planning Regulation 9 (8)(i)(j).

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

(1) Under Regulation 8 (13)(b)(i), the characteristics of the proposed development are consistent with the character of the surrounding area: *The total area of the project site is 1.486 acres, wherein the Planning Regulation 9 (8)(c) allows us to have 22 apartment units (22.29 to be exact) and 35 bedrooms (35.66 to be exact). While we have exceeded by (8) units to the maximum allowed, we have tried to make up for this excess by having our number of bedrooms lower than the maximum limit. We only have a total of 30 bedrooms proposed for this development. Similar developments with the same conditions from the same developer was previously approved by the CPA board (North West Point and Town & Country). While we have complied with the required minimum 20 ft rear setback and 15 ft side setback, we would also like to request for a setback variance due to the odd shape/orientation of the lot. The actual proposed apartment buildings are within the required minimum side setback. Only part of the staircase and back patio is beyond the setback line but still approximately 9'-3 1/2" away from the nearest boundary line. The areas in between will also be heavily landscaped, which will serve as a privacy screen for both properties. We hope that the CPA board will find this acceptable since there is no other place we can fit these areas other than its current proposed location.*

OBJECTIONS

Objection 1

I am writing to register my objections to the application referenced above because it impacts my use, comfort and value of my residence on 2C 181. Also the approval of this application would grant permission in contravention of the Planning Laws and Regulations which would be illegal; this would set a dangerous precedent.

My objections are as follows:

1. There is no sufficient reason or exceptional circumstance to grant the three variances that this project requires. In addition to the setback and density variance the project also requires a site coverage variance; the drawings state that 30% site coverage is allowed in a LDR zone but this is incorrect, it is 25%.

Although the calculations state that the project is under 25% the area of the cabana used in the calculation is less than that stated on the site plan and notification.

2. The design of the apartments is poorly developed and not in keeping with the mid to high end residential character of the neighbourhood. Luxury residential properties are being developed on this street and the project does not fit in with a flat roof and air conditioning units exposed on the balconies.

I trust that the merits of my objection will be fairly considered.

Objection 2

We have recently received a copy of the most recent planning notice from Tropical Architectural Group Ltd. in relation to the development of the above property per the enclosed copy. The detail provided reads:

“application for planning permission for the purpose of Proposed (30) unit 2-storey apartments; 730 sq. ft. cabana with trellis; (1) swimming pool; (1) 30 sq. ft. sign; 5' fence; 9-3 Vi side setback variance; 15'-9 Vi rear setback variance; (30) units vs (22) units density variance on Block and Parcel 2C20I (2CI51) and owned by Emerald Isle Holdings LTD.”

We do not wish to file any objection to the application per se, but we do have concerns as to density. The requested density variance, increasing the 22 permitted units to 30, represents an increase of 36+% above the density for the property as determined in the Law and Regulations. There are other undeveloped properties along North West Point Road and if the requested density variance is granted it is assumed that other developments may have an equal expectation. The consequent traffic demands along North West Point Road, which is only one lane in each direction, would be very significant and could well become unmanageable for local residents.

PLANNING DEPARTMENT ANALYSIS

General

The application seeks to planning permission for 28 apartments designed across 4 buildings comprising 4 x 2 bed units and 24 x 1 bed units. The scheme includes a cabana with trellis, swimming pool, sign and 5 ft high boundary wall. The scheme would replace a previous approval.

Zoning

The property is zoned Low Density Residential.

Specific Issues

a) Suitability

Regulation 9(8) of the Development and Planning Regulations (2018 Revision) states that in a Low Density Residential zone apartments will only be permitted in ‘suitable locations’. The Authority should assess if there is any reason apartments should not be permitted on this site. A review of the existing uses in the area reveals only houses and vacant parcels, however, members should be mindful of the previous planning application which was approved and is valid until 2024, albeit permission was granted for a combination of apartments and duplexes, whereas the current application seeks solely apartments on the site.

b) Variance for number of units 28 v 22

Regulation 9(8)(c) permits the development of 22 apartments on a site of 1.5 acres. The application seeks planning permission for 28 units.

Having regard to the variance letter, members are invited to consider whether adequate justification has been provided.

c) Rear setback variance 15' 10" v 20'

Regulation 9(8)(i) provides a minimum rear setback of 20'. The proposed development seeks a variance at 15' 10" whereby 2 units in building 3 encroach into the rear setback.

Members are encouraged to reflect upon the contents of the applicants letter in determining whether exceptional circumstance has been demonstrated in order to grant the variance.

d) Side setback variance 9' 3" v 15'

Regulation 9(8)(j) requires where structures are more than one storey in height a setback of 15' is required from a side boundary. The application seeks a variance to permit an external staircase serving building 1 is permitted at 9' 3" instead of 15'.

Members are invited to reflect upon the content of the variance letter.

2.0 APPLICATIONS

REGULAR AGENDA (Items 2.7 to 2.30)

2.7 ANDY PARSONS Block 59A Parcels 60 & 92 (F03-0037) (P19-0156) (\$20,000) (CS)

Application for a 169 lot subdivision and 20' lake excavation.

FACTS

<i>Location</i>	Midland East
<i>Zoning</i>	A/R
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	101 AC
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	residential

BACKGROUND

May 27, 2009 (CPA/15/09; Item 2.5) The Authority granted planning permission for a 252 lot residential subdivision and a 12' deep lake excavation.

January 30, 2019 – A house was administratively approved.

January 8, 2020 (CPA/01/20; Item 2.7) The Authority resolved to adjourn the subject application for the following reasons:

- 1) The applicant is required to submit a revised drawing showing LPP within the subdivision south of the future east-west bypass road.
- 2) The proposed subdivision shows two road connections to the subdivision that was approved on 59A 320. The applicant shall obtain registered 30' vehicular easements over 59A 320 that secure access over the approved subdivision roads on 59A 320 leading to Sea View Rd.

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

- 1) Zoning
- 2) Land for Public Purpose
- 3) Subdivision access
- 4) DOE recommendations

AGENCY COMMENTS

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

Department of Environment

See Appendix 'C'

Water Authority

"Please be advised that the water authority's requirements for this development are as follows:

Water Supply

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

- *The developer shall contact water authority's engineering services department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the piped water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the water authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the water authority's supervision, and in strict compliance with the approved plans and water authority guidelines for constructing potable water mains. The guidelines and standard detail drawings for meter installations are available via the following link to the water authority's web page: <http://www.waterauthority.ky/water-infrastructure>.*

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

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.*

Requirement for quarry permit per water authority law

The water authority is charged under the water authority law to protect groundwater. Section 34 (1) of water authority law (2018 revision) requires that anyone who undertakes quarrying obtains a permit from the authority, subject to such terms and conditions as it deems fit. Section 22 (1) of water authority regulations (2018 revision) states that a permit to quarry shall be required whenever it is intended to remove any geological stratum from its natural environment and export it to another location, whether for sale or not.

A quarry permit will be considered by the authority upon receipt of a completed quarry permit application form, the application fee and required submittals. The application form may be downloaded from the water authority website:

Http://www.waterauthority.ky/upimages/pagebox/quarrypermitapplicationrevnov2018_1541708195.pdf

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

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

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

National Roads Authority

“As per your memo dated September 9th, 2019 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Section 25 Gazette

The proposed application recognises the Section 25 gazette and set aside an 80 foot corridor to accommodate the Section 25 gazette of May 2005.

Stormwater Management Issues

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

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

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

Infrastructure Issues

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

A thirty (30) ft. wide road parcel needs to be provided in order to have adequate access.

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 centreline to the shoulder.

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

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

PLANNING DEPARTMENT ANALYSIS

General

The applicant is proposing a 169-lot subdivision, including:

- 160 residential lots (average 12,500 sq.ft.).
- 3 LPP parcels
- 1 remainder parcel to be purchased by Crown
- 1 lake parcel

Zoning

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

Specific Issues

a) Zoning

Regulation 21 allows a density of up to two (2) houses per acre in the Ag/Res zone. However, if the Authority is satisfied that any such land is not situated over a water lens and is not particularly suited to agriculture, they may permit development which complies with the requirements for the Low Density Zone. The subdivision has been designed based on the LDR zone standards.

This site is not situated over a water lens and the Water Authority has not raised any concerns regarding the proposal. Regarding the agricultural potential of the site, a very similar subdivision was approved on the immediately adjoining lands to the east

and that site appears to exhibit the same type of topographical and soil conditions as the subject site. As such, it would appear that the Authority has already deemed this area as not being particularly suited to agricultural purposes.

b) Land for Public Purpose

Up to 5% of the gross area of the land can be designated as Land for Public Purpose, which is to be set aside for public purposes such as active and passive recreation and public rights of way. The applicant has designated 6.1% of the gross land area for LPP, however it will be north of the proposed E-W bypass and inaccessible to the subdivision's residents.

Given the alignment of the E-W bypass, the remaining land to the north will be difficult to develop based on their resulting sizes and shapes. These areas could serve to retain storm water runoff from adjacent parties.

The Authority is advised that in addition to the LPP parcels, 22.4 acres has been classified as critical habitat by the National Conservation Council and will be left in its natural state. This area is not designated as LPP as the applicant and Crown are in negotiations for purchase.

c) Road Access

The subdivision has one direct connection to an arterial road. It appears, that at this time, the one access point is the only one available.

The applicant is providing a road connection to Parcel 91 and two connections to the adjacent subdivision to the east. There is also a connection proposed to the north, onto the E-W bypass.

SUPPLEMENTARY COMMENTARY

In response to the Authority reasons to adjourn the application, the applicant has provided a revised site plan showing a LPP parcel south of the future east-west bypass road. Lot 55 will be LPP, measuring at 23,790 s.f., being located adjacent to the protected area.

Regarding the two road connections to the subdivision that was approved on 59A 320, the applicant provided evidence that the adjacent owner is not supportive of providing such easements. Therefore the applicant states he is unable to obtain the easements.

Application for after-the-fact land clearing, 5' fence and two 32 sq. ft. signs.

FACTS

<i>Location</i>	Hurley Merren Blvd., Prospect
<i>Zoning</i>	NC
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	2.58 AC
<i>Current Use</i>	Vacant

BACKGROUND

There is no planning history for this site.

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

- 1) Merits of applicant's reasoning for the land clearing.
- 2) Height of Fence (5')
- 3) DOE's comments regarding localized drainage and mangroves.
- 4) NRA's comments regarding site access and location of fence.

AGENCY COMMENTS

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

Department of Environment

Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment offers the following comments for your consideration.

The site was partially man-modified and partially seasonally flooded mangroves. A site visit was undertaken on 24 January 2020 and it was found that the mangroves had been cleared from the interior of the site, using access off the former Prospect Point Road and out of view from the Hurley Merren Boulevard.



Figure 1. Aerial imagery showing the illegal clearing of the site.



Figure 2. Photo showing the heavy machinery tracks which cleared mangroves.

This continues the extremely worrying trend of illegally clearing mangroves which the Department of Environment has raised to the Department of Planning on a number of occasions. The most recent examples include P19-0841, P19-0909, P19-0460, P19-0878, P19-0938, P19-0868, P19-1019.

The mangroves here provide critical drainage for the surrounding area and an extremely important buffer for Hurley Merren Boulevard from the sea. There is vacant land within Grand Harbour that could be used for the storage of materials. There does not appear to be any consideration of stormwater management within the proposals, which include clearing and filling the entire parcel. The remaining mangroves within the site should be retained.

Illegal clearing removes the opportunity for reviewing agencies to provide constructive comments and feedback on best management practices and recommendations for retention of ecologically valuable flora to be retained, which may prove beneficial to the landowners and wider area. In this case, the mangroves provide important drainage for the area. Illegal clearing undermines the consultation process and the planning process. The Planning Department must take appropriate measures to avoid illegal clearing. In order for the Department of Environment's Conservation Officers to intervene in these situations, the Species Conservation Plan for Mangroves must be approved by Cabinet. It is currently awaiting their review.

We recommend refusal of this application. Clearing and filling important drainage areas prior to any imminent development is not a practical approach to stormwater management.

National Roads Authority

As per your memo dated January 21st 2020 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

The NRA has no objections or concerns regarding the above proposed land clearing. Please note, however, that access to the site will be limited to Prospect Point Road from the south. No access will be allowed from Hurley Merren Blvd.

The NRA does have some concerns in regards to the wall and fence along Hurley Merren Blvd in terms of site splay and visibility. The NRA, at this stage, has not determined what and or if a junction will be allowed at the north end of Prospect Point Rd onto Hurley Merren Blvd. Therefore, the NRA is asking that the wall/fence either be removed and only be allowed on Prospect Point Rd or setback about 1 to 2 ft off of the boundary line to help with site visibility and road side clearance.

APPLICANT LETTER

Through this letter, we would like to justify the clearing of the land on Block 23C Parcel 233.

The application for the land clearing on the parcel was intended for the material storage and dump area of the dug-out soil from the construction of Grand Palmyra Development located on Block 22E Parcel 382 which was owned by the same developer.

The land clearing will also be done in purpose for the preparation of the future mixed-use development to be built on the lot.

We hope that the CPA board would find this application to be acceptable.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for After-The-Fact land clearing, 5' fence and two 32 s.f. signs.

Zoning

The property is zoned Neighborhood Commercial.

Specific Issues

a) Land Clearing

As stated in the applicant's letter, they wish to use this site to store material and dug-out soil for a development they are constructing on Edgewater Way.

DOE has expressed concerns in utilizing this site play an important role in nearby drainage, which has now been impacted since a portion of the site has been cleared without Planning permission.

b) Fence Height

Any fence greater than 4' requires CPA consideration. In their comments, NRA expresses concerns regarding the location of the fence along Hurley Merren Boulevard. The fence is proposed on the property line, whereas NRA and CPA typically require a 3'to 4' setback. Given the high traffic volume and speeds in this area, a greater setback may be warranted.

2. 9 RON HARGRAVE Block 74A Parcel 69 (F17-0122) (P19-1284) (\$650,000) (MW)

Application for two story (4) apartments with swimming pool with lot size & HWM setback variances.

FACTS

Location

Austin Conolly Dr., East End

<i>Zoning</i>	LDR
<i>Notice Requirements</i>	150'
<i>Parcel Size Proposed</i>	0.24 AC/10,454.4 sq. ft.
<i>Parcel Size Required</i>	25,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Two Story (4) Apartments with Swimming Pool
<i>Building Size</i>	3,636 sq. ft.
<i>Density</i>	4 units (3.6 units allowed) 8 bedrooms (5.76 allowed)
<i>Building Coverage</i>	17.4%
<i>Proposed Parking</i>	8 spaces
<i>Required Parking</i>	6 spaces

BACKGROUND

December 20, 2017 (**CPA/26/17; item 2.4**) – approval granted for a mixed use building (Apartments with Gift Shop & Café below)

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

- 1) Suitability
- 2) Lot Size (10,890 sq vs 25,000 sf)
- 3) Density (units and bedrooms)
- 4) HWM Setback (25' & 48' vs 75')
- 5) HWM Survey
- 6) Front setback (10' vs 20')
- 7) Side Setback (Septic) (6' vs 20')

AGENCY COMMENTS

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

Department Of Environment

“Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment offers the following comments for your consideration:

The application site is man-modified and is located on a rocky “cobble” beach with an iron-shore beach ridge as shown in Figures 1-3. The applicant received planning permission for a two-storey mixed-used building (retail at ground floor and 2 apartments above), Planning Reference P17-1153, in December 2017. The DoE previously recommended a wash through foundation for the building given its proximity to the sea (a setback of approximately 30 ft, yet the Planning Regulations prescribe 50-75 ft minimum setbacks), leaving the beach ridge in its natural state and re-positioning the seawall as close to the building as possible. However, the DOE notes that none of these recommendations were taken on board and planning permission was granted with reduced setbacks, no wash through ground floor and the seawall in the position originally proposed.



Figure 1: Photo showing coastline of Application Site (Source: DOE, 2017)



Figure 2: Showing frontal view of beach ridge (Source: DOE 2017)



Figure 3: Photo showing a side view of the beach ridge (Source: DOE 2017)

The applicant is now applying for a change of use to modify their permission to use the ground floor units as additional residential apartments instead of for retail use. Given the characteristics of the site, the surrounding environs and climate change predictions for the region, the DOE does not support this change of use as having a residential development on the ground floor on this site increases the development's vulnerability.

Coastal setbacks are an important part of climate change adaptation. Whilst the setbacks were breached with the previous approval, the vulnerability of the use at ground floor was less (retail use). Now the risk of impacts from climate change will be greater given the increase in vulnerability of the use (residential).

We therefore do not support this change of use. Please do not hesitate to contact the Department should you require further assistance."

Fire Department

"Fire Approval granted 9th January 2020."

Water Authority

WAC_4945

"PLEASE BE ADVISED THAT THE WATER AUTHORITY'S REQUIREMENTS FOR THIS DEVELOPMENT ARE AS FOLLOWS:

WASTEWATER TREATMENT & DISPOSAL

- ***THE DEVELOPER SHALL PROVIDE A SEPTIC TANK WITH A CAPACITY OF AT LEAST (1,500) US GALLONS FOR THE PROPOSED. THE SEPTIC TANK SHALL BE CONSTRUCTED IN STRICT ACCORDANCE WITH THE AUTHORITY'S STANDARDS. EACH COMPARTMENT SHALL HAVE A MANHOLE TO ALLOW FOR INSPECTION AND SERVICE. MANHOLES SHALL EXTEND TO OR ABOVE GRADE AND BE FITTED WITH COVERS THAT PROVIDE A WATER-TIGHT SEAL AND THAT CAN BE OPENED AND CLOSED BY ONE PERSON WITH STANDARD TOOLS. WHERE SEPTIC TANKS ARE LOCATED IN TRAFFIC AREAS, SPECIFICATIONS FOR A TRAFFIC-RATED TANK AND COVERS ARE REQUIRED.***
- ***TREATED EFFLUENT FROM THE SEPTIC TANK SHALL DISCHARGE TO AN EFFLUENT DISPOSAL WELL CONSTRUCTED BY A LICENCED DRILLER IN STRICT ACCORDANCE WITH THE AUTHORITY'S STANDARDS. LICENCED DRILLERS ARE REQUIRED TO OBTAIN THE SITE-BOREHOLE AND GROUTED CASING DEPTHS PRIOR TO PRICING OR CONSTRUCTING AN EFFLUENT***

Figure 4: Photo showing a side view of the beach ridge (Source: DOE 2017)

- *TO ACHIEVE GRAVITY FLOW, TREATED EFFLUENT FROM THE SEPTIC TANK SHALL ENTER THE DISPOSAL WELL AT A MINIMUM INVERT LEVEL OF 4'8" ABOVE MSL OR 5'11" IF INSTALLED LESS THAN 100FT FROM THE SEA. 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

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](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.

IF THERE ARE QUESTIONS OR CONCERNS REGARDING THE ABOVE, PLEASE EMAIL THEM TO: DEVELOPMENT.CONTROL@WATERAUTHORITY.KY “

National Roads Authority

“As per your memo dated December 27th, 2019 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 a four (4) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM

peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Austin Conolly Drive is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak 16% In	AM Peak 84% Out	PM Peak Hour Total Traffic	PM Peak 67% In	PM Peak 33% Out
27	2	0	2	3	2	1

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

Access and Traffic Management Issues

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

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 Austin Conolly Drive, within the property boundary, to NRA standards.

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

Stormwater Management Issues

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

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

- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Austin Conolly Drive. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.
- Curbing is required for the parking areas to control stormwater runoff.
- Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.

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 Law (2005 Revision). For the purpose of this Law, 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.

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

APPLICANT'S LETTER

*"Plot 74A Parcel 69 owned by Mr. Ron Hargrave received Planning Approval for 2 Apartments, Gift Shop and a café under **P17-1153**. The project has not been built and the Owner would like to respectfully apply for a modification to replace the approved Gift Shop and Café of the first floor with 2 apartments to total **4 units** and include a small swimming **pool** in the application.*

We are respecting the permitted density of 15 units per acre and therefore proposing a number of 4 APARTMENTS with a total of 8 bedrooms.

*In accordance with Planning Regulation in sections 8(11) and (13) we respectfully request consideration to grant of a **lot size variance** and **density variance** since the minimum size plot permitted for apartments is 25,000 sq. ft. and the plot in question is 10,454.40 Sq. Ft. and the maximum number of bedroom permitted is 6 and we are proposing 8. A **setback variance** from the shore line will be required to place the pool behind the approved seawall.*

In our view this minor variances are of no detriment to the surrounding properties and on the contrary will bring value and quality to the neighborhood. Changing the commercial approved ground floor to residential is in our opinion positive. We hope CPA sees the same benefits to the proposal.”

PLANNING DEPARTMENT ANALYSIS

General

The application is for a Two Story (4) Apartment building with Swimming Pool to be located Austin Conolly Dr., East End.

Zoning

The property is zoned Low Density Residential.

Specific Issues

a) Suitability

Regulation 9(8) states that apartments may be permitted in suitable locations. The surrounding area consists primarily of residential homes and vacant parcels. It must be noted that the Authority did consider the location suitable for apartments when the mixed use development was approved in 2017.

b) Lot Size

Section 9(8)(f) of the Development & Planning Regulations (2017) states the minimum lot size for Apartments is 25,000 sq. ft. The proposed parcel would only be 0.25 Ac. (10,890 sq. ft.) a difference of 14,110 sq. ft.

c) Density (Units / Bedrooms)

Regulation 9 (8)(c) states “the maximum number of apartments is fifteen per acre with a maximum of 24 bedrooms”. The proposed parcel Block 74A Parcel 69 allows a maximum of 3.6 Apartment units with a maximum of 5.76 bedrooms, the applicant has proposed 4 apartments with a total of 8 bedrooms a difference of 0.4 units & 2.24 units respectively.

d) HWM Setback

Section 8(10)(b) of the Development & Planning Regulations (2018) states in areas where the shoreline is beach or mangrove, all structures and buildings, including ancillary buildings, walls and structures, shall be setback a minimum of 75’ from the high water mark. The proposed building & swimming pool would be 48’-0” & 25’-10” from the HWM a difference of 27’-0” & 22’-2” respectively.

e) Authenticated HWM Survey

The applicant has submitted a new HWM survey measured on January 22, 2020, however it has not been Authenticated at this time. When compared to the previous Authenticated HWM measured 30-08-17 there is almost no change in the coastline, the Board should determine if it is necessary to require a new HWM survey.

f) Road (Front) & Side Setbacks

Section 9(8)(i)&(j) of the Development & Planning Regulations (2018) states the minimum front setbacks are 20'-0" the proposed septic tank would only be 10'-0" from the front boundary & 6'-0" from the side boundary a difference of 10'-0" & 4'-0" respectively.

2. 10 TONY LALOR Block 25B Parcel 256 (FA91-0205) (P19-0891) (\$87,500) (CS)

Application for after-the-fact addition to create a fourth apartment.

FACTS

<i>Location</i>	Mangrove Avenue, Prospect
<i>Zoning</i>	LDR
<i>Parcel Size</i>	10,001 sq. ft.
<i>Current Use</i>	Three (3) Apartments
<i>Proposed Use</i>	Apartments
<i>Proposed Floor Area</i>	+ 547 sq. ft.
<i>Building Footprint</i>	+ 547 sq. ft.
<i>Site Coverage</i>	27%

BACKGROUND

August 7, 1991 (CPA/18/91; Item 3.9) The Authority granted planning permission for three apartments.

October 17, 2007 CPA/30/07; Item 2.6) The Authority resolved to modify planning permission to modify building elevations and parking area.

October 8, 2008 (CPA/33/08; Item 2.12) The Authority granted planning permission for a shed.

March 4, 2009 (CPA/07/09; Item 2.20) The Authority resolved to grant planning permission for a shed subject to the following condition:

- 1) The applicant shall obtain a letter from the adjacent land owner consenting to the deficient side setback. The Certificate of Occupancy for the apartment building shall not be granted until this written consent is received.

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

- 1) Lot Size Variance (10,001 s.f. vs. 25,000 s.f.)
- 2) Side Setback Variance (3'7" vs. 10')
- 3) Rear Setback Variance (10' vs. 20')
- 4) Parking layout

AGENCY COMMENTS

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

National Roads Authority

As per your memo dated September 27th, 2019 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

The NRA has no objections or concerns regarding the above after the fact addition.

Department of Environmental Health

1. DEH has no objections to the proposed. This development requires a minimum of four (4) 33 gallon garbage bins.

a. The site plan must be revised to indicate the additional garbage bin and submitted to DEH.

Fire Department

No concerns.

Water Authority

Please be advised that the water authority's requirements for this development are as follows:

Wastewater treatment & disposal

- The developer shall provide a septic tank with a capacity of at least (1,500) us gallons for the existing and proposed addition. the septic tank shall be constructed in strict accordance with the authority's standards. each compartment shall have a manhole to allow for inspection and service. manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the authority's standards. licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the authority prior to pricing or constructing an effluent disposal well.*
- To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'8" above msl. the minimum invert level is that required to maintain an air gap between the invert level and the*

water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

Existing septic tank

If the developer proposes to utilize the existing septic tank and/or disposal well, the system shall be inspected and serviced per the septic tank inspection form that can be downloaded from the water authority's website via the following link:

<https://bit.ly/2ro8mbb>

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

Water supply

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

- the developer shall contact water authority's engineering services department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- the developer shall submit plans for the water supply infrastructure for the development to the water authority for review and approval.*
- the developer shall install the water supply infrastructure within the site, under the water authority's supervision, and in strict compliance with the approved plans and water authority guidelines for constructing potable water mains. the guidelines and standard detail drawings for meter installations are available via the following link to the water authority's web page:
<http://www.waterauthority.ky/water-infrastructure> .*

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

Department of Environment

Under delegated authority from the National Conservation Council (section 3 (13) of the national conservation law, 2013), the department of environment confirms that we have no comments.

APPLICANT'S LETTER

"I write on behalf of Tony Lalor who recently applied to the Department of Planning for approval of an already existing structure. The application requires a request for a few variances due to lot size, side and back setback encroachment and density. Regulation

8(13)(b) of the Development and Planning Regulations (2018 Revision) states “ (b) there is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that –

- (i) the characteristics of the proposed development are consistent with the character of the surrounding area;*
- (ii) unusual terrain characteristics limit the site’s development potential; or (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare; or Development and Planning Regulations (2018 Revision)*

To date the other approved structures have not been detrimental to the neighborhood or to public welfare. As such, the structure in question was constructed in order to provide additional income to assist Mr. Lalor with providing for his family and mortgage, as the adjacent lot was vacant no complaints or concerns were expected from the property owner.

It is further noted, that the adjoining property owners have been notified of the application.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for an After-The-Fact addition to create a fourth apartment.

Zoning

The property is zoned Low Density Residential.

Specific Issue

a) Lot Size

The minimum lot size required for apartments within the LDR zone is 25,000 s.f, however this site is 10,001 s.f. which is also deficient for a duplex.

b) Side and Rear Setbacks

The addition encroaches both the north side setback and rear setback, measuring 3’7” from the side and 10’ from the rear.

c) Parking

The applicant has added additional parking to accommodate the third unit, however there is inadequate reversing space for stalls 3 & 6.

2. 11 7 MILE BEACH RESORT Block 13B Parcel 102 (FA89-0271) (P16-0421) (P19-1322) (CS)

Application for an after-the- fact modification to the site and floor plans of an approved resort renovation.

FACTS

<i>Location</i>	West Bay Road, West Bay Beach South
<i>Zoning</i>	Hotel Tourism
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	3.2 AC
<i>Current Use</i>	<i>Resort</i>
<i>Parking Required</i>	26
<i>Parking Provided</i>	38

BACKGROUND

May 24, 2016 - An application to relocate an equipment/pump room and add a fire pump room was administratively approved.

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

- 1) Piper Way Encroachment
- 2) Sidewalk width (3'6" vs. 6')

AGENCY COMMENTS

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

National Roads Authority

As per your memo dated December 12th 2019 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 impact of the proposed modification onto Piper Way 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 Piper Way, 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 use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is **no worse than** pre-development runoff. To that effect, the following requirements should be observed:*

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

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 Law (2005 Revision). For the purpose of this Law, 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.

Water Authority

Please be advised that the water authority's requirements for this development are as follows:

Wastewater Treatment:

The development shall be connected to the west bay beach sewerage system (WBBSS).

- *The developer shall notify the water authority's engineering services at 949-2837 ext. 3000 as soon as possible to ensure that:*
- *The site-specific connection requirements are relayed to the developer,*
- *any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the developer would be held responsible), and*
- *The authority can make arrangements necessary for connection such as ordering materials, scheduling, pipe installation, etc.*
- *the authority will not be responsible for delays due to insufficient notice from the developer.*
- *The developer shall be responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The site's wastewater infrastructure shall be designed and installed to the authority's specifications. copies of the authority's specifications are available at the water authority's office on red gate road, or the web:*
- *http://www.waterauthority.ky/upimages/pagebox/guidelines-sewer_1425464500_1426308023.pdf*
- *The developer shall submit plans for the infrastructure to the authority for approval.*
- *The authority shall make the final connection to the WBBSS, the cost of which shall be borne by the developer.*
- *A grease interceptor with a minimum capacity of 1,393 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 WBBSS.*

Elevator installation:

hydraulic elevators are required to have an approved pump with oil-sensing shut off installed in the sump pit. specifications shall be sent to the water authority at 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), associated piping, and dispensers. the monitoring wells shall comply with the standard detail of the water authority. all 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.

Lint interceptor required at commercial, institutional, coin-op laundries.

An approved lint interceptor is required for commercial, institutional and coin-operated laundries. The developer is required to submit specifications for all laundry (washer) equipment to the water authority for determination of the required capacity of interceptor. Specifications can be sent via email to development.control@waterauthority.ky

Water Supply:

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

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

Fire Department

Approved.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for an After-The-Fact modification to the site and floor plan of an approved resort renovation that includes the following:

- Removal of a conference room.
- Adding two (2) guest suites
- Removal of two (2) street side parking spaces.
- 3'6" versus 6' sidewalk.

Zoning

The property is zoned Hotel Tourism

Specific Issues

a) Sidewalk width & design

After a majority of the After-The-Fact works to the lobby building were constructed, the applicant chose to install a sidewalk. The sidewalk is 3'6" versus the standard 6'. Furthermore, the side walk is elevated to improve accessible access to the lobby entrance and therefore requires a railing.

When evaluating an appropriate sidewalk width, for two-way pedestrian traffic or for groups of people travelling in the same direction, a 6' minimum width is typically required. With the current design, persons will be required to step off the sidewalk into the adjacent road in order to allow others to pass and this will be exacerbated when considering persons with accessibility challenges.

b) Piper Way encroachment

The site is subject to a 20' vehicular easement to provide access to parcels 143, 193 & 194. Prior to the sidewalk being installed, the paved width was 20'7". With the sidewalk, it has been reduced to 17'6". If the CPA were to require a 6' sidewalk, the travel lane will be reduced to 15'.

NRA, Fire Department and DEH have not specifically stated any issues regarding the width. It should be noted, this portion of Piper Way is designed for 1-way traffic only.

2. 12 BRUCE REYNOLDS Block 22D Parcel 320 (F19-0707) (P19-1371) (\$500,000) (CS)

Application for five (5) apartments, pool and 18 sf monument sign.

FACTS

Location

Birch Tree Hill Road, West Bay

Zoning

LDR

<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	12,632 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Apartments
<i>Building Footprint</i>	2,100 sf
<i>Building Area</i>	2,100 sf
<i>Site Coverage</i>	17%
<i>Apartments Proposed</i>	5
<i>Apartments Allowed</i>	4
<i>Bedrooms Proposed</i>	5
<i>Bedrooms Allowed</i>	6
<i>Parking Required</i>	8
<i>Parking Proposed</i>	10

BACKGROUND

There is no Planning history for this site.

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

- 1) Suitability
- 2) Lot Size (12,632 sq. ft. vs. 25,000)

AGENCY COMMENTS

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

National Roads Authority

As per your email dated December 31st, 2019 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 a five (5) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and

PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Summit Crescent is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 16% In</i>	<i>AM Peak 84% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 67% In</i>	<i>PM Peak 33% Out</i>
33	2	1	2	3	2	1

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

Access and Traffic Management Issues

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

Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft. – **please ensure applicant revised final plan accordingly.**

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

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

Stormwater Management Issues

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

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

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

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 Law (2005 Revision). For the purpose of this Law, 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.

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

Water Authority

Please be advised that the water authority's requirements for this development are as follows:

Wastewater treatment & disposal

- *the developer shall provide a septic tank with a capacity of at least (1,500) us gallons for the proposed. the septic tank shall be constructed in strict accordance with the authority's standards. each compartment shall have a manhole to allow for inspection and service. manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- *treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the authority's standards. licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the authority prior to pricing or constructing an effluent disposal well.*

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

Water supply

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

- *the developer shall contact water authority's engineering services department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- *the developer shall submit plans for the water supply infrastructure for the development to the water authority for review and approval.*
- *the developer shall install the water supply infrastructure within the site, under the water authority's supervision, and in strict compliance with the approved plans and water authority guidelines for constructing potable water mains. the guidelines and standard detail drawings for meter installations are available via the following link to the water authority's web page:
<http://www.waterauthority.ky/water-infrastructure> .*

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

Fire Department

Approved

Department of Environment

Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment confirms that we have no objections at this time as the site is man-modified and of limited ecological value.

Department of Environmental Health

1. *DEH has no objections to the proposed in principle.*
 - a. *This development will require a minimum of (5) 33 gallon garbage bins within a 5ft W x 7.50ft L x 2.50ft H enclosure at the proposed location.*
2. *A swimming pool application must be submitted for review and approval prior to constructing the pool.*

APPLICANT'S LETTER

"We write on behalf of our client Mr. Bruce Reynolds for the above application.

With the growth of the surrounding area and the growing demand for more accommodation the land owner has invested into the proposed property to meet some of the growing demands of the area and community.

The proposed single storey development includes five (5) one bedroom units, communal pool with ample parking, and green spaces.

We are seeking approval from the Central planning Authority for a five unit apartment development, pool, road side sign less than 30 sqft and a lot size variance.

Lot size variance

The proposed development is located in a Low Density Residential zone; the subject parcel is surrounded by some residential homes and apartment development the proposed development complies with all required setbacks for a LDR zoned development.

We are seeking a lot size variance under regulation 8(13) (b) & (d) of 12,632.4 sq. ft. vs 25,000 sq. ft. under the following conditions

- 1. The characteristics of the proposed development are consistent with the character of the surrounding area.*
- 2. The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.*
- 3. Where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, the Authority shall in addition be satisfied that the adjoining property owners have been notified of the application.*
- 4. No objection has been received from the surrounding property owners affected by the lesser lot size condition during the notification period.*
- 5. The proposed development is located near to other apartment developments with similar or the same lot size condition along the same access road, (see appendix 1)*

In general the overall development meets or exceeds the required setback conditions, given that this is the only variance being requested of the CPA.

We are proposing that the proposed development in question is viewed by the CPA members that it meets all required planning requirements except for the lot size, it should be noted that there are other approved apartment developments with the same lot size along the same roadway, we are seeking that a similar consideration be extended to this application.

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

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for five (5) apartments, pool & a 18 sf monument sign.

Zoning

The property is zoned Low Density Residential.

Specific Issues

a) Suitability

Regulation 9(8) allows apartments in the LDR zones in suitable locations provided they meet certain criteria. The site is located in a residential subdivision near several multi-family developments. It should be noted the nearby apartment communities are located on appropriately sized lots.

c) Lot Size Variance

Per Regulation 9(8)(f), the minimum lot size allowed for apartments is 25,000 sq. ft., however the site is sized to allow a duplex at 12,362 sq. ft.

The Authority is asked to consider whether the applicant has suitably demonstrated sufficient reason and exceptional circumstance to allow the lot size variance as explained in their letter, included in this report.

2. 13 JOHN GRAY HIGH SCHOOL (Ministry EYSAL) Block 15B Parcel 388 (FA87-0194) (P19-0647) (P19-1359) (CS)

Application to modify planning permission for a high school expansion.

FACTS

<i>Location</i>	Walkers Road and Olympic Way, South Sound
<i>Zoning</i>	Institutional
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	17.51 AC
<i>Current Use</i>	High School
<i>Proposed Use</i>	High School

BACKGROUND

June 13, 2007 (**CPA/18/07; Item 2.2**) - The Authority granted planning permission to rebuild the John Gray High School.

September 25, 2019 (**CPA/20/19; Item 2.18**) – The Authority granted planning permission for a high school expansion.

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

- 1) Reduction in parking
- 2) Whether to require landscape medians in southwest parking lot.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting to modify planning permission of an approved high school expansion which includes:

- Modification to fence and gate locations
- Adding a bus parking area
- An additional LPG tank
- Shade structures at sports fields
- Covered walkways interior to site
- Floor plan changes
- Modification to parking area

Zoning

The property is zoned Institutional

Specific Issues

a) Parking Layout

At the September 25, 2019 hearing, the CPA approved the expansion application with 214 spaces.

Due to the addition of the bus parking area, revisions were made to the southwest parking area, resulting in a reduction of 4 spaces.

The redesign also creates long rows of parking with no breaks for landscaping, whereas canopy trees or future solar panel structures could be installed to offer shade.

The Department notes there is space available within this area to allow for at least 10 additional spaces, to reinstate the approved 214 spaces and to allow for some landscape medians.

2. 14 MAEDAC HOUSE Block 22E Parcel 117 (F80-0278) (P19-1190) (\$12,000) (MW)

Application for 500 gallon LPG above ground propane tank refill station.

FACTS

<i>Location</i>	Crewe Rd., George Town
<i>Zoning</i>	NC
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size Proposed</i>	1.502 AC/65,427.12 sq. ft.
<i>Parcel Size Required</i>	20,000 sq. ft.
<i>Current Use</i>	Existing Commercial Building
<i>Proposed Use</i>	500 Gallon LPG above ground propane refill station.

BACKGROUND

No history specific to this application.

Recommendation: Discuss the application for the following reasons:

- 1) Visual appearance
- 2) Lack of demarcated parking or vehicle stacking area

AGENCY COMMENTS

Comments from the Director of National Conservation Council and Department of Environmental Health are noted below.

Department Of Environment

“Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment confirms that we have no comments as the site is man-modified.

Please do not hesitate to contact the Department should you require further assistance. “

Department Of Environmental Health

"The Department has no objections to the proposed.

Chief Environmental Health Officer

OfReg

The OfReg Fuels has reviewed the site plan for proposed location for a filling LP-Gas (Propane Station in accordance with NFPA 58 and the Dangerous Substances (DS) Law and Regulations.

The Office will require the applicant to comply with the DS Regulation 62: Fuel Signs and Prices, provide an elevation drawings and Lighting (NFPA 58, 6.21.5), Fire Protection (NFPA 58, 6.29 & 8.5.2 & 4.7, and the Cayman Islands Fire Code/Law) of the proposed filling station.

All technical plans are required to be submitted at BCU stage for further plan review by the Chief Fuels Inspector or Fuels Inspectors.

The applicant is reminded that a Premises Operating Permit will be required from the Utility Regulation and Competition Office ("OfReg") for the proposed fuel station."

APPLICANT LETTER

All attendants and management staff are to be trained and pass a Certified Employee Training program (CETP) course on propane dispenser operation in order to become certified for the safe operation of the refill station. Continuing training will be performed annually, and all new staff is to be certified before they can operate the re-filling station. The attendant is also attached to Maedac warehouse and will be working either in the office or warehouse until a customer arrives. Re-filling times are short-one to two minutes per cylinder. There is a working shelve in the cabinet if the attendant needs to do paperwork at the refilling station. All payments are to be made at the counter of the Maedac house on the first floor. Customer's can wait in the comfort of the climate-controlled environment and shop. The attendant will be out weather the majority of the day while engaged in his or hers regular duties.

- 2. Attendant will be on Duty for refill station during operational hours. After Hours, dispenser will be locked, and the system will be locked out at the electrical Panel*
- 3. Customers will park in the designated area for the re-filling station and turn off ignition. No re-filling operations are to commence until vehicles engines have been turned off.*
- 4. Attendant will take the cylinder from the customer and inspect cylinder to ensure it is within its year for compliancy and that it is fit for and safe for re-filling. Any*

cylinder that is not fit for re-filling is not to be filled and the attendant is to dispose of the cylinder properly, by means of their propane supplier.

- 5. Maedac House will have empty cylinders for sale in the event the customers tank is not fit for refiling.*
- 6. Attendant will weigh the cylinder and tare it. Only then can the cylinder refilling commence. All cylinders are to be filled by weight on the scale.*
- 7. Once cylinder has been filled, attendant will shut the service valve on the service valve, hit the stop button to shut the system down at the re-filling station and secure the cabinet.*
- 8. Attendant will lock the cabinet and at this time the re-filling operation will be over ad re-filling station secured.*
- 9. At no time is a customer allowed to self-fill a cylinder!*

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 500 gallon above ground lpg refill station to be located on Crewe Rd., George Town.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

a) Visual appearance

The proposed is for an exposed lpg tank surrounded by bollards and the Authority should determine if this provides an acceptable visual appearance along a main road corridor.

b) Parking/Vehicle stacking

The proposal is designed such that there is just an open area surrounding the tank. There is no demarcated parking or vehicle stacking/waiting areas. This scenario could lead to a very haphazard site with resulting traffic conflicts.

2. 15 TANJA SCOTT Block 28C Parcel 548 (F19-0657) (P19-1219) (\$550,000) (MW)

Application for four (4) apartments.

FACTS

Location

Roses Estate Dr., Bodden Town

Zoning

LDR

<i>Notice Requirements</i>	No Objectors
<i>Parcel Size Proposed</i>	0.3788 AC/16,500.528 sq. ft.
<i>Parcel Size Required</i>	25,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	4 Unit Apartment Complex
<i>Building Size</i>	4,845 sq. ft.
<i>Building Coverage</i>	29.4%
<i>Apartments Proposed</i>	4
<i>Apartments Allowed</i>	5
<i>Bedrooms Proposed</i>	9 (10?)
<i>Bedrooms Allowed</i>	9
<i>Proposed Parking</i>	8 spaces
<i>Required Parking</i>	6 spaces

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

- 1) Suitability
- 2) Lot Size (16,500 sf vs 25,000 sf)
- 3) Lot Width (91' vs 100')
- 4) Dining room vs bedroom

AGENCY COMMENTS

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

National Roads Authority

“As per your memo dated November 26th, 2019 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 a four (4) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Roses Estate Drive is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak 16% In	AM Peak 84% Out	PM Peak Hour Total Traffic	PM Peak 67% In	PM Peak 33% Out
27	2	0	2	3	2	1

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

Access and Traffic Management Issues

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

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 Roses Estate Drive, within the property boundary, to NRA standards.

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

Stormwater Management Issues

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

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

- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Roses Estate Drive. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.
- Curbing is required for the parking areas to control stormwater runoff.
- Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.

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 Law (2005 Revision). For the purpose of this Law, 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.

Water Authority

PLEASE BE ADVISED THAT THE WATER AUTHORITY'S REQUIREMENTS FOR THIS DEVELOPMENT ARE AS FOLLOWS:

WASTEWATER TREATMENT & DISPOSAL

- **THE DEVELOPER SHALL PROVIDE A SEPTIC TANK WITH A CAPACITY OF AT LEAST (2,000) US GALLONS FOR THE PROPOSED. THE SEPTIC TANK SHALL BE CONSTRUCTED IN STRICT ACCORDANCE WITH THE AUTHORITY'S STANDARDS. EACH COMPARTMENT SHALL HAVE A MANHOLE TO ALLOW FOR INSPECTION AND SERVICE. MANHOLES SHALL EXTEND TO OR ABOVE GRADE AND BE FITTED WITH COVERS THAT PROVIDE A WATER-TIGHT SEAL AND THAT CAN BE OPENED AND CLOSED BY ONE PERSON WITH STANDARD TOOLS. WHERE SEPTIC TANKS ARE LOCATED IN TRAFFIC AREAS, SPECIFICATIONS FOR A TRAFFIC-RATED TANK AND COVERS ARE REQUIRED.**

- *TREATED EFFLUENT FROM THE SEPTIC TANK SHALL DISCHARGE TO AN EFFLUENT DISPOSAL WELL CONSTRUCTED BY A LICENCED DRILLER IN STRICT ACCORDANCE WITH THE AUTHORITY'S STANDARDS. LICENCED DRILLERS ARE REQUIRED TO OBTAIN THE SITE-SPECIFIC MINIMUM BOREHOLE AND GROUTED CASING DEPTHS FROM THE AUTHORITY PRIOR TO PRICING OR CONSTRUCTING AN EFFLUENT DISPOSAL WELL.*
- *TO ACHIEVE GRAVITY FLOW, TREATED EFFLUENT FROM THE SEPTIC TANK SHALL ENTER THE DISPOSAL WELL AT A MINIMUM INVERT LEVEL OF 4'11" 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

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](http://www.waterauthority.ky/water-infrastructure) .*

THE AUTHORITY SHALL NOT BE HELD RESPONSIBLE FOR DELAYS AND/OR ADDITIONAL COSTS INCURRED BY THE DEVELOPER DUE TO THE DEVELOPER'S FAILURE TO PROVIDE SUFFICIENT NOTICE TO THE AUTHORITY.

Department of Environmental Health

- 1. The Department has no objections to the proposed.*
- 2. This development will require (4) 33 gallon garbage bins within a 5ft W x 5 ft L x 2.50 ft H enclosure.*

Fire Department

Fire Approval 8 Jan. 2020

APPLICANT LETTER

We are applying for lot size & lot width variances to construct Savanna Gem Apartments on Block 28C Parcel 548 which have a square footage of 16,500.528 and width of 91.29 feet.

Based on the requirements to construct apartments we need additional 8,499.472 sq.ft. for lot size and 8.71 feet Lot width to meet regulation. The design is compliant with all other requirements.

The applicants are two young Caymanian hoping to construct apartments to help with their family finances for the future. However, they were not aware of the requirements when purchasing the land.

Our checks of Apartments in the area with similar issues, indicate that these apartments would not change the aesthetic of the area.

With respect Section 8(13) of The Development and Planning Regulations (2018 Revision).

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

We trust that the Department will grant the requested variances for this development."

PLANNING DEPARTMENT ANALYSIS

General

The application is for a four (4) unit apartment complex to be located on Roses Estate Dr., Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issue

a) Suitability

Regulation 9(8) states that apartments may be permitted in suitable locations.

The surrounding area consists mainly of residential homes and vacant parcels with a few apartments within the nearby vicinity (28C 108 and 531).

b) Lot Size

Regulation 9(8)(f) of the Development & Planning Regulations (2018) states the minimum lot size for Apartments is 25,000 sq. ft. The proposed parcel would only be 16,500.528 sq. ft. (0.3788 Ac.) a difference of 8,499.472 sq. ft.

c) Lot Width

Regulation 9(8)(g) of the Development & Planning Regulations (2018) states the minimum lot width for apartments is 100'. The proposed parcel is currently only 91.29' a difference of 8.71'.

d) Bedrooms

Units 1 and 2 are designed with three bedrooms. Unit 3 is the same design as Units 1 and 2 with the exception that bedroom 2 is labelled as a dining room – the closet has been removed and there is a half wall opening into the kitchen. If this dining room is considered a bedroom then the applications would exceed the allowable number of bedrooms by one.

2. 16 RUMPOINT COTTAGE (Encompass Cayman) Block 40A Parcel 45 (F19-0702) (P19-1360) (\$480,000) (JP)

Application for a house and pool with associated deck.

FACTS

<i>Location</i>	Rum Point Drive, Northside
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.26 AC/11,326 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Residential

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

- 1) High water mark setback variance 41' 7" vs. 75'

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

“Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment offer the following comments for your consideration.

The application site consists of coastal shrubland primary habitat, and is adjacent to a Marine Protected Area (No Dive Zone). The Department notes that from the plans submitted, it depicts the coastline as ironshore. This is inaccurate and it should be considered as a beach coastline. From the 2018 aerial imagery, the coastline can be mistaken for ironshore, however, what is shown is accumulated seagrass (see Figures 2 and 3), which is a common occurrence on beaches along Northside/Rum Point coastline.



Figure 1: LIS 2018 aerial imagery showing application site



Figure 2: Photo showing application site coastline (Source DOE, 6 Jan 2020)



Figure 3 showing beach immediately in front of the application site (Source DOE, 6 Jan 2020)

Given that this is a beach location and not ironshore, the minimum coastal setback for the property would be 75ft as per the Development and Planning Regulations (2018 Rev). It is imperative that minimum coastal setbacks are met for all structures including pool and pool decks, particularly given climate change predictions for the region and the increasing prevalence of coastal erosion associated with inappropriately sited development, either on the active beach or too close to the Mean High Water Mark.

In conclusion, the applicant should be encouraged to submit a revised plan where the development meets the minimum required coastal setbacks and to take into consideration the climate change impacts and incorporate climate change resilient features such as raised/wash through foundations for the deck and house. However, if the CPA is minded to grant planning permission for this application, we recommend the inclusion of the below conditions in any grant of planning approval:

- *Any sand that is to be excavated during construction should be retained on-site and beach quality sand should be placed along the active beach profile. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it should be the subject of a separate consultation with the National Conservation Council.*
- *All construction materials shall be stockpiled away from the sea to prevent run-off and debris from entering the marine environment.”*

APPLICANT’S LETTER

“We have been engaged by the property owner to develop a residential waterfront House at the address stated above.

The proposed House has been virtually positioned on the site plan to maximize considerations such as local climate, view, terrain, vegetation, street access and noise.

The Cayman Islands Development and Planning regulations states that the following setback provisions apply to waterfront property – “in areas where the shoreline is beach (except hotel and tourist related zones), all structures and buildings, including ancillary buildings, walls and structures, shall be setback a minimum of seventy five feet from the high water mark.”

We also understand that The Planning Authority may grant permission for setbacks to be located at a lesser distance than that prescribed. Against this background we are requesting a variance on the rear setback from 75 ft. to 41ft.

The site plan shows this 41 ft. distance as the rear setback from the pool deck stairs to water mark. This layout will allow the lot to be properly developed into a single family home.

If granted the variance will not change the character of the zoning district as the setback will be in line with the other houses and it will not adversely affect the health, safety or welfare of the neighboring adjacent developments. 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. Moreover, our client also owns the adjacent lots.

We thank you in advance for your consideration with this appeal for a setback variance.”

PLANNING DEPARTMENT ANALYSIS

General

The application site is located within the Rum Point area of Northside. The Caribbean Sea forms the northern boundary with Rum Point Drive providing access to from the south. Vacant neighbouring land is sited to the west and a vacant lot, owned by the applicant, forms the eastern boundary.

The application seeks planning permission for a house with pool and deck.

Zoning

The property is zoned Low Density Residential.

Specific Issues

a) High water mark setback 40’ 7” v 75’

Regulation 8(10)(b) establishes a minimum setback on a beach shoreline in residential areas of 75 feet from the High Water Mark.

Regulation 8(11) enables the Authority to grant a lesser setback in certain situations. In this instance of relevance would be the existence of a protective reef adjacent to the proposed development site. For the avoidance of doubt, no protective reef exists adjacent to the application site.

Firstly, members are invited to note the applicant owns the adjoining lot to the east. This provides the opportunity to design a property which spans across two lots to prevent encroaching into the high water mark setback, thereby ensuring both life and property are protected from storm surges.

Secondly, it is recognised the 75' setback results in a narrow area of development. However, the design submitted utilises potential developable area for the provision of a parking area and siting of a septic tank. Members may consider the existing application site could be better executed in general conformity with the Regulations whereby parking and septic tank is sited in front of the house, thereby, providing site area to redesign a linear house whereby enabling enclosed accommodation to be sited adjacent outside of the 75'.

Members are invited to consider the agents letter seeking to justify the development.

2. 17 CARMEL WEAVER Block 13B Parcel 39 (FA83-0154) (P19-1420) (\$90,000) (EJ)

Application for a house.

FACTS

<i>Location</i>	Park Lane
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size Proposed</i>	0.30 AC/13,068 sq. ft.
<i>Current Use</i>	House and Pool
<i>Proposed Use</i>	Additional House
<i>Parking required</i>	2
<i>Parking Proposed</i>	2
<i>Site Coverage Allowed</i>	30%
<i>Site Coverage Proposed</i>	25.99%

BACKGROUND

1994; House shown (existed) prior to 1994 aerial maps,
1993 (no specified date in system) permission was granted for a house,
30-Mar-2011 The Department granted permission for a swimming pool,

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

- 1) Lot size (13,068 sf vs 20,000 sf)
- 2) Front and side setback variance (10' vs 15' & 20')
- 3) Proposed parking layout

APPLICANT LETTER

Kindly accept this letter requesting a setback and lot size variance for a proposed guest house on Park Lane, located in a Low Density Residential zone.

FRONT SETBACK VARIANCE

After the neighboring parcel (now 13B 215) was granted planning permission to build apartments, Park Lane was terminated and there is no longer a functioning road in front of this proposed structure. It is 10' away from this property boundary and I ask that planning consider this front setback more like a side setback because there's no longer a road used on this property boundary. I have enclosed a picture here showing the how Park Lane no longer has thru traffic.

SIDE SETBACK VARIANCE

The proposed building is setback 10'-9" from the side property boundary. Given the small footprint of it, please consider this variance where the required setback is 15' for a 2 story building.

LOT SIZE VARIANCE

For 2 houses, the lot is required to be 20,000sf. The size of the lot is 11,690sf or 0.27 acres. Given the very small footprint of the building (444sf) when compared to a typical house, I ask that you consider this variance.

Please note the following sections of the Development and Planning Law with this application:

- *This application is not 'materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare' as stated in section 8(13)(b)(iii), and*
- *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 to date.*

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking a lot size variance, a front and left-side setback variance for the proposed one (1) bedroom, 2-storey detached house located at Park Lane in George Town.

Zoning

The land is zoned Low Density Residential.

Specific Issues

a) Lot size variance

The applicant is seeking a lot size variance for the proposed two-storey detached house. Regulation 9)(8)(d) requires a minimum lot size of 10,000 square feet for each house; therefore, the parcel will be undersized by 6,932 square feet, giving that the existing parcel is only 13,068 square feet and already has a house.

b) Front and side setback variance

Per Regulation 9)(8)(i) and (j); the required front setback is 20' the required side setback is 15'. The applicant is seeking two setback variances proposed at 10' respectively from the front and left side boundary.

c) Proposed parking layout

Although the site is at the end of Park Lane, the applicant proposes to have two parking spaces directly off Park Lane. The Authority has traditionally discouraged reversing onto roads, but has shown some discretion when minor roads are involved. The Authority should determine if the proposed site design will result in any traffic safety problems.

2. 18 PADDINGTON WAREHOUSES Block 13D Parcel 466 (F96-0101) (P19-0466) (\$143,000) (MW)

Application for a 2,435 sq. ft. (17) unit warehouse.

FACTS

<i>Location</i>	Paddington Ln., George Town
<i>Zoning</i>	HDR/HI/GC
<i>Notice Requirements</i>	No Objections
<i>Parcel Size</i>	1.841 AC/80,154.4 sq. ft.
<i>Current Use</i>	Existing Warehouses
<i>Proposed Use</i>	Warehouse
<i>Building Size</i>	2,435 sq. ft.

<i>Building Coverage</i>	33.7%
<i>Proposed Parking</i>	None proposed (Existing 42 spaces)
<i>Required Parking</i>	27 total

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

- 1) Suitability/Zoning
- 2) Side Setback (19' vs. 20')
- 3) Fence height (6')

AGENCY COMMENTS

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

Water Authority

"PLEASE BE ADVISED THAT THE WATER AUTHORITY'S REQUIREMENTS FOR THIS DEVELOPMENT ARE AS FOLLOWS:

WASTEWATER TREATMENT & DISPOSAL FOR THE PROPOSED

- *THE PLANS DO NOT INDICATE ANY WATER SOURCE OR SANITARY FIXTURES FOR THE PROPOSED WAREHOUSE; IF THIS IN FACT THE CASE, THE AUTHORITY HAS NO REQUIREMENTS FOR THIS PROPOSAL.*
- *EXISTING SEPTIC TANK*
- *THE DEVELOPER IS ADVISED THAT THE EXISTING SEPTIC TANK AND DISPOSAL WELL SERVING THE HAIR SALON SHALL BE INSPECTED AND SERVICED PER THE SEPTIC TANK INSPECTION FORM THAT CAN BE DOWNLOADED FROM THE WATER AUTHORITY'S WEBSITE VIA THE FOLLOWING LINK:
HTTP://WWW.WATERAUTHORITY.KY/UPIMAGES/PAGEBOX/FILLABLESEPTICTANKINSPECTIONREPORTFORM_REV2013_1441302814.PDF THE COMPLETED INSPECTION FORM SHALL BE RETURNED TO THE WATER AUTHORITY FOR REVIEW AND DETERMINATION AS TO WHETHER THE EXISTING SYSTEM MEETS WATER AUTHORITY DESIGN SPECIFICATIONS. ANY DEFICIENCIES NOTED WILL REQUIRE REPAIR OR REPLACEMENT*

PRIOR TO FINAL APPROVAL FOR OCCUPANCY OF THE PROPOSED DEVELOPMENT.

- **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](http://www.waterauthority.ky/water-infrastructure) .**

THE AUTHORITY SHALL NOT BE HELD RESPONSIBLE FOR DELAYS AND/OR ADDITIONAL COSTS INCURRED BY THE DEVELOPER DUE TO THE DEVELOPER'S FAILURE TO PROVIDE SUFFICIENT NOTICE TO THE AUTHORITY.

National Roads Authority

"As per your memo dated June 13th, 2019 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issue

The proposed wall should be a minimum of 6 feet for the existing guardrail.

Road Capacity Issues

The traffic demand to be generated by the above proposed development of 2,435 sq. ft. has been assessed in accordance with ITE Code 151-Mini Warehouse. The anticipated traffic to be added on Godfrey Nixon way is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak In</i>	<i>AM Peak</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak In</i>	<i>PM Peak</i>
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			<i>Out</i>			<i>Out</i>
<i>6</i>	<i>1</i>	<i>1</i>	<i>0</i>	<i>1</i>	<i>1</i>	<i>0</i>

Based on these estimates, the impact of the proposed development onto Godfrey Nixon way is considered to be minimal.

Access and Traffic Management Issues

One-way driveways aisles with diagonal parking shall be a minimum of 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 place in parking spaces such that the length of the parking space is not reduced below the sixteen (16) feet minimum.

Storm 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 arid use of alternative construction techniques. However, it is critical that the development that effect, the following requirements should be observed:

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the storm water management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area of onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. If cath basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*

At the inspection stage for obtaining a Certificate of Occupancy, die applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to die attention of the Planning Department that non-compliance with die above-noted stormwater requirements would cause a toad

"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;"

Encroachment under section 16(g) of the Roads Law (2005 Revision). For the purpose of this Law Section 16(g) defines encroachment on a road as failure in meeting these requirements will require immediate remedial measures from the applicant.”

Department of Environmental Health

This development can utilize the existing container and increase the frequency of servicing to three times per week.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a 2,435 sq. ft. (17) Unit Warehouse located on Paddington Ln, George Town

Zoning

The property is split zoned High Density Residential, Heavy Industrial & General Commercial.

Specific Issues

a) Suitability

Part of the building is situated in the HDR zone and regarding non-residential uses in that zone, Regulation 9(3) states “*other developments may be permitted in suitable locations and if the applicant has advertised details of his application (other than an application having relation to any temporary development) twice in a newspaper published and circulating in the Islands, with a period of not less than seven days or more than ten days between each successive publication of the advertisement, and there are no objections, from an adjacent owner as provided for in regulation 8(12A), (12B) and (12C) and lodged within 21 days of the final advertisement, which the Authority regards as raising grounds for refusing such permission.*”

The surrounding parcels within this area are a mix of commercial and light industrial uses.

The Authority is recommended to determine whether the proposed use is appropriate for this area and zone.

b) Side Setback

Regulation 9(6)(i) states “*the minimum side setback is 10’ for a building of one story*”. However the proposed warehouse is bordered by a road which would require a minimum setback of 20’-0” from the physical boundary. The proposed would be 19’-0” from the road boundary a difference of 1’-0” respectively.

c) Fence Height

Section 4.3.1. states “In a residential and tourism-related zones, no part of a solid wall or fence should not exceed 48 inches in height”. However as the proposed parcel is split zoned a portion of the wall will be in the Heavy Industrial zone in which Section 4.4.1 of the Fence & Wall Guidelines would be applicable. Section 4.4.1. states “ In commercial, industrial and institutional zones, no part of a solid wall or fence should exceed 48 inches in height. The proposed concrete wall would be 6’-0” in height a difference of 2’-0” respectively.

2. 19 MAITLAND RESIDENCE Block 9A Parcel 854 (F20-0016) (P20-0021) (\$635,000) (JP)

Application for a house and 4’ wall.

FACTS

<i>Location</i>	Plumbago Way, West Bay
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No objectors
<i>Parcel Size</i>	0.2351 AC/10,241 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Residential

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

- 1) Site coverage variance 33.86% v 30%
- 2) Side setback variance 6’ v 10’

AGENCY COMMENTS

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

National Roads Agency

“The National Roads Authority is in receipt of your email dated January 22nd 2020 for a new residence and a fence along Plumago Way.

The NRA has no concern with the proposed house and the perimeter fence for the subject property as this development is located on a road classified as Access Road.”

Department of Environment

“Under delegated authority from the National Conservation Council (Section 3 (13) of the National Conservation Law, 2013), the Department of Environment confirms that we have no objections at this time as the site is predominately man-modified and of limited ecological value. However, we recommend that the applicant plants and incorporates native vegetation into the landscaping scheme. native vegetation is best suited for the habitat conditions of the Cayman Islands, resulting in vegetation that requires less maintenance which makes it a very cost-effective choice.”

APPLICANT’S LETTER

“Further to the application submitted in relation to the above referenced Project, we hereby request for a density variance which requires a maximum site coverage of 30 percent of the lot size per Planning regulation 9 (8)(h); a setback variance to a site plan which requires a minimum of 10 ft side setback per Planning Regulation 9 (8)(j);

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

(1) Under Regulation 8 (13)(b)(ii), the unusual terrain characteristics limit the site’s development potential: While we have complied with the minimum required setback, we would like to request for a variance due to the odd shape/orientation of the lot. The proposed house itself is still within the required setback. Only portion of the garage outdoor steps are beyond the setback line and still approximately 6’-0” away from the nearest distance to the boundary. We hope that the CPA board will find this acceptable since there is no other place, we can fit this area on site other than its current proposed location. Also, the main house complied with the maximum site coverage allowed, but due to the additional back patio/covered lanai and front entry porch with steps requested by the client, we exceeded by approximately 3.86% more. We hope that the board will find this to be acceptable.”

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in the West Bay area of the Island within a fairly recently established subdivision. Vacant neighbouring lots surround the site.

The application seeks planning permission for the construction of a house and boundary wall/fence.

Zoning

The property is zoned Low Density Residential.

Specific Issue

a) Site coverage variance 33.86% v 30%

Regulation 9(8)(h) restricts site coverage to 30% for lots located in Low Density Residential areas. The application seeks planning permission for a site coverage of 33.86%.

Having regard to the variance letter submitted in support of the application, members are invited to consider whether adequate justification has been provided.

b) Side setback variance 6' v 10'

Regulation 9(8)(j) establishes a minimum side setback of 10'. The application seeks 6'

As part of their consideration of the application members are encouraged to reflect upon the content of the variance letter.

2. 20 SIDA RESIDENCE Block 64A Parcel 50 (F96-0383) (P19-0383) (P19-1230) (JP)

Application for a 5ft high fence.

FACTS

<i>Location</i>	Sea View Road
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No objectors
<i>Parcel Size</i>	0.47 AC/20,437 sq. ft.
<i>Current Use</i>	Residential
<i>Proposed Use</i>	Residential

BACKGROUND

Various applications for residential development.

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

- 1) Height and location of wall adjacent to roadside.

AGENCY COMMENTS

Comments from the National Roads Authority are noted below.

National Roads Authority

“The NRA has no objections or concerns’ regarding the above proposed wall as it is located 3 feet behind property as shown on site plan dated October 11, 2019(A1.1) and meets NRA sightline requirements.”

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in the East End with Sea View Road serving the site and forming the northern boundary. The Caribbean Sea forms the southern boundary. Vacant lots are located to the east and west.

The application seeks planning permission for the installation of a fence with columns along the side and road boundaries with an overall height of 5 ft.

Zoning

The land is zoned Low Density Residential

Specific Issues

The CPA draft Wall and Fence Guidelines restricts the height of boundary treatment to 5’ in section 4.3.3, addressing semi-transparent fences, and section 4.3.4 relates to semi-transparent fence in combination with a block wall, such as that proposed on the roadside.

The application proposes to enclose the side and front boundaries with 5’ high semi-transparent fencing. This appears to comply with the Regulations.

However, the front fence is only setback from the roadside edge by 3’. Members’ attention is drawn to the National Roads Agency comments as part of their determination in the acceptability of the application.

2. 21 EDWARD & EMMA FITZGERALD Block 24C Parcel 14 (F19-0296) (P20-0041) (AS)

Application to modify planning permission to reduce the HWM setback for the pool.

FACTS

<i>Location</i>	Patrick’s Avenue
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	.33 AC/ 14,378 sf
<i>Current Use</i>	Vacant

BACKGROUND

June 19, 2019 (CPA/12/19; item 2.19) – approval granted for a house and pool

Recommendation: Discuss the application for the following reason:

- 1) High water mark setback (27' vs 30')

AGENCY COMMENTS

Comments from the National Conservation Council are noted below.

National Conservation Council

“Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment confirms that we have no objections at this time. However, the application site is located adjacent to the North Sound Replenishment Zone therefore, we recommend a condition which requires the applicant to stockpile construction materials away from the water’s edge to prevent run-off and debris from entering the marine environment.”

APPLICANT LETTER

We write on behalf of our client, Edward & Emma Fitzgerald with regards to the following variances:

- *A high water mark setback variance- to allow the proposed swimming pool to be constructed 27ft from the high water mark instead of the required 50ft.*

We request permission for the proposed development as shown on the drawings provided and humbly render the following reasons:

- 1. Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail;*
- 2. Per section 8 (13) (b) (iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare;*
- 3. A similar request was granted for parcel 24C15.*
- 4. The location of the pool is most suitable in the immediate environment. Its proximity will offer convenience from recreational rooms of the house.*
- 5. The site layout of the proposed structures has been designed to make the most efficient use and safest environment possible for the applicants.*
- 6. The application complies with all other relevant planning requirements.*

PLANNING DEPARTMENT ANALYSIS

General

When the house and pool were approved in 2019, the Authority allowed a HWM setback for 30' for the pool. The site is bounded by a seawall and the Authority considered the seawall to be akin to ironshore and thus granted a variance from the required 50' HWM setback. The application now is to modify the location of the pool from the approved HWM setback of 30' to 27'.

Zoning

The property is zoned Low Density Residential.

Specific Issues

a) High Water Mark setback Variance, Regulation 8 (10)(c)

The applicant is seeking to modify the setback back variance for the swimming pool, proposed at 27' to the high water mark. The proposed pool is setback from the existing seawall facing North Sound; the Authority has traditionally accepted any development with a seawall facing the North Sound as ironshore, meaning a 50' setback is required.

b) Previous Decision of the CPA

On the 11th December 2013 (CPA/26/13), the CPA granted a setback variance of 23' for a pool at Block 24C Parcel 15, adjacent to the subject parcel.

2. 22 MARCUS HUGGINS Block 27D Parcel 430H1 (F14-0130) (P19-1268) (\$8,000) (BES)

Application for an after-the-fact storage room (58-sq ft)

FACTS

<i>Location</i>	Saddlewood Drive, Savannah
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size Proposed</i>	6,534-sq ft
<i>Current Use</i>	House
<i>Proposed Use</i>	After-the-fact storage room (58-sq ft)
<i>Building Size Area</i>	58 sq ft.
<i>Total Site Coverage</i>	21.6%

Recommendation: Discuss the application for the following reasons:

- 1) Rear Setback Variance (14' vs. 20')

APPLICANT LETTER

"We write on behalf of the applicant, Marcus Huggins, with regards to the following;

- *A rear setback variance - to allow the proposed to be built with a lesser setback of 14ft Din instead of the required 20ft from the lot line.*

We request permission for the subject matter per the drawings provided and humblythe following reasons:

1. *Per section 8(l3)(d) of the Planning Regulations, the adjoining property ownershave been notified of the lesser setback.*
2. *Per section 8(l3)(b)(iii) of the Planning Regulations, the proposal will not materially detrimental to persons residing or working in the vicinity, to theadjacent property, to the neighborhood, or to the public welfare;*
3. *The structure in question is actually 24ft from the boundary line of the subdivision. There is a 10ft swale between the lot line and the subdivision.*
4. *The application complies with all other relevant planning requirements.*

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for an after-the-fact storage room (58-sq ft) at the above-captioned property. The site is located on Saddlewood Drive, Savannah.

Zoning

The land is zoned Low Density Residential.

Specific Issues

a) Rear Setback Variance

Regulation 9(8)(i) requires a minimum rear setback of 20', whereas the proposed rear setback is 14'.

The adjoining parcels were notified, and no objections were received. The Authority should ascertain whether or not there is sufficient reason and exceptional circumstance in accordance with Regulation 8(13)(b) of the Development and Planning Regulations (2018 Revision) to warrant granting a rear setback variance.

2. 23 PIONEER CONSTRUCTION Block 15E Parcel 267 (F10-0231) (P19-1023) (P19-1112) (\$60,000) (BES)

Application for garage/attic storage area (499- sq. ft.) and den addition (216-sq. ft.)

FACTS

<i>Location</i>	Lakefront Drive
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	12,702.1-sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	Addition to garage
<i>Building Size Area</i>	715-sq.ft
<i>Total Site Coverage</i>	23.1%

BACKGROUND

Nov. 27, 2018 – a dwelling house was granted admin approval with conditions.

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

- 1) Side Setback Variance (10' vs. 15').

APPLICANT'S LETTER

"Kindly requesting to consider the variance application to increase the garage from 1 car size to a 2-car size. The 1 car garage with attic storage was approved in the Planning application. However during construction of the house we decided to want a 2 car garage.

The new application shows the proposed 2 car garage, the front and side elevation match the Red card approved elevations, the front elevation now shows a 2 car garage door.

A side setback of 10'-0" is maintained as required for single story to the garage wall from the adjacent property line.

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

- 1. Per section 8(13)(b)(ii) of the planning regulations, the usual terrain characteristics limiting the site potential due to subject parcel being adjacent to Lake Front Drive.*
- 2. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood or to the public welfare.*
- 3. Per section 8(13)(d) of the planning regulations, the adjoining property owners have been notified of the garage extension associated with the application and they have not objected."*

PLANNING DEPARTMENT ANALYSIS

General

The application is for addition to garage/attic storage area (499-sq ft) and den addition (216-sq ft) at the above-captioned property. The site is located on Lakefront Drive.

Zoning

The land is zoned Low Density Residential.

Specific Issues

a) Side Setback Variance

Regulation 9(8)(j) requires a minimum side setback of 15', whereas the proposed side setback is 10' or a variance of 5'.

The adjoining parcels were notified, and no objections were received. The Authority should ascertain whether or not there is sufficient reason and exceptional circumstance in accordance with Regulation 8(13)(b) of the Development and Planning Regulations (2018 Revision) to warrant granting a side setback variance.

2. 24 DAVID WALKER Block 15D Parcel 166 (FA92-0272) (P19-1294) (\$5,000) (CS)

Application for a generator with LPG tank.

FACTS

<i>Location</i>	South Sound Road, South Sound
<i>Zoning</i>	BRR
<i>Parcel Size</i>	0.47 AC
<i>Current Use</i>	House
<i>Proposed Use</i>	Generator

BACKGROUND

January 6, 2016 (CPA/01/16; Item 2.11) A house was approved

February 19, 2020 (CPA/04/20; Item 5.2) The Authority determined that a current High Water Mark Survey would not be required for this application.

Recommendation: Discuss for the following reason:

- 1) Side Setback Variance (5'4" vs. 20')

APPLICANT'S LETTER

Please note that this location was already submitted and approved under Corporate Electric (B16-0547).

They no longer are the electrical contractor for this project.

This letter is to request and substantiate the grant of a variance for a residence at Block no. 15D Parcel no. 166 with postal box no. 1043, KY1-1102 owned by David Walker. The generator installation has a maximum 21 feet to the nearest neighbor building, and a 5 feet 4 inches from the property line, with respect to the Department of Planning (DoP) requirement of 20 feet side setback. We are unable to comply for the 20 feet setback due to the limited space between properties and pad and conduit location as shown below.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a 24.5 gallon propane generator.

Zoning

The property is zoned Beach Resort Residential.

Specific Issue

a) Side Setback

The minimum side setback allowed in the BRR zone is 20'. The applicant is proposing to locate the generator 5'4" from the side boundary for the reasons stated in their letter. The generator will be located on an existing concrete pad that was approved for use for A/C units.

The Authority is advised the existing house is setback 8'11" from the same boundary.

2. 25 GRAND ISLAND DEVELOPMENT Block 15B Parcel 38 (F18-0521) (P20-0085) (\$900,000) (JP)

Application for two duplexes.

FACTS

<i>Location</i>	Bebee Close, George Town
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No objectors
<i>Parcel Size</i>	0.48 AC/20,676 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Residential

BACKGROUND

P18-1235 Application approved for subdivision of land into two lots. Leaving original house on one lot and the remaining site forming the basis of this application.

Recommendation: Discuss the application, for the following reason:

- 1) Lot size variance 20,676 sq. ft. vs. 25,000 sq. ft.

APPLICANT'S LETTER

"The property owner is currently seeking planning permission for a development comprising of two duplex buildings in a LDR area on a property size of 20,676 sqft (code 24,000 sqft).

The owner has been granted planning permission to sub-divide 15B-38 from a lot size of 39,060 sqft into two lots, one lot with the existing home being 18,384 sqft and another lot for new development being 20,676 sqft.

The duplex dwellings planned for the project have a site coverage of 22.27% over the 20,676 sqft lot, leaving considerable area around the development for recreational yard space and driveway parking.

We believe the development would fit in with the existing mixed dwelling area, where there are single family homes, unit complex's (15E-172) and kindergartens all within a short distance from the property.

We would appreciate your positive consideration with our variance request"

PLANNING DEPARTMENT ANALYSIS

General

The application site is located within the George Town area. Neighbouring properties are located in all directions around the site with Bebee Close, serving the site, located to the north. The application seeks planning permission for the construction of two duplexes on one lot.

Zoning

The property is zoned Low Density Residential.

Specific Issues

a) Lot size variance

Regulation 9(8)(e) establishes a minimum lot size of 12,500 sq ft. The application seeks planning permission for 2 duplexes therefore a minimum of 25,000 sq ft. The application site measures 20,676 sq ft.

Members are invited to consider the agents letter seeking to justify the development.

2. 26 SPB CONTRACTORS AND DEVELOPERS Block 24E Parcel 545 (F07-0492) (P19-1129) (BES)

Application for swimming pool, clubhouse, gazebo and 4; high boundary wall/fence in association with approved apartments that are under construction.

FACTS

<i>Location</i>	Barrettville CL
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	47,567.5- sq. ft.
<i>Current Use</i>	Apartments started construction
<i>Proposed Use</i>	clubhouse, pool and 4' Wall/Fence
<i>Building Size Area</i>	1,840 sq. ft.
<i>Building Footprint</i>	6,178 sq. ft.
<i>Total Site Coverage</i>	13%

BACKGROUND

Dec. 19, 2007 (CPA/38/07; Item 2.13) - CPA granted planning permission for 7-apartments with conditions. A Building Permit was issued and there have been inspections recently as 2018 for the roof.

Recommendation: Grant planning permission.

AGENCY COMMENTS

Comments from the Water Authority, Cayman Islands Fire Service and National Roads Authority are noted below.

Water Authority

"Please be advised that the water authority's requirements for this development are as follows:

Wastewater Treatment & Disposal

- The developer shall provide a septic tank with a capacity of at least (2,000) us gallons for both the existing and proposed buildings. the septic tank shall be constructed in strict accordance with the authority's standards. each compartment shall have a manhole to allow for inspection and service. manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the authority's standards. licenced drillers are required to obtain the site-specific minimum borehole and*

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

- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'8" above msl. the minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

Water Supply

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

- *The developer shall contact water authority's engineering services department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the water authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the water authority's supervision, and in strict compliance with the approved plans and water authority guidelines for constructing potable water mains. the guidelines and standard detail drawings for meter installations are available via the following link to the water authority's web page: <http://www.waterauthority.ky/water-infrastructure> .*
- *The authority shall not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority."*

National Roads Authority

"As per your memo dated October 18th, 2019 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by the proposed development could not be accurately assessed. However, the impact of the proposed development onto Devon Road is considered to be minimal.

Stormwater Management Issues

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

- *The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- *The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- *Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*

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 Law (2005 Revision). For the purpose of this Law, 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."

Cayman Islands Fire Service

The CIFS approved the site layout.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a swimming pool, clubhouse (1,600-sq ft), gazebo (240-sq ft) and 4' high concrete boundary wall at the above-captioned property. The site is located on Barrettsville CL.

Zoning

The property is zoned Low Density Residential. The application complies with regulations in respect of setbacks, site coverage and building height and the Department has no specific concerns with the application.

2. 27 CAYMAN SHORES DEVELOPMENT LTD. Block 12D Parcel 95 Block 3 (F03-0517) (P20-0079) (CS)

Application for two (2) monument signs.

FACTS

<i>Location</i>	Northeast corner of forum Land & Artemis Drive, Camana Bay
<i>Zoning</i>	PAD- Cayman Shores Transect T-6
<i>Notice Requirements</i>	No objectors
<i>Parcel Size</i>	200 AC
<i>Current Use</i>	Commercial
<i>Proposed Use</i>	Signs

Recommendation: Grant Planning Permission.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a 20.25 s.f. monument sign and a 4.5 s.f. freestanding sign.

Zoning

The property is zoned is located within the Cayman Shores PAD Transect T-6

Specific Issue

a) Compliance to Sign Guidelines

Section 5.2 of the Sign Guidelines allows freestanding signs up to 32 s.f. with a maximum 12' height and a 12' setback from the road.

The proposed signage is in keeping with existing freestanding signs located throughout Camana Bay and complies with the Guidelines recommendations for size and setbacks.

2. 28 DONOVAN GODET Block 22D Parcel 11 (F19-0324) (P20-0093) (\$4,999) (MW)

Application for (4) four raw land strata subdivision.

FACTS

<i>Location</i>	Abbey Way, George Town
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.44 AC/19,166.4 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	(4) Raw Land Strata Subdivision

BACKGROUND

December 18, 2019 (CPA/26/19; Item 2.22) - approval granted for two duplexes

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

- 1) Lot Size, lot width, site coverage, setbacks

APPLICANT'S LETTER

"Enclosed please find the relevant documents relating to a 4 lot raw land strata subdivision. The purpose of the subdivision is to create 4 raw land strata lots in the footprint of the approved duplexes. We are asking for a variance on the lots size and width under the Planning Regulation 8(13) (b) (iii) to accommodate this.

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for a (4) four lot land strata subdivision located on Abbey Way, George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

a) Lot size, lot width, site coverage, setbacks

The intent of the subdivision is to create land strata lots for the approved duplexes. As a result, the proposed lots do not meet minimum requirements, which is typical of all such land strata subdivisions.

2. 29 YASMINI CASTILLO Block 48C Parcel 95 (F19-0718) (P19-1387) (JP)

Application for clearing of land.

FACTS

<i>Location</i>	Midland Drive
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.29 AC/12,632.4 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Planting trees

Recommendation: Grant Planning Permission

AGENCY COMMENTS

Comments from the National Conservation Council are noted below.

“Under delegated authority from the National Conservation Council (Section 3 (13) of the National Conservation Law, 2013), the Department of Environment confirms that we have no comments as the site is man-modified with limited ecological value.”

APPLICANT’S LETTER

“I refer to your online notification requesting a letter explaining why my permission is being sought to clear my property bearing registration Block 48C Parcel 95 and hereby advise that the reason I seek permission to clear this property and the ultimate intention of the land is none other than to: a. Get a thorough visual of the property void of trees and shrubbery b. Plant some plantain sucker trees and on the property after its clearing.”

PLANNING DEPARTMENT ANALYSIS

General

The application seeks planning permission for the clearing of land in Midland Acres, an established residential area. The site is bound to the north and east by vacant vegetated land and residential building to the west and Midland Drive, serving the site, located to the south.

Zoning

The land is zoned Low Density Residential.

2. 30 PALM GROVE (Former Solution Centre) (Mitzi Callan) Block 14D Parcel 65 (FA85-0154) (P19-1433) (\$80,000) (JP)

Application to enclose existing walkway balconies.

FACTS

<i>Location</i>	Smith Road
<i>Zoning</i>	N/C
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.3512 AC/15,298.3 sq. ft.
<i>Current Use</i>	Commercial
<i>Proposed Use</i>	Commercial
<i>Parking Required</i>	6
<i>Parking Proposed</i>	14

Recommendation: Grant planning permission

AGENCY COMMENTS

Comments from the Chief Environmental Health Officer, Water Authority, National Roads Authority, Department of Environment, Cayman Islands Airports Authority and Department of Tourism are noted below.

Water Authority

“Please be advised that the water authority’s requirements for this development are as follows:

Wastewater treatment & disposal

- *The developer shall provide a septic tank with a capacity of at least (1,500) us gallons for the proposed. The septic tank shall be constructed in strict accordance with the authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- *Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the authority's standards. licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'5" above msl. the minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

Existing septic tank

If the developer proposes to utilize the existing septic tank and/or disposal well, the system shall be inspected and serviced per the septic tank inspection form that can be downloaded from the water authority's website via the following link:

<https://bit.ly/2ro8mbb>

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

Elevator installation

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

Requirements based on minimal water use – change of use to high water use will require upgrades.

In the absence of detail on prospective tenants, the requirements set out are based on basic office use; i.e., low-water use tenants. Any change-of-use to allow for a high-water

use tenant; e.g., food service, or hairdresser, will require an upgrade of the wastewater treatment system. Required upgrades depend on the type of tenant and may include the installation of an in-the-ground grease interceptor and/or an increase in the capacity and/or type of treatment system installed. Given that after-the-fact upgrades can be disruptive and costly, the developer is advised to build in the flexibility for their range of desired tenants at this stage. Contact development.control@waterauthority.ky to discuss requirements to accommodate potential high-water use tenants.

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), associated piping, and dispensers. The monitoring wells shall comply with the standard detail of the water authority. All wells shall be accessible for inspection by the authority. In the event above ground fuel storage tanks (asts) are used, monitoring wells will not be required.

Water supply

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

- The developer shall contact water authority's engineering services department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- he developer shall submit plans for the water supply infrastructure for the development to the water authority for review and approval.*
- he 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.

If there are questions or concerns regarding the above, please email them to: development.control@waterauthority.ky

National Roads Authority

"The NRA has no objections or concerns regarding the above proposed development.

Cayman Islands Aviation Authority

"CIAA has no objections to the proposed plans provided at this time."

PLANNING DEPARTMENT ANALYSIS

General

The application site is located within the Georgetown area of Grand Cayman. The site occupies a corner lot with Huldah Avenue forming the eastern boundary and Smith Road running along the southern boundary. Vacant land is sited to the north and a dwelling is located to the west.

The application seeks planning permission to enclose existing balconies which are used as walkways.

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/DISCUSSIONS

Appendix 'A'

MEMORANDUM

TO: Director of Planning **YOUR REF:** P19-0156
ATTN: Colleen Stoetzel
FROM: Director of Environment **DATE:** 12 November 2019

SUBJECT: **Andy Parsons Subdivision**
238 Residential, 4 Road, 1 Lake and 4 LPP Lot Subdivision
Block 59A Parcel 60

Under delegated authority from the National Conservation Council (NCC) (section 3 (13) of the National Conservation Law, 2013), the Department of Environment (DoE) offers the following comments for your consideration.

There are three key issues that have been identified with the Proposed Development:

- Loss of primary habitat;
- The presence of *Agalinis kingsii*, a critically endangered plant; and
- Flooding and drainage at the Proposed Development including water quality at the lake.

These issues are discussed further below.

Loss of Primary Habitat, Particularly Mangroves

The site is partially man-modified and partially primary habitat, comprising 19.3 acres of seasonally flooded mangrove forest and 19.8 freshwater sedge wetland. There is also an area where the Buttonwood forest has been invaded by Logwood and therefore the ecological value is compromised. Of the existing primary habitat, the freshwater sedge wetland will be conserved (as it forms Critical Habitat for *Agalinis kingsii*, discussed later) but the mangrove forest will be lost.

Whenever possible, the original vegetation should be preserved especially in the Land for Public Purposes area and along property boundaries. This vegetation can be incorporated into the Stormwater Management Plan and landscaping scheme. The use of native vegetation is encouraged when landscaping the subdivision, including individual lots, fringing the lake, LPP and common areas and along roadways. Landscaping with non-native species can be costly to establish and maintain as they typically require more water and fertilizer than those species adapted to local conditions.

Clearing of vegetation should be restricted to required roadways and installation of services until development of individual lots is imminent. This practice will help reduce the risk of soil erosion and assist with stormwater management while allowing for the continued provision of other ecosystem and ecological services in the interim. For the same reasons, future subdivision property owners should be encouraged to keep vegetation on their parcel until they are ready to begin construction.

In addition, the existing mangroves provide an important drainage function that will be lost, which is detailed further when discussing flooding and drainage.

Discovery of *Agalinis kingsii*

During a site visit conducted on 20 March 2019, a very important discovery was made. The freshwater sedge wetland was supporting a large population of *Agalinis kingsii*, a critically endangered species endemic to Grand Cayman. There is only one other substantial population of *Agalinis kingsii* in the world, located at the Salina Reserve. *Agalinis kingsii* is a Part 1 protected species under Schedule 1 of the National Conservation Law (NCL) (i.e. is protected at all times).

On 19 June 2019, the NCC confirmed the Interim Directive for the protection of *Agalinis kingsii*. The Critical Habitat for *Agalinis kingsii* is defined as all sedge wetlands falling in Block 59A Parcel 92 that contain the sedge species *Cladium jamaicense* ("Cutting Grass"). The interim directive prohibits any disturbance of that Critical Habitat, or issuance of any permit or permission to disturb that Critical Habitat or approval of any plan to do so until such time as a Conservation Plan for *Agalinis kingsii* has been adopted under NCL s.17(6). The Critical Habitat is shown in Figure 1 below.



Figure 1. Critical Habitat for *Agalinis kingsii*, as outlined in red, i.e. all sedge wetlands falling in Block 59A Parcel 92 that contains the sedge species *Cladium jamaicense*

A Conservation Plan was prepared for the species. At the 10 July 2019 NCC working group meeting, the promulgation of the Conservation Plan was delayed to allow the Department to contact the potentially affected landowners. The Plan identified Critical Habitat for *Agalinis kingsii* in Block 59A as shown in Figure 1 below. The Plan protects all specimens of *Agalinis kingsii* at all times, and take, possession,

purchase, sale, donation and exchange are offences under all the provisions of s.33 (1) of the NCL, unless authorised or permitted under the NCL e.g. s.20 or s.41. The Plan also states that the NCC will advise any government agency making decisions affecting the Critical Habitat for *Agalinis kingsii* that no actions that may involve any direct or indirect take of *Agalinis kingsii*, or disruption of its habitat can be permitted.

Following the discovery, discussions were held with the applicant in order to reach a suitable solution. As part of these negotiations, the applicant has redesigned the subdivision to create a mutually-agreeable parcel containing the *Agalinis kingsii* Critical Habitat (hence the shape of Lot 163). The intention is for the land to be purchased from the applicant by the Cayman Islands Government for the establishment of a Protected Area. There is currently a marl road bisecting this parcel, and the applicant has indicated that they will require the use of this marl road until the subdivision is sufficiently built out, which is agreed and will not affect the conservation status of *Agalinis kingsii* subject to the conditions outlined below.

Flooding and Drainage of the Proposed Development

The site is extremely low lying and is likely acting as a water retention basin and providing drainage for the surrounding area. The location of the proposed road corridor (the gazetted East-West Arterial Road) to the north of the site will likely compound these drainage issues as it severs the natural north/south drainage flows and will likely result in further impoundment of water at the site. We recommend that a Stormwater Management Plan is provided to ensure that flooding and drainage is appropriately managed at the site.

The applicant has proposed to excavate the lake to a depth of 20 feet, with a shelf at 1 foot below the water level. No width is proposed but the Department of Environment recommends that this ledge is 10 ft wide. It has been the experience of the Department of Environment that lakes with excavated depths of over 14 ft without an appropriate management strategy tend to experience issues with poor water quality including objectionable odours, unsightly algal blooms and water discoloration. Therefore, a water quality management strategy is recommended, especially as the lake is to be used as an amenity feature. To further assist with the water quality management strategy it is recommended that the shallow area around the lake's perimeter be vegetated with native species. Best management practices should also be adhered to. For example, no use of fertilizers in the immediate vicinity of the lake and storm water runoff should not enter or be directed towards the lake.

Recommendations

Notwithstanding the above, the DoE, under the delegated authority of the NCC, has screened this planning application for an EIA. The DoE is of the opinion that the proposed subdivision does not require an EIA because an EIA is unlikely to change the significance of effects or provide additional information on the effects. However, any "take" of the species without a permit issued by the NCC is considered an offense under section 33 of the NCL. The Interim Directive and its conservation measures are in effect.

If the CPA is minded to approve this development, under Section 41 (4) of the National Conservation law we **respectfully direct** that the following conditions be included as part of any planning permission which may be granted:

- The lots and road separating the lake from the *Agalinis kingsii* Critical Habitat must be filled and constructed first (namely Lots 51 to 66 and 134 to 146), to prevent the lake from coming into hydrological continuity with the Critical Habitat.
- There shall be no modification of Lot 163. The existing road may be used until the road on the eastern side of the Critical Habitat has been constructed.

- At no time shall there be hydrological connectivity between the *Agalinis kingsii* Critical Habitat and the proposed area of excavation.
- The provisions of the Interim Directive for the protection of *Agalinis kingsii*, or any NCC issued updates to the Directive, shall apply at all times.

Additionally, under Section 41(3) of the NCL we strongly recommend the following conditions be included in any planning permission which may be granted:

- A Stormwater Management Plan should be provided.

We support the mitigation measures identified by the Water Authority as required to maintain the water quality of the lake, and we recommend the same measures, namely:

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

Please do not hesitate to contact the Department should you require further assistance.

Director of Environment

Under Delegated Authority of the National Conservation Council

NATIONAL CONSERVATION COUNCIL
PO Box 10202, KY1-1002
GRAND CAYMAN
CAYMAN ISLANDS

TEL: (+345) - 949-8469
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EMAIL: CONSERVATIONCOUNCIL@GOV.KY



30 September 2019

On 27 March 2019, the National Conservation Council reached a Council Decision at the Executive Preparatory Working Group meeting, approving the “Screening Opinion for the Proposed Subdivision of 238 Residential Lots, 4 Road Lots, 1 Lake Lot and 4 Land for Public Purposes Lots,” also known as the Andy Parsons Subdivision, prepared by the Department of Environment for the National Conservation Council.

John Bothwell

Manager – Legislation Implementation and Coordination Unit
Secretary, National Conservation Council
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<http://doe.ky/natl-conservation-council/national-conservation-law/>





DEPARTMENT OF
ENVIRONMENT
CAYMAN ISLANDS GOVERNMENT

**Screening Opinion for the Proposed Subdivision of 238 Residential Lots, 4 Road Lots, 1 Lake Lot and 4 Land for Public Purposes Lots
30 September 2019**

Executive Summary

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in the Directive to determine whether an EIA may be required.

The Proposed Development is for the subdivision of 100 acres of land to create 238 residential lots, 4 road lots, 1 lake lot and 4 Land for Public Purposes lots. It falls within Schedule 1. The site is located at Block 59A Parcels 60, 92 and 156, north of Sea View Road in East End.

The planning application was considered against the screening criteria outlined in the EIA Directive. Significant effects were identified with respect to:

- ecology, due to the presence of a large population of *Agalinis kingsii*, a critically endangered endemic flowering plant and a Part 1 species under the National Conservation Law (NCL), Schedule 1;
- flood risk and water quality; due to:
 - the low lying nature of the site,
 - the lack of a Stormwater Management Plan (SWMP), and
 - potential water quality issues with the excavation of the lake to 20 feet particularly adjacent to a Part 1 protected species, and
- effects from climate change due to flood risk.

The Water Authority identified mitigation measures for flood risk, water quality and climate change which should be secured by condition and implemented.

The Department of Environment is of the opinion that the Proposed Development does not require an EIA despite the presence of *Agalinis kingsii*, a Part 1 protected species under the NCL, because an EIA is unlikely to change the significance of effects or provide additional information on the effects. However, any "take" of the species without a permit issued by the NCC is considered an offense under section 33 of the NCL, and therefore the matter must be resolved at the planning stage.

Furthermore, it is recommended that the Land for Public Purposes (LPP) located south of the proposed road be relocated or filled in order to provide value to the community as it has already been partially excavated for fill.

Introduction

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

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) issued under section 3(12) (j) and which has effect under section 43(2) (c) of the NCL, notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in sections 2 to 3 of Schedule 1 of the Directive to determine whether an EIA may be required. The Proposed Development falls within Schedule 1, i.e. a subdivision.

The screening criteria include:

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

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

The Site

The site is located at Block 59A Parcels 60, 92 and 156, north of Sea View Road in East End. The site location is shown on Figure 1. The main parcel, Block 59A Parcel 92, has an area of 100 acres.

The site is 500 ft from the Queen Elizabeth Botanic Park. There is a proposed road corridor through the northern part of the site which forms part of the National Roads Authority's Section 26 Road Plan. The site is approximately 400 ft from the sea, and there is a Marine Protected Area (Replenishment Zone) offshore. There are quarries located approximately 325 feet to the west, from Off the Beaten Path Road. The site is not located above a water lens.

Approximately 45 % of the site is man-modified however there are areas of primary habitat including seasonally flooded mangrove forest and a freshwater sedge wetland. The site currently contains an access road, a garage, and two excavations. The remainder of the site is vegetated.

Proposed Development

Description of the Proposed Development

The Proposed Development comprises a subdivision of 238 residential lots, 4 road lots, 1 lake lots and 4 Land for Public Purposes (LPP) lots. To support the planning application for the Proposed Development, the applicant has submitted a subdivision plan and a lake profile plan. No Storm Water Management Plan (SWMP) has been submitted.

Planning History

The applicant previously applied for a large subdivision at the site in September 2008. The Department of Environment (DoE) requested additional information on the proposed lake excavation and subdivision phasing, a proposed cross-section of the excavation and cut/fill balance and information on the phasing of the subdivision development. The applicant provided a cross-section of the proposed excavation and the phasing plan however the applicant did not submit a cut/fill balance. A SWMP was submitted and was approved by the Central Planning Authority. Permission was granted for a 252 lot residential subdivision and a 12-foot deep lake excavation. The excavation was revised to a 20 foot lake on 8 July 2009. In addition, a garage has been constructed on the site with planning permission and a house was granted planning permission on 21 January 2019.

Characteristics of Potential Impact

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

Ecology

A site visit was undertaken on 20 March 2019. The majority of the site was man-modified. There was an area where the Buttonwood forest had been invaded by Logwood and therefore the ecological value was compromised. There was also an area (approximately 19.3 acres) of seasonally flooded mangrove forest and woodland, in the southern part of the site. The habitats at the site are shown in Table 1 and in Figure 2.

Table 1. Habitats on the site as of the 2013 aerial imagery.

Habitat Type	Area (acres)
Seasonally flooded mangrove forest and woodland	19.3
Freshwater sedge wetland	19.8
Buttonwood forest invaded by Logwood	16.2
Man-modified	46.7

During the site visit, a very important discovery was made. There was a freshwater sedge wetland which was supporting a large population of *Agalinis kingsii*, a critically endangered species endemic to Grand Cayman. It is a Part 1 protected species under Schedule 1 of the NCL (i.e. is protected at all times). There is only one other large population of *Agalinis kingsii* in the world, located at the Salina Reserve. It can be found in small patches at the Central Mangrove Wetland.

Agalinis kingsii is an obligate hemiparasite with pink false foxglove flowers. It photosynthesises but has a root system which is parasitic within the roots of *Cladium* (sedge). The species has also adapted its seed dispersal to the area with a nutrient package (elaiosome) for a species of ant found in the area.

The Proposed Development will result in removal of the second largest known population of a critically endangered endemic flowering plant (Image 1). This could be up to 40% of the world's population as the plant is only found on Grand Cayman. This is considered a major adverse effect.



Image 1. *Agalinis kingsii* found during a site visit on 20 March 2019.

Section 33 of NCL states that a person who, not being authorised or permitted under this Law, takes or permits any other person to take a specimen of a protected species commits an offense. The definition of 'take' under the NCL includes killing, damaging, disturbing or harming a live specimen.

There will also be a total loss of 39.1 acres of primary habitat, including 19.3 acres of mangrove and 19.8 acres of freshwater sedge wetland. The loss of mangrove is not considered to be a significant effect alone, the freshwater sedge wetland supporting *Agalinis kingsii* is the most important feature on the site.

Although there will be a major adverse effect as a result of the Proposed Development, an EIA is not considered required. It is unlikely that an EIA would assess the effect as anything but a major adverse effect, or that the EIA would provide further information or understanding regarding the effects of the Proposed Development on *Agalinis kingsii*. Therefore, it is recommended that the measures to mitigate against the commitment of an offense under the NCL are agreed at the planning stage.

Flood Risk and Water Quality

The site is low-lying and currently comprises areas which are seasonally flooded mangroves and a freshwater sedge wetland. During the site visit conducted on 13 March 2019, there was standing water visible across much of the site. The topography of the site and surrounding area shows that the site appears to be within a drainage basin. There is a ridge to the south of Sea View Road, and an area to the north of higher elevation (Figure 3).

By clearing the site and filling it, there are likely to be significant drainage and flooding problems particularly if the site is currently serving as a water retention basin and providing drainage for the surrounding area. The

location of the proposed road corridor to the north of the site will likely compound these drainage issues as it severs the natural north/south drainage flows, and will likely result in further impoundment of water in the site. Retention of the habitat of the Part 1 protected species, *Agalinis kingsii*, could provide some level of drainage for the Proposed Development.

A SWMP will be crucial in understanding whether the Proposed Development will have adequate drainage. The draft National Planning Framework¹ (NPF) has a goal to require subdivisions to prepare a master grading plan and drainage plan in order to ensure residential subdivision is well designed. The draft NPF also identifies that there are major issues with stormwater management and drainage in Cayman and that one of the causes of this was the lack of sound and comprehensive engineering.

The lake is proposed to be dug to 20 feet below government datum. The excavations from the lake were started but have not been completed.

The Water Authority reviewed the application and identified the following mitigation measures as required to maintain the water quality of the lake:

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

In addition, the excavation of the lake is likely to cause harm or disturb *Agalinis kingsii*, a Part 1 protected species under the NCL, as the lake would be in hydraulic continuity with the freshwater sedge wetland. Therefore, the excavation of the lake is likely to be an offense under the NCL.

There are likely to be significant adverse effects from flood risk and water quality on the Proposed Development if not appropriately mitigated.

Climate Change

Climate change is likely to have severe impacts on the Cayman Islands including the site. The Cayman Islands are inherently vulnerable to climate change because of the small size, remoteness, low-lying areas and other environmental factors, demography and economy².

The Proposed Development is likely to both contribute to climate change and be affected by climate change. The Proposed Development will contribute to climate change through the loss of the primary habitat, including wetlands currently at the site. Mangroves sequester carbon and when they are cleared, the removal of above and below-ground biomass and especially soil carbon disturbance and oxidation results in a significant source of

¹ Department of Planning. (2018). National Planning Framework. Draft for Public Consultation.

² National Climate Change Committee. (2011). Achieving a Low Carbon Climate-Resilient Economy: Cayman Islands' Climate Change Policy (draft).

carbon dioxide, nitrogen dioxide and methane. The vehicle movements associated with the clearing and filling of the site also will contribute to climate change. The resource consumption and additional vehicle movements associated with the build-out of the homes following sale of the subdivided parcels will also contribute to climate change. Therefore, the Proposed Development is likely to contribute to climate change through resource consumption and loss of primary habitat although the effect will be minor.

The effects of climate change on the Proposed Development are most likely to be related to flooding and drainage. The Cayman Islands will likely experience a sea level rise and more intense but fewer rain events, which could affect the drainage of the Proposed Development³. The site is low lying and even with using the fill from the excavated area, there are likely to be issues with drainage. No SWMP has been submitted. A SWMP, for review by the National Roads Authority, will be necessary to mitigate the adverse impacts from climate change on the Proposed Development. As homes are built at the Proposed Development, the future landowners could include climate-resilient technology during construction and operation.

There are likely to be significant adverse effects from climate change on the Proposed Development if not appropriately mitigated via a Storm Water Management Plan.

Air Quality

There is no known baseline data for air quality at the site.

The Proposed Development will not create any point sources of emissions (e.g. gas generators, water heaters, dryers etc.) directly during the preparation of the subdivision, although they may come forward with planning applications for the individual houses. In any case, there is unlikely to be a significant effect on air quality from point-source emissions associated with the Proposed Development or future homes on the site.

The excavation of the lake and the clearing and de-mucking of mangroves will generate methane emissions and nitrogen oxides which have both air quality and climate change implications. The excavation of the lake and filling of the site for the Proposed Development will generate a large number of Heavy Duty Vehicle (HDV) and equipment movements. There are relatively few adjacent landowners who are likely to be affected by air pollution from HDV movements within the site. Provided the cut/fill balance is sufficient such that the landowner does not need to import material, there are unlikely to be air quality effects on adjacent human receptors. Should the applicant require the importation of fill, there will be HDV movements on the surrounding road network which is likely to have a temporary minor adverse effect on receptors due to dust, particular matter and emissions from the HDVs.

Architectural and Archaeological Heritage

There are no known architectural and archaeological heritage assets within the site. Therefore, there are not considered to be any likely significant effects associated with architectural and archaeological heritage.

Ground Conditions

There are no likely sources of potential ground contamination within the site, nor is the Proposed Development likely to generate ground contamination. Therefore, there are no likely significant effects with respect to ground conditions as a result of the Proposed Development.

³ Climate Studies Group. (2014). Climate Profile for the Cayman Islands. The University of the West Indies for Smith Warner International Ltd.

Noise and Vibration

The surrounding noise environment is relatively quiet and predominated by road traffic noise. There are relatively few adjacent residential receptors, with the majority living north of Sea View Road. The Proposed Development has the potential to generate noise through the clearing and filling. It is not clear whether there is blasting required for the excavation of the lake, which is located away from the majority of the adjacent residents. However, there are unlikely to be significant effects with respect to noise and vibration from the works.

Socio-Economics

The land uses in the area surrounding the site are agricultural or low density residential. Although there is a need for affordable housing in the Cayman Islands, there may not be a need for empty man-modified lots given the financial barriers to self-build homes. However, as acknowledged in Section 3.2 of the draft NPF¹, there is no housing inventory or housing needs assessment data available.

The full build out of the Proposed Development will greatly increase the number of homes in the area, particularly as many of the lots could reasonably be developed as duplexes. The introduction of a large number of residents could have effects on social infrastructure such as schools, parks, playgrounds etc. The Proposed Development provides one area of LPP within the main part of the subdivision; however the remainder of the LPP is separated from the Proposed Development by the future road. The area of LPP within the main part of the subdivision has also already been partially excavated and therefore may not be a valuable community asset (Figure 4).

The pressure on social infrastructure is not likely to be a significant effect as the build-out of homes on the Proposed Development will likely occur over a long period of time. However, the LPP at the centre of the site should be relocated or filled such that it can be used by the community. There are likely to be minor adverse socio-economic effects however these are not considered to be significant.

Transport

The site is located off a main road (Sea View Road) however there is not a severe traffic problem at this location. The (localised) environmental effects associated with transport include severance, pedestrian and cyclist safety and amenity and accidents and hazards. The Proposed Development is likely to have a neutral effect once completed. The Proposed Development is likely to generate HDV trips during construction, however the majority should be contained within the site. The Proposed Development is also likely to generate traffic during operation once the houses are constructed, however this is likely to increase over a long period of time. There are not expected to be significant operational environmental effects associated with transport. The generation of traffic should be considered by the National Roads Authority and the Central Planning Authority.

Cumulative Effects

There are committed developments surrounding the site which may give rise to cumulative effects:

- The City Services Planned Area Development (PAD) which is a multi-zone development surrounding Cayman Health City Development. The five main uses of this PAD are commercial, residential, hotel/resort, open community space/parkland and infrastructure & servicing. There may be beneficial cumulative effects when considering the Proposed Development and the City Services PAD with respect to socio-economics. The City Services PAD may provide much of the social infrastructure required by the

people who will occupy the Proposed Development. However, the City Services PAD is located within an area of primary habitat including dry forest and woodland, seasonally flooded mangrove forest and woodland, and dry shrubland. There will be a cumulative loss of primary habitat with the Proposed Development and the City Services PAD.

- The Ironwood Golf Course and PAD which is a golf course and associated development of approximately 748 acres. There are significant environmental effects likely with the Ironwood development, including to water quality, drainage and flood risk, and ecology. Considering the Proposed Development cumulatively with the Ironwood Golf Course and PAD, there are likely to be significant effects. However, the status of the Ironwood development is currently unknown. The Department of Planning and the Central Planning Authority should consider the cumulative effects of development in this area.
- In addition, the Proposed Development will contribute to national greenhouse gas emissions and further global climate change.

Conclusions

The Proposed Development does not require an EIA provided that the mitigation measures identified by the Water Authority are implemented and that additional measures are implemented to protect the Part 1 species, *Agalinis kingsii* present in the freshwater sedge wetland.

Furthermore, it is recommended that the LPP be located such that it provides value to the community.

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

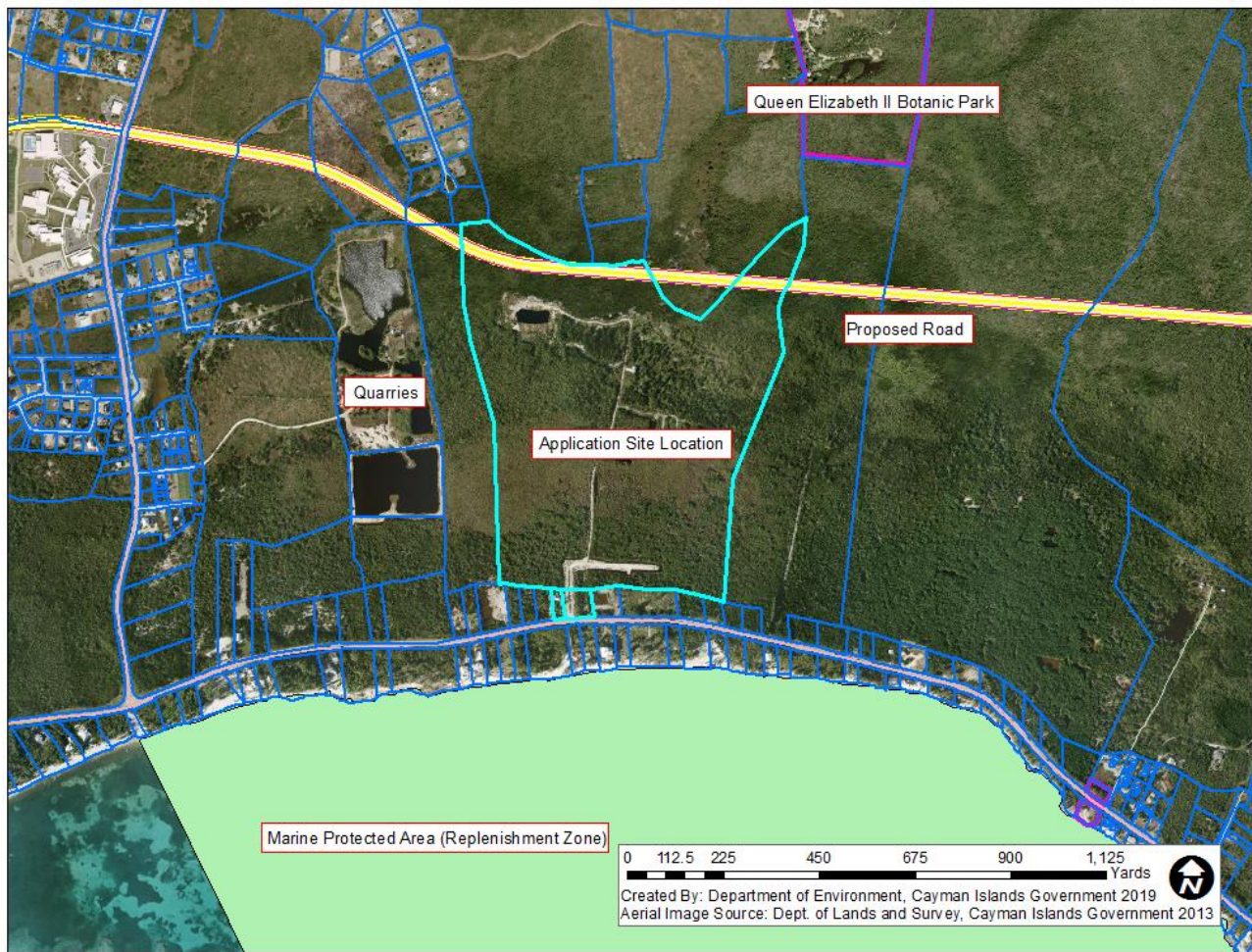


Figure 1. Site location and environmental context plan.

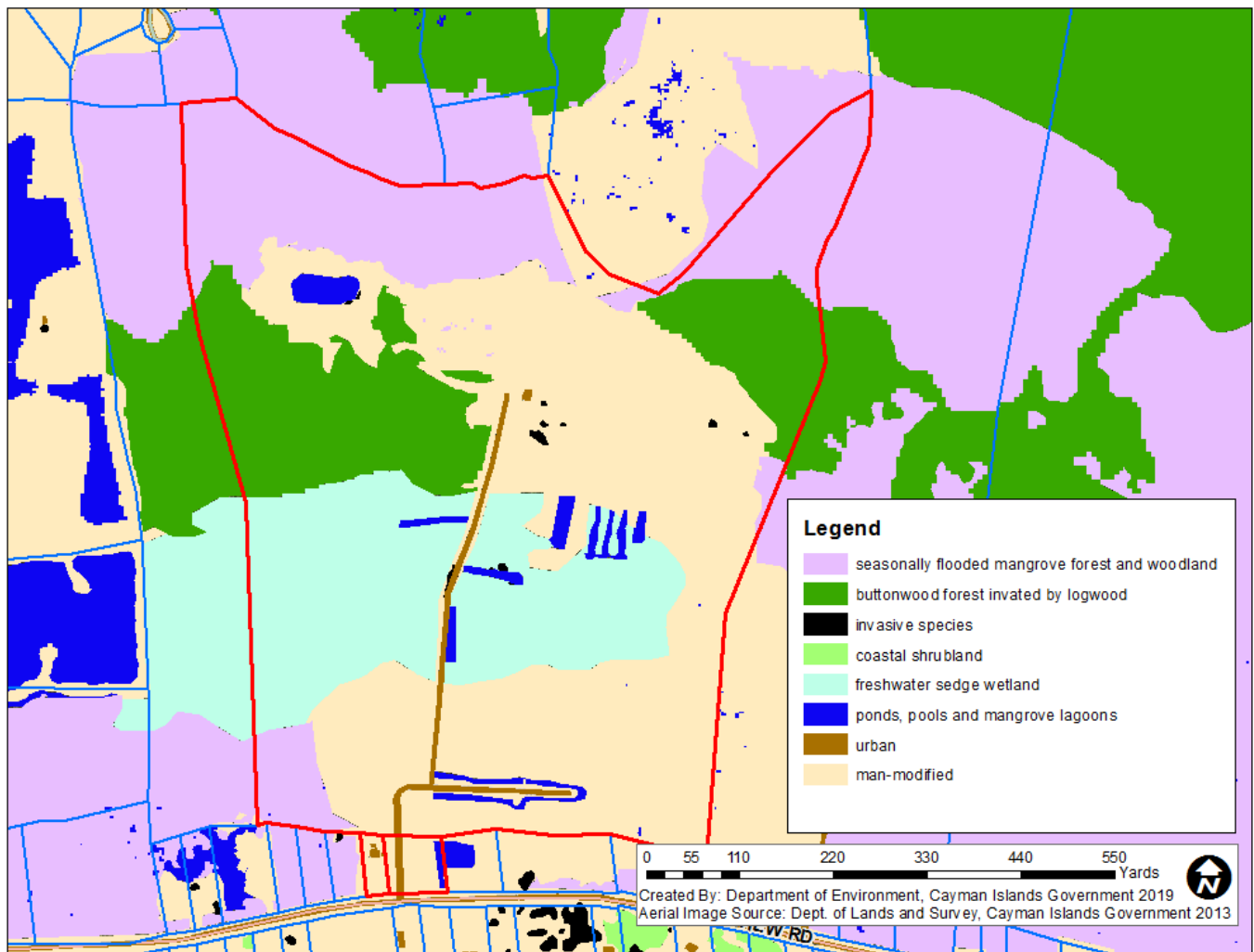


Figure 2. Habitats present at the site.

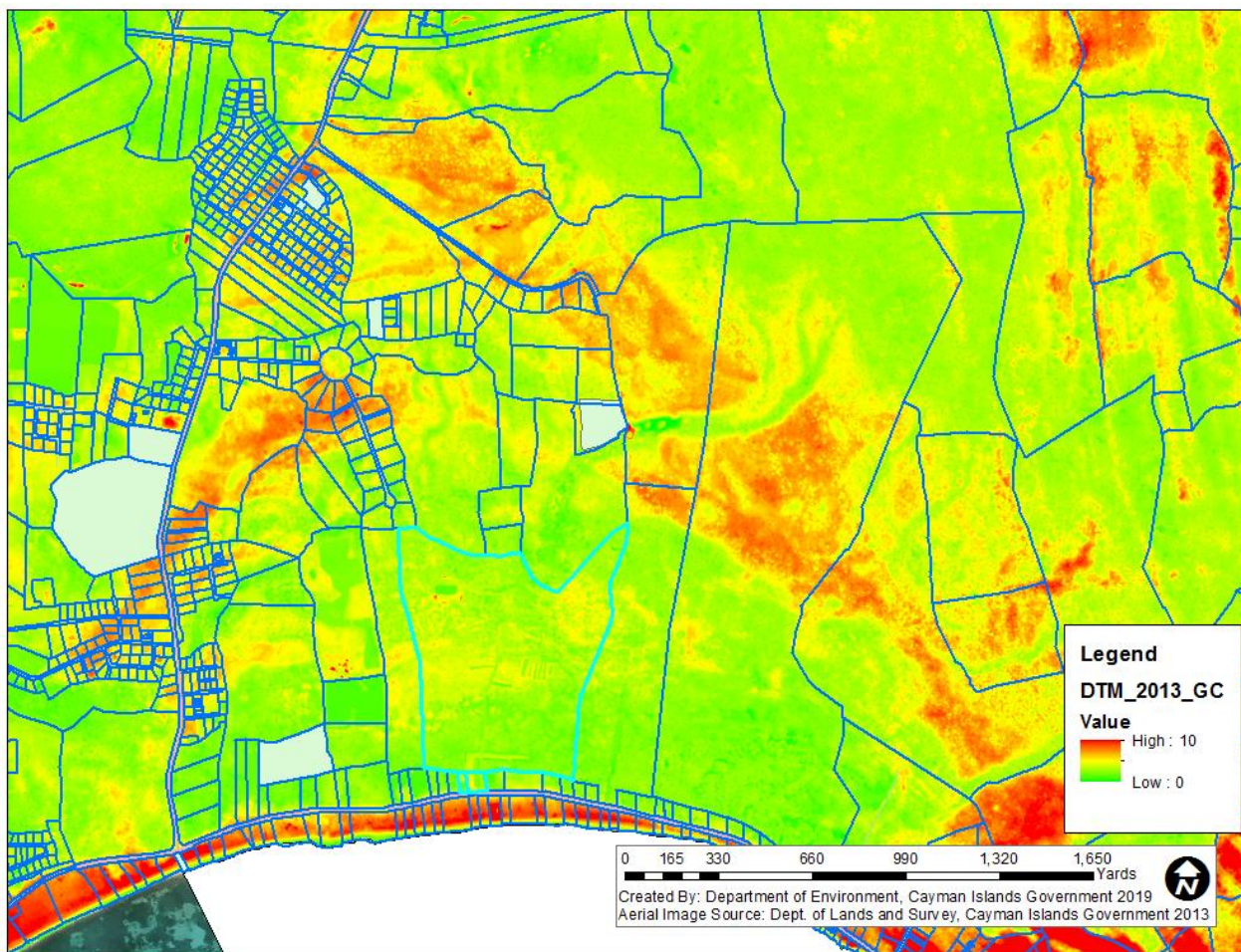


Figure 3. The topography of the site appears to indicate that the site is a water retention basin or drainage basin.

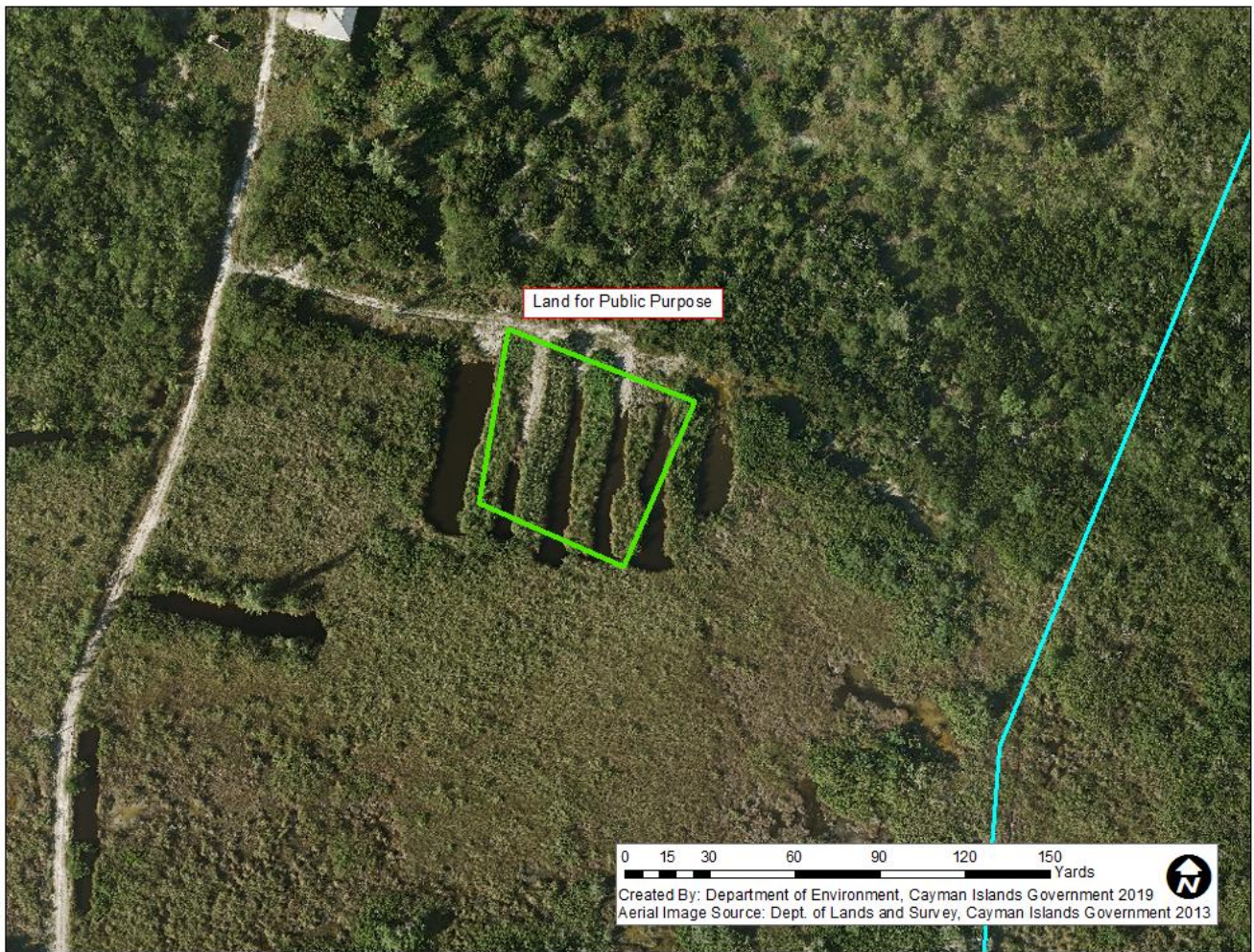


Figure 4. Excavation of the proposed LPP within the site, reducing its value to the community.