

Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on **May 11, 2022 at 10:00am** in **Conference Room 1038, 1st Floor, Government Administration Building, and Elgin Avenue.**

13th Meeting of the Year

CPA/13/22

Mr. Ian Pairaudeau (Chair)

Mr. Handel Whittaker (Deputy Chair)

Mr. Joshua Bernard

Mr. Gillard McLaughlin

Mr. Charles Russell Jr.

Mr. Windel Scott

Mr. Peter Campbell

Mr. Kenneth Ebanks

Ms. Danette McLaughlin

Ms. Shakina Bush

Ms. Christine Maltman, MCIP, AICP

Ms. Celecia Bancroft

Mr. Ashton Bodden

Mr. Haroon Pandohie (Executive Secretary)

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

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

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APPLICANTS ATTENDING THE AUTHORITY'S MEETING

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LM de Mercado	10:30	2.1	5
Alistair Russell	11:00	2.2	6
Patrick Higginson	11:30	2.3	9
Lauren Knight	1:00	2.4	12
Gumtree Phase 6	1:30	2.5	14
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1. 1 Confirmation of Minutes CPA/12/22 held on April 27th April 2022.

1. 2 Declarations of Conflicts/Interests

ITEM	MEMBER

2.0 APPLICATIONS

APPEARANCES (Items 2.1 to Item 2.6)

2.1 LM De MERCADO (Great Elegance Consulting) Block 27D Parcel 287 (P21-1194) (\$534,000) (JP)

Application for an addition to a house.

Appearance at 10:30

FACTS

<i>Location</i>	Vivid Way, Savannah
<i>Zoning</i>	LDR
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	0.1558 ac. (6,786.65 sq. ft.)
<i>Current use</i>	Residential
<i>Proposed building size</i>	3509.63 sq. ft.
<i>Total building site coverage</i>	22.6%

BACKGROUND

February 19, 2009 (**Administrative Approval**) – application for an addition approved (P09-0118)

October 4, 2006 (**CPA/31/06; item 2.39**) – application for house approved (P06-1386)

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

- 1) Septic tank side setback variance (6' 5" v 10')
- 2) Addition side setback variance (13' 6" v 15')
- 3) Concerns of the Objectors

APPLICANT'S LETTER

Kindly request a variance for Ms. Lisa M. DeMercado of Bock/Parcel: 27D/287 in consideration of the following areas, Septic relocation, Lot Size & Coverage, and Setback.

Septic Tank: *New proposed septic tank placement to the Right Elevation will accommodate the new building. Septic Tank is at the required setback of 5'ft from the building.*

Lot Size & Coverage: *Low Density Zoning requires a min lot to be 10,000.sq.ft for detached home, the proposed lot is only 6,787.20.sq.ft with an existing approval structure. The new proposed structure will require and addition 1.70% (31.70%) of site coverage to accommodate proposed additional 2nd floor.*

***Setback:** New proposed setback to Left Elevation is 14'- 3/8" ft which is below the minimum of 15' as required by planning.*

OBJECTIONS

I, Marcia Moiten owner of Block and Parcel 27D, 291- 21 Bermuda Way (Do Object) to the Department of Planning Application request for variance and setback for Block and Parcel 27D 287 by reason of space and privacy.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located within an established residential area of Savannah with developed lots bounding the site and the subdivision road providing access from the north.

The application seeks Planning Permission for an upper floor addition

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Septic tank side setback variance (6' 5" v 10')

Regulation 9(8)(j) requires a minimum side setback of 10' for up to single storey structures.

The septic tank is proposed 6' 5" from the side boundary.

Members are invited to consider whether adequate justification has been provided to vary the Regulations.

2) Addition side setback variance (13' 6" v 15')

Regulation 9(8)(j) requires a minimum side setback of 15' for development of more than one storey.

The upper floor addition creates a two storey building which would be sited 13' 6" from the side boundary.

Members are invited to consider whether adequate justification has been provided to vary the Regulations.

2.2 ALISTAIR RUSSELL (Johnson Design + Architecture) Block 5B Parcel 358 (P21-1159) (\$80,000) (EJ)

Application for a pool house.

Appearance at 11:00

FACTS

Location	North West Point Road in West Bay
Zoning	BRR
Notification result	No objectors

Parcel size proposed	0.79AC / 34,412 sq. ft.
Parcel size required	10,000 sq. ft.
Current use	House, Swimming Pool, Cabana & Walls

BACKGROUND

September 27, 2017 (**CPA/20/17; Item 2.9**) - the CPA granted permission for a five (5) bedroom house, swimming pool & cabanas.

March 11, 2019 - the Department granted a modification to decrease size of swimming pool & add infinity edge trough.

September 02, 2020 (**CPA/14/20; Item 5.3**) - the CPA under regulation 6.3 exempted the High Water Mark Survey Plan.

September 30, 2020 (**CPA/16/20; Item 2.20**) - the CPA under regulation 6.3 exempted the High Water Mark Survey Plan.

February 16, 2022 (**CPA/05/22; Item 2.7**) - the CPA adjourn the application in order to invite the applicant to appear before the board.

Recommendation: Discuss the application, for the following reason:

- 1) Side Setback (4' vs 20')

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

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

We note that the proposed pool house is located behind the approved seawall. The application site is man-modified with an existing house. However, the site is also located adjacent to a Marine Protected Area, namely a Marine Reserve. The rationale for designating marine reserves is to ensure that breeding and nursery areas for marine life are protected.

On the basis of the above information, in the exercise of powers which have been conferred through express delegation by the National Conservation Council, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE therefore respectfully stipulates that the following condition be imposed by the Central Planning Authority (CPA) or Department of Planning, as part of any agreed proposed action for planning approval:

- 1. All construction materials shall be stockpiled a minimum of 50 feet from the Mean High Water Mark.**

This condition is directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources.

A person aggrieved by a decision of the National Conservation Council to impose a condition of approval may, within 21 days of the date on which the decision is received, appeal against it to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013). We trust that the CPA/Department of Planning will relay this to the applicant in its decision notice.

APPLICANT'S LETTER

Kindly accept this letter requesting a side setback variance for a proposed pool house. Located in a Beach Resort / Residential zone, the applicant is proposing that the structure by setback be 4' from the property boundary instead of 10' which is typical for single story residential.

Please consider the following sections of the Development and Planning Law:

- Section 8(13)(b)(i) states an exception allowing for a breach of a setback if 'the characteristics of the proposed development are consistent with the character of the surrounding area'. Other houses in this area and on the waterfront, including the neighbors and the 5 houses immediately north-west of them, have breached the side setback for Beach Resort / Residential Zoning. All of these houses, on 5B 301 and immediately north-west, come within 10' or less of their side boundaries.*
- Also note that 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.*

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking a setback variance for the proposed 392 sq. ft. pool house.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Side Setback Variance

The applicant is seeking a side setback variance proposed at 4' vs 20' for this Beach Resort Residential zone. The subject parcel is 0.79AC / 34,412 sq. ft. and the pool house is proposed at the right-side boundary of the subject parcel.

The applicant has notified the adjacent parcel owners and no objections were received.

SUPPLEMENTARY ANALYSIS

On February 16, 2022 (CPA/05/22; Item 2.7) - the CPA adjourn the application in order to invite the applicant to appear before the board. No changes have been made to the plans.

2.3 PATRICK HIGGINSON (Patrick Higginson) Block 45A Parcels 95, 96 & 97 (P21-1297) (\$15,000) (MW)

Application for land clearing & filling.

Appearance at 11:30

FACTS

<i>Location</i>	Rum Point Dr., North Side
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	1.91 ac. (83,200 sq. ft.)
<i>Current use</i>	Vacant

BACKGROUND

March 1, 2022 (CPA/06/22; item 2.24) – the application was adjourned to invite in the applicant

Recommendation: Discuss the application for the following reasons:

- 1) No application for the primary development of the site
- 2) DOE's comments

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

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

The application site comprises primary dry shrubland and forest habitat, as shown in Figures 1 and 2. Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species.



Figure 1: LIS 2018 Aerial Imagery showing application site outlined in red

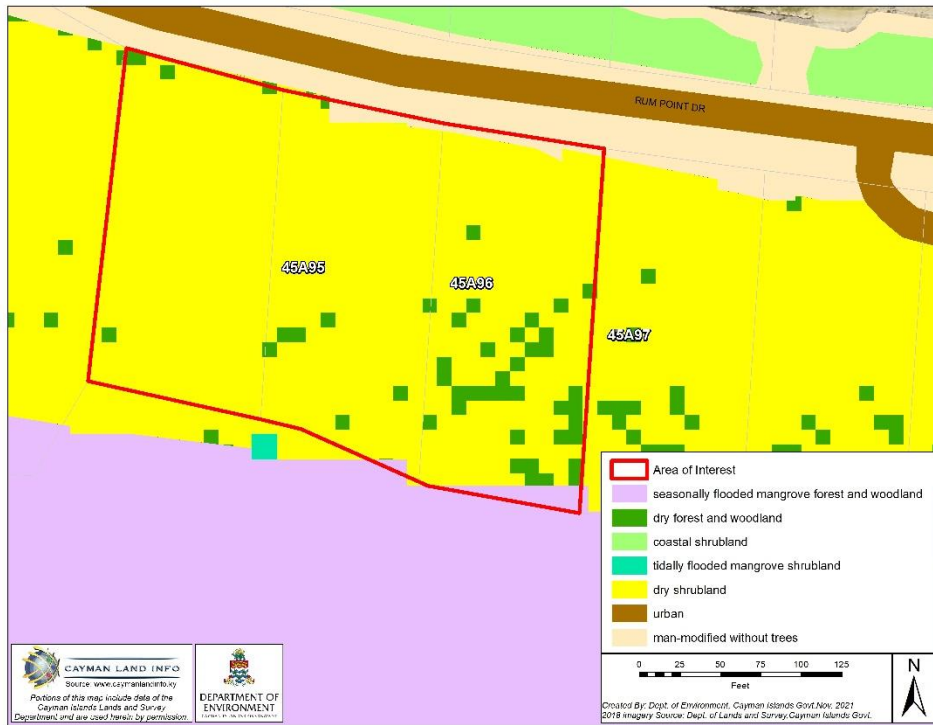


Figure 2: DOE's 2013 Habitat Map showing application site outlined in red

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

Primary habitat can be retained and incorporated into the development's landscaping plans to be utilized in a variety of ways. For example:

- It can be retained along parcel boundaries and between buildings to serve as privacy buffers/screening;*
- It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping;*
- It can serve as an amenity, providing green space and shade for those who live nearby/on the property;*
- It can remain as a habitat for endemic wildlife (helping contribute to the conservation of our local species), and*
- When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

Therefore, in conclusion, without any proposal for development, the DoE recommends that the application is refused permission. Clearing of land should not occur until development has been approved and is imminent to allow sites to continue to provide habitat and ecosystem services as retention of vegetation provides benefits to the property owner and the surrounding area.

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

APPLICANT'S LETTER

Please be aware that I have proposed to do some land clearing on my land in Northside, consisting of 3 lots, 45A 95,96,97.

I own land on the beach side and the opposite side of the main road. I am proposing to clear parts of the heavy bush off part of the parcels opposite the beach side (south side) in order to be able to access the land via a path for my truck, clear some of the heavy bush, fill some large holes, and level part of the land to make the land accessible so that I can plant trees and plants on the land.

Currently, the land is extremely difficult to access due to sharp, jagged rock and extremely thick underbrush and vines.

Thanks for your blessing on this improvement project.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a land clearing & filling; 1.91 ac. (83,200 sq. ft.) to be located on Rum Point Dr., North Side.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Timing of request

The Authority should note that there are currently no applications submitted for the primary development of the three lots.

2.4 LAUREN KNIGHT (Architextura) Block 15E Parcel 271 (P21-1076) (\$769,280) (EJ)

Application for a house and pool.

Appearance at 1:00

FACTS

Lakefront Drive, South Sound.

<i>Zoning</i>	LDR
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	0.2870 ac. (12,501 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3,888 sq. ft.
<i>Total building site coverage</i>	23%

BACKGROUND

NA

Recommendation: Discuss the application, for the following reasons:

- 1) Rear setback (13' and 10' vs 20')
- 2) Side setback (8' vs 10').
- 3) Concerns of the objector

APPLICANT'S LETTER

On behalf of the applicant we hereby apply for a setback variance on the above property for the following reasons:

1. *A setback variance for the North side on the house. The unusual wedge shape of the lot causes considerable narrowing of the road frontage along the cul-de-sac. Consequently, a small area of the dining room encroaches in the setback. However, it is the single-story side of the house.*

The owner was not aware that the land to the North side of the house was actually a road reservation, as at the present the road is unpaved and undeveloped.

2. *A rear setback variance of the swimming pool setback, to allow a reasonable size residential pool to be built.*

We believe that the characteristics of the proposed development are consistent with the character of the surrounding area; and the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and finally, the adjoining property owners will be notified of the application for a variance on the house and swimming pool setbacks.

OBJECTION LETTER

I am writing on behalf of Blackfin Holdings Ltd., the proprietor of Block and Parcel 15E 236, in relation to the Notice of Application for Planning Permission submitted with regards to Block and Parcel 15E 271 dated 8 February 2022 ("Application").

Regulation 15(4)(b) of the Development Planning Regulations provides that side setbacks must be a minimum of 20 feet and that, for buildings over one storey, the rear setback must be a minimum of 25 feet from the road edge or lot boundary, as the case may be. The proposed variances at the subject property are considerably outside of such allowances: the Application proposes a North side setback of 10 feet at one point, a South side setback of 8 feet and a rear setback of 13 feet 9 inches.

Given the degree of the proposed setback variances, if approved, the constructed residence at the subject property will materially diminish Blackfin's right to peaceful enjoyment of its own property and have a substantial negative impact on any future development prospects of the property as well as its future resale value. Accordingly, Blackfin Holdings Ltd. hereby notes its formal objection to the Application.

We reserve our rights to address any other relevant matters which the CPA may require of us at the hearing of this matter.

PLANNING DEPARTMENT ANALYSIS

General

The proposed house and swimming pool is located on the corner of Lakefront Drive and Edgemere Circle.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Setback Variances

The subject swimming pool does not meet the required rear setback proposed at 13.9' vs 20'; additionally, the house and planter are proposed at 16' and 10' vs 20' from what is part of the road network located on the left-side, finally, there is an 8' privacy

wall enclosing an open-air shower garden on the right-side boundary setback at 8' vs 10'.

2.5 GUMTREE PHASE 6 (AMR Consulting Engineers) Block 19A Parcel 23 (P21-0860) (\$2.5M) (JP)

Application for a warehouse.

Appearance at 1:30

FACTS

<i>Location</i>	Lincoln Drive, George Town
<i>Zoning</i>	LI
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	17,384.80 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	9,486 sq. ft.
<i>Total building site coverage</i>	44.02%
<i>Required parking</i>	10
<i>Proposed parking</i>	14

BACKGROUND

13th April 2022 (**CPA/11/22; item 2.18**) Members adjourned determination to enable the applicant to appear before the Authority to discuss concerns regarding the manoeuvrability in the parking area and the location of the garbage dumpster both in terms of visual appeal and the blocking of sight lines when exiting the property.

8th December 2021 (**CPA/25/21; item 2.16**) Members adjourned determination to enable the applicant to address Fire Department and DEH comments with a revised site plan.

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

- 1) Manoeuvring and visibility

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment & Disposal

- *The developer shall provide a **septic tank(s)** with a capacity of at least 1,250 US gallons for the proposed, based on the following calculations:*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG
<i>Proposed Warehouse</i>	<i>4 x Toilets</i>	<i>150gpd/Toilet</i>	<i>600</i>
TOTAL			600 GPD

- ***The Water Authority acknowledges the 2,500 US gallon septic tank proposed. The Authority will accept this size septic should the developer choose to install it.***
- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- ***Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.***
- ***To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'5" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.***

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

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

Traffic Rated Tank and Covers

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

The Water Authority will not approve buried septic tanks with the exception of those proposed under approved designated handicapped parking.

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

No comments provided.

Fire Department

The attached drawings can not be saved for review. However, this development requires to have a Fire Well for fire fighting purpose & the location shall be depicted on the site drawing. Also, the fire lane access is inadequate. Please note, Chapter 6 of the 1994 Standard Fire Prevention Code states :602.6 Access to Buildings by Fire Apparatus 602.6.1 Every building hereafter constructed shall be accessible to fire department apparatus by way of access roadways with all-weather driving surfaces of not less than 20 ft (6.1m) of unobstructed width, with adequate roadway turning radius capable of

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

Department of Environmental Health

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

Specifications for Onsite Solid Waste Enclosures Container size 8 (yd³) Width 10 (ft) Depth 10 (ft) Height 5.5 (ft) Slab Thickness 0.5 (ft), Water (hose bib), drain, Effluent Disposal well; guard rails

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

Department of Environment

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

Conservation Act, 2013). The Department of Environment confirms that we have no comments at this time.

PLANNING DEPARTMENT ANALYSIS

General

The application is located within an established industrial area east of the George Town landfill.

The application seeks Planning Permission for the construction of a two storey warehouse.

Zoning

The property is zoned Light Industrial.

Specific Issues

1) Visibility and manoeuvring

The application proposes two access points – one on the west facing elevation and one on the south. The southern access point has two issues members should be aware of:

- There is no turning facility to ensure vehicles enter and leave in forward gear.
- The proximity of the garbage enclosure reduces visibility along Lincoln Drive.

Members are invited to consider whether the removal of southern entrance would ensure safety for road users.

SUPPLEMENTAL ANALYSIS #1

8th December 2021 (CPA/25/21; item 2.16) Members adjourned determination to enable the applicant to address Fire Department and DEH comments with a revised site plan.

28th February applicant submitted a revised site plan. The Fire Department stamped approved the site and DEH commented:

Solid Waste Facility:

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

NOTE

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

SUPPLEMENTARY ANALYSIS #2

No changes have been made to the plans.

2.6 SHORELINE DEVELOPMENT COMPANY LTD (Decco Ltd) Block 11B Parcel 70 (P22-0255) (\$5,000,000) (JP)

Application for a restroom building, 6' fence and modifications to site plan and floor plan.

Appearance at 2:00

FACTS

<i>Location</i>	Esterley Tibbetts, George Town
<i>Zoning</i>	H/T
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	2.87 ac. (125,017.2 sq. ft.)
<i>Current use</i>	Restaurant/bar
<i>Proposed building size</i>	6145 sq. ft.
<i>Total building site coverage</i>	4.92%
<i>Required parking</i>	25
<i>Proposed parking</i>	25

BACKGROUND

December 14, 2016 (**CPA/27/16; item 2.17**) – approved application to modify driveway, parking layout and location of an existing storage structure (P16-1154)

April 13, 2011 (**CPA/07/11; item 2.4**) – approved application to reinstate Planning Permission for a bar/restaurant and for after-the-fact additions (P11-0113)

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

- 1) High Water Mark setback variances (127' 4" – restrooms and 85' 3" for fence v 130')
- 2) Side setback variance (10' 2" v 20')
- 3) DOE's comments

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment:

The development shall be connected to the West Bay Beach Sewerage System (WBBSS).

- *The developer shall notify the Water Authority's Engineering Department at 949-2837 EXT: 3000, as soon as possible to ensure that:*

- *the site-specific connection requirements are relayed to the developer,*
- *any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the developer would be held responsible), and*
- *the Authority can make necessary arrangements for connection.*
- *A grease interceptor with a **minimum capacity of 3,000 US gallons** is required to pre-treat kitchen flows from fixtures and equipment with grease-laden waste. Fixtures and equipment includes: 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.*
- *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.*

The Authority will not be responsible for delays due to insufficient notice from the developer.

Water Supply:

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

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

National Roads Authority

No comments received.

Department of Environmental Health

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

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

Department of Environment

See Appendix A

Fire Department

Stamped approved drawings.

APPLICANT'S LETTERS

Letter #1

Please accept the enclosed application for a detached restroom structure, modifications to the building façade, modifications to the parking layout, and two refrigeration coolers in association with proposed renovation works to Calico Jacks beach bar.

With the return of tourism, our intent is to restore a signature destination beach bar and restaurant to fill a gap felt by both locals and visitors. The scope of the renovations will allow the facility to reopen for the 2022-2023 high season. The design works within the

existing footprint will enhance the structure while providing a new restroom facility. A primary design consideration is that the facility be a good neighbour and complement the activities at Seven Mile Public Beach without drawing upon its resources. The parking modifications and enhancements to the service road will improve vehicular access.

The restaurant will undergo internal changes only – existing floor and roofed areas will not be expanded. A series of preapplication meetings were held with the Department. It was confirmed that any internal floor plan changes will not require Planning permission, however appropriate Permit reviews will be required with Building Control.

There are a few points we wish to highlight for reviewing agencies and the CPA as they consider this application: a) setback variances, b) access, c) turtle lighting and d) pedestrian path to Hotel Indigo.

Variances

High Water Mark Setback: *We acknowledge the restroom building encroaches the 130' High Water Mark setback by 2'8". Regulation 8 (11) gives the CPA the authority to grant waterfront setback variances as prescribed in Regulation 8(10).*

We ask the Authority to consider the following merits for the High Water Mark setback variance.

Regulation 8(11) –

- (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.*

Positioning the restroom building is constrained by the restaurant and the existing public pathway that traverses the parcel. To lessen potential conflicts between restaurant patrons and pathway users, it is desirable to place the restrooms west of the pathway, near the restaurant's main entrance. Acknowledging the 130' HWM setback, the restrooms are placed as close to the path as possible to minimize encroachment, yet maintaining safety.

Side Setback Variance: *We further chose to locate the restroom building along the south boundary, nearly in line with the restaurant and existing slab, to contain back of house*

operations. In combination with a new 6' fence, the BOH area will be screened from Public Beach users and the pathway.

This placement incurs a side setback encroachment of 10'. Regulation 8(13)(b) gives the CPA the authority to grant setback variances as prescribed in Regulation 10.

We ask the Authority to consider the following merits for the side setback variance.

Regulation 8(13)(b) –

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

The restroom block is an ancillary use to an existing beach restaurant, which opened in 2005 and has served as a popular local and tourist destination.

- (ii) Unusual terrain characteristics limit the site's development potential;*

Placement of the restroom is constrained by the restaurant and a public bicycle and walking path and does not further encroach the side setback than the restaurant. The site is narrow, measuring at only 127'. The restaurant itself is located 7'4" from the north and 0' from the south boundaries.

- (iii) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.*

The affected adjacent properties are Public Beach to the south and vacant land to the north, which the applicant owns. The proposed renovations will screen back of house operations from Public Beach and route patrons to use on-site amenities versus Public Beach facilities.

Service Road

This property shares a 30' service road with 11B 90, which was approved by CPA per CPA/07/18; Item 2.1 as part of the West Bay Public Beach improvement project. Turtle Lighting Understanding the restroom block and any parking lot lighting will require turtle friendly fixtures, our lighting plan will be expanded to include upgrading the restaurant as well. A comprehensive turtle friendly lighting plan is underway and will be forwarded to DOE and Planning prior to any Permit applications.

Pedestrian Connection to Hotel Indigo

When CPA considered the Hotel Indigo application (CPA/05/21; Item 2.6), we presented a pedestrian path to be installed along the service road to lead hotel guests to the beach area north of 11B 70. The path was not included as part of Indigo's approval nor was it included with the hotel's turtle-lighting plan.

Within the next few weeks, we will submit a Modification to Planning Permission application under P20- 1094 (Hotel Indigo) to include this path as part of the hotel's

development. The application will include a revision to the associated Turtle Lighting Plan, incorporating the path's lighting schedule.

We trust that we have provided sufficient information for CPA to consider this application. However if anything requires clarification, please do contact the undersigned.

Letter #2

See Appendix B

PLANNING DEPARTMENT ANALYSIS

General

The application site is located north of public beach and consists of an established bar in the western portion and access road to the Kimpton sited to the east, beyond this parking for Hotel Indigo.

The Caribbean Sea bounds the site to the west and Esterley Tibbetts Highway to the east. Public beach and associated amenities form the north and south boundaries.

The application seeks Planning Permission for the construction of cabana housing restrooms, modification to parking layout and installation of a 6' wooden fence to enclose the kitchen area and support facilities.

Zoning

The property is zoned Hotel/Tourism.

Specific Issues

1) Fence

A 6 ft high wooden fence is proposed on a segment of the southern boundary to enclose the kitchen area. The feature will be partially screened due to the siting of an existing shed.

Members are invited to consider the impact of this feature, the variance letter and Appendix B.

2) High Water Mark setbacks

Regulation 8(10)(e) requires a minimum setback of 130' from the High-Water Mark line on land located in the Hotel/Tourism zone.

The proposed fence would be sited at 85' 3" from the highwater mark and the restroom building would be sited at 127' 4" from the highwater mark.

Members are invited to consider the content of the variance letter and Appendix B.

3) Side setback variance (20' v 10' 2")

Regulation 10(1)(f) requires a minimum side setback of 20'.

The proposed restroom building is proposed at 10' 2" from the side boundary.

Members are invited to consider the content of the variance letter and Appendix B.

2.0 APPLICATIONS

APPEARANCES (Items 2.7 to 2.19)

2.7 CRIGHTON INVESTMENTS LTD (Roland Bodden) Block 17A Parcel 9 (P22-0273) (\$5,350) (NP)

Proposed 4 lot subdivision.

FACTS

<i>Location</i>	Crighton Drive, West Bay
<i>Zoning</i>	LDR & Mangrove Buffer
<i>Notification Results</i>	No objectors
<i>Proposed Parcel size</i>	14,684 sq ft & 21, 285 sq ft
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant

Recommendation: Discuss Planning Permission for the following reasons:

- 1) Mis-alignment of road parcels
- 2) Future Concept Plan

AGENCY COMMENTS

The following agencies have submitted comments.

Department of Environment

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

The majority of the subject parcel is primary tidally flooded mangrove habitat, and also includes a part of the Mangrove Buffer Zone as shown in figure 1. Mangroves provide a nursery habitat for fish and other marine life and are vital in helping to maintain good water quality. Mangroves also provide a natural buffer which helps to protect the land from storm impacts and intercept surface water that may run off the land impacting water quality. The mangroves fringing Governor's Harbour are designated as Mangrove Buffer Zone in the Development Plan (1997) and offshore of the site to the west within Governor's

Harbour are two Crown-owned mangrove cays which are a Protected Area under the National Conservation Act (NCA).

The Applicant is reminded that mangroves are Schedule 1, Part 2 Protected Species under the National Conservation Act (2013) with an adopted Conservation Plan. It is an offence to remove mangroves unless permission is explicitly sought to remove them either through the granting of planning permission for removal or a National Conservation Council Section 20 permit. The Mangrove Species Conservation Plan can be downloaded at the following link: <https://conservation.ky/wp-content/uploads/2021/01/Species-Conservation-Plan-for-Mangroves-FINAL.pdf>)

The DOE would not support the clearing of the resulting subdivision parcels at this time. Any future proposals for site works on the resulting parcels must be a separate consultation with the DOE (on behalf of the National Conservation Council).

We recommend that no future proposals impact the area of the Mangrove Buffer Zone. We also recommend that when individual landowners are prepared to develop the lots, applications for land clearing are presented along with the development that is being proposed so that appropriate mitigation measures can be recommended. We also recommend that land is not cleared until development has been granted Planning Permission and the construction of that development is imminent to allow sites to continue to provide habitat and valuable ecosystem services such as carbon storage and stormwater management.

With guidance, mangroves outside of the Mangrove Buffer Zone can be trimmed to give vistas without causing severe injury to or killing mangroves. Should the applicant wish to trim the mangroves to give a view of Governor's Harbour, it is required under the NCA

that this be done in accordance with the Department of Environment's Mangrove Trimming Guidelines.



Figure 1: Aerial imagery showing the proposed subdivision area (outlined in red) and the Mangrove Buffer Zone (in yellow) (Source: Lands and Survey 2018)

Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposed subdivision, the following should be included as conditions of approval:

- 1. As mangroves are protected under the National Conservation Act (2013), all mangrove vegetation shall be retained in accordance with the National Conservation Council's Species Conservation Plan for Mangroves (2020).*
- 2. There shall be no land clearing, excavation, filling or development of the resulting subdivided/combined parcels without planning permission for such works being granted.*
- 3. Any future development, clearing, filling or excavation of the resulting subdivided/combined parcels shall be the subject of a separate consultation with the Central Planning Authority and National Conservation Council.*

Should there be any trimming of the mangroves which fall within the applicant's parcel boundary (outside of the Mangrove Buffer Zone), it shall be done in accordance with the DoE's Mangrove Trimming Guidelines available from the DoE's website here:

<https://doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/>

Water Authority Cayman

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

Water Supply:

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

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

Wastewater Treatment:

The development shall be connected to the West Bay Beach Sewerage System (WBBSS), via the Crystal Harbour Sewerage System.

- *The developer shall notify the Water Authority's Engineering Department at 949-2837 ext 3000, as soon as possible to ensure that:*
- *the site-specific connection requirements are relayed to the developer,*
- *any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the developer would be held responsible), and*
- *the Authority can make necessary arrangements for connection.*
- *The Authority shall make the final connection to the WBBSS, the cost of which shall be borne by the developer.*

Additionally, the developer is required to submit a complete site plan of all proposed future development of Block/Parcel 17A 9. This includes all proposed wastewater infrastructure associated with future development. This information is necessary to inform the Water Authority's WBBSS expansion plans (see Engineering contact details above).

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located north of the northern terminus of Crighton Drive in West Bay.

The property is currently vacant.

The proposal is to divide the property into four parcels.

Lot 1 would have 14,684 square feet of area and 88 feet of lot width.

Lot 3 would have 21,285 square feet of area and 92 feet of lot width.

Lot 2 would be the road parcel and have 2,714 square feet of area and 31 feet of lot width.

Lot 4 would be approximately 24 acres in area and significant lot width.

Zoning

The property is zoned Low Density Residential and Mangrove Buffer.

Specific Issues

1) Road parcel alignment

There is an existing 50' road parcel between 17A 182 and 252. The applicant proposing to extend that road parcel with a new road parcel between lots 1 and 3. However, the new road parcel is 31'32' wide and does not properly align with the existing road parcel. The result is that either 17A 182 is reparcelled to accommodate a portion of a road parcel or a new vehicular easement would be required over that parcel. It would appear that these complication could be avoided through a redesign of the proposed subdivision.

2) Future Development of Lot 4

Department staff would note that proposed lot 4 consists of approximately 24 acres and has significant residential development potential.

The Department would suggest that a concept plan be prepared to demonstrate a potential future lot configuration, including Lands for Public Purposes. Department staff would encourage the LPP land to be located adjacent to the North Sound frontage.

The Authority should discuss whether a future concept plan is required in this instance.

2.8 WAYNE BELLAFONTE (CSA) Block 28C Parcel 164 (P22-0294)(\$4,000) (NP)

Application for a 2 lot subdivision with right-of-way.

FACTS

<i>Location</i>	West of Country Road, Bodden Town
<i>Zoning</i>	LDR
<i>Notification Results</i>	No objectors
<i>Proposed Parcel size</i>	15,695 sq ft x 2
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant

BACKGROUND

5th January 2022 (CPA/01/22; Item 2.5) - Members resolved to refuse planning permission for 7 apartments and 1 house on the subject parcel for the following reasons:

- 1) In accordance with Regulation 9(8) of the Development and Planning Regulations (2021 Revision), the Authority is of the opinion that the subject site is not a suitable location for apartments as follows:
 - i) The intensity of use from the apartments, including vehicular/pedestrian traffic and general human activity, will not be consistent with the character of the surrounding low density area and this will detract from the ability of the neighbouring land owners to enjoy the amenity of the area. It appears clear to the Authority that the subdivision was designed for single family dwellings and there is a reasonableness to expect that the lots will be developed in that manner with a resultant intensity of use which is consistent with the neighbourhood.
 - ii) The Authority is of the view that there is insufficient road infrastructure to support the proposed apartments as the access roads, Ranch Road and Country Road, range in width from about 15' to 20' with the majority of the roads being 18' or less. This narrow road width does not adequately allow for two way vehicular traffic and can pose a restriction on access for service and emergency vehicles.
- 1) The application does not comply with the minimum lot size requirement per Regulation 9(8)(d) and (f) of the Development and Planning Regulations (2021 Revision) and the Authority is of the opinion that pursuant to Regulation 8(13)(b), the applicant failed to demonstrate that there is sufficient reason and exceptional circumstance to warrant allowing the lesser lot size.
- 2) The application does not comply with the maximum allowable number of bedrooms per Regulation 9(8)(c) of the Development and Planning Regulations (2021 Revision) and the Authority is of the opinion that pursuant to Regulation 8(13)(b), the applicant

failed to demonstrate that there is sufficient reason and exceptional circumstance to warrant allowing additional bedrooms.

Recommendation: Discuss Planning Permission for the following reasons:

- 1) access
- 2) Lot Width (70' vs 80')

AGENCY COMMENTS

The following agencies have submitted comments.

Department of Environment

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

The site is man-modified and of low ecological value. The Department has no environmental concerns with the proposed subdivision. However, any future development, clearing or excavation of the resultant parcels shall be the subject of a separate consultation with the National Conservation Council.

Water Authority Cayman

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

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.*

APPLICANT'S LETTER

Please find attached our Application to Subdivide 28C 164 into 2 lots of equal area.

Access to the eastern half of the parcel ("B") will be provided by a 22' Vehicular Right of Way over the western half of the parcel ("A"), adjacent to the northern boundary.

We note from the Land Register that 28C 164 does not currently have Easement access over "Country Rd.", 28C 173.

Due to the shape of the parent parcel the northern dimension of lot "B" is approx. 70'. We therefore request a Variance in this matter, noting that all other dimensions and areas by far exceed the minimum area requirements for Low Density Residential Zoning.

We make specific reference to Regulation 8(13)(b), and believe that this will not be in any way detrimental to the neighbourhood.

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

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located west of Country Road and north of Ranch Road in Bodden Town.

The property is currently vacant.

The proposal is to divide the property into two parcels with equal area along with a 22 foot wide right of way over proposed parcel A (western parcel) in favour of proposed parcel B.

Access will be provided via an existing registered 30 foot vehicular right of way over the parcel to the west.

Adjacent properties were notified and no objections have been received.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Access

The subject parcel has a registered 30' vehicular right-of-way over 28C 165 Rem 3. The applicant is proposing access for the 2 lots using that access with lot B being granted a 22' easement over lot A.

A portion of the right-of-way has been constructed, but not to NRA standards. The applicant would have to construct the missing portion of the right-of-way and the Authority would have to determine to what standard.

When refusing the previous application for apartments on the site, the Authority noted that the width of the existing roads was insufficient to support the apartments. In this instance, each proposed lot is large enough to support a duplex so there could possibly be 4 new units using the access arrangement and the Authority needs to determine if this is acceptable.

2) Lot Width

Regulation 9(8)(g) requires a minimum lot width of 80 feet in the LDR zone.

Proposed lot B has a proposed lot width of 70 feet.

The applicant's agent has submitted a variance letter and the Authority should discuss whether a variance is warranted in this instance.

2.9 RAM ELECTRICAL & CONSTRUCTION Block 4E Parcel 713 (P22-0219)(\$500) (NP)

Application for land clearing.

FACTS

<i>Location</i>	Dale Close, West Bay
<i>Zoning</i>	High Density Residential
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	20,063.8 sq. ft.
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed use</i>	None

Recommendation: Discuss the application for the following reasons:

- 1) No application for the primary development of the site
- 2) DOE's comments

AGENCY COMMENTS

Comments from the Department of Environment are noted below:

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

The application site is man-modified with secondary regrowth as shown in Figure 1.

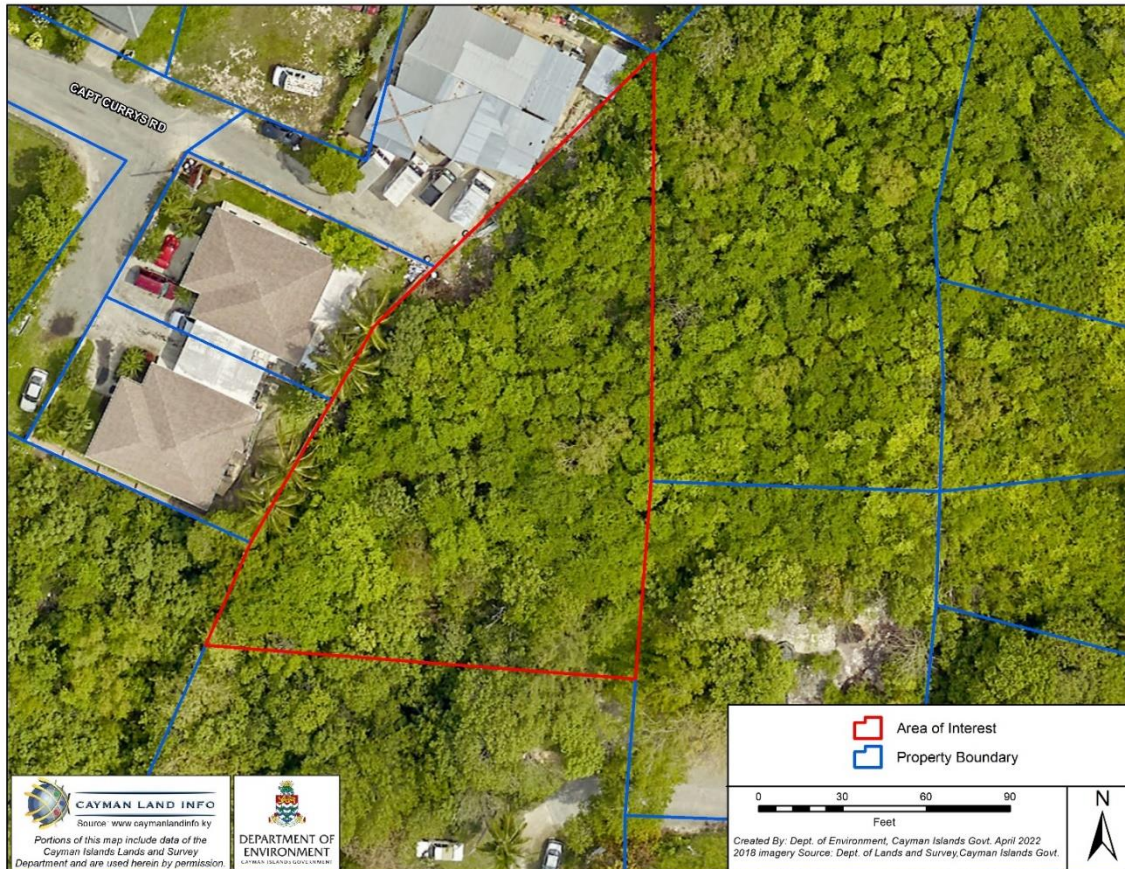


Figure 1: LIS 2018 aerial imagery showing the application site outlined in red.

*There has been no rationale provided for the land clearing included in the applicant's submissions, therefore, the DOE considers the proposal to be speculative clearing. The DOE does **not** support speculative clearing of parcels prior to planning permission for development being granted. We recommend that applications for land clearing are presented along with the development proposal so that appropriate mitigation measures can be recommended, as there may be varying recommendations depending on the form and nature of the development being proposed. Once planning permission has been received, the DOE encourages applicants not to undertake land clearing until development is imminent to allow ecosystem services to continue to function until they are ready to begin construction. We also encourage applicants to retain as much native vegetation as possible to incorporate into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and less supplemental*

irrigation. Once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice.

Although the site consists of secondary growth, retaining vegetation, (even in a predominately man-modified area) can still provide benefits to the property owner and the surrounding area. For example, retaining vegetation can:

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

As there has been no justification submitted for the land clearing, the DOE recommends that the application is refused or deferred until a proposal for the development or use of the land has been applied for and planning permission has been granted. No clearing should take place until planning permission for land clearing, site works or development has been granted and those works are imminent.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located at the west terminus of Dale Close in West Bay.

The property is currently vacant and the application is to clear the parcel to the boundaries.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Lack of primary development of the site

There has been no submission of an application to develop the site and the Authority has often viewed land clearing applications to be premature when there is no specific proposal to develop the land.

2.10 BARRY & PIPPA FORSTER (LSG Designs) Block 45A Parcel 116 (P22-0162) (\$780,000) (NP)

Application for a house & pool.

FACTS

<i>Location</i>	Rum Point Drive in North Side
<i>Zoning</i>	LDR
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	14,810.4 sq. ft.
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	2,463 sq. ft.
<i>Total building site coverage</i>	10.7 %

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

- 1) Proposed seaside setback (75' vs 40' pool)
- 2) Proposed seaside setback (75' vs 60' house)

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

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

*The site is man-modified and is adjacent to a No Diving Zone (a Marine Protected Area). The site is not a turtle nesting beach. The proposed development has a setback of 41 feet and 2 inches and does **not** meet the minimum 75-foot coastal setback for beaches required in the Development & Planning Regulations (2022). The development is also located further seaward than the neighbouring property to the west (Figure 1).*



Figure 1. The edge of the pool and deck (yellow) for the application site (outlined in blue) is located within the minimum coastal setbacks and closer to the sea than the neighbouring property.

The DoE does ***not*** support the granting of a variance in the coastal setback, based on the current design of the proposed development. We note that there are no design features, such as a wash-through ground floor or positioning of the building on elevated pilings to help mitigate against the effects of sea inundation on the proposed dwelling. The DoE strongly maintains its stance that coastal setbacks should not be reduced but instead should be treated as a minimum (as prescribed in the Development & Planning Regulations). It is imperative that minimum coastal setbacks are met, 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.

If the Central Planning Authority or Planning Department is minded to approve this development, we have recommended a condition which states that the coastal vegetation seaward of the proposed pool and deck shall remain. This measure will provide a small degree of mitigation for the coastal variance and will assist with shoreline stabilisation and sand retention, minimising wind-borne and/or run-off induced erosion.

In addition, it is important to ensure that the construction will not have any unacceptable adverse effects on the Marine Protected Area. We strongly recommend that Best Management Practices are adopted during the construction to ensure that construction-

related debris does not enter the marine environment. We have experienced other developments along the coastline inadvertently polluting the marine environment from wind-borne debris and run-off from stockpiles on the beach. Practices such as sanding down polystyrene which is used as part of wall finishing and window moulding can result in polystyrene getting blown into the sea in significant quantities. This waste material is extremely difficult to remove once it enters the water and it does not biodegrade.

DIRECTED CONDITIONS

*Therefore, on the basis of the above information, in the exercise of powers which have been conferred through express delegation by the National Conservation Council, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE therefore **respectfully directs that the following condition be imposed** by the Central Planning Authority or Department of Planning, as part of any agreed proposed action for planning approval:*

- *All construction materials shall be stockpiled a minimum of 50 feet from the Mean High Water Mark.*
- *Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.*

This condition is directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and pollution, and impacting sensitive marine resources.

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

OTHER DOE RECOMMENDED CONDITIONS

*Additionally, it is **recommended** that the following conditions are imposed should planning permission be granted:*

- *Any sand excavated during the works shall remain on the site and any beach quality sand shall be placed on the active beach area.*
- If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand off-site, it should be the subject of a separate consultation with the National Conservation Council.*
- *Coastal vegetation located seaward of the proposed pool deck shall remain in situ and shall not be cleared.*

We also encourage the applicant to retain mature native vegetation and to plant and incorporate native species when landscaping. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and less supplemental irrigation, meaning once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands' biodiversity by providing habitat and food for native fauna.

APPLICANT'S LETTER

Our clients, Pippa & Barry Forster, recently applied to the Department of Planning for permission to construct a three-bedroom house and a pool.

The application requires a variance as the pool would encroach on the fifty-foot setback from the high-water mark as required by planning regulations as it will only have a forty-foot setback.

According to Regulation 8(13), the Authority may grant permission to carry out development that does not comply if they are satisfied 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 neighbourhood, or to the public welfare; and, in the case of an application where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, the Authority shall in addition be satisfied that the adjoining property owners have been notified of the application.

The space available for the pool placement on the property in question has been limited due to the existence of ironshore. In fact, the neighbouring properties seems quite consistent with our development site plan. We are sure that the proposed pool placement will not be detrimental to persons residing and working in the vicinity and have no environmental impact.

Lastly all adjoining property owners have been notified and have offered no objections.

With these facts in mind, your approval for the variation would be greatly appreciated. Should you have any questions or require any additional information please call our office.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in North Side on Rum Point Drive.

The property is currently vacant and the proposal is to construct a two-storey dwelling with a seaside pool.

Planning staff conducted a site visit and confirmed that the shoreline is beach.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Proposed HWM setbacks

Regulation 8(10)(b) requires that in areas where the shoreline is beach, all structures and buildings, including ancillary buildings, walls, and structures, shall be setback a minimum of seventy-five feet from the high water mark.

The applicant is requesting a 40 foot setback to the proposed pool edge and 60 feet to the outdoor shower that is attached to the house.

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

The applicants agent has submitted a variance letter and the Authority should discuss whether reduced seaside setbacks are acceptable in this instance.

As background to the area:

- 45A 115 – house approved in 2000 with HWM setback in excess of 75’
 - pool approved in 2014 with 68’ HWM setback (63’ to deck)
- 45A 109 - house approved in 2000 with 54’ HWM setback
- 45A 50 - house approved with 60’ HWM setback, but is ironshore
- 45A 60 - duplex approved in 2008, complied with HWM setback
- 45A 62 - duplex approved in 2017 with HWM setback 65’ to 73’

2.11 5 POINTS INVESTMENT LTD (Johnson Design + Architecture) Block 11D Parcel 105 (P20-0311) (\$1020) (JP)

Application to change the use of units 18 and 19 from retail to restaurant.

FACTS

<i>Location</i>	West Bay Road, West Bay Beach North
<i>Zoning</i>	NC
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	3.694 ac. (160,910.64 sq. ft.)
<i>Current use</i>	Commercial/residential
<i>Proposed building size</i>	2040 sq. ft.
<i>Required parking</i>	4
<i>Proposed parking</i>	4

BACKGROUND

Extensive history since Planning Permission first granted for a mixed use development consisting of commercial and residential on February 19th, 2018 (**CPA/03/18; item 2.4**) (P17-1181). Of relevance to the determination of this application is:

October 27, 2021 (**CPA/22/21; item 2.2**) application for pergola and outdoor bar approved (P21-0635)

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

- 1) Parking

AGENCY COMMENTS

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

Water Authority

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

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

- *The developer shall notify the Water Authority's Engineering Department at 949-2837, EXT: 3003 as soon as possible to determine any site-specific requirements regarding the connection; i.e., direct or indirect connection of the addition to the WBBSS. Plans for the connection shall then be submitted to the Engineering Department for approval.*
- *The existing development has grease trap interceptors installed for high water use occupants.*
- *The developer shall notify the Water Authority's Customer Service Department at 814-2144 to make application for sewerage service additions.*

Department of Environmental Health

This application is not approved for the following reasons:

1. The proposed kitchen layout was not submitted for review.

Revised plans subsequently provided and DEH re-consulted, however, no updated response has been received.

Fire Department

Stamped approved plans.

PLANNING DEPARTMENT ANALYSIS

General

Application to use retail units 18 and 19 as a restaurant within The Grove mixed use development location on West Bay Road

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) Parking

The use of retail premises as a restaurant results in anticipated parking demand increasing by 4 spaces.

The current development has maximised parking potential within the site. Consequently, provision outside of the application site is being proposed. The application is accompanied by a plan and registered lease to use 4 spaces on an adjacent site.

Members may recall recently approving a similar proposal whereby 10 spaces was required. The current application proposes 4 spaces adjacent to the previously accepted parking.

Members are invited to consider the acceptability of this proposal.

2.12 WINSOME O’SULLIVAN (COE Group Ltd.) Block 27D Parcel 58 (P21-1299) (\$750,000) (EJ)

Application for a duplex & 4-ft wall.

FACTS

<i>Location</i>	Rackley Blvd, North Sound Estate
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.23 ac. (10,018 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	2,010 sq. ft.
<i>Total building site coverage</i>	14.6%
<i>Required parking</i>	2
<i>Proposed parking</i>	4

BACKGROUND

NA

Recommendation: Discuss the application, for the following reason:

- 1) Lot Size Variance (10,018 sq ft vs 12,500 sq ft)

APPLICANT’S LETTER

I Winsome O’Sullivan, am requesting a lot size variance on Block 27D Parcel S8 for the Proposed Duplex on the above-mentioned property. The proposed lot is 9,839 sq. Ft— 30% less than the minimum allowed lot size for each duplex in a Low-Density Residential area (12,500 sq. Ft.)

As per Development and Planning Regulations 2021, Sections 8(13)(8)(iii), we do not foresee the proposed development being materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare. We also note that although the land is undersized for this type of development, the proposed structure site is within the required setbacks, with adequate spaces for parking, landscape, and utilities.

PLANNING DEPARTMENT ANALYSIS

General

The proposed duplex with lots size variance and 4’ block wall located on Rackley Boulevard in North Sound Estate.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Size Variance

The proposed duplex does not meet regulations 9(8)(e) with the subject parcel existing at 10,018 sq. ft. vs 12,500 sq. ft. or a difference of 2,482 sq. ft. under.

The applicant has notified the adjacent parcel per regulations 8(13) and the Department is not in receipt of any objection.

2.13 CAMERON DUPLEX (Rock Architecture) Block 28D Parcel 283 (P21-1335) (\$950,000) (EJ)

Application for two (2) duplexes.

FACTS

<i>Location</i>	Pedro Castle Road, Savannah
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.42 ac. (18,295 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	7,739 sq. ft.
<i>Total building site coverage</i>	22.70%
<i>Allowable units</i>	1
<i>Proposed units</i>	2
<i>Required parking</i>	4
<i>Proposed parking</i>	7

BACKGROUND

NA

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

- 1) Lot Size (18,295 sq. ft. vs 25,000 sq. ft.),
- 2) Number of access points.

APPLICANT'S LETTER

Our client is kindly requesting that CPA consider granting a lot size variance to the above application and condition for approval. Due to the site and proposed development meeting the criteria of Regulations under Section 8 (13) (b):

- (i) the characteristics of the proposed development are consistent with the character of the surrounding area;*
- (ii) the unusual terrain characteristics limit the sites development potential;*
- (iii) 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;*

We believe this should be granted for the following reasons:

- Lot size variance has been granted on detached houses on adjacent properties on adjacent road named Adam Lane. We ask that the CPA extend the same consideration to our client.*
- The shape of the site has proven limiting in the type of development one may pursue.*
- The proposed duplexes meet all other regulation standards. Site coverage is at 22.57% which is under the maximum 30% regulation. Parking provisions exceed the required amount. Building height's are under the allowed 40 feet. Buildings are placed behind the required setbacks.*
- Building construction will be fire rated at necessary areas such as the assumed property line between buildings.*

Our client is kindly requesting that CPA consider granting this variance. This will also make for a more aesthetically pleasing roadside experience and may increase appeal, as well as adding to the nearby property value.

PLANNING DEPARTMENT ANALYSIS

General

The applicant has proposed two (2) duplexes; one at 4,061 sq. ft. and the other at 3,678 sq. ft. located on Pedro Castle Road.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Size

As proposed the subject duplex does not meet the required lot size, proposed at 18,295 sq. ft. vs 25,000 sq. ft. for the low-density residential zone per regulations 9(8)(e); therefore, the applicant is seeking a lot size variance for the board.

2) Number of access points

The proposed development is designed such that each duplex unit will have a separate driveway with a turning area to prevent vehicles from reversing onto the main road.

Additionally, there is a separate parking area with a separate entry/exit. In total there are 5 access points over a frontage of 168'. The Authority should determine if this number of access points is acceptable and will not cause a traffic safety problem. It should be noted that since this proposal is for two duplexes, the NRA was not circulated.

2.14 KEN THOMPSON AND PAUL PEARSON (Davenport Development Ltd) Block 32C Parcel 78 (P22-0109) (JP)

Application to modify Planning Permission which includes:

- As-built deficient rear setback (17' vs 20')
- Revise location of rear elevation to align with foundations on site;
- Increase in footprint;
- Decrease in total floor area (upper floor accommodation reduced).

FACTS

<i>Location</i>	Starapple Road, Savannah
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.4137 ac. (18,020.80 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Under construction/Vacant

BACKGROUND

September 1, 2021 (**CPA18/21; item 2.4**) – application to add a second floor to 5 apartments approved (P21-0611)

August 24, 2018 (**Administrative Approval**) – modification to add floor area to a single apartment (P18-0744)

July 11, 2018 (**CPA/16/18; item 2.4**) – application for 5 apartments approved (P18-0444)

Recommendation: Discuss the application, for the following reason:

- 1) Rear setback variance (17' v 20')

APPLICANT'S LETTER

Further to the application to Modify Planning Permission on the above referenced project, we have been advised that we will need to ask for Rear Setback Variance request, which requires 20 ft of Rear Setback per Regulation 9 (8)(i) because the Building is only 17 ft from the Rear Boundary of the Parcel. Per CPA 16/2018/Item 2.4, variance has already been granted to the original Planning Permission (P18-0444).

However, it was clarified to us that this variance was only granted for a 1-storey building. And that since we are dealing with a 2-storey building, a new setback variance request is needed. We would appreciate your consideration for this variance request on the following basis:

Under Regulation 8 (13)(b)(iii), the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare: When this project was purchased from the original owners, we have followed the stamped plans that were given to us and didn't realize that this was incorrect, and that original permits and building constructed on site is bigger – which was an honest mistake. Our application was simply to add a 2nd floor to this existing structure, at which the space design is based off on what the existing structure can carry – hence why our floor areas are focused on this 2nd floor only and we're just trying to rectify our drawings to match was originally approved. Due to the correction on the building footprint, our 2nd floor areas are actually smaller than what we have originally applied for (hence why I noted the application as a “decrease” in floor area). The 2nd floor was also designed to be within the Roof Structure, so we are not really building anything in excess to the footprint (and setback variance) originally approved by the CPA Board in 2018.

PLANNING DEPARTMENT ANALYSIS

General

The application site occupies a corner lot with Starapple Road to the east, which serves the development site, and Shamrock Road to the west. The application seeks to modify Planning Permission to enable alignment with foundations on site resulting in an overall decrease in floor area.

Modification to Planning Permission including:

- Accept as-built deficient rear setback
- Revision location of rear elevation to align with foundations on site;
- Increase in footprint;
- Decrease in total floor area (upper floor accommodation reduced).

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Rear setback variance (17' v 20')

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

The building has been constructed 17' from the rear boundary.

Members are encouraged to consider the history of the site as explained in the agents variance letter.

2.15 DAMIAN PATRICK MAGEE (Luxury End Construction & Design) Block 12C Parcel 114 (P22-0053) (\$50,000) (EJ)

Application for a pool.

FACTS

<i>Location</i>	Andrew Drive in Snug Harbour
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2777 ac. (12,096 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House

BACKGROUND

August 24, 1990 - The Authority granted permission for a house.

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

- 1) Rear setback (9.4' & 3.6' vs 20' & 10').

APPLICANT'S LETTER

"We write on be-half of our client of Mr. Damian McGee, requesting a variance to construct a swimming pool based on regulations 8(13).

We have noticed that most of the pools in the snug harbor area is not located within the setbacks, even in the immediate neighborhood and my client have spoken to them personally and they have no objections.

We would like to construct a pool 15' x 30' x 6' & 3' deep as shown on the plan. We have served registered notices to all the adjoining landowners / homeowners as requested by the Planning Department. This is the first phase of the enhancement and upgrade of the residence."

PLANNING DEPARTMENT ANALYSIS

General

The proposed swimming pool and deck does not meet the required rear setbacks located on Andrews Drive in Snug Harbour.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Rear Setback Variance

The applicant is seeking a rear setback variance for the proposed swimming pool and deck, proposed at 9.4' & 3.6' vs 20' & 10' per regulations 9(8)(i). The applicant has provide a letter providing their reasons for the setback variance.

2.16 SHAWN EBANKS (Design Cayman) Block 20B Parcel 207 (P22-0040) (\$750,000) (NP)

Application for a warehouse building.

FACTS

<i>Location</i>	Old Red Gate Road in George Town
<i>Zoning</i>	Light Industrial
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	16,757.5 sq. ft.
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Warehouse
<i>Building Footprint</i>	2,450 sq. ft.
<i>Building Area</i>	3,209.16 sq. ft.
<i>Site Coverage</i>	58.6.2% (parking & buildings)

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

- 1) Location of Solid Waste Enclosure

AGENCY COMMENTS

Comments received to date are noted below.

Department of Environmental Health

Solid Waste Facility: This application is not recommended for approval for the following reasons:

- 1. The location of the solid waste facility has not been identified on the drawing.*
 - a. This development requires (1) 8 cubic yard container with once per week servicing. Access to enclosure The service vehicles shall be able to enter and exit the site without having to reverse onto the highway. The enclosure shall be located away from overhead power lines and other protrusions that can cause electrical shock, injury, or other difficulties during servicing. A vertical clearance of at least 15 feet is required over the entire approach to and from the enclosure. A minimum straight approach of 50 feet should be provided directly in front of the facility to allow the vehicle sufficient area to back out of the facility. A turn around or separate exit that allows the truck to move forward rather than backwards is required. A minimum backup distance of 50 feet is required for any manoeuvre and must be in a straight line. The driveway shall be constructed to withstand trucks weighing up to 62,000 lbs.*

Specifications for Onsite Solid Waste Enclosures

Container size 8 yd³

Width 10 ft

Depth 10 ft

Height 5.5 ft

Slab Thickness 0.5 ft

Water (hose bib), drain,

Effluent Disposal well; guard rails

Fire Department

The Fire Department has stamped approved the drawings.

Water Authority

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

Wastewater Treatment & Disposal

- *The developer shall provide a **septic tank** with a capacity of at least 1,250 US gallons for the proposed warehouse.*

Change-of-use with 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.

National Roads Authority

As per your memo dated February 1st, 2022 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by the above proposed development of 3,209 sq. ft. has been assessed in accordance with ITE Code 150 - Warehousing. The anticipated traffic to be added onto Red Gate Road is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak In	AM Peak Out	PM Peak Hour Total Traffic	PM Peak In	PM Peak Out
11	1	1	0	1	0	1

Based on these estimates, the impact of the proposed development onto Red Gate 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 Old Red Gate Road, 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 Old Red Gate Road. Suggested dimensions of the ‘hump’ would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Detail.s.pdf>)*

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

encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this 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.

Department of Environment

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

The Department of Environment confirms that we have no comments at this time.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in George Town, on Old Red Gate Road.

The property contains an existing warehouse on the east half of the property as well as a number of derelict vehicles. The area of the existing warehouse is 2,446.9 square feet and it has 5 existing parking spaces.

The proposal is for a 3,209.16 square foot warehouse and 5 additional parking spaces.

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

Zoning

The property is zoned Light Industrial.

Specific issues

1) Proposed Solid Waste Enclosure

The proposed location of the solid waste enclosure is 13 feet from the road boundary.

Typically a solid waste enclosure has to satisfy the road setback of 20 feet.

In addition to the above, the DEH is not in support of the application because initially a solid waste enclosure was not shown on the site plan. The Department has re-circulated the plans to the DEH and have yet to hear back at the time of report writing.

It is suggested that the plans be approved with a minimum 20 foot setback from the road boundary.

2.17 MARK MATIAS (Great Elegance Consulting) Block 4B Parcel 762 (P22-0107) (\$108,750) (MW)

Application for a house.

FACTS

<i>Location</i>	Allamanda Dr., West Bay
<i>Zoning</i>	High Density Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.2262 ac. (9,853.272 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Existing Residence (804.79 sq. ft.)
<i>Proposed building size</i>	926.65 sq. ft.
<i>Total building site coverage</i>	17.6%

BACKGROUND

April 3, 2019 – Modification to Site Layout – the application and it was resolved to modify planning permission.

January 11, 2019 – Dwelling House – the application was considered and it was resolved to grant planning permission.

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

- 1) Lot Size (9,853.272 sq. ft. vs. 10,000 sq. ft.)

AGENCY COMMENTS

N/A

APPLICANT'S LETTER

We seek your good office to seek out for the Mr. Mark Matias application for Block 4B Parcel 762 Lot size variance for the said proposed. Extension of his Resident to accommodate his growing family who will be using and the said extended rooms.

As you may see on the proposed for it to work, we have come up to design to facilitate proper circulation which are connected only thru the existing Patio of the main without doing major modification of the said existing unit and make sure we follow the required set back.

We are hoping for your kind consideration of this request.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a One Bedroom House; 926.65 sq. ft. with lot size variance to be located on Allamanda Dr. West Bay. There is an existing house on the property.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Lot size

Regulation 9(6)(d) states “*the minimum lot size for each detached house is 5,000 sq. ft.*”. The applicant has proposed a second residence on the site which would require a minimum of 10,000 sq. ft., however the current lot size is only 9,853.272 sq. ft. (0.2262 ac.) a difference of 146.728 sq. ft..

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

2.18 LH PROPERTY HOLDINGS, Block 15E Parcel 229 (P21-1283) (\$6,000) (AS)

Application for a cabana and modification to the site design.

FACTS

<i>Location</i>	Stone Wall Drive
<i>Zoning</i>	LDR
<i>Parcel Size</i>	1.494 AC (65,078 sq. ft.)
<i>Current Use:</i>	Apartments
<i>Notices</i>	No objections

BACKGROUND

CPA/23/18 (17th October 2018) planning permission was granted for an apartment over a pool house.

CPA/13/21 (23rd June 2021) planning permission was granted for a pool.

Recommendation: Grant Planning Permission.

AGENCY COMMENTS

National Roads Authority

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 Stone Wall Drive, within the property boundary, to NRA standards.

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

Stormwater Management Issues

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of*

duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.

- *The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.*
- *Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Stone Wall Drive. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)*

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for modification of the driveway and parking area. The 484 sq ft gazebo meets all typical setback requirements are met.

Zoning

The property is zoned Low Density Residential.

Specific Issue

The driveway will be widened at Stone Wall Drive. Parking spaces south of the existing apartment building will be angled. The existing sidewalk that parallels the building will be removed to allow for a new sidewalk and parking.

2.19 CAYMAN SHORES (Decco Ltd) Block 12D Parcel 95 (P22-0415) (F03-0517) (\$125,000) (NP)

Application for carports with solar panels for electric vehicles/chargers.

FACTS

<i>Location</i>	Esterley Tibbetts Highway & Nexus Way
<i>Zoning</i>	General Commercial
<i>Current use</i>	Parking Lot
<i>Proposed Use</i>	5 Car Ports
<i>Area</i>	17,355 sq ft

Recommendation: Grant Planning Permission.

PLANNING DEPARTMENT ANALYSIS

General

The proposed car ports are located in the parking lot at the corner of the Esterley Tibbetts Highway and Nexus Way in Camana Bay.

The five detached carports would each cover 16 parking spaces and have solar panels on the roof that are used to charge electric vehicles.

Notification was not required because the applicant owns the surrounding lands.

Zoning

The property is zoned General Commercial.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

6.0 CPA MEMBERS INFORMATION/DISCUSSION

Appendix A

MEMORANDUM

TO: Director of Planning **YOUR REF:** P22-0255
ATTN: Jessica Peacey
FROM: Director of Environment **DATE:** 13 April 2022

SUBJECT: Shoreline Development Company Ltd.
539 Sq. Ft. Cabana; Modification to Site Plan; 6ft Fence
Block 11B Parcel 70

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

Site Overview

The site of the proposed development is a section of Seven Mile Beach that is a turtle nesting beach and is adjacent to a Marine Reserve Marine Protected Area.

Coastal Setbacks & Climate Resiliency

The subject parcel is zoned for 'hotel tourism' land use. Minimum coastal setbacks for hotel-tourism zones prescribed in Regulation 8(10) (e) of the Development & Planning Regulations (2022) state that a coastal setback of 130ft from the Mean High Water Mark is required. Despite this, the proposal includes the renovation of the existing building, which was the subject of a lapsed temporary building permit (the current status of which is unknown to the DOE) and part of which is a seawall that was refused after-the-fact permission (P14-0765). The existing seawall (as shown in figures 1 and 2 below), which was refused after-the-fact permission in 2014, was measured as being 29ft from the Mean High Water Mark (amounting to just 22% of the required minimum setback) and still remains in place.



Figure 1: A DOE site visit photo showing the unpermitted seawall on the property (DOE, 2015).

The Department of Environment is extremely concerned regarding the coastal setbacks of the proposed development, especially considering the importance of this section of beach as a public amenity (being next to Public Beach) and tourism asset. It is imperative that minimum coastal setbacks are met, particularly given climate change predictions for the region, which include sea-level rise, increased intensity of storm events (including storm surge) 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. Inappropriately sited development reduces a beach's potential to recover after major events as it often removes sand reserves that are critical for sediment supply during periods of storm activity and erosion. The existing site has experienced instances of erosion in the past. With a proposal for redevelopment, the applicant now has the opportunity to build in a more sustainable and climate-resilient manner, future-proofing the current structure.

The draft National Planning Framework (2018) addresses coastal zone management (Section 9.2), noting that the greatest threats to Cayman's beaches include:

- Inappropriately sited development
- Predicted climate changes effects such as more frequent and more intense storms and hurricanes
- Global sea-level rise

Goal 1 of Section 9.2 of the Framework recognizes “*the interconnection between land and sea in all decision making on coastal development, **particularly adjacent to marine parks***” (Marine Protected Areas under the National Conservation Act, 2013). Objective 3 of Goal 1 (Section 9.2) seeks to “*identify and implement remedies to prevent beach erosion, especially where development has encroached below the original vegetation line*”. Action items for this Objective listed in the Framework include *defining clear setbacks and public accesses to beaches for coastal development sites based on the line of natural vegetation*. Additionally, Objective 4 (Goal 1 of Section 9.2) seeks to “*ensure developments along coastal areas are designed with appropriate hazard management strategies.*”

It is well-documented that hard structures, particularly those such as seawalls, that are built on a section of beach where waves can impact them cause the reflection of wave energy and the erosion of sand from the coastline seaward of them. Seawalls on beach coastlines should be located as far landward and as close to the structure they are protecting as possible to reduce the risk of direct wave impact and reflection. It is important to also highlight that setbacks seek to provide protection to properties against these inevitable effects of climate change such as coastal flooding and erosion by ensuring that hard structures are not located in an area susceptible to these hazards. The size of the parcel is sufficient to allow for the development to be located much further inland and in a way that would allow the coastal setbacks to be met.

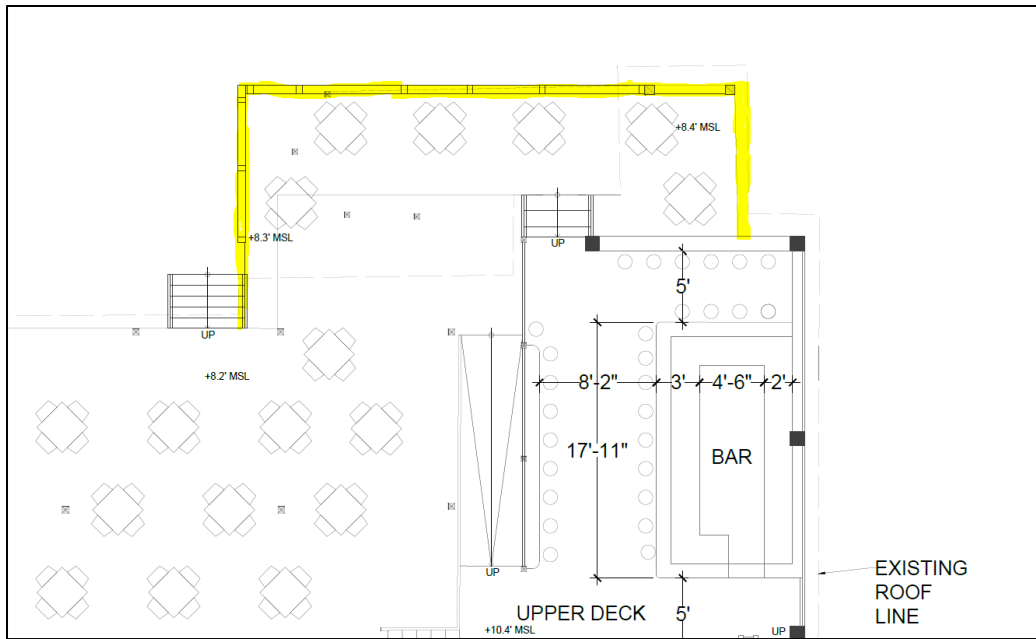


Figure 2: A plan extract showing the unpermitted seawall, highlighted in yellow, on the submitted proposal plans (Dart, 2022).

Impacts on Turtle Nesting

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

Construction Impacts

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

Artificial Lighting Impacts

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

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



Figures 3-5: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman.

DOE CONCLUSION & RECOMMENDATIONS

For reasons outlined in this review, the DOE does **not** support the granting of a variance in the coastal setback, based on the current design of the proposed development and recommends the **refusal** of this application. We **strongly** recommend that the opportunity be taken to revise the site layout to meet the current Development & Planning Regulations (2022), improve the structure's climate-resiliency, increase the area of beach available for turtle nesting and meet the development intentions set out in the draft National Planning Framework (2018).

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

1. The applicant shall submit a revised plan removing the seawall, deck and seating area from the area surrounded by the unpermitted seawall on the beach.
2. The applicant shall, prior to the issuance of a Building Permit, prepare and submit a turtle friendly lighting plan which minimises the impacts of artificial lighting on sea turtles. The plan shall be reviewed and approved by the Department of Environment, in accordance with the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <http://doe.ky/marine/turtles/turtle-friendly-lighting/>.
3. Lighting shall be installed and maintained in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE. The DoE will inspect the exterior lighting for compliance with the approved turtle friendly lighting plan once construction and the installation of the fixtures are complete.
4. Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.
5. No construction work, vehicle access, storage of equipment/ materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November yearly) without the express consent of the DoE.

6. Prior to the commencement of works, temporary beachside construction fencing associated with the works shall be positioned as far landward as possible to maximise turtle nesting habitat. Where no hard structure forms a barrier the fencing shall be positioned a minimum of 75ft from the Mean High Water Mark. The fencing shall be erected so that it fully encloses the beach facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles entering the construction site or digging under the fencing, during nesting season.
7. Should there be any sand excavated during construction, beach quality sand shall be retained on-site and placed along the active beach profile. If sand is to be placed on the beach during turtle nesting season (1st May – 30th November yearly), the express consent of the DoE is required to ensure that turtle nests are not adversely impacted.
8. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand off-site, it should be the subject of a separate consultation with the National Conservation Council.

DIRECTED CONDITIONS

On the basis of the above information, in the exercise of powers which have been conferred through express delegation by the National Conservation Council, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DOE, therefore, **respectfully directs** that the following conditions be imposed by the Central Planning Authority or Department of Planning, as part of any agreed proposed action for planning approval:

9. All construction materials and debris shall be stockpiled at least 50ft from the Mean High Water Mark to prevent material entering the Marine Protected Area. Should the CPA/Planning Department require beachside construction fencing, materials and debris shall be stockpiled landward of the beachside construction fencing.
10. Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.

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

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

Director of Environment

Appendix B

27 April 2022

Central Planning Authority
c/o Director of Planning
P.O. Box 113
133 Elgin Avenue
Grand Cayman KY1-9000

Dear Sir:

RE: Calico Jacks Renovations (P22-0255) – Department of Environment Review Letter

We have reviewed the Department of Environment's ("DOE") letter dated 13 April 2022, regarding the above referenced application and wish an opportunity to respond to their comments and proposed conditions.

We remind the Authority that this application is simply a renovation to an existing beach bar and restaurant that has been closed due to the pandemic. Design works are contained within the existing footprint which will enhance the structure while also providing a new detached restroom facility. Per Planning & Development Act Section 13(3)(ab), the elements of this proposal that require planning permission are the alteration of the building's north façade, restroom block, and a 6' fence. The application does not include any modifications to the existing seawall which is not a part of this application.

DOE contends the existing building is subject to a lapsed temporary building permit and notes the seaside wall was refused planning permission in 2014. Reviewing historical CPA decisions for this property, it should be noted that per CPA/07/11; Item 2.4, the CPA approved a request to re-instate planning permission for the restaurant/bar and for after-the-fact additions. As part of their decision, CPA did not condition the need to obtain permits or Certificates of Occupancy.

The DOE references components that are already in situ and are not part of this application and is not a matter under consideration. This application is only in relation to façade enhancements, interior renovations and bathrooms.

In their conclusion, DOE states they do not support the granting of a variance in the coastal setback and recommends refusal of the application. To refuse the application would only affect the items subject to planning permission. As previously mentioned, carrying out of works do not require permission "if the works only affect the interior of the building or do not materially affect the external appearance of the building" and "do not constitute or contribute to a material change in the use of the building." (Section

13(3)(ab)). If the application were to be refused, renovations to the bar and restaurant could move forward subject to obtaining applicable permits.

In the event CPA supports the proposal, DOE goes on to offer several conditions, either recommended or directed, to be included in CPA's decision. There are no concerns with proposed conditions 2-5, 7 and 8, however we ask CPA to consider conditions 1 and 6:

1. The applicant shall submit a revised plan removing the seawall, deck and seating area from the area surrounded by the unpermitted seawall on the beach.

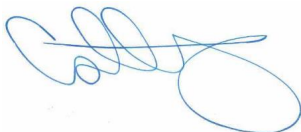
No works are proposed to the existing seawall and it is therefore outside the scope of the application to require its removal or any alteration.

6. Prior to the commencement of works, temporary beachside construction fencing associated with the works shall be positioned as far landward as possible to maximise turtle nesting habitat. Where no hard structure forms a barrier the fencing shall be positioned a minimum of 75ft from the Mean High Water Mark. The fencing shall be erected so that it fully encloses the beach facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles entering the construction site or digging under the fencing, during nesting season.

A site specific safety plan will be developed and maintained which will seek to identify and eliminate all public safety risks. This plan will include the provision of temporary construction fencing that will need to be offset at least 6' from the existing structure to provide working space.

We hope the above clarifies any misunderstandings regarding the site's planning history, confirming which elements of this proposal necessitate consideration.

Kind regards,



Colleen Stoetzel, AICP
Land Use Planner, Dart Cayman

Attachment – Site Photos

Site Photos – Calico's Restaurant West Frontage (February 2022)

