

Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on **February 02, 2022 at 10:00 a.m. in Conference Room 1038, 1st Floor, Government Administration Building, and Elgin Avenue.**

03rd Meeting of the Year

CPA/03/22

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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| Home Gas | 1:30 | 2.4 | 24 |
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1. 1 Confirmation of Minutes of CPA/02/22 held on January 19, 2022.

1. 2 Declarations of Conflicts/Interests

| ITEM | MEMBER |
|-------------|---------------|
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2.0 APPLICATIONS

APPEARANCES (Items 2.1 to 2.6)

2.1 JASON EBANKS (TSC Architecture) Block 43D Parcel 25 (P21-1083) (\$630,000) (NP)

Application for proposed 4 apartments.

Appearance at 10:30

FACTS

| | |
|------------------------------------|-------------------------------|
| <i>Location</i> | Lakeview Drive in Bodden Town |
| <i>Zoning</i> | LDR |
| <i>Notification Results</i> | No Objections |
| <i>Parcel size</i> | 11,255.4 sq ft. |
| <i>Parcel size required</i> | 25,000 sq ft |
| <i>Current use</i> | Vacant |
| <i>Proposed use</i> | Apartments |
| <i>Building Footprint</i> | 2,100 sq. ft. |
| <i>Building Area</i> | 2,100 sq. ft. |
| <i>Site Coverage</i> | 18.6% |
| <i>Number of Units Allowed</i> | 3 |
| <i>Number of Units Proposed</i> | 4 |
| <i>Number of Bedrooms Allowed</i> | 6 |
| <i>Number of Bedrooms Proposed</i> | 4 |
| <i>Parking Required</i> | 6 |
| <i>Parking Proposed</i> | 7 |

BACKGROUND

December 8, 2021 (**CPA/25/21: Item 2.11**) – application adjourned to invite the applicant to appear before the CPA to discuss concerns regarding suitability, lot area, number of units proposed, and lot width.

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

- 1) Suitability
- 2) Lot Area (11,255.4 sq ft vs 25,000 sq ft).
- 3) Number of Units (4 proposed vs 3 allowed)

- 4) Lot Width (60' proposed vs 100 required)
- 5) NRA Comments advising against further apartment development

AGENCY COMMENTS

Agency comments received to date have been provided 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 site is man-modified and is therefore of low ecological value. However the filling of this land will reduce the site's natural capacity to retain storm water and could cause drainage impacts to the neighboring Crown owned Pease Bay Pond. Therefore, it is recommended that the pond side area of the parcel be landscaped with a vegetation buffer to intercept stormwater runoff. Native vegetation should be used in the landscaping scheme as it is best suited for the habitat conditions of the site, requiring less maintenance and making it a cost effective and sustainable choice for landscaping. In addition to this there should be no clearing of any areas outside of the parcel boundaries, particularly the pond side area which contains mangroves as shown in figure 1 below.



Figure 1: Aerial Imagery showing the subject parcel outlined in blue (Source: LIS 2018)

Department of Environmental Health (DEH)

The department has no objections to the proposed development. This development will require four thirty-three gallon bins and an enclosure built to the department's requirements.

Fire Department

The Fire Department has stamp approved the drawings.

Water Authority

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

Wastewater Treatment & Disposal

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

| TOWNHOUSES | GPD/UNIT | TOTAL GPD |
|-------------------|-------------------|------------------|
| 4 x 1-Bed Units | 150gpd/1-Bed Unit | 600GPD |

- *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.*

Water Supply

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

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

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

National Roads Authority

As per your memo dated October 14th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issues

Lakeview Drive is rather a series of right of ways that crosses multiple parcels, please see below. According to the Lands Information System, there is a twenty (20) ft. wide vehicular ROW in favour of Block 43D Parcel 25; there is an additional 14ft wide ROW along the eastern boundary of 43D20 in favour of 43D21 and 43D159.

*Earlier this year, the NRA has been asked by one of the landowners to kindly **not** do any road repairs or upgrades and to leave the area. Therefore, the NRA would advise the CPA to not approve any more multi-family and or commercial developments within this area.*

If the CPA decides to approve this application, please see NRA comments below.



Road Capacity Issues

The traffic demand to be generated by a residential development of four (4) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Lakeview Drive is as follows:

| Expected Daily Trip | AM Peak Hour Total Traffic | AM Peak 20% In | AM Peak 80% Out | PM Peak Hour Total Traffic | PM Peak 65% In | PM Peak 35% Out |
|----------------------------|-----------------------------------|-----------------------|------------------------|-----------------------------------|-----------------------|------------------------|
| 27 | 2 | 0 | 2 | 3 | 2 | 1 |

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

Access and Traffic Management Issues

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

Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-two (22) ft.

A six (6) foot sidewalk shall be constructed on Lakeview 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 Lakeview 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 Act, Section 16(g) defines encroachment on a road as

"any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such

canal, conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;"

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

APPLICANT'S LETTER

I am writing this letter on behalf of my client, Jason Ebanks, who recently applied to the Department of Planning to construct 4-1-bedroom Town Homes.

The application has been referred to the Central Planning Board ("CPA") as variances are needed in the three areas listed below:

- 1. Lot size requirements is 100 feet in width; the referenced property is 60 feet wide*
- 2. Lot area for apartments in 25,000 sq. feet; the referenced property is 11,225 sq. feet*
- 3. Extra unit as this lot size is regulated for maximum of 3 units; proposed is 4 units*

When considering this application, it should be noted that the proposed plan includes sufficient parking spaces (1.5 parking spaces per unit) and the required sidewalks. Having met all of the other planning requirements, my client is confident that this structure will not be materially detrimental to persons residing or working in the vicinity of the property.

It is further noted, that the adjoining property owners of Block 43D Parcels 26, 12, 159, 168, 22REM1, 24 and 21; will be notified of the proposed project via registered mail as of November 02, 2021.

As such we believe that there is sufficient evidence and grounds to grant variances in the three areas noted above.

In closing, I will greatly appreciate the CPA's consideration for my client's application to construct these 4-1 bedroom units.

PLANNING DEPARTMENT ANALYSIS

General

The subject properties are located in Bodden Town on Lakeview Drive.

The property is currently vacant and the proposal is for four single storey townhomes.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability for Apartments

There do not appear to be apartments located on Lakeview Drive but a site visit was not conducted.

The Authority should determine whether this is a suitable area for apartments or whether the road is adequate for additional apartments.

2) Lot Area

Regulation 9(8)(f) requires a minimum lot area of 25,000 square feet for apartments.

The subject property has 11,255.4 square feet.

The Authority should consider whether the applicant's variance letter is satisfactory in this instance.

3) Number of Units

Regulation 8(8)(c) permits a maximum 15 apartment and townhouse units per acre.

The 0.2577 acre property is allowed a maximum of 3 units and 4 units are proposed.

The Authority should consider whether the applicant's variance letter is satisfactory in this instance.

4) Lot Width

Regulation 8(8)(g) requires a minimum lot width of 100 feet for apartments and townhouses.

The subject property has a width of 60 feet.

The Authority should consider whether the applicant's variance letter is satisfactory in this instance.

5) NRA Comments

The NRA has advised against further apartment development on this narrow 20 foot wide road.

2.2 SAMANTHA EBANKS (GMJ Homeplans) Block 1D Parcel 695 (P21-1043) (\$70,000) (NP)

Application for proposed addition to create a duplex.

Appearance at 11:00

FACTS

| | |
|-------------------------------------|----------------------------|
| <i>Location</i> | Worthing Drive in West Bay |
| <i>Zoning</i> | LDR |
| <i>Notification result</i> | No Objectors |
| <i>Parcel size proposed</i> | 6,891.2 sq. ft. |
| <i>Parcel size required</i> | 12,500 sq. ft. |
| <i>Current use</i> | House |
| <i>Proposed building size</i> | 1,764 sq. ft. |
| <i>Total building site coverage</i> | 25.6 |

BACKGROUND

December 8, 2021 (CPA/25/21; Item 2.14) – application adjourned to invite the applicant to appear before the CPA to discuss the application in terms of lot area and requested side setback.

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

- 1) Lot area (6,891 sq ft vs 12,500 sq ft)
- 2) Side Setback (5’9” vs 10’)

APPLICANT’S LETTER

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

- *A side setback variance – to allow an addition to the right side to be built with a setback of 5’9” which is less than the required 10ft from the side property line.*
- *A minimum lot size variance – to allow the proposed development to be constructed on the subject lot which is less than the required 12,500 sq.ft. per section 9(8)(e) of the Planning Regulations. The subject parcel is sized at 6,891.19 sq.ft.*

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

1. *Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail and there have been no objections.*
2. *Per section 8(13)(b)(iii) of the Planning Regulations, granting the variances will not be detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare;*
3. *Similar lot size variance requests were granted for parcels 1D685 and 4E761. To date, the completed duplex on parcel 1D685 have not negatively affected the neighbourhood.*
4. *The applicant currently resides in the room associated with the addition and feels that the proposed is being located on the most suitable area of the parcel based on the built location of the existing dwelling and the adjacent parcel to the right, 4E765, which is owned by her sibling.*
5. *The application complies with all other relevant planning requirements.*

We look forward to your favorable response to this variance request

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Prospect Drive.

Zoning

The property is zoned Low Density Residential.

Notification

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

Specific Issues

1) Lot area for a duplex

Regulation 9(8)(e) requires a lot area of 12,500 square feet for a duplex.

The applicant's property consists of 6,891.2 square feet.

The Authority should determine whether a lot variance is applicable in this instance.

2) Side Setback

Regulation 9(8)(j) requires a side setback of 10 feet for a one storey building.

The applicant is proposing a side setback of 5'9".

The Authority should determine whether a side setback variance is acceptable.

2.3 SIX5 INVESTMENTS (Robert Towell) Block 21B Parcel 126 (P21-1106) (\$15.0 million) (NP)

Application for proposed 22 apartments, 2 pools, gym.

Appearance at 1:00

FACTS

| | |
|------------------------------------|---------------------------------|
| <i>Location</i> | South Sound Road in George Town |
| <i>Zoning</i> | Low Density Residential |
| <i>Notification Results</i> | Objection |
| <i>Parcel size</i> | 65,775.6 sq ft. |
| <i>Parcel size required</i> | 25,000 sq ft |
| <i>Current use</i> | Vacant |
| <i>Proposed use</i> | Apartments |
| <i>Building Footprint</i> | 17,831 sq. ft. |
| <i>Building Area</i> | 49,995 sq. ft. |
| <i>Site Coverage</i> | 27.0% |
| <i>Number of Units Allowed</i> | 22 |
| <i>Number of Units Proposed</i> | 22 |
| <i>Number of Bedrooms Allowed</i> | 36 |
| <i>Number of Bedrooms Proposed</i> | 44 |
| <i>Parking Required</i> | 33 |
| <i>Parking Proposed</i> | 56 |

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

- 1) Number of Bedrooms (44 proposed vs 36 allowed)
- 2) Site design
- 3) Concerns of the Objector

AGENCY COMMENTS

Agency comments received to date have been provided 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 is located within the South Sound drainage basin and consists of seasonally flooded mangrove forest primary habitat, as shown in Figures 1 and 2. The site has planning permission for an apartment complex (Planning Ref: P18-1054); planning permission was granted in January 2019 (CPA/02/19 item 2.5). Therefore, the application site is committed to development. Notwithstanding this, the DoE wishes to again highlight the importance of mangrove wetlands in terms of their drainage and ecological functions. Mangroves are protected under the National Conservation Act (2013) and the Mangrove Conservation Plan (2020).



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

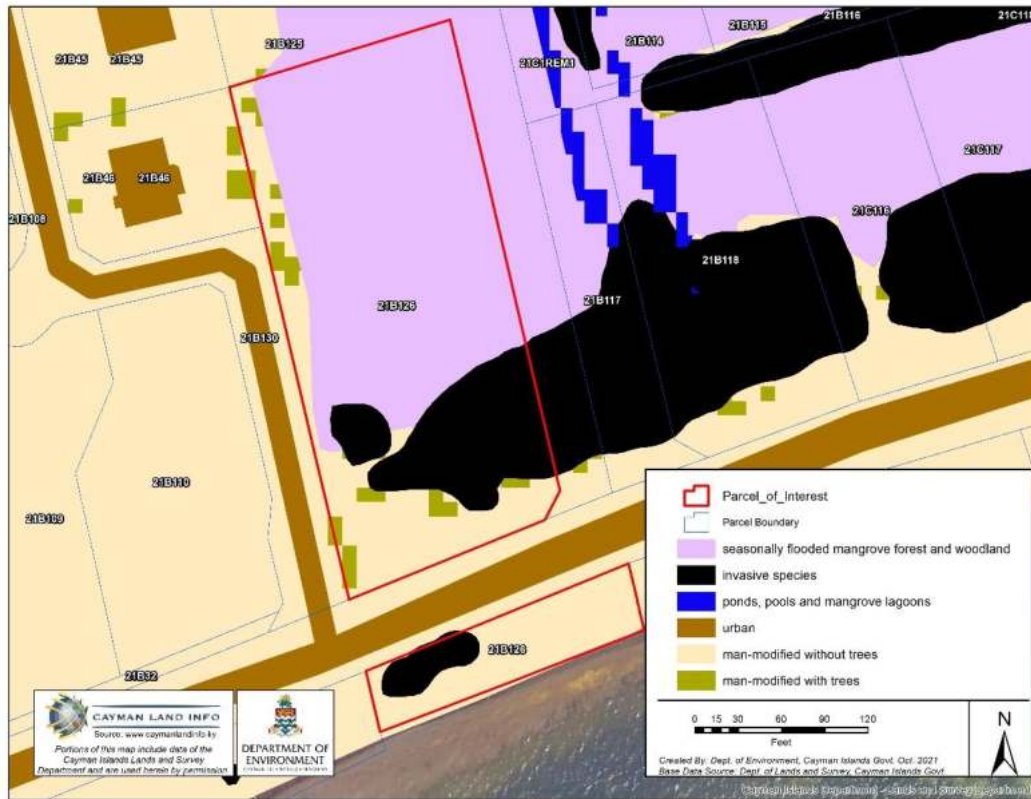


Figure 2: DOE's 2013 Habitat map extract showing application site outlined in red

Since the proposed development will continue to fragment the South Sound drainage wetland, further reducing its ecological capacity as a storage and catchment basin for the surrounding area, it is strongly recommended that a stormwater management plan be developed. The stormwater plan should ensure that any site derived runoff is handled on-site. It is also recommended that the existing mature vegetation be retained to the greatest extent possible and incorporated into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands resulting in vegetation that requires less maintenance which makes it a very cost-effective choice.

In regards to the section of the parcel seaward of the road, it is recommended that the applicant not clear the beach vegetation, as this vegetation is important for beach stabilisation. If the vegetation is removed it will likely exacerbate the erosion of the beach parcel.

Department of Environmental Health (DEH)

This development requires (1) 8 cubic yard container with twice 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.

Swimming Pool: A swimming pool application must be submitted to DEH for review and approval prior to constructing the pool.

Fire Department

The Fire Department has stamp approved the drawings.

Water Authority

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

Wastewater Treatment and Disposal

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

- *The proposed development **requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification** that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed system shall have a treatment capacity of at least 4,950 US gallons per day (gpd)**, based on the following calculations.*

| BUILDING | UNITS/BLDG | GPD/UNIT | GPD/BLDG | GPD |
|------------|------------------|--------------|----------|-----------|
| Residences | 22 x 2-Bed Units | 225gpd/2-Bed | 4,950 | 4,950 |
| Gym | 539 sq. ft. | 0 | 0 | 0 |
| TOTAL | | | | 4,950 GPD |

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

Traffic Rated Tank and Covers

The drawings indicate the wastewater treatment plant is proposed to be located within a traffic area. Therefore, a traffic rated tank and covers are required. The Water Authority requires that manhole covers be traffic rated heavy duty to meet AASHTO H-20 loadings of 16,000lb wheel loads and sealed with a gasket or O-ring. Covers and frames shall be

manufactured from ductile iron or gray iron complying with the requirements of ASTM A-48 Class 35.

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

National Roads Authority

As per your memo dated October 15th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issue

The proposed driveway is located on an un-built section of road. The applicant will need to construct the road to meet minimal NRA specification for subdivision roads (including drainage conveyance requirement), just past the second exit.

Road Capacity Issues

The traffic demand to be generated by a residential development of twenty-two (22) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto South Sound Road is as follows:

| Expected Daily Trip | AM Peak Hour Total Traffic | AM Peak 20% In | AM Peak 80% Out | PM Peak Hour Total Traffic | PM Peak 65% In | PM Peak 35% Out |
|---------------------|----------------------------|----------------|-----------------|----------------------------|----------------|-----------------|
| 146 | 11 | 2 | 9 | 14 | 9 | 5 |

Based on these estimates, the impact of the proposed development onto South Sound 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 South Sound 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 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 South Sound Road. Suggested dimensions of the ‘hump’ would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We*

recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.

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

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

LETTER OF OBJECTION

I object to the planning application (Project P21-1106) submitted by Drown Homes Ltd, the registered proprietor of Parcel 21B126. The reasons are the following:

- 1. The access road called "new private access road" and "new 30 ft private road" on the plans is an easement on my land, being Parcel 21B125; and*
- 2. The applicant has not contacted me with respect to the construction of a road or any arrangements for developments on my land such as liabilities, responsibilities, conformity with NRA requirements and similar requirements, nor has my agreement to do so without prior agreements/arrangement in place."*
- 3. The so called non-existing "private road" is my property and defined as a 35ft wide area, not 30ft wide area*
- 4. The application is showing a building with the height of 47ft, while the maximum height is limited to 40ft. This is reducing the neighbours enjoyment of the natural environment (Planning Law, latest revision).*
- 5. The additional requested amount of rooms leads to a higher density which should not be approved. It will increase the density , more traffic, more cars, more noise, etc...and reduce the living standards within South Sound.*

I would like to appear in person and/or by counsel when this matter is coming before the Central Planning Authority; please let me know when that might be and please keep me updated with all developments in this matter.

APPLICANT'S LETTER

I am hereby applying for a minor variance of bedrooms for the above planned Development.

The plans call for forty-four bedrooms (22x 2Bed townhouses). The allowable amount is 36.

However, and to help ensure the project's capacity to accommodate such a variance I am providing a vastly greater number of parking spaces than that which is required (33 required and approximate 51 being provided).

I trust the CPA will find this proactive measure helpful in it's deliberations.

Thanking you in advance and I look forward to playing a positive role in the development of our Islands' housing needs.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on South Sound Road in George Town, immediately East of Conch Drive.

The property is currently vacant and the proposal is for twenty two, two bedroom three storey townhomes divided among six blocks.

The applicant is proposing to construct a new 30 foot wide roadway on a 35 foot wide vehicular easement. The NRA has noted that the road must be constructed to NRA standards for road and drainage.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Number of Bedrooms

Regulation 8(8)(c) permits a maximum 36 bedrooms per acre on this 1.51 acre property.

The applicant is applying for a total of 44 bedrooms.

The Authority should consider whether the applicant's variance letter is satisfactory for an increase in bedrooms in this instance.

2) Site design

a) The site is designed with an entry on South Sound Road that is intended for emergency Fire access only. There is a gate proposed that would block access unless there is an emergency. Given that the access is immediately adjacent to the access road for the subdivision to the west, the Authority needs to be satisfied that the access cannot be used on a regular basis as this would create problematic and likely unsafe traffic conflicts.

b) The access road around the building is design as a one way 15' wide driveway. As vehicles travel around the driveway to the east side of the buildings, given the angle of the garages, it appears that they would have to drive past the garages and then

reverse into them. The Authority should determine if this design feature is acceptable.

- c) The applicant is proposing a new access point along the east side of the property. The intent is that as vehicles enter the site they would follow the one-way driveway around the buildings. However, there is a concern that occupiers of the building in the north-east sector of the site will simply turn right and drive against the one-way traffic flow to enter their respective garages. The Authority needs to determine if this is acceptable site design.

2.4 HOME GAS LTD. (Home Gas) Block 15B Parcel 404 (P21-1127) (\$100,000) (NP)

Application for proposed control building & cistern.

Appearance at 1:30

FACTS

| | |
|-----------------------------|---|
| <i>Location</i> | Walkers Road in George Town |
| <i>Zoning</i> | Neighbourhood Commercial & Low Density Residential |
| <i>Notification Result</i> | Objectors |
| <i>Parcel size</i> | 2.126 acres |
| <i>Parcel size required</i> | 20,000 sq. ft. |
| <i>Current use</i> | Propane Storage Depot and Office |
| <i>Proposed use</i> | Control Room & Cistern |

Recommendation: Discuss planning permission, for the following reason:

- 1) Concerns of the Objectors

AGENCY COMMENTS

Agency comments received to date are provided below:

Department of Environment

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

The DoE confirms that we have no comments at this time as the application site is man-modified and of limited ecological value.

Water Authority Cayman

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

Water / Wastewater

The submitted plans do not indicate any additional water source(s) or sanitary fixtures. If this is in fact the case, the Authority has no requirements for this proposal.

Fire Department

The Fire Department has stamp approved the drawings.

Department of Environmental Health

This application satisfied the environmental health requirements and is recommended for approval.

National Roads Authority

As per your memo dated October 15th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

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

OBJECTIONS

*We [REDACTED] joint proprietors of Block 15B Parcel 176 hereby **OBJECT** to the construction of a controls room for all electronics and fire protection control. Grounds for this objection are as follows*

- 1. Until we can conduct a full review of the Site Plans and Elevations related to this application.*
- 2. Until concerns for the safety and well being of the neighbourhood has been addressed*
- 3. Given that the business is located so close to our residence we should have been advise of all the changes that are planned for this site by way of a meeting*
- 4. Given the fact that we were not notified of the current happenings at the business site which have now become a health and environmental issue*
- 5. Constant noise pollution (7 days a weeks)*

APPLICANT'S LETTER

For the safety of the Cayman Islands, we are requesting this be moved to the earliest possible date for the following reasons:

- Per OfReg code requirements our Propane Plant Storage Vessels require inspection every 10 years. During the inspection process critical items were located which needed to be addressed.*
- These issues were reviewed with OfReg and Arcosa (manufacturer of the Vessels) plus multiple highly-qualified certified Propane Plant inspectors.*
- A series of corrective actions were developed to address issues with the tanks and to improve our facility against environmental threats.*
- The Home Gas Propane Plant has been designed with the highest construction quality level in the industry. The goal is to give us the ultimate protection from hurricanes and earthquakes.*
- A construction schedule was calculated to reduce the vulnerability of the Island by performing a majority of the work between subsequent hurricane seasons.*
- NRA requested we move our generator and fire pump container located on the Walkers Road side of our property. This is to make space for a Walkers Road widening project which is scheduled to take place in the near future. These services are being moved into the new mechanical building.*
- The Cayman Islands Fire Service requested some enhancements to our current fire system. We incorporated their requests which include better fire lane access around the facility, removed the trench area, added fire monitor heads, automated sprinkler system in critical areas, emergency SOS gate access, and a 45,000 gallon cistern (below proposed mechanical building). The enhanced pumping and fire system are located in the new mechanical building.*
- OfReg wanted us to expand upon our current Plant automation and safety. All propane aspects of the facility have been automated with a SCADA/monitoring system along with manual overrides located in the new mechanical building.*
- Our engineers decided the safest and best solution was to consolidate our mechanicals into a single building which will address the various agency requirements.*
- This building will also be hurricane- and earthquake-proof which will enhance the safety and business continuity of our Plant.*
- Out of around 300 notices sent for both Planning applications, we have been notified about a single complaint which could jeopardize the safety of the entire community.*

Home Gas has reached out continuously to our entire neighborhood community WhatsApp group, which Terry and Carlene Wilson are members of as well. We consistently send updates and notices on WhatsApp when we have any unusual work which may affect the neighborhood. We offered any neighbors the opportunity to visit Home Gas to review the plans and construction site. We only had one neighbor to date actually take me up on the offer, not the Wilsons.

Meanwhile we have weekly or bi-weekly surprise inspections from various government agencies based on frivolous complaints received from the Wilsons. Since the Plant was built in 1962, the first concern for Home Gas has always been for the health and safety of our neighbors.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Walkers Road, across the street from Burger King.

The subject property has long been used as a propane depot and office for the company.

The proposal is to construct a new control building containing an electrical room, compressor room, fire pump, generator room as well as a cistern below.

The proposed building meets all applicable Regulations.

Zoning

The property is zoned Neighbourhood Commercial and Low Density Residential.

Specific Issues

a) Objection Letter

The Authority should discuss whether the comments from the objectors are valid.

2.5 VALENTINA POLLON (Paradise Drafting Ltd.) Block 10A Parcel 82 (P21-0958) (\$20,000) (EJ)

Application for a carport.

FACTS

| | |
|-------------------------------------|-----------------------------|
| <i>Location</i> | Orchid Drive, |
| <i>Zoning</i> | HT |
| <i>Notification result</i> | No objectors |
| <i>Parcel size proposed</i> | 0.4047 ac. (17,628 sq. ft.) |
| <i>Parcel size required</i> | 10,000 sq. ft. |
| <i>Current use</i> | House & Swimming Pool etc. |
| <i>Proposed building size</i> | 240 sq. ft. |
| <i>Total building site coverage</i> | 32.37% |

BACKGROUND

November 10, 2021 (CPA/23/21; item 2.7) – the application was adjourned to invite in the applicant to discuss concerns regarding the front setback, site coverage and driveway design

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

- 1) Front setback (1.2' vs 20').
- 2) Site coverage (32.37% vs 30')
- 3) Lack of driveway design and reversing onto road.

AGENCY COMMENTS

Comments from the Department are noted below.

Department of Environment (NCC)

The DoE confirms that we have no comments regarding the proposal as the application site is man-modified and the proposed works are landward of the existing structures on-site.

APPLICANT'S LETTER

We are writing on behalf of our client who kindly requests a front yard setback variance and site coverage variance be considered for this project.

The existing site is LDR and consists of a 2-story house, cabana, and swimming pool. Under the current Planning Regulations there already exists non-compliance with the front

setback distance for the garage as well as site coverage. Our client wishes to add a trellised carport to the front of the existing garage as noted on the attached drawing.

- 1. The current Planning Regulations section 9 (8) (h) allows a maximum site coverage of 30%. The current site coverage is already at 31%.*

Our client is requesting a new site coverage of 32.4% be considered.

- 2. The current Planning Regulations section 9 (8) (i) requires a minimum front yard setback of 20 feet.*

Our client is requesting a reduced front yard setback of 11'-1.5" be considered.

Our client has circulated the proposed plans to his 2# immediate side yard neighbours as well as his 2# neighbours across the street from the proposed works. All 4# neighbours have provided signed letters and initialed drawings indicating their approval for the proposed works (see attachments). We understand that this is not a procedure listed in the Planning Regulations, and as such we will also be notifying them in the usual formal process. We hope that these letters of support can still be considered in your review.

We believe that this variance request will not be materially detrimental to the adjacent neighbours as demonstrated in their letters of support.

For these reasons we hope that the Central Planning Authority will approve the variances.

PLANNING DEPARTMENT ANALYSIS

General

Proposed 240 sq. ft. carport with setback and over site coverage variance.

Zoning

The property is zoned Hotel Tourism.

Specific Issues

1) Front setback

The applicant is seeking a setback variance from the CPA for the proposed carport at 1.2' vs 20' from Orchid Drive in Cayman Islands Yacht Club.

2) Site Coverage

The proposed carport will result in a site coverage of 32.37% instead of the allowable 30%.

3) Driveway Design

Given the location of the carport in such proximity to the road, vehicles exiting the structure will likely have to reverse onto the road and the Authority should determine if this is an acceptable design.

SUPPLEMENTARY ANALYSIS

November 10, 2021 (CPA/23/21; Item 2.7) - The Authority adjourned the application in order to invite the applicant to appear before the board; which the applicant was invited to appear at 2:00pm.

The applicant has now submitted the following letters of consent from neighbouring land owners:

Letter #1

I am writing this letter in my capacity as a neighbour of Valentina Pollon. I am the owner of Block 10A, Parcel 83, Orchid Drive, Cayman Islands Yacht Club and live directly adjacent to Valentina's property.

I understand she is making an application to the CPA to build a carport at the front of her house. I have had the opportunity to discuss the proposed carport with Valentina and have reviewed the attached site plan and drawings (which I have signed and attached to this letter as evidence of my review and consent). I also understand that her project requires a variance as the structure is not within the allowable setbacks and if approved, the total site coverage will exceed the total allowable site coverage by 2.4%.

I can confirm that I have no objections to the proposed carport and have provided this letter to Valentina in order for her to submit it along with her application.

Letter #2

We are writing this letter in our capacity as a neighbour of Valentina Potion. We are the owners of Block 10A, Parcel 91, Orchid Drive, Cayman Islands Yacht Club and live across the street from Valentina's property (to the north / east).

We understand she is making an application to the CPA to build a carport at the front of her house. We have had the opportunity to discuss the proposed carport with Valentina and have reviewed the attached site plan and drawings (which we have signed and attached to this letter as evidence of our review and consent). We also understand that her project requires a variance as the structure is not within the allowable setbacks and if approved, the total site coverage will exceed the total allowable site coverage by 2.4%.

We can confirm that we have no objections to the proposed carport and have provided this letter to Valentina in order for her to submit it along with her application.

Letter #3

Carport application - Valentina Pollon - Block 10A Parcel 82, Orchid Drive, Cayman Islands Yacht Club

I am writing this letter in my capacity as a neighbour of Valentina Pollon. I am the owner of Block 10A, Parcel 90, Orchid Drive, Cayman Islands Yacht Club and live directly across the street from Valentina's property.

I understand she is making an application to the CPA to build a carport at the front of her house. I have had the opportunity to discuss the proposed carport with Valentina and have

reviewed the attached site plan and drawings (which I have signed and attached to this letter as evidence of my review and consent). I also understand that her project requires a variance as the structure is not within the allowable setbacks and if approved, the total site coverage will exceed the total allowable site coverage by 2.4%.

I can confirm that I have no objections to the proposed carport and have provided this letter to Valentina in order for her to submit it along with her application.

Letter #4

I am writing this letter in my Carport application - Valentina Pollon - Block 10A Parcel 82, Orchid Drive, Cayman Islands Yacht Club\ I am writing this letter in my capacity as a neighbour of Valentina Pollon. I am the owner of Block 10A, Parcel 90 , Orchid Drive, Cayman Islands Yacht Club with my property being directly adjacent to Valentina's property.

I understand she is making an application to the CPA to build a carport at the front of her house. I have had the opportunity to discuss the proposed Carport with Valentina and have reviewed the attached site plan and drawings (which I have signed and attached to this letter as evidence of my review and consent). I also understand that her project requires a variance as the structure is not within the allowable setbacks and if approved, the total site coverage will exceed the total allowable site coverage by 2.4%.

I can confirm that I have no objections to the proposed carport and have provided this letter to Valentina in order for her to submit it along with her application.

2.6 MAUREEN BODDEN (Abernethy & Associates Ltd) Block 6D Parcels 15 and 16 (P21-1067) (\$3,842) (JP)

Application for combination and three lot subdivision.

FACTS

| | |
|-----------------------------|----------------------------------|
| <i>Location</i> | South Church Street, George Town |
| <i>Zoning</i> | BRR |
| <i>Notification result</i> | No objectors |
| <i>Parcel size proposed</i> | 1.4 ac. (60,984 sq. ft.) |
| <i>Parcel size required</i> | 10,000 sq. ft. |
| <i>Current use</i> | Residential and vacant |

BACKGROUND

January 19th, 2022 (**CPA/02/22; item 5.6**) – Members re-affirmed request to extend invitation to appear before CPA.

December 8th, 2021 (**CPA/25/21; item 2.12**) – Members considered application and adjourned to invite the applicant to appear before CPA to discuss concerns relating to Lot B access.

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

- 1) Lot width 12' v 80'

AGENCY COMMENTS

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

Water Authority

Water Supply:

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

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the piped water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and*

Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>.

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

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.*
- *The existing building on the parcel is currently served by a septic tank. The Water Authority advises that all wastewater infrastructure, including septic tanks and deep wells, must be contained within the boundaries of the parcel on which the building stands.*

National Roads Authority

No comments received.

Department of Environment (NCC)

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

The DoE confirms that we have no comments at this time as the application site is man-modified and of limited ecological value.

APPLICANT'S LETTER

Enclosed please find the relevant documents relating to the above subdivision. We are asking for a variance on the lot width for lot C under the Planning Regulation 8(13) (b) (iii) to accommodate this. There is an existing pipeline that runs from the seacoast all the way to the Home Gas office on walkers Road. My clients would like to separate Lot C from the family property so that it can be held in the Company name instead of their individual names.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in George Town and South Church Street provides access from the east. The Caribbean Sea forms the western boundary with SOL Petroleum sited to the north and south.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Lot width 12' v 80'

Regulation 14(4)(d) requires a minimum lot width of 80'.

The application proposes 12' on Lot C.

Members are invited to consider the content of the variance letter as part of their deliberations.

2.0 APPLICATIONS

REGULAR AGENDA (Items 2.7 to 2.38)

2.7 BAER DEVELOPMENT (Tropical Architectural Group) Block 22E Parcel 527 (P21-1239) (\$100,000) (MW)

Application to modify planning permission for the following items:

- Relocate the wwtp
- relocate site utilities
- add solar pole lights
- a/c units relocated
- re-orient the cabana
- add a storage room
- revise the pool and deck layout
- revise a floor plan for a custom unit layout

FACTS

| | |
|-----------------------------|-----------------------------------|
| <i>Location</i> | Tropical Gardens Rd., George Town |
| <i>Zoning</i> | Medium Density Residential |
| <i>Notification result</i> | No Objections |
| <i>Parcel size proposed</i> | 2.15 ac. (93,654 sq. ft.) |
| <i>Parcel size required</i> | 20,000 sq. ft. |

BACKGROUND

June 28, 2019 - 26 Apartments with Associated Amenities; Volumetric parcel – the application was seen and it was resolved to grant planning permission (CPA/13/19; Item 2.3) (P19-0481)

April 3, 2020 - Modification to Increase Floor Area by 9,711 sq. ft.; Increase Unit Number- the application was seen and it was resolved to grant planning permission. (CPA/06/20; Item 2.1) (P19-1317)

September 16, 2020 - Address CPA Conditions, Retaining Wall Setback, Remove LPG Tanks – the application was seen and it was resolved to grant planning permission. (CPA/15/20; Item 2.8) (P20-0494)

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

- 1) WWTP setbacks
- 2) HWM setbacks
- 3) NCC Comments

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment:

*The proposed development is to be served by a **Biomicrobics MicroFast 9.0** onsite aerobic wastewater treatment system with a design treatment capacity of **9,000 gpd**.*

- *ATU previously approved by the Water Authority, October 23, 2020 (P20-0494, WAC_4857i). The developer is advised to review the approval memorandum for site-specific requirements issued by the Water Authority.*

The design capacity of the proposed wastewater treatment system can accommodate the wastewater flows from the proposed modifications, given that the treatment system is being operated and maintained as designed to produce an effluent that meets the Authority's discharge limits.

Water Supply:

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

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

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

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

Department of Environment #1

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 seawall/retaining wall element of the new application, which has already been built, encroaches outside of the mean high watermark boundary as shown in the figures 1 and 2 below, which compare 2018 aerial imagery to recent December 2021 imagery. **These sections of seawall should have been the subject of Coastal Works permission granted by Cabinet, as the works have been conducted on the Crown owned seabed. There is no such permission in place from Cabinet.** The applicant previously applied for planning permission to fill and build a seawall on parts of the Crown-owned seabed, which the DoE did not support, and that application was denied permission by Cabinet on 7 September 2020. We note that the CPA decision for the previous application for this development from August 2020 (P20-0494 in CPA minutes 15_20 16 Sept 2020) included the condition to require the applicant to 'Remove Areas 1 and 2 from the site plan and this includes the portion of the retaining wall running through Area 2', where the wall is now built. These were the areas that were Crown-owned seabed. The area of Crown owned seabed that has been impacted by the unauthorised works amount to 183 sq. ft. and 263 sq. ft. in area 1 and 2 respectively.*

The DOE would advise caution regarding the determination of this application as the unauthorised filling of the seabed and construction of seawalls at this site is currently the subject of a case before the Court (as detailed in the section below). As the wall is already built we would see no logical reason to make a determination of this application prior to the other issues surrounding this being resolved.

As the proposed setbacks are based on a shoreline position which has not been approved, it would also appear unlawful to grant approval for this modification at this time. This application should be held in abeyance pending the outcome of the case before the Court.



Figure 1: 2018 aerial imagery showing the areas of the site enclosed by the seawalls outlined in red which was previously outside of the blue MHW (Source: LIS 2018)



Figure 2: Dec. 2021 aerial imagery showing the areas of the site enclosed by the seawalls outlined in red which was previously outside of the blue MHW (Source: DOE Dec. 2021)

Background

Planning permission for development on this site was granted on 28 June 2019 (meeting CPA/13/19, Item 2.3). Condition 1(a) of the Central Planning Authority (CPA) Approval, stated that “The applicant shall submit a revised plan showing (a) The deletion of the four most northerly apartments.” The minutes of the CPA’s meeting stated the CPA’s reasoning for Decision #1 (removal of the four most northerly apartments) was to “...result in more appropriate high water mark setbacks (27ft to 50ft) and compliance with the maximum allowable bedroom density (55 vs 56)”.

Further reasoning provided by the CPA in its meeting minutes (CPA/13/19; Item 2.3) for approving the coastal setback variance in the June 2019 Planning Permission was that “in this instance, the Authority is of the view that there are existing developments on adjacent properties with similar setbacks from the high water mark. Therefore, the setback of the proposed development is consistent with the established development character of the area and it will not detract from the ability of adjacent land owners from enjoying the amenity of their lands.”

In February 2020, the DoE received a request to provide comments on a revised planning application for the development which was contrary to Condition 1 (a) of the June 2019 Planning Permission. The revised application was to increase the number of units and floor area of the previously approved development and included applying again for the units which the CPA required removing due to inadequate setbacks. Although the revised

development included Parcel 211 to the south, this parcel was proposed predominantly for vehicular parking and the additional space was not utilised to reposition the development to allow it to meet the statutory coastal setbacks required under the Planning Regulations (2020 Rev).

In April 2020 (meeting CPA/06/20; Item 2.1) the CPA approved the modification to the Planning Permission to increase the floor area, add 6 units, construct a 4-foot high seawall and remove Condition 1 of the previous approval (meeting CPA/13/19, Item 2.3). Condition 1 was replaced with: “The applicant shall submit a revised site plan showing:

- a) The easterly most unit with a minimum 20’ HWM setback*
- b) A retaining wall setback as close to 10’ from the shoreline as possible.”*

*Under the Development & Planning Regulations (2021), the setback for mangrove coastlines is 75 feet from the Mean High Water Mark. As expressed in our previous comments dated 27 February 2020, the Department is extremely concerned with the increasing prevalence of inappropriately sited developments on coastal properties. Amenity considerations are not the only factor to be assessed when determining the appropriateness of a development within the context of its environmental setting. Coastal erosion, flooding from wave activity during storm and hurricane events, the effects of elevated water levels during King Tides and the effects of sea-level rise should all be **fundamental considerations** when assessing the suitability of coastal land for development.*

*The effects of coastal erosion and seawater inundation are becoming more and more evident, with the effects starting to be felt by those properties/developments that are positioned too close to the High Water Mark. The Development and Planning Regulations provide a framework for prescribing coastal setbacks, with the setbacks being defined as a **minimum** i.e. in some areas it might be appropriate to increase the setbacks further, not reduce them. Figure 3 shows the location of the proposed buildings on the application site, with 50-foot and 75-foot setbacks delineated. The proposed pool and eight of the proposed*

units are in breach of even a 50-foot setback, with 75 feet being the legally-required minimum for this site.

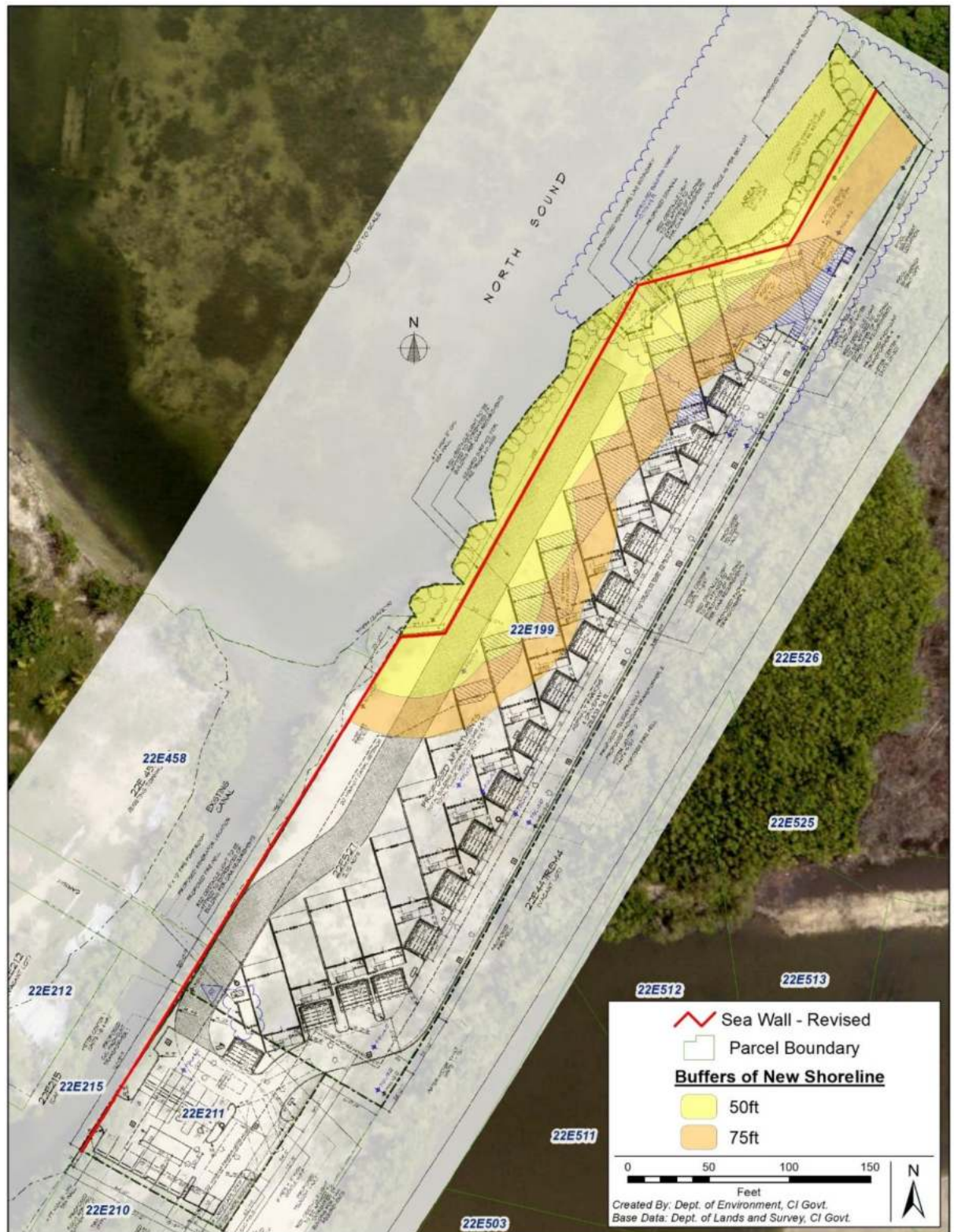


Figure 3: Applicant's site plan overlaid on 2018 LIS aerial imagery with a 50-foot coastal setback buffer shown in yellow and a 75-foot coastal setback buffer (required under the Development & Planning Regs 2020) shown in orange. The pool and nine of the units are in breach of the 75-foot setback.

Assessment of the Current Proposal for Modification

The position of the proposed shoreline boundary shown on the application's site plans (see Figure 2) had not been approved. Areas 1 and 2, shown on Figure 4, were the subject of Coastal Works application to fill the Crown-owned seabed and install seawalls. This Coastal Works application was refused permission by Cabinet. The Department recommended the refusal of the Coastal Works proposal on the basis that the Applicant had stated that the seawalls and the filling are to 'avoid setback issues' and 'prevent further erosion by the sea' in an area that was filled mangroves (stated in the Applicant's Coastal Works application cover letter). The Department believes that this approach sets a precedent for seawalls to act as a form of land reclamation in order for development projects to meet artificial setbacks. This form of land reclamation will lead to greater impacts on marine habitats and the coastline and the potential for greater susceptibility of the development to coastal erosion, storm impacts etc. Further, at that time the proposed areas of filling still only resulted in a coastal setback of approximately 20 feet from the Mean High Water Mark (rather than the minimum of 75 feet which the Planning Regulations require).

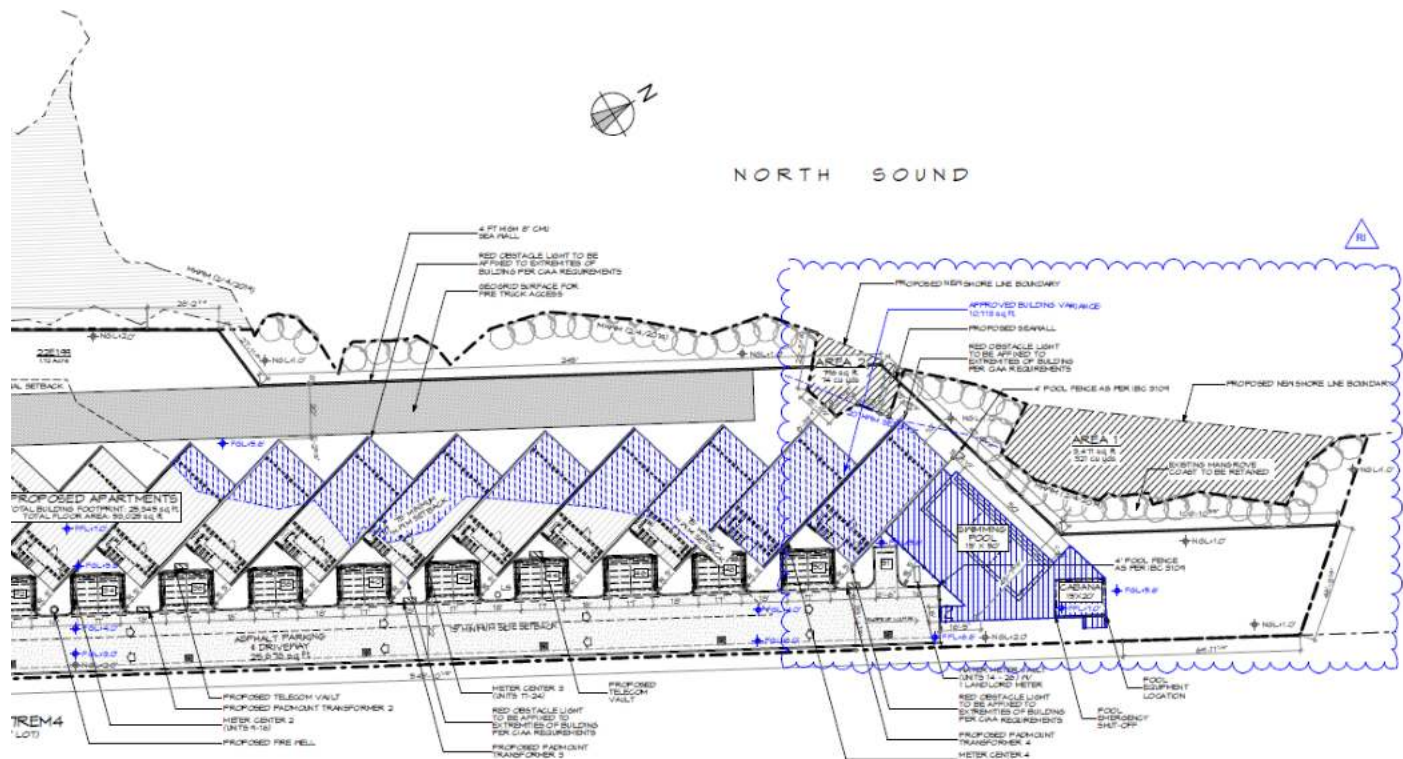


Figure 4: Extract from Applicant's site plan showing proposed coastal boundary.

The works which are detailed in the Coastal Works application (which was subsequently refused permission) are the subject of a court case/enforcement action. On 23 June 2020,

the DoE received a report of works being undertaken on the seabed of the application site. A DoE Conservation Officer conducted a site visit and confirmed that seawall sections and fill had been placed in the areas proposed in the pending Coastal Works application (see Figures 5-9). These works were unauthorized as they took place prior to Cabinet determination, the issuance of a Coastal Works Permit from the Ministry of Environment and the issuance of Coastal Works Notices by the DoE. A Cease & Desist Order was issued under the National Conservation Act which remains in effect pending the outcome of the ongoing investigations. The coastal works application was also refused permission by Cabinet.



Figure 5: DoE site visit photo from 23 June 2020 showing the unauthorized filling and seawall section placement.



Figure 6: DoE site visit photo from 23 June 2020 showing the unauthorized filling and seawall section placement.



Figures 7 & 8: Left – 2018 aerial imagery showing the area of the coastline prior to the works being undertaken (Source: LIS 2018). Right – 2020 aerial imagery showing the filling and seawalls impacting the area seaward of the Mean High Water Mark which is shown in blue (Source: DoE 2020)



Figure 9 – Drone imagery showing DoE’s estimation of the area of Crown property affected by the unauthorized works. Please note this is only an approximation based on aerial imagery and a detailed post-works survey will need to be conducted to confirm the affected area.

As previously mentioned in the first section of this review, the previous planning application for this development from August 2020 (P20-0494) proposed works including the placement of a seawall on what is still Crown land, which would require the consent of Cabinet not the CPA. The CPA decision for the application (CPA minutes 15_20 16 Sept 2020) included the condition to require the applicant to ‘Remove Areas 1 and 2 from the site plan and this includes the portion of the retaining wall running through Area 2’ where the wall is now built.

Conclusion

To reiterate from the first section of this review, the DOE does not support the after-the-fact approval of this application for filling of the seabed and construction of a seawall. The development should have been designed to be able to accommodate the proposed footprint, without having to build out onto Crown land. There is no permission in place to authorize this encroachment onto Crown land and a previous coastal works application, for proposed works similar to that which has been constructed, was refused permission on 7 September 2020.

The DoE would advise caution regarding the determination of this application as the unauthorised filling of the seabed and construction of seawalls at this site is currently the

subject of a case before the Court. As the wall is already built we would see no logical reason to make a determination of this application prior to the other issues surrounding this being resolved.

As the proposed setbacks are based on a shoreline position which has not been approved, it would also appear unlawful to grant approval for this modification at this time. This application should be held in abeyance pending the outcome of the case before the Court.

For the reasons outlined in this review, the Department does not support the proposed modifications and variance in the coastal setback.

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

Department of Environment #2

I am writing in order to raise concerns regarding the planning application made recently by Baer Development Ltd. for modifications to the site of the Allure Development on parcel 22E/527 (P21-1239). It would be greatly appreciated if this email could also be shared with the Chairman of the CPA.

*Our concerns with this application lie with the fact that the seawall for the development has been built (although this application is not shown as being 'after the fact') in a position not in line with approved plans and extending outside of the surveyed mean high water mark, making the works unlawful in the absence of a Coastal Works Permit issued by Cabinet. As such this matter is **currently the subject of a case before the Courts** to be heard on the **28 and 29 of March 2022**.*

The areas which were previously undeveloped coastline (as shown as the red hatched area in figure 1 below) are seaward of the MHW and are therefore Crown-owned seabed. As figure 2 shows, the seawall has been constructed beyond the property boundary and on Crown land. The applicant sought coastal works permission to fill in the seabed and construct the wall, in a similar position as shown in Figure 2. This application was refused coastal works permission by Cabinet on 7 September 2020. Subsequently the applicant sought planning permission for the wall extending over Crown property – this application was refused by the CPA at its on 16 Sept 2020. The CPA decision included a condition to require the applicant to 'Remove Areas 1 and 2 from the site plan and this includes the portion of the retaining wall running through Area 2', where the wall is now built. The area of Crown owned seabed that has been impacted by the unauthorised works amount to 183 sq. ft. and 263 sq. ft. in area 1 and 2 respectively.

Following our discussion with the DPP on this matter, and to reiterate our comments provided in our review of this application sent to the Department of Planning, the DoE would advise caution regarding the determination of this application as the unauthorised filling of the seabed and construction of seawalls at this site should have been the subject of Coastal Works permission granted by Cabinet. As the wall is already built we can see no logical reason to make a determination of this application prior to the other issues surrounding it being resolved. Additionally, as the proposed setbacks are based on a

shoreline position which has not been approved, it would appear unlawful to grant approval for this modification at this time.

We therefore strongly recommend and request that this application be held in abeyance pending the outcome of the case before the Court.



Figure 1: 2018 aerial imagery showing the areas of the site enclosed by the seawalls outlined in red which was previously outside of the blue MHW (Source: LIS 2018)



Figure 2: Dec. 2021 aerial imagery showing the areas of the site enclosed by the seawalls outlined in red which was previously outside of the blue MHW (Source: DOE Dec. 2021)

Please do let us know whether you have any questions or require further clarification.

PLANNING DEPARTMENT ANALYSIS

General

The application is for the modification of planning permission.

Zoning

The property is zone Medium Density Residential.

Specific Issues

1) WWTP setbacks

Regulation 9(7)(i) of the Development & Planning Regulations (2021 Revision) states “the minimum front setback is 20 feet.” The proposed WWTP is to be relocated and would be 0’-0” from the southern front boundary. Regulation 9(7)(j) states “the minimum side setback is 10 feet for a building of one story.” The proposed relocation of the WWTP would be 2’-5” from the southern side boundary a difference of 7’-7”.

The plant was previously proposed under the parking area and complied with required setbacks.

2) HWM setbacks

The pool and cabana were previously approved with 18' 6" and 30' 7" HWM setbacks, respectively. The proposed plans would reduce those setbacks to 13' 11" and 17' 11".

2.8 CORY STRANDER (RJDA) Block 49C Parcel 46 (P21-0944) (\$660,000) (JP)

Application for a restaurant, bar, cabana, pool and parking lot.

FACTS

| | |
|-------------------------------------|------------------------------|
| <i>Location</i> | North Side Road, North Side |
| <i>Zoning</i> | LDR |
| <i>Notification result</i> | No objectors |
| <i>Parcel size proposed</i> | 4.14 ac. (180,338.4 sq. ft.) |
| <i>Current use</i> | Ruinous/construction |
| <i>Proposed building size</i> | 10,046.9 sq. ft. |
| <i>Total building site coverage</i> | 10.99% |
| <i>Required parking</i> | 48 |
| <i>Proposed parking</i> | 35 (15 on site; 20 off-site) |

BACKGROUND

CE15-0070 – Ruinous condition of building – Maintenance of Land notice issued January 20th 2016.

CE17-0116 – modification to structure without a permit – file closed

CE18-0190 – modification without Planning Permission – forwarded to Director

CE19-0018 – renovations to building without planning permission and a permit – file closed

July 11, 2018 (**Administrative Approval**) - Modify roof and exterior façade (P18-0515)

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

February 5, 2020 (CPA/03/20; Item 2.8) (P19-0415 and P19-0889) The Authority resolved to adjourn the subject application to invite the applicant to appear before them to discuss details of the application.

March 4, 2020 (CPA/05/20; Item 2.5) (P19-0415 and P19-0889) The Authority resolved to adjourn the application to re-invite the applicant to appear before them to discuss concerns with the application.

June 24, 2020 (CPA/10/20; Item 2.4) (P19-0415 and P19-0889) The Authority resolved to adjourn the application for the following reasons:

- 1) Within 60 days of the date of this decision the applicant shall provide detailed plans that clearly indicate the intended usage of the building.
- 2) The applicant is advised that there can be no construction activity on site until planning permission has been granted and the necessary permits have been issued.

October 14, 2020 (CPA/17/20; Item 2.3) (P19-0415) The Authority refused Planning Permission for an after-the-fact balcony, attached gazebos, and front façade renovations for the following reason:

- 1) The applicant has not provided sufficient information in order for the Authority to determine what type of development is proposed and this is after repeated attempts to obtain that information from the applicant. Additionally, the Authority is unable to determine how many parking spaces are required because the Authority is unclear as to what type of development is actually being proposed. It is also noted that no parking is being proposed on site and Regulation 8(1) does not allow for off-site parking in the Low Density Residential zone.

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

- 1) Suitability
- 2) Encroachment of new works into High Water Mark setback (38' to 55' 11" v 75')
- 3) Off-site parking

AGENCY COMMENTS

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

Water Authority

Please be advised that the Water Authority's requirements for this development have been determined based on the understanding that the parcels in question are to be combined. Requirements for proposed are as follows:

Wastewater Treatment and Disposal

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

- *The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed***

system shall have a treatment capacity of at least 4,261 US gallons per day (gpd), based on the following calculations.

| BUILDING | UNITS/BLDG | GPD/UNIT | GPD/BLDG |
|-----------------|-------------------|--------------------------------------|--------------------|
| Hotel Rooms | 11 x Bedrooms | 100gpd/Room | 1,100 |
| Restaurant | 1,548 sq. ft. | 1,648 x 1.8 (restaurant factor 1) | 2,786.4 |
| Bar | 195 sq. ft. | 195 x 1.0 (bar factor) | 195 |
| TOTAL | | | 4,081.4 GPD |

- *Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'7" 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.*

Grease Interceptor Required

A grease interceptor with a minimum capacity of 1,548 US gallons is required to pre-treat flows from kitchen fixtures and equipment with grease-laden waste; e.g., pot sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the ATU.

Water Supply

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

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837 without delay to be advised of the site-specific requirements for connection to the public water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and*

Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following

- *link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>.*

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

National Roads Authority

Road Capacity Issues

The traffic demand to be generated by a development of 11 room hotel and 80 seat restaurant has been assessed in accordance with ITE Code 330 and 931 respectively. The anticipated traffic to be added onto Smith Road is as follows:

| <i>Expected Daily Trip</i> | <i>AM Peak Hour Total Traffic</i> | <i>AM Peak In</i> | <i>AM Peak Out</i> | <i>PM Peak Hour Total Traffic</i> | <i>PM Peak In</i> | <i>PM Peak Out</i> | <i>Pass-By</i> |
|-----------------------------------|--|--------------------------|---------------------------|--|--------------------------|---------------------------|-----------------------|
| <i>148</i> | <i>4</i> | <i>3</i> | <i>1</i> | <i>5</i> | <i>2</i> | <i>3</i> | <i>N/A</i> |
| <i>229</i> | <i>2</i> | <i>N/A</i> | <i>2</i> | <i>21</i> | <i>8</i> | <i>4</i> | <i>9</i> |

Access and Traffic Management Issues

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

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

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 North Side Road, within the property boundary, to NRA standards.

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

Stormwater Management Issues

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

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

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

- *The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- *Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto North Side 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%20Details.pdf>*

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

No comments received.

Fire Department

Please note, this development requires a Fire Well and a Fire Hydrant. Chapter 6 of the 1994 Standard Fire Prevention Code, Section 603.1.3 Fire Hydrants: 603.1.3.1 states: Approved fire hydrants shall be provided for buildings to meet the necessary fire flow requirements as determined by the fire official. Location of both shall be depicted on the site drawings.

Department of Environment (NCC)

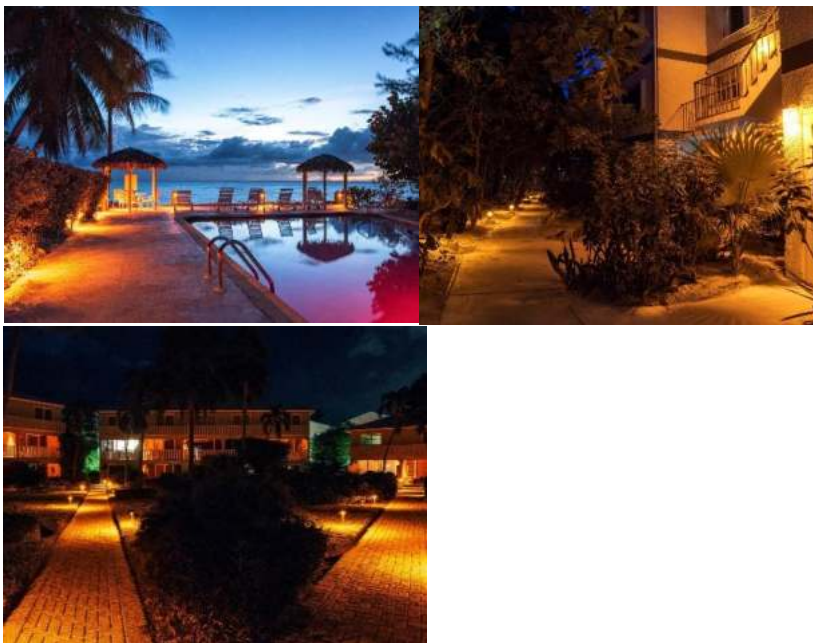
This review is provided by the Director of the Department of Environment under delegated

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

The beach of the subject parcel is a turtle nesting beach. All marine turtle species are listed in Part 1 of Schedule 1 to the National Conservation Act, 2013, as being 'protected at all times' in the Cayman Islands. No light installed as a part of this proposal should directly, indirectly or cumulatively illuminate the beach.

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 1-3 show examples of properties in Grand Cayman that have turtle friendly lighting installed.



Figures 1-3: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman.

The Department also notes that the proposed setbacks, of as little as 38ft from the mean high water mark, are far from meeting the required 75ft coastal setback for beach coastlines. We do not support any variance on the coastal setback.

The proposed land use of a hotel is also not in accordance with the zoning for the area and that alterations to that zoning to Hotel/Tourism could result in changes to the coastal setback requirements under the Planning Regulations. Given the climate change predictions for the region, including sea level rise and increased intensity of storm events (including storm surge), coastal setbacks should not be reduced but instead should be

treated as minimum (as prescribed in the Regulations). It is important to highlight that setbacks seek to provide protection to properties against these inevitable effects of climate change such as coastal flooding and erosion by ensuring that hard structures are not located in an area susceptible to these hazards. It appears that the size of the parcel is insufficient to allow for the development to be designed in a way that would allow the coastal setbacks to be met. For this reason, we suggest that the proposed ancillary infrastructure e.g. car parking could be relocated to the parcel on the landward side of the road. A review of historical aerial imagery for the landward parcel (49C/23) reveals that it has been cleared and impacted over the years; from an environmental and climate change resiliency perspective, this would present a more suitable location for the provision of parking areas or other infrastructure.

We, therefore, recommend the following conditions should the application be granted planning approval:

- 1) The applicant shall prepare and submit a plan to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. All lighting shall be installed in accordance with the plan, to be approved by the DoE. Guidance on developing a lighting plan can be found in the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018).*
- 2) No construction work, vehicle access, storage of equipment/ materials or other operations shall take place on the beach during turtle nesting season (1st May – 30th November yearly) without the express consent of the DoE.*
- 3) Beachside construction fencing associated with the works shall be positioned as far landward as possible to minimise impacts on the turtle nesting habitat. 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 (1st May – 30th November yearly).*
- 4) Any sand excavated during construction should be retained on-site and beach quality sand should be placed along the active beach profile. If sand is to be placed on the beach between 1st May – 30th November, the express consent of the DoE is required to ensure that sea turtles or their nests are not adversely impacted.*
- 5) If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it should be the subject of a separate consultation with the National Conservation Council.*

APPLICANT'S LETTER

Kindly accept this letter requesting a High Water Mark setback variance for a pool and parking lot. This package is a resubmission of a previous planning application (P19-0889, before CPA on June 10th, 2020) and addresses the parking concerns that the planning board raised. This previous application applied for the renovation of an existing dive hotel storm damaged and unused since hurricane Ivan. Given the footprint of the existing structure and site coverage, there was no room for parking so the application was refused and it was suggested that the applicant obtain the neighboring vacant parcel for parking.

Since then, the client has acquired the neighboring parcel of land (49C 28) to provide parking for the hotel renovation as well as amenities such as a bar, pool and cabanas.

Given the long narrow shape of the neighboring parcel (49C 28), some of the proposed structures overstep the sea and road setbacks slightly: 1. The bar and cabanas are 15' from the road where a setback of 20' is required and 2. The corner of the parking lot at the east end of the site is setback 38' from the sea where a setback of 75' is required.

Please consider this request for these variances given the following points:

1. Section 8(13)(b)(i) states that the Authority may grant a variance if “the characteristics of the proposed development are consistent with the character of the surrounding area”. Other buildings in this area and on the waterfront, including the existing hotel which this application is proposing to renovate, have breached the High Water Mark Setback by more than what’s being applied for here for the pool and parking lot setback variance.

2. Section 8(13)(b)(iii) states that the Authority may grant a variance if “the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare”. This proposed variance would not be materially detrimental and it was suggested by the CPA board that the applicant acquire this neighboring parcel for parking.

3. As per Section 8(13)(d), notification letters have been sent out to adjoining property owners regarding this setback variance and no objections have been made.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in North Side and comprises a dilapidated hotel which suffered damage during Ivan and remained untouched until recently. Additionally, neighbouring lots to the east and south-east form the application. North Side Road runs west to east with the Caribbean Sea forming the northern boundary.

The application seeks Planning Permission to use the ground floor of the existing building as a restaurant, construction of a pool and three cabanas and creation of two parking areas straddling North Side Road.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

Regulation 9(1) requires the ‘massing, scale, proportion and design’ of development in a residential zone to be consistent with ‘the architectural traditions of the islands’. Regulation 9(2) sets out particular matters the Authority should have regard to. Such as:

- Features identifying as local architecture;
- Appropriate vegetation;
- Proportion are in keeping with traditional built forms.

Regulation 9(3) identifies commercial and tourism-related development may be

permitted in suitable locations.

Members are invited to consider whether the site is appropriate for commercial/tourism-related development.

2) Encroachment of new works into High Water Mark setback (38' to 55' 11" v 75)

Regulation 8(10)(b) requires a minimum setback of 75 feet from the high water mark to all structures and buildings, including ancillary buildings, walls and structures.

The proposed construction of a bar, cabanas and retaining wall for carpark all encroach into the 75' setback to varying degrees, for example the retaining wall is sited 38' from the High Water Mark and the cabana with bar measuring 55' 11" from the High Water Mark line.

Members are invited to consider the variance letter and Department of Environment consultation response as part of their deliberations.

3) Off-site parking

The applicant is proposing 15 parking spaces on-site and 20 spaces off-site. The issue with this proposal is that Regulation 8(1) does not allow for off-site parking in a residential zone.

2.9 BONNIE DOON (Abernethy & Associates) Block 20E Parcel 87 (P21-1304) (\$15,538) (NP)

Application for proposed 12 lot raw land strata subdivision.

FACTS

| | |
|------------------------------|---|
| <i>Location</i> | Linford Pierson Highway |
| <i>Zoning</i> | LDR |
| <i>Notification Results</i> | No objectors |
| <i>Current use</i> | Vacant |
| <i>Parcel size</i> | 22.0 acres |
| <i>Parcel size required</i> | 10,000 sq. ft. for dwellings 25,000 sq. ft. for apartments |
| <i>Parcel width required</i> | 80 feet for dwellings 100 feet for apartments |
| <i>Proposed lot sizes</i> | 13,104 sq. ft. to 154,304 sq. ft. |

Recommendation: Discuss Planning Permission for the following reasons:

- 1) Intended use of lots
- 2) Applicant's request to fill the land later
- 3) Road Connection to the West

AGENCY COMMENTS

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.

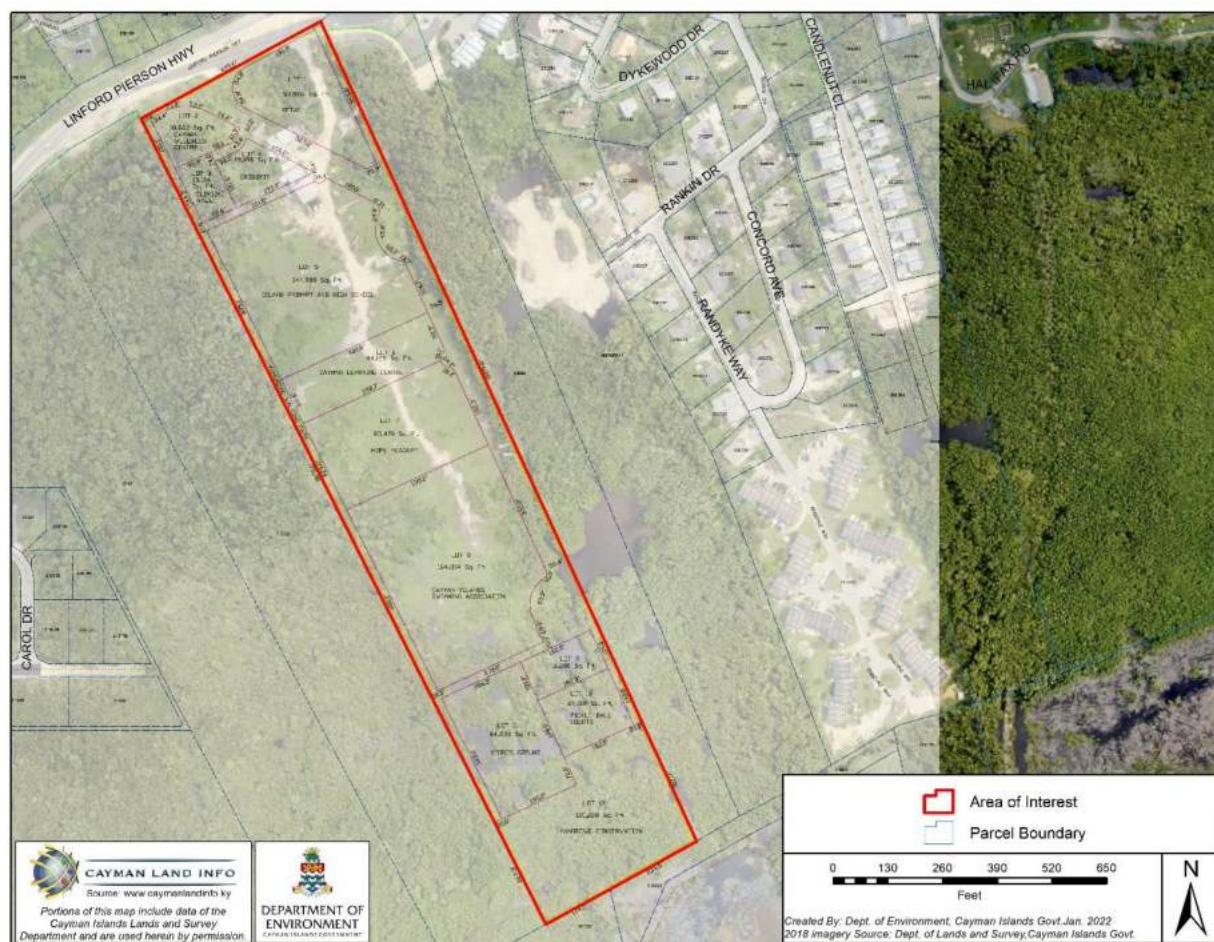
Wastewater Treatment:

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

Department of Environment

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

The application site is predominately man-modified with seasonally flooded mangroves in the southern portion of the parcel as shown in Figures 1 and 2. Mangroves are protected under Schedule 1, Part 2 of the National Conservation Act (2013), with an adopted Mangrove Conservation Plan (2020) which provides additional information.



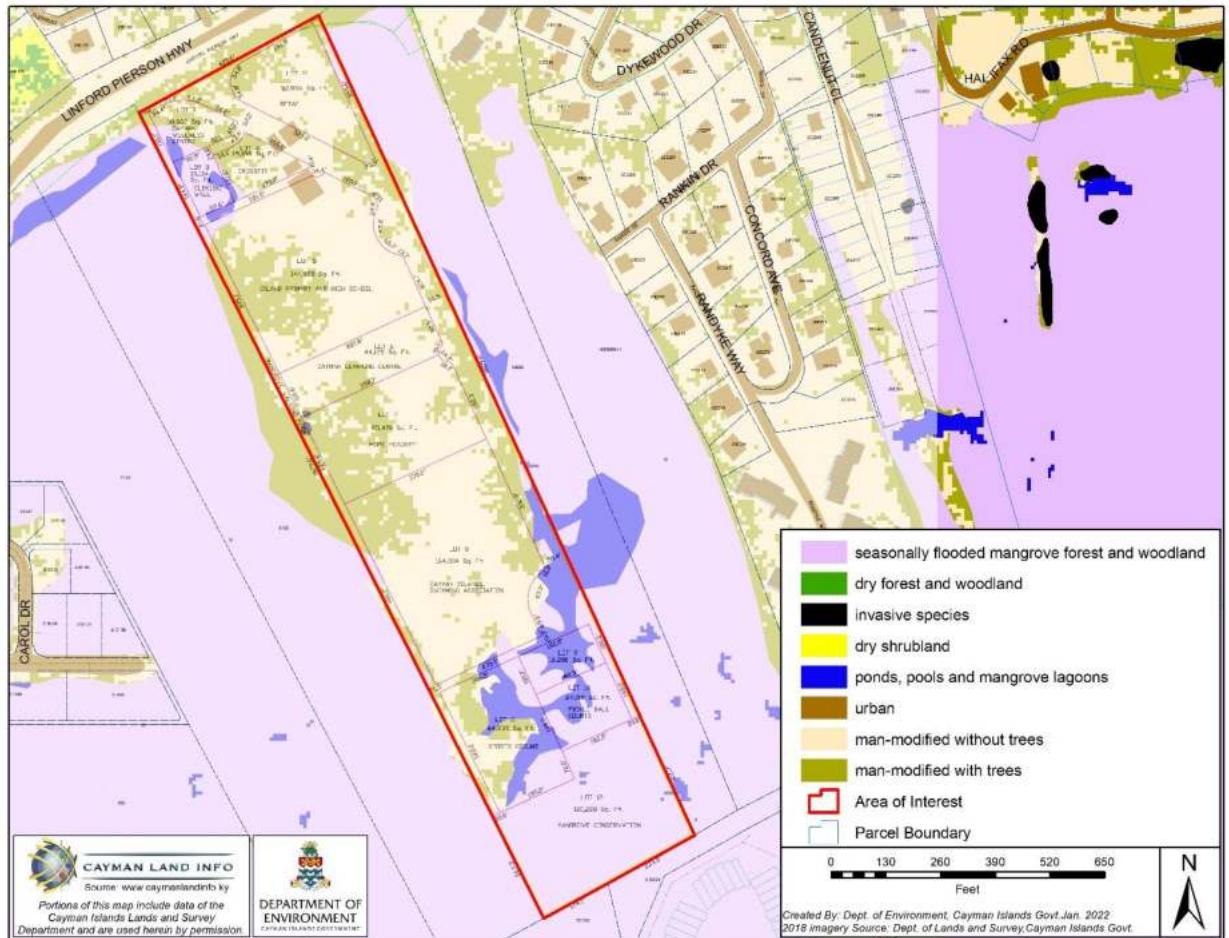


Figure 2: Showing site plan overlaid onto DOE's 2013 Habitat Map (Plan Source: Abernathy and Associates, Dec 2021)

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

Another important function of mangrove wetlands is that they are extremely effective at sequestering carbon from the atmosphere and serve as carbon sinks. The large scale removal of significant tracts of mangrove habitat reduces the island's natural carbon sequestration potential and the removal of mature vegetation and de-mucking of the site has the potential to release captured carbon back into the atmosphere.

We note that this subdivision proposal allows for the retention of the majority of the remaining primary mangrove habitat. We are therefore encouraged by this, but would also like to highlight that 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). Therefore, the remaining mangroves cannot be cleared/removed as part of this application as the plans do not depict any removal of mangrove vegetation.

It is also important to note that the site is within the south sound drainage and is low laying therefore a stormwater management plan should be developed for the subdivision as a whole instead a plan developed for each individual lot separately. Any development on the resulting lots should be the subject of a separate consultation with the National Conservation Council.

National Roads Authority

Comments had not yet been received at the time of report production.

APPLICANT'S LETTER

Enclosed please find the relevant documents relating to a 12 lot raw land strata subdivision.

The proprietors of the above parcel wish to develop this into an educational and sports facility.

There are several educational institutions, sporting associations, and sports fitness companies who have preliminary contracts with the developer pending planning permission.

We have outlined the intended end users of the strata lots on the plan.

The road access to each strata lot will be generally along the Eastern side with a walking /jogging pathway around the perimeter that will maintain much of the existing mangrove. There is also a large, proposed mangrove conservation area at the southern end of the property.

Due to the differences in intended use for each strata lot, we ask the board to postpone the requirement of filling of each strata lot until such time as a development application for each individual lot is submitted.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in George Town on the Linford Pierson Highway, west of Dykewood Drive and north of the Vela apartment complex in South Sound.

The property is currently vacant and the proposal is to create twelve new strata lots.

Proposed lot sizes range from 13,104 square feet to 164,304 square feet.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Timing of Filling the Lots

The applicant's agent has requested that the CPA defer the requirement to fill the proposed lots until such time as individual development applications are submitted for each lot.

2) Intended use of the lots

The submitted plan indicates that the lots will be used for a variety of uses including retail commercial, recreational/sports and educational. If the lots are approved now, there will be an expectation that future applications on the lots for the uses would be favourably received. As such, the Authority should carefully consider the subdivision in light of the future intended uses for this area.

3) Road Connection to the West

The Authority should consider whether a road link to the west is required at this time.

2.10 ERIC KLEIN (Johnson Design & Architecture) Block 33B Parcel 181 (P21-0997) (\$1,000,000) (EJ)

Application for five (5) bedroom house with swimming pool.

FACTS

| | |
|-------------------------------------|---------------------------|
| <i>Location</i> | Rum Point Drive |
| <i>Zoning</i> | LDR |
| <i>Notification result</i> | No objectors |
| <i>Parcel size proposed</i> | 0.65 ac. (28,314 sq. ft.) |
| <i>Parcel size required</i> | 10,000 sq. ft. |
| <i>Current use</i> | Vacant |
| <i>Proposed building size</i> | 10,942 sq. ft. |
| <i>Total building site coverage</i> | 19.95% |
| <i>Required parking</i> | 1 |
| <i>Proposed parking</i> | 4 |

BACKGROUND

June 10, 2015 (CPA/12/15; Item 2.9) - The Authority granted permission for a five-bedroom house, swimming pool and gazebo.

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

- 1) HWM Setbacks (54' and 68.4 vs 75')
- 2) Side Setback at (6.6' vs 10')
- 3) DOE's comments

AGENCY COMMENTS

Comments from the Department of Environment are provided 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 site is man-modified and was previously developed. The site is adjacent to a Marine Reserve (a Marine Protected Area under the National Conservation Act) (see Figure 1).



Figure 1. The site (blue) is adjacent to a Marine Reserve and to Sea Turtle Critical Habitat.

*In addition, based on over 20 years of DoE turtle nesting monitoring data, the beach on this site is identified as critical turtle nesting habitat in the National Conservation Council's Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may*

*occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) (issued under Section 17 (7) of the National Conservation Act (2013)). This designation of critical habitat means that adverse impacts to the habitat either have to be avoided or be able to be mitigated with the imposition of conditions of approval. It also means that the National Conservation Council is able to direct the inclusion of those conditions in any Planning Permission that may be given.*

There is an existing sea wall and the majority of the development is landward of the wall, except for the refurbishment of the stairs on the beach.

*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 stipulates** that the following conditions be imposed by the Central Planning Authority or Department of Planning, as part of any agreed proposed action for planning approval:*

- 1) All construction materials shall be stockpiled a minimum of 50 ft from the Mean High Water Mark.*
- 2) The applicant shall prepare and submit a plan for review to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. Guidance on developing a lighting plan can be found in the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <https://doe.ky/marine/turtles/tfl/>.*
- 3) Lighting shall be installed in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE. The DoE will inspect the installed lighting for compliance with the approved turtle friendly lighting plan once construction is 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) without the express consent of the DoE.*
- 6) Beachside construction fencing associated with the works shall be positioned as far landward as possible (to maximise turtle nesting habitat) and 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) Any sand that is to be excavated during construction should be retained on-site and beach quality sand should be placed along the active beach profile. If there is an excessive quantity of sand that cannot be accommodated on-site, and the*

applicant would like to move such sand offsite, it should be the subject of a separate consultation with the National Conservation Council.

*These conditions are directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources. They are also directed to prevent the 'take' of sea turtles (Part 1 Schedule 1 species of the National Conservation Act) and adverse impacts to the critical habitat of sea turtles, which is defined in the Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) (issued under Section 17 (7) of the National Conservation Act (2013)).*

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

APPLICANT'S LETTER

Kindly accept this letter requesting a High Water Mark setback variance of 6'-5" for a pool. Given that the footprint of the existing retaining wall is beyond the HWM Setback, asking for a small variance behind this structure for the pool would have almost a negligible impact during a storm surge scenario or overtime when considering beach erosion.

Please consider this request for these variances given the following points:

- 1. Section 8(13)(b)(i) states that the Authority may grant a variance if "the characteristics of the proposed development are consistent with the character of the surrounding area". Other buildings in this area and on the waterfront, have breached the High Water Mark Setback by more than what's being applied for here.*
- 2. Section 8(13)(b)(iii) states that the Authority may grant a variance if "the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare". This proposed variance would not be materially detrimental given the very small variance which is being requested.*
- 3. As per Section 8(13)(d), notification letters have been sent out to adjoining property owners regarding this setback variance and no objections have been made."*

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting permission for a five-bedroom house, swimming pool and lpg tank and generator located on Rum Point Drive.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) HWM Setback

The applicant is seeking a setback variance from the high water mark to the steps and swimming pool, proposed at 54' and 68.4 vs 75'.

2) Side Setback

The applicant is also seeking a side setback variance for the septic tank, proposed at 6.6' vs 10' from the west-side boundary. However, it appears that the septic tank location could be adjusted to meet the 10' side setback.

2.11 TAMAR THOMAS (Craftsman's Touch) Block 27E Parcel 272 Lot 5 (P21-0950) (\$350,000) (AS)

Application for an addition to a house to create a duplex.

FACTS

| | |
|---------------------------------|----------------------------|
| <i>Location</i> | Colby Drive |
| <i>Zoning</i> | LDR |
| <i>Notification result</i> | No objections |
| <i>Parcel Size Proposed</i> | .2327 acres (10,136 sq ft) |
| <i>Parcel Size Required</i> | 12,500 sq ft |
| <i>Current Use</i> | House |
| <i>Proposed Use</i> | Duplex |
| <i>Building size (existing)</i> | 1,150 sq ft |
| <i>Proposed Addition</i> | 1,364 sq ft |
| <i>Building Coverage</i> | 18% |
| <i>Proposed Parking</i> | 2 |
| <i>Required Parking</i> | 2 |

BACKGROUND

Administrative approval was granted for a house on 1st March 2019.

Recommendation: Discuss the application for the following reasons:

- 1) Minimum lot size (10,136 sq ft v 12,500 sq ft)
- 2) Architectural design

APPLICANT'S LETTER:

"With respect to our submission for an addition on block 27E parcel 272 located in Newlands we hereby request variance as follows:

- 1. Land size - where the required is 12,500 sf as per the present regulations and there is 10,135.6 sf available to the client.*

In making the application for such a variance, our client is mindful of provisions of Regulations 8 (13) of the Development and Planning Regulations, and would submit that there is sufficient reason and exceptional circumstances that would permit such setback allowance, in that:

- (i) The characteristics of the proposed development are consistent with the character of the surrounding area.*
- ii) The proposed structures will not be materially detriments to persons residing in the vicinity, to the adjacent properties, or to the neighboring public welfare.*

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 1,364 sq ft, two (2) storey addition to a three bedroom. The addition will create a duplex.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Minimum Lot Size

Regulation 9 (8) (d) states that the minimum lot size for each detached and semi-detached house is 12,500 sq. ft in a low density residential area. The subject parcel is 10,136 sq ft. in size.

It should be noted that on November 10, 2021 (CPA/23/21; item 2.11), the Authority granted approval for a house addition to create a duplex on 27E 276. The size of that

lot was 10,907 square feet.

2) Architectural design

The existing house is single storey with a hip roof. The proposed addition is two storeys with a more box like contemporary flat roof design. The Authority is asked to consider whether the two architectural styles are visually compatible.

2.12 SWADNIK LTD. (Architectural Designs) Block 28D Parcel 166 (P21-0642) (\$1,200,000) (MW)

Application for (6) unit apartment building, gazebo and pool.

FACTS

| | |
|-------------------------------------|--------------------------------|
| <i>Location</i> | Galaxy Way, Bodden Town |
| <i>Zoning</i> | Low Density Residential |
| <i>Notification result</i> | No Objectors |
| <i>Parcel size proposed</i> | 0.40 ac. (17,424 sq. ft.) |
| <i>Parcel size required</i> | 25,000 sq. ft. |
| <i>Current use</i> | Vacant |
| <i>Proposed building size</i> | 7,226 sq. ft. |
| <i>Total building site coverage</i> | 21.9% |
| <i>Allowable units</i> | 6 units |
| <i>Proposed units</i> | 6 units |
| <i>Allowable bedrooms</i> | 9 bedrooms |
| <i>Proposed bedrooms</i> | 12 bedrooms |
| <i>Required parking</i> | 9 spaces |
| <i>Proposed parking</i> | 9 spaces |

BACKGROUND

N/A

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

- 1) Suitability
- 2) Bedroom Density (12 bedrooms vs. 9 bedrooms)
- 3) Lot Size (17,424 sq. ft. vs. 25,000 sq. ft.)
- 4) Rear Setback (16'-11 ½" vs. 20'-0")

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment & Disposal

- *The developer shall provide a **septic tank(s)** with a capacity of at least **2,250 US gallons** for the proposed apartments.*
- *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 5'1" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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

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

7. A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.

Water Supply

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

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

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

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

National Roads Authority

As per your memo dated July 21st, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issue

Per section 7.1 of the NRA specifications, Driveways may be no closer to the corner of intersecting rights of way than 60% of parcel frontage or one-hundred feet (100'); whichever is less. Please have the applicant revised the site plan accordingly.

Road Capacity Issues

The traffic demand to be generated by a residential development of six (6) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Shamrock Rock is as follows:

| Expected Daily Trip | AM Peak Hour Total Traffic | AM Peak 16% In | AM Peak 84% Out | PM Peak Hour Total Traffic | PM Peak 67% In | PM Peak 33% Out |
|---------------------|----------------------------|----------------|-----------------|----------------------------|----------------|-----------------|
| 40 | 3 | 1 | 2 | 4 | 3 | 1 |

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

Access and Traffic Management Issues

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

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

A six (6) foot sidewalk shall be constructed on Shamrock Rock and Galaxy Way, within the property boundary, to NRA standards.

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

Stormwater Management Issues

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.*
- Construct a gentle ‘hump’ at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Shamrock Rock and Galaxy Way. Suggested dimensions of the ‘hump’ would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto 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 Law (2005 Revision). For the purpose of this Law, Section 16(g) defines encroachment on a road as

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

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

Department of Environmental Health

Solid Waste Facility:

DEH has no objections to the proposed in principle. This development require six (6)thirty three (33) gallon bins and an enclosure built to the department's requirements. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.

Table 1: Minimum Enclosure Dimensions

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

Swimming Pool:

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

Department of Environment (NCC)

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 notes that the majority of the subject parcel is man-modified having been cleared prior to 1999 and has since regrown. It is recommended that existing mature native vegetation should be retained where possible and incorporated into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a cost-effective and sustainable choice for landscaping.

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

Fire Department

Please Depict Proposed/Existing Fire Well Plans are not to scale at 1:20 measurements are accurate to the scale of 1:10.

APPLICANT'S LETTER

On behalf of our client, we wish to apply for a variance, in regards to proposed Apartments on Block:28B Parcel:144

This request for a variance pertains to the density, lot size and width of the parcel. The proposed apartments consist of 6 units and 12 bedrooms, where the allowable are 6 units and 9.6 bedrooms (as the lot size is 0.4 acre). Therefore, we are asking for 12 bedrooms versus the allowed 9.6 bedrooms. Which we have provided the required parking spaces for. We would note that the parcel does not meet the minimum width and lot size of 25,000 sq ft for apartments in LDR area. Nevertheless, we have met all set back requirements and still maintain a site coverage of 22% , less than 30% as required. Please further note that at present, there are currently apartments in the area on lots of a similar size, that do not meet the 25,000 sq ft. required. Also the uncovered landings for the back doors are 36" inside of the min. setback area. In reference to section 8(13) of the Development and Planning Regulations. Our proposal characteristics are consistent with that of the surrounding area. Based on the different mixtures of occupancies. All the surrounding

neighbours have been notified, and we have no objections to our proposal. Which is clearly an enhancement to the area.

We hope that the CPA will favourably consider our proposal.

PLANNING DEPARTMENT ANALYSIS

General

Application for (6) unit apartment building, gazebo and pool to be located on Galaxy Way, Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

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

(a) Detached & semi-detached houses.

(b) Duplexes

(c) In locations considered as suitable by the Authority guest houses and apartments.

An overview of the proposed site shows the surrounding area to be primarily residential homes and vacant parcels within the nearby vicinity. There are no apartments in the surrounding area south of Shamrock.

2) Bedroom Density

Regulation 9(8)(c) of the Development & Planning Regulations (2021 Revision) states *“the maximum number of apartments is fifteen per acre with a maximum of twenty-four bedrooms.”* The applicant has proposed 12 bedrooms, however calculations show the maximum number of bedrooms would be 9, a difference of 3 bedrooms.

3) Lot Size

Regulation 9(8)(f) of the Development & Planning Regulations (2021 Revision) states *“the minimum lot size for apartments is 25,000 sq. ft.”*. The proposed parcel would only be 17,424 sq. ft. (0.40 Ac.) a difference of 7,576 sq ft.

4) Rear Setback

Regulation 9(8)(i) states *“the minimum front and rear setbacks are 20 feet”*. The rear steps of the proposed apartments would be approximately 16’-11 1/2” from the rear boundary a difference of 3’-1/2”.

2.13 MEGA SYSTEMS (Whittaker & Watler) Block 14 C Parcel 346 (P21-1024) (\$717,750) (NP)

Application for proposed warehouse & office.

FACTS

| | |
|-----------------------------|--------------------------------|
| <i>Location</i> | Eclipse Drive, George Town |
| <i>Zoning</i> | General Commercial |
| <i>Notification Results</i> | No Objections |
| <i>Parcel size</i> | 13,703.9 sq ft |
| <i>Current use</i> | Vacant |
| <i>Proposed use</i> | Warehouse & Office |
| <i>Building Footprint</i> | 3,637.5 sq. ft. |
| <i>Building Area</i> | 4,785 sq. ft. |
| <i>Site Coverage</i> | 65.1 0% (building and parking) |
| <i>Parking Required</i> | 10 |
| <i>Parking Proposed</i> | 10 |

BACKGROUND

December 16, 1998 (CPA/39/98; item 7.04) – planning permission granted for a 10 lot subdivision which included the subject parcel

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

- 1) Proposed Warehouse Use in a General Commercial Zone.

AGENCY COMMENTS

Comments received to date from agencies are noted below.

National Roads Authority

As per your memo dated November 2nd, 2021 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 warehouses of 2,935 sq. ft. has been assessed in accordance with ITE Code 150 – Warehouse and offices of 1,850 sq. ft.

has been assessed in accordance with ITE Code 710 – General Office. The anticipated traffic to be added onto Eclipse Drive 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 |
|-------------------|--------------------------------|---|---------------------------|----------------------------|---|---------------------------|----------------------------|
| Warehouses | 10 | 1 | 1 | 0 | 1 | 0 | 1 |
| Offices | 20 | 3 | 3 | 0 | 3 | 1 | 2 |
| Total | 30 | 4 | 4 | 0 | 4 | 1 | 3 |

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

Access and Traffic Management Issues

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

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

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

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

Stormwater Management Issues

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

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

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

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

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

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

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

Department of Environmental Health (DEH)

The revised location of the solid waste enclosure meets the requirements of DEH.

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

Specifications for Onsite Solid Waste Enclosures

Container size 8 yd³

Width 10 ft

Depth 8 ft

Height 5.5 ft

Slab Thickness 0.5 ft

Requirements 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.

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.

Fire Department

The Fire Department has stamp approved the proposed drawings.

Water Authority Cayman

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

Wastewater Treatment & Disposal

- *The developer shall provide a **septic tank(s)** with a capacity of at least 1,750 US gallons for the proposed, based on the following calculations:*

| BUILDING | UNITS/BLDG | GPD/UNIT | GPD/BLDG | GPD |
|-----------|---------------|--|----------|-----------|
| Warehouse | 2,935 sq. ft. | 2,935 x 0.1 (warehouse factor) | 293.5 | 743.5 |
| | 3 x Toilets | 3 x 150 | 450 | |
| Office | 1,850 sq. ft. | 1,850 x 0.15 (office/retail factor) | 277.5 | 277.5 |
| TOTAL | | | | 1,021 GPD |

- *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.*

Potential High-Water Use

The plans submitted do not indicate the types of tenants to be included; therefore, the above requirements are based on low-water-use tenants; i.e., those where wastewater generation is limited to employee restrooms/breakrooms. The developer is advised that if high-water-use tenants; e.g., food service, laundry, etc., are anticipated, provision should be made at this stage by providing details so that the requirements can be adjusted accordingly. Any future change-of-use applications to allow for a high-water-use will require an upgrade of the wastewater treatment system which, depending on the use, may include in-the-ground interceptors for grease or oil-grit or lint, and depending on the volume, an upgrade to an Aerobic Treatment Unit.

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.

APPLICANT'S LETTER

On behalf of my client, I would like to request a variance for the lot size variance for the proposed project.

There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.

We are requesting a 6,296.10 Sq.Ft. lot size variance.

We are looking forward for your good office for consideration and approval of the variance request. Thank you in advance in this matter.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in George Town, near the terminus of Eclipse Drive.

The property is currently vacant.

Zoning

The property is zoned General Commercial.

Specific Issues

1) Proposed Use

Regulation 13(1)(a) lists an extensive number of permitted uses in the General Commercial zone. It is noted that a warehouse is not listed as a permitted use.

In this instance the proposed use is for a 4,785 square foot office and warehouse building. Typically warehouse developments similar to the one proposed are most appropriate in a Light Industrial or Industrial zone.

The Authority should discuss whether the proposed warehouse use is appropriate for the General Commercial zone.

2.14 M & W MANNISTO (Kariba Architecture) Block 12C Parcel 315 & 316 (P21-0835 & P21-0875) (\$62,000) (EJ)

Application to dredge and remove four (4') of muck from canal and modification to relocate boundary walls.

FACTS

| | |
|----------------------------|--|
| <i>Location</i> | Canal Point Road & Banana Quay |
| <i>Zoning</i> | LDR |
| <i>Notice requirements</i> | No objectors |
| <i>Parcel size</i> | 1.02 AC/ 44,544 sq. ft. |
| <i>Current use</i> | House and Pool etc. |
| <i>Proposed use</i> | Demucking of canal & modification to approve wall. |

BACKGROUND

November 10, 2021 (CPA/23/21; Item 2.25) - The Authority adjourned the application to modify planning permission for the wall in order that the applicant to liaise with CUC and obtain written comments from that agency as to the preferred location of the wall.

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

- 1) Dredging of canal
- 2) Modification for fence/wall

AGENCY COMMENTS

Comments from the Department of Environment (NCC) are noted below.

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 area marked on plans as mangrove to be retained must not be impacted by the works. Mangroves are protected under the Species Conservation Plan for Mangroves (2020) in accordance with the National Conservation Act (2013). With guidance, mangroves can be trimmed to give vistas without causing severe injury to or killing mangroves. Should the applicant wish to trim the mangroves to give a view of the canal, it must be done in accordance with the Department of Environment's Mangrove Trimming Guidelines (www.doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/). Best management practices should be adhered to during the dredging works to reduce impacts to the canal and the surrounding water bodies; these include but are not limited to:

- *Any stockpiled materials should be kept as far as possible away from the canal edge to reduce the possibility of rainwater runoff washing material into the canal;*
- *Any stockpiled materials should be kept contained in a bermed containment area to prevent the runoff of loose material into the canal;*
- *Permission should be sought from the neighboring properties that will be impacted by the closure of access to the canal during the works as well as the owner of the canal parcel itself;*
- *The area of dredging shall be fully enclosed with silt screens with a 4-ft minimum skirt depth to contain any sedimentation or debris arising from the dredging as depicted by the submitted site plan;*
- *The silt screens shall remain in place until the water contained inside the screens has cleared to the same appearance as the water immediately outside of the screens.*

APPLICANT'S LETTER

DREDGING CANAL

"We would like to ask the CPA to consider the dredging application for a portion of a private canal to Block 12C 315.

The applicant would like to restore this section of the canal to its original state by removing approximately 4' of muck that has settled at the bottom of the canal since it was originally dredged. This material will be removed offsite once it has dried.

The operations plan is attached to this application which outlines the proposed method and duration. Drawing A1-00D depicts the area of the canal that the applicant would like to dredge."

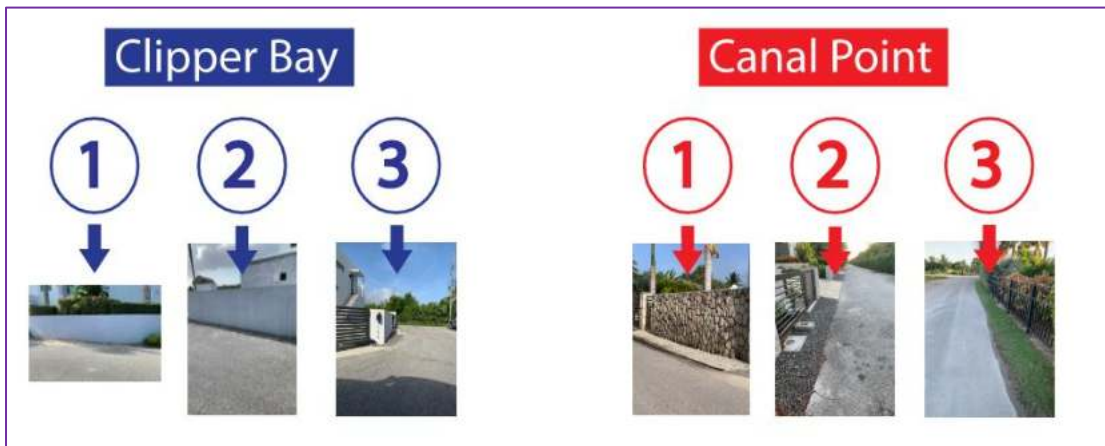
BOUNDARY WALL

"This planning modification is to relocate the position of the boundary walls on Block 12C, parcels 315 and 316 which front Canal Point Road and Banana Quay.

The reason for the modification is to ensure that the column footings do not conflict with the existing CUC utility line that runs within the property boundary; this is shown in a red dashed line on the attached site plan (A1-01). In addition to this, the wall has been setback further from the property boundary of the road corner to avoid the existing telephone vault whilst improving the visibility for vehicles.

In order to avoid the utility lines, the proposed location for the outside face of the wall columns is 1'-0" from the property boundary, which is approximately 3'-0" from the edge of the asphalt road surface. The aluminum railings centered between the columns will be 2'-0" from the property boundary, as depicted on 3/A2-07. This relocation will not only avoid any conflict with the existing underground utilities and will also match the location

of the existing trash enclosure wall on 12C 315, and other properties on Canal Point Road and the neighboring Clipper Bay. Images of these are attached to this letter.”



PLANNING DEPARTMENT ANALYSIS

General

Application to remove four (4') of muck from canal and modification to relocate boundary walls.

Zoning

The land is zoned Low Density Residential.

Specific Issues

1) Dredge and Demuck canal

As proposed, the applicant is seeking permission to dredge a portion of a private canal to 12C-315 and to remove approximately 4' of muck that has settled at the bottom of the canal since it was originally dredged on 12C-218REM7.

2) Modification to Relocate Wall

As mentioned, on August 19, 2020 (CPA/13/20; Item 2.10) the Authority granted permission with condition (1) the applicant shall submit a revised site plan showing

the 5' wall along Canal Point Drive setback a minimum of 2' from the property boundary. Now the applicant is seeking a modification to relocate the boundary walls on Block 12C Parcels 315 and 316 which front Canal Point Road and Banana Quay in order to ensure column footings does not conflict with any existing public utility lines. The wall setback would be less than 2' in some instances.

SUPPLEMENTARY ANALYSIS

November 10, 2021 (CPA/23/21; Item 2.25) - The Authority adjourned the application to modify planning permission for the wall in order that the applicant can liaise with CUC and obtain written comments from that agency as to the preferred location of the wall.

CUC has submitted the following letter:

Following the adjournment of the boundary wall planning modification application, P21-0875, CUC have reviewed the placement of the boundary walls and can confirm that the proposed boundary walls and footings do not conflict with CUC's underground utility lines. Therefore we have no objection to the planning modification, P21-0875.

If you would like to discuss this further, please contact me using the below email address.

2.15 MIKE FULLERTON (GMJ Home Plans Ltd) Block 12C Parcel 402 (P21-0824) (\$20,000) (EJ)

Application for a 3' 6" concrete and timber wall.

FACTS

| | |
|-----------------------------|--|
| <i>Location</i> | Andrew Drive & Diamond Lane |
| <i>Zoning</i> | LDR |
| <i>Notice result</i> | No objectors |
| <i>Parcel size proposed</i> | 0.3336 ac. (14,531 sq. ft.) |
| <i>Parcel size required</i> | 12,500 sq. ft. |
| <i>Current use</i> | Duplex, Pools, LPG Tanks and Trellises |

BACKGROUND

October 9, 2019 (CPA/21/19; Item 2.21) – The Authority granted permission for a duplex, two swimming pools, lpg tanks and trellises and 6' tall timber fence.

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

- 1) Road setback (2.2' vs 4')

AGENCY COMMENTS

Comments from the National Roads Authority are noted below.

National Roads Authority

"The NRA has no objections or concerns' regarding the above proposed wall as it is located on a road classified as an Access Road.

However, the NRA requests that the CPA require the applicant to set back the wall 3 to 4 feet to allow for a pedestrian foot path. Additionally, reducing the height of the proposed wall (which is 3 ½ ft) would enhance sightline for vehicles existing the subject parcel."

PLANNING DEPARTMENT ANALYSIS

General

On October 9, 2019 (CPA/21/19; Item 2.21) - The Authority granted permission for a duplex, two swimming pools, lpg tanks and trellises and 6' tall timber fence; with condition 1) requiring the applicant to revise the site plan showing the fence along the common

boundary with parcel 401 with a maximum height of 3' 6" for the first 10' from Andrew Drive.

The applicant is now seeking permission for a proposed 3.6' concrete and timber wall located along Diamond Lane and Andrew Drive in Snug Harbour.

Zoning

The property is zoned Low Density Residential

Specific Issues

1) Road Setbacks

As noted on the site plan, the 3'-6" in height wall is setback 2.2' from Diamond Lane property line along the entire perimeter except where the approved driveway exists and extends to the corner of Andrews Drive approximately 20'; therefore, the Authority is asked to consider the proposed setback and any concerns with any visibility; bearing in mind regulation 8(18).

Additionally, the approved garbage enclosure is now proposed at the same 2.2' from both Andrew Drive & Diamond Lane.

2.16 JASON GAUTREAU (MKS Design) Block 9A Parcel 339 (P21-1346) (\$80,000) (NP)

Proposed pool and bathroom/storage building.

FACTS

| | |
|-----------------------------|------------------------------------|
| <i>Location</i> | Bonneville Drive |
| <i>Zoning</i> | LDR |
| <i>Notification result</i> | No Objectors |
| <i>Parcel size proposed</i> | 0.29 ac. (12,632.4 sq. ft.) |
| <i>Parcel size required</i> | 10,000 sq. ft. |
| <i>Current use</i> | Detached dwelling |
| <i>Proposed Use</i> | Pool and bathroom/storage building |

BACKGROUND

November 10, 2021 (CPA/23/21; Item 2.18) – planning permission was granted for a pool with a rear setback of 13'8".

The CPA also required the bathroom/storage building to maintain the required 20' rear setback.

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

- 1) Rear setback to Bathroom/Storage Room (15'10" vs 20')
- 2) Road setbacks (17'8" & 10' vs 20')

APPLICANTS LETTER

We are seeking Planning approval for a proposed pool and bathroom as per site plan submitted, on the basis that the proposed structure meets the Development and Planning Regulations (2017 Revisions) Section 8 (11) criteria.

We are also seeking a setback variance for pool of 13'-8" from the rear boundary (vs. 20'), 17'-8" from road for pool and 10'-0" for deck (vs. 20') and 15'-10" for bath house (vs. 20') from rear boundary.

The pool was previously approved with the 13'-8" rear setback but the owner has decided to lengthen pool to 46'.

We feel that having the Department grant the requested setback variance will not be materially detrimental as noted under section 8 (13) in the Development and Planning Regulations: 8. (13) (b) (i) the characteristic of the proposed development are consistent with the character of the surrounding area; 8. (13) (b) (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is proposing to construct a new pool as well as a bathroom/storage building.

The subject parcel has frontage on both Bonneville Drive and Glade Drive. Therefore there are requirements for a 20 foot setback on the front, rear, and side boundaries.

The previous CPA approval granted planning permission for a 13'8" rear setback to the pool.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Rear setback

The proposed rear setback for the bathroom/storage building is 15' 10" whereas 20' is required.

The previous request for a reduced rear setback for the proposed building was not approved by the CPA on November 10, 2021.

2) Road setback

The proposed pool has a road setback of 17' 8" and the deck has a 10' setback whereas 20' is required. The original design complied with the required setback.

2.17 ANTHONY POWELL (Eric Cronier) Block 55A Parcel 52REM3 (P21-1312) (\$400,000) (JP)

Application for 11 lot subdivision (10 x property parcels and 1 road parcel).

FACTS

| | |
|-----------------------------|----------------------------|
| <i>Location</i> | Mastic Road, East Interior |
| <i>Zoning</i> | LDR |
| <i>Notification result</i> | No objectors |
| <i>Parcel size proposed</i> | 17.9 ac. (779,724 sq. ft.) |
| <i>Parcel size required</i> | 10,000 sq. ft. |
| <i>Current use</i> | Vacant |

BACKGROUND

November 29, 1989 (**CPA/32/89; Item 3.5**) - The Authority granted planning permission for subdivision and lake.

June 7, 2000 (**CPA/19/00; Item 8.02**) - The Authority resolved to issue an Enforcement Notice for the unauthorized removal of aggregate from the site.

September 27, 2000 (**CPA/32/00; Item 3.02**) - The Authority granted planning permission for a 45,550 cubic yard excavation (33,550 cubic yards to be removed from site).

April 10, 2002 (**CPA/08/02; Item 5.15(C)**) - The Authority resolved to grant planning permission for an after-the-fact modification to an excavation.

October 15, 2003 (**CPA/29/03; Item 3.09**) - The Authority resolved to modify planning permission CPA/32/00; Item 3.02 to allow the excavation and fill areas as shown on the topographical survey dated May 6, 2003. The total remaining excavated material shall not exceed 4,000 cubic yards.

June 1, 2011 (**CE09-0023**) - An enforcement notice was issued for an illegal excavation and removal of fill.

January 18th, 2012 (**CPA/02/12; item 2.4**) – application for after-the-fact excavation approved

September 30th, 2020 (**Administrative Approval**) – application for a duplex approved

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

- 1) Lot width (30' v 80')

AGENCY COMMENTS

Comments from the Water Authority, National Roads Authority, and Department of

Environment (NCC) are noted below.

Water Authority

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

Water Supply

- *Please be advised that connection of the proposed development to the Water Authority's piped water supply system will require an extension. It is the policy of the Water Authority – Cayman to extend water distribution lines in public roads for the first 100 feet from the main road at no cost to the owner. Extensions exceeding 100ft from the main road on public roads and extensions in non-public areas are done at the owner's expense. The timing of any pipeline extension is at the sole discretion of the Water Authority.*
- *The developer is required to notify the Water Authority's Engineering Department at 949-2837, without delay, to be advised of the timing of the extension and the site-specific requirements for connection.*

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.*

National Roads Authority

We are trying to figure out if the applicant will need to provide guardrail or some type of barrier or will just need a ledge with a 1 in 3 slope; therefore; could the applicant please provide the pond depths, specifically the areas of pond immediately adjacent to Lot 9 and end of Lot 'R'.

Department of Environment (NCC)

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 has no objections to the proposed subdivision as the area is predominantly man-modified. In order to preserve water quality within the lake, any future developments within the subdivision should be designed to direct surface water runoff away from the lake. In addition, measures such as the creation of a berm and retention or creation of a vegetated buffer should also be implemented to reduce the impact of surface water runoff to the lake. Any future proposed developments around the lake should be the subject of separate consultation with the NCC.

APPLICANT'S LETTER

On behalf of our client, who is the proprietor for the captioned parcel, we hereby apply for a variance to allow the proposed sub-division to be approved as submitted.

Although some areas of the parcel widths are less than 80', the average lot width exceeds the minimum 80 ft.

We therefore kindly request your approval as it relates to Section 8 (13) of the Development and Planning Regulations (2018 Revision), the application can be considered for approval, since subsection (b) (iii) states that "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."

PLANNING DEPARTMENT ANALYSIS

General

The application site comprises excavated land which has filled with water. Vacant lots surround the site.

The application seeks Planning Permission to subdivide the land into 11 lots (10 property lots and 1 road parcel)

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot width (30' v 80')

Proposed Lots 8 and 9 are "island" lots. Part of lot 9 is essentially a 30' access way leading to the newly proposed subdivision road. Lot 8 will have an easement over the road portion of Lot 9. Lot 9 is 30' wide at its narrowest and Regulation 9(8)(g) requires a minimum lot width of 80', therefore a variance is required.

2) Infrastructure

As noted in item 1), lot 8 will have an easement over the road portion of lot 9. If the subdivision is approved, conditions will have to be included to ensure that the access road over lot 9 leading to lot 8 is constructed to NRA standards and that a piped water supply is installed leading to lot 8.

2.18 KIRKCONNELL HOLDINGS LTD (Kariba Architecture) Block 13D Parcels 414 & 415 and Block 13EH Parcels 60, 70 & 76 (P21-1050) (\$150,000) (NP)

Application for proposed modification of planning permission to delete condition 2) which required the screening of the existing fence on Eastern Ave.

FACTS

| | |
|-----------------------------|---|
| <i>Location</i> | Corner of Eastern Avenue & Bodden Road in George Town |
| <i>Zoning</i> | General Commercial |
| <i>Notification Result</i> | No Objectors |
| <i>Parcel size</i> | 4.0 acres |
| <i>Parcel size required</i> | 20,00 sq. ft. |
| <i>Current use</i> | Unpaved Parking Lot & Storage Building |
| <i>Proposed use</i> | Paved Parking Lot |

BACKGROUND

December 8, 2021 – (CPA/25/21; Item 2.13) – Planning permission was granted to pave a parking area and a gate subject to NRA approval of a stormwater management plan as well as the screening of the existing fence along Eastern Avenue.

Recommendation: Discuss the application for the following reason:

- 1) The applicant's request to delete condition 2) which requires the screening of the existing fence on Eastern Ave.

APPLICANT'S LETTER

Please accept this letter as client feedback on the planning conditions as issued by the Central Planning Authority on the 21st of December 2021.

Item 2 states: The applicant shall screen the existing Eastern Avenue fence.

The client does not wish to screen the existing Eastern Avenue fence and would like the Central Planning Authority to reconsider this condition. Please see items to be considered below:

- *The required screen will degrade and be subject to repairs on a regular. The repairs, maintenance and upkeep of this screen will incur the client additional operating expenses.*
- *In the event of any storm or high wind weather event, the screening might be damaged and cause more damage to the fence due to acting as a wind barrier. This will incur the*

client additional operating expenses. Such costs are not recoverable from an insurance claim.

- The client believes there is a benefit for their patrons passing the receiving yard on Eastern Avenue able to note the availability and extent of the materials currently in stock.*
- Along Eastern Avenue there are numerous other existing commercial operations with similar fencing arrangements with no screening.*
- The client's main competitor has a similarly open and exposed contractor's yard, which does not have any screening.*
- The receiving yard has operated for over 30 years without any such screening.*

We trust this provides enough information for the reconsideration of the current planning conditions and look forward to hearing from you. Please do not hesitate to contact us with any queries, we will be happy to meet and discuss the changes if you feel this might assist your review.

AGENCY COMMENT

Agency comments received to date are provided below:

Department of Environment

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

PLANNING DEPARTMENT ANALYSIS

General

The subject properties are located at the northwest corner of Eastern Avenue and Bodden Road.

Specific Issues

1) Screening of the fence

The Authority required the applicant to screen the existing Eastern Avenue fencing as a condition of approval.

The applicant has provided a letter stating why they would not like to adhere to this condition and request that it be removed.

The Authority should discuss the request to remove the screening of the Eastern Avenue fence.

2.19 PHOENIX LTD. (CGMJ) Block 20D Parcel 451 (P21-1189) (\$1.2 million) (NP)

Application for proposed office and storage building.

FACTS

| | |
|-----------------------------|--------------------------------|
| <i>Location</i> | Linford Pierson Highway, GT |
| <i>Zoning</i> | Low Density Residential |
| <i>Notice Requirements</i> | No objectors |
| <i>Parcel size</i> | 40,780.9 sq ft |
| <i>Parcel size required</i> | CPA Discretion |
| <i>Current use</i> | Vacant |
| <i>Proposed use</i> | Office & Storage building |

Recommendation: Discuss planning permission for the following reasons:

- 1) Suitability for the proposed use
- 2) Department of Environmental Health Comments
- 3) NRA comments
- 4) Proposed Height of Fence (10' 6")

AGENCY COMMENTS

The following agency comments have been received to date.

National Roads Authority

As per your memo dated November 17th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

The Linford Pierson Highway (LPH) is classified as a Primary Arterial Roadway with a posted speed limit of 40 miles per hour. The roadway was widened to four (4) lane divided arterial with a raised median of 38 feet in width in 2017/2018. A breakdown / bicycle lane is also a feature of the roadway. The roadway was constructed with the possibility of widening to six (6) in the future when traffic volumes will warrant it. In 2016, the average weekly daily traffic volumes along that section of LPH was about 16,725 vehicles per day (wpd); in 2019, traffic volumes had increased to about 23,250 vpd.

*A deceleration lane needs to be constructed along the LPH to gain proper access into the site. Typically for the Linford Pierson Highway, which has a posted speed limit of forty (40) MPH, a length of 325 feet with a 15:1 taper at the end of the deceleration lane would be required. Since the subject lands only has a road frontage of about 148 feet, the taper lane shall begin from the southwest corner of the property and transition to a full lane width of 12 feet at the proposed driveway which will take place within the property. Please have applicant revise the site plan to illustrate the required taper lane **within the property***

along with a revised alignment of the proposed four (4) foot high wall. Note that new Type F-curbing along the roadway will be required.

Department of Environment

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

The application site is man-modified with limited ecological value. Nonetheless, it is recommended to plant native vegetation where possible and incorporate it into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a cost-effective and sustainable choice for landscaping.

Fire Department

The Fire Department has yet to provide comments.

Water Authority Cayman

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

Wastewater Treatment & Disposal

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

| BUILDING & UNITS | | GPD/UNIT | GPD |
|-----------------------------|---------------|--|------------------|
| Storage | 4,400 sq. ft. | 4,400 x 0.10 (storage factor) | 440 |
| Office | 2,316 sq. ft. | 2,316 x 0.15 (office/retail factor) | 347.4 |
| TOTAL | | | 787.4 GPD |

- *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 4'9" 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.

Potential High-Water Use

The plans submitted do not indicate the types of tenants to be included; therefore, the above requirements are based on low-water-use tenants; i.e., those where wastewater generation is limited to employee restrooms/breakrooms. The developer is advised that if high-water-use tenants; e.g., food service, laundry, etc., are anticipated, provision should be made at this stage by providing details so that the requirements can be adjusted accordingly. Any future change-of-use applications to allow for a high-water-use will require an upgrade of the wastewater treatment system which, depending on the use, may include in-the-ground interceptors for grease or oil-grit or lint, and depending on the volume, an upgrade to an Aerobic Treatment Unit.

Generator and Fuel Storage Tank(s) Installation:

In the event underground fuel storage tanks (USTs) are used the Authority requires the developer to install monitoring wells for the USTs. The exact number and location(s) of the monitoring wells will be determined by the Authority upon receipt of a detailed site plan showing location of the UST(s) and associated piping. The monitoring wells shall comply with the standard detail of the Water Authority linked below. All monitoring wells

shall be accessible for inspection by the Authority. In the event above ground fuel storage tanks (ASTs) are used, monitoring wells will not be required.

https://www.waterauthority.ky/upimages/download/USTMonitoringWellFeb2013_1445632994.pdf

Water Supply

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

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

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

Department of Environmental Health

The location of the enclosure does not meet the requirements of DEH for the following reasons:

1. Access to the enclosure:

- a. 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.*
- b. 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.*

2. Turning radius

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

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located along the Linford Pierson Highway in George Town, immediately west of the Royal Pines apartment complex.

The applicant seeks permission to construct an office and storage building on the property.

The office use would occupy 2,316 square feet and the warehouse portion would be 4,400 square feet.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

The Authority should be satisfied that the proposed office/warehouse building is suitable in a Low Density Residential zone, as per Section 9(3) of the Regulations.

In this regard, the applicant has notified landowners within 500 feet and advertised details of the proposal in a newspaper on two occasions.

No objections have been received.

2) DEH Comments

The DEH is looking for revisions to the proposed site plan in order to accommodate solid waste vehicles.

3) NRA

This Agency is seeking revisions to the site plan for a deceleration lane to be added within the property boundary.

4) Proposed Fence Height

Staff would note that the proposed fence is 10'6" in height.

The Authority should discuss whether the height of the fence is acceptable.

2.20 KEIRON DAVIES (Abernethy & Associates) Block 31A Parcel 173 (P21-1165) (\$2,898) (MW)

Application for a two (2) lot subdivision.

FACTS

| | |
|-----------------------------|-------------------------------------|
| <i>Location</i> | Will T Rd., Bodden Town |
| <i>Zoning</i> | Low Density Residential |
| <i>Notification result</i> | No Objectors |
| <i>Parcel size proposed</i> | 0.7532 ac. (32,809.392 sq. ft.) |
| <i>Parcel size required</i> | 10,000 sq. ft. |
| <i>Current use</i> | Existing Residence with Pool & Deck |

BACKGROUND

August 7, 2020 – a two (2) lot subdivision was approved which created Parcels 172 and 173

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

- 1) ROW Access

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment:

The existing building on the parcel is currently served by a septic tank. The Water Authority advises that all wastewater infrastructure, including septic tanks and deep wells, must be contained within the boundaries of the parcel on which the building stands.

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

Water Supply:

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

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

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

National Roads Authority

As per your memo November 10th, 2021 the NRA has reviewed the above-mentioned planning proposal.

The driveway shall be a minimum of twenty-four (24) ft. wide to provide proper access to lots 2 and 31A 172.

Department of Environment (NCC)

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.

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for a two (2) Lot Subdivision to be located on Will T Rd., Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) ROW Access

Currently, the subject parcel is encumbered by a registered 12' V.R.O.W in favour of 31A172 which was created by the two lot subdivision approved in 2020. The Authority

needs to be satisfied that the existing 12' V.R.O.W is sufficient for the proposed house lot. It should be noted that this would be the final lot that can be created from the parent parcel. Also, NRA is recommending a 24' right-of-way, but there is not the physical space between the exiting house and the property boundary to accommodate 24'.

2.21 PROVENANCE PROPERTIES (Decco Ltd) Block 11B Parcel 94 (P21-1323) (\$10,000) (NP)

Application for proposed two signs.

FACTS

| | |
|-----------------------------|--|
| <i>Location</i> | West Bay Road/Peninsula Road Roundabout on Esterley Tibbetts Highway |
| <i>Zoning</i> | Not Zoned |
| <i>Notification Results</i> | No Objections |
| <i>Current use</i> | Roundabout |
| <i>Sign Area</i> | 2 @ 54 sq ft each |

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

- 1) Size of Signs – 54 sq ft each

AGENCY COMMENTS

The NRA was circulated and has yet to provide comments.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is the roundabout on the Esterley Tibbetts Highway (ETH) at the intersection with West Bay Road and Peninsula Road.

The property is presently vacant.

Zoning

The property is not zoned.

Specific Issues

1) Size of Proposed Signs

The proposal is for two identical signs with 54 square feet in area each. The signs would be illuminated.

The Authority should discuss the proposed area of the two signs.

2.22 ARLENE & JOLENE NELSON (Duro Architecture & Design) Block 49B Parcel 156 (P21-1107) (\$100,000) (EJ)

Application for an addition to a house to create a duplex.

FACTS

| | |
|-------------------------------------|--------------------------------------|
| <i>Location</i> | Cromwell Lane in Hutland, North Side |
| <i>Zoning</i> | NC |
| <i>Notification result</i> | None |
| <i>Parcel size proposed</i> | 0.2890 ac. (12,588 sq. ft.) |
| <i>Current use</i> | House |
| <i>Proposed building size</i> | 1,377 sq. ft. |
| <i>Total building site coverage</i> | 20.52% |

BACKGROUND

February 28, 2000 - The Authority granted permission for a two-bedroom house.

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

- 1) residential use on ground floor in the NC zone

AGENCY COMMENTS

N/A

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking permission for the addition to the house to create duplex, located on Cromwell Lane in Hutland, North Side

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) NC Zone

Regulation 13(8) states that residential development may be permitted if it is not on the ground floor. Clearly, the portion of the building being changed is on the ground floor. However, Regulation 13(10) states that notwithstanding 13(8), residential development may be permitted on any or all floors if the development is a replacement or redevelopment of an existing residential development. Since the house and house addition were previously approved, it would appear that changing a portion of the house

to a second dwelling unit to create a duplex would constitute the redevelopment of an existing residential development and therefore would be allowed on the ground floor.

2.23 NICK YOUNG (Doug Young) Block 25C Parcel 330 (P21-1352) (\$2,500) (NP)

Application for proposed land clearing.

FACTS

| | |
|-----------------------------|--------------------------------|
| <i>Location</i> | Rock Cave Drive in Red Bay |
| <i>Zoning</i> | Low Density Residential |
| <i>Notification Results</i> | No Objections |
| <i>Parcel size</i> | 12,767.4 sq. ft. |
| <i>Parcel size required</i> | 10,000 sq. ft. |
| <i>Current use</i> | Vacant |
| <i>Proposed use</i> | None |

Recommendation: Discuss the application to clear land by mechanical means in the absence of an application to develop the site.

AGENCY COMMENTS

Comments from the Department of Environment are provided 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 predominately man-modified with regrowth. The Department does **not** support the speculative clearing of land and we encourage applicants to submit proposals for land clearing along with their proposals for development as there may be varying recommendations for vegetation retention depending on the form and nature of the development being proposed.*

The trend of assumptive applications for land clearing for “future” development without the approval of the “future” development is unsustainable and a concerning precedent. This approach is extremely destructive for the natural environment as habitats are under increasing pressure. We recommend that 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 approved and is imminent to allow sites to continue to provide habitat and ecosystem services.

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.*

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on a short road off of Midsummer Drive, which is north of Shamrock Road.

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

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Timing

There is no application to develop the site and the Authority has generally been reluctant to approve the clearing of lots in this type of situation.

2.24 BARAUD DEVELOPMENT Ltd (TAG Ltd) Block 12C Parcel 266 (P21-1225) (\$2.6million) (JP)

Proposed (10) townhouses and pool

FACTS

| | |
|-----------------------------|---|
| <i>Location</i> | Canal Point Drive, West Bay Beach South |
| <i>Zoning</i> | LDR |
| <i>Notification result</i> | No objectors |
| <i>Parcel size proposed</i> | 0.93 ac. (40,532.53 sq. ft.) |
| <i>Parcel size required</i> | 25,000 sq. ft. |
| <i>Current use</i> | Vacant |

| | |
|-------------------------------------|----------------|
| <i>Proposed building size</i> | 20,265 sq. ft. |
| <i>Total building site coverage</i> | 27.05% |
| <i>Allowable units</i> | 13 |
| <i>Proposed units</i> | 10 |
| <i>Allowable bedrooms</i> | 21 |
| <i>Proposed bedrooms</i> | 30 |
| <i>Required parking</i> | 15 |
| <i>Proposed parking</i> | 24 |

BACKGROUND

September 15, 2021 (CPA/19/21; item 2.13) – application for 10 townhouses (Phase 1) and 2 lot subdivision approved

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

- 1) Suitability
- 2) Bedroom density variance (30 v 21)
- 3) Side setback variance (6' 1" v 15')
- 4) Access

AGENCY COMMENTS

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

Water Authority

Please be advised that the Water Authority approves of this developments connection to the West Bay Beach Sewerage System. Please note that the WBBSS connection for the Lotus Development shall be for the entire development. The developer is responsible for infrastructure for both lots 1 and 2.

Wastewater Treatment:

As previously indicated, the Zoeller Shark Grinder Pump Model 819 should be adequate.

As the pumping station will only serve this development, this is considered a private pump station and the operation and maintenance of the wastewater pump station will remain the responsibility of the developer/owner. However, we strongly recommend that a duplex station is used (one duty pump and one stand-by pump with automatic change-

over relay to provide redundancy) with SS guide-rails for ease of maintenance of the pumps.

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

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

Department of Environmental Health

This application is not recommended for approval for the following reason:

Solid Waste Facility:

Phase 1 and 2 of this development requires (2) 8 cubic yard container with twice per week servicing. The applicant must make provisions for the additional container and enclosure.

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.

Swimming Pool:

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

Fire Department

Stamped approved plans.

Department of Environment (NCC)

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 reiterates its previous comments that the majority of the subject parcel is predominantly man-modified habitat with some remaining seasonally flooded mangrove habitat along the parcel's northern boundary, as shown in figure 1 below. It is recommended that native vegetation, particularly the mangroves, should be retained where possible and incorporated into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a cost-effective and sustainable choice for landscaping. Mangroves are protected under the Species Conservation Plan for Mangroves (2020) in accordance with the National Conservation Act (2013). With guidance, mangroves can be trimmed to give vistas without causing severe injury to or killing mangroves. Should the applicant wish to trim the mangroves to give a view of the canal, it must be done in accordance with the Department of Environment's Mangrove Trimming Guidelines (doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/).



Figure 1: A habitat map showing the subject parcel landcover (DOE 2018).

APPLICANT'S LETTER

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

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

(1) Under Regulation 8 (13)(b)(i), the characteristics of the proposed development are consistent with the character of the surrounding area: The total area of the Lotus Phase 2 site is 0.88 acres wherein the Planning Regulation 9 (8)(c) allows us to have 13 townhouse units and 21 bedrooms. While we have exceeded by nine (9) bedrooms to the maximum allowed, we tried to make up for this excess by having our site coverage lower than the 30% maximum limit. The proposed site coverage for this development is only 27.04%. We are also proposing only 10 units instead of 13. Lastly, we provided an ample amount of extra parking spaces for the development. We are proposing 24 parking spaces instead of the required 15 parking spaces.

Under Regulation 8 (13)(b)(ii), the unusual terrain characteristics limit the site's development potential: The proposed development initially was not intended to be built in phases. However, when the client decided to subdivide the parcel, this caused the side setback variance for the Phase 2 development. The building is now only approximately 6'-

1” away from the proposed side boundary for the phase 2 development. We hope that the board will accept this setback request since this development is just a continuation of the first phase. Also, the variance only affects the Phase 1 of the same development which is also owned by our client.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located on the Seven Mile Beach Corridor with vacant land to the north and the site access road running along the south. Beyond the subdivision land an apartment complex is currently under construction with Southampton Gardens, an established apartment complex, located to the south-west.

The application seeks Planning Permission for the raw land strata subdivision into 10 lots.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

Regulation 9(8) permits apartments in suitable locations.

Members are reminded of their recent decision to approve townhouses on the neighbouring parcel.

2) Bedroom density (30 v 21)

The subdivision of the original lot has resulted in a lot size which does not support 30 bedrooms as required by Regulation 9(8)(c). For the avoidance of doubt, based on the resultant lot size of 0.88 ac, a maximum of 21 bedrooms is permissible.

3) Side setback variance (6’ 1” v 15’)

Regulation 9(8)(j) requires a minimum side setback of 15’ developments of more than one storey.

The application seeks a variance for a side setback of 6’ 1”.

Members are reminded of the recent subdivision which created this parcel. Their attention is drawn to the land east of the proposed townhouses which could accommodate re-siting of the units and thus negating the need for a setback variance.

4) Access

The proposed access arrangement requires intended occupants to traverse a separate parcel in order to access the proposed townhouses. Members are encouraged to ensure a right of way is established over the recently permitted lot 1.

2.25 BARAUD DEVELOPMENT Ltd (TAG Ltd) Block 12C Parcel 266 (P21-1228) (\$10,000) (JP)

Application for proposed ten (10) strata lot subdivision.

FACTS

| | |
|-----------------------------|---|
| <i>Location</i> | Canal Point Drive, West Bay Beach South |
| <i>Zoning</i> | LDR |
| <i>Notification result</i> | No objectors |
| <i>Parcel size proposed</i> | 0.93 ac. (40,532.53 sq. ft.) |
| <i>Parcel size required</i> | 10,000 sq. ft. |
| <i>Current use</i> | Vacant |

BACKGROUND

September 15, 2021 (CPA/19/21; item 2.13) – application for 10 townhouses (Phase 1) and 2 lot subdivision approved

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

- 1) Take into account the application for 10 townhouses in item of this Agenda

AGENCY COMMENTS

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

Water Authority

Please be advised that the Water Authority approves of this developments connection to the West Bay Beach Sewerage System. Please note that the WBBSS connection for the Lotus Development shall be for the entire development. The developer is responsible for infrastructure for both lots 1 and 2.

Wastewater Treatment:

As previously indicated, the Zoeller Shark Grinder Pump Model 819 should be adequate.

As the pumping station will only serve this development, this is considered a private pump station and the operation and maintenance of the wastewater pump station will remain the responsibility of the developer/owner. However, we strongly recommend that a duplex station is used (one duty pump and one stand-by pump with automatic change-over relay to provide redundancy) with SS guide-rails for ease of maintenance of the pumps.

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

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

Department of Environment (NCC)

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 reiterates its previous comments that the majority of the subject parcel is predominantly man-modified habitat with some remaining seasonally flooded mangrove habitat along the parcel's northern boundary, as shown in figure 1 below. It is recommended that native vegetation, particularly the mangroves, should be retained where possible and incorporated into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a cost-effective and sustainable choice for landscaping. Mangroves are protected under the Species Conservation Plan for Mangroves (2020) in accordance with the National Conservation

Act (2013). With guidance, mangroves can be trimmed to give vistas without causing severe injury to or killing mangroves. Should the applicant wish to trim the mangroves to give a view of the canal, it must be done in accordance with the Department of Environment's Mangrove Trimming Guidelines (doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/).



Figure 1: A habitat map showing the subject parcel landcover (DOE 2018).

APPLICANT'S LETTER

Further to the application submitted in relation to the above referenced Project, we hereby request for a lot size variance to a Strata Plan which requires a minimum of 7,500 sq ft per Lot per Planning Regulation 9(7)(d); lot width variance to a Strata Plan which requires a minimum of 60 ft per Lot per Planning Regulation 9(7)(g); setback variance which requires a minimum of 20 ft front & rear setbacks, and 15 ft side setback per Planning Regulation 9(7)(i) & (j).

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

- (1) Under Regulation 8 (13)(b)(i), the characteristics of the proposed development are consistent with the character of the surrounding area: The proposed townhouse development on Block 12C Parcel 266 complied with the required minimum lot size, lot width and setbacks from the property's boundary. However, as required by the Building Control Unit, townhouses must be within an individual Raw Land strata lot; which is limited to the separation wall of each unit.*

PLANNING DEPARTMENT ANALYSIS

General

The application site is located on the Seven Mile Beach Corridor with vacant land to the north and the site access road running along the south. Beyond the subdivision land an apartment complex is currently under construction with Southampton Gardens, an established apartment complex, located to the south-west.

The application seeks Planning Permission for the raw land strata subdivision into 10 lots.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

Regulation 9(8) at (d), (g), (h)-(j) sets out minimum standards.

Regulation 9(8)(ja) enables the Authority to use discretion on varying the minimum lot size, lot width, setbacks and site coverage for land strata lots which are intended to allow the conveyance of dwelling units.

Members are invited to consider the content of the variance letter.

2.26 ADRIAN BODDEN (Eric Cronier) Block 55A Parcel 308 (P21-1316) (\$3,000,000) (MW)

Application for 19 lot subdivision (17 lots & 2 remainder parcels)

FACTS

| | |
|-----------------------------|---------------------------------|
| <i>Location</i> | Off Rock Spring Dr., North Side |
| <i>Zoning</i> | Low Density Residential |
| <i>Notification result</i> | No Objectors |
| <i>Parcel size proposed</i> | 9.1 ac. (396,396 sq. ft.) |
| <i>Parcel size required</i> | 10,000 sq. ft. |
| <i>Current use</i> | Vacant |

BACKGROUND

There have been several previous phases to this overall subdivision and the current proposal appears to represent the last phase.

Recommendation: Discuss the application for the following reason:

- 1) lot widths

AGENCY COMMENTS

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

Water Authority

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

Water Supply:

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

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

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

Wastewater Treatment:

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

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

National Roads Authority

As per your memo dated December 14th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Stormwater Management Issues

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

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

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

Infrastructure Issues

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

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

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

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

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

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

Department of Environment (NCC)

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 Department reiterates its previous comments that the subject parcel consists of primary habitat classified as seasonally flooded mangrove forest and woodland on the Department's habitat mapping layer. Mangroves are protected under Schedule 1, Part 2 of the National Conservation Act (2013). **It is an offence to remove mangroves unless permission is explicitly sought to remove them either through planning permission or a National Conservation Council Section 20 permit.**

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

wetlands improve water quality by filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants.

Another important function of mangrove wetlands is that they are extremely effective at sequestering carbon from the atmosphere and serve as carbon sinks. The large scale removal of significant tracts of mangrove habitat reduces the island's natural carbon sequestration potential and the removal of mature vegetation and de-mucking of the site has the potential to release captured carbon back into the atmosphere.

We note that land clearing does not form a part of this subdivision proposal. Land clearing should be reserved until the development of the resulting subdivided lots is imminent through the granting of planning permission for development on each particular lot. This allows the primary habitat to continue to provide its ecosystem functions and allows the individual lot owners to retain as much native vegetation as possible to incorporate into their landscaping. Native vegetation is best suited for the habitat conditions of the Cayman Islands, resulting in vegetation that requires less maintenance which makes it a very cost-effective choice. Wetland vegetation in particular is useful for managing on-site stormwater management and drainage.

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). 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. 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 parcels without planning permission for such works being granted.*
- 3. Any future development, clearing, filling or excavation of the resulting subdivided parcels shall be the subject of a separate consultation with the Central Planning Authority and National Conservation Council.*

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

Fire Department

The Fire Department adhere to the 1995 (Revision) Fire Brigade Law, the 1997 Fire Code, the 1994 Standard Fire Prevention Code and all relevant NFPA Codes. At this time have no objection to the proposed and will await future development for commenting.

APPLICANT'S LETTER

On behalf of our client, who is the proprietor for the captioned parcel, we hereby apply for a variance to allow the proposed sub-division to be approved as submitted.

Although some areas of the parcel width are less than 80', the average lot width exceeds the minimum 80 ft.

We therefore kindly request your approval as it relates to Section 8(13) of the Development and Planning Regulations (2018 Revision), the application can be considered for approval, since subsection (b)(iii) states that "the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or the public welfare."

Should you have any questions or require additional information please feel free to contact us.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 19 Lot Subdivision (17 Lots & 2 Remainder parcels) to be located off Rock Spring Dr., North Side.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Width

Regulation 9(8)(g) states "*the minimum lot width for detached and semi-detached houses and duplexes is 80 feet.*" The subdivision has been designed like many subdivision with several "flag" lots. These lots have narrow road frontage which then leads to the rear and the developable area of the lot. These types of lots do require lot width variances as their road frontage falls below 80'.

2.27 HARBOUR WALK Ltd (BDCL) Block 22E Parcel 445 (P21-1289) (\$4,000) (JP)

Application for installation of signs.

FACTS

| | |
|-----------------------------|-------------------------------|
| <i>Location</i> | Edgewater Way, Prospect |
| <i>Zoning</i> | NC |
| <i>Notification result</i> | No objectors |
| <i>Parcel size proposed</i> | 3.155 ac. (137,431.8 sq. ft.) |
| <i>Current use</i> | Mixed use under construction |

BACKGROUND

June 19, 2019 (CPA/12/19; item 2.2) – application for mixed use commercial and residential development approved

Various subsequent applications, however, nothing of direct relevance.

Recommendation: Discuss the application, for the following reasons:

- 1) Roadside setback varying 3' 7" to 13' 8" v 20';
- 2) Size of sign 171 sf v 32 sf;
- 3) Height of sign 12' 6" v 12'.

AGENCY COMMENTS

National Roads Authority

As per your memo dated December 29th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Main sign/directory will affect required sightline with the driveway of Grand Harbour and Edgewater Way (a road gazetted pursuant to Section 3 of Roads Act (2005 Revision) under Boundary Plan 637 in August 2020.

PLANNING DEPARTMENT ANALYSIS

General

The application site forms the corner lot near the entrance to Hurleys.

The application seeks Planning Permission for the installation of signage.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) Roadside setback varying 3' 7" to 13' 8" v 20';

Regulation 8(8)(b) requires minimum road setbacks of 20'.

The proposed signs are sited within the road setback as follows:

Residences – 13' 8"

Offices - 12' 11"

Directory sign – 3' 7"

Members are invited to consider whether the siting of signs within setbacks is acceptable.

2) Size of sign 171 sf v 32 sf;

Section 5.2 of the Sign Guidelines 2014 sets a maximum size of 32 sq ft for freestanding signs.

The proposed directory sign is designed with a coverage of 171 sf.

Members are invited to consider the acceptability of this.

3) Height of sign 12' 6" v 12'.

Section 5.2 of the Sign Guidelines 2014 sets a maximum height of 12 ft for freestanding signs.

The proposed directory sign is designed with a height of 12' 6".

Members are invited to consider the acceptability of this.

2.28 FAITH TABERNACLE OF JESUS CHRIST (Chalmers Gibbs Architects) Block 20D Parcel 469 (P21-1202) (\$150,000) (MW)

Applications for the addition of a mezzanine addition, external stairs and a covered entry walkway; two (2) signs & fourteen (14) additional parking spaces.

FACTS

| | |
|-------------------------------------|--|
| <i>Location</i> | Linford Pierson Hwy., George Town |
| <i>Zoning</i> | Low Density Residential |
| <i>Notification result</i> | No Objectors |
| <i>Parcel size proposed</i> | 1 ac. (43,560 sq. ft.) |
| <i>Proposed building size</i> | 2,019 sq. ft. |
| <i>Total building site coverage</i> | 8.82% |
| <i>Required parking</i> | 33 spaces |
| <i>Proposed parking</i> | Existing 19 spaces + 14 proposed (33 spaces) |

BACKGROUND

September 4, 2013 – One Storey Commercial Building – the application was seen and it was resolved to grant planning permission. (CPA/19/13; Item 2.5)

June 24, 2016 – Modification to Commercial; Site Design – the application was seen and it was resolved to grant planning permission.

October 26, 2016 – Modification to CPA Condition of Approval – the application was seen and it was resolved to adhere to the conditions. (CPA/23/16; Item 2.12)

March 21, 2018 – Change of Use from Commercial to a Church – the application was seen and it was resolved to grant planning permission. (CPA/07/18; Item 2.2)

December 13, 2019 – Two Lot Subdivision – the application was seen and it was resolved to grant planning permission.

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

- 1) Side Setback (11'-6 1/2" vs. 15'-0")

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment & Disposal

- ***The development is currently served by a 2,000 US gallon septic tank.***
- ***If the developer proposes to utilize the existing septic tank, the tank 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.

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

National Roads Authority

As per your memo dated November 17th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

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.*
- 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.*

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

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

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

Department of Environmental Health

- 1. DEH has no objections to the proposed addition in principle.*

Department of Environment (NCC)

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.

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

Fire Department

Approved for Planning Permit Only 30 Nov 2021

APPLICANT'S LETTER

Our client is seeking permission to add mezzanine space, a covered porch to protect the entry from wind driven rain, add an external staircase to serve the proposed mezzanine and 2 building mount signs at their property.

We trust all is in order to enable the CPA to approve – at which time we will submit the permit for the Church Fit-out as was a condition of the last change of use approval (P17-1422)

Should you need further information or have queries on any of the above please do not hesitate to contact our office.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an Addition of Mezzanine; 1,471 sq. ft., External Stairs, Covered Entry Walkway; 548 sq. ft. & 2 Signs (28 sq. ft. each) & Additional Parking Area (14 Spaces) to be located on Linford Pierson Hwy., George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Side Setback

Regulation 9(8)(j) states "the minimum side setback is 15' for a building of more than one story". The proposed external stairs at the western boundary would be approximately 11'-6 ½" from the adjoining parcel boundary a difference of 3'-5 ½".

2.29 YVONNE WARWICK (Garden City Design) Block 4B Parcel 808 & 809 (P22-0012) (\$20,000) (EJ)

Application for five (5') block & chain link fence.

FACTS

| | |
|-----------------------------|-----------------------------|
| <i>Location</i> | Thistle Lane, West Bay |
| <i>Zoning</i> | HDR |
| <i>Notification result</i> | No objectors |
| <i>Parcel size proposed</i> | 0.8034 ac. (34,996 sq. ft.) |
| <i>Parcel size required</i> | 5,000 sq. ft. |
| <i>Current use</i> | House |

BACKGROUND

November 29, 2013 – The Department granted permission for a house addition.

May 02, 2014 – The Department granted a modification to increase floor area of house.

November 11, 2000 (CPA/19/20; Item 5.3) – The Authority granted permission for a two-lot subdivision.

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

1) wall & fence height (4' vs 5').

AGENCY COMMENTS

Comments from the National Roads Authority are provided below.

National Roads Authority

The NRA has no objections or concerns' regarding the above proposed wall as it is located on a road classified as an Access Road. However, the NRA requests that the CPA require the applicant to set back the wall 3 feet to allow for a pedestrian foot path.

PLANNING DEPARTMENT ANALYSIS

General

The proposed 5' block wall runs along parcel 809 on Thistle Lane and the 5' chain-link fence runs along the sides and rear perimeter of parcels 808 & 809. It should be noted that the site plan does not reflect the land registry mapping as the right-way-leading to

parcel 809 is aligned with the existing driveway and proposed gate, not as shown on the site plan.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Height of wall

Although the proposed wall is setback 4' from the road boundary per regulations; the, proposed wall cannot be admin approved due to the 5' vs 4' permissible for administrative approval.

2.30 NATIONAL HOUSING DEVELOPMENT TRUST (Whittaker & Watler) Block 4B Parcel 783 (P21-1267) (\$144,000) (NP)

Application for a proposed house.

FACTS

| | |
|--------------------------------|---------------------------------|
| <i>Location</i> | West Bay |
| <i>Zoning</i> | High Density Residential |
| <i>Notification result</i> | No Objectors |
| <i>Parcel size proposed</i> | 5,427 sq. ft. |
| <i>Parcel size required</i> | 5,000 sq. ft. |
| <i>Current use</i> | Vacant |
| <i>Front setback to septic</i> | 17'7" proposed vs 20' required |

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

- 1) Front Setback (17'7" vs 20')

APPLICANT'S LETTER

On behalf of my client, I would like to request a front setback encroachment of the septic tank for this project.

There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.

I would like to request a 2'-7" setback encroachment of the septic tank in front of the property.

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

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Abraham Drive in West Bay.

The property is presently vacant.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Front setback

Regulation 9(6)(h) requires a minimum front setback of 20 feet. The proposed front setback for the septic system is 17'7".

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

2.31 NATIONAL HOUSING DEVELOPMENT TRUST (Whittaker & Watler) Block 4B Parcel 798 (P21-1310) (\$130,800) (NP)

Application for a proposed house.

FACTS

| | |
|--------------------------------|---------------------------------|
| <i>Location</i> | West Bay |
| <i>Zoning</i> | High Density Residential |
| <i>Notification result</i> | No Objectors |
| <i>Parcel size proposed</i> | 5,179.3 sq. ft. |
| <i>Parcel size required</i> | 5,000 sq. ft. |
| <i>Current use</i> | Vacant |
| <i>Front setback to septic</i> | 15'5" proposed vs 20' required |

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

1) Front Setback (15'5" vs 20')

APPLICANT'S LETTER

On behalf of my client, I would like to request a front setback encroachment of the septic tank for this project.

There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.

I would like to request a 2'-7" setback encroachment of the septic tank in front of the property.

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

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Abraham Drive in West Bay.

The property is presently vacant.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Front setback

Regulation 9(6)(h) requires a minimum front setback of 20 feet. The proposed front setback for the septic system is 15'5".

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

2.32 TRAVIS MCLEAN (OAD) Block 14D Parcel 424 (P21-1379) (\$20,000) (NP)

Application for a proposed change of use from retail to medical office.

FACTS

| | |
|---------------------|---------------------------------|
| <i>Location</i> | George Town, Windward Centre |
| <i>Zoning</i> | Neighbourhood Commercial |
| <i>Office size</i> | 921 sq. ft. |
| <i>Current use</i> | Retail Store |
| <i>Proposed use</i> | Medical Office – PysioTherapy |

Recommendation: Grant Planning Permission.

PLANNING DEPARTMENT ANALYSIS

General

The subject office is located in the Windward Centre on Smith Road, across from Pasadora Place.

The present use of the premises is as a retail store.

The proposed use of the space is as a medical office for a physiotherapy clinic.

There is no concern with the proposed change of use to a “medical” facility.

Zoning

The property is zoned Neighbourhood Commercial.

2.33 SPEECH STUDIO (Davenport Developments) Block 20B Parcel 342 (P21-1381) (\$50,000) (NP)

Application for proposed change of use from a nail salon to a medical office.

FACTS

| | |
|---------------------|---------------------------------|
| <i>Location</i> | George Town, Cannon Place |
| <i>Zoning</i> | Light Industrial |
| <i>Office size</i> | 1,076 sq. ft. |
| <i>Current use</i> | Nail Salon |
| <i>Proposed use</i> | Medical Office – Speech Therapy |

Recommendation: Grant Planning Permission.

PLANNING DEPARTMENT ANALYSIS

General

The subject office is located in Cannon Place on North Sound Road.

The present use of the premises is as a nail salon.

The proposed use of the space is as a medical office for a speech therapy clinic.

There is no concern with the proposed change of use to a “medical” facility.

Zoning

The property is zoned Light Industrial.

2.34 KIDSABILITY (Paradise Drafting) Block 14D Parcel 281 & 282 (P22-0016) (F01-0002) (\$20,000) (NP)

Application for a proposed change of use from an office to a medical office.

FACTS

| | |
|---------------------|-------------------------------------|
| <i>Location</i> | George Town, Midtown Plaza |
| <i>Zoning</i> | General Commercial |
| <i>Office size</i> | 1,128 sq. ft. |
| <i>Current use</i> | Office |
| <i>Proposed use</i> | Medical Office – Pediatric Services |

Recommendation: Grant Planning Permission.

PLANNING DEPARTMENT ANALYSIS

General

The subject office is located in the MidTown Plaza on Elgin Avenue.

The present use of the premises is as an office.

The proposed use of the space is as a medical office for Kidsability, which provides pediatric services such as speech therapy, psychology, and general pediatric services.

The business already occupies the adjoining two units and desires to expand into the subject premises.

There is no concern with the proposed change of use to a “medical” facility.

Zoning

The property is zoned Light Industrial.

2.35 DOLPHIN COVE (Tropical Architectural Group Ltd.) Block 9A Parcel 119 (P21-1085) (\$80,000) (BES)

Application for a pool.

FACTS

| | |
|----------------------------|---------------------------------|
| <i>Location</i> | Garvin Rd, West Bay |
| <i>Zoning</i> | Neighbourhood Commercial |
| <i>Notification result</i> | No objections |
| <i>Parcel size</i> | 2.184 ac. |
| <i>Current use</i> | apartments |

BACKGROUND

October 9, 2019 (CPA/21/19; item 2.30) – approval granted for 32 apartments.

Recommendation: Grant Planning Permission.

AGENCY COMMENTS

Comments from the Department of Environmental Health and the Department of Environment are noted below.

Department of Environmental Health

The assessment cannot be completed as the application form, equipment specs and the complete pool drawing were not submitted.

Department of Environment

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

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for a pool associated with a 32 unit apartment complex located on Garvin Rd, off Batabano Road, West Bay.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

There are no concerns with the proposal as it complies with relevant Regulations. It should be noted that all DEH requirements will be address through the permit process.

2.36 PARAKLETOS (AD Architecture) Block 31A Parcel 27 (P21-1104) (\$582,880) (NP)

Application for proposed modification of planning permission.

FACTS

| | |
|-----------------------------|--------------------------------|
| <i>Location</i> | Bodden Town |
| <i>Zoning</i> | Low Density Residential |
| <i>Notification Results</i> | No Objections |
| <i>Parcel size</i> | 2.419 acres. |
| <i>Parcel size required</i> | CPA Discretion |
| <i>Current use</i> | Duplex under construction |
| <i>Proposed use</i> | Ground Floor Medical Clinic |
| <i>Building Footprint</i> | 5,541 sq. ft. |
| <i>Building Area</i> | 12,756 sq. ft. |
| <i>Site Coverage</i> | 5.2 % |
| <i>Parking Required</i> | 21 |
| <i>Parking Proposed</i> | 32 |

BACKGROUND

August 4, 2021 (CPA/16/21; Item 2.13) – Planning permission was granted for a ground floor change of use from a duplex to a medical office

Recommendation: Grant Planning Permission.

AGENCY COMMENTS

Department of Environmental Health

This application is recommended for approval with the condition that the specifications for the hot water heater be submitted for review and approval.

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.

Water Authority Cayman

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

Wastewater Treatment & Disposal

- *The Water Authority has previously advised that the developer shall provide a **septic tank(s)** with a capacity of at least **2,500 US gallons** (i080521-084528, P21-0543). This capacity septic can accommodate additional wastewater flow of the proposed modification.*
- *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 4'9" 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.*

Water Supply

- *Please be advised that connection of the proposed development to the Water Authority's piped water supply system will require an extension. It is the policy of the Water Authority – Cayman to extend water distribution lines in public roads for the first 100 feet from the main road at no cost to the owner. Extensions exceeding 100ft from the main road on public roads and extensions in non-public areas are done at the*

owner's expense. The timing of any pipeline extension is at the sole discretion of the Water Authority.

- *The developer is required to notify the Water Authority's Engineering Department at 949-2387, without delay, to be advised of the timing of the extension and the site-specific requirements for connection.*

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.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in Bodden Town, just north and east of Kimberley Street.

The property has been granted planning permission for a three story duplex (P16-0651) and planning permission was also granted for a change of use of the ground floor to a medical office (P21-0543).

The owner now proposes additions to the proposed building comprising a total of 3,705 square feet.

The second and third floors would remain residential.

Zoning

The property is zoned Low Density Residential.

2.37 NEIL ROONEY (Abernethy & Associates Ltd) Block 15E Parcel 60 (P21-1203) (\$6,018) (JP)

Application for 3 lot raw land strata subdivision.

FACTS

| | |
|-----------------------------|------------------------------|
| <i>Location</i> | Sting Ray Drive, George Town |
| <i>Zoning</i> | LDR |
| <i>Notification result</i> | No objectors |
| <i>Parcel size proposed</i> | 0.20 ac. (8712 sq. ft.) |
| <i>Current use</i> | Residential |

BACKGROUND

April 20th, 2005 (CPA/09/05; item 2.23) addition to existing apartments – approved (P05-0313)

Recommendation: Grant Planning Permission.

AGENCY COMMENTS

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

Water Authority

Water / Wastewater

The submitted plans do not indicate any additional water source(s) or sanitary fixtures. If this is in fact the case, the Authority has no requirements for this proposal.

National Roads Authority

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

Department of Environment (NCC)

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

APPLICANT'S LETTER

Enclosed please find the relevant documents relating to a 3 lot raw land strata subdivision. The purpose of the subdivision is to create 3 raw land strata lots in the parking area to correspond with the existing triplex on the parcel so that a strata can be registered. We are asking for a variance on the lots size and width under the Planning Regulation 8(13)(b) (iii) to accommodate this.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located on Stingray Drive off Walkers Road. An access road forms the eastern boundary, beyond this is vacant land. Vacant land is located to the west and south.

The application seeks Planning Permission for a raw land strata subdivision associated with an existing 3 unit apartment building.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Strata lot features

Regulation 9(8) at (d), (g), (h)-(j) sets out minimum standards.

Regulation 9(8)(ja) enables the Authority to use discretion on varying the minimum lot size, lot width, setbacks and site coverage for land strata lots which are intended to allow the conveyance of dwelling units.

The proposed strata lots measure 144 sq ft each consisting of 16' in length and 9' in width.

2.38 THE DENTAL CENTRE (Kariba) Block 12E Parcel 103 (P21-1308) (\$120,000) (JP)

Use of commercial premises for commercial (medical)

FACTS

Location Old Crewe Road, George Town

Zoning NC

BACKGROUND

Extensive relating to approved uses

Recommendation: Grant Planning Permission

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment

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 developer shall notify the Water Authority's Customer Service Department at 814-2144 to make application for sewerage service additions.*

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.*

Fire Department

Stamped approved drawings.

Department of Environmental Health

This application is recommended for approval with the following conditions:

Waste Management Plan:

1. *A solid waste and biohazard management plan must be submitted for review and approval.*

Biohazard Provisions:

1. *Biohazard/sharps bins must be placed in all treatment rooms and labs. Provisions for external biohazard facilities must be provided and shown on the site plan.*

PLANNING DEPARTMENT ANALYSIS

General

Expansion of dental practice into adjacent to unit at Fidelity Financial Centre.

Zoning

The property is zoned Neighbourhood Commercial.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

6.0 CPA MEMBERS INFORMATION/DISCUSSION