

# **Central Planning Authority**

**Agenda** for a meeting of the Central Planning Authority to be held on **June 8, 2022 at 10:00am in Conference Room 1038, 1st Floor, Government Administration Building, and Elgin Avenue.**

## **15th Meeting of the Year**

**CPA/15/22**

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. Nick Popovich (Acting Deputy Director of Planning)

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

### **List of Applications Presented at CPA/15/22**

- 2.1 JASON GAUTREAU (Whittaker & Watler) Block 9A Parcel 339 (P21-1346) (\$80,000) (NP) 6**
- 2.2 ROCHELLE DILBERT (Island Drafting) Block 13E Parcel 34 (P21-1366) (\$525,000) (MW) 8**
- 2.3 NWPR GROUP LTD. (Declan O'Brien) Block 1E Parcels 11, 12 & 45 (P22-0124) (\$20,000,000) (MW) 21**
- 2.4 YMCA (MJM Design Studio) Block 15B Parcel 326 (P21-1257) (\$424,000) (JP) 29**
- 2.5 DEAN & KAREN WATSON (Johnson Design & Architecture) Block 15B Parcel 116 (P21-0773) (\$200,000) (MW) 30**
- 2.6 BRODERICK ROSS (I Draft Studio) Block 19E Parcel 5 (P21-0545) (\$150,000) (NP) 32**
- 2.7 EXROY ANNON (Modern Dream Homes Construction) Block 38E Parcel 284 (P21-1126) (\$750,000) (EJ) 38**
- 2.8 BARKER HOLDINGS LTD. (John Doak Architecture) Block 8A Parcel 219 (P22-0076) (\$2,000) (MW) 40**
- 2.9 RUSSELL MUCKLOW (Johnson Design & Architecture) Block 8A Parcels 42 & 43 (P22-0031) (\$5.0 million) (NP) 52**
- 2.10 TRIO CAYMAN LTD. (Trio Design) Block 13EH Parcels 15 and 16 (P22-0177) (\$3,000,000) (BES) 59**
- 2.11 RUTHFORD MCLAUGHLIN (Whittaker & Watler) Block 71A Parcel 71 (P22-0229) (\$10,500) (NP) 64**
- 2.12 DAWN MAJOR (Craftman's Touch) Block 28B Parcel 377 (P22-0168) (\$600,000) (BES) 68**
- 2.13 SJP DEVELOPMENT (Andrew Gibb) Block 32D and 38E Parcel 122, 5 and 282 (P22-0406) (JP) 69**
- 2.14 SHORELINE DEVELOPMENT COMPANY LTD (Decco Ltd) Block 11B Parcel 70 (P22-0255) (\$5,000,000) (JP) 73**
- 2.15 RAM ELECTRICAL & CONSTRUCTION (Ivy Sahedo) Block 4E Parcel 713 (P22-0219) (\$500) (NP) 78**
- 2.16 WAVES LTD. (Doak Architecture) Block 4B Parcel 52 (P22-0304) (\$13 million) (NP) 81**
- 2.17 LIV DEVELOPMENT (Tropical Architectural Group Ltd.) Block 15E Parcel 219H5 (P22-0264) (\$60,000) (BES) 85**
- 2.18 COLIN GRAHAM (Pinnacle Construction) Block 24E Parcel 600 (P22-0230) (\$2.0 million) (NP) 87**

- 2.19 APPOLINA JASMINE ROSANN BENT (AD Architecture Ltd.) Block 27C Parcel 406 (P22-0342) (\$741,600) (EJ) 89**
- 2.20 TATIANA KOSINCHAR (Johnson Architecture) Block 24E Parcel 280 (P22-0205) (\$10,000) (NP) 93**
- 2.21 J. SAMUEL JACKSON (Eric Conier) Block 5C Parcel 408 (P22-0393) (\$5,000) (EJ) 94**
- 2.22 PATRICK & SHERRY DIAZ (Johnson Design & Architecture) Block 21B Parcel 55 (F21-0048) (P22-0476) (\$5,000) (MW) 96**
- 2.23 NATIONAL HOUSING DEV. TRUST (Whittaker & Watler) Block 49C Parcel 12 and 15 Lot 7 (P22-0371) (\$144,000) (EJ) 97**
- 2.24 NATIONAL HOUSING DEV. TRUST (Whittaker & Watler) Block 49C Parcel 12 and 15 Lot 12 (P22-0378) (\$141,720) (EJ) 100**
- 2.25 NATIONAL HOUSING DEV. TRUST (Whittaker & Watler) Block 49C Parcel 12 and 15 Lot 31 (P22-0332) (\$141,720) (EJ) 103**
- 2.26 NATIONAL HOUSING DEV. TRUST (Whittaker & Watler) Block 49C Parcel 12 and 15 Lot 32 (P22-0331) (\$141,720) (EJ) 106**
- 2.27 NATIONAL HOUSING DEV. TRUST (Whittaker & Watler) Block 49C Parcel 12 and 15 Lot 35 (P22-0335) (\$141,720) (EJ) 109**
- 2.28 NHDT (Whittaker & Watler) Block 49C Parcels 12 and 15 Lot 9 (P22-0373) (\$144,000) (MW) 112**
- 2.29 NHDT (Whittaker & Watler) Block 49C Parcels 12 and 15 Lot 27 (P22-0297) (\$126,000) (MW) 115**
- 2.30 NHDT (Whittaker & Watler) Block 49C Parcels 12 and 15 Lot 28 (P22-0296) (\$126,000) (MW) 118**
- 2.31 NHDT (Whittaker & Watler) Block 49C Parcel 12 Lot 34 (P22-0295) (\$126,000) (MW) 121**
- 2.32 TORTUGA REALTY (Eric Cronier Surveying) Block 71A Parcel 13 (P22-0367) (\$3,960) (NP) 125**
- 2.33 NCB PROPERTY SERVICES (AIM Design Studio Ltd. Block 14D Parcel 439 (P21-1182) (BES) 127**
- 2.34 NOEL DAWKINS (Abernethy & Associates Ltd.) Block 43A Parcel 45 (P21-0936) (\$4,238) (EJ) 128**
- 2.35 MERLYN PARCHMENT (John Bernard) Block 14C Parcel 76 (P22-0045) (\$10,000) (EJ) 130**

### **APPLICANTS ATTENDING THE AUTHORITY'S MEETING**

<b>Applicant Name</b>	<b>Time</b>	<b>Item</b>	<b>Page</b>
Jason Gautreau	10:30	2.1	6
Rochelle Dilbert	11:00	2.2	8
NWPR Group	11:30	2.3	21
YMCA	1:00	2.4	29
Karen & Dean Watson	1:30	2.5	30
Broderick Ross	2:00	2.6	32
Exroy Annon	2:30	2.7	38
Barker Holdings	3:00	2.8	40

**1. 1 Confirmation of Minutes CPA/14/22 held on May 25<sup>th</sup>, May 2022.**

**1. 2 Declarations of Conflicts/Interests**

<b>Item</b>	<b>Member</b>




## **2.0 APPLICATIONS**

### **APPEARANCES (Items 2.1 to Item 2.8)**

#### **2.1 JASON GAUTREAU (Whittaker & Watler) Block 9A Parcel 339 (P21-1346) (\$80,000) (NP)**

Application to modify Planning Permission to revise the pool and bathroom/storage setbacks.

**Appearance at 10:30**

#### **FACTS**

Bonneville Drive in West Bay

*Zoning*

**LDR**

*Notification result*

No Objectors

*Parcel size proposed*

0.29 ac. (12,632.4 sq. ft.)

*Parcel size required*

10,000 sq. ft.

*Current use*

Detached dwelling

*Proposed Use*

Pool and bathroom/storage building

#### **BACKGROUND**

February 2, 2022 (CPA/03/22; Item 2.16) – The Authority resolved to adhere to planning permission granted at CPA/23/21 because the applicant failed to demonstrate that there is sufficient reason and exceptional circumstance to warrant allowing the lesser setbacks.

November 24, 2021 (CPA/24/21; Item 2.13) – planning permission was granted for a 6 foot high fence.

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’ required)
- 2) Side setback to Pool (17’8” vs 20’ required)
- 3) Side setback to Pool Deck (11’2” vs 20’ required)

## **APPLICANTS LETTER**

*As owners of Block 9A Parcel 339 in West Bay, we are appealing Planning Case # P21-1346 based on setback regulation and requesting setback variance for Block 9A Parcel 339. We have zero objections from surrounding neighbors to construct a swimming pool at 13' 8" from the rear property line; of which, the entire property will be fully fenced with a six foot high fence.*

*As per page 4 of our signed contract with Splash Pool Cayman (dated August 10, 2021) the agreed pool size is 46 ft long by 15 ft wide, with an additional spa/hot tub. We were assured by our architect (Mikael Seffer (no longer working for us) and by our contractor (Richard Haughton, from Splash Pools) that we would be able to construct the contracted pool at our house. The main reason of the length of the pool is to accommodate swimming lengths for health reasons. We both have hypertension issues and need to swim in order to help reduce these issues. A smaller pool will not allow for appropriate exercise as needed. Swimming is one of the best forms of exercise, as it works every muscle in your body. As we grow older, we find it more important to be able to get proper exercise to help maintain our health. The requested size of pool will accommodate our exercise requirement.*

*Unfortunately our former architect submitted the wrong drawings to the planning department at first submission. He also did not send them to us, the clients, for review prior to submission. It wasn't until these plans were approved and the approval notice was sent to us that we realized he had submitted the wrong plans in the first place. Once that was noticed we instructed him to submit the correct plans, which were recently reviewed by the planning department, and subsequently this correct set of drawings have not been approved which has delayed the process even longer and is why we are requesting to appeal our case. We would like to make it very clear, that we did not just want to make revisions to our pool (as noted in our file); we wanted our architect to submit the correct drawings as the wrong ones were submitted in the first place. If he had submitted the correct drawings from the start we may have been able to move forward with the project by now. This has now been done by our new architect is Mr. Fred Whittaker.*

*For the record, we have spoken with our surrounding neighbors and none of them have any objections to the size of the pool or the surrounding fencing that we intend to put up thereafter. We also feel that the completion of this project will help to increase the property values of the neighborhood.*

*We sincerely appreciate you taking the time to reconsider our application and request for a variance to allow us to construct the pool that we not only want, but need in order to maintain a healthy lifestyle.*

*We look forward to meeting you in person for our review.*

## **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 applicant has submitted a variance letter for the deficient rear setback to the bathroom/storage building which 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) Side setbacks**

The required side setback from Glade Drive is 20 feet (Regulation 9(8)(i)) and the applicant is proposing a setback of 17'8" to the pool edge and 11'2" feet to the pool deck.

## **2.2 ROCHELLE DILBERT (Island Drafting) Block 13E Parcel 34 (P21-1366) (\$525,000) (MW)**

Application for a two storey preschool.

### **Appearance at 11:00**

### **FACTS**

<i>Location</i>	Avon Way, George Town
<i>Zoning</i>	<b>General Commercial</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.2 ac. (8,712 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Dilapidated Structure to be demolished
<i>Proposed building size</i>	3,181.4 sq. ft.
<i>Total building site coverage</i>	18.69%
<i>Allowable units</i>	-
<i>Proposed units</i>	-
<i>Allowable bedrooms</i>	-
<i>Proposed bedrooms</i>	-
<i>Required parking</i>	21.2 spaces
<i>Proposed parking</i>	11 spaces

## **BACKGROUND**

March 1, 2022 (CPA/06/22; item 2.10) – the application was adjourned for the following reasons:

- 1) The applicant is invited to appear before the Authority to discuss concerns regarding access and site functionality.
- 2) Comments from the National Roads Authority are required in order to properly consider the application.

March 3, 2021 – Preschool – the application was considered and it was resolved to refuse the application. (CPA/05/21; Item 2.1)

December 16, 2020 – Preschool – the application was considered and it was resolved to adjourn the application.

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

- 1) Access
- 2) Parking
- 3) Road Side Setback (12'-6" vs. 20'-0")
- 4) NRA comments
- 5) Applicant's information

## **AGENCY COMMENTS**

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

### **Early Childhood Unit**

*Bathrooms:*

- *Both bathrooms are labeled female – is one for males?*
- *Please note that the adults and children are to have separate bathrooms therefore if the adults use the handicap bathroom children with handicaps will not be able to access this bathroom.*

*Muster Points:*

- *Ensure a primary and secondary muster point has been identified that are safe for the children to evacuate to*

*Parking:*

- *Parking across Avon Way for children to cross – consideration needs to be given to safety in crossing such as a cross walk, signage that children may be crossing, etc..*

### *Second Floor*

- *Note that this space is for persons above early childhood age*
- *Gate or way to deny access to stairs by early childhood children as they will access this room for multi-purposes*
- *Please note that in an emergency second floor can be used as a muster point for the centre in the case of a tsunami warning (this warning should have practice drills 2-3 times per year)*

### *Access*

- *Fence around property where doors lead to the outside learning environment to limit access to the centre by intruders*
- *Appears that each classroom has an outside door with steps to go down – are there ramps on the plan to ensure that all abilities will be able to exit and enter the building?*

### *Visibility*

- *Ensure visibility into all spaces where children will have access*

### *Capacity*

- *Ensure consideration is given to the number of children that the centre can accommodate based on the space ratios in the Education Council Guidelines for Early Childhood Care and Education Centres (2013)*

Space Requirements	
Indoor Space	20 square feet of useable space per child registered at the centre
Outdoor Space	40 square feet per child registered at the centre

### Applicant Response Letter

*Thank you for your comments and questions generated from the review of the proposed preschool. Please find responses below per each one accordingly.*

#### ***Bathrooms:***

- *Both bathrooms are labeled female – is one for males?*

#### ***Corrected labels on drawings uploaded January 19, 2022.***

- *Please note that the adults and children are to have separate bathrooms therefore if the adults use the handicap bathroom children with handicaps will not be able to access this bathroom.*

*Bathrooms for children male & female have now been revised to allow handicap access for both.*

#### ***Muster Points:***

- *Ensure a primary and secondary muster point has been identified that are safe for the children to evacuate to*

*Primary & secondary muster points have been confirmed on adjoining properties and will be adopted with the Emergency Hazardous Management Plan.*

### ***Parking:***

- *Parking across Avon Way for children to cross – consideration needs to be given to safety in crossing such as a cross walk, signage that children may be crossing, etc..*

***Existing speed bump is located at crossing point, signage to be applied for and installed.***

### ***Second Floor***

- *Note that this space is for persons above early childhood age*

***Second floor use is for adult use only as proposed.***

- *Gate or way to deny access to stairs by early childhood children as they will access this room for multi-purposes*

***Child safety gate/door will be installed prior to final inspection stage.***

- *Please note that in an emergency second floor can be used as a muster point for the centre in the case of a tsunami warning (this warning should have practice drills 2-3 times per year)*

***Noted. This will be adopted into the evacuation procedures and annual drills accordingly.***

### ***Access***

- *Fence around property where doors lead to the outside learning environment to limit access to the centre by intruders*

***Fencing to be applied for and installed to enclose the property/playarea and to allow exit to muster points.***

- *Appears that each classroom has an outside door with steps to go down – are there ramps on the plan to ensure that all abilities will be able to exit and enter the building?*

***All steps have now been revised to ramps.***

### ***Visibility***

- *Ensure visibility into all spaces where children will have access*

***In place and indicated on the plan. Bathrooms for children will have half doors.***

### ***Capacity***

- *Ensure consideration is given to the number of children that the centre can accommodate based on the space ratios in the Education Council Guidelines for Early Childhood Care and Education Centres (2013)*

***Plans revised to increase front classroom space thus removing multipurpose space.***

***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 & 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:*

- *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 January 13<sup>th</sup> 2022 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

#### **Avon Way**

*The NRA **cannot** recommend to the CPA approval for the proposed development at this location for the following reasons,*

- Avon Way varies between 8ft to 11ft; parents based on the type of development will park in the road, blocking any and all traffic;*
- The proposed development will generate too much traffic for the narrow road to handle (please see below Road Capacity Issues); and*
- Traffic manoeuvring issues will occur at the junction with Eastern Avenue per the lack of truncation.*

#### **Road Capacity Issues**

*The traffic demand to be generated by the above proposed day care development for approximately 30 children has been assessed in accordance with ITE Code 565 – Day-care Centre. The anticipated traffic to be added onto Avon Way 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>131</i>	<i>24</i>	<i>13</i>	<i>11</i>	<i>24</i>	<i>11</i>	<i>13</i>

*Based on these estimates and the width of the road, the NRA **does not** recommend this as a good location for this type of development.*

#### **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 Avon Way, within the property boundary, to NRA standards.*

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

### ***Stormwater Management Issues***

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Avon Way. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. 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 has no objections to the proposed in principle with the following conditions:*

- 1. Each classroom shall be outfitted with soap and paper towel dispenser for the hand wash sinks.*
- 2. The applicant has yet to submit the information that was requested in September 2020:*
  - a. The applicant is to indicate if cooking will be conducted on the premises or if food/lunches will be provided by the students.*

### **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 some regrowth. Therefore it is recommended that mature vegetation be retained where possible and to use native vegetation in the landscaping scheme. Native vegetation is best suited for the conditions of the site, requiring less maintenance and making it a cost-effective choice.*

*In addition, it is recommended that wherever possible sustainable design features are included in projects such as this one, especially renewable energy installations given the target that 70% of energy generation be renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). Photovoltaic solar panels in particular could be installed on suitable roof space or over the proposed parking spaces and rainwater collection could be used for irrigation. Permeable paving could also be used to reduce the amount of surface water run-off required to be disposed of in drainage systems.*

### **Fire Department**

Approved for Planning Permit Only      25 Jan 22

### **APPLICANT LETTER**

*I write to provide additional information regarding the proposed preschool at 13D/34, 29 & 101 as it relates to the concerns and questions raised from the previous application. Please note that additional property has been obtained to address the concerns of occupancy, road access/width, parking and lot size. Please see same as follows below:*

### **OCCUPANCY**

*The proposed preschool is expected to occupy approximately **50-55** children above the age of 2 years old. Given the usable square footage after furnishings (of 20 sq. ft./child) as per ECCE Unit, this will most likely be a **maximum**. For this age range (2yrs+), the preschool is expected to occupy **7 staff**; which will comprise of 2 teachers, 4 assistants and 1 manager. The layout of the ground floor space will be designed as such to maximize all usable square footage per classroom to ensure the maximum enrolment. Therefore, there will be no space (office, conference or rest area) assigned to staff on the ground floor apart from the front office and adult restroom.*

*Please note that the previous application did not include a second floor; however, consideration was given for this application to assign staff space due to recent enforcement of the ECCE Unit's stress on usable space and enrolment. **Use of the second floor space is not a requirement and can be amended to be utilized for storage.***

### **ACCESS (road width)**

Concerns of access via the main road were raised and noted; however, on the scene actual evidence provided shows that a 2 vehicular traffic is accessible from the main road shown in Figure. 1.0 & 1.1 As shown various size vehicles may access Avon Way at the same time with ease and at the **MOST** narrow point. Additionally, access to my currently existing Discovery Kids location poses a narrower access and has operated smoothly without incident for the past 12 years with a greater student population. **Further to this, the Fire Department has approved the proposed application.**



**Proposed:**      **Figure 1.0**

**Figure 1.1**

The below photos Figure 2.0 & 2.1 show existing access of Discovery Kids Preschool, at Sigma Building. **Twelve (12)years without incident or accident with a one (1) vehicle access point.**



**Existing:**

**Figure 2.0    Figure 2.1**

Further concerns regarding road width and access have been addressed with proposed road widening to 17.3 ft utilizing the additional parcels obtained on 13E 29 & 101. Shown on the proposed site plan

## **PARKING**

*As there were no parking regulations found for preschools, we used the requirements of commercial facility's which are listed to be 1 space per every 300 sq.ft. We felt this most applicable to this application as there are several preschools occupying commercial spaces, (including my existing Discovery Kids at Sigma Building) and are therefore subject to this commercial requirement. At my existing location we are currently assigned 6 spaces at Sigma Building, three (3) are occupied by 3 of our 15 staff. Please note that over the past 12 years of operation, only approximately 30% of parking are occupied by staff. This is a **maximum**.*

*Therefore the 11 parking spaces proposed supersede my current parking availability for staff and parents for pick up at drop off at the proposed. This is a plus and enhancement to be able to have 8 available spaces for parents. As previously mentioned, this location will employ 7 staff, with 3 staff utilizing parking and 8 spaces available to parents for pick up and drop off (of a significantly smaller school population). Research provided during the last application process showed that there are no more than 3-5 parents picking up and dropping off at any one time. This number will be quite reduced due to a significantly lower preschool population.*

*Additionally, the last application required 12 parking spaces due to the fact that there was only a ground floor plan proposed. I would like to note that the second floor space is now proposed due to the ECCE Unit's space enforcement for children, previously mentioned. Therefore, all ground floor space has been assigned to children apart from the Managers office and staff restroom. Space provided for staff on the second floor are for work spaces, meeting area, offices, lockers and a rest area. **The same 6 staff working on the ground floor will be utilizing the upper floor space; therefore, no additional parking is required for the same 6 staff. Additionally, it will offer a second floor level for evacuation in the event of a tsunami. The second floor space is not a requirement only an enhancement and can be eliminated.***

## **LOT SIZE**

*The overall lot of the proposed has now been increased from 8,712 sq. ft. to 13,068 sq.ft. an increase of 4,356 sq. ft. For this I would like to draw attention to the fact that applicants obtain approval for change of use at residential and commercial facilities which equate to less of a lot size/footprint than this proposed application. As I have done, on 2 separate occasions. However, the proposed will be a purposed built preschool only, designated for this purpose with no other tenants that can impose upon the preschool. Additionally, there are two (2) preschools within the vicinity; St. George's Preschool being within the 300 ft radius.*

## **CONCLUSION**

*After careful consideration and review, I implore the Board /Department to favourably consider the proposed preschool even if under exceptional circumstances and with sufficient reason and evidence that we have met the all of the major requirements as it relates to child safety, development, operation and functionality of the proposed preschool. As per access, I implore the Board /Department to note that Avon Way is serviced regularly by DEH for garbage collection and that the Fire Service of the Cayman Islands has approved this application. Evidence provided shows that the access can accommodate 2 vehicle access shown in Figure 1.1 without incident and that we are prepared to widen the road way in front of the preschool.*

*Further to this, the parking required for the previous ground floor (only) application was 12 parking spaces and I would like to advise the Board/Department that the second floor space is only an enhancement for the staff which can be eliminated for the proposed if required to suffice parking. Having been in the preschool business for the past 12 years, I confirm that we have not had anymore than 3-5 parents arrive at any one time, not even during a power out- age emergency pick up; therefore, the proposed parking is sufficient and provides additional spaces based on the existing and enrolment capacity.*

*I implore the Board/Department that a central preschool location is most needed to the point that parents are desperate and on a waiting lists at all preschools throughout the island. This location will provide a small ease in demand of 50 children to parents who desire at GT location. I kindly remind you that we have had no objections and we have been embraced by the community for the change and enhancement the proposed with introduce to the overall area. Please note that there are 2 other preschools within the immediate area, one just a stones throw away, so this is not a new industry to the area.*

*I thank you for you time and consideration of the proposed.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a Preschool with Lot Size, Setback & Parking Variances to be located on Avon Way, George Town.

### **Zoning**

The property is zoned General Commercial and the Department would offer the following comments regarding the specific issue noted below.

### **Specific Issues**

#### **1) Access**

The previous application was refused in part for the following reason:

*The access road serving the site varies in width and in some cases is only 8' to 11' wide. The Authority is of the view that this narrow access is not sufficient to support the needs of a pre-school which requires two way vehicular traffic and the ability for emergency vehicles to safely access the site.*

The Authority needs to determine if there are any changes in the access scenario that would lead to a different conclusion than previous.

## **2) Parking**

The Development & Planning Regulations Section 8(1) does not address parking requirements for schools or day-care facilities. No information has been provided as to how many staff or children what will be enrolled at the school. As such, reference has been made to the ITE parking generation manual which identifies an average parking ratio of 3.5 spaces per 1,000 sq ft for day care centres. Using this ratio, the proposed development would require 11 parking spaces and the applicant is providing 11 spaces. However, 8 of those 11 spaces are located on two separate parcels on the opposite side of Avon Way. The Authority needs to determine if the number of spaces is adequate and if the location of the space is acceptable.

Further, the Authority had previously expressed concern that there was inadequate area for a properly functioning drop-off/pick-up service. The Authority should determine if the current proposal has addressed this concern.

## **3) Road Side Setback**

In a General Commercial zone, the minimum road side setback shall be 20'-0". The proposed preschool building would be 12'-5" from the fronting road boundary, a difference of 7'-7" respectively.



## **SUPPLEMENTAL INFORMATION**

Per the decision of CPA/06/22, the applicant has been invited to appear before the Authority and comments from NRA have been received (see above).

### **2.3 NWPR GROUP LTD. (Declan O'Brien) Block 1E Parcels 11, 12 & 45 (P22-0124) (\$20,000,000) (MW)**

Application for 48 apartments, restaurant, dive shop; generator, (4) 1,000 gallon LPG tanks, 2 pools and a seawall.

**Appearance at 11:30**

#### **FACTS**

<i>Location</i>	North West Point Rd., West Bay
<i>Zoning</i>	<b>Beach Resort Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	2.4 ac. (104,544 sq. ft.)
<i>Parcel size required</i>	0.5 ac. (21,780 sq. ft.)
<i>Current use</i>	Existing residence to be demolished.
<i>Proposed building size</i>	145,083 sq. ft.
<i>Total building site coverage</i>	28.54%
<i>Allowable units</i>	48
<i>Proposed units</i>	48
<i>Allowable bedrooms</i>	144
<i>Proposed bedrooms</i>	110
<i>Required parking</i>	94
<i>Proposed parking</i>	97

#### **BACKGROUND**

Nothing related to current application

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

- 1) Suitability
- 2) HWM Setback (30'-4 3/4" / 42'-4 1/4" vs. 50'-0")
- 3) Side Setback (3'-0" (Beach Access Steps) / 9'-0" (Restaurant patio) vs. 20'-0")

#### **AGENCY COMMENTS**

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

*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 16,196 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
Basement	Storage & Utility	0	0
First Floor	Residential Lobby	0	0
	Retail 1,672 sq. ft.	1,672 x 0.15 (retail factor)	250.8
	Restaurant 2,275 sq. ft.	2,275 x 1.8 (restaurant factor)	4,095
	Residential	150gpd/1-Bed	150
	1 x 1-Bed Unit 6 x 2-Bed Units 2 x 3-Bed Units	225gpd/2-Bed 300gpd/3-Bed	1,350 600
Second Floor	Owners Lounge	0	0
	Residential	225gpd/2-Bed 300gpd/3-Bed	3,150
Third Floor	Residential	225gpd/2-Bed	3,450
	10 x 2-Bed Units 4 x 3-Bed Units	300gpd/3-Bed	
Fourth Floor	Residential	225gpd/2-Bed	
	8 x 2-Bed Units	300gpd/3-Bed	3,150
	2 x 3-Bed Units		
	2 x 4-Bed Units	375gpd/4-Bed	
<b>TOTAL</b>			<b>16,195.8 GPD</b>

- *Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'8" or 5'11", depending on proximity to the sea, 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.***

#### **Grease Interceptor Required**

*A grease interceptor with a minimum capacity of 2,275 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.*

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

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

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

#### **Elevator Installation**

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

#### **Water Supply:**

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

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

#### **Department of Environmental Health**

##### **Solid Waste Facility**

*This development requires (2) 8 cubic yard container with four times per week servicing.*

*Table 1: Specifications for Onsite Solid Waste Enclosures*

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

**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.*

**Restaurant**

*The applicant must submit the following at the BCU stage for review and approval:*

- 1. The floor plan of the kitchen showing the layout of all equipment.
 
  - a. Specification for equipment must be submitted.**
- 2. The approved BCU drawings for the exhaust ventilation system.*
- 3. Specifications for the hot water system which must include:
 
  - a. The type of heater proposed*
  - b. The minimum designed hot water requirements*
  - c. The storage capacity of the heater in gallons*
  - d. The percentage thermal efficiency of the heater*
  - e. The BTU rating of the heater*
  - f. The recovery rate of the heater in gallons per hour.**
- 4. For manual washing and sanitizing of utensils, provide a stainless steel sink with no fewer than 3-compartments. The sink compartments shall be large enough to hold the largest pot, pan or piece of equipment. Each compartment shall be supplied with adequate hot and cold potable running water.*

**Department of Environment**

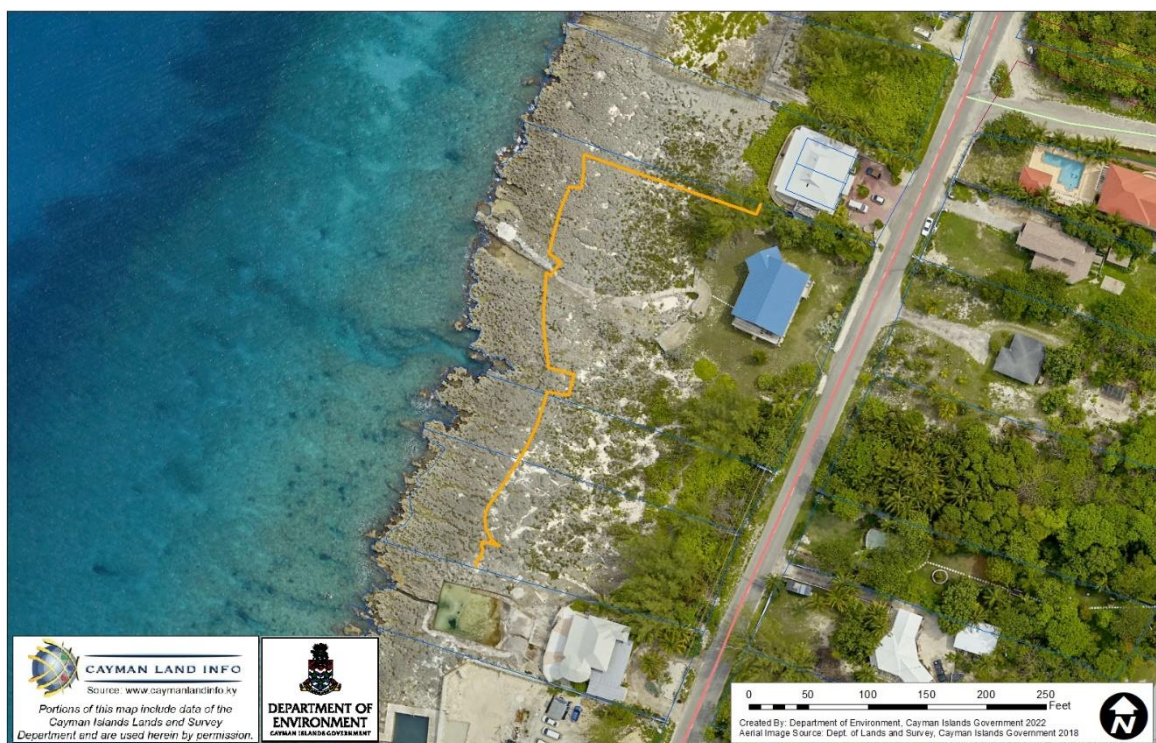
*This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

**Site Overview**

*The roadside area of the application site is man-modified having been previously cleared, however, the ironshore coastline remains predominantly in its natural state. It is a high energy coastline that has very deep water close to shore with no fringing reef meaning there is little natural protection from wave action during inclement weather (both during storms and hurricanes). Storm impacts to the coastline are indicated by the presence of sand deposits and the setback of the natural vegetation line on the ironshore.*

*Whilst the application has met the 50-foot coastal setback required in the Development and Planning Regulations, we note that the proposed development would be located closer seaward than that of the neighbouring developments. The subject parcel's coastline highlights the need for site-specific consideration of setbacks instead of an overall “blanket” setback approach for the generalised categories of beaches, ironshore or mangrove coastlines. Coastal setback recommendations should also be informed by other factors such as the off-shore marine environment, historical erosion rates or extreme water levels, rather than adopting arbitrary distances that are not representative of erosion and coastal flooding threats. Given the climate change predictions for the region, including sea-level rise and increased intensity of storm events (including storm surge) the DoE recommends that the applicant positions their development as far landward as possible. The applicant may also wish to incorporate climate resiliency features such as elevated structures or a wash-through ground floor.*

*The natural/permanent vegetation line of the subject parcel is a good indicator of the energy of the coastline and the incursion of the sea on a regular basis. Figure 1 shows the historical vegetation on-site in 2018 and the proposed building setback line in orange; development that is situated seaward of the approximate historical vegetation line increases its vulnerability to flooding and storm damage.*



**Figure 1: 2018 aerial imagery showing the development (seawall line shown in orange) in relation to the historical (established) vegetation line (Source: LIS 2018).**

*The DoE also recommends that the ironshore coastline be left in its natural state. Aside from forming an important habitat, ironshore assists with the damping of wave energy and represents a unique and visually appealing vista. Developing directly on or driving heavy machinery over the ironshore removes much of these important physical and aesthetic characteristics and leads to the creation of fine material which risks causing turbidity in the marine environment due to surface water run-off. Although the plans*



do not show any proposed structures seaward of the 50ft setback on the ironshore, the artist's impressions that accompany plans do show what appears to be a concrete foot path along the northern section of the parcel toward the ocean. It is unlikely that the DoE would support a second concrete path along the ironshore as there is an existing concrete path near the ramp. Any further modification of the shoreline should be the subject of a separate consultation with the National Conservation Council.

### ***Polystyrene Construction Debris Impacts***

The Department has observed coastal developments inadvertently polluting the marine environment with wind-borne debris as shown in figure 2 below. During construction, once EPS is cut, tiny microbeads are blown into the air, polluting neighbouring yards, stormwater drains, and nearby water bodies. Polystyrene is ***not*** biodegradable, and the EPS beads can be consumed by wildlife where it enters the food chain. EPS beads that make their way to the sea can be mistaken by fish and birds as fish eggs and have the potential to cause blockages in their digestive systems. It is almost impossible to collect the polystyrene beads once they have become wind-borne. We strongly recommend that Best Management Practices be adopted during the construction process to ensure that construction-related debris does not enter the marine environment.



***Figure 2: DoE site visit photos showing the polystyrene littering development sites which spread into the adjacent Marine Reserve and neighbouring properties. Developers attempted to remedy the situation by cleaning neighbouring pools and yards daily but it was impossible to collect all of the beads, especially once they entered the marine environment. A screen was then fastened around the building to contain the beads (Source: DOE 2021).***

### ***Doe Recommended Conditions***

***If the Central Planning Authority or Planning Department is minded to grant permission for the proposed development, the following conditions should be incorporated into the approval:***

- *All construction materials shall be stockpiled away from the water's edge, landward of the proposed seawall, to prevent run-off and debris from entering the marine environment.*
- *If the construction is using polystyrene forms, measures (such as screens or other enclosures along with vacuuming) should be put in place to ensure that any shavings or polystyrene debris is completely captured on-site and does not impact the surrounding areas.*
- *The ironshore outside of the proposed built footprint and seaward of the seawall shall be left in its natural state undisturbed by heavy machinery or any other works including pouring of concrete pathways etc. Any proposed modification of the ironshore, including the resurfacing of the existing ramp and concrete path, should be the subject of a separate consultation with the National Conservation Council.*

- *There shall be no excavation, filling, modification or concreting of the shoreline outside of the parcel boundary.*
- *Any works proposed seaward of the High Water Mark shall be the subject of a Coastal Works application.*

***We also recommend that the applicant:***

- *Revises plans to position the development as far landward as possible and/or incorporates climate-resilient features such as raised/wash-through foundations in order to increase the development's resiliency to storm impacts and climate change.*
- *Plants and incorporates native vegetation into the landscaping scheme for the development. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and less supplemental irrigation, meaning once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands' biodiversity by providing habitat and food for native fauna.*

**Fire Department**

Approved For Planning Permit Only ( 01 Mar 22)

**OfReg (Petroleum Inspectorate)**

Approved (20 Mar 22)

**APPLICANT'S LETTER**

*We would like to request a side setback variance for beach access stairs on both sides of the property. Per Zoning Guidelines, we need to provide public right of way beach access 6 ft wide along both sides of the property. We believe putting in stairwells with handrails will assist with patrons accessing the Ironshore safely rather than having a sharp grade down.*

*I refer to 8(13) of the planning regulations. We feel that this is a reasonable variance request and hope the board will find this acceptable.*

*If you require additional information, please do not hesitate to contact me.*

**PLANNING DEPARTMENT ANALYSIS**

**General**

Application for 48 apartments, restaurant, dive shop; generator, (4) 1,000 gallon LPG tanks, 2 pools and a seawall

## **Zoning**

The property is zoned Beach Resort Residential.

## **Specific Issues**

### **1) Suitability**

Section (15)(2) states the following development is permitted in a Beach Resort Residential Zone.

- (a) detached & semi-detached houses.
- (b) duplexes
- (c) beach resorts; and
- (d) in locations considered by the Authority to be suitable, guest houses and apartments, cottage colonies and tourism related development.

The neighborhood consists mostly of single-family houses. There are several parcels with apartments within less than 1000 feet of the subject parcel. The closest apartment community, similar to this application, Lighthouse Point Residences, located approximately 232 feet respectively from the proposal. Although the proposal is permitted in a BRR zone, the Authority may want to consider the size and density of the project relative to the surrounding neighbourhood.

### **2) HWM Setback**

Regulation 8(10)(c) states *“in areas where the shoreline is ironshore (except hotel and tourist related zones) all structures and buildings, walls and structures, shall be setback a minimum of 50’ from the high water mark.”* The proposed seawall and walkway encroach the required HWM setback at a distance of 38’-3” & 30’-5” respectively.

### **3) Side Setback**

Regulation 15(4)(b)(i) states *“side setbacks in a Beach Resort Residential Zone shall be a minimum of 20’-0”*. The applicant has proposed beach access stairs on the northern end of the site which are approximately 3’-0” from the boundary. In addition, the proposed restaurant / tenant patio will also encroach the northern boundary at 9’-0”.



## 2.4 YMCA (MJM Design Studio) Block 15B Parcel 326 (P21-1257) (\$424,000) (JP)

Application for a pavilion.

**Appearance at 1:00**

### **FACTS**

<i>Location</i>	Fairbanks Road, George Town
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	17.48 ac. (761,428.8 sq. ft.)
<i>Current use</i>	Sports/recreation
<i>Proposed building size</i>	2000 sq. ft.
<i>Total building site coverage</i>	27.5%

### **BACKGROUND**

November 15, 1997 (**P97-102192**) –application for concession stand and playing field approved

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

- 1) Objector's concerns

### **OBJECTIONS**

*The area proposed is next to the Field of Dreams car park which borders Hilton Estates. We, as the closest and immediately impacted by the proposed "7'-7' Projector wall and shed Pavilion" are opposed to this. We say this because the added noise a Pavilion and projector wall and various types of events/ parties which will potentially be hosted will cause unreasonable detriment to us as immediate neighbors as well as the neighborhood.*

*We ask that the proposal be reviewed and considerations for the project to be located elsewhere on the Field of Dreams property where it is farther away from neighbors, thereby minimizing or reducing the unreasonable detriment it will cause.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application site is located within the existing recreational baseball facility. To the north, at 282', residential properties exist within an established complex. The remaining neighbouring parcels are vacant.

The application seeks Planning Permission for the construction of an open sided pavilion together with a wall which shall be used as a background for a projector.

## **Zoning**

The property is zoned Low Density Residential.

### **2.5 DEAN & KAREN WATSON (Johnson Design & Architecture) Block 15B Parcel 116 (P21-0773) (\$200,000) (MW)**

Application for a house addition.

#### **Appearance at 1:30**

## **FACTS**

<i>Location</i>	Windermere St., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.2700 ac. (11,761.2 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Existing Residence w/ Pool
<i>Proposed building size</i>	1,215 sq. ft.
<i>Total building site coverage</i>	33.65%
<i>Required parking</i>	1
<i>Proposed parking</i>	2

## **BACKGROUND**

March 30, 2022 – House Addition – the application was considered and it was resolved to adjourn the application. (CPA/09/22; Item 2.2).

September 29, 2021 – House Addition- the application was considered and it was resolved to adjourn the application. (CPA/20/21; Item 2.17).

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

- 1) Front (Road) Setback (16'-0" vs. 20'-0")
- 2) Side Setback (7'-0" vs 15'-0")
- 3) Site Coverage (33.65% vs. 30%)

## **APPLICANT'S LETTER**

*Kindly accept this letter requesting a side setback and a roadside setback variance for a proposed house Addition. Located in a Low Density Residential Zone, the proposed one story house addition is 7' from the side property boundary (10' setback) and 16' from the property boundary (20' setback).*

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

- *Section 8(13)(b)(i) states an exception allowing for a breach of a setback if 'the characteristics of the proposed development are consistent with the*

*character of the surrounding area'. Given that the setback variances are minimal, we ask that CPA consider the house addition.*

- *Also note that this application is not 'materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare' as stated in section 8(13)(b)(iii), and*
- *As per Section 8(13)(d), notification letters have been sent out to adjoining property owners regarding this setback variance and no objections have been made.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a House Addition; 1,215 sq. ft. with a Front (Road) & Side Setback Variance to be located on Windermere St., George Town.

### **Zoning**

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

### **Specific Issues**

#### **1) Front (Road) Setback**

Regulation 9(8)(i) states "*the minimum front and rear setbacks are 20'-0*". The proposed addition will encroach the fronting road boundary at 16'-0" a difference of 4'-0".

#### **2) Side Setback**

Regulation 9(8)(j) states "*the minimum side setback is 15 feet for a building of more than one storey*", the proposed addition would encroach the side boundary at 7'-0" a difference of 8'-0".

#### **3) Site Coverage**

Regulation 9(8)(h) states "*the maximum site coverage for detached and semi-detached houses, duplexes, guest houses and apartments is 30%*". The proposed development will increase the site coverage to 33.7% a difference of 3.7% over the maximum required.

## **SUPPLEMENTAL INFORMATION**

No changes have been made to the plans.

## 2.6 BRODERICK ROSS (I Draft Studio) Block 19E Parcel 5 (P21-0545) (\$150,000) (NP)

Application for a temporary auto repair operation.

**Appearance at 2:00**

### **FACTS**

<i>Location</i>	Seymour Drive in Georgetown
<i>Zoning</i>	<b>Light Industrial</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	0.2 acres
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Existing 40 Foot Storage Container
<i>Proposed use</i>	Auto Repair & Paint Booth
<i>Buildings Footprint</i>	1,616 sq. ft.
<i>Buildings Area</i>	1,616 sq. ft.

### **BACKGROUND**

April 13, 2022 (CPA/11/22; Item 2.17) – The Authority resolved to adjourn the matter and invite the applicant in to discuss the suitability of the temporary use and the parking surface.

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

- 1) NRA comments re: access location
- 2) DEH comments re: solid waste
- 3) Proposed Parking & Driveway Surface

### **APPLICANT’S LETTER**

*We write on behalf of our client Wings Auto Repair.*

*We are seeking approval to construct a temporary structure and associated site improvements for a five year period. The temporary structure will operate as an auto repair business.*

*As this will be a temporary location for the business we would like to limit the number of site improvements and type of driveway surface to be used for this development.*

1. New sidewalk along Seymour drive (main road side only)

2. Gravel driveway – we are aware that this would not be the standard type of surface to be used we would ask for lenience from the board based on the fact that the property is only being leased for five years, the proposed development is temporary the use of standard surface finishes such as concrete or asphalt would be very costly for this type of development and not value for money based on the life span of the development.

We would also like to members to note the following below

- The surrounding landowners within 300' notification radius were notified no objections were received.
- All parking spaces are 8'6"x16' (standard) and a driveway aisle of 22' (standard) has been provided.
- There is sufficient spacing for parking and revering within the allocated area.
- The proposed development meets all setback requirements, and required number of parking spaces.

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

### **AGENCY COMMENTS**

Agency comments that have been received to date are listed below.

### **Department of Environment**

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

*The application site is predominately man-modified and of limited ecological value, therefore, we have no comments at this time.*

### **Fire Department**

The Fire Department has written that they approve the drawings.

### **Water Authority**

#### **Wastewater Treatment & Disposal**

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

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>	<b>GPD</b>
Auto Repair Shop	1,296sqft	0.1gpd/sqft & 100gpd/WC	230gpd	230gpd
<b>TOTAL</b>				<b>230gpd</b>

- The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.

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

*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 Resource Protection**

*The site operator and staff shall, at all times, **employ Best Management Practices (BMPs) to prevent contamination of water resources by accidental spills of hazardous materials stored / used at the facility. BMPs shall include the following:***

- *Vehicle service and other industrial workshops where fuels, greases, oils or solvents are stored and/or handled shall have all floor drains plumbed to an oil/water separator. The outlet of the separator shall be plumbed to a disposal well. Oil/water separators must meet Water Authority standards, per attached guidelines.*
- *Conduct maintenance and repairs on a non-porous surface (concrete, not asphalt or soil). Protect the concrete work area with a sturdy rain canopy that extends two feet beyond the concrete work area. Berm the concrete work area to contain any spills. Use drip pans and oil change catch basins to minimize spills.*
- *Use dry methods (absorbent material such as sand, cat litter, or rags) to clean up any drips or spills that do occur. Collect soiled absorbent materials for delivery to the George Town Landfill for proper disposal. Call 949-8793 before delivering the wastes.*
- *Minimize inventory of fluids and chemicals: stock only what is needed in the near term. Store fluids and chemicals in their original containers; transfer fluids using funnels or drum pumps to minimize spills. Use less toxic or nontoxic solvents for parts cleaning; e.g., terpenes and citric acid or microbial or water-based cleaners.*

- *Collect and store liquid wastes to be recycled in an area protected from the rain. Store wastes in labelled drums with bung closures. Store waste drums within a secondary containment structure designed to contain 110% of the storage capacity. Store lead-acid batteries upright in a single layer, within an acid-resistant secondary containment bin. Limit the amount of wastes stored by regularly delivering them to the George Town Landfill recycling drop-off. Call 949-8793 before delivering the wastes.*

#### Water Supply

*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 June 28<sup>th</sup>, 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 the above proposed development of 1,296 sq. ft. has been assessed in accordance with ITE Code 942 – Automobile Care Centre. The anticipated traffic to be added onto Seymour Drive is as follows:*

<b>Expected Daily Trip</b>	<b>AM Peak Hour Total Traffic</b>	<b>AM Peak In</b>	<b>AM Peak Out</b>	<b>PM Peak Hour Total Traffic</b>	<b>PM Peak In</b>	<b>PM Peak Out</b>
<b>12</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>

*Based on these estimates, the impact of the proposed development onto Seymour 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 Seymour Drive and Access Road, within the property boundary, to NRA standards.*

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

#### *Stormwater Management Issues*

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

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

*This application is not recommended for approval for the following reasons:*

- 1. The floor plans for the development were not submitted.*
- 2. The specifications for the paint booth exhaust system was not submitted.*
- 3. The proposed location of the solid waste enclosure does not meet DEH requirements*
  - a. The service vehicles shall be able to enter and exit the site without having to reverse onto the highway. The enclosure shall be located away from overhead power lines and other protrusions that can cause electrical shock, injury, or other difficulties during servicing.*
  - b. A vertical clearance of at least 15 feet is required over the entire approach to and from the enclosure.*
  - c. 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.*
  - d. 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.*
  - e. The driveway shall be constructed to withstand trucks weighing up to 62,000 lbs.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The subject property is located in George Town, at the corner of Seymour Road and an un-named cul de sac.

The property is vacant except for an existing 40 foot storage container.

The proposal is for an auto repair business that includes a paint booth. The applicant has indicated that the existing container will remain as part of the proposal.

The applicant has indicated that the use would only exist for five years.

Abutting properties were notified by Registered Mail and two advertisements were placed in a local newspaper. No objections have been received to date.

### **Zoning**

The property is zoned Light Industrial.

### **Specific Issues**

#### **1) Access location**

The NRA has indicated that the proposed entrance should not be located within 100 feet or 60 % of the Seymour Road frontage to the intersection.

In this instance, the proposed entrance from Seymour Road is located adjacent to the street intersection.

The applicant is not able to utilize the un-named private road for access due to the fact that he does not have an easement over that road. Therefore access is limited to Seymour Road, but the driveway could be shifted further south.

The Authority should discuss whether the proposed entrance is satisfactory for a five year time frame.

#### **2) Parking and driveway surface**

The applicant has indicated a gravel parking and driveway surface instead of hard surfacing.

The Authority should discuss whether this is acceptable for business that is proposed to exist for five years.

### **SUPPLEMENTARY COMMENTS**

No changes have been made to the plans.

## **2.7 EXROY ANNON (Modern Dream Homes Construction) Block 38E Parcel 284 (P21-1126) (\$750,000) (EJ)**

Application for a duplex and a house.

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

### **FACTS**

Kingchase Drive, Beach Bay

*Zoning*

**LDR**

*Notification result*

No objectors

*Parcel size proposed*

0.31 ac. (13,506 sq. ft.)

*Parcel size required*

22,500 sq. ft.

<i>Current use</i>	Vacant
<i>Proposed building size</i>	5,186.89 sq. ft.
<i>Total building site coverage</i>	23.88%
<i>Allowable units</i>	1 Duplex
<i>Proposed units</i>	1 Duplex & 1 House
<i>Allowable bedrooms</i>	N/A
<i>Proposed bedrooms</i>	7
<i>Required parking</i>	3
<i>Proposed parking</i>	5

## **BACKGROUND**

April 13, 2022 (CPA/11/22; item 2.13) – the application was adjourned to invite in the applicant to discuss concerns regarding the lot size

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

- 1) Lot size (13,506 sq ft vs 22,500 sq ft)

## **APPLICANT’S LETTER**

*On behalf of my client Glenford Annon, we wish to apply for a variance regarding the proposed duplex on Block: 38A Parcel: 284. The request for variance pertains to notices to 150’ radius of property (13,504 sq. ft.), being less than the 25,000sq.ft. that is required.*

*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 variances we are applying for, all the surrounding neighbours to be notified, and have no objections to our proposal. Which is clearly an enhancement to the area.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

Proposed duplex and house located on Kingchase Drive in Beach Bay.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Lot Size Variance**

The proposed duplex and house require 12,500 sq. ft. and 10,000 sq. ft. respectively for a total of 22,500 sq. ft. vs 13,506 sq. ft. proposed or a difference of 8,996 sq. ft. under.

If the Authority was to allow the proposed duplex and house, then the subject lot would be over density and the authority should bear in mind that the area is saturated

with lots of similar size to the proposed.

### **SUPPLEMENTARY COMMENTS**

No changes have been made to the plans

#### **2.8 BARKER HOLDINGS LTD. (John Doak Architecture) Block 8A Parcel 219 (P22-0076) (\$2,000) (MW)**

Application for after-the-fact modifications which include: change the exterior stairs from spiral to curved; create a private garden with a 6'-11" wall; and add a basement to cabana 1.

#### **Appearance at 3:00**

#### **FACTS**

<i>Location</i>	Conch Point Rd., West Bay
<i>Zoning</i>	<b>Hotel Tourism</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	2.30 ac. (100,188 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Approved Residence under construction
<i>Proposed building size</i>	10,753 sq. ft.
<i>Total building site coverage</i>	6.46%

#### **BACKGROUND**

April 13, 2022 (CPA/11/22; item 2.16) – the application was considered and it was resolved to adjourn the application to invite in the applicant to discuss concern regarding the side setback and fence height.

April 18, 2018 – 2 Story House with Guest Quarters, Pool & Ancillary Features– the application was considered and it was resolved to grant planning permission (CPA/09/18; Item 2.6)

August 13, 2018 – Modification to Omit Carport & gym, Add Caretaker building & Decrease Floor Area- the application was considered and it was resolved to grant planning permission.

August 1, 2018 – Caretakers Building; 417 sq. ft. – the application was considered and it was resolved to grant planning permission.

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

- 1) Side Setback (15'-4" vs. 20'-0")
- 2) Fence Height (6'-11" vs. 4'-0")

## **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

### **Department of Environment**

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

*It is noted that the proposed modification is no further seaward than what was previously approved. If any beach quality sand is excavated for the construction of the wall for the private garden and the basement for cabana 1, this sand should be placed on the natural beach profile. Given that the property is located on a turtle nesting beach, any placement of sand on the natural beach profile should not occur during turtle nesting season (May to November) without written consent from the DOE.*

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

## **APPLICANT'S LETTER**

*We write with regards to the applicant's submission of as built drawings made to BCU in January 2022 in advance of the Applicant's request for CO Inspections and also with regards to the Applicant's application to modify as reported in CPA 11/22 item 2.16*

*On the 26th January 2022 the applicant submitted as-built drawings for BCU review in advance of the CO Inspections. Upon receipt the applicant received the below disapproval notice in response to which the Applicant applied for the CPAs consideration the very next day to modify the exterior stairs and garden wall configuration, to which we respond as follows as follows.*



**DISAPPROVED**      **B18-0502**      **( 8A219 )**

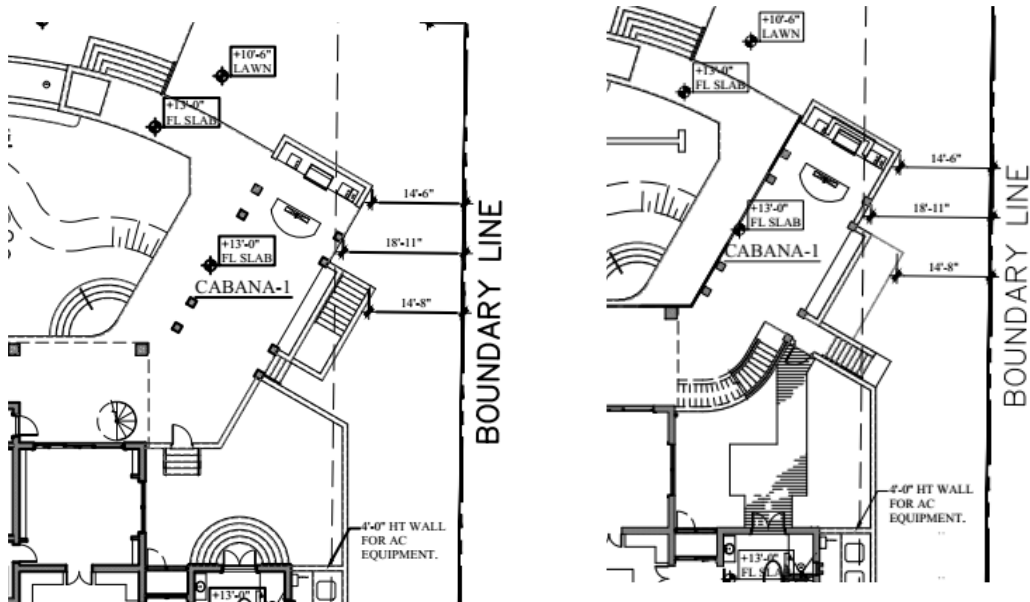
Rejection Reason: B18-0502 Main House 1) acquire planning modification and BCU approval for revisions to private garden area and spiral stairs 2) Final mechanical items outstanding 3) walkway/deck around house require guardrails installation per code for areas where grade fall greater than 29" 4) ACquire final inspection for below listed permits as noted B18-0503 CAR PORT - Final Building B18-0504 GUEST HOUSE - Final Building B18-0505 Caretaker house - Final Building (landing required at door) B18-0506 POOL - Final Building B18-0507 GARAGE W/GYM - Final Mechanical - Final Building B18-0508 Cabana - Final Building B18-0509 CABANA over pool - Final Building

### ***ITEM #1 -CHANGE FROM SPIRAL STAIR TO CURVED SWEEPING STAIR***

*During the construction period the Applicant wished to change the spiral stair to a curving stair leading from the upper balcony to the pool deck area. These changes have been submitted to BCU as "as built" drawings for approval in advance of the request for CO Inspections. See drawings below showing the change in stair configuration. We would be grateful for the CPA's favourable response and thank you for your kind attention.*

***Below (left)*** is the spiral stair configuration that was permitted by BCU and approved by the CPA. ***Below (right)*** is the "as built" layout showing the modification from a

*spiral stair to sweeping curved stair, and the modified garden deck area at the walled garden. Arisign from the curved stair placement the garden steps from pool deck to the garden were relocated as shown. The walled garden has an elevated boarded deck to avoid stairs at the entry to the man house, as shown.*



**Photographs of the curved stairs are shown here alongwith a view into walled garden:**



## ***ITEM #2 -CABANA STAIR TO THE BEACH ON EAST SIDE***

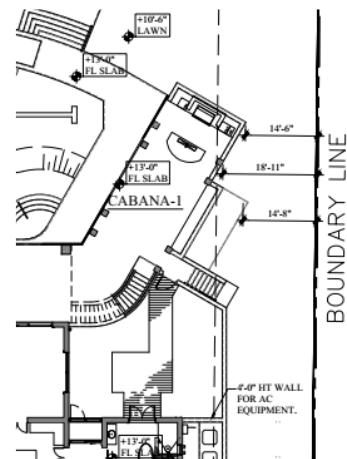
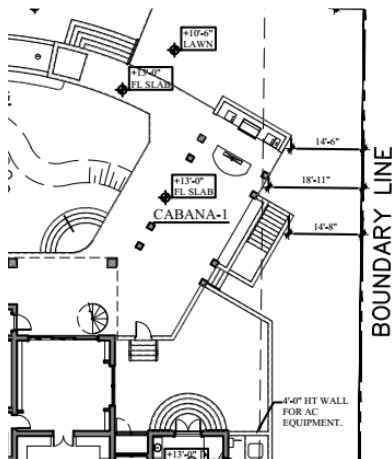
*It was decided to change the stairway access to the pool equipment room. Instead of having the approved and permitted basement stairs which were orientated to face the ocean, and thus might allow potential flooding of the pool equipment and storage space in time of storm, the grading on the east side has been reprofiled such that you can walk straight into the pool room rather than go down a “basement” like stairway.*

***Photograph of the revised stair between pool deck and the pool equipment room shown here:***

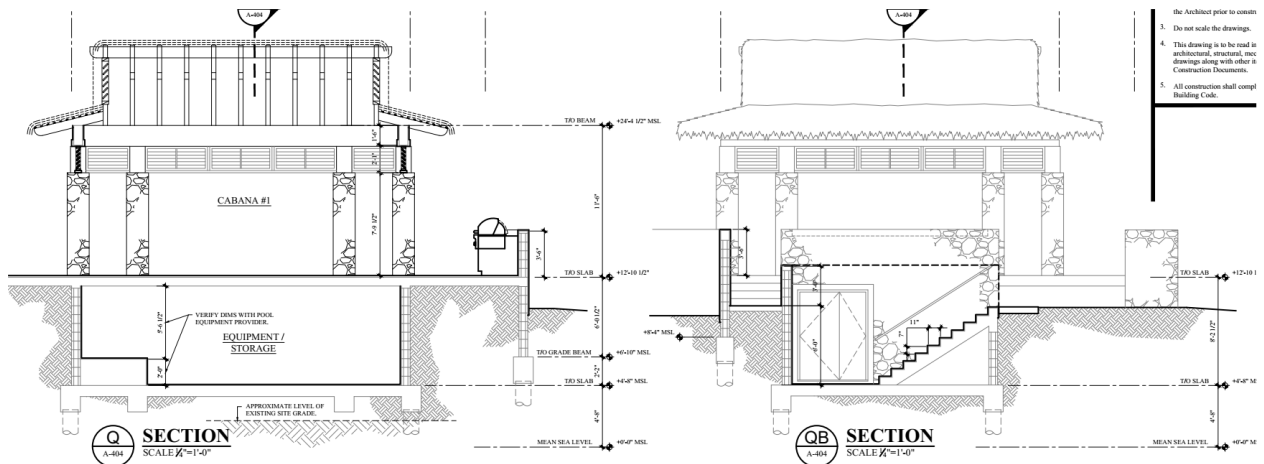


*Below plans show the approved pool equipment room configuration and the proposed “as built” configuration of the access and stairway configuration, for which the Applicant seeks the CPA’s approval. Kindly note the proposed stairway configuration maintains a similar setback to the previously approved setback from the eastern boundary.*

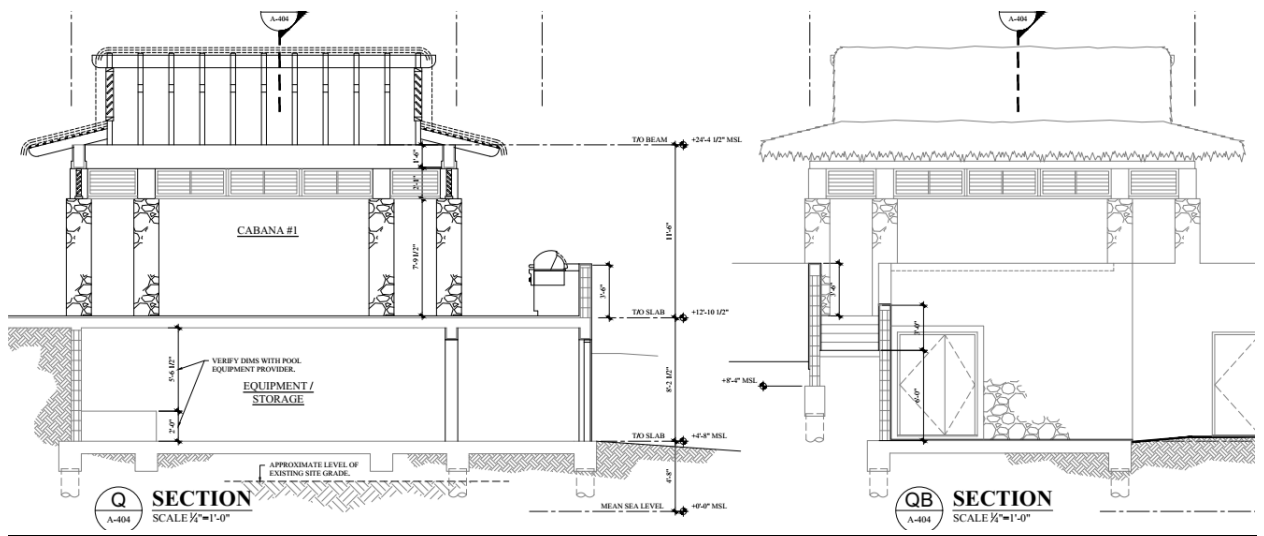
***Below plans show approved condition (left) and proposed orientation of stair (right)***



**Below 4th October 2018 permitted configuration:**



Below “as built” cross sections showing stair and pool equipment room:



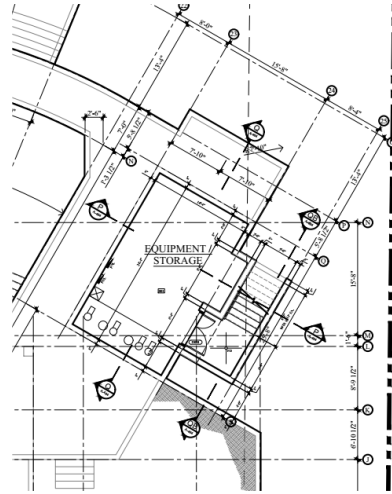
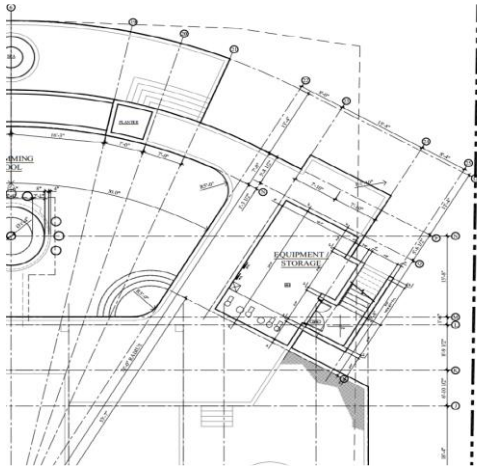
The applicant seeks the CPA’s formal re-approval of those elements projecting into the east side setback and to include the reconfiguration of the stairway leading down to the equipment room under the BBQ Cabana.

### ITEM#3 - BASEMENT BELOW CABANA

The minutes of CPA 11/22 item 2.16 appear to suggest the basement area under the pool cabana is an “after the fact” addition, which is not at all the case.

The basement plans for the house show the space below the Cabana as Equipment Storage, see **below (left)** snapshot from the P18-0450 approved 27th April 2018 drawings and also P18-0678 stamped Administratively approved 1st August 2018 drawings and **below (right)** snapshot from the building permitted drawings B18-0502 (dated 4 October 2018) :





*Above drawings showing approved and permitted basement storage and pool equipment space*

**ITEM #4 - LEVELS AROUND THE POOL DECK**

*The relationship between beach sand and the pool deck area, and anywhere else around the property, do not exceed 29" now that final grading is completed for CO inspections to be undertaken.*

*Photos below showing edge of deck conditions where drop offs are 29" or less :*









### ***ITEM #5 - NOTIFICATIONS***

*In response to the Planning Department request to notify adjacent owners regarding east side setback infringements and other matters, this was carried out and both the west side and east side owners have provided their written consent to the proposals.*

*The land to the east is also owned by the Applicant. The consent letters have been uploaded to OPS.*

### ***AERIAL VIEWS AND SITE LOCATION***

*As a visual reference the following is an aerial photograph from Google Earth (dated 2022) as reference to the subject property which is now built to the east of Villas Papagallo. The property to the east of the subject land is owned by the Applicant.*





**ITEM #6 – WALL HEIGHTS**

*Mention is made within the CPA 11/22 agenda to walls and heights of up to 6'-11". The actual location of these walls has not been clarified although a photograph taken by the Planning Dept appears to accompany the wall height reference.*

***Below drawing is from the CPA approved and BCU permitted drawings showing the east side elevation of the house and walls:***



***Below photograph:*** current view of the exterior east side wall (same as drawn above in approved plans except stair)



***Below:*** photo showing setbacks from the east boundary, all as previously approved :



*Thank you for the opportunity to respond and present the CPA members with the Applicant's submission to modify the stairs and other elements described above.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for an ATF Modification to exterior stairs from Spiral to Curved, Create Walled Private Garden; 6'-11" Wall, Modify Cabana 1 to Add Basement; 446 sq. ft. to be located on Conch Point Rd., West Bay.

### **Zoning**

The property is zoned Hotel Tourism and the Department would offer the following comments regarding the specific issue noted below.

### **Specific Issues**

#### **1) Side Setback**

Regulation 10(1)(f) of the Development and Planning Regulations (2021 Revision) states "*the minimum side setbacks are a minimum of 20'-0"*" The edge of Cabana 1 was previously approved by CPA on April 18, 2018 (CPA/09/18; Item 2.6) with a 14' 6" setback from the eastern boundary, however the applicant has modified the existing site to allow for a stairway off the existing deck to the lower grade area which is now approximately 15' 4".

#### **2) Fence Height**

The CPA fence guideline 4.3.1 stipulates that "*In residential and tourism-related zones, no part of a solid wall or fence should exceed 48 inches in height*"- The

proposed ATF private walled garden fence at the eastern side of the residence would be 6'-11" in height a difference of 2'-11" respectively.

**SUPPLEMENTAL INFORMATION**

No changes have been made to the plans.

## **2.0 APPLICATIONS** **APPEARANCES (Items 2.9 to 2.34)**

### **2.9 RUSSELL MUCKLOW (Johnson Design & Architecture) Block 8A Parcels 42 & 43 (P22-0031) (\$5.0 million) (NP)**

Application for 21 apartments & a pool.

#### **FACTS**

<i>Location</i>	Conch Point Road in West Bay
<i>Zoning</i>	<b>Hotel/Tourism Zone</b>
<i>Notification Results</i>	No objections
<i>Parcel size</i>	1.2 acres
<i>Parcel size required</i>	0.5 acres
<i>Current use</i>	Vacant
<i>Proposed use</i>	Apartments
<i>Building Footprint</i>	12,242 sq. ft.
<i>Building Area</i>	32,716 sq. ft.
<i>Site Coverage</i>	23.4%
<i>Number of Units Allowed</i>	30
<i>Number of Units Proposed</i>	21
<i>Parking Required</i>	32
<i>Parking Proposed</i>	32

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

- 1) Rear setback (15' vs 20' required)
- 2) Minimum lot width (75' vs 100' required)
- 3) Side setback (10' patio & 15' wall vs 20')
- 4) Driveway width (18' vs 22')
- 5) Fire Department comments
- 6) NRA comments
- 7) Garbage enclosure location

#### **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 (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 and of limited ecological value. The DoE recommends that the applicant retains mature native vegetation within the parcels and plants and incorporates native vegetation into the landscaping scheme for the development. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and less supplemental irrigation, meaning once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands' biodiversity by providing habitat and food for native fauna.*

## Fire Department

The Fire Department has disapproved the drawings in OPS with the following comments:

*AS PER BUILDING CODE AMENDMENTS 310.2 FIRE DEPARTMENT VEHICLE ACCESS. ALL R1 AND R2 OCCUPANCIES THREE (3) OR MORE STORIES IN HEIGHT SHALL PROVIDE OPEN SPACE OF AT LEAST TWENTY (20) FEET WIDE ALONG THREE SIDE OF THE BUILDING.*

*PLEASE DEPICT PROPOSED FIRE HYDRANT / FIRE WELL .*

*AS PER STANDARD FIRE PREVENTION CODE 602.6.1  
EVERY BUILDING HEREAFTER CONSTRUCTED SHALL BE ACCESSIBLE TO  
FIRE DEPARTMENT APPARATUS BY WAY OF ACCESS ROADWAYS WITH ALL-  
WEATHER DRIVING SURFACES OF NOT LESS THAN 20 FT (6.1 M) OF  
UNOBSTRUCTED WIDTH, WITH ADEQUATE ROADWAY TURNING RADIUS  
CAPABLE OF SUPPORTING THE IMPOSED LOADS OF FIRE APPARATUS AND  
HAVING A MINIMUM VERTICAL CLEARANCE OF 15 FT*

## 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 5,550 US gallons per day (gpd), based on the following calculations.*

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>
Building A	1 x 1-Bed Unit 2 x 2-Bed Units 4 x 3-Bed Units	150gpd/1-Bed	1,800
Building B	2 x 2-Bed Units 3 x 3-Bed Units	225gpd/2-Bed	1,350
Building C	1 x 1-Bed Unit 2 x 2-Bed Units 4 x 3-Bed Units	300gpd/3-Bed	1,800
Building D	2 x 3-Bed Units		600
<b>TOTAL</b>			<b>5,550 GPD</b>

- ***Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. 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.***

**Water Supply:**

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

- *The developer is required to notify the Cayman Water Company without delay, to be advised of the site-specific requirements for connection.*

*The developer shall provide water supply infrastructure per CWC's specification and under CWC's supervision.*

**National Roads Authority**

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

**Boundary Plan 12**

*Conch Point Drive was gazetted as a thirty (30)ft road under Boundary Plan 12 per Section 3 of the Roads Act (1974), gazette number Sup2\_3/1977. Please have applicant respect.*



#### *Road Capacity Issues*

*The traffic demand to be generated by a residential development of twenty-one (21) multi-family units has been assessed in accordance with ITE Code 220. 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 Conch Pointe Road is as follows:*

<b><i>Expected Daily Trip</i></b>	<b><i>AM Peak Hour Total Traffic</i></b>	<b><i>AM Peak 20% In</i></b>	<b><i>AM Peak 80% Out</i></b>	<b><i>PM Peak Hour Total Traffic</i></b>	<b><i>PM Peak 65% In</i></b>	<b><i>PM Peak 35% Out</i></b>
<b><i>139</i></b>	<b><i>11</i></b>	<b><i>2</i></b>	<b><i>9</i></b>	<b><i>13</i></b>	<b><i>8</i></b>	<b><i>5</i></b>

*Based on these estimates, the impact of the proposed development onto Conch Pointe 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.*

*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 Conch Pointe 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 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.*

### **APPLICANT'S LETTER**

*Kindly accept this letter requesting a Lot width variance as well as side and rear setback variance for a residential development. Please consider the typical residential side setbacks of 10 and 15 for this multi storey apartment complex proposed in a Hotel Tourism Zone, which requires a 20' side setback.*

*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”. The proposed 10’ and 15’ setback is consistent with other buildings in Residential zones, close to this site.*
- 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.*
- 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 subject property is located on Conch Point Road, across from Pampered Ponies on Conch Point Road.

The property is currently vacant and the proposal is for 21 apartments.

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

### **Zoning**

The property is zoned Hotel Tourism.

### **Specific Issues**

#### **1) Rear Setback (15’ vs 20’ required)**

Regulation 10(1)(i) states that the minimum rear setback is 20 feet.

In this instance the southernmost building has a proposed setback of 15 feet.

The applicant has submitted a variance letter and the Authority should consider whether there is justification for a reduced rear setback.

#### **2) Minimum Lot Width (75’ vs 100’ required)**

Regulation 10(1)(c) states that the minimum lot width for apartments is 100 feet.

In this instance the minimum lot width is 75 feet.

The applicant has submitted a variance letter and the Authority should consider whether there is justification for a reduced lot width.

#### **3) Side Setback (10’ patio & 15’ wall vs 20’)**

Regulation 10(1)(f) states that the minimum side setback is 20 feet.

In this instance the proposed east side setback is 10 feet to the proposed patios and 15 feet to the building dividing walls.

The applicant has submitted a variance letter and the Authority should consider whether there is justification for a reduced side setback.

#### **4) Driveway Width (18’ vs 22’)**

The minimum driveway width typically required by the Authority is 22 feet, as

this is the minimum to allow for functional two way traffic. In this instance, the main access driveway narrows to 18 feet in width in two locations.

While the Department acknowledges that this may act as a traffic calming measure, the Authority should discuss whether this is acceptable in this instance.

**5) Garbage enclosure location**

The DEH has not submitted comments on the subject application, but it is noted that the solid waste disposal location is at the extreme south of the property with a lengthy reverse distance.

**2.10 TRIO CAYMAN LTD. (Trio Design) Block 13EH Parcels 15 and 16 (P22-0177) (\$3,000,000) (BES)**

Application for a studio apartment/music studio on the second floor including changes to the building elevations, roof design and external metal fire escape stairs.

**FACTS**

<i>Location</i>	Adjacent to Mr. Arthur's shop on North Church Street
<i>Zoning</i>	<b>G.COM</b>
<i>Notification result</i>	No Objectors
<i>Parcel Size Proposed</i>	0.19 ac. (8,276.4 sq. ft.)
<i>Current Use</i>	Commercial building
<i>Building Size</i>	43,806 sq. ft.
<i>Building Site Coverage</i>	24.8%
<i>Required Parking</i>	10
<i>Proposed Parking</i>	11

**BACKGROUND**

August 6, 2003 (**CPA/21/03; Item 3.015**) – CPA granted planning permission for a retail shop.

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

- 1) Existing HWM setback (22' vs. 75')
- 2) Site setback (2'-11" vs. 6')
- 3) Parking bollards
- 4) Parcel combination

**AGENCY COMMENTS**

Comments from the Water Authority, National Roads Authority, Fire Service, Department of Environmental Health and Department of Environment 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 & Disposal**

- *The developer shall provide a **septic tank(s)** with a capacity of at least 1,000 US gallons for the proposed, based on the following calculations:*

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>
<i>First Floor</i>	<i>~1,600 sq. ft. Retail Space</i>	<i>1,600 x 0.15 (retail factor)</i>	<i>240</i>
<i>Second Floor</i>	<i>1 x 1-Bed Studio</i>	<i>150gpd/1- Bed</i>	<i>150</i>
	<i>~1,000 sq. ft. Office Space</i>	<i>1,000 x 0.15 (office factor)</i>	<i>150</i>
<b>TOTAL</b>			<b>540 GPD</b>

- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- *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 5'9" 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). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
- 2. All dimensions and materials shall be provided for any site-built tanks.*
- 3. Manhole extensions are permitted up to a maximum of 24" below finished grade.*
- 4. Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
- 5. A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
- 6. The Water Authorities updated 2020 effluent disposal well specifications.*



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

#### **Change-of-use with Existing Septic Tank**

*If the developer proposes to utilize the existing septic tank and/or disposal well, the system shall be inspected and serviced per the Septic Tank Inspection Form that can be downloaded from the Water Authority's website via the following link: <https://bit.ly/2RO8MBB>. The completed inspection form shall be returned to the Water Authority for review and determination as to whether the existing system meets Water Authority design specifications. Any deficiencies noted will require repair or replacement prior to final approval for certificate of occupancy.*

#### **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.*

#### **National Roads Authority**

*As per your memo dated April 6th, 2022 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.*

## Fire Service

The CFO approved the site layout

## Department of Environmental Health

### **Solid Waste Facility:**

1. This development require 3 (33) gallon bins and an enclosure built to the department's requirements.
  - a. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.
  - b. 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
3	2.50	7.50	2.50

## Department of Environment

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

*The application site is man-modified with an existing building and is adjacent to a Marine Protected Area, namely a Marine Reserve. We note that the proposed modifications and addition are located behind the existing seawall and are no further seaward than the existing structure on-site. However, the existing building currently **does not** meet the minimum required setback prescribed in the Development and Planning Regulations (2022). The DoE is of the opinion that rebuilds, additions and modifications of developments should seek to build in a more sustainable and climate-resilient manner, given climate change predictions for the region, which include sea-level rise and increased intensity of storm events (including storm surge).*

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

1. *All construction materials shall be stockpiled landward of the existing seawall.*

2. *The ironshore shall be retained in its natural state. There shall be no heavy equipment or storage of any kind on the ironshore.*
3. *If the construction is using insulating concrete forms (ICFs), measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, polystyrene or foam waste is completely captured on-site and does not impact the surrounding area including the Marine Protected Area.*

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

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

### **APPLICANT'S LETTER**

*I am writing on behalf of my client BIGCAT LTD. for whom I am applying to the Central Planning Authority for a change of use to the existing [2] Story Building located on [13EH -16]. In addition, we are seeking a variance allowing for the installation of a prefabricated metal straight run Fire Escape on the South Elevation of the existing building.*

*Side Set Back exemption under:*

*Regulation 8. (11) (e)(f) [Development and planning regulations 2022 revision] The existing building is to be renovated and the second floor converted to a Studio Apartment & a Music Recording Studio. The proposed (Fire Escape) is for emergency exit from the proposed Studio Apartment.*

*Thanks in advance for your kind consideration in this matter.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is for a studio apartment on the second floor, changing the building elevations, roof design, and an external metal fire escape at the above-captioned property. The property is on North Church Street next to Mr Arthur's shop, George Town.

#### **Zoning**

The property is zoned General Commercial.

#### **Specific Issues**

##### **1) HWM Setback**

The existing high-water-mark setback is 22'-0", whereas the minimum required HWM setback is 75' under 8(10)(a) of the Development and Planning Regulations (2022 Revision). The proposed development will not affect the existing setback.

## 2) Side Setback

The side setback for the fire escape stairs is 1' - 6", whereas the required side setback is 6' per regulation 8(8)(b).

## 3) Parking bollards

As illustrated on the site plan, the applicant is proposing retractable parking bollards at the parking lot ingress and egress points. When the bollards are retracted vehicles will have to stack on North Church Street blocking the traffic flow.

## 4) Parcel combination

The building is on 13EH 16 and the parking is on 13EH 15. Both parcels are owned by the same company. The Authority should determine if the parcels should be combined.

### 2.11 RUTHFORD MCLAUGHLIN (Whittaker & Watler) Block 71A Parcel 71 (P22-0229) (\$10,500) (NP)

Application for land clearing.

#### **FACTS**

<i>Location</i>	Farm Road, East End
<i>Zoning</i>	<b>Agricultural/Residential</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	43.0 acres
<i>Area to be Cleared</i>	12.25 acres
<i>Current use</i>	Vacant
<i>Proposed use</i>	Agriculture

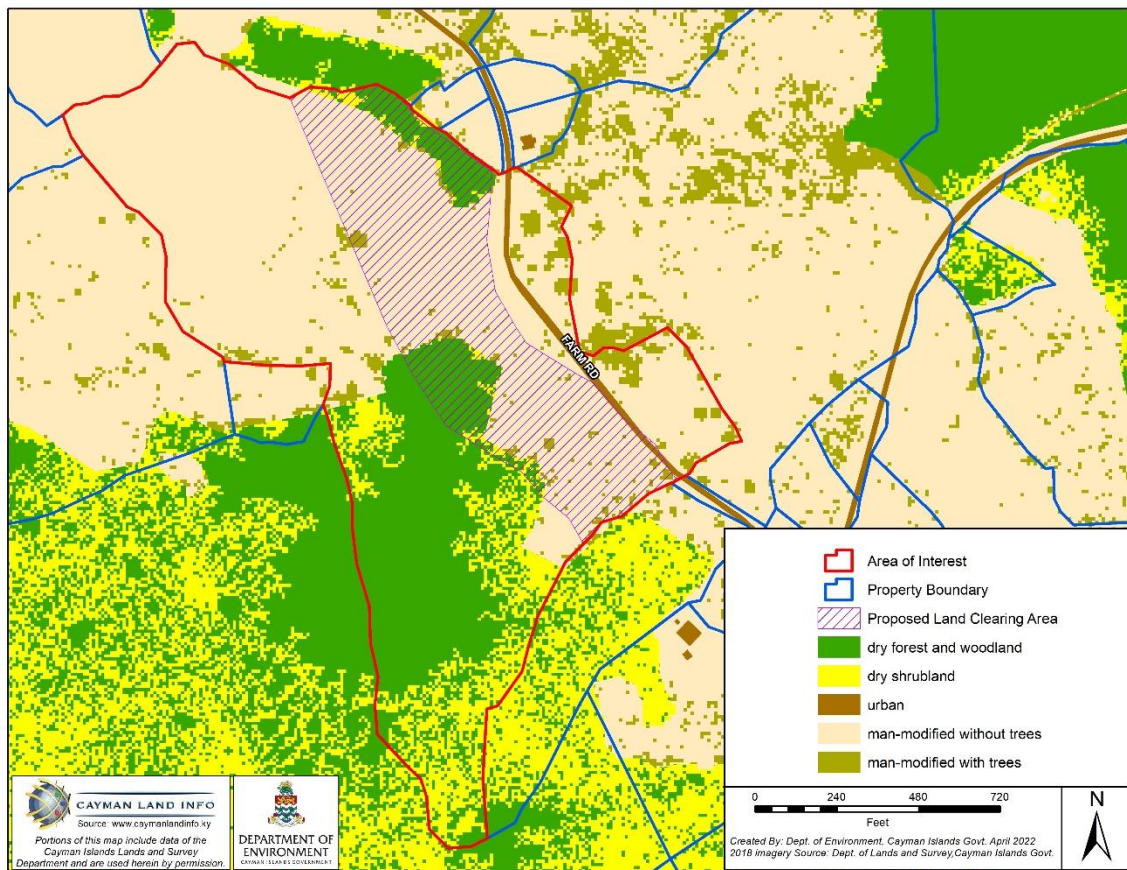
**Recommendation:** Discuss the application to clear land by mechanical means and the comments of the DOE.

#### **AGENCY COMMENTS**

Comments from the Department of Environment are noted below:

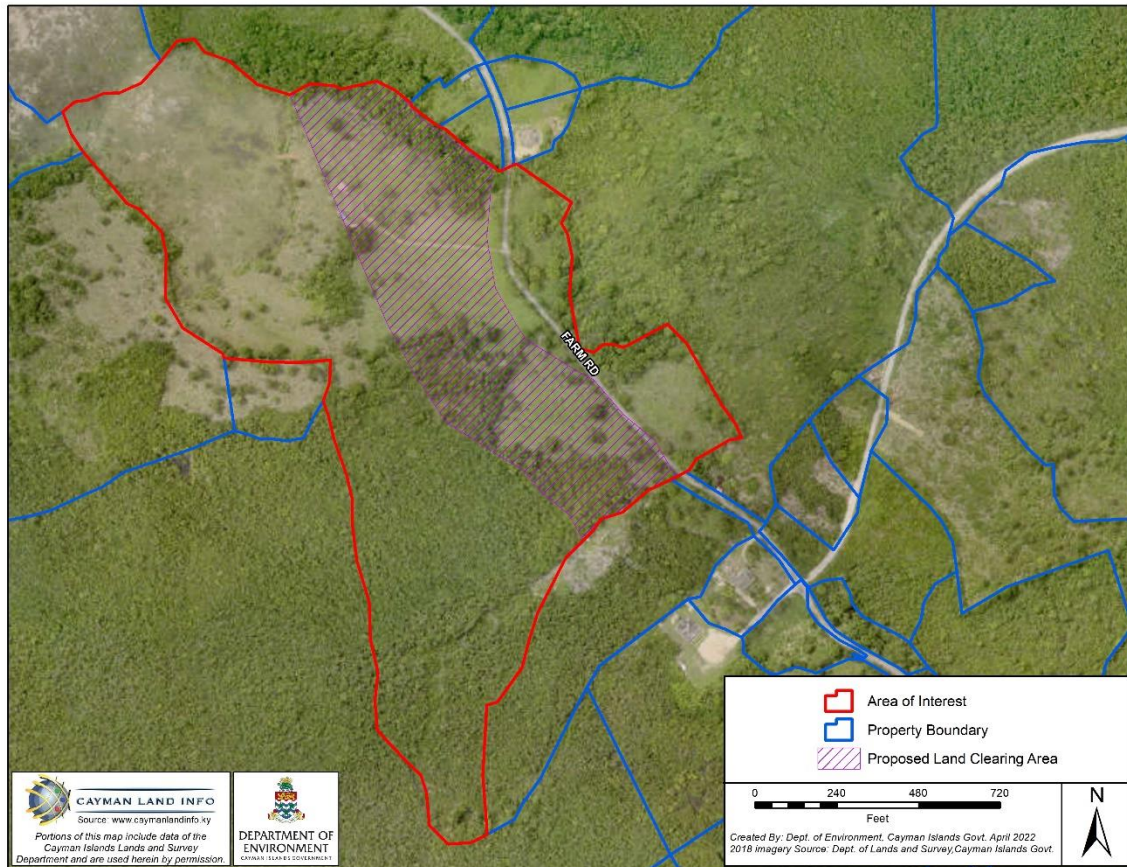
*This review is provided by the Director of the Department of Environment (DOE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The application site consists of a mixture of primary dry forest and shrubland habitat and man-modified areas as shown in Figures 1 and 2. Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. These habitats are becoming rarer due to conversion from human activity and are under increasing pressure from climate change induced threats.*



***Figure 1: DOE's 2013 Habitat Map extract showing the application site outlined in red and the proposed land clearing footprint in purple (hashed lines).***





**Figure 2: LIS 2018 aerial imagery showing the application site outlined in red and the proposed land clearing footprint in purple (hatched lines).**

The impacted areas appear to have been used for farming in the past. However, the application site is likely in the habitat range of the Grand Cayman Blue Iguana (*Cyclura lewisi*). Blue Iguanas are listed as endangered on the IUCN Red List and they are a Part 1, Schedule 1 protected species under the National Conservation Act (2013) making them a species 'protected at all times'. Blue Iguanas are endemic to Grand Cayman meaning they are unique to Cayman and found nowhere else on earth. They are an iconic Caymanian flagship species and their presence serves as a valuable tourism asset.

Iguanas prefer bare glades for nesting. Previously cleared areas may therefore attract nesting iguanas to use the site. Heavy machinery and vehicles can crush or bury iguanas and their nests. Therefore, land clearing **should not** take place during Blue Iguana nesting season to prevent the accidental 'take' of the Part 1 protected species. We have included conditions to safeguard nesting iguanas, especially during this period.

It is noted that the proposed land clearing encompasses some of the primary habitat. We recommend that land clearing is kept to the already impacted, man-modified sections of the parcel if possible to allow the retention of the primary vegetation. Retaining the native primary habitat in its natural state allows for the continuation ecosystem services benefits to the property owner and surrounding area such as:

- Providing habitat and food for wildlife
- Assisting with the management of run-off and site drainage

- *Reducing the amount of greenhouse gas emissions by avoiding unnecessary clearing of land (which releases carbon dioxide into the atmosphere)*
- *Providing sound and privacy buffers from neighbouring properties and development.*

*Should the Central Planning Authority or Planning Department be minded to grant planning permission, the following conditions are recommended for the inclusion of the planning approval to minimize impacts to primary habitat and endangered Grand Cayman Blue Iguanas.*

1. *All vegetation outside of the proposed land clearing footprint shall not be cleared and be retained in its natural state.*
2. *There shall be no land clearing, filling or excavation during the main Blue Iguana nesting season (01 June – 30 September yearly).*
3. *During land clearing, appropriate care and attention must be paid to ensure that no iguanas are harmed in the process.*
4. *Any further land clearing, excavation, filling or development of the site shall be the subject of a separate consultation with the Central Planning Authority and the National Conservation Council.*

### **APPLICANTS LETTER**

This letter is to clarify that the Proposed Land Clearing of approximately 12.25 Acres on part of Block 71A Parcel 71 is for Farming purposes.

We are looking forward for your good office for consideration and accepting this application.

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The subject property is located on Farm Road in East End.

The property is currently vacant and the application is to clear 12.25 acres of the total 43.0 acres for farming purposes.

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

#### **Zoning**

The property is zoned Agricultural/Residential.

**2.12 DAWN MAJOR (Craftman’s Touch) Block 28B Parcel 377 (P22-0168) (\$600,000) (BES)**

Application for a duplex.

**FACTS**

<i>Location</i>	Off Neezas Way, Savannah
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.2645 ac. (11,521.62 sq. ft.)
<i>Parcel size required</i>	12,500sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3,920 sq. ft.
<i>Total building site coverage</i>	22.9%
<i>Required parking</i>	2
<i>Proposed parking</i>	5

**BACKGROUND**

No previous CPA actions

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

- 1) Lot size (11,521.62 sq ft vs. 12,500 sq ft)
- 2) Side setback (10’ vs. 15’)

**APPLICANT’S LETTER**

*With respect to our submission for a duplex on block 28B parcel 377 located on Maedowlark Road, Bodden Town, Grand Cayman, we hereby request variances as follows:*

- 1. Land Size variance where the present regulation requires 12,500sf and the proposed is 11,471.38 sf*
- 2. Side setback variance where the present regulation requires 15ft and the proposed is 10ft.*

*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 detrimental 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 applicant is for a duplex (3,920 sq ft at the above-caption property. The site is located off Neezas Way, Savannah.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Lot Size**

The proposed lot size is 11,521.62 sq ft, whereas the minimum required lot size is 12,500 sq ft pursuant to regulation 9(8)(e) of the Development and Planning Regulations (2022 Revision). It should be noted that the subject lot is in a subdivision that was only finalized in 2021. If the original developer wished for there to be duplexes in the subdivision then it should have been designed with lots that are a minimum of 12,500 sq ft.

#### **2) Side Setback**

The proposed side setbacks are 10', whereas the minimum required side setback for the proposed 2 storey building is 15'-0" pursuant to regulation 9(8)(j) of the Development and Planning Regulations (2022 Revision).

#### **2.13 SJP DEVELOPMENT (Andrew Gibb) Block 32D and 38E Parcel 122, 5 and 282 (P22-0406) (JP)**

Application to modify Planning Permission to relocate the events and banquet centre and spa facility south closer to the main resort facilities; remove the beachfront villas; reconfigure the pathways; and other smaller inconsequential changes.

### **FACTS**

<i>Location</i>	Beach Bay Road, Lower Valley
<i>Zoning</i>	<b>H/T</b>
<i>Notification result</i>	No objectors
<i>Current use</i>	Vacant
<i>Proposed building size</i>	536,878 sq. ft.
<i>Total building site coverage</i>	30.75%
<i>Required parking</i>	301

**BACKGROUND**

March 30, 2022 (**CPA/09/22; item 2.7**) – Application for 22 apartments and three pools approved (P21-1150)

March 30, 2022 (**CPA/09/22; item 2.6**) – Application approved to enclose a breeze way, internal amendments to residences layout and elevation treatment and lowering of site level (P21-1247)

December 15, 2021 (**Administrative Approval**) – Application for 3 LPG tanks, 5x generators, re-siting of WWTP and inclusion of a fence approved (P21-0933)

December 3, 2019 (**CPA/24/19; item 2.6**) – application for a resort including residences, space and conference centre approved (P19-0468)

December 6, 2017 (**CPA/25/17; item 2.1**) – application for excavation with material to remain on site approved (P17-1053)

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

- 1) Department of Environment comments.

**AGENCY COMMENTS**

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

**Water Authority****Wastewater Treatment and Disposal**

- *The Water Authority has previously approved of a **Packaged KEE RBC 4000HR** wastewater treatment plant with a total design capacity of **50,000 GPD** for the proposed Phase 1A development. Also included in the approval memorandum was a combined total of **12,600 GPD** for **grease interceptor capacity** (Planning Ref: P19-0468, i051019-101024 / WAC Ref: WAC\_4845).*
- *The capacity of the proposed ATU is also deemed suitable in accommodating projected wastewater output for Phase 1B based on previous calculations within the official memorandum uploaded 07-Dec-21 (Planning Ref: P21-1150, i120121-120427 / WAC Ref: WAC\_4845i).*
- *Therefore, the previous approval memorandum issued by Water Authority for the proposed development remains applicable.*

**Casing Diameter for ATUs**

*Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. **The minimum well casing diameter for this development shall be 10''**. 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.*

### **Reuse of Treated Effluent**

*The developer intends to store and reuse treated effluent. **The Water Authority encourages the reuse of treated effluent for irrigation and cooling purposes.** However, in the interest of public safety **pop-up sprayers may not be used, nor may the system be connected to a potable water supply.** Alternatively, the developer may install a drip-fed irrigation system with purple color-coded pipework that irrigate sub-surface or surface via soaker hose or drip emitters at a rate not to exceed the uptake rate of the irrigated area; i.e., no spray or pooling of effluent. The developer shall provide specifications to the Water Authority for review and approval. Approval is also required by the Department of Environmental Health and the Planning Department's BCU.*

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

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

### **Lint Interceptor Required at Commercial, Institutional, Coin-op Laundries**

*An approved lint interceptor is required for commercial and institutional laundries. The developer is required to submit specifications for all laundry (washer) equipment to the Water Authority for determination of the required capacity of interceptor. Specifications can be sent via email to [developmentcontrol@waterauthority.ky](mailto:developmentcontrol@waterauthority.ky)*

### **Elevator Installation**

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

### **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**

No comments received.

**Department of Environmental Health**

*DEH has no objections to the proposed in principle with the condition that the following be submitted for review:*

*Solid Waste Facility:*

*1. A copy of the solid waste management plan.*

*Swimming Pool:*

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

*All kitchens and bar areas:*

*Floor plan layout and equipment specifications for these areas.*

*Additional Requirements*

*In addition to the abovementioned, the following be submitted at the BCU stage for review:*

*1. The approved BCU hood details.*

*2. Specifications for the hot water heater.*

**Department of Environment**

See Appendix A

**Fire Department**

*Please depict proposed fire hydrant and fire well.*

*603.1.3 fire hydrants*

*603.1.3.1 water supply. approved fire hydrants shall be provided for all buildings to meet the necessary fire flow requirements as determined by the fire official. where public water supply is inadequate or not available, an approved alternative water source meeting the fire flow requirements.*

*Please ensure all turning radius fire access is at minimum radius of fire requirements inside turn: 26.4*

*curb to curb : 46*

*wall to wall: 53.6*

*As per 1994 standard fire prevention code 602.6 access to buildings by fire apparatus 602.6.1 every building hereafter constructed shall be accessible to fire department apparatus by way of access roadways with all-weather driving surfaces of not less than 20 ft (6.1 m) of unobstructed width, with adequate roadway turning radius capable of supporting the imposed loads of fire apparatus and having a minimum vertical clearance of 15ft .*

*As per 1997 fire code 3.5.2 fire lanes shall be not less than 20ft of unobstructed width able to withstand live load of fire apparatus and have a minimum of 15ft vertical clearance an approved turnaround for fire apparatus shall be provided where an access road is a dead end and is in excess of 150 ft in length.*

*As per 1997 fire code*

*3.5.1 fire lane shall be provided for all buildings that are set back more than 150ft from public road or exceed 30 ft in height and are set back over 50ft from public road,*

### **APPLICANT'S LETTER**

See Appendix B

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application site is located within the Lower Valley area of Grand Cayman. The site is accessed from Beach Bay Road which is directly north. An existing public beach access runs to the west of the application site beyond which a private residence is located. Remaining land to the north and east is vacant and the Caribbean Sea forms the southern boundary.

The application seeks Planning Permission to modify the existing approval by:

- Relocating the events and banquet centre and spa facility south closer to the main resort facilities;
- Beachfront villas removed and pathways reconfigured; and
- Smaller inconsequential changes.

#### **Zoning**

The property is zoned Hotel/Tourism. There are no concerns with the proposal.

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

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

#### **FACTS**

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

## **BACKGROUND**

May 11, 2022 (CPA/13/22; item 2.6) - Members resolved to adjourn determination to enable the applicant to submit a revised site plan depicting the proposed structures in conformity with the Regulation requirements.

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

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

## **AGENCY COMMENTS**

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

### **Water Authority**

#### **Wastewater Treatment:**

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

- *The developer shall notify the Water Authority's Engineering Department at 949-2837 EXT: 3000, as soon as possible to ensure that:*
  - *the site-specific connection requirements are relayed to the developer,*
  - *any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the developer would be held responsible), and*
  - *the Authority can make necessary arrangements for connection.*
  - *A grease interceptor with a minimum capacity of 3,000 US gallons is required to pre-treat kitchen flows from fixtures and equipment with grease-laden waste. Fixtures and equipment includes: pot sinks, pre-rinse sinks, dishwashers, soup kettles or similar devices and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the WBBSS.*
  - *The developer shall be responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The site's wastewater infrastructure shall be designed and installed to the Authority's specifications.*
- Copies*

### **National Roads Authority**

No comments received.

### **Department of Environmental Health**

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

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

## **Department of Environment**

See Appendix C

## **Fire Department**

Stamped approved drawings.

## **APPLICANT'S LETTERS**

### **Letter #1**

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

*With the return of tourism, our intent is to restore a signature destination beach bar and restaurant to fill a gap felt by both locals and visitors. The scope of the renovations will allow the facility to reopen for the 2022-2023 high season. The design works within the existing footprint will enhance the structure while providing a new restroom facility. A primary design consideration is that the facility be a good neighbour and complement the activities at Seven Mile Public Beach without drawing upon its resources. The parking modifications and enhancements to the service road will improve vehicular access.*

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

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

### **Variances**

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

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

*Regulation 8(11) –*

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

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

**Side Setback Variance:** *We further chose to locate the restroom building along the south boundary, nearly in line with the restaurant and existing slab, to contain back of house operations. In combination with a new 6' fence, the BOH area will be screened from Public Beach users and the pathway.*

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

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

*Regulation 8(13)(b) –*

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

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

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

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

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

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

### **Service Road**

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

### **Pedestrian Connection to Hotel Indigo**

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



*Within the next few weeks, we will submit a Modification to Planning Permission application under P20- 1094 (Hotel Indigo) to include this path as part of the hotel's development. The application will include a revision to the associated Turtle Lighting Plan, incorporating the path's lighting schedule.*

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

Letter #2

See Appendix D

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

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

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

### **Zoning**

The property is zoned Hotel/Tourism.

### **Specific Issues**

#### **1) Fence**

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

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

#### **2) High Water Mark setbacks**

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

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

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

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

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

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

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

## **SUPPLEMENTARY ANALYSIS**

Revised plans submitted for the following:

- Proposed restrooms relocated to comply with high watermark setback;
- Fence screening back of house now removed;
- Realignment of parking spaces.

### **2.15 RAM ELECTRICAL & CONSTRUCTION (Ivy Sahedo) Block 4E Parcel 713 (P22-0219) (\$500) (NP)**

Application for land clearing.

#### **FACTS**

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

#### **BACKGROUND**

May 11, 2022 (CPA/12/22; Item 2.9) – The Authority resolved to adjourn the matter and require the applicant to submit a letter regarding the reasons for the proposed land clearing.

**Recommendation:** Discuss the application to clear land by mechanical means and the comments of the DOE.

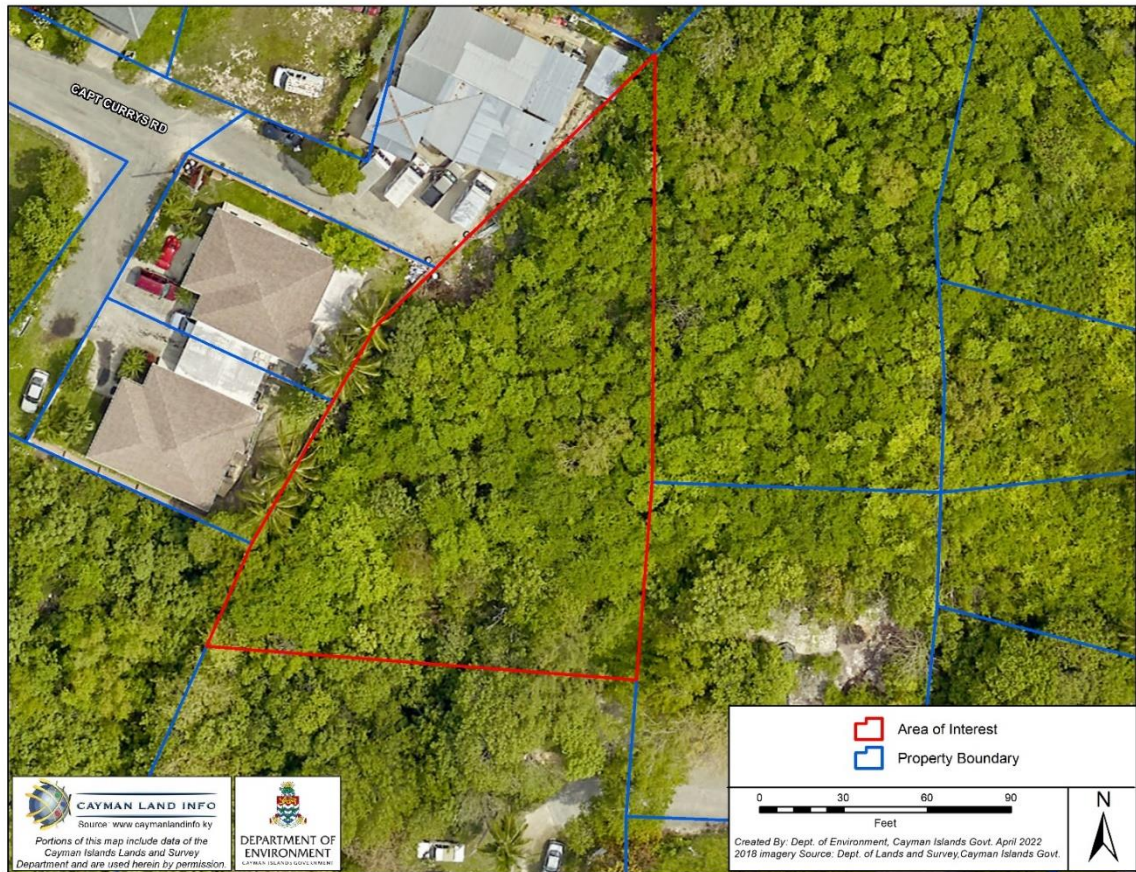
#### **AGENCY COMMENTS**

Comments from the Department of Environment are noted below:

##### **Department of Environment**

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

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



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

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

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

- *Provide habitat and food for wildlife;*
- *Provide sound and privacy buffers from the road and neighbouring properties/developments;*
- *Provide mature vegetation which can enhance landscaping and immediately offer shade;*

- Assist with the management of run-off and drainage;
- Reduce the amount of greenhouse gas emissions by avoiding the unnecessary clearing of land which releases carbon dioxide into the atmosphere.

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

### **APPLICANT'S LETTER**

*We the owners write to express our reason for the request to clear the subject property.*

*1) We will eventually submit an application to the Department of Planning and yourselves for the development of an apartment complex within the next few months and by clearing the property this will allow us to visualize the site plan and will give us the opportunity to assess the earth for any fill requirements.*

*2) We own and reside at the above address on Block 4E Parcel 751 which has very little space for our children to play. We also hope that with your approval we could proceed to clear this property to allow our children a safe space to play outdoors until such time when the development of the property commences.*

*Should you require any additional information, please do not hesitate to contact us as we seek your favorable response in this application.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

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

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

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

#### **Zoning**

The property is zoned High Density Residential.

### **SUPPLEMENTARY COMMENTS**

At the Authority's request, the applicant has provided their written reasons for the proposed land clearing.

**2.16 WAVES LTD. (Doak Architecture) Block 4B Parcel 52 (P22-0304) (\$13 million) (NP)**

Application for 16 apartments, pool, cabanas, wall and generator.

**FACTS**

<i>Location</i>	Andresen Road in West Bay
<i>Zoning</i>	<b>Beach Resort Residential</b>
<i>Notification Results</i>	No objections
<i>Parcel size</i>	1.0 acre
<i>Parcel size required</i>	0.5 acres
<i>Current use</i>	Vacant
<i>Proposed use</i>	Apartments
<i>Building Footprint</i>	8,237 sq. ft.
<i>Building Area</i>	31,274 sq. ft.
<i>Site Coverage</i>	18.9%
<i>Number of Units Allowed</i>	20
<i>Number of Units Proposed</i>	16
<i>Number of Bedrooms Allowed</i>	60
<i>Number of Bedrooms Proposed</i>	48
<i>Parking Required</i>	24
<i>Parking Proposed</i>	33

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

- 1) Height of wall (6' vs 4')

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

*The application site is man-modified and of limited ecological value. The DOE notes the reference to the sand beach on the applicant's site plan. It is unclear whether the applicant is intending to artificially nourish the shoreline. The DoE would **not** support the artificial nourishment of this shoreline. As the site is located on a high energy coastline, the placement of sand or aggregate material would likely lead to the introduction of organic material and turbidity in the marine environment.*

*We recommend that best management practices be adhered to during construction to prevent impacts to the ironshore and the offshore marine environment; these include but are not limited to:*

- 1. All construction materials shall be stockpiled a minimum of 50ft from the Mean High Water Mark (MHW) in order to reduce the risk of surface run-off causing turbidity in the marine environment and impacts to the ironshore area within the 50ft coastal setback;*
- 2. Any beach quality sand excavated as part of the construction works shall remain on-site and may be placed on the seaward edge of the proposed retaining wall but landward of the 50ft MHW line. If the volume of sand is deemed too great to be retained on-site and the applicant wishes to remove sand from the site, the removal shall be the subject of a separate consultation with the Central Planning Authority and the National Conservation Council;*
- 3. Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent canal or North Sound;*
- 4. The ironshore shall be retained in its natural state. There shall be no heavy equipment or storage of any kind on the ironshore.*

*Should the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed house, we recommend the inclusion of the above-mentioned best management practices as conditions of the approval.*

*We also recommend that:*

- The applicant retains existing vegetation, particularly on the seaward side of the development to prevent the wind-borne erosion of sand.*
- Native species should be incorporated into the landscaping scheme. Native species are best suited for the habitat conditions of the site, requiring less maintenance and making them a very cost-effective choice; and*
- Wherever possible sustainable design features are included in projects such as this one, especially renewable energy installations given the target that 70% of energy generation be renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). Photovoltaic solar panels in particular could be installed on suitable roof space or over the proposed parking spaces and rainwater collection could be used for irrigation.*

### **Department of Environmental Health**

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

*Specifications for Onsite Solid Waste Enclosure*

*Container size 8 yd<sup>3</sup>*

*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 5,400 US gallons per day (gpd), based on the following calculations.***

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>
<i>Apartments</i>	<i>8 x 3-Bed Units</i>	<i>300gpd/3-Bed</i>	<i>2,400</i>
	<i>8 x 3-Bed + Den Units</i>	<i>375gpd/3-Bed + Den</i>	<i>3,000</i>
<b>TOTAL</b>			<b>5,400 GPD</b>

- Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 6''. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'7" 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.*



### Elevator Installation

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

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

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

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

### Water Supply:

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

## **APPLICANT'S LETTER**

*On behalf of the Applicant we write to request the CPA's consideration to vary the height of the roadside wall to accommodate the sign for the project. The height of the 4ft wall will gently rise at the location of the sign to 6ft and emulates the "Wave" name of the project.*

*We would suggest that the curved top of the wall will not appear negatively intrusive to neighbouring properties nor passing vehicles or pedestrians and otherwise has no negative impact to adjacent development.*

*We believe that there are no other aspects nor material consideration that would affect the proposal.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on Andresen Road in West Bay, next to Ocean Spray Condominiums.

The proposal is for 16 apartments, a pool, cabanas, wall, and generator.

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



## **Zoning**

The property is zoned Beach Resort Residential.

## **Specific Issues**

### **1) Height of wall**

CPA Guidelines stipulate that the maximum height of a wall is 4 feet. The height of the proposed wall is 6 feet. The applicant has submitted a letter addressing this matter and the Authority should consider if the height is warranted in this instance.

## **2.17 LIV DEVELOPMENT (Tropical Architectural Group Ltd.) Block 15E Parcel 219H5 (P22-0264) (\$60,000) (BES)**

Application for a swimming pool

## **FACTS**

<i>Location</i>	Off Walkers Road
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No Objectors
<i>Parcel Size Proposed</i>	0.1672 ac. (7,283.23 sq. ft.)
<i>Parcel Size Required</i>	10,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Same as above

## **BACKGROUND**

August 5, 2019 – application to modify planning permission administratively to increase floor area and building elevation.

May 13, 2015 (**CPA/10/15; Item 2.3**) – CPA granted planning permission for 7-dwelling houses

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

- 1) Side setback (6'-4", (pool deck) and 2'-11" (steps) vs 10'-0")

## **APPLICANT'S LETTER**

*Further to the application submitted to build Two (2) Storey House on Block 15E Parcel 34 Lot 5, we hereby request for a setback variance of which requires a minimum of 20 ft front setback and 15 ft minimum side setback per Planning Regulation 9 (8)(i).*

*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:*** While we have complied with the minimum required setback, we would like to request for a variance due to the application of the house templates to the respective lot.

*The proposed house was already approved under the Planning Modification P19-0714 which includes the increase in floor area and setback variance. Planning required us to submit a new application because the parent application P15-0275 was already expired.*

*As for the Septic Tank setback variance, we think that it is in its best location for future maintenance.*

*Lastly, we would like to request for a variance on the proposed propane tank and condensing units. There are no other suitable locations we can fit these on site aside from its proposed locations And even though we exceeded on the required setback line, we are still within the allowed site coverage.*

*With this we are hoping that the CPA board will find this acceptable.*

*If you require additional information or further clarification, please don't hesitate to contact us at the numbers & e-mail below. Thank you and God bless.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a swimming pool at the above-caption property. The site is located off Walkers Road.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issue**

#### **1) Side Setback**

The proposed side setbacks are 6' - 4", (pool deck) and 2' - 11" (steps), whereas the minimum required side setback is 10' - 0" per regulation 9(8)(j) of the Development and Planning Regulations (2022 Revision).

The adjoining parcels were notified, and no objections were received. The Authority should ascertain whether or not there is sufficient reason and an exceptional circumstance in accordance with Regulation 8(13)(b) of the Development and Planning Regulations (2022 Revision) to warrant granting setbacks variances.

**2.18 COLIN GRAHAM (Pinnacle Construction) Block 24E Parcel 600 (P22-0230) (\$2.0 million) (NP)**

Application for a duplex, cabana and a pool.

**FACTS**

<i>Location</i>	Bayside Crescent
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	11,173.1 sq. ft.
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant

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

- 1) Lot size (11,173 vs 12,500)
- 2) Side setback (10' vs 15')

**AGENCY COMMENTS**

**Department of Environment**

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

*The application site is man-modified with limited ecological value. Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposal, we recommend the following conditions are included in the approval.*

1. *All stockpiled materials shall be kept a minimum of 20 ft from the canal edge to reduce the possibility of rainwater runoff washing material and debris into the canal causing turbidity and impacting water quality.*
2. *The stormwater management for the site shall be designed in a manner that disposes of stormwater on-site and prevents direct run-off from entering the canal.*

*We also recommend that the applicant plants and incorporates native vegetation into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and less supplemental irrigation. Once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands' biodiversity by providing habitat and food for native fauna.*

**APPLICANT'S LETTER**

*On behalf of my client Dr. Collin Graham, we are pleased to submit a letter of variance for a side setback from 15ft required to a 10ft setback and under size lot for a Duplex development for LDR zoning on the above-mentioned site.*

*We understand that the required side setback for 2 Story structure is 15ft, however with the lot size it was a challenge to achieve the Owners vision without encroaching 3.5ft feet into the setback. We designed the bedroom on level 2 as small as possible to minimize the encroachment on the property. We are also aware that both adjacent properties have encroached on Mr. Graham Property, and we would like to ask for consideration on my Client 3.5ft Setback on the west side of the property. Additionally, my client would also be willing to reduce window openings on this side to help with any fire related concerns.*

*In regard to the lot size requirements for Duplex is 12,500 Sq. Ft. My client acquired this Lot recently with the intention to build a Duplex not knowing that such requirements for this lot. We noticed variances have been granted for other Duplex on the area and on the same street (Bay Island Avenue) with lots less than 12,500sf in the past. Dr. Graham would like a rental Unit next to his house to be able to contribute to high cost of construction that have escalated in the recent years on Island. He would be most grateful to have the permission to build the additional Unit to assist him financially.*

*As the Architect for this project I will ensure that all building codes requirements are met for the architectural, structural and MEP drawings for the review of the BCU Unit.*

*In connection to this variance letter, please find enclosed the following Revised Planning Drawings*

*We are kindly requesting for CPA approval and a variance for the setback and undersize lot for a duplex apartment development on this lot.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject parcel is located on Bayside Crescent in Red Bay.

The property is presently vacant.

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

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Lot size**

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

The subject property has an area of 11,173 square feet.

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

#### **2) Side setback**

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

The proposed building would have a west side setback of 10 feet.

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

**2.19 APPOLINA JASMINE ROSANN BENT (AD Architecture Ltd.) Block 27C  
Parcel 406 (P22-0342) (\$741,600) (EJ)**

Application for a duplex.

**FACTS**

<i>Location</i>	Ann Street, North Sound Estates
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2296 ac. (10,001 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3,708 sq. ft.
<i>Total building site coverage</i>	22.77%
<i>Required parking</i>	2
<i>Proposed parking</i>	2

**BACKGROUND**

NA

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

- 1) Lot size (10,001 sq. ft. vs 12,500 sq. ft.)

**AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

**Department of Environment**

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

*The subject parcel is predominately man-modified with mangroves growing along the canal edge as shown in Figure 1 below.*



*Figure 1: Aerial imagery showing the subject parcel with mangroves growing on the canal edge (Source: Lands and Survey 2018)*

### ***Mangrove Considerations***

*Mangroves provide a nursery habitat for fish and other marine life and are vital in helping to maintain good water quality. Both mangroves and other canal-side vegetation provide a natural buffer which helps to intercept surface water that may run off the land into the canal impacting water quality. In addition, canal-side vegetation, especially mangroves, also help to prevent soil erosion by binding the substrate.*

*For these reasons, we recommend the retention of these mangroves along the canal edge in accordance with the Species Conservation Plan for Mangroves (2020) under the National Conservation Act (2013). We recommend that the proposed seawall is located landward of the existing mangroves to allow for their retention. 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, this should be done in accordance with the Department of Environment's Mangrove Trimming Guidelines ([www.doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/](http://www.doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/)).*



*Figure 2: Site visit photos taken during 2018 of extreme high tide impacts to the Newlands area (Source: sent to DOE by a member of the public).*

### ***Flooding Considerations***

*Given the climate change predictions for the region which include but are not limited to sea-level rise, increased storm intensity and storm surge, we can expect regular overtopping of seawalls in some of the canal developments. During instances of King Tides (natural occurrences of exceptionally high tides), some canals and coastal areas currently experience wave-overtopping and seawater inundation including this area of North Sound Estates (see Figure 2). As the area is susceptible to flooding, we would also encourage the use of porous surfaces to allow rainwater infiltration and prevent unnecessary run-off from entering the canal and road.*

### ***FURTHER RECOMMENDATIONS:***

*Should the Central Planning Authority be minded to grant planning permission for the duplex and seawall, we recommend that best management practices are adhered to during construction; these include but are not limited to:*

- 1. All construction materials shall be stockpiled a minimum of 20ft from the Mean High Water Mark (MHW) in order to reduce the risk of surface run-off causing turbidity in the canal;*
- 2. The stormwater management plan for the site should not allow drainage into the canal and should instead make use of other means of water disposal such as permeable surfaces and drainage wells; and*



3. *Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent canal or North Sound;*

*We recommend the inclusion of the above-mentioned best management practices as conditions of the approval.*

*We also recommend that the applicant plants and incorporates native vegetation into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and less supplemental irrigation. Once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands' biodiversity by providing habitat and food for native fauna.*

### **APPLICANT'S LETTER**

*In relation to the above-mentioned subject, we hereby requesting your good office to grant us an approval for the lot size variance. The lot size of the property is 10,001.38 Sq.Ft. where as per Planning Regulation 9 (8) (e) requires a minimum lot size of 12,500 sq.ft. for duplexes. As a result, the property is less of 2,500 sq. ft. Notification has been served to the adjoining property owners.*

*Despite of having a lesser size of the land, we are mindful and took considerations of the provisions under the following regulations:*

*Regulation 8 (13)(b)*

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

*The proposed structure was designed to perfectly fit on the location without compromising the setbacks on all sides of the property. It has more than the required minimum setbacks that create more space for vegetation/landscape. Retaining wall will be provided at the canal side to protect the proposed terrain on site in relation to the required finished floor level of 7 feet minimum per Regulation 29(2). Parking/garage has been provided for both of the units without exceeding the maximum allowed building footprint on site.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed duplex is located on Ann Street in North Sound Estate.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Lot size variance**

The subject lot is 10,001 sq. ft. vs the required 12,500 for a duplex per Regulation 9 (8)(e); therefore, the applicant is seeking a lot size variance from the Authority.

It should be noted that the CPA approved a duplex on 27C 402 on September 16, 2020 (CPA/15/20; item 2.19) and that lot size was 10, 950 sq ft.

#### **2.20 TATIANA KOSINCHAR (Johnson Architecture) Block 24E Parcel 280 (P22-0205) (\$10,000) (NP)**

Application for an after the fact pool.

### **FACTS**

<i>Location</i>	George Town
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	14,000 sq. ft.
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House & Pool
<i>Rear setback to pool stairs</i>	10'

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

- 1) Rear setback to pool stairs (10' vs 20')

## **AGENCY COMMENTS**

### **Department of Environment**

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

*The DoE notes that the pool **does not** meet the minimum 20-foot canal setback required in the Development & Planning Regulations (2022). Given the climate change predictions for the region which include but are not limited to sea-level rise, increased storm intensity and storm surge, we can expect regular overtopping of seawalls in some of the canal developments. During instances of King Tides (natural occurrences of*

*exceptionally high tides), some canals and coastal areas currently experience wave-overtopping and seawater inundation. These factors could have been taken into consideration at the planning stage. However, as the application is after-the-fact, the DoE confirms that we have no further comments at this time.*

### **APPLICANT'S LETTER**

*Kindly accept this letter requesting a front setback variance for a pool which has been built beyond the required 20 setback. There is a distance of 16.5 feet from the edge of the pool to the site boundary.*

*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 have breached the side Setback by more than what's being applied for here for the pool 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.*
- 3. As per Section 8(13)(d), notification letters have been sent out to adjoining property owners regarding this application and no objections have been made.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The subject property is located on Patricks Avenue in George Town.

The application is for an after the fact pool that was constructed on the property.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) Rear setback**

Regulation 9(8)(i) requires a rear setback of 20 feet. The existing pool has a rear setback of 10 feet to the pool stairs.

The applicant has submitted a variance letter and the Authority should discuss whether an after the fact variance is warranted in this instance.

#### **2.21 J. SAMUEL JACKSON (Eric Conier) Block 5C Parcel 408 (P22-0393) (\$5,000) (EJ)**

Application for two (2) lot subdivision.

### **FACTS**

<i>Location</i>	Mesa Close in West Bay
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.7396 ac. (32,220 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Two (2) houses
<i>Proposed lot sizes</i>	17,360 sq. ft. & 14,860 sq. ft.

## **BACKGROUND**

House existed prior to 1971.

October 13, 1999 – permission granted for a three-bedroom house (formerly parcel 214).

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

- 1) Lot width (21.7' vs 80')
- 2) Setback Variance (0' vs 10')

## **AGENCY COMMENTS**

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

### **National Roads Authority**

*As per your memo dated May 4<sup>th</sup>, 2022 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 partition.***

### **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 as the site is man-modified with limited ecological value.*

## **APPLICANT'S LETTER**

*On behalf of our client, we hereby apply for a variance to allow the proposed partition to be approved as submitted.*

*The purpose of this partition is to separate two existing houses that are owned by two brothers. The setbacks meet the requirements to the existing buildings as shown on the sketch.*

*Although some areas of the parcel widths are less than 80', the average lot widths 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 proposed two (2) lot subdivision has existing house and shed on each of the proposed two lots located on Mesa Close in West Bay.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Minimum lot width**

The CPA should satisfy itself with regulations 9 (8)(g) which requires a lot width of 80' for house & duplexes; bearing in mind, that the proposed lots will share a 21.7' access off Mesa Close.

#### **2) Minimum side setback**

If the proposed subdivision is granted permission, the Authority would have to grant a side setback variance due to regulations 9 (8)(j) as the new boundary line would put the existing septic tank 0' vs 10' from the side boundary.

#### **2.22 PATRICK & SHERRY DIAZ (Johnson Design & Architecture) Block 21B Parcel 55 (F21-0048) (P22-0476) (\$5,000) (MW)**

Application for a 6' chain link fence.

### **FACTS**

<i>Location</i>	Conch Dr., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.2908 ac. (12,667.248 sq. ft.)
<i>Current use</i>	Existing Residence

### **BACKGROUND**

February 26, 2021 – Three Bedroom House; 2,659 sq. ft. – the application was considered and it was resolved to grant planning permission.

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

- 1) Fence height (6'-0" vs 4'-0")

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a proposed 6' High Chainlink Boundary Fence, 195' in length to be located on Conch Dr., George Town.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Fence Height**

The CPA fence guideline 4.3.1 stipulates that *"In residential and tourism-related zones, no part of a solid wall or fence should exceed 48 inches in height"* - The proposed chain link boundary fence would be located at the rear, north and southern boundaries and would be 6' in height a difference of 2'-0" above the guideline.

#### **2.23 NATIONAL HOUSING DEV. TRUST (Whittaker & Watler) Block 49C Parcel 12 and 15 Lot 7 (P22-0371) (\$144,000) (EJ)**

Application for a house.

### **FACTS**

<i>Location</i>	next to Craddock Ebanks Civic Centre, NS
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.1432 ac. (6,237 sq. ft.)
<i>Parcel size required</i>	4,800 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1,200 sq. ft.
<i>Total building site coverage</i>	19.24%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

### **BACKGROUND**

November 24, 2021 (CPA/24/21; Item 2.25) – The Authority granted permission for forty-eight (48) lot subdivision.

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

- 1) Side setback (8.5' vs 10')

## **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

### **Department of Environment**

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

*The site has already been cleared, with the exception of a > 75-foot buffer along the southern boundary with Malportas Pond that has been retained as Land for Public Purposes.*

*The Department of Environment (DoE) has been consulted on a Stormwater Management Plan for the wider subdivision. The draft Stormwater Management Plan included rain gardens around each house and driveway. Based on the plan dated 8 February 2022, the rain gardens were designed to provide 0.5 ft depth of storage capacity. The draft Stormwater Management Plan is not shown on the plans submitted for the individual houses. The draft Stormwater Management Plan appears not to be in alignment with the house plans submitted as part of this planning application.*

*For example, on the plans submitted as part of this planning application, the driveway is larger than on the Stormwater Management Plan, thereby reducing the capacity of the rain gardens. The rain gardens **must remain permeable**, regardless of whether or not they are vegetated so it is crucial that they are shown on the individual site plans so that owners are aware that they cannot be converted into areas of hardstanding. Replacing permeable areas with areas of hardstanding (concrete/asphalt or other non-permeable surfaces) will reduce the stormwater storage capacity for the site and may lead to flooding issues. Currently, the driveway is shown as concrete on the site plan, however, options such as gravel and/or permeable paving would increase the stormwater capacity for the site.*

*While we are not aware of the current status of the Stormwater Management Plan and whether it has been approved, the development of individual houses should conform to any approved Stormwater Management Plan for the wider development. Therefore, we recommend that the plans be updated to reflect the Stormwater Management Plan (i.e. the rain gardens) prior to the approval of the individual houses.*

*Housing plays a key role in people's health and well-being. For example, selected housing interventions for low-income people have been found to improve health outcomes and decrease healthcare costs<sup>1</sup>. Neighbourhood – the physical surroundings – are strongly influential on health is one of the key pathways between housing and health.*

*Any government-led affordable housing initiatives should aim to be an exemplar and include sustainability, not only for the people who are to live in the community but also for the wider development and construction industry. Sustainability reduces inequality. When 'affordable' houses are poorly insulated, residents who are already paid low incomes have higher energy bills and experience a greater proportionate burden. Low-income residents are then often forced to make decisions between buying food, paying bills, buying medicine etc. But when houses are well-insulated, energy bills are lower and more predictable, putting more control back into the hands of their future residents.*



*Green affordable housing ensures that the homes fit the requirements of the people that live in them, and also improves overall housing stock for the long-term. Poor-quality housing not only has environmental effects from the use of resources, financial effects from ongoing maintenance and having to rebuild properties, and social effects for the people who live there in undesirable conditions.*

*On 3 May 2022, we met with Julio Ramos of the National Housing Development Trust to discuss our suggestions outlined herein. We strongly urge the National Housing Development Trust to include sustainability measures such as:*

- *Adequately insulating the homes including using well-insulated windows,*
- *Designing the houses to be solar-ready so that renewable energy could be incorporated by future homeowners,*
- *Incorporating hurricane shutters that also shade the house to prevent heat gain,*
- *Including rainwater catchment tanks (e.g. rain barrels) which can be used to water gardens and backyard farming initiatives while also avoiding run-off and conserving water,*
- *Minimising the amount of hardstanding and increasing the amount of permeable areas (e.g. including provisions for gravel driveways rather than concrete/tarmac),*
- *Retaining native vegetation as free landscaping which is low-cost to maintain (no longer possible with this development as it has been clear cut),*
- *Planting native vegetation within the rain gardens and community areas, and*
- *Including energy-efficient appliances and fixtures and fittings.*

***Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposed house we recommend the following condition be included in the approval.***

1. *The applicant shall submit a revised site plan which reflects the approved stormwater management plan. Should the approved Stormwater Management Plan include rain gardens, these shall be shown on the site plan. The rain gardens shall not be converted to areas of hardstanding or made non-permeable.*

### **APPLICANT'S LETTER**

*On behalf of my client, I would like to request a side setback variance for proposed application. The house will be over the setback line by 1'-7". There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed three (3) bedroom house is located West of and next to Craddock Ebanks Civic Centre off North Side Road.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Side setback**

The proposed house is setback 8.5' vs 10 from the felt-side boundary; therefore, the applicant is seeking a side setback variance from the Authority.

#### **2) Site plan**

The site plan has been revised to reflect the approved stormwater management plan for the underlying subdivision.

#### **2.24 NATIONAL HOUSING DEV. TRUST (Whittaker & Watler) Block 49C Parcel 12 and 15 Lot 12 (P22-0378) (\$141,720) (EJ)**

Application for a house.

### **FACTS**

<i>Location</i>	next to Craddock Ebanks Civic Centre, NS
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.1453 ac. (6,330 sq. ft.)
<i>Parcel size required</i>	4,800 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1,200 sq. ft.
<i>Total building site coverage</i>	18.96%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

### **BACKGROUND**

November 24, 2021 (CPA/24/21; Item 2.25) – The Authority granted permission for forty-eight (48) lot subdivision.

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

- 1) Side setback (8.5' vs 10')

## **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

### **Department of Environment**

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

*The site has already been cleared, with the exception of a > 75-foot buffer along the southern boundary with Malportas Pond that has been retained as Land for Public Purposes.*

*The Department of Environment (DoE) has been consulted on a Stormwater Management Plan for the wider subdivision. The draft Stormwater Management Plan included rain gardens around each house and driveway. Based on the plan dated 8 February 2022, the rain gardens were designed to provide 0.5 ft depth of storage capacity. The draft Stormwater Management Plan is not shown on the plans submitted for the individual houses. The draft Stormwater Management Plan appears not to be in alignment with the house plans submitted as part of this planning application.*

*For example, on the plans submitted as part of this planning application, the driveway is larger than on the Stormwater Management Plan, thereby reducing the capacity of the rain gardens. The rain gardens **must remain permeable**, regardless of whether or not they are vegetated so it is crucial that they are shown on the individual site plans so that owners are aware that they cannot be converted into areas of hardstanding. Replacing permeable areas with areas of hardstanding (concrete/asphalt or other non-permeable surfaces) will reduce the stormwater storage capacity for the site and may lead to flooding issues. Currently, the driveway is shown as concrete on the site plan, however, options such as gravel and/or permeable paving would increase the stormwater capacity for the site.*

*While we are not aware of the current status of the Stormwater Management Plan and whether it has been approved, the development of individual houses should conform to any approved Stormwater Management Plan for the wider development. Therefore, we recommend that the plans be updated to reflect the Stormwater Management Plan (i.e. the rain gardens) prior to the approval of the individual houses.*

*Housing plays a key role in people's health and well-being. For example, selected housing interventions for low-income people have been found to improve health outcomes and decrease healthcare costs<sup>1</sup>. Neighbourhood – the physical surroundings – are strongly influential on health is one of the key pathways between housing and health.*

*Any government-led affordable housing initiatives should aim to be an exemplar and include sustainability, not only for the people who are to live in the community but also for the wider development and construction industry. Sustainability reduces inequality. When 'affordable' houses are poorly insulated, residents who are already paid low incomes have higher energy bills and experience a greater proportionate burden. Low-income residents are then often forced to make decisions between buying food, paying bills, buying medicine etc. But when houses are well-insulated, energy bills are lower and more predictable, putting more control back into the hands of their future residents.*

*Green affordable housing ensures that the homes fit the requirements of the people that live in them, and also improves overall housing stock for the long-term. Poor-quality housing not only has environmental effects from the use of resources, financial effects from ongoing maintenance and having to rebuild properties, and social effects for the people who live there in undesirable conditions.*

*On 3 May 2022, we met with Julio Ramos of the National Housing Development Trust to discuss our suggestions outlined herein. We strongly urge the National Housing Development Trust to include sustainability measures such as:*

- *Adequately insulating the homes including using well-insulated windows,*
- *Designing the houses to be solar-ready so that renewable energy could be incorporated by future homeowners,*
- *Incorporating hurricane shutters that also shade the house to prevent heat gain,*
- *Including rainwater catchment tanks (e.g. rain barrels) which can be used to water gardens and backyard farming initiatives while also avoiding run-off and conserving water,*
- *Minimising the amount of hardstanding and increasing the amount of permeable areas (e.g. including provisions for gravel driveways rather than concrete/tarmac),*
- *Retaining native vegetation as free landscaping which is low-cost to maintain (no longer possible with this development as it has been clear cut),*
- *Planting native vegetation within the rain gardens and community areas, and*
- *Including energy-efficient appliances and fixtures and fittings.*

***Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposed house we recommend the following condition be included in the approval.***

1. *The applicant shall submit a revised site plan which reflects the approved stormwater management plan. Should the approved Stormwater Management Plan include rain gardens, these shall be shown on the site plan. The rain gardens shall not be converted to areas of hardstanding or made non-permeable.*

### **APPLICANT'S LETTER**

*On behalf of my client, I would like to request a side setback variance for proposed application. The house will be over the setback line by 1'-7". There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed three (3) bedroom house is located West of and next to Craddock Ebanks Civic Centre off North Side Road.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Side setback**

The proposed house is setback 8.5' vs 10 from the felt-side boundary; therefore, the applicant is seeking a side setback variance from the Authority.

#### **2) Site plan**

The site plan has been revised to reflect the approved stormwater management plan for the underlying subdivision.

## **2.25 NATIONAL HOUSING DEV. TRUST (Whittaker & Watler) Block 49C Parcel 12 and 15 Lot 31 (P22-0332) (\$141,720) (EJ)**

Application for a house.

### **FACTS**

<i>Location</i>	next to Craddock Ebanks Civic Centre, NS
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.1446 ac. (6,298 sq. ft.)
<i>Parcel size required</i>	4,800 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1,181 sq. ft.
<i>Total building site coverage</i>	18.76%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

### **BACKGROUND**

November 24, 2021 (CPA/24/21; Item 2.25) – The Authority granted permission for forty-eight (48) lot subdivision.

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

- 1) Side setback (13.5' vs 20' and 8.10' vs 10')

## **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

### **Department of Environment**

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

*The site has already been cleared, with the exception of a > 75-foot buffer along the southern boundary with Malportas Pond that has been retained as Land for Public Purposes.*

*The Department of Environment (DoE) has been consulted on a Stormwater Management Plan for the wider subdivision. The draft Stormwater Management Plan included rain gardens around each house and driveway. Based on the plan dated 8 February 2022, the rain gardens were designed to provide 0.5 ft depth of storage capacity. The draft Stormwater Management Plan is not shown on the plans submitted for the individual houses. The draft Stormwater Management Plan appears not to be in alignment with the house plans submitted as part of this planning application.*

*For example, on the plans submitted as part of this planning application, the driveway is larger than on the Stormwater Management Plan, thereby reducing the capacity of the rain gardens. The rain gardens **must remain permeable**, regardless of whether or not they are vegetated so it is crucial that they are shown on the individual site plans so that owners are aware that they cannot be converted into areas of hardstanding. Replacing permeable areas with areas of hardstanding (concrete/asphalt or other non-permeable surfaces) will reduce the stormwater storage capacity for the site and may lead to flooding issues. Currently, the driveway is shown as concrete on the site plan, however, options such as gravel and/or permeable paving would increase the stormwater capacity for the site.*

*While we are not aware of the current status of the Stormwater Management Plan and whether it has been approved, the development of individual houses should conform to any approved Stormwater Management Plan for the wider development. Therefore, we recommend that the plans be updated to reflect the Stormwater Management Plan (i.e. the rain gardens) prior to the approval of the individual houses.*

*Housing plays a key role in people's health and well-being. For example, selected housing interventions for low-income people have been found to improve health outcomes and decrease healthcare costs<sup>1</sup>. Neighbourhood – the physical surroundings – are strongly influential on health is one of the key pathways between housing and health.*

*Any government-led affordable housing initiatives should aim to be an exemplar and include sustainability, not only for the people who are to live in the community but also for the wider development and construction industry. Sustainability reduces inequality. When 'affordable' houses are poorly insulated, residents who are already paid low incomes have higher energy bills and experience a greater proportionate burden. Low-income residents are then often forced to make decisions between buying food, paying bills, buying medicine etc. But when houses are well-insulated, energy bills are lower and more predictable, putting more control back into the hands of their future residents.*

*Green affordable housing ensures that the homes fit the requirements of the people that live in them, and also improves overall housing stock for the long-term. Poor-quality housing not only has environmental effects from the use of resources, financial effects from ongoing maintenance and having to rebuild properties, and social effects for the people who live there in undesirable conditions.*

*On 3 May 2022, we met with Julio Ramos of the National Housing Development Trust to discuss our suggestions outlined herein. We strongly urge the National Housing Development Trust to include sustainability measures such as:*

- Adequately insulating the homes including using well-insulated windows,*
- Designing the houses to be solar-ready so that renewable energy could be incorporated by future homeowners,*
- Incorporating hurricane shutters that also shade the house to prevent heat gain,*
- Including rainwater catchment tanks (e.g. rain barrels) which can be used to water gardens and backyard farming initiatives while also avoiding run-off and conserving water,*
- Minimising the amount of hardstanding and increasing the amount of permeable areas (e.g. including provisions for gravel driveways rather than concrete/tarmac),*
- Retaining native vegetation as free landscaping which is low-cost to maintain (no longer possible with this development as it has been clear cut),*
- Planting native vegetation within the rain gardens and community areas, and*
- Including energy-efficient appliances and fixtures and fittings.*

***Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposed house we recommend the following condition be included in the approval.***

- 1. The applicant shall submit a revised site plan which reflects the approved stormwater management plan. Should the approved Stormwater Management Plan include rain gardens, these shall be shown on the site plan. The rain gardens shall not be converted to areas of hardstanding or made non-permeable.*

### **APPLICANT'S LETTER**

*On behalf of my client, I would like to request a variance for side setback encroachment of the septic tank. The septic tank will be over the setback line by 1'-2". There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.*



## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed three (3) bedroom house is located West of and next to Craddock Ebanks Civic Centre off North Side Road.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Side setback**

The house is proposed at 13.5' vs 10' from the road which does not meet regulations 9 (8) (i) and the proposed septic tank is at 8.10' vs 10' from the side not meeting regulations 9 (8) (j); therefore, the applicant is seeking the above-mentioned setback variances from the Authority.

#### **2) Site plan**

The site plan has been revised to reflect the approved stormwater management plan for the underlying subdivision.

## **2.26 NATIONAL HOUSING DEV. TRUST (Whittaker & Watler) Block 49C Parcel 12 and 15 Lot 32 (P22-0331) (\$141,720) (EJ)**

Application for a house.

### **FACTS**

<i>Location</i>	next to Craddock Ebanks Civic Centre, NS
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.1274 ac. (5,549 sq. ft.)
<i>Parcel size required</i>	4,800 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1,181 sq. ft.
<i>Total building site coverage</i>	21.29%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

### **BACKGROUND**

November 24, 2021 (CPA/24/21; Item 2.25) – The Authority granted permission for forty-eight (48) lot subdivision.

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

- 1) Side setback (19' vs 20' and 15.2' vs 10')

### **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

#### **Department of Environment**

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

*The site has already been cleared, with the exception of a > 75-foot buffer along the southern boundary with Malportas Pond that has been retained as Land for Public Purposes.*

*The Department of Environment (DoE) has been consulted on a Stormwater Management Plan for the wider subdivision. The draft Stormwater Management Plan included rain gardens around each house and driveway. Based on the plan dated 8 February 2022, the rain gardens were designed to provide 0.5 ft depth of storage capacity. The draft Stormwater Management Plan is not shown on the plans submitted for the individual houses. The draft Stormwater Management Plan appears not to be in alignment with the house plans submitted as part of this planning application.*

*For example, on the plans submitted as part of this planning application, the driveway is larger than on the Stormwater Management Plan, thereby reducing the capacity of the rain gardens. The rain gardens **must remain permeable**, regardless of whether or not they are vegetated so it is crucial that they are shown on the individual site plans so that owners are aware that they cannot be converted into areas of hardstanding. Replacing permeable areas with areas of hardstanding (concrete/asphalt or other non-permeable surfaces) will reduce the stormwater storage capacity for the site and may lead to flooding issues. Currently, the driveway is shown as concrete on the site plan, however, options such as gravel and/or permeable paving would increase the stormwater capacity for the site.*

*While we are not aware of the current status of the Stormwater Management Plan and whether it has been approved, the development of individual houses should conform to any approved Stormwater Management Plan for the wider development. Therefore, we recommend that the plans be updated to reflect the Stormwater Management Plan (i.e. the rain gardens) prior to the approval of the individual houses.*

*Housing plays a key role in people's health and well-being. For example, selected housing interventions for low-income people have been found to improve health outcomes and decrease healthcare costs<sup>1</sup>. Neighbourhood – the physical surroundings – are strongly influential on health is one of the key pathways between housing and health.*

*Any government-led affordable housing initiatives should aim to be an exemplar and include sustainability, not only for the people who are to live in the community but also for the wider development and construction industry. Sustainability reduces inequality. When 'affordable' houses are poorly insulated, residents who are already paid low*

*incomes have higher energy bills and experience a greater proportionate burden. Low-income residents are then often forced to make decisions between buying food, paying bills, buying medicine etc. But when houses are well-insulated, energy bills are lower and more predictable, putting more control back into the hands of their future residents. Green affordable housing ensures that the homes fit the requirements of the people that live in them, and also improves overall housing stock for the long-term. Poor-quality housing not only has environmental effects from the use of resources, financial effects from ongoing maintenance and having to rebuild properties, and social effects for the people who live there in undesirable conditions.*

*On 3 May 2022, we met with Julio Ramos of the National Housing Development Trust to discuss our suggestions outlined herein. We strongly urge the National Housing Development Trust to include sustainability measures such as:*

- Adequately insulating the homes including using well-insulated windows,*
- Designing the houses to be solar-ready so that renewable energy could be incorporated by future homeowners,*
- Incorporating hurricane shutters that also shade the house to prevent heat gain,*
- Including rainwater catchment tanks (e.g. rain barrels) which can be used to water gardens and backyard farming initiatives while also avoiding run-off and conserving water,*
- Minimising the amount of hardstanding and increasing the amount of permeable areas (e.g. including provisions for gravel driveways rather than concrete/tarmac),*
- Retaining native vegetation as free landscaping which is low-cost to maintain (no longer possible with this development as it has been clear cut),*
- Planting native vegetation within the rain gardens and community areas, and*
- Including energy-efficient appliances and fixtures and fittings.*

***Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposed house we recommend the following condition be included in the approval.***

- 1. The applicant shall submit a revised site plan which reflects the approved stormwater management plan. Should the approved Stormwater Management Plan include rain gardens, these shall be shown on the site plan. The rain gardens shall not be converted to areas of hardstanding or made non-permeable.*

## **APPLICANT'S LETTER**

*On behalf of my client, I would like to request a rear setback variance for the step of the house and setback encroachment of the septic tank. The rear step will be over the setback line by 4'-6" and the septic tank will be over the setback line 4'-10".*

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed three (3) bedroom house is located West of and next to Craddock Ebanks Civic Centre off North Side Road.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Side setback**

The house is proposed at 19' vs 20' from the rear boundary which does not meet regulations 9 (8) (i) and the proposed septic tank is at 15.2' vs 20' from the road not meeting regulations 9 (8) (i); therefore, the applicant is seeking the above-mentioned setback variances from the Authority.

#### **2) Site plan**

The site plan has been revised to reflect the approved stormwater management plan for the underlying subdivision.

## **2.27 NATIONAL HOUSING DEV. TRUST (Whittaker & Watler) Block 49C Parcel 12 and 15 Lot 35 (P22-0335) (\$141,720) (EJ)**

Application for a house.

## **FACTS**

<i>Location</i>	next to Craddock Ebanks Civic Centre, NS
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.1271 ac. (5,538 sq. ft.)
<i>Parcel size required</i>	4,800 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1,181 sq. ft.
<i>Total building site coverage</i>	21.33%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

### **BACKGROUND**

November 24, 2021 (**CPA/24/21; Item 2.25**) – The Authority granted permission for forty-eight (48) lot subdivision.

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

- 1) Side setback (14.10' vs 20')

### **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

#### **Department of Environment**

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

*The site has already been cleared, with the exception of a > 75-foot buffer along the southern boundary with Malportas Pond that has been retained as Land for Public Purposes.*

*The Department of Environment (DoE) has been consulted on a Stormwater Management Plan for the wider subdivision. The draft Stormwater Management Plan included rain gardens around each house and driveway. Based on the plan dated 8 February 2022, the rain gardens were designed to provide 0.5 ft depth of storage capacity. The draft Stormwater Management Plan is not shown on the plans submitted for the individual houses. The draft Stormwater Management Plan appears not to be in alignment with the house plans submitted as part of this planning application.*

*For example, on the plans submitted as part of this planning application, the driveway is larger than on the Stormwater Management Plan, thereby reducing the capacity of the rain gardens. The rain gardens **must remain permeable**, regardless of whether or not they are vegetated so it is crucial that they are shown on the individual site plans*

*so that owners are aware that they cannot be converted into areas of hardstanding. Replacing permeable areas with areas of hardstanding (concrete/asphalt or other non-permeable surfaces) will reduce the stormwater storage capacity for the site and may lead to flooding issues. Currently, the driveway is shown as concrete on the site plan, however, options such as gravel and/or permeable paving would increase the stormwater capacity for the site.*

*While we are not aware of the current status of the Stormwater Management Plan and whether it has been approved, the development of individual houses should conform to any approved Stormwater Management Plan for the wider development. Therefore, we recommend that the plans be updated to reflect the Stormwater Management Plan (i.e. the rain gardens) prior to the approval of the individual houses.*

*Housing plays a key role in people's health and well-being. For example, selected housing interventions for low-income people have been found to improve health outcomes and decrease healthcare costs<sup>1</sup>. Neighbourhood – the physical surroundings – are strongly influential on health is one of the key pathways between housing and health.*

*Any government-led affordable housing initiatives should aim to be an exemplar and include sustainability, not only for the people who are to live in the community but also for the wider development and construction industry. Sustainability reduces inequality. When 'affordable' houses are poorly insulated, residents who are already paid low incomes have higher energy bills and experience a greater proportionate burden. Low-income residents are then often forced to make decisions between buying food, paying bills, buying medicine etc. But when houses are well-insulated, energy bills are lower and more predictable, putting more control back into the hands of their future residents. Green affordable housing ensures that the homes fit the requirements of the people that live in them, and also improves overall housing stock for the long-term. Poor-quality housing not only has environmental effects from the use of resources, financial effects from ongoing maintenance and having to rebuild properties, and social effects for the people who live there in undesirable conditions.*

*On 3 May 2022, we met with Julio Ramos of the National Housing Development Trust to discuss our suggestions outlined herein. We strongly urge the National Housing Development Trust to include sustainability measures such as:*

- Adequately insulating the homes including using well-insulated windows,*
- Designing the houses to be solar-ready so that renewable energy could be incorporated by future homeowners,*
- Incorporating hurricane shutters that also shade the house to prevent heat gain,*
- Including rainwater catchment tanks (e.g. rain barrels) which can be used to water gardens and backyard farming initiatives while also avoiding run-off and conserving water,*
- Minimising the amount of hardstanding and increasing the amount of permeable areas (e.g. including provisions for gravel driveways rather than concrete/tarmac),*

- *Retaining native vegetation as free landscaping which is low-cost to maintain (no longer possible with this development as it has been clear cut),*
- *Planting native vegetation within the rain gardens and community areas, and*
- *Including energy-efficient appliances and fixtures and fittings.*

***Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposed house we recommend the following condition be included in the approval.***

1. *The applicant shall submit a revised site plan which reflects the approved stormwater management plan. Should the approved Stormwater Management Plan include rain gardens, these shall be shown on the site plan. The rain gardens shall not be converted to areas of hardstanding or made non-permeable.*

### **APPLICANT'S LETTER**

*On behalf of my client, I would like to request a rear setback variance for the step and house footprint. The rear step will be over the setback line by 5'-2" and the house footprint will be over the setback line by 5'-1".*

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

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The proposed three (3) bedroom house is located West of and next to Craddock Ebanks Civic Centre off North Side Road.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) Side setback**

The proposed at 14.11' and 14.10' vs 20' house and landing respectively from the rear boundary which does not meet regulations 9 (8) (i); therefore, the applicant is seeking the above-mentioned rear setback variance from the Authority.

##### **2) Site plan**

The site plan has been revised to reflect the approved stormwater management plan for the underlying subdivision.

## **2.28 NHD (Whittaker & Watler) Block 49C Parcels 12 and 15 Lot 9 (P22-0373) (\$144,000) (MW)**

Application for a house.



## **FACTS**

<i>Location</i>	Off North Side Rd, North Side
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.1441 ac. (6,276.996 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1,200 sq. ft.
<i>Total building site coverage</i>	19.12%

## **BACKGROUND**

November 24, 2021 – (48) Lot Subdivision with Lot Width Variance – the application was considered and it was resolved to grant planning permission. November 24, 2021 (CPA/24/21; Item 2.25)

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

- 1) Side setback (8'-8" vs. 10'-0")

## **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

### **Department of Environment**

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

*The site has already been cleared, with the exception of a > 75-foot buffer along the southern boundary with Malportas Pond that has been retained as Land for Public Purposes.*

*The Department of Environment (DoE) has been consulted on a Stormwater Management Plan for the wider subdivision. The draft Stormwater Management Plan included rain gardens around each house and driveway. Based on the plan dated 8 February 2022, the rain gardens were designed to provide 0.5 ft depth of storage capacity. The draft Stormwater Management Plan is not shown on the plans submitted for the individual houses. The draft Stormwater Management Plan appears not to be in alignment with the house plans submitted as part of this planning application.*

*For example, on the plans submitted as part of this planning application, the driveway is larger than on the Stormwater Management Plan, thereby reducing the capacity of the rain gardens. The rain gardens **must remain permeable**, regardless of whether or not they are vegetated so it is crucial that they are shown on the individual site plans so that owners are aware that they cannot be converted into areas of hardstanding. Replacing permeable areas with areas of hardstanding (concrete/asphalt or other non-permeable surfaces) will reduce the stormwater storage capacity for the site and may*

*lead to flooding issues. Currently, the driveway is shown as concrete on the site plan, however, options such as gravel and/or permeable paving would increase the stormwater capacity for the site.*

*While we are not aware of the current status of the Stormwater Management Plan and whether it has been approved, the development of individual houses should conform to any approved Stormwater Management Plan for the wider development. Therefore, we recommend that the plans be updated to reflect the Stormwater Management Plan (i.e. the rain gardens) prior to the approval of the individual houses.*

*Housing plays a key role in people's health and well-being. For example, selected housing interventions for low-income people have been found to improve health outcomes and decrease healthcare costs<sup>1</sup>. Neighbourhood – the physical surroundings – are strongly influential on health and is one of the key pathways between housing and health.*

<sup>1</sup> Taylor, L. (2018). *Housing and Health: An Overview of the Literature*. Retrieved from <https://www.healthaffairs.org/doi/10.1377/hpb20180313.396577/>

*Any government-led affordable housing initiatives should aim to be an exemplar and include sustainability, not only for the people who are to live in the community but also for the wider development and construction industry. Sustainability reduces inequality. When 'affordable' houses are poorly insulated, residents who are already paid low incomes have higher energy bills and experience a greater proportionate burden. Low-income residents are then often forced to make decisions between buying food, paying bills, buying medicine etc. But when houses are well-insulated, energy bills are lower and more predictable, putting more control back into the hands of their future residents. Green affordable housing ensures that the homes fit the requirements of the people that live in them, and also improves overall housing stock for the long-term. Poor-quality housing not only has environmental effects from the use of resources, financial effects from ongoing maintenance and having to rebuild properties, and social effects for the people who live there in undesirable conditions.*

*On 3 May 2022, we met with Julio Ramos of the National Housing Development Trust to discuss our suggestions outlined herein. We strongly urge the National Housing Development Trust to include sustainability measures such as:*

- Adequately insulating the homes including using well-insulated windows,*
- Designing the houses to be solar-ready so that renewable energy could be incorporated by future homeowners,*
- Incorporating hurricane shutters that also shade the house to prevent heat gain,*
- Including rainwater catchment tanks (e.g. rain barrels) which can be used to water gardens and backyard farming initiatives while also avoiding run-off and conserving water,*
- Minimising the amount of hardstanding and increasing the amount of permeable areas (e.g. including provisions for gravel driveways rather than concrete/tarmac),*

- *Retaining native vegetation as free landscaping which is low-cost to maintain (no longer possible with this development as it has been clear cut),*
- *Planting native vegetation within the rain gardens and community areas, and*
- *Including energy-efficient appliances and fixtures and fittings.*

***Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposed house we recommend the following condition be included in the approval.***

1. *The applicant shall submit a revised site plan which reflects the approved stormwater management plan. Should the approved Stormwater Management Plan include rain gardens, these shall be shown on the site plan. The rain gardens shall not be converted to areas of hardstanding or made non-permeable.*

### **APPLICANT'S LETTER**

*On behalf of my client, I would like to request a side setback variance for proposed application. The house will be over the setback line by 1'-4". 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 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 application is for a Three Bedroom House; 1,200 sq. ft. with Side Setback Variance to be located off North Side Rd., North Side.

#### **Zoning**

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

#### **Specific Issues**

##### **1) Side Setback**

Regulation 9(8)(j) states "*the minimum side set back is 10' feet for a building of one storey*". The proposed residence would be 8'-8" from the side boundary a difference of 1'-4".

## **2.29 NHD (Whittaker & Watler) Block 49C Parcels 12 and 15 Lot 27 (P22-0297) (\$126,000) (MW)**

Application for a house.

## **FACTS**

<i>Location</i>	Off North Side Rd, North Side
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.1278 ac. (5,566.968 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1,050 sq. ft.
<i>Total building site coverage</i>	18.86%

## **BACKGROUND**

November 24, 2021 – (48) Lot Subdivision with Lot Width Variance – the application was considered and it was resolved to grant planning permission. November 24, 2021 (CPA/24/21; Item 2.25)

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

- 1) Front setback (14'-0" vs. 20'-0")

## **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

### **Department of Environment**

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

*The site has already been cleared, with the exception of a > 75-foot buffer along the southern boundary with Malportas Pond that has been retained as Land for Public Purposes.*

*The Department of Environment (DoE) has been consulted on a Stormwater Management Plan for the wider subdivision. The draft Stormwater Management Plan included rain gardens around each house and driveway. Based on the plan dated 8 February 2022, the rain gardens were designed to provide 0.5 ft depth of storage capacity. The draft Stormwater Management Plan is not shown on the plans submitted for the individual houses. The draft Stormwater Management Plan appears not to be in alignment with the house plans submitted as part of this planning application.*

*For example, on the plans submitted as part of this planning application, the driveway is larger than on the Stormwater Management Plan, thereby reducing the capacity of the rain gardens. The rain gardens **must remain permeable**, regardless of whether or not they are vegetated so it is crucial that they are shown on the individual site plans so that owners are aware that they cannot be converted into areas of hardstanding. Replacing permeable areas with areas of hardstanding (concrete/asphalt or other non-*

*permeable surfaces) will reduce the stormwater storage capacity for the site and may lead to flooding issues. Currently, the driveway is shown as concrete on the site plan, however, options such as gravel and/or permeable paving would increase the stormwater capacity for the site.*

*While we are not aware of the current status of the Stormwater Management Plan and whether it has been approved, the development of individual houses should conform to any approved Stormwater Management Plan for the wider development. Therefore, we recommend that the plans be updated to reflect the Stormwater Management Plan (i.e. the rain gardens) prior to the approval of the individual houses.*

*Housing plays a key role in people's health and well-being. For example, selected housing interventions for low-income people have been found to improve health outcomes and decrease healthcare costs<sup>2</sup>. Neighbourhood – the physical surroundings – are strongly influential on health and is one of the key pathways between housing and health.*

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<sup>1</sup> Taylor, L. (2018). *Housing and Health: An Overview of the Literature*. Retrieved from <https://www.healthaffairs.org/doi/10.1377/hpb20180313.396577/>

*Any government-led affordable housing initiatives should aim to be an exemplar and include sustainability, not only for the people who are to live in the community but also for the wider development and construction industry. Sustainability reduces inequality. When 'affordable' houses are poorly insulated, residents who are already paid low incomes have higher energy bills and experience a greater proportionate burden. Low-income residents are then often forced to make decisions between buying food, paying bills, buying medicine etc. But when houses are well-insulated, energy bills are lower and more predictable, putting more control back into the hands of their future residents. Green affordable housing ensures that the homes fit the requirements of the people that live in them, and also improves overall housing stock for the long-term. Poor-quality housing not only has environmental effects from the use of resources, financial effects from ongoing maintenance and having to rebuild properties, and social effects for the people who live there in undesirable conditions.*

*On 3 May 2022, we met with Julio Ramos of the National Housing Development Trust to discuss our suggestions outlined herein. We strongly urge the National Housing Development Trust to include sustainability measures such as:*

- *Adequately insulating the homes including using well-insulated windows,*
- *Designing the houses to be solar-ready so that renewable energy could be incorporated by future homeowners,*
- *Incorporating hurricane shutters that also shade the house to prevent heat gain,*
- *Including rainwater catchment tanks (e.g. rain barrels) which can be used to water gardens and backyard farming initiatives while also avoiding run-off and conserving water,*

- *Minimising the amount of hardstanding and increasing the amount of permeable areas (e.g. including provisions for gravel driveways rather than concrete/tarmac),*
- *Retaining native vegetation as free landscaping which is low-cost to maintain (no longer possible with this development as it has been clear cut),*
- *Planting native vegetation within the rain gardens and community areas, and*
- *Including energy-efficient appliances and fixtures and fittings.*

***Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposed house we recommend the following condition be included in the approval.***

2. *The applicant shall submit a revised site plan which reflects the approved stormwater management plan. Should the approved Stormwater Management Plan include rain gardens, these shall be shown on the site plan. The rain gardens shall not be converted to areas of hardstanding or made non-permeable.*

### **APPLICANT'S LETTER**

*On behalf of my client, I would like to request a side setback variance adjacent to the road. The house will be over the setback line by 6'-0". We have look at turning the house on the property using the other road as the front but after looking at it, it would not leave the home owner with any front or rear yard all extra space will be on the side of the house. This way they will have a proper front and rear yard.*

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

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is for a Two Bedroom House; 1,050 sq. ft. with Roadside Setback Variance to be located off North Side Rd., North Side.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) Front setback**

Regulation 9(8)(i) states "*the minimum front & rear setbacks are 20'*". The proposed residence would be 14'-0" from the front boundary a difference of 6'-0".

#### **2.30 NHD (Whittaker & Watler) Block 49C Parcels 12 and 15 Lot 28 (P22-0296) (\$126,000) (MW)**

Application for a house.

## **FACTS**

<i>Location</i>	Off North Side Rd, North Side
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.1380 ac. (6,011.28 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1,050 sq. ft.
<i>Total building site coverage</i>	17.47%

## **BACKGROUND**

November 24, 2021 – (48) Lot Subdivision with Lot Width Variance – the application was considered and it was resolved to grant planning permission. November 24, 2021 (CPA/24/21; Item 2.25)

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

- 1) Front setback (15'-1" vs. 20'-0")

## **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

### **Department of Environment**

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

*The site has already been cleared, with the exception of a > 75-foot buffer along the southern boundary with Malportas Pond that has been retained as Land for Public Purposes.*

*The Department of Environment (DoE) has been consulted on a Stormwater Management Plan for the wider subdivision. The draft Stormwater Management Plan included rain gardens around each house and driveway. Based on the plan dated 8 February 2022, the rain gardens were designed to provide 0.5 ft depth of storage capacity. The draft Stormwater Management Plan is not shown on the plans submitted for the individual houses. The draft Stormwater Management Plan appears not to be in alignment with the house plans submitted as part of this planning application.*

*For example, on the plans submitted as part of this planning application, the driveway is larger than on the Stormwater Management Plan, thereby reducing the capacity of the rain gardens. The rain gardens **must remain permeable**, regardless of whether or not they are vegetated so it is crucial that they are shown on the individual site plans so that owners are aware that they cannot be converted into areas of hardstanding. Replacing permeable areas with areas of hardstanding (concrete/asphalt or other non-permeable surfaces) will reduce the stormwater storage capacity for the site and may*



*lead to flooding issues. Currently, the driveway is shown as concrete on the site plan, however, options such as gravel and/or permeable paving would increase the stormwater capacity for the site.*

*While we are not aware of the current status of the Stormwater Management Plan and whether it has been approved, the development of individual houses should conform to any approved Stormwater Management Plan for the wider development. Therefore, we recommend that the plans be updated to reflect the Stormwater Management Plan (i.e. the rain gardens) prior to the approval of the individual houses.*

*Housing plays a key role in people's health and well-being. For example, selected housing interventions for low-income people have been found to improve health outcomes and decrease healthcare costs<sup>3</sup>. Neighbourhood – the physical surroundings – are strongly influential on health and is one of the key pathways between housing and health.*

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<sup>1</sup> Taylor, L. (2018). *Housing and Health: An Overview of the Literature*. Retrieved from <https://www.healthaffairs.org/doi/10.1377/hpb20180313.396577/>

*Any government-led affordable housing initiatives should aim to be an exemplar and include sustainability, not only for the people who are to live in the community but also for the wider development and construction industry. Sustainability reduces inequality. When 'affordable' houses are poorly insulated, residents who are already paid low incomes have higher energy bills and experience a greater proportionate burden. Low-income residents are then often forced to make decisions between buying food, paying bills, buying medicine etc. But when houses are well-insulated, energy bills are lower and more predictable, putting more control back into the hands of their future residents. Green affordable housing ensures that the homes fit the requirements of the people that live in them, and also improves overall housing stock for the long-term. Poor-quality housing not only has environmental effects from the use of resources, financial effects from ongoing maintenance and having to rebuild properties, and social effects for the people who live there in undesirable conditions.*

*On 3 May 2022, we met with Julio Ramos of the National Housing Development Trust to discuss our suggestions outlined herein. We strongly urge the National Housing Development Trust to include sustainability measures such as:*

- *Adequately insulating the homes including using well-insulated windows,*
- *Designing the houses to be solar-ready so that renewable energy could be incorporated by future homeowners,*
- *Incorporating hurricane shutters that also shade the house to prevent heat gain,*
- *Including rainwater catchment tanks (e.g. rain barrels) which can be used to water gardens and backyard farming initiatives while also avoiding run-off and conserving water,*
- *Minimising the amount of hardstanding and increasing the amount of permeable areas (e.g. including provisions for gravel driveways rather than concrete/tarmac),*

- *Retaining native vegetation as free landscaping which is low-cost to maintain (no longer possible with this development as it has been clear cut),*
- *Planting native vegetation within the rain gardens and community areas, and*
- *Including energy-efficient appliances and fixtures and fittings.*

***Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposed house we recommend the following condition be included in the approval.***

3. *The applicant shall submit a revised site plan which reflects the approved stormwater management plan. Should the approved Stormwater Management Plan include rain gardens, these shall be shown on the site plan. The rain gardens shall not be converted to areas of hardstanding or made non-permeable.*

### **APPLICANT'S LETTER**

*On behalf of my client, I would like to request a side setback variance adjacent to the road. The house will be over the setback line by 5'-0". We have look at turning the house on the property using the other road as the front but after looking at it, it would not leave the home owner with any front or rear yard all extra space will be on the side of the house. This way they will have a proper front and rear yard.*

*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 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 application is for a Two Bedroom House; 1,050 sq. ft. with Roadside Setback Variance to be located off North Side Rd., North Side.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) Front setback**

Regulation 9(8)(i) states "*the minimum front & rear setbacks are 20'*". The proposed residence would be 15'-1" from the roadside boundary a difference of 4'-11".

## **2.31 NHD (Whittaker & Watler) Block 49C Parcel 12 Lot 34 (P22-0295) (\$126,000) (MW)**

Application for a house.

## **FACTS**

<i>Location</i>	Off North Side Rd, North Side
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.1283 ac. (5,588.748 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1,050 sq. ft.
<i>Total building site coverage</i>	18.79%

## **BACKGROUND**

November 24, 2021 – (48) Lot Subdivision with Lot Width Variance – the application was considered and it was resolved to grant planning permission. November 24, 2021 (CPA/24/21; Item 2.25)

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

- 1) Front setback (16'-4" / 17'-8" vs. 20'-0")
- 2) Rear setback (10'-6" / 14'-0" vs. 20'-0")

## **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

### **Department of Environment**

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

*The site has already been cleared, with the exception of a > 75-foot buffer along the southern boundary with Malportas Pond that has been retained as Land for Public Purposes.*

*The Department of Environment (DoE) has been consulted on a Stormwater Management Plan for the wider subdivision. The draft Stormwater Management Plan included rain gardens around each house and driveway. Based on the plan dated 8 February 2022, the rain gardens were designed to provide 0.5 ft depth of storage capacity. The draft Stormwater Management Plan is not shown on the plans submitted for the individual houses. The draft Stormwater Management Plan appears not to be in alignment with the house plans submitted as part of this planning application.*

*For example, on the plans submitted as part of this planning application, the driveway is relocated south and larger than on the Stormwater Management Plan, thereby reducing the capacity of the rain gardens. The rain gardens **must remain permeable**, regardless of whether or not they are vegetated so it is crucial that they are shown on the individual site plans so that owners are aware that they cannot be converted into*

areas of hardstanding. Replacing permeable areas with areas of hardstanding (concrete/asphalt or other non-permeable surfaces) will reduce the stormwater storage capacity for the site and may lead to flooding issues. Currently, the driveway is shown as concrete on the site plan, however, options such as gravel and/or permeable paving would increase the stormwater capacity for the site.

While we are not aware of the current status of the Stormwater Management Plan and whether it has been approved, the development of individual houses should conform to any approved Stormwater Management Plan for the wider development. Therefore, we recommend that the plans be updated to reflect the Stormwater Management Plan (i.e. the rain gardens) prior to the approval of the individual houses.

Housing plays a key role in people's health and well-being. For example, selected housing interventions for low-income people have been found to improve health outcomes and decrease healthcare costs<sup>4</sup>. Neighbourhood – the physical surroundings – are strongly influential on health and is one of the key pathways between housing and health.

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Any government-led affordable housing initiatives should aim to be an exemplar and include sustainability, not only for the people who are to live in the community but also for the wider development and construction industry. Sustainability reduces inequality. When 'affordable' houses are poorly insulated, residents who are already paid low incomes have higher energy bills and experience a greater proportionate burden. Low-income residents are then often forced to make decisions between buying food, paying bills, buying medicine etc. But when houses are well-insulated, energy bills are lower and more predictable, putting more control back into the hands of their future residents. Green affordable housing ensures that the homes fit the requirements of the people that live in them, and also improves overall housing stock for the long-term. Poor-quality housing not only has environmental effects from the use of resources, financial effects from ongoing maintenance and having to rebuild properties, and social effects for the people who live there in undesirable conditions.

On 3 May 2022, we met with Julio Ramos of the National Housing Development Trust to discuss our suggestions outlined herein. We strongly urge the National Housing Development Trust to include sustainability measures such as:

- Adequately insulating the homes including using well-insulated windows,
- Designing the houses to be solar-ready so that renewable energy could be incorporated by future homeowners,
- Incorporating hurricane shutters that also shade the house to prevent heat gain,
- Including rainwater catchment tanks (e.g. rain barrels) which can be used to water gardens and backyard farming initiatives while also avoiding run-off and conserving water,

- *Minimising the amount of hardstanding and increasing the amount of permeable areas (e.g. including provisions for gravel driveways rather than concrete/tarmac),*
- *Retaining native vegetation as free landscaping which is low-cost to maintain (no longer possible with this development as it has been clear cut),*
- *Planting native vegetation within the rain gardens and community areas, and*
- *Including energy-efficient appliances and fixtures and fittings.*

***Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposed house we recommend the following condition be included in the approval.***

4. *The applicant shall submit a revised site plan which reflects the approved stormwater management plan. Should the approved Stormwater Management Plan include rain gardens, these shall be shown on the site plan. The rain gardens shall not be converted to areas of hardstanding or made non-permeable.*

### **APPLICANT'S LETTER**

*On behalf of my client, I would like to request a setback variance for the front and rear step of the proposed residence. 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 4'-8" setback variance for the front step and 9'-6" setback variance for the rear step.*

*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 application is for a Two Bedroom House; 1,050 sq. ft. with Roadside & Rear Setback Variance to be located off North Side Rd., North Side.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) Front setback**

Regulation 9(8)(i) states "*the minimum front setbacks are 20'*". The proposed residence would be 16'-4" (steps) & 17'-8" (house) from the roadside boundary a difference of 3'-8" & 2'-4".

##### **2) Rear setback**

Regulation 9(8)(i) states "*the minimum rear setbacks are 20'*". The proposed residence would be 10'-6" (steps) & 14'-0" (house) from the roadside boundary a difference of 9'-6" & 6'-0".

**2.32 TORTUGA REALTY (Eric Cronier Surveying) Block 71A Parcel 13 (P22-0367) (\$3,960) (NP)**

Application for a 4 lot subdivision.

**FACTS**

<i>Location</i>	Farm Road, East End
<i>Zoning</i>	<b>Agricultural/Residential</b>
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	2.5 acres
<i>Parcel size required</i>	0.5 acres
<i>Parcel width required</i>	80 feet for dwellings 100 feet for apartments
<i>Proposed lot sizes</i>	24,800 sq. ft. to 25,600 sq. ft.
<i>Current use</i>	Vacant

**Recommendation:** Grant Planning Permission.

**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.

**Stormwater Management**

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

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

#### **Site Overview**

*The Department notes that the subject parcel is man-modified with regrowth as shown in Figure 1 below. A review of the Lands and Survey Department's historical aerial imagery confirmed that the site was previously cleared; possibly to be used as a pasture lands in the 50s. However, there has been significant regrowth over the decades and the DoE would not support the clearing of the parcel at this time as we do not support speculative or wholesale clearing of subdivision sites.*

*In principle, land clearing should be reserved until the development of individual lots is imminent (through the granting of planning permission for development on those particular lots). This allows the opportunity for the individual lot owners to retain vegetation and allows the site to continue to provide ecosystem services such as providing habitat for wildlife, assisting with stormwater management and storing carbon.*

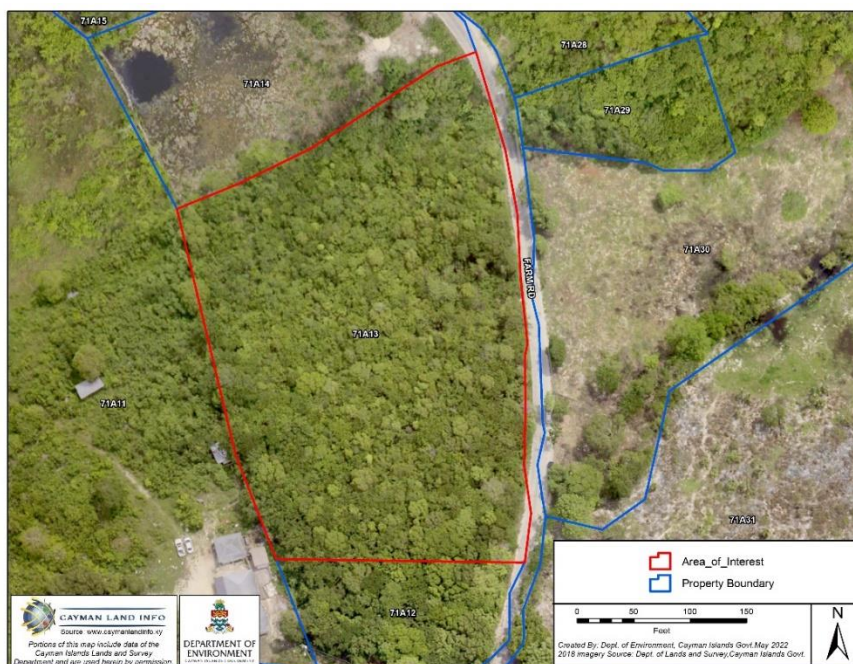




Figure 1: Aerial imagery showing the subject parcel (Source: Lands and Survey 2018)

### **DOE RECOMMENDED CONDITIONS**

*Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposal we recommend the inclusion of the below conditions in the approval.*

- 1. There shall be no land clearing, excavation, filling or development of the resultant subdivided parcels without planning permission for such works being granted.*
- 2. Any future land clearing, excavation, filling or development of the resultant subdivided parcels shall be the subject of a separate consultation with the Central Planning Authority and National Conservation Council.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The subject property is located in East End, on Farm Road.

The property is currently vacant and the proposal is to create four new residential lots, each over 0.5 acres in area

#### **Zoning**

The property is zoned Agricultural/Residential.

#### **2.33 NCB PROPERTY SERVICES (AIM Design Studio Ltd. Block 14D Parcel 439 (P21-1182) (BES)**

Application for a tenant identifier sign.

#### **FACTS**

<i>Location</i>	Thomas Russell Ave, Cayman Technology Centre
<i>Zoning</i>	<b>G.COM</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	1.925 ac. (83,853 sq. ft.)
<i>Current use</i>	Commercial building

**Recommendation:** Grant Planning Permission

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The applicant is for a free-standing sign to be located at the above-caption property. The site is located on Thomas Russell Ave, Cayman Technology Centre. The sign would be of a monument style and would have slots for 4 tenants within the complex.



## **Zoning**

The property is zoned General Commercial.

### **2.34 NOEL DAWKINS (Abernethy & Associates Ltd.) Block 43A Parcel 45 (P21-0936) (\$4,238) (EJ)**

Application for a four (4) lot subdivision.

## **FACTS**

<i>Location</i>	Harvey Stephenson Drive
<i>Zoning</i>	<b>AGR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	4.24 ac. (184,694 sq. ft.)
<i>Parcel size required</i>	0.50 ac (21,780 sq. ft.)
<i>Current use</i>	Vacant / House (Lot 3)

## **BACKGROUND**

June 1, 1999 – Planning permission was granted for a house.

June 30, 2000 – Planning permission was granted for a house addition.

March 16, 2022 (**CPA/08/22; Item 2.8**) - The Authority adjourned the application in order that the applicant submit a revised plan showing a 30' wide road parcel leading to proposed lots 2 and 3.

**Recommendation:** Grant Planning Permission

## **AGENCY COMMENTS**

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

### **National Roads Authority**

*As per your memo September 30<sup>th</sup>, 2020 the NRA has reviewed the above-mentioned planning proposal.*

***The NRA recommends that the proposed thirty (30) ft VROW's be road parcels, built to NRA specifications, as the created lot sizes will be large enough to build apartments.***

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

### **Water Authority**

*Please be advised that the Water Authority's requirements for this subdivision 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 (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The application site is man-modified with some regrowth. There are no environmental concerns with respect to the proposed subdivision. However, any future clearing, filling or development of the resultant parcels should be the subject of a separate consultation with the National Conservation Council.*

**PLANNING DEPARTMENT ANALYSIS****General**

Proposed four (4) lot subdivision on Harvey Stephenson Drive in Lookout Gardens, Bodden Town.

**Zoning**

The property is zoned Agriculture/Residential.

## **Specific Issues**

### **1) Right-of-Way vs Road**

The proposed four-lot (1-4) subdivision meets the minimum lot size proposed at 0.71, 0.52, 0.50 & 2.52 acres respectively; and all lots exceed the minimum lot width of 80'. However, lots 2 and 3 will have a 30' ROW vs 30' road access over lot 1, with lot 4 having direct access from Harvey Stephenson Drive.

## **SUPPLEMENTARY ANALYSIS**

The applicant has submitted a revised plan showing a 30' road parcel leading to parcels 2 and 3 as requested.

### **2.35 MERLYN PARCHMENT (John Bernard) Block 14C Parcel 76 (P22-0045) (\$10,000) (EJ)**

Application for an addition to a house.

## **FACTS**

<i>Location</i>	Treetop Drive off Sound Way.
<i>Zoning</i>	<b>GC (no overlay)</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.20 ac. (8,712 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Hurricane Damaged House
<i>Proposed building size</i>	2,582.75 sq. ft.
<i>Total building site coverage</i>	29.64%
<i>Allowable units</i>	CPA
<i>Proposed units</i>	1
<i>Required parking</i>	1
<i>Proposed parking</i>	4

## **BACKGROUND**

House appears on 1971 aerial map.

**Recommendation:** Grant Planning Permission

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed redevelopment and addition to house is located on Treetop Drive off Sound Way. The proposed appears to had been a four-bedroom house existed prior to hurricane Ivan; now the applicant proposed to redevelop and add 471 sq. ft. addition, altering the house into a six-bedroom house.

### **Zoning**

The property is zoned General Commercial.

### **Specific Issues**

#### **1) Zoning**

Regulation 13(8) states that in the general Commercial zone residential development must not be on the ground floor, which is the case in this instance. Regulation 13(10)(a) states further that notwithstanding 13(8), if the proposed residential development is a replacement or development of an existing residential development then it can be on the ground floor. It would appear that the proposed house addition would satisfy the provisions of 13(10)(a).

## **3.0 DEVELOPMENT PLAN MATTERS**

## **4.0 PLANNING APPEAL MATTERS**

## **5.0 MATTERS FROM THE DIRECTOR OF PLANNING**

## **6.0 CPA MEMBERS INFORMATION/DISCUSSION**

# **Appendix A**

## MEMORANDUM

**TO:** Director of Planning **YOUR REF:** P22-0406  
**ATTN:** Jessica Peacey  
**FROM:** Director of Environment **DATE:** 24 May 2022

<p><b>SUBJECT: SJP Development Corp Ltd</b> <b>Modification to Site Plan for Phase 1 A of the Mandarin Oriental Hotel</b> <b>Block 38E Parcel 282 and Block 32D Parcels 5, 122, and 313</b></p>
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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).

An Environmental Impact Assessment (EIA) Screening Opinion was prepared by the Department of Environment (DoE) and endorsed by the National Conservation Council (NCC) on 5 August 2019. The EIA Screening Opinion confirmed that no EIA was required for Phase 1A of the proposed development. The EIA Screening Opinion remains valid for the modifications forming the subject planning application (P22-0406) as the nature of the environmental effects is predominantly the same. Therefore, the EIA Screening Opinion has not been updated.

In addition, an EIA Screening Opinion for Phase 1B (the residences) was prepared and endorsed by the NCC on 20 January 2022, confirming an EIA was not required for Phase 1B.

Compared to the existing planning permission for Phase 1A (P19-0468) and subsequent minor modifications, the proposed development has:

- Relocated the Events and Banquet Centre and Spa facility to the south side of the proposed road and closer to the main resort facilities;
- The area facing the beach has been reconfigured to move the location of the paths landward and remove the beachfront villas from the design.

### Legislation Changes

Since the original planning permission for Phase 1A, there have been the following changes in legislation:

- The beach at the site has been designated as **critical turtle nesting habitat** in the National Conservation Council's *Interim Directive for the designation of Critical Habitat of Green turtles (Chelonia mydas), Loggerhead turtles (Caretta caretta), Hawksbill turtles (Eretmochelys imbricata), Leatherback turtles (Dermochelys coriacea) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (Lepidochelys kempii)* (issued under Section 17 (7) of the National Conservation Act (2013)). As per Sections 41 (4) and (5) of the National Conservation Act, 2013 (NCA), this designation of critical habitat means that adverse impacts to the habitat either have to be avoided or be able to be mitigated with the imposition of conditions of approval. It also means that the National Conservation Council is able to direct/stipulate the inclusion of those conditions in any Planning Permission that may be given.

- The Marine Parks were enhanced effective 12 March 2021 as part of the National Conservation (Marine Parks) Regulations 2021. This designated an area adjacent to the site, but east of the Beach Bay embayment as a **Marine Reserve** (a Marine Protected Area).

The environmental context of the site is shown in Figure 1.

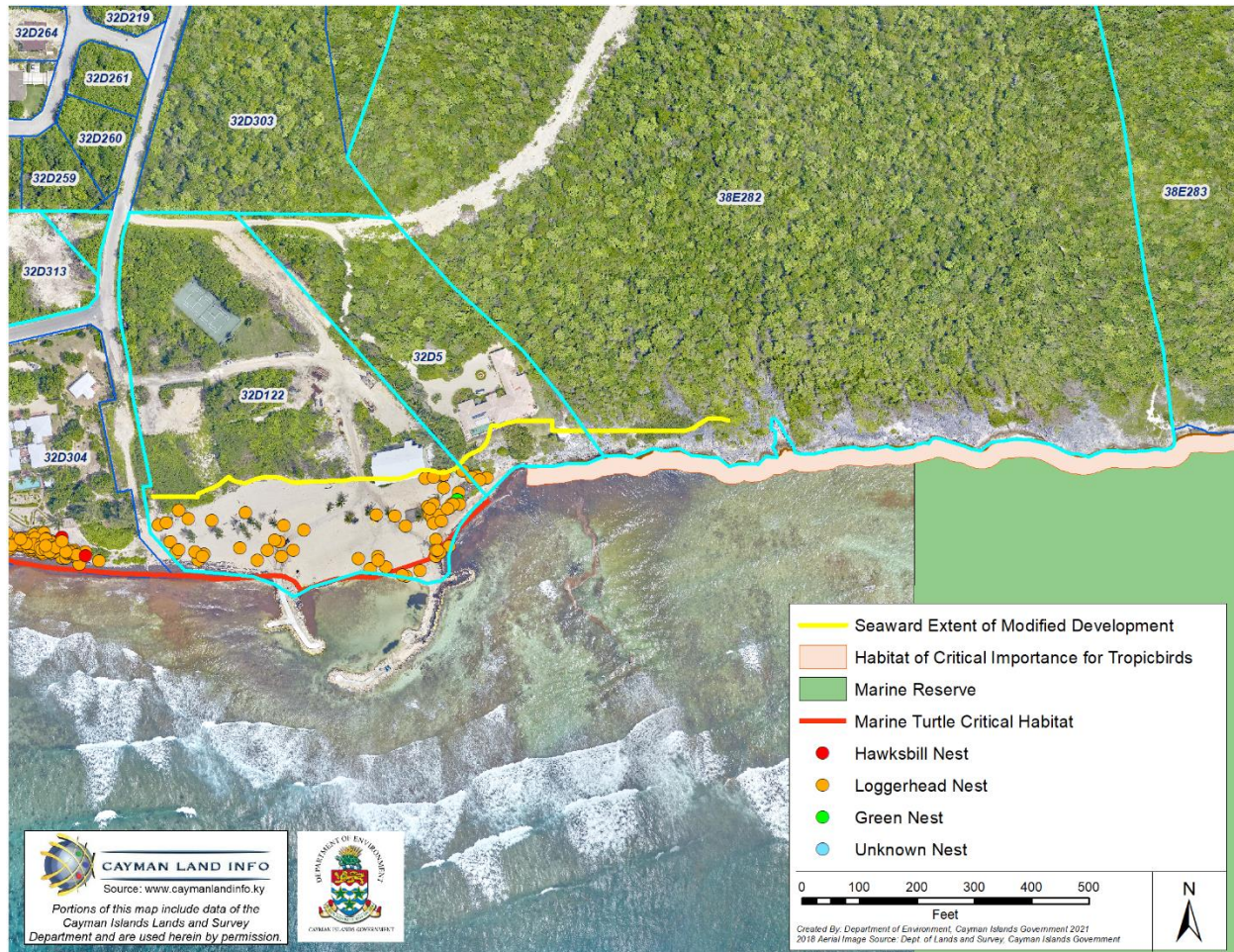


Figure 1. The environmental context of the site showing the seaward extent of the proposed development (yellow).

### White-tailed Tropicbird Nesting

White-tailed Tropicbirds (*Phaethon lepturus*) are breeding summer visitors to the island of Grand Cayman<sup>1</sup>. Recorded on Grand Cayman prior to the year 1916, the species has been monitored locally since 1984. Nesting in rock crevices where geology allows, this seabird species is gregarious and usually nests in colonies, however, loose aggregations have been observed where nesting cavities are sparse<sup>2</sup>. Nesting is restricted to areas where daily commutes allow the reach of

<sup>1</sup> Brunt, M.A., and J.E. Davies. (1994). The Cayman Islands Natural History and Biogeography. Springer Science and Business Media. Dordrecht, Netherlands.

<sup>2</sup> Lowrie K., Lowrie, D. and N. Collier. (2012). Seabird Breeding Atlas of the Lesser Antilles. CreateSpace Independent Publishing Platform, California.



suitable prey and where predators can be avoided. Being highly pelagic, White-tailed Tropicbirds are rarely seen within the vicinity of land unless they are nesting or displaying courting behaviour<sup>3</sup>.

Of Grand Cayman's 160 km coastline, suitable Tropicbird nesting habitat makes up just 3.1%, represented by the bluff, starting from the west of Pedro St. James and running east of Beach Bay with a total length of 5 km, see Figure 2 below. As described by Patricia E. Bradley<sup>4</sup>:

*"A small colony breeds in holes in the 12 m high bluff from west of Pedro St. James along 5 km east to Beach Bay, 1984-2004. Extreme migrant dates 21 December-24 September"*

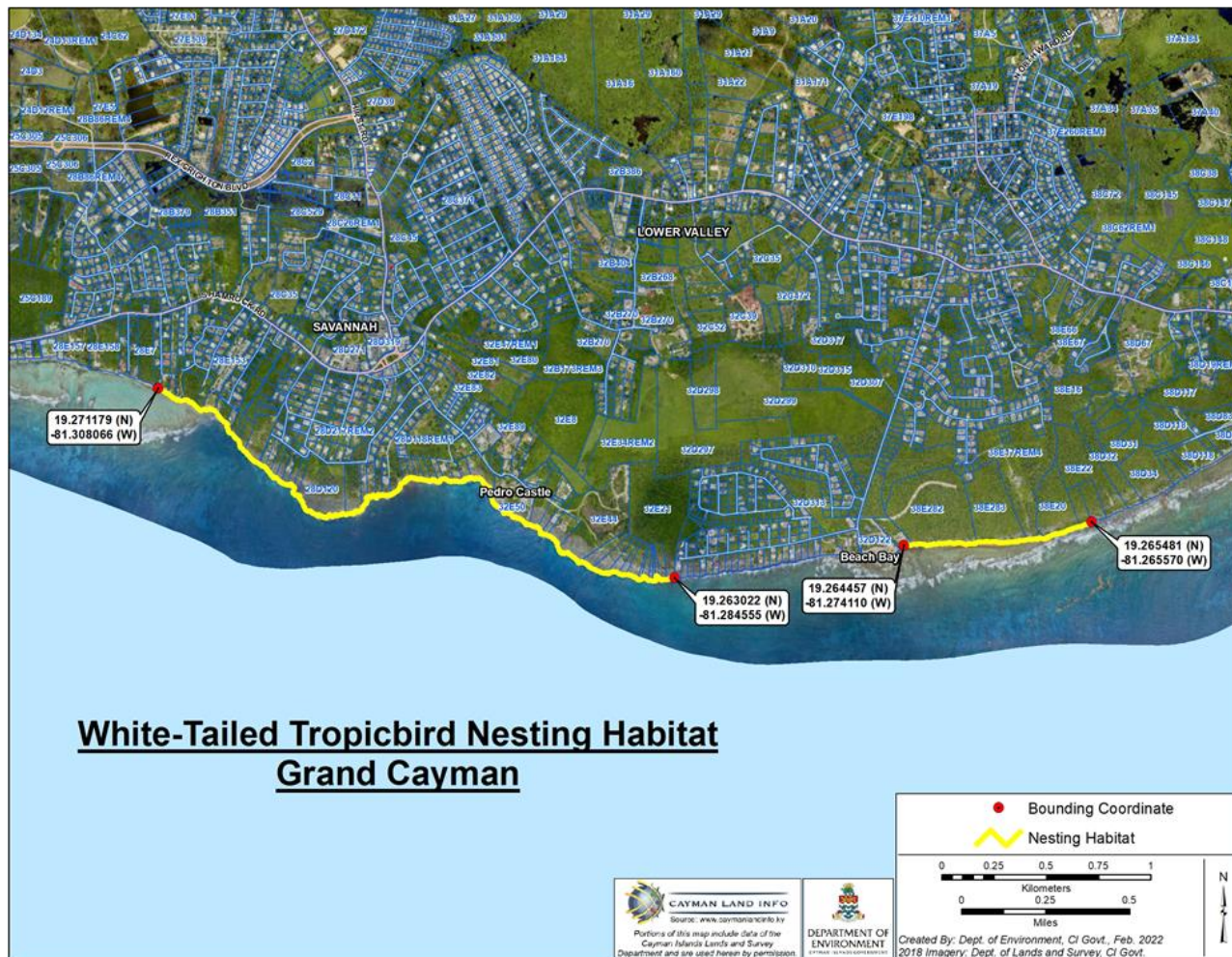


Figure 2. White-Tailed Tropicbird Nesting Habitat on Grand Cayman

A summary of historical numbers of the total breeding pairs counted on Grand Cayman can be found below in Table 1.

<sup>3</sup> Lee, D.S and M. Walsh-McGehee. (2000). Population estimates, conservation concerns, and management of tropicbirds in the Western Atlantic. Caribbean Journal of Science 36(3-4): 267-279.

<sup>4</sup> Bradley, P.E. and R.L. Norton. (2009). An Inventory of Breeding Seabirds of the Caribbean. University Press of Florida, Florida.



*Table 1. Historical data of White-Tailed Tropicbirds breeding on Grand Cayman. The table is adapted from Bradley and Norton 2009, table 6.2, p. 61.*

<b>Year</b>	<b>Total (pairs)</b>
1986	15-20
1985	15
1996	10
1997	10
2000	9
2003	10
2004	5

Since 2004, local birders have continued to record White-tailed Tropicbird numbers and potential nesting locations. In 2017 a staff member of the Royal Society for the Protection of Birds (RSPB), Charlie Kitchin, visited Cayman for a sabbatical to record the remaining White-tailed Tropicbird nest sites. One key finding was that the birds had started utilising rock holes below the splash zone, as a bird was seen entering and exiting a cavity in between wave action, see Figure 3.



*Figure 3: Rock hole below splash zone was actively used by White-tailed Tropicbirds in 2017.*

The DoE's Terrestrial Resources Unit (TRU) has been conducting White-tailed Tropicbird surveys on Grand Cayman throughout January and February of 2022. This season a maximum of 10 (ten)

individuals have been counted and 5 (five) nest sites have been located by Pedro St. James, including one abandoned egg. Surveys are conducted by foot, searching crevices and counting adults in the air. Drone surveys are not recommended for this species as nests are extremely camouflaged and can often not be detected even within 5 m on foot, see Figure 4.



*Figure 4: Tail emerging from current nest site (left) and abandoned egg in the nest (right). Photos by Jane Haakonsson, TRU Research Officer at the DoE.*

Upon visiting the Beach Bay nesting site on February 25 2022, TRU officers Jane Haakonsson and Vaughn Bodden discovered several potential nest sites. Elevation was favourable and comparable to that of the known nest sites of this season, and cavities of desirable size and depth were identified. When investigating the most optimal nesting cavities, however, large Green Iguanas (*Iguana iguana*) were found inside, see Figure 5. Skin and faeces from Green Iguanas were seen throughout this stretch of White-tailed Tropicbird nesting habitat and four adult Green Iguanas were seen.

When conducting a count of White-tailed Tropicbirds, four adults were seen flying at sea from the site at Beach Bay.





*Figure 5: Tails of adult Green Iguanas were seen in optimal White-tailed Tropicbird nesting cavities at the Beach Bay site.*

It is highly likely that the Green Iguanas have prevented the White-tailed Tropicbirds from utilising the Beach Bay nesting habitat in recent years, as vegetation and accessibility prevent iguana cullers from accessing this particular area. Rat faeces were also found on the site and the effects of both invasive species combined can have detrimental effects on successful tropicbird nesting, as can human disturbance.

As such, we have recommended a condition that there be no clearing outside of the development footprint within the coastal setback along the bluff. The recommended condition is not particularly onerous, requiring no redesign or amendments of the proposals, forming simply a recommendation to avoid indiscriminate clearing of the bluff edge and destruction of habitat.

### **Environmental Effects of Relocation of the Events and Banquet Centre**

Relocation of the Events and Banquet Centre and Spa facility to within the previously-approved development footprint (Phase 1A and Phase 1B) would have minor short-term environmental benefits, provided that these areas are not cleared. There is no guarantee that these areas would not come forward for development in the future, and therefore any benefit is considered short term. Therefore, we have recommended a condition that these areas are not cleared at this stage.

### **Environmental Effects of Reconfiguration of Beachfront**

While the modifications to the proposed development have not removed all of the impacts, the modifications to remove the beachfront villas are a significant improvement. The approved development included beachfront villas, a pool deck, a guest services area, a pathway and a sewer directly on the beach, which had the effect of reducing the beach area by almost half in some areas.



Parts of the boardwalk were located a mere 18-35 feet from the high water mark in a key area of turtle nesting. Figure 6 below compares the previously approved development and the revised proposed development.

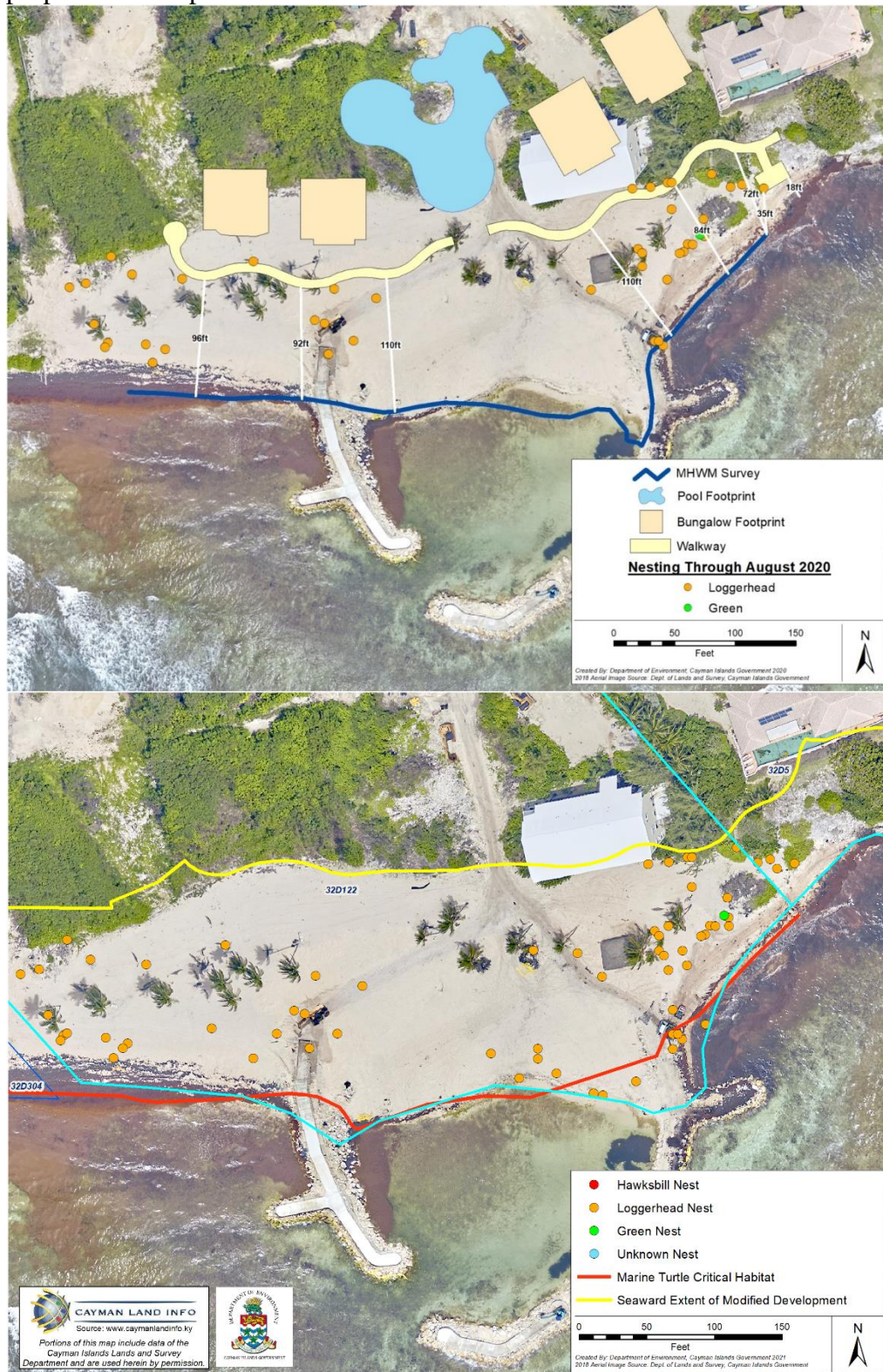


Figure 6. A comparison of the previously approved development (top) and the revised proposed development (bottom) showing the increased setback from the critical sea turtle nesting beach.



The coastline line in this location experiences nesting from both loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) sea turtles and notably in 2020, hawksbill (*Eretmochelys imbricate*). Hawksbill turtles are our rarest nesting turtles. All marine turtle species are listed in Part 1 of Schedule 1 to the National Conservation Law, 2013, as being ‘protected at all times’.

The stretch of coastline is also one of the areas of nesting habitat which experiences predominantly loggerhead turtle nesting, making it a particularly important site for the conservation of Cayman’s loggerhead turtle nesting population.

Of particular concern with the previous iteration of the Proposed Development was the eastern side of Beach Bay where the setback was the smallest. The revised proposed development has moved the paths narrowly off of the beach and off of the direct critical habitat (Figure 7).

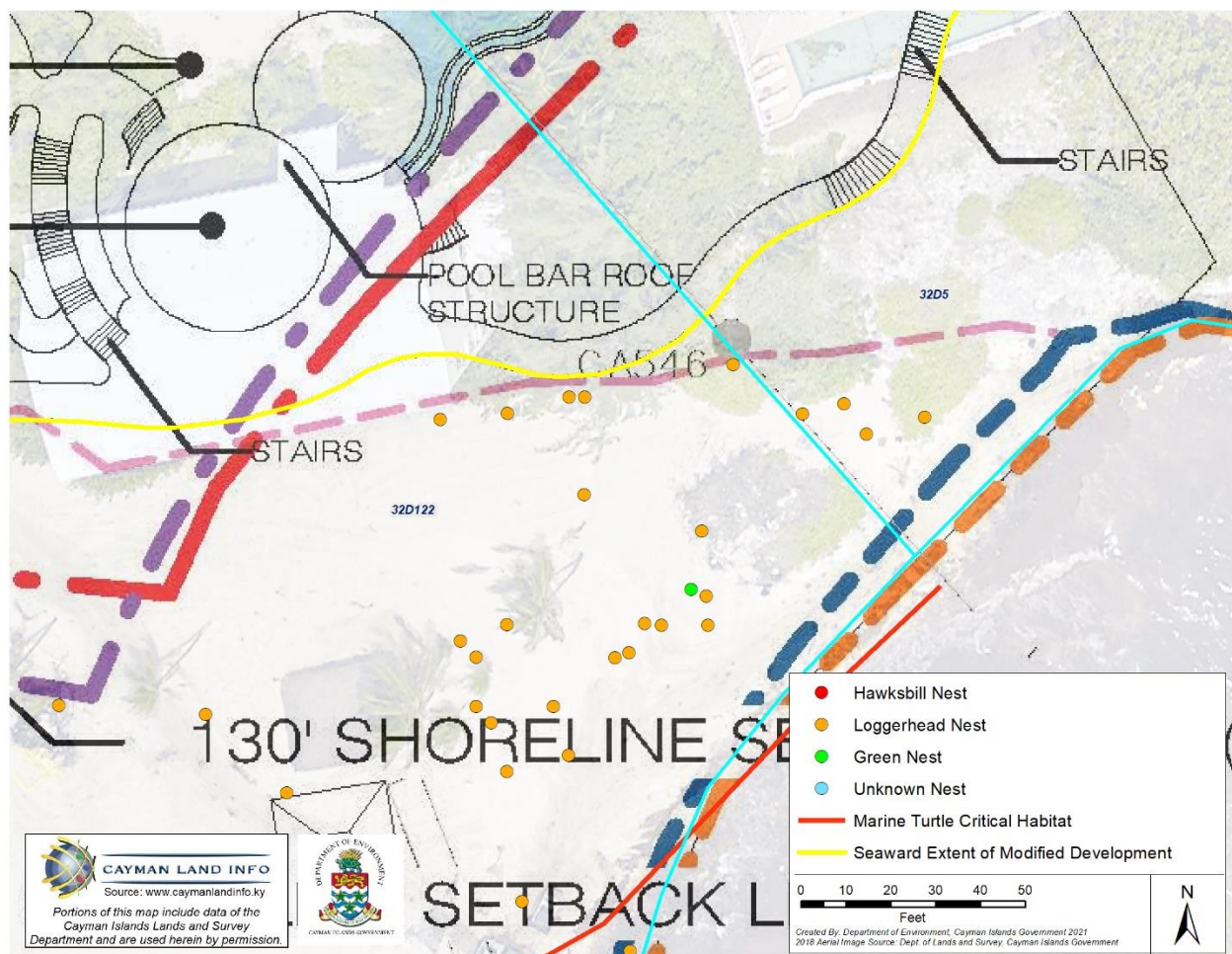


Figure 7. The revised proposed development is located narrowly off the beach.

There are still likely to be indirect impacts during operation, as well as potential direct and indirect impacts on sea turtles during construction. As this beach is now designated **sea turtle critical habitat**, we have directed conditions to prevent the ‘take’ of sea turtles.

## **DIRECTED CONDITIONS**

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

### **Prior to Any Site Works**

1. Prior to the commencement of any site works such as clearing, filling, grading and road construction, the property owner shall contact the Department of Environment to check for the presence of turtle nests; written approval shall be obtained from the Department of Environment that no nests will be impacted by the commencement of works.

### **Prior to the Issuance of a Building Permit**

2. Prior to the issuance of a Building Permit, the applicant shall prepare and submit a plan for review and approval to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. Guidance on developing a lighting plan can be found in the Department of Environment's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <https://doe.ky/marine/turtles/tfl/>. The DoE's written approval must be received by the Planning Department prior to the issuance of the Building Permit.
3. Prior to the installation of the beachside construction fencing and the commencement of construction works, the property owner shall contact the Department of Environment to check for the presence of turtle nests and to ensure that no nests will be impacted by the installation of the embedded fencing or the commencement of construction works. The Department of Environment's written approval must be received by the Planning Department prior to the issuance of the Building Permit.
4. Prior to the issuance of a Building Permit, beachside construction fencing associated with the works shall be positioned along the line referred to by the Applicant as the 'Turtle Protection Zone' on the site plans (to maximise 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 from entering the construction site or digging under the fencing. The applicant shall liaise directly with the Department of Environment for requirements guidance regarding this fencing. The Department of Environment will inspect the fencing and confirmation of the Department of Environment's written approval must be received by the Planning Department prior to the issuance of the Building Permit.

### **During Construction**

5. All construction materials shall be stockpiled on the landward side of the construction fencing.
6. Any sand that is to be excavated during construction shall be retained on-site and beach quality sand shall be placed along the active beach profile. Placement on the beach during turtle nesting

season will require the written consent of the Department of Environment, to ensure that no nests will be impacted. 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 shall be the subject of a separate consultation with the National Conservation Council.

### **Prior to the Issuance of a Certificate of Occupancy**

7. Lighting shall be installed and maintained in accordance with the turtle friendly lighting plan which has been reviewed and approved by the Department of Environment. Once construction is complete, prior to the issuance of the Certificate of Occupancy, the Department of Environment will inspect the installed lighting for compliance with the approved turtle friendly lighting plan. Confirmation of the Department of Environment's written approval of the installed exterior lighting after the inspection must be received by the Planning Department prior to the issuance of the Certificate of Occupancy.

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

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

### **RECOMMENDED CONDITIONS**

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

8. Within the coastal setback, any clearing or modification shall be confined to the footprint of the approved buildings and pathways.
9. Any land clearing should be restricted to the development footprint, and the area to the north of the road (excluding the area of the wastewater treatment plant) shall be left in a natural state.
10. Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas, or pollute the sea turtle critical habitat and Marine Protected Area offshore.

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**Director of Environment**

## **Appendix B**





ANDREW GIBB FCIQB RIBA MAPM LEED AP  
CHARTERED ARCHITECT | CHARTERED BUILDER

P O Box 899 Grand Cayman KY1-1103 Cayman Islands  
+ (345) 526 8888 | andrew.gibb@gibbarchitect.com

08 April 2022

The Director of Planning  
Planning Department  
Government Administration Building  
133, Elgin Avenue, George Town  
P O Box 113 Grand Cayman KY1-9000

Sir

BLOCK 32D5 PARCELS 5, 122 & 313; BLOCK 38E PARCEL 282  
LOWER VALLEY BODDEN TOWN GRAND CAYMAN  
**RESORT (PHASE 1A): APPLICATION TO MODIFY PLANNING CONSENT**  
Motivation

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We act for Applicant SJP Development Corporation Ltd as Agent.

We hereby make application to the Central Planning Authority ('CPA') to modify planning consent grant for the Mandarin Oriental St James Point Resort on parcels 32D5, 32D122, 32D313 and 38E282 Lower Valley District Bodden Town, Grand Cayman (to be combined in due course) which constitutes development Phase 1A.

In summary, Phase 1A of the Resort scope consists of a hotel component comprising 100 guestrooms and suites ('keys'), guest reception /arrival lobby /lounge, 3-meal restaurant, a 'theme' restaurant and bar facilities, Back-of-House (BOH) facilities, 25 apartments ('Residences'), spa and a 'wellness' facility, conference centre with separate BOH facilities and tennis courts.

Planning consent was granted in terms of CPA/24/19 Item 2.6, by letter dated 03 December 2019.

Scope of Amendments /Additions to Site Layout and Development Scope:

**A MODIFICATIONS TO SITE LAYOUT & DESIGN:**

There have been extensive consideration given to the original programme as submitted for planning consent grant (granted in terms of Minute CPA/24/19; Item 2.6 under cover of letter dated 03 December 2019) and which arise out of two significant reasons:

- 1 The declaration of the Beach Bay beach as critical turtle habitat under the draft Conservation Plan for Sea Turtles (19 June 2019) under which provisions, the proposal to develop a series of Beach Suites as part of the hotel resort accommodations programme, became patently untenable;
- 2 The location of the Events & Banquet Centre and Spa facility, originally in terms of the planning consent grant and on the north side of the proposed BP40 public roadway, was considered to be too remote from the main Resort facilities, and presented challenges in integrating services and utilities in addition to some duplication of back-of-house (BOH) programme, and that a relocation of these facilities south of the road and closer to the Resort amenities and centralised BOH facilities, not only improved the operational and amenity level of the Resort, but yielded back to undisturbed nature, a considerable area of primordial indigenous natural forest.

As a consequence of these drivers, the previously approved Resort layout and site design is proposed to be amended and adjusted as follows:

**Beachfront:**

The Beachfront (Mandarin) Suites have been removed in their totality to reduce the negative potential effect that the proposed development will have on nesting turtles. This will also provide an improved external space- a focal point linking the different areas and components of the Resort. This change reduces the hotel capacity by 8 hotel guestrooms from 100 to 92.

The Pool Bar and Washrooms have been reconfigured to suit the new open area by merging them into the landscape using natural materials and curvilinear forms. The original single pool is now split into two individual pools (Family Pool and Adult Pool) separated by the Pool Bar.

### **Spa and Event Centre:**

The proposed relocation of the Spa and Event Centre is intended to reduce dispersal of the Resort amenities and duplication of utilities, the built footprint of the resort on the site and to conserve the established indigenous forest.

The **Spa** has been moved to a new floor above the original Resort Core facilities, to take advantage of views over the Caribbean Sea.

The accommodation programme remains essentially unchanged, but has been re-organised spatially to align with the floor plan constraints of the original Resort Core.

The **Event Centre** is placed north of but directly adjacent to the Resort Core and is connected by a shared Plaza, offering areas for congregating and opportunities for a range of activities and events. The Event Centre has accessible rooftop gardens, blending the building into the adjacent natural landscape.

The accommodation programme for the Event Centre also remains essentially unchanged, but has been re-organised spatially to align it more efficiently with the Resort Core and the Hotel Towers BPH linkages.

### **Resort (Reception) Core:**

At the Main Lobby check-in, an additional elevator has been added owing to the extra floor of the Spa, and the lower ground floor connection to the Event Centre. To accommodate this change, washrooms on both floor levels were reconfigured. No other modifications were made.

**(Specialty) Italian Restaurant:**

The shape of the roof over this restaurant was modified to match the design language consistent throughout the Resort. Additionally, the new flat roof design allows service and utility plant and equipment to be completely concealed. No other modifications were made other than rationalisation of BOH services and access.

**Kid's Club:**

The Kid's club was moved from the Resort Core to an appropriate green area adjacent to the Family Pool at the Beachfront. This offers better opportunities for outdoor play. The facility is to be integrated into the landscaping and to be capped by a green roof. The accommodation programme remains unchanged.

**Outdoor Activities Area:**

The tennis courts have been relocated to the northeast of the campus. This position allows the courts to be orientated in the preferred due-north direction. A dedicated activities area is established with the addition of volleyball and pickleball courts.

**Planning Constraints:**

The parcels on which the Resort is to be developed are zoned Hotel /Tourism (Zone 2). Maximum allowable densities and coverage are as per the table below. Maximum building height is 10 storeys or an overall building height (as defined in Law) of 130'-0" whichever is the more restrictive.

**Density & Coverage:**

The component parcel density and coverage are summarised as follows:

BLOCK 32D5 PARCELS 5, 122 & 313; BLOCK 38E PARCEL 282  
 LOWER VALLEY BODDEN TOWN GRAND CAYMAN  
 RESORT RESIDENCES (PHASE 1A): APPLICATION TO MODIFY PLANNING  
 CONSENT : Motivation

Parcel	Parcel Area (acres) zoned HT	Max Allowable Guest (Bed)rooms	Max Allowable Apartments	Max Allowable Coverage = 40% (acres)
32D5	2.81	182	10	1.12
32D122	6.46	419	161	2.58
32D313	2.30	149	57	0.92
38E282	30	1,950	750	12
<b>Total</b>	<b>41.57</b>	<b>2,700</b>	<b>978</b>	<b>16.62 (40%)</b>
<b>Actual Phase 1A + Phase 1B</b>		<b>159</b>	<b>47</b>	<b>11.23 (27.0%)</b>
<b>Amended Phase 1A</b>		<b>- 8</b>	<b>nil change</b>	<b>- 0.85 (-2.1%)</b>
<b>Actual Total</b>		<b>151</b>	<b>47</b>	<b>10.38 (24.9%)</b>

Development coverage (both Phases 1A and 1B) now consists of the following components after proposed amendments to Phase 1A:

Component	Phase 1A + 1B Total	Phase 1A modification (add /omit)	ADJUSTED TOTAL
Buildings footprint	161,585	21,750	183,335
Roadways & Parking	201,011	(62,219)	138,792
Sidewalks	14,168	( 3,222)	10,946
Walkways & Hardscape	112,470	6,637	119,107
<b>Total Coverage (sq ft)</b>	<b>489,234</b>	<b>(37,054)</b>	<b>452,180</b>
<b>Total Coverage (ac)</b>	<b>10.38</b>		

BLOCK 32D5 PARCELS 5, 122 & 313; BLOCK 38E PARCEL 282  
 LOWER VALLEY BODDEN TOWN GRAND CAYMAN  
 RESORT RESIDENCES (PHASE 1A): APPLICATION TO MODIFY PLANNING  
 CONSENT : Motivation

**Parking:**

S.8(1) of the Development & Planning Regulations (2021) require that parking in the ratios shown hereunder, be provided for the total development (as adjusted for the proposed modifications to Phase 1A):

Development Component	Area/Unit	Provision Requirement	Bays Required	
Hotel Guestrooms	92 no.	1 bay per 2 Guestrooms	46	
Residences	47 no.	2 bays per 3 apartments	71	
Commercial /Retail /Spa	25,465 sf	1 bay per 300 sf	85	
Specialty Restaurant	4,827 sf	1 bay per 200 sf	25	
Conference /Meeting	22,062 sf	1 bay per 300 sf	74	
<b>TOTAL</b>			<b>301 bays</b>	<b>Bays Provided 301 bays</b>

Note that the provision of accessible parking bays is to be in compliance with Chapter 11 CIBC and ANSI 117.1-07

**Gross Development Areas:**

Phase 1A + Phase 1B:	528,700 sq ft
Amended Phase 1A:	<u>8,178 sq ft</u>
Total Gross Construction Area:	536,878 sq ft

It is to be noted that the increase in the gross development area arises largely out of the addition of an internal covered parking garage in addition to some increase in corridor and service accommodations arising out of programme adjustments.

With the exception of the total removal and omission of the Beach Suites component, the balance of the Resort accommodation programme and usage remains largely unchanged.

**B Emergency (Standby) Generator Bank**

Applicant wishes to relocate the secondary standby generator set to just east of the relocated Events & Banquet Facility. This generator is to be located within a small landscaped but secure area in this location.

**C Liquid Petroleum Gas Storage Facility**

Applicant wishes to relocate the secondary smaller LPG tank storage facility to just east of the relocated Events & Banquet Facility. This is intended to be a semi-submerged installation within a secure landscaped area, and is to be installed and commissioned in conformance with Petrol Inspectorate specifications and requirements.

We thank you for considering this application to modify the planning consent as granted.

Yours most sincerely

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.



# **Appendix C**

## MEMORANDUM

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

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

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

### Site Overview

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

### Coastal Setbacks & Climate Resiliency

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



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

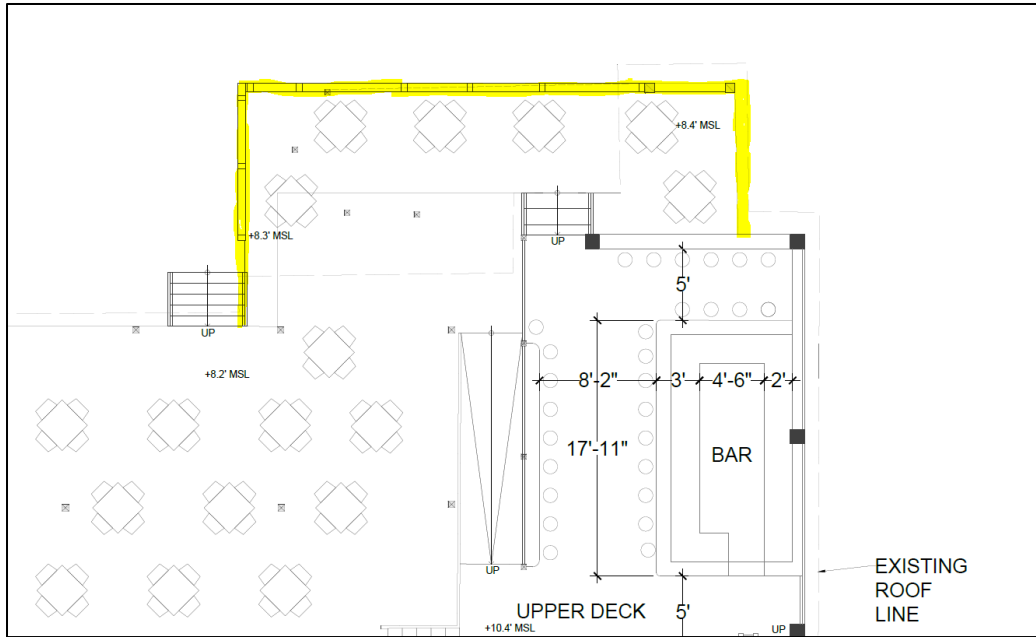
The Department of Environment is extremely concerned regarding the coastal setbacks of the proposed development, especially considering the importance of this section of beach as a public amenity (being next to Public Beach) and tourism asset. It is imperative that minimum coastal setbacks are met, particularly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

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

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

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

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



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

### **Impacts on Turtle Nesting**

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

### ***Construction Impacts***

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

### ***Artificial Lighting Impacts***

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

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



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

## **DOE CONCLUSION & RECOMMENDATIONS**

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

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

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

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

### **DIRECTED CONDITIONS**

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

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

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

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

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**Director of Environment**

# **Appendix D**



27 April 2022

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

Dear Sir:

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

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

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

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

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

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

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

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

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

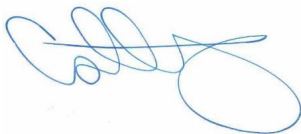
*No works are proposed to the existing seawall and it is therefore outside the scope of the application to require its removal or any alteration.*

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

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

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

Kind regards,



Colleen Stoetzel, AICP  
Land Use Planner, Dart Cayman

Attachment – Site Photos

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

