

## **Central Planning Authority**

**Agenda** for a meeting of the Central Planning Authority to be held on May 26, 2021 at **10:00am**,  
**in Conference Room 1038, 1<sup>st</sup> Floor, Government Administration Building, Elgin Avenue.**

**11<sup>th</sup> Meeting of the Year**

**CPA/11/21**

**Mr. A. L. Thompson (Chairman)**

**Mr. Robert Walter Jr. (Deputy Chairman)**

**Mr. Kris Bergstrom**

**Mr. Peterkin Berry**

**Mr. Edgar Ashton Bodden**

**Mr. Roland Bodden**

**Mr. Ray Hydes**

**Mr. Trent McCoy**

**Mr. Jaron Leslie**

**Ms. Christina McTaggart-Pineda**

**Mr. Selvin Richardson**

**Mr. Fred Whittaker**

**Mr. Haroon Pandohie (Executive Secretary)**

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

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

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**APPLICANTS ATTENDING THE AUTHORITY'S MEETING**

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Pro Plus	11:30	2.2	6
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**1. 1 Confirmation of Minutes of CPA/10/21 held on May 12, 2021.**

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

<b>ITEM</b>	<b>MEMBER</b>



## **2.0 APPLICATIONS**

### **APPEARANCES (Items 2.1 to 2.3)**

#### **2.1 CHERYL WILLIAMS (Bennetts Design Concepts) Block 28B Parcel 232H3 (P20-0913) (\$185,000) (MW)**

Application for an addition to create a duplex.

**Appearance at 11:00**

#### **FACTS**

<i>Location</i>	Doubletree Ln., Bodden Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.1673 ac. (7,287.588 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Existing Residence (1,250 sq. ft.)
<i>Proposed building size</i>	693 sq. ft. (Total= 1,943 sq. ft.)
<i>Total building site coverage</i>	26.7%

#### **BACKGROUND**

August 18, 2010 – Five Houses – the application was considered and it was resolved to grant planning permission (CPA/19/10; Item 2.5)

March 31, 2021 – Addition to Create a Duplex – the application was considered and it was resolved to adjourn the application. (CPA/07/21; Item 2.10)

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

- 1) Lot Size (7,287 sq. ft. vs 12,500 sq. ft.)

#### **PLANNING DEPARTMENT ANALYSIS**

##### **General**

The application is for an addition to create a duplex with lot size variance to be located off Doubletree Ln., Bodden Town.

##### **Zoning**

The property is zoned Low Density Residential.

## **Specific Issues**

### **1) Lot Size**

Regulation 9(8)(e) states “*the minimum lot size for each duplex is 12,500 square feet*”. The proposed existing lot size would be 7,287.588 sq. ft. a difference of 5,212.412 sq. ft. respectively.

The adjoining parcels were notified and no objections were received.

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

## **SUPPLEMENTAL ANALYSIS**

There have been no changes to the plans as the application was adjourned to invite the applicant to appear before the Authority to discuss concerns regarding the deficient lot size.

### **2.2 PRO-PLUS CONSTRUCTION LTD. (Tropical Architectural Group Ltd.) Block 20D Parcel 171 (P21-0193) (\$8.6 million) (BES)**

Application for 2-storeys apartments, 2-storeys townhouses, clubhouse/gym/cabana, swimming pool, 2-signs, 4’ wall with 6’ gate.

#### **Appearance at 11:30**

#### **FACTS**

<i>Location</i>	Halifax Rd and Linford Pierson HWY, George Town
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	approx. 10.5 ac (approx. 4.5 ac for current phase)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed use</i>	apartments
<i>Proposed building size</i>	101,968 sq ft
<i>Total building site coverage</i>	26.8%
<i>Allowable units</i>	157 (67 in current phase area)
<i>Proposed units</i>	104
<i>Allowable bedrooms</i>	252 (108 in current phase area)
<i>Proposed bedrooms</i>	128
<i>Required parking</i>	156
<i>Proposed parking</i>	191

## **BACKGROUND**

February 3, 2021 (**CPA/03/21; Item 3.3**) - It was resolved to forward the rezoning application, which will also include 20E 213 Rem 3, for 60 day notification and advertising per Section 11 (2) in the Development and Planning Law (2017 Revision).

The site is currently zoned LDR. The applicant has submitted an application to rezone the property to High Density Residential (HDR) and this was supported by the Authority. The rezone application has not been presented to Cabinet for consideration.

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

- 1) Suitability of the site for apartments
- 2) Continuation of BP600

## **AGENCY COMMENTS**

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

### **Water Authority**

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

### **Wastewater Treatment and Disposal**

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

- ***The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 17,600 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>	<b>GPD</b>
Building 1	8 x 1-Bed Apartments	150gpd/1-Bed Unit	1,200gpd	1,200gpd
Building 2	8 x 1-Bed Apartments	150gpd/1-Bed Unit	1,200gpd	1,200gpd
Building 3	8 x 1-Bed Apartments	150gpd/1-Bed Unit	1,200gpd	1,200gpd
Building 4	8 x 1-Bed Apartments	150gpd/1-Bed Unit	1,200gpd	1,200gpd
Building 5	8 x 1-Bed Apartments	150gpd/1-Bed Unit	1,200gpd	1,200gpd
Building 6	8 x 1-Bed Apartments	150gpd/1-Bed Unit	1,200gpd	1,200gpd
Building 7	8 x 1-Bed Apartments	150gpd/1-Bed Unit	1,200gpd	1,200gpd
Building 8	8 x 1-Bed Apartments	150gpd/1-Bed Unit	1,200gpd	1,200gpd
Building 9	6 x 2-Bed Townhouse Units	225gpd/2-Bed Unit	1,350gpd	1,350gpd

Building 10	6 x 2-Bed Townhouse Units	225gpd/2-Bed Unit	1,350gpd	1,350gpd
Building 11	6 x 2-Bed Townhouse Units	225gpd/2-Bed Unit	1,350gpd	1,350gpd
Building 12	6 x 2-Bed Townhouse Units	225gpd/2-Bed Unit	1,350gpd	1,350gpd
Building 13	8 x 1-Bed Apartments	150gpd/1-Bed Unit	1,200gpd	1,200gpd
Building 14	8 x 1-Bed Apartments	150gpd/1-Bed Unit	1,200gpd	1,200gpd
Clubhouse	2 x WC's & Office	200gpd	200gpd	200gpd
<b>TOTAL</b>				<b>17,600gpd</b>

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

#### **Water Supply:**

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

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

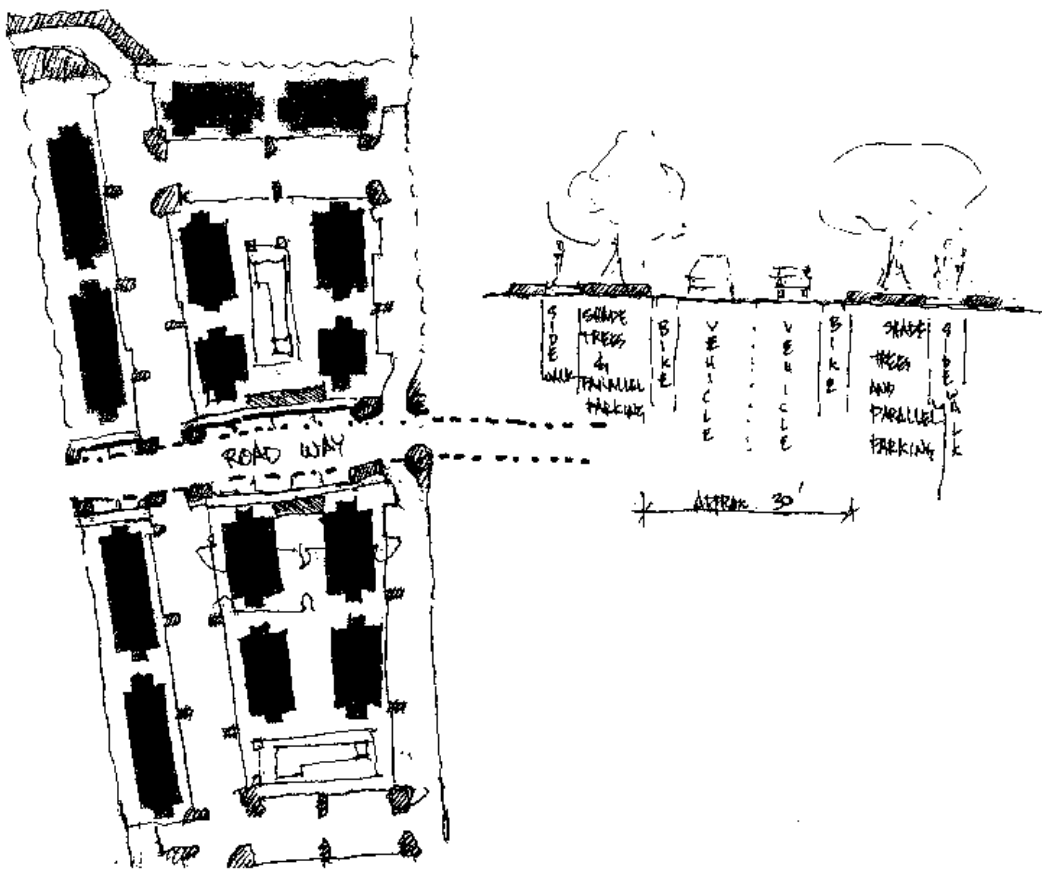
*The Authority will not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.*

#### **National Roads Authority**

*As per your memo dated March 15<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 Issues***

*The NRA and the Ministry of Works would like to work with the developer to extend the gazetted road of BP600 west across parcel 20D171 so that the neighborhood's street connectivity is achieved, please see graphic below. Communities are not typically a single developments wide in scale but they are made up of multiple developments that interconnect, this street is to be the local access for multiple new developments that will occur to the west and eventually connect to the southern extension of Halifax Road. The roadway needs to be designed in a complete street fashion (bike paths with a combination of parallel parking or shade trees protecting the sidewalk) to be a fully functioning neighbourhood street. The NRA would be happy to meet with the developer in regards to this project, to see if they would be willing to work with us.*



Schematic of proposed extension

### ***Road Capacity Issues***

*The traffic demand to be generated by a residential development of a one hundred and four (104) 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 the Linford Pierson Highway via Halifax Road is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak 16% In	AM Peak 84% Out	PM Peak Hour Total Traffic	PM Peak 67% In	PM Peak 33% Out
690	53	8	45	65	43	22

Average weekday daily traffic volume on the LPH west of Crewe Road was about 21,270 vph. Based on the development and traffic estimates, the impact of the proposed development onto Linford Pierson Highway via Halifax Road or voa BP 600, 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. onto Halifax Rd.

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

#### **Stormwater Management Issues**

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace stormwater 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 Halifax. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*

- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Please provide sidewalk detail on the proposed SWMP, [Sidewalk & Curbing Details.pdf \(caymanroads.com\)](http://caymanroads.com/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.*

### **Fire Service**

The CFO approved the site layout

### **Department of Environmental Health**

1. *This development will require (4) 8 cubic yard containers with six times per week servicing.*
2. *A swimming pool application must be submitted for review and approval prior to constructing the pool.*
3. *All future development must be submitted to DEH for review.*

### **Department of Environment (NCC)**

See Appendix A

## **APPLICANT'S LETTERS**

### **Letter 1**

*Further to our meeting earlier today, please accept this as my confirmation of granting easement through my property located on Halifax Road Blk 20E Parcel 228 to my adjoining property located on Blk 20D Parcel 171. I can confirm that I own both piece of land held in my company Called Yarl Towers for which I am the sole Director.*

### **Letter 2**

*Email from Lands and Survey Dept.*

*Hi Sam,*

*Following our conversation today, the NRA have confirmed that as part of the compensation for the land acquired for the widening of Linford Pierson Highway, the subject parcel will be permitted access onto Boundary Plan 600 which is attached to this email*

*If you have any questions, please let me know.*

### **Letter 3**

*Through this letter, we would like to formally withdraw the Land Clearing & Fill Application (P21-0066) and Strata Subdivision Application (P21-0174) of Yarl Development.*

## **OBJECTION LETTER**

See Appendix B

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for 2-storeys apartments, 2-storeys townhouses, clubhouse/gym/cabana, swimming pool, 2-signs (27-sq ft and 2 sq ft respectively), 4'-wall with 6'-gate and 25-strata lots subdivision at the above-captioned property. The site is located on Halifax Rd and Linford Pierson HWY, George Town.

As noted above, the applicant has withdrawn the land clearing and strata subdivision applications which were associated with this application and a revised the site plan has been submitted removing the subdivision lot lines.

The two signs (27-sq ft and 2 sq ft respectively) would be attached on a 4' high boundary wall at the entrances to the property.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

The subject property lies within a large area of Low Density Residential zoning to the



south of the Linford Pierson Highway, although is close to a group of parcels which are zoned for Neighbourhood Commercial use, approximately 300-ft to the east. To the north of the subject property, and north of the highway, is a large area of Medium Density Residential zoning.

The surrounding land uses in the area include apartments, single-family dwelling houses and vacant properties based on Cayman Land Info Map. Additionally, the Authority should be aware of the existing apartment adjoining the subject parcel to the east and the recent approval for another 97 apartments also adjoining the parcel to the east.

## 2) Continuation of BP600

As noted in appendix C, the applicant has access over BP600 and L&S Department has confirmed that the NRA has agreed that as part of the compensation for land acquired for the widening of Linford Pierson HWY access over BP600 was permitted.

The NRA has indicated a preference that the current site plan be re-designed to accommodate the continuation of BP600 going west through the property. The Authority should give consideration to this recommendation.

## 2.3 CICSA CO-OPERATIVE CREDIT UNION LIMITED (OA&D Architects) Block 14D Parcels 142, 38, 44, 45 (P21-0177) (\$23 Million) (JP)

Application for commercial building and 63 apartments, gym, clubhouse, pools, fence and signs.

**Appearance at 1:00**

### **FACTS**

<i>Location</i>	Smith Road, George Town
<i>Zoning</i>	<b>GC/NC</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	9.02 ac. (392,911.2 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Commercial
<i>Proposed building size</i>	115,502 sq. ft.
<i>Total building site coverage</i>	16.3%
<i>Required parking</i>	190
<i>Proposed parking</i>	222

### **BACKGROUND**

Extensive history for 14D 142 but none of direct relevance to this proposal.

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

- 1) Suitability
  - (a) General Commercial zone
    - (i) Residential provision;
    - (ii) Total gross floor area of residential use
  - (b) Neighbourhood Commercial zone
    - (i) Residential provision;
    - (ii) Community need
  - (c) Exceptions to subregulations 8 and 9
- 2) Entrance/exits off Elroy Arch Road

#### **AGENCY COMMENTS**

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

#### **Water Authority**

##### **Existing Wastewater Treatment System**

*The Credit Union is served by an existing Biomicrobics FAST 3.0 aerobic wastewater treatment system with a design capacity of 3,000gpd. However, following a review of the Water Authorities online maintenance tracking system (Carmody). It appears the system has not been adequately maintained nor has a service report been submitted since May 5<sup>th</sup> 2017. Monitoring results from a sampling of the effluent conducted by the Water Authority on January 31<sup>st</sup> 2020 show:*

<b>EFFLUENT TEST</b>	<b>RESULT</b>
<b>BOD (Biochemical Oxygen Demand)</b>	<b>114.5mg/L</b>
<b>TSS (Total Suspended Solids)</b>	<b>31.5mg/L</b>

**NOTE: effluent results exceeding “30/30” limits constitute a violation of Water Authority Regulations (2018 Revision) Part III Section 18:**

*All domestic effluents discharging from any sanitary works or household into or onto the ground, into ground water or into the territorial waters shall comply with the minimum quality standard of thirty milligrams per litre (parts per million) suspended solid and thirty milligrams per litre (parts per million) biochemical oxygen demand, both these parameters being determined by testing procedures laid down by the Authority.*

*As the results for your system exceed the limits, you are advised to obtain the services required to operate/maintain/repair the system. As the system has been poorly maintained it requires the following to comply with Water Authority regulations:*

- *A copy of a monthly maintenance contract with a Registered Service Provider shall be provided to the Water Authority.*
- *The system shall be repaired and serviced by a Registered Service Provider per the link of companies employing certified OWTS technicians.*

[http://www.waterauthority.ky/upimages/pagebox/2018\\_ListofCompaniesEmployingCertifiedOWTSOMTechs\\_1533930948.pdf](http://www.waterauthority.ky/upimages/pagebox/2018_ListofCompaniesEmployingCertifiedOWTSOMTechs_1533930948.pdf)

- *Registered Service Providers submit monthly Service Reports to the client and the Water Authority via our online tracking system. The required maintenance/repair should be scheduled without delay. Receipt of a copy of the maintenance contract, an updated service report and subsequent inspection and sampling of the system by the Water Authority to ensure compliance with regulatory limits is a condition for obtaining a Building Permit for the proposed.*

#### **Wastewater Treatment System:**

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

- *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 24,851 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>	<b>GPD</b>
Block A (3-Storey) Commercial Building - 26 Retail Units	24,043sqft (Net retail)	0.15gpd/sqft	3,606gpd	3,606gpd
- Restaurant	1,900sqft	1.8gpd/sqft (dining area)	3,420gpd	3,420gpd
- Hairdresser	950sqft - Approx. 6 Service Chairs	75gpd /Service Chair	450gpd	450gpd
Block B	8 x 2-Bed Units	225gpd/2-Bed Unit	1,800gpd	1,800gpd
Block C	8 x 2-Bed Units	225gpd/2-Bed Unit	1,800gpd	1,800gpd

Block D	8 x 2-Bed Units	225gpd/2-Bed Unit	1,800gpd	1,800gpd
Block E	8 x 2-Bed Units	225gpd/2-Bed Unit	1,800gpd	1,800gpd
Block F	6 x 2-Bed Units	225gpd/2-Bed Unit	1,350gpd	1,350gpd
Block G	6 x 2-Bed Units	225gpd/2-Bed Unit	1,350gpd	1,350gpd
Block H	8 x 2-Bed Units	225gpd/2-Bed Unit	1,800gpd	1,800gpd
Block I	8 x 2-Bed Units	225gpd/2-Bed Unit	1,800gpd	1,800gpd
Block J	3 x 2-Bed Units	225gpd/2-Bed Unit	675gpd	675gpd
-	Fitness Centre	1 x W/C	100gpd	100gpd
Clubhouse	Clubhouse	1 x W/C	100gpd	100gpd
Credit Union	Credit Union	3,000gpd Existing	3,000gpd	3,000gpd
<b>TOTAL</b>			<b>24,851gpd</b>	

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

#### **Grease Interceptor Required**

***A grease interceptor with a minimum capacity of 2,000 US gallons is required to pre-treat flows from the restaurant 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.***

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

***In the absence of detail on prospective retail tenants to occupy block A, the requirements set out are based on basic retail/office use; i.e., low-water use tenants. Any change-of-***

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

**Elevator Installation:**

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

**Hair Interceptor Required:**

*An approved hair interceptor is required for hair salons. Specifications shall be sent to the Water Authority at [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky) for review and approval.*

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

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

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

**Water Supply:**

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

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

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

## **National Roads Authority**

*Boundary Plan 075 was gazetted in January 1982, pursuant to Section 5 of the Road Law 1974; it represented the Cayman Islands Government intention to construct what is today Elgin Avenue from Hospital Road to a new road beginning at Shedden Road to Smith Road in the vicinity of Hope Drive.*

*In March 1985, BP072 was superseded by the publication of Boundary 151 (also gazetted pursuant to Section 5 of the Roads Law 1974. Boundary Plan 151, which essentially consists of what is today known as Elgin Avenue, Huldah Avenue and Thomas Russell Way was constructed and completed by 1988. The attached schematic map illustrates the extent of the two Boundary Plans and clearly demonstrates that BP151 has superseded BP075.*

*There is currently no simple mechanism to “de-gazette” a road scheme under the Roads Law (2005 Revisions). However, the National Roads Authority can confirm that Boundary Plan 075 will not be constructed and therefore the Central Planning Authority may consider that current proposed development in its deliberation.*

## **Department of Environmental Health**

No comments received.

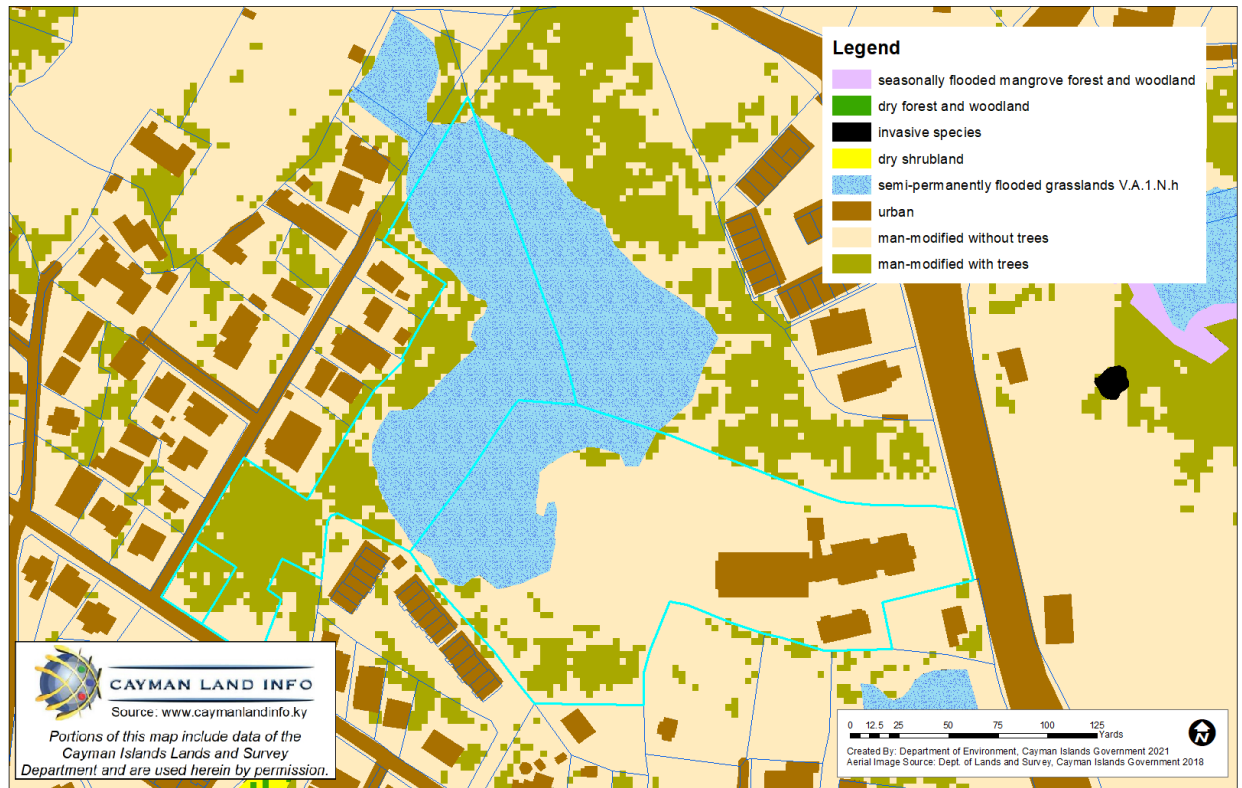
## **Department of Environment (NCC)**

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

*The site is partially occupied by semi-permanently flooded grassland (Figure 1). These freshwater grasslands are a diminishing habitat type in Cayman. According to the National Biodiversity Action Plan 2.T3.2, this habitat type is dominated by Bullrush (Typha) *Typha domingensis*. Due to the porous nature of the limestone rock in Cayman, rainwater typically quickly drains from the surface with little opportunity to pool. Freshwater is less dense than brackish water and brine, and, in the absence of physical mixing, freshwater tends to float on top of the saltwater. When it reaches the water table, it has a tendency to spread out on top of saltwater. When it is interrupted by impermeable elements, it builds up. These types of ponds usually only occur where surface run-off of rainwater is immediately interrupted by impermeable elements in the rock or where the ground level drops sufficiently to expose the surface of the freshwater lens. Birds (Part 1 Schedule 1 Protected Species) are highly attracted to freshwater ponds, including herons, egrets, waterfowl and West Indian Whistling Ducks.*

*Given the complex hydrology which results in these ponds, it is unlikely that any could be partially retained somewhere on site. However, clearing and filling should only take place when development is imminent to allow for the habitat to remain for as long as possible.*

*The presence of the freshwater pond does indicate that the site itself likely receives surface water run-off from the surrounding properties and is very low-lying. Given that the surrounding area is low-lying, a stormwater management plan should be prepared to ensure that the Proposed Development does not cause flooding of neighbouring properties.*



*Figure 1. The centre of the site is occupied by semi-permanently flooded grasslands.*

## **Department of Fire**

Stamped approved plans uploaded.

## **Cayman Islands Airport Authority**

*Approved based on current design elevation.*

## **APPLICANT'S LETTER**

*We have been asked to address some issues as they relate to the zoning of the parcels that the project occupies.*

*The project occupies four separate parcels that will be combined and then new parcels created to reflect the site layout. These parcels are currently zoned Neighbourhood Commercial with one parcel being a split zoning of Neighbourhood/General Commercial.*

*Regulation 13(8)*

*0.75 acres of a 9 acre site (or 8.33%) is zoned General Commercial and according to this Regulation residential development is permissible in this zone if it is not on the ground floor of the building and does not occupy more than seventy percent of the gross floor area of the building.*

*The first condition of this Regulation applies to a townhouse apartment building with eight units (Block B) that has the kitchen, dining and living areas on the ground floor; but the area is not more than seventy percent of the gross floor area.*

*This area of the site is more remote and of low visibility and is not suited for a commercial venture.*

*Given the minimal size of the lot that is zoned GC and it only being one building, and 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, we kindly request that the Central Planning Authority grant planning permission on this basis.*

*Regulation 13(9) and (10)*

*Subregulation (9) does not permit residential development on the ground floor in a Neighbourhood Commercial zone. However subregulation (10) (b) permits if the planned development includes a mixture of commercial and residential uses proposed for close interaction. It is our position that the development meets this test.*

*Given the shape of the property and the surrounding land uses, access and visibility, and the need for affordable housing for the Credit Union's first time Caymanian buyers, a mix of over 30% commercial activity over three storeys makes the project viable and addresses the pressing need that is at the forefront of the minds of younger persons today; where can I find affordable housing to purchase. More commercial space would not necessarily benefit Credit Union members in the most meaningful way.*

*The Credit Union recognized this would be a pressing need a decade ago and began purchasing neighbouring properties to meet the demand. As further background information, the project is being developed not necessarily for profit, but to provide much needed housing for the Credit Union members who will have priority to purchase. If a profit is made, it contributes to dividends that is paid out to these same purchasers and other members.*

*The Regulations do not define the ratio of commercial to residential to achieve mixed use so we kindly ask that the Central Planning Authority sees fit to grant approval based on the scheme and the practicalities of the site.*

*The distance from the farthest unit in Block B to the commercial building is 750 feet; the nearest unit in Block J and Block I is 275 feet. These are walking times of 3 minutes and 1 minute respectively which we believe demonstrates close interaction.*

*We trust that the Central Planning Authority will grant planning permission but in the meantime please contact me if you have any questions or require additional information*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site comprises several parcels occupying from the corner of Smith Road/Elroy Arch Road to Huldah Avenue.

The application seeks Planning Permission for a commercial building and 63 townhouses arranged across 9 buildings. Support facilities such as a pool, gym, clubhouse and associated works including fences, generator and signs are proposed



## Zoning

The property is split zoned with General Commercial to the north and Neighbourhood Commercial to the south.



### Specific Issues

### 1) Suitability/principle of development

### (a) Community need

Regulation 13(1)(b) identifies Neighbourhood Commercial zones as areas where ‘the primary use is a less intense form of development of that permitted in a General Commercial zone’. The Regulation goes on to stipulate the development should ‘cater principally for the needs of persons resident in, or in the vicinity of, the zone’.

Block A, located in the southwestern corner of the site is identified as a commercial building. The application is not supported by any assessment to demonstrate the development would cater principally for the needs of persons in or the vicinity of the site.

Members are invited to consider whether the needs of persons resident in or in the vicinity are being catered for.

### (b) Non-commercial uses

Regulation 13(6) permits non-commercial uses in a Commercial zone ‘if that can be done without changing the primary commercial use of the zone’.

Ninety percent of the buildings are proposed for residential use only.

Members are invited to consider whether the development would change the primary commercial use of the zones.

**(c) General Commercial zone**

**(i) Residential provision**

Regulation 13(8) is explicit. Residential development is not permissible on the ground floor.

Block B, which is a two storey building, consists of 8 townhouses which benefit from ground and upper floor residential accommodation.

Members are invited to consider the Regulations in determining this element of the project.

**(ii) Total gross floor area of residential use**

Regulation 13(8) (amendment 7 of the Development and Planning (Amendment) Regulations 2021) further stipulates where residential use is permitted it should not occupy more than 80% ‘of the gross floor area of the building’.

Block B proposes 100% of the gross floor area is solely occupied for residential purposes.

Members are invited to consider the Regulations in determining this element of the project.

**(d) Neighbourhood Commercial zone**

**(i) Residential provision**

Regulation 13(9) is clear that residential development ‘is permissible if the development is not on the ground floor of the building’.

Block A represents sole commercial use and is therefore compliant with Regulation 13(9).

Blocks C-J consist of residential townhouses which occupy both ground and upper floors.

Members are invited to consider the acceptability of residential blocks C-J in light of the Regulations.

**(e) Exceptions to subregulations (8) and (9)**

Regulation 13(10) provides exceptional circumstances whereby residential development ‘may be permitted on any or all floors’ of buildings within commercial zones.

**(i) Replacement/redevelopment**

Regulation 13(10)(a) permits residential development on any or all floors if the development is ‘**a replacement or redevelopment** of an existing residential development’.

No residential use currently exists on any of the parcels.

The project is not suitable for consideration against this Regulation.

(ii) **Mixed-use development**

Regulation 13(10)(b) permits residential development on any or all floors if the development forms part of ‘a **mixed-use** development on **one parcel of land** and the planned development includes a **mixture of commercial and residential uses** proposed for **close interaction**’.

Currently several separate parcels comprise the development site, therefore, the first provision of 13(10)(b) has not been met. However, this could succeed through the imposition of a combination of land condition.

The second provision requires a mixture of commercial and residential uses. As previously stated 90% of buildings are proposed for residential use. This equates to 31% of proposed floor area would be set aside for commercial use only. Members are invited to consider whether such a ratio is indicative of a mixture which the Regulations seek.

The third provision requires a ‘close interaction’ between different uses. As presented Block A, the commercial element, is a standalone isolated distinctly separate from the remaining development. Neighbourhood commercial zones should represent vibrant areas with active frontages achieved by true integration of commercial and residential. As presented, members may consider the townhouses are distinctly separate and represents a sole residential area.

**2) Entrance/exits off Elroy Arch Road**

The proposed development includes three entrance/exits – one on Smith Road and two on Elroy Arch Road.

**a) Smith Road**

Located on Smith Road, a 30’ wide road, this access is suitable, however, as indicated by NRA the driveway should have two outbound lanes and one inbound lane.

**b) Elroy Arch Road**

Elroy Arch Road is only 18’ wide and considered substandard to accommodate two-way traffic for commercial/multi-residential developments. If this road is sought for access a portion of land should be allocated and/or provision made for the widening of Elroy Arch Road to accommodate a 30’ width near Smith Road.

Additionally, the existing chip and spray surface is not suitable for the proposed intensity of the development. The applicant should contribute to upgrading the road to hot mix asphalt.

## **2.0 APPLICATIONS**

### **REGULAR AGENDA (Items 2.4 to 2.26)**

#### **2.4 HERITAGE HOLDINGS LTD. Block 9A Parcels 51 Rem1 and 582 (P21-0139) (\$680,000) (BES)**

Application for apartments, gym, cabana and pool.

#### **FACTS**

<i>Location</i>	Off Bay Shore Dr, The Shores Subdivision
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	2.0 ac. (87,120 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	49,505 sq. ft.
<i>Total building site coverage</i>	17.8%
<i>Allowable units</i>	30
<i>Proposed units</i>	18
<i>Allowable bedrooms</i>	48
<i>Proposed bedrooms</i>	48 + 15 (Dens/Offices)
<i>Required parking</i>	27
<i>Proposed parking</i>	39

#### **BACKGROUND**

Feb. 5, 2020 (CPA/03/20; Item 2.5) - CPA approved a subdivision with 11-lots.

Sept 2, 2020 (**CPA/14/20; Item 2.5**) - the Authority modified the subdivision plan to 4-lots subdivision.

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

- 1) Suitability
- 2) Access over LPP
- 3) Waste water treatment plant setback (3'-3" vs. 10')
- 4) Bedroom Density (48-bedrooms + 15 dens/offices with closets vs. 48 bedrooms)

## **AGENCY COMMENTS**

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

### **Water Authority**

*Please be advised that the Water Authority's requirements for 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 6,175 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>	<b>GPD</b>
Building A	3 x 3-Bed Units 3 x 4-Bed Units	300gpd/3-Bed Unit 375gpd/4-Bed Unit	2,025gpd	2,025gpd
Building B	3 x 3-Bed Units 3 x 4-Bed Units	300gpd/3-Bed Unit 375gpd/4-Bed Unit	2,025gpd	2,025gpd
Building C	3 x 3-Bed Units 3 x 4-Bed Units	300gpd/3-Bed Unit 375gpd/4-Bed Unit	2,025gpd	2,025gpd
Gym	1 x WC	100gpd	100gpd	100gpd
<b>TOTAL</b>				<b>6,175gpd</b>

- **Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards.** Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.

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

**Water Supply:**

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

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

**National Roads Authority**

No comments received.

**Department of Environmental Health**

*DEH has no objections to the proposed in principle.*

*1.1. Solid Waste Facility:*

*This site will require (2) 8 cubic yard containers with once per week servicing.*

*1.2. Swimming Pool:*

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

**Fire Department**

The CFO has approved the site layout

**Department of Environment (NCC)**

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

*The site was previously cleared without planning permission in October 2019. At that time, the Mangrove Conservation Plan had not been adopted by the National Conservation Law, however as of April 2020, the Mangrove Conservation Plan is in effect. The Mangrove Conservation Plan makes it an offence to clear mangroves without the necessary planning permission in place. Mangroves are a protected species, listed under Schedule 1, Part of the National Conservation Law (2013).*

*The landowner then applied for after-the-fact planning permission for land clearing by mechanical means (P19-0938). The after-the-fact permission was granted by the CPA on 5 February 2020 (CPA/03/20; Item 2.5 and 2.6). The site is man-modified now, and of low ecological value. Native planting should be used where possible, as this is cost-effective and low maintenance.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application seeks planning permission for 18-apartments with 48 bedrooms (48,285 sq.ft), gym (610 sq.ft.), cabana (610 sq.ft), and swimming pool at the above captioned property. The site is located off Bay Shore Dr, The Shores Subdivision, West Bay.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

Per regulation 9(8) of the Development and Planning Regulations (2021 Revision), in suitable locations apartments/townhouses are permissible. The surrounding land uses in the area are apartments (Uncle Bob Road), single-family dwelling houses and vacant properties based on Cayman Land Info Map.

#### **2) Access over LPP**

In a previous subdivision, the applicant proposed to offer access to Lot 9 (which is subject parcel) via a 30' easement over Parcel 582 which is designated as LPP. Land for Public Purpose is land to be set aside within a subdivision to provide active and passive recreation opportunities or to be used for public rights of way (Regulation 28 (1)).

With regards to this proposal, the applicant is not proposing to remove the LPP designation, but is proposing to use the parcel for private use – to provide private access for the proposed apartments as indicated on the site plan.

For the Authority's information, at a meeting of the CPA on Feb. 5, 2020 (CPA/03/20; Item 2.5), the CPA approved a subdivision (11-lots) that a 30' vehicular right-of-way over 9A 582 extended to the east and behind the existing stand of coconut trees before it then connects to Bayshore Dr. Additionally, a LPP Improvement Plan to the satisfaction of the Director of Planning which must include the proposed LPP (lot 10) as well as the existing LPP on 9A 582. On Sept 2, 2020 (CPA/14/20; Item 2.5) (P20-0314) the Authority modified the subdivision plan, subject to 4-lots subdivision as submitted by the applicant.

#### **3) Waste Water Treatment Plant**

The treatment plant is setback 3'-3" from the boundary, whereas the minimum setback is 10' per regulation 9(8) (j). There is space on the site to comply with the minimum required setback.

#### **4) Bedroom Density**

Per Regulation 9(8) (c), the maximum allowable bedrooms are 48 based on the lot size. The application seeks planning permission for a total of 48 bedrooms plus 15 (den/offices) with closets. The Authority is to determine whether the den/offices are considered as bedrooms.

**2.5 EMERALD POINT DEVELOPMENT (Island Drafting Ltd.) Block 4E Parcels 770, 771 and 769 (P21-0188) (\$7.5 Million) (BES)**

Application for 36-apartments/townhouses, pool, gym/clubhouse and pool/clubhouse.

**FACTS**

<i>Location</i>	Fourth Ave, West Bay
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	106,678.4 sq ft (2.449 acres)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	38,677.6 sq ft
<i>Total building site coverage</i>	18.9%
<i>Allowable units</i>	36
<i>Proposed units</i>	36
<i>Allowable bedrooms</i>	59
<i>Proposed bedrooms</i>	58
<i>Required parking</i>	54
<i>Proposed parking</i>	86

**BACKGROUND**

No previous CPA action

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

- 1) Suitability of the site for apartments
- 2) Access to 4E 365

**AGENCY COMMENTS**

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

**Water Authority**

*Please be advised that the Water Authority's requirements for 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 7,100 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
BUILDING A	4 x 1-Bed Units 4 x 2-Bed Units	150gpd/1-Bed Unit 225gpd/2-Bed Unit	1,500gpd	1,500gpd
BUILDING B	4 x 1-Bed Units 4 x 2-Bed Units	150gpd/1-Bed Unit 225gpd/2-Bed Unit	1,500gpd	1,500gpd
BUILDING C	4 x 2-Bed Units	225gpd/2-Bed Unit	900gpd	900gpd
BUILDING D	4 x 1-Bed Units 4 x 2-Bed Units	150gpd/1-Bed Unit 225gpd/2-Bed Unit	1,500gpd	1,500gpd
BUILDING E	4 x 1-Bed Units 4 x 2-Bed Units	150gpd/1-Bed Unit 225gpd/2-Bed Unit	1,500gpd	1,500gpd
GYM CLUBHOUSE	1 x WC	100gpd/WC	100gpd	100gpd
POOL CLUBHOUSE	1 x WC	100gpd/WC	100gpd	100gpd
<b>TOTAL</b>				<b>7,100gpd</b>

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

### **Water Supply:**

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

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

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

## **Fire Service**

The CFO approved the site layout.

## **Department of Environmental Health**

*DEH has no objection to the proposed in principle*

### *1. Solid Waste Facility:*

*This development requires (2) 8 cubic yard containers with twice per week servicing.*

### *2. Swimming Pool:*

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

## **Department of Environment (NCC)**

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

*The site is man-modified and therefore of low ecological value. We recommend the planting of native vegetation within the landscaping scheme. Native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a cost-effective and sustainable choice for landscaping.*

## **National Roads Authority**

No comments from the agency

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for 36-apartments/townhouses, pool, gym/clubhouse and pool/clubhouse at the above-captioned property. The site is located on Fourth Ave, West Bay.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

Per regulation 9(8) of the Development and Planning Regulations (2021 Revision), in suitable locations apartments/townhouses are permissible. The surrounding land uses

in the area are apartments (southeast of the subject properties on Fourth Ave), single-family dwelling houses and vacant properties based on Cayman Land Info Map.

## 2) Access to 4E 365

One of the subject parcels (770) is subject to a vehicular easement in favour of 4E 365. As the width of the easement is not stated, it is taken to be 12'. The site plan design generally accommodates the location of the registered easement, but the available aerials show that the physical location of the driveway would be next to the proposed swimming pool and over the proposed garbage enclosure.

The applicant's agent has indicated by way of a telephone conversation of 13<sup>th</sup> May, that a 22' wide vehicular right of way over the parking lot and driveway will be granted to 4E 365. The Department would suggest that should the Authority be inclined to approved the development that a condition is imposed requiring the granting of a 22' vehicular easement to the owners of 4E 365.

## 2.6 ENDEAVOUR LTD. (Endeavour Ltd.) Block 20E Parcel 253 & 254 (P20-0205) (\$2,300,000) (MW)

Application for 14 apartments.

### **FACTS**

<i>Location</i>	Halifax Rd., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.72 ac. (31,363.2 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	15,430.04 sq. ft.
<i>Total building site coverage</i>	29.89%
<i>Allowable units</i>	10 units
<i>Proposed units</i>	14 units
<i>Allowable bedrooms</i>	17 bedrooms
<i>Proposed bedrooms</i>	24 bedrooms
<i>Required parking</i>	21 spaces
<i>Proposed parking</i>	24 spaces

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

- 1) Suitability
- 2) Apartment Density (14 vs 10)

### 3) Bedroom Density (24 vs 17)

#### **AGENCY COMMENTS**

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

#### **Water Authority**

*The Water Authority's requirements for the proposed development are based on the understanding that parcels 20E253 and 20E254 will be combined. The requirements 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 2,850 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>	<b>GPD</b>
<i>Building 1</i>	<i>2 x 1-Bed Units 5 x 2-Bed Units</i>	<i>150 225</i>	<i>1,425</i>	<i>1,425</i>
<i>Building 2</i>	<i>2 x 1-Bed Units 5 x 2-Bed Units</i>	<i>150 225</i>	<i>1,425</i>	<i>1,425</i>
<b>TOTAL</b>				<b>2,850</b>

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

*which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

**Water Supply:**

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

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

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

*If there are questions or concerns regarding the above, please email them to: [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky)*

**National Roads Authority**

- The Gazette road width of Halifax road is closer to 30ft, please adjust the site plan as necessary.*
- Garbage pick-up should be internal and not off of the main road, please adjust and or provide explanation.*
- The width of the main entrance/exit needs to be adjusted to 24ft.*

**Department of Environmental Health**

- 1. This development will require an 8 cubic yard container and an enclosure with the following minimum dimensions is required: 10ft W x 10ft D x 5.5ft H.*
- 2. The location of the garbage enclosure is unsatisfactory. It is advised to relocate the garbage enclosure to an area that meets the department's guidelines. (May 4<sup>th</sup> 2020)*

**Department of Environment (NCC)**

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

*As the proposed development is located in an area which is susceptible to flooding the storm water management plan for the site should be designed to appropriately dispose of surface water on the site and not risk flooding surrounding areas.*

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

## **Fire Department**

*Please depict Proposed/Existing Fire Hydrant and Fire well.*

## **APPLICANT'S LETTER**

*Endeavour Ltd. Is requesting a variance for one and two-storeys apartment complex on Block 20E Parcels 253 and 254. We are proposing a density variance from 10 units allowed to 14 units and 17 bedrooms allowed to 24 bedrooms.*

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

- 1. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare;*
- 2. Per section 8(13)(d) of the Planning Regulations, the adjoining property owners have been notified of the lesser setback associated with the application and they have not objected.*

*If you have any further questions, please do not hesitate to contact us.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a (2) two storey apartment buildings (14) units; 15,430.04 sq. ft. to be located on Halifax Dr., George Town.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

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

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

An overview of the proposed site shows the surrounding area to be primarily residential homes and vacant parcels with apartments within the nearby vicinity.

- 20E 246 :- Apartment Complex
- 20E 245 :- Apartment Complex
- 20E 248 :- Grove Side Apartments
- 20E 234 :- Duplex
- 20E 235 :- Apartments
- 20E 123 :- Duplex

## 2) Apartment Density

Regulations 9(8)(c) states *“the maximum number of apartments is 15 per acre with a maximum of 24 bedrooms.”* The proposed development is proposing a total of 14 Units which is 3.2 Units over the maximum required 10.8 units respectively.

## 3) Bedroom Density

Regulations 9(8)(c) states *“the maximum number of apartments is 15 per acre with a maximum of 24 bedrooms”*. The proposed development is proposing a total of 24 bedrooms which is a difference of 6.72 bedrooms more than the maximum allowable of 17.28 bedrooms respectively.

## 2.7 CAMELETTA MCLEAN (Cayman Survey Associates Ltd) Block 72C Parcel 266 (P21-0256) (BES)

Application for 3 lot subdivision.

### **FACTS**

<i>Location</i>	John McLean Dr., East End
<i>Zoning</i>	<b>MDR</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.93 ac. (40,510.8 sq. ft.)
<i>Parcel size required</i>	7,500 sq. ft.
<i>Current use</i>	Residential

### **BACKGROUND**

No planning history on the file

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

- 1) Side setback (9'-5" vs 15')

- 2) 6' wide right of way to lot "C" vs a 12' VROW
- 3) Front setback (17'-11" vs. 20')

### **AGENCY COMMENTS**

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

#### **Water Authority**

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

#### **Water Supply:**

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

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

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

#### **Wastewater Treatment:**

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

#### **Department of Environment (NCC)**

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



*We have no objection to the proposed subdivision. Any development should be the subject of further consultation.*

**National Roads Authority**

No comments submitted

**APPLICANT'S LETTER**

*Please find attached our Application to Subdivide the above parcel into 3 lots, as settlement of the Estate of Alvah Connolly (Dec'd). The Survey will create 2 lots on the high land, adjacent to John McLean Drive, with the 3rd lot on the lowland, adjacent to the East End playing field.*

*The dividing line for the 2 upland lots wriggles between the 2 houses, with the south boundary being the top of the Bluff. On the 3rd lot there is a derelict house.*

*Although we have met minimum frontages and areas for all 3 lots, due to the presence of existing multiple buildings we request Variances for side setbacks, and make specific reference to Regulation 8(13)(b), and believe that this will not be in any way detrimental to the neighbourhood.*

*It is impossible to drive from John McLean Drive to the lowland lot, and propose that a 6' Right of Way will be Granted along the Eastern Boundary. Although the owners currently access the derelict house from Sea View Road, we have advised our clients to approach Govt. to get a legal Right of Way, which is going to take some considerable time.*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for a subdivision (3-lots) located on John McLean Drive, East End.

The resultant acreage of the parcels after the subdivision would be lot "A" = 0.30 acre, lot "B" = 0.34 acre, and lot "C" = 0.29 acre.

**Zoning**

The property is zoned Medium Density Residential.

**Specific Issues**

**1) Side Setback**

The setback of the house on lot "A" is 9'-5" from the new property line, whereas the minimum front setback is 15' per regulation 9(7)(j). It should be pointed out the cistern would be on the new subdivision line.

**2) Front Setback**

As indicated on the subdivision plan, the setback of the structure on lot "C" is 17'-11" from the new subdivision lot line, whereas the minimum front setback is 20' per regulation 9(7)(i).

### 3) Access to Lot “C”

The applicant is proposing a 6’ wide right of way to lot “C” which is insufficient for a vehicle to access the lot. From a planning perspective, a minimum of 12’ wide vehicular right of way would be an acceptable access road. The Authority is to determine the appropriate access road width to lot “C”.

## 2.8 NYAMI NYAMI Ltd (Arco Ltd) Block 15D Parcel 15 (P21-0312) (\$40,000) (JP)

Application for part retrospective and part proposed 4’ front wall.

### **FACTS**

<i>Location</i>	South Sound Road, South Sound
<i>Zoning</i>	<b>BRR</b>
<i>Notification result</i>	No objectors

### **BACKGROUND**

July 20, 2011 (**CPA/15/11; item 2.2**) – an application for a house, garage, swimming pool and gas tank was approved (P11-0516)

May 22, 2015 (**Administrative Approval**) – application to increase floor area (P15-0394)

October 10, 2019 (**Administrative Approval**) – 1000 gl gas tank (P19-0789)

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

- 1) Proximity to road
- 2) NRA comments

### **AGENCY COMMENTS**

#### **National Roads Authority**

*As per your memo dated April 22<sup>nd</sup> 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

***The above four (4) ft. high wall presents some serious concerns to the NRA in relation to both the applicant and the motoring public.***

***The posted speed limit of South Sound Road is 30MPH. Based on such a speed limit, a minimum stopping sight distance (SD) of 305 feet is required. Please note that the SD is measured 15 feet from the edge of the right-of-way, behind a stop-bar line or property line. At the moment this site, because of the stairs, has no viable sight line, which is already a serious concern for the NRA. The addition of a four (4) ft. high wall will only exacerbate the seriousness of these sight line issues.***

*Therefore, the NRA requests that the CPA require the applicant to lower the wall to a height of two (2) ft. and set back the wall three (3) ft. to allow for a pedestrian foot path and allow for some sightline provision.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located in South Sound and straddles South Sound Road. The development site is located to the south and bound by the Caribbean Sea.

The application seeks partial retrospective and part proposed Planning Permission for the installation of a wall along the property frontage shared with South Sound Road.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Proximity to road**

The installation of a 4' high wall along the property frontage shared with South Sound Road creates a hazard for road users owing to diminished visibility.

Members are invited to consider the potential implications to road safety as part of their deliberations.

## **2.9 KAMERON GEORGE (Darius Development) Block 24C Parcel 49 (P20-1091) (\$30,000) (BES)**

Application for a house addition (140 sq. ft).

### **FACTS**

<i>Location</i>	Patrick's Ave., Spotts
<i>Zoning</i>	<b>LDR</b>
<i>Notice results</i>	No Objectors
<i>Parcel size proposed</i>	0.37 ac (16,117.2 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Dwelling house
<i>Proposed building size</i>	140 sq. ft.
<i>Total building site coverage</i>	23.3%

## **BACKGROUND**

Sept. 30, 2020 (CPA/16/20; Item 2.4) - CPA refused planning permission for the following reason:

1) The application does not comply with the required minimum side setback per Regulation

9(8)(j) of the Development and Planning Regulations (2020 Revision) and the applicant failed to demonstrate that there was sufficient reason and exceptional circumstance per Regulation 8(13)(b) to allow the lesser setback. In this regard, the structure must be removed from the site within 60 days from the date of this decision.

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

- 1) Side Setback (6'-10" vs 10'-0")

### **AGENCY COMMENTS**

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

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

### **APPLICANT'S LETTER**

*With respect to our November 20 2020 submission for a Renovation and Addition to an Existing Structure on 24C 49. We hereby request variances as follows:*

- 1. Setback Variance for Proposed Addition to be located 6'-10" ft. from the Side boundary*

*shared with parcel 24C 50.*

*Please note that the property was recently purchased and included a carport in this location. The new owner's intention was to enclose this portion to create additional storage space accessible from the interior office as he intends to work from home for extended periods of time and requires file and document storage preferably adjacent the office. Also note that an after the fact application was submitted and subsequently refused for a 2'-4" side boundary setback, which was the location of the carport. We are proposing to remove the existing structure to comply with the Planning boards decision and request the setback variance of 6'-10" which would encroach the side setback line by 3' - 2".*

*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.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for an addition (140 sq. ft) to a dwelling house at the above-captioned property. The site is located on Patricks Ave., Spotts.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

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

Per Regulation 9(8)(j) states “the minimum side setback is 10 feet for a building of one story”. The applicant intends to remove the after-the-fact structure and replace it with this proposed addition which would provide a side setback of 6’-10” .

The Authority is to determine whether or not if there are sufficient reasons and an exceptional circumstance that exists according to Regulation 8(13) to warrant granting a setback variance.

#### **2.10 RUM POINT CLUB LTD. (Kariba Architecture and Interiors) Block 33B Parcel 266 (P21-0354) (\$5,000) (MW)**

Application for modification of planning permission to revise a condition of approval.

### **FACTS**

<i>Location</i>	Rum Point Dr., North Side
<i>Zoning</i>	<b>Hotel Tourism</b>
<i>Notification result</i>	No objections
<i>Current use</i>	Vacant

### **BACKGROUND**

March 20, 2019 – Modification to Apartments- Revised Floor Plan– the application was considered and it was resolved to grant planning permission (CPA/06/19; Item 2.18)

February 5, 2020 – (2) Signs – the application was considered and it was resolved to grant planning permission. (CPA/03/20; Item 5.8)

July 3, 2019 –Flag Pole – the application was considered and it was resolved to grant planning permission. (CPA/14/19; Item 2.4)

August 14, 2019 – Modification- Site Layout, Floor Plan Layout- the application was considered and it was resolved to grant planning permission. (CPA/17/19; Item 2.18)

December 4, 2019 – ATF Shoreline Modification – the application was considered and it was resolved to grant planning permission. (CPA/25/19; Item 5.6)

September 25, 2019 – Modify CPA Condition – the application was considered and it was resolved to grant planning permission (CPA/20/19; Item 2.6)

March 2, 2020 – Internal Layout Amendment – the application was considered and it was resolved to grant planning permission.

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

- 1) Modification to CPA Condition

### **AGENCY COMMENTS**

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

#### **Department of Environment (NCC)**

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

*The application site is predominately man-modified. The DoE **does not** support the relocation of this beach quality sand to the proposed artificial beach sites at the Dolphin Point location of Block 2C Parcel 131, which is an ironshore coastline (not a beach). Beach quality sand is a rare commodity on-island and the use of such sand in artificial areas would **not** be an appropriate use of the sand. The Department strongly recommends that the sand remains in the beach system from which it was taken as consistency, composition and grain size is already known to be compatible with the marine environment in this area. Should the sand need to be re-distributed elsewhere we recommend the sand be used within the Rum Point or Kaibo area.*



**Figure 1: DoE site visit photo from 05 May 2021 showing the piles of sand the applicant is proposing to relocate.**

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

## **APPLICANT'S LETTER**

### **Letter 1**

*Following the Completion and Certificate of Occupancy of the Rum Point Club Project, it has become apparent that there is not enough space for a portion of the excavated sand to be relocated to the site.*

*Originally the sand was excavated to create the basement area, and most of the sand has been relocated back to the Rum Point Club site to make up grades and replenish the beach area, post construction, but approximately 1200 cubic yards remains on the temporary storage parcels.*

*This sand is currently stored on parcels **33B 111,112 and 113** in accordance with the **CPA meeting of May 23<sup>rd</sup> 2017** and recently the neighbors have been complaining that they would like the large pile of sand site cleaned up and all equipment removed, now that the Rum Point Club project is complete.*

*This letter confirms that the developers of Rum Point Club are seeking an amendment to the condition requiring the sand to be returned to the rum Point Club Site to allow them to relocate the 1200 cubic yards of sand to their next project (Dolphin Point) on **Block 2C parcel 131**.*

*The sand would be used to create the approved "beach areas" behind the seawall at Dolphin Point as located on the attached plan.*

*Please do not hesitate to call or email us with any questions.*

### **Letter 2**

Further to our many conversations in respect of these lots in Cayman Kai, I wish to reinforce our desire that these lots are cleared of debris, building materials, machinery and other substances without further substances. I remind you that the Restrictive Covenants on these lots preclude the storage of such material and while we were content to allow their use during the construction phase of the Rum Point Club Condominiums, the construction phase ended some time ago.

I would be obliged if you would advise a date when these lots will be cleared.

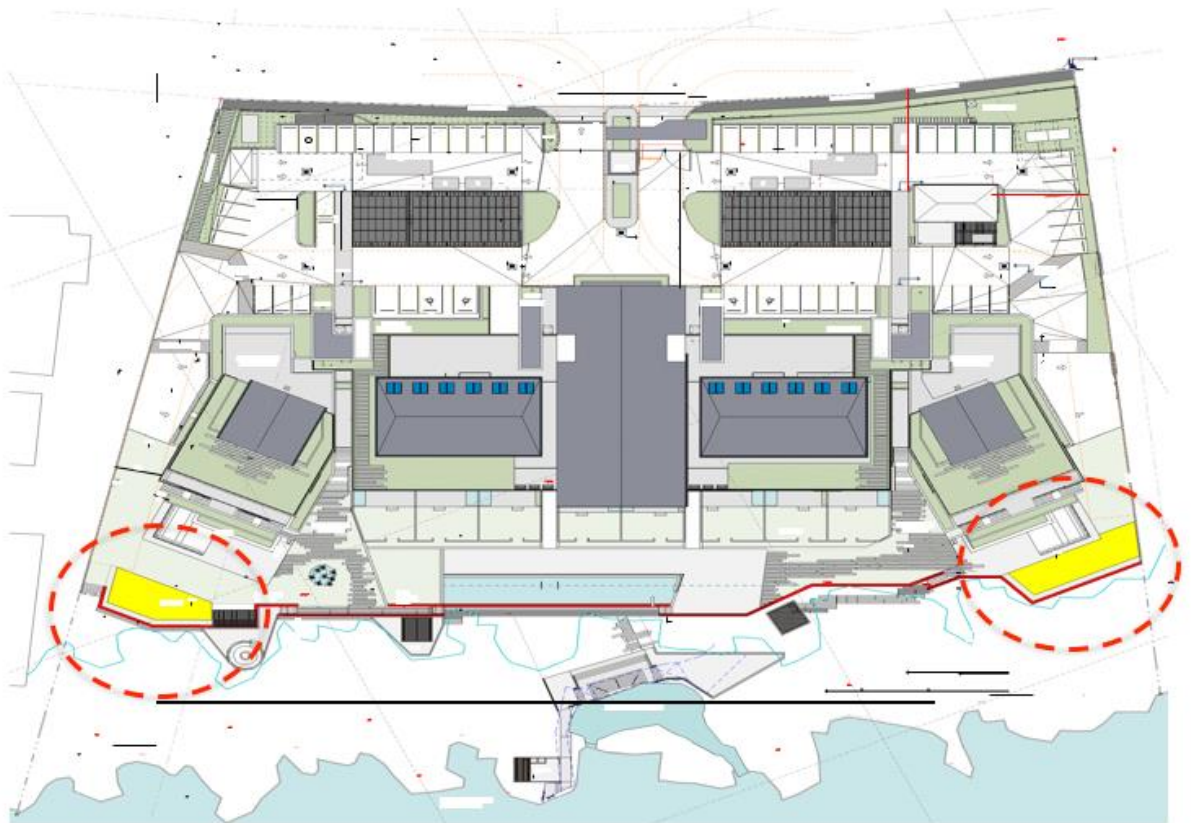
Photographs of sand storage on 33B 111, 112  
and 113







Proposed location of Sand on Dolphin Point 2C 131



## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a Modification to CPA Condition to be located off Rum Point Dr., North Side.

### **Zoning**

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

### **Specific Issues**

#### **1) CPA Condition**

The CPA decision letter (CPA/22/09; Item 2.2) August 19, 2009 condition #10 states.

*“You shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads and properties. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.”*

The applicant has asked permission from the Authority to modify said condition allowing the remaining 1200 cubic yards of sand (stored on 33B 111, 112 & 113) which was excavated from the site (33B 266) to create the basement area, to be relocated to the developers next project site (Dolphin Point) on Block 2C Parcel 131. The sand will be used to create the approved “beach areas” behind the seawall at Dolphin Point.

The Authority should assess if there is sufficient reason to grant the modification and allow the remaining stock pile of sand to be relocated to the other proposed site.

**2.11 GREGGORY CAMPBELL (Architectural Designs) Block 14B Parcel 58 & 59 (P21-0197) (\$400,000) (MW)**

Application for a duplex.

**FACTS**

<i>Location</i>	Rock Hole Rd., George Town
<i>Zoning</i>	<b>General Commercial</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.1ac. (4,356 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Existing Residence to be demolished
<i>Proposed building size</i>	2,386 sq. ft.
<i>Total building site coverage</i>	29.43%
<i>Required parking</i>	2
<i>Proposed parking</i>	3

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

- 1) residential on ground floor (Regulation 13(10))
- 2) lot size (4,356 sq. ft. vs 20,000 sq. ft.)
- 3) setbacks (see below)

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for a Duplex; 2,386 sq. ft. with lot size, front, side & rear setback variances to be located on Rock Hole Rd., George Town.

**Zoning**

The property is zoned General Commercial.

**Specific Issues**

**1) Compliance to Regulation 13(10)**

Regulation 13 (8) prohibits residential on the ground floor, but there are two exceptions provided in Regulation 13(10) which states “Residential development maybe permitted on any or all floors of a building in a General Commercial zone.” If

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

The application does not satisfy either of the two criteria in a) and b).

## **2) Lot Size**

Regulation 8(9) states “After the 6<sup>th</sup> May, 2002, the minimum lot size in a Commercial zone or Industrial zone shall be 20,000 square feet”. The proposed existing lot size would be 4,356 sq. ft. a difference of 15,644 sq. ft.

## **3) Setbacks**

Regulation 8(8) states “In Commercial zones and Industrial Zones –

- (b) The minimum road setbacks shall be twenty feet and the minimum side and rear setbacks shall be six feet, unless otherwise specified by the Authority

In this instance, the proposed setbacks are as follows:

- Road: 6’10” – 9’ for the building; 10’ for the septic
- Rear: 3’ – 4’
- Side: 2’3” – 4’

### **2.12 CAYMAN ISLANDS FOOTBALL ASSOCIATION (Whittaker & Watler) Block 25B Parcels 495 & 496 (P21-0178) (\$28,000) (MW)**

Application for land clearing (5.76 ac. cleared & 1.60 ac. filled).

#### **FACTS**

<i>Location</i>	Poindexter Rd., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	5.76 ac. (250,905.6 sq. ft.)
<i>Current use</i>	Vacant

#### **BACKGROUND**

May 6, 2005 – Land Clearing – the application was considered and it was resolved to grant planning permission (CPA/09/05; Item 2.27).

May 2, 2007 – Administration Building – the application was considered and it was resolved to grant planning permission (CPA/12/07; Item 2.28).

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

- 1) timing of request

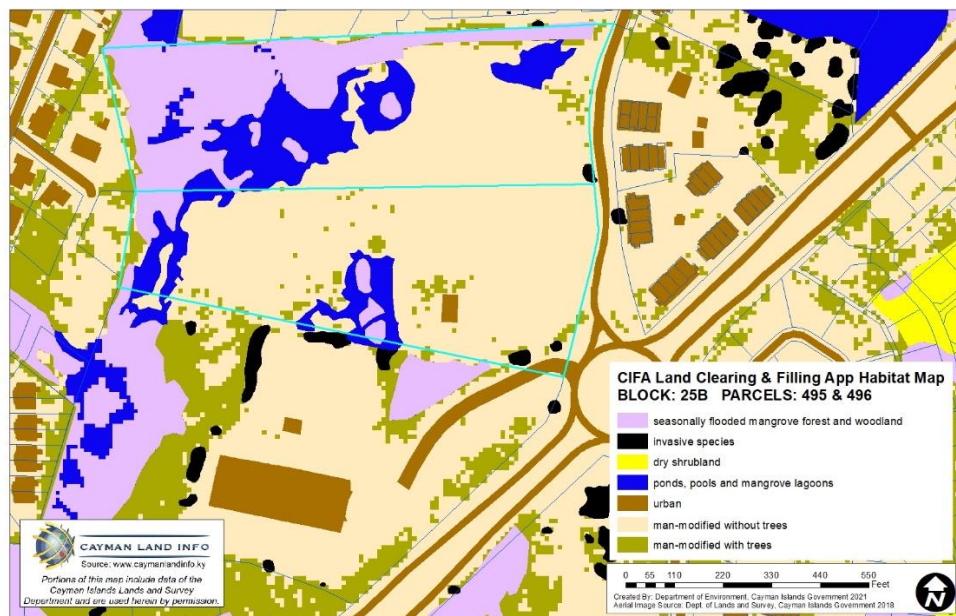
#### **AGENCY COMMENTS**

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

## Department of Environment (NCC)

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

*The application site consists of a mixture of seasonally flooded mangroves and man-modified areas with some regrowth as shown in Figure 1. The Department recommends the retention of the mangrove vegetation outside of the areas identified for clearing and filling in the applicant's site plan. The retained mangrove wetland, particularly in the northwest of Parcel 495 should be left in its natural state to allow the wetland to continue to provide ecosystem services such as assisting with stormwater drainage for the surrounding area.*



**Figure 1: Habitat map showing the seasonally flooded mangrove within the subject parcels (outline in light blue).**

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a land clearing (5.76 ac.) and filling (1.60 ac.) located on Poindexter Rd., George Town.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Timing of request**

The purpose of the clearing is to facilitate a new football field, however an application



for the playfield has not yet been submitted. The Authority needs to determine if it is premature to clear and fill the land prior to an application for the playfield being submitted and considered for approval.

**2.13 HEALTH CITY CAYMAN ISLANDS LTD. (APEC Consulting Engineers Ltd.)  
Block 13C Parcels 34 (P21-0375) (\$2,400,000) (MW)**

Application for land clearing (3.441 ac.)

**FACTS**

<i>Location</i>	Minerva Dr., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	3.441ac. (149,898.74 sq. ft.)
<i>Current use</i>	Vacant

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

- 1) timing of request

**APPLICANT'S LETTER**

*Please find enclosed an application to clear a fill a 3.44 acre portion of parcel 13B 230 on behalf of Health City Cayman Islands Ltd (HCCI). The site is owned by Cayman Shores Development Ltd. (CSDL) and CSDL has given their consent to submit this application.*

*HCCI is currently working with their design team for a new hospital at this site. The proposed hospital will provide cancer and neo-natal intensive care. A copy of the draft drawings is included for information purposes only. A planning application for the hospital will be submitted in the near future.*

*All adjacent neighbouring property owners are to be notified upon acceptance of this application.*

*We trust our request on behalf of our client is clearly explained. Please do not hesitate to contact me if you have any queries.*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for land clearing (3.441 ac.) located on Minerva Dr., George Town.

**Zoning**

The property is zoned Low Density Residential.

## **Specific Issues**

### **1) Timing of request**

As mentioned the applicant requests to clear 3.441 acres of land prior to submitting a Planning application for a new Hospital development. Per the applicant letter it states the developers (HCCI) are currently working with their design team for a new hospital at the site, and will be submitted in the near future. In the meantime, the client wishes to start clearing and filling a section of the area for the future development. The Authority needs to determine if it is premature to clear and fill the land prior to an application for a hospital being submitted and considered for approval.

### **2.14 VERCA PROPERTIES LTD (Island Drafting) Block 32E Parcel 61 (P21-0203) (BES)**

Application to modify planning permission to revise condition 1) and to add 99.3 sq ft to the duplex.

## **FACTS**

<i>Location</i>	Damsel Close and Cadet Drive, Lower Valley
<i>Zoning</i>	<b>LDR</b>
<i>Parcel size proposed</i>	1.001 ac (43,603.5 sq ft)
<i>Proposed building size</i>	99.3 sq ft
<i>Total building site coverage</i>	15.6%

## **BACKGROUND**

March 3, 2021 (**CPA/05/21; Item 2.20**) – It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Law (2017 Revision) hereby orders that planning permission CPA/22/19; item 2.14 be modified by replacing the conditions of approval with the following:

- 1) The applicant is required to apply for a Permit from the Director of Planning no later than May 3, 2021.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 3) The applicant shall obtain a Final Certificate (of Fitness for Occupancy) no later than December 31, 2021.

October 23, 2019 (**CPA/22/19; Item 2.14**) – CPA granted planning for ATF addition to a house to create a duplex, **subject to the following conditions:**

- 1) The applicant is required to apply for a Permit from the Director of Planning **within 6 months of the date of this decision.**

The applicant shall obtain a Final Certificate (of Fitness of Occupancy) **within 12 months of the date of this decision.**

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

- 1) The applicant's request to extend the time limit for 2 months

### **APPLICANT'S LETTER**

*Thank you very much for the approval letter, I note that surprisingly the date for building permit submission is stated on the approval letter as today, I trust that the department would not have an issue with the plans being submitted asap being of the fact that the letter was just released to me, I was placed on record by the owners late last and Kenneth is aware of the fact also.*

*I await your response asap for the timeline increased to the approximate time given in the approval of approximate two months.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is for reconsideration of CPA/22/19; Item 2.14, condition 1) and addition (99.3 sq ft) to the duplex. The site is located on Gadet Drive and Damel CL., Lower Valley.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) Time frame for obtaining Building Permit**

Although the applicant is requesting an extended time frame for the permit, given the other conditions of approval, an extension to the time frame for a C.O. would also be required. The applicant should have obtained a permit by May 3, 2021. They are now seeking an additional 2 months to obtain the permit.



**2.15 KEN THOMAS AND MILTON MORRISON (Kariba Architecture and Interiors)  
Block 20E Parcel 83 Rem3 (P20-0750) (\$250,000) (BES)**

Application to modify planning permission for an approved subdivision.

**FACTS**

<i>Location</i>	Adjacent to Randyke Gardens
<i>Zoning</i>	LDR
<i>Notification result</i>	No objections
<i>Parcel Size</i>	6.24 ac (271,814.4 sq ft)
<i>Number of Lots</i>	7

**BACKGROUND**

March 17, 2021 (CPA/06/21; Item 2.9) – CPA adjourned the application for the following reason:

- 1) The applicant is required to submit a revised plan showing an 80' wide parcel of land at the south end of the site reserved for a future road corridor per the comments from the National Roads Authority.

Dec. 14, 2011 (CPA/26/11; Item 2.2) – CPA granted planning permission for a thirty one (31) lot subdivision.

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

- 1) The revised subdivision plan and applicant's letter.

**AGENCY COMMENTS**

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

**DOE/NCC**

*Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the following comments are offered for your consideration.*

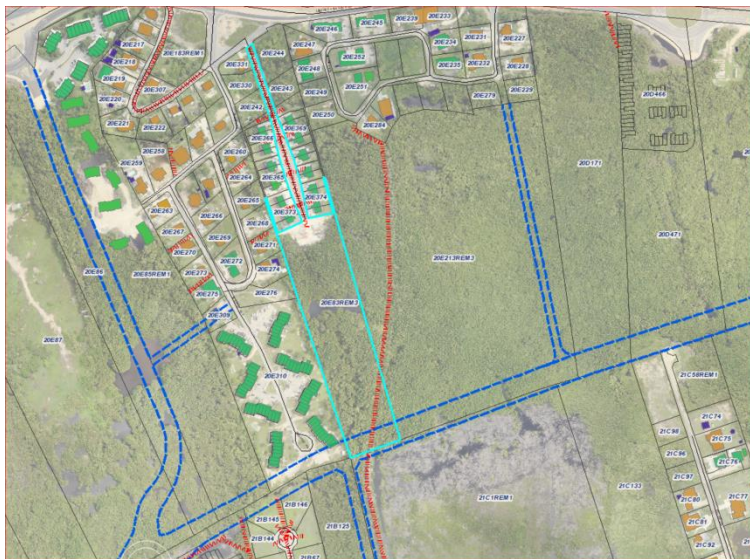
*The application site was the subject of a previous planning application for a 31 lot subdivision to include 24 duplexes lots 5 apartment lots 1 road parcel and 1 LPP parcel, which got approval in December 2011, (Planning Reference CPA/26/11 Item 2.2). Nonetheless, the Department reiterates that the application site lies within the mangrove basin of South Sound and is highly susceptible to flooding. The mangrove basin's water quality may also degrade if stormwater runoff from the developed subdivision is allowed to flow into this area untreated. It is therefore strongly recommended that a stormwater management plan is designed and implemented on-site to adequately address drainage. The stormwater management plan should ensure any site derived runoff is managed on the*

site itself to ensure that it does not impact surrounding properties and the remaining wetland basin. Strategically placed landscaping along with vegetated swales will promote infiltration and treatment for stormwater runoff before entering the mangrove basin as the vegetation acts as a biological buffer which will filter any sediment and runoff.

## **NRA**

As per your memo dated September 17<sup>th</sup>, 2020 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

### **Section 26 Proposed Road Corridor**



The subject lands are affected by the proposed Section 26 planned road corridor known as the South Sound By-Pass. The intended width of the road corridor is 100 feet.

The construction of the road corridor is currently anticipated for the medium-term horizon (5-10 years). The alignment of that planned road corridor along the southern section of the subject property will require the applicant to preserve

about 80 feet from their existing property boundary. On that basis, the NRA asks that the applicant submits a revised site plan that respects the proposed road corridor for the South Sound By-pass and that it sets any proposed buildings at least 20 feet, and preferably 30 feet, away from the planned road corridor.

### **Infrastructure Issues**

The NRA advises the CPA to require the developer to provide for traffic calming features, such as speed tables and a NRA approved cul-de-sac at end of the road. Once the roadway has been taken over as a public road, the NRA can then assume that responsibility.

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

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

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

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

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

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

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

#### **WAC**

*The Water Authority was not originally included during the plan review stage to calculate the estimated wastewater flows and to submit comments to OPS on the proposed multi-residential development.*

*The Water Authority's requirements for the 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 15,600 US gallons per day (gpd), based on the following calculations.***

<b>DEVELOPMENT</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>	<b>GPD</b>
Casa Bella (Phase 1 & 2)	26 x Duplex Buildings (52 Units)	300gpd/Unit	600gpd/Duplex	15,600gpd
<b>TOTAL</b>				<b>15,600gpd</b>

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

*required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

**Water Supply:**

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

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

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

**Fire Service**

The CFO approved the subdivision plan layout

**PLANNING DEPARTMENT ANALYSIS**

**General**

The applicant is for a modification for 8-lots subdivision phase 2 at the above-captioned property. The site is located adjacent to the Randyke Gardens development

**Specific Issues**

**1) NRA comments**

The NRA is requesting the applicant to set aside an 80' wide strip of land for a future by-pass road. The original subdivision was approved without that strip of land and the applicant currently has not provided for it.

**SUPPLEMENTARY ANALYSIS**

The applicant has submitted a revised subdivision plan indicating 6-lots (the lots sizes ranges from 14,687 sq ft to 16,137 sq ft) and the remainder of parcel (50,735 sq ft). As noted above, the applicant has submitted a letter regarding the revision of the proposal as noted below:

*Following the CPA's decision to adjourn the decision of the Casa Bella subdivision modification, P20-0750, we would like to submit a revised subdivision plan for construction phase 2.*

*The attached site plan, A1-01 Rev 03, shows that Phase 2 is subdivided into 6 lots (K through to P); Phase 3 will be applied for at a later date. This modification is to enable the owner to continue the construction of the Casa Bella development whilst allowing discussions between the client and NRA with regards to the subdivision of Phase 3 and the requested road reservation.*

*They intend to submit a different application for the subdivision of Phase 3 which will be subject to NRA discussion.*

**2.16 EVELYN MCTAGGART (GMJ Homeplans Ltd.) Block 28B Parcel 182 (P21-0382) (\$70,000) (MW)**

Application for change of use from residential garage to house.

**FACTS**

<i>Location</i>	Caskwell Dr., Bodden Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	1.03 ac. (44,866.8 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft. x 3
<i>Current use</i>	Existing Residences
<i>Proposed building size</i>	735 sq. ft.
<i>Total building site coverage</i>	16.55%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

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

1) Front Setback (3'-3" vs 20'-0")

**APPLICANT'S LETTER**

*We write on behalf of our client, Ms. Evelyn McTaggart, with regards to the following variance;*

- *A road setback variance – To allow the proposed dwelling to be fitted within the existing structure with an existing 3ft setback from the Jackson close road/cul-de-sac and which is 17ft less than the required 20ft.*

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

- 1. Per section 8(13(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail;*
- 2. Per section 8(13)(b)(iii) of the Planning Regulations, the proposed will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare;*
- 3. The structure as it exists has not adversely affected the neighborhood in any way and it is felt that the proposed change of use would contribute to improving the immediate area.*
- 4. The current use of the existing structure no longer serves the well-being of the applicant who is a single parent approaching retirement.*
- 5. The application complies with all other relevant planning requirements.*

*We look forward to your favorable response to this variance request. Should you have any queries, please do not hesitate to contact us.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a Change of Use from Garage to House; 735 sq. ft. with front (roadside) setback variance to be located on Caskwell Dr., Bodden 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 Setback**

Regulation 9(8)(i) states “*the minimum front setback is 20’*”. The proposed change of use would be 3’-3” from the front (roadside) boundary a difference of 16’-9” respectively. However the Board should be reminded the structure is existing and has been so since 2004 per the LIS aerial system.

The adjoining parcels were notified and no objections were received.

The Authority should assess if there is sufficient reason and an exceptional circumstance that exists in accordance with Section 8(13) to warrant granting front (roadside) setback variance.

**2.17 LESLIE PACIFICO & CHARLIE THOMPSON (Pioneer Construction) Block 22E Parcel 511 (P21-0158) (\$800,000) (MW)**

Application for a house, pool and 4' high boundary fence.

**FACTS**

<i>Location</i>	Edgewater Way., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.2894 ac. (12,606.264 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	4,988.95 sq. ft.
<i>Total building site coverage</i>	30%
<i>Required parking</i>	1
<i>Proposed parking</i>	3

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

- 1) Driveway Arrangement

**AGENCY COMMENTS**

Comments from the Environment (NCC) are noted below.

**Department of Environment (NCC)**

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

*We have no objection to the proposed house at this time as the parcel is man-modified and of limited ecological value. We recommend that the applicant plants and incorporates native vegetation in the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands resulting in vegetation that requires less maintenance which makes it a very cost-effective choice. The applicant should also be advised to stockpile construction materials away from the canal's edge to reduce the possibility of rainwater runoff washing material and debris into the canal causing turbidity and impacting water quality.*

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a 4 bedroom house; 4,988.95 sq. ft. with pool & 4' high boundary fence to be located on Edgewater Way., George Town.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Driveway width**

The applicant has proposed a single car garage along with two additional parking spaces which will use a 64' wide driveway. There is a concern that the driveway width is excessive and introduces an unnecessary amount of hardscape along the frontage of the site.

#### **2.18 KARELIA GONGORA DURAN (Benitez & Sons Ltd.) Block 4B Parcel 661 (P20-0999) (\$387,082) (BES)**

Application for 3 apartments.

### **FACTS**

<i>Location</i>	Thistle LN, West Bay
<i>Zoning</i>	<b>HDR</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.1996 ac. (8,694.57 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	2,580.55 sq ft
<i>Total building site coverage</i>	22.8%
<i>Allowable units</i>	3
<i>Proposed units</i>	3
<i>Allowable bedrooms</i>	8
<i>Proposed bedrooms</i>	4
<i>Required parking</i>	5
<i>Proposed parking</i>	5

### **BACKGROUND**

No previous planning history



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

- 1) Front Setback (17' 9" -building and 16.5' - cantilevered slab over door vs 20')
- 2) Rear Setback (15' - building and 11' -doorstep vs 20')

### **AGENCY COMMENTS**

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

#### **Water Authority**

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

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

- *The developer shall provide a **septic tank(s)** with a capacity of at least **(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/BLDG</b>	<b>GPD</b>
<i>Apartment Building</i>	<i>2 x 1-Bed Units</i>	<i>150gpd/1-Bed Unit</i>	<i>300gpd</i>	<i>300gpd</i>
	<i>1 x 2-Bed Units</i>	<i>225gpd/2-Bed Unit</i>	<i>225gpd</i>	<i>225gpd</i>
<b>TOTAL</b>				<i>525gpd</i>

- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- *Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards. Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'8" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

***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. Manholes extensions are permitted up to a maximum of 24" below finished grade.*
- 4. Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
- 5. A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
- 6. The Water Authorities updated 2020 effluent disposal well specifications.*
- 7. A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

### **Water Supply**

*Please be advised that 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.*

### **DoE/NCC**

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

*The site is man-modified with some regrowth. We recommend the retention of native species where possible, and incorporation of native species into the landscaping. Native species are best suited for the habitat conditions of the site and require less maintenance, making them a very cost-effective choice.*

### **Department of Environmental Health**

*Please see the department's comments on the above application:*

- 1. DEH has no objections to the proposed with the condition that an enclosure is constructed to DEH requirements.*
- 2. This complex will require (4) 33 gallon bins and an enclosure built as per the minimum dimension specified:*

**Table 1: Minimum Enclosure Dimensions (feet) for Manual Collection**

Number of Containers	Width	Length	Height
4	5.00	5.00	2.50

*3. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

### **Fire Department**

The CFO approved the site layout.

### **National Roads Authority**

No comments received

### **APPLICANT'S LETTER**

*I would like to ask your good office to grant me an approval of the variance for the setbacks of the proposed apartment. As you may see, taking out the 20' setbacks along the road and at the rear side of the property leaves me nothing much to work on for the building. I wanted to maximize what I can build on the land for my own house as well as to make income for the rest of the units. I am asking the variance of 15' setback at the rear side of the building and 17'-9" setback in front instead on 20'.*

*The proposed building is 22% of the allowable site coverage and provides 5 parking spaces for all the units.*

*I am hopeful and looking forward that this matter will be consider for your approval.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is for three apartments at the above-captioned property. The site is located on Thistle LN, West Bay.

#### **Zoning**

The property is zoned High Density Residential.

#### **Specific Issues**

##### **1) Front Setback**

The proposed front setbacks are 17'-9" (building) and 16.5' (cantilevered slab over door), whereas the minimum required setback is 20' per regulation 9(6)(h).

##### **2) Rear Setback**

The proposed rear setbacks are 15' (building) and 11' (doorstep), whereas the minimum required setback is 20' per regulation 9(6)(h).

## 2.19 A.L. THOMPSON (Whittaker and Watler) Block 19A Parcel 6 (P21-0134) (JP)

Application for two lot subdivision.

### **FACTS**

<i>Location</i>	Lincoln Drive, George Town
<i>Zoning</i>	<b>Heavy Industrial</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.84 AC (34,848 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Warehouse/Vacant
<i>Required parking</i>	115
<i>Proposed parking</i>	90

### **BACKGROUND**

April 7, 2021 (**Administrative Approval**) – internal/external minor alterations approved (P21-0242)

September 30, 2020 (**CPA/16/20; item 2.10**) – application for a two storey commercial/industrial building consisting of 14 units approved (P20-0436)

October 3, 2017 (**CPA/20/17; item 2.6**) – application for a warehouse approved subject to standard and additional conditions. Additional condition required:

The applicant shall submit revised plans showing:

- a) All parking spaces complying with the minimum required 20' road setback; and
- b) Architectural enhancements to the satisfaction of the Director of Planning.

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

- 1) Lot line location re: parking space #58

### **AGENCY COMMENTS**

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

#### **Water Authority**

##### **Water Supply:**

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

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

*to the piped water supply.*

- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>.*

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

**Wastewater Treatment:**

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

**National Roads Authority**

No comments received.

**Department of Environment (NCC)**

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

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application site is located in George Town East within a Heavy Industrial zone. Lincoln Drive bounds and serves the land to the north, to the south is mixed warehouse and vacant land. Existing development is located to the east and west.

The application seeks Planning Permission for a two lot subdivision.

**Zoning**

The property is zoned Heavy Industrial.

**Specific Issues**

**1) Parking provision**

The total parking demand for the entire site is 115, whereas the Authority approved a total of 88 spaces. When the warehouse building was approved, the Authority allowed 24 spaces whereas the subdivision will result in 30 spaces available for the warehouse. The subdivision will result in 58 spaces being available the industrial/commercial building.

**2) Lot line location**

The proposed subdivision lot line will bisect parking space #58. It is suggested that the

lot line be adjusted such that it does not interfere with any parking spaces.

**2.20 VIRTUE CONSTRUCTION (Paradise Drafting Ltd) Block 27D Parcel 511 (P21-0298) (\$2M) (JP)**

Application for six townhouses and cabana.

**FACTS**

<i>Location</i>	Hirst Road, Savannah
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.6005 ac. (26,157.78 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	9,106 sq. ft.
<i>Total building site coverage</i>	14.6%
<i>Allowable units</i>	9
<i>Proposed units</i>	6
<i>Allowable bedrooms</i>	14
<i>Proposed bedrooms</i>	14
<i>Required parking</i>	9
<i>Proposed parking</i>	12

**BACKGROUND**

No Planning history.

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

- 1) Suitability
- 2) Lot width variance (62.8' v 100')

## **AGENCY COMMENTS**

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

### **Water Authority**

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

- *The developer shall provide a **septic tank(s)** with a capacity of at least **(2,250) 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>
Apartments	4 x 2-Bed Units	225gpd/2-Bed Unit	900gpd	900gpd
-	2 x 3-Bed Units	300gpd/2-Bed Unit	600gpd	600gpd
<b>TOTAL</b>				<b>1,500gpd</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 Supply**

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

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

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

### **National Roads Authority**

No comments received.

### **Department of Environmental Health**

1. *DEH has no objections to the proposed in principle.*
  - a. *This development will require (1) 4 cubic yard container with once per week servicing*
2. *The application states that there is a pool; however there is no pool shown on the drawing.*
  - a. *The applicant is advised that a swimming pool application must be submitted to DEH for review and approval prior to constructing the pool*

### **Department of Environment (NCC)**

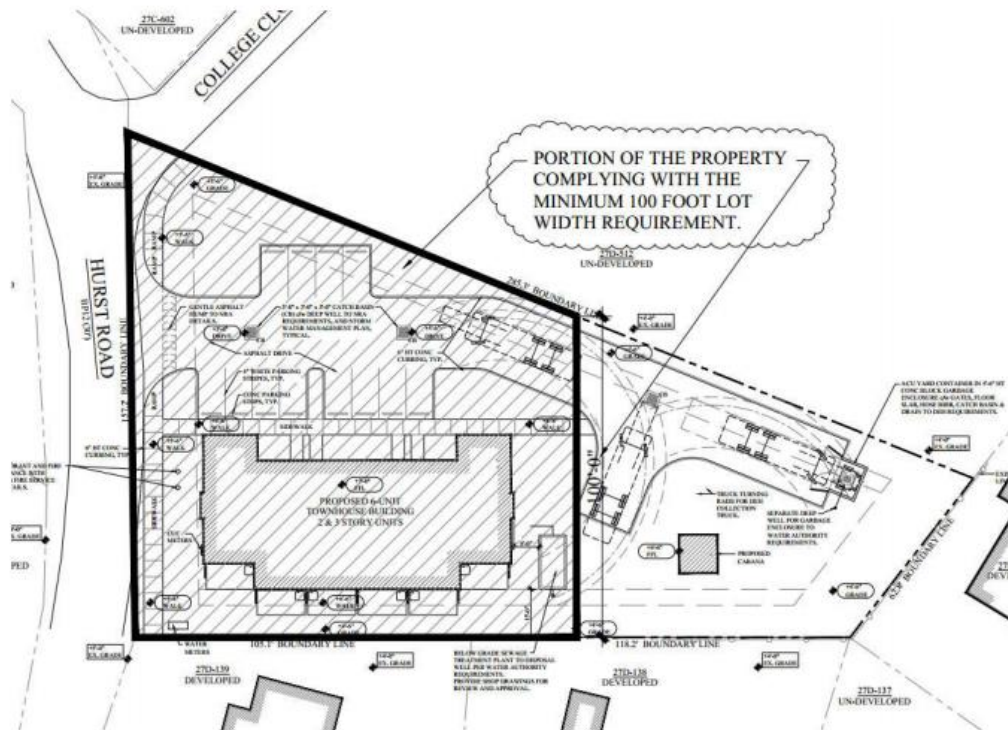
*Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment offers the following comments for your consideration.*



*The application site is man-modified, however it is still recommended to incorporate native vegetation in the landscaping scheme for the development. The site is low laying and is prone to rainwater inundation, therefore, a storm water management plan should be developed for the apartment complex to ensure that all site derived run off can be handled on site without impacting the surrounding properties and the road.*

### **APPLICANT'S LETTER**

*We are writing on behalf of our client who kindly requests a lot width variance be considered for this project. The Planning Regulations section 9 (8) (g) require a minimum lot width of 100 feet for an apartment project. The irregular shaped parcel has a rear lot width of 62.8 feet while the street lot width complies with a width of 157.2 feet.*



*The site plan above indicates the portion of the parcel that complies with the Planning Regulations. The proposed apartment project is set out within this area. We feel that the law is too strict for parts of the island that have evolved over time with street patterns and lot shapes of a more organic nature. The law seems to assume that the island was set out in a 90 degree grid, but this is not the reality. For these reasons we hope that the Planning Board will approve the variance with regards to this section of the Planning Regulations. We also do not believe that this variance will be materially detrimental to the adjacent neighbours.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located in the Savannah area of Grand Cayman. The area comprises of sizeable lots predominantly for houses and duplexes, however, the occasional apartment/townhouse is noted. An apartment complex is located 725ft to the west.

The application seeks Planning Permission for 6 townhouses and a cabana.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

Regulation 9(8) permits apartments in suitable locations.

Members are invited to consider the surrounding context in determining whether townhouses/apartments are suitable in this location.

#### **2) Lot width variance (62.8' v 100')**

Regulation 9(8)(g) requires a minimum lot width of 100'.

The proposed development site is tapered in shape with the eastern section reducing down to 62.8'.

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

#### **2.21 IAN KIRKHAM (Abernethy & Associates Ltd) Block 49B Parcel 9 (P21-0296) (\$3419) (JP)**

Application for three lot subdivision.

### **FACTS**

<i>Location</i>	Rum Point Drive, North Side
<i>Zoning</i>	NC
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.19 ac. (8,430 sq. ft.) smallest
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant

### **BACKGROUND**

January 6, 2021 (CPA/01/21; 2.2) – approval granted for 3 houses on the subject parcel

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

- 1) Lot size (8,430 sq ft v 20,000 sq ft)

## **AGENCY COMMENTS**

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

### **Water Authority**

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

#### **Water Supply:**

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

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

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

#### **Wastewater Treatment:**

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

*If there are questions or concerns regarding the above, please email them to: [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky)*

### **National Roads Authority**

No comments received.

### **Department of Environment (NCC)**

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

*As with our previous review for the houses on the subject parcel, the Department strongly recommends that the existing coastal vegetation seaward of the proposed structures should be retained in order to maintain the stability of the coastline. Beach access should be allowed by the clearing of narrow tracks through the vegetation or by boardwalks and any sand excavated during the proposed construction works should remain on the site, and be used to nourish the beach. Any stockpiled materials should be kept away from the shoreline*

*in order to reduce the possibility of rainwater runoff washing material into the sea. Based on 21 years of turtle nesting monitoring the DOE does not consider this beach to be an active turtle nesting beach.*

### **APPLICANT'S LETTER**

*Enclosed please find the relevant documents relating to a 3-lot residential subdivision. Three houses have been approved for construction on the parcel which all meet the required setbacks between each house and the external boundaries. We wish to subdivide the parcel into 3 lots holding the approved 3 house site plan dimensions. We are asking for a variance on lot area and width under the Planning Regulation 8(13) (b) (iii) to accommodate this.*

*Please also consider section 8(13)(b)(i) of the planning regulation which reads "the characteristics of the proposed development are consistent with the character of the surrounding area". Parcels 49B 32 and 49B 31 are almost half the area of the parcels being applied for. While the following parcels are about or less than 65' wide (the width of the subdivision being applied for): 49B 133, is 70' wide, 49B 32 and 49B 31 are 55' wide, and 49B 33 is 45' wide. All of these parcels have houses on them and are within a 300' radius*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application site is located in North Side in a Neighbourhood Commercial zone. The Caribbean Sea forms the northern boundary with vacant lots to the east and west. Rum Point Drive runs along the south providing access to the site, beyond this a derelict site exists.

The application seeks Planning Permission to subdivide the parcel into three lots varying in size from 8,450 sq ft to 8,690 sq ft to accommodate the previously approved houses.

#### **Zoning**

The property is zoned Neighbourhood Commercial.

#### **Specific Issues**

##### **1) Lot size (8,430 sq ft v 20,000 sq ft)**

The application site is located in a Neighbourhood Commercial zone. Regulation 8(9) of the Development and Planning Regulations 2021 (revision) requires a minimum lot size of 20,000 sq ft.

The applications seeks a variance for lot sizes varying between 8,430 sq ft and 8690 sq ft.

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

**2.22 MARK L. VIELLEUX Block 27C Parcel 333 (P18-1173) (P20-0721) (\$85,350.00) (EJ)**

Application for a change-of-use from house to duplex with proposed swimming pool.

**FACTS**

<i>Location</i>	Leeward Drive in North Sound Estate.
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No objections
<i>Parcel Size</i>	0.2454 Ac. / 10,690 sq. ft.
<i>Current Use</i>	house
<i>Proposed Use</i>	duplex
<i>Parking required</i>	2
<i>Parking proposed</i>	3
<i>Site coverage proposed</i>	20.11%

**BACKGROUND**

June 11, 2015 - The Department modified permission to increase floor area by enclosing ground floor 682.50 sq. ft.

April 28, 2015 - The Department modified permission to increase height of ground floor from 8' to 10'.

March 12, 2015 - The Department modified permission to site design.

July 23, 2014 - The Department granted permission for a four (4) bedroom house 1,466.84 sq. ft.

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

- 1) Lot size variance
- 2) Canal setback variance

**AGENCY COMMENTS**

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

**Department of Environment (NCC)**

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

## **APPLICANT'S LETTER**

*We have submitted an application on behalf of Mark L. Veilleux on the above mentioned block and parcel number.*

*Not with standing regulation 8 (13) (b) (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare;*

*And not withstanding regulation 8 (13) (d) in the case of an application where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, (12500.00 Sq. Ft is the minimum required for a duplex) the adjoining property owners have been notified of the application*

*With the registered area of this parcel being 0.25 Area (10689.62 Sq. Ft.). Which the proposed development will fall short of the required 12500.00 Sq. Ft. by approximately (1810.38 Sq. Ft.) We would like to request a variance to be granted to allow the proposed duplex to be approved as submitted.*

*We would appreciate the board's favorable decision to this request.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant is seeking a lot size variance and a setback variance for the proposed change of use from house to duplex and proposed swimming pool.

### **Zoning**

The land is zoned Low Density Residential.

### **Specific Issues**

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

The applicant is seeking a lot size variance for the proposed change of use from house to duplex by converting 683 square feet the ground floor to a one-bedroom unit; bearing, mind that regulations 9.(8) (e) requires a minimum lot size of 12,500 square feet vs 10,690 square feet or a difference of 1,810 square feet under the required lot.

#### **2) Canal setback variance**

The proposed swimming pool does not meet the required setback from the edge of the canal; proposed at 15.6' vs 20' therefore the applicant is seeking a setback variance from the Authority.

**2.23 CARLOS WRIGHT (GMJ Homeplans Ltd.) Block 4C Parcels 403 (P21-0281) (\$30,000) (MW)**

Application for 4' high concrete wall.

**FACTS**

<i>Location</i>	Birch Tree Hill Rd. & Flag Ln., West Bay
<i>Zoning</i>	<b>High Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.18 ac. (7,840.8 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	existing residence

**BACKGROUND**

February 16, 2007 – Three Bedroom House (Two Storeys) – the application was considered and it was resolved to grant planning permission.

July 3, 2007 – Modify to Site Design – the application was considered and it was resolved to grant planning permission.

September 6, 2016 – Two LPG Storage Tanks; 240 Gallons – the application was considered and it was resolved to grant planning permission.

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

- 1) road setback (1'-8 1/2'-4" vs 4'-0")

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for a proposed 4' high concrete wall to be located on Birch Tree Hill Rd. & Flag Ln., West Bay.

**Zoning**

The property is zoned High Density Residential.

**Specific Issues**

**1) Road Setback**

The Development and Planning Regulations (2021 Revision) states "*walls and fences adjacent to a road shall be setback a minimum of 4 feet from the roadside parcel*" - The proposed 4' concrete wall would be setback approximately 1'-8' – 2'-4" from the edge of Flag Ln. which is an existing cul de sac within the existing development.

**2.24 GARFIELD EWERS (Tropical Architectural Group) Block 25B Parcel 613 (P21-0372) (\$416,702) (MW)**

Application for swimming pool with cabana.

**FACTS**

<i>Location</i>	Tarpon Cir., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.3160 ac. (13,764.96 sq. ft.)
<i>Parcel size required</i>	10,500 sq. ft.
<i>Current use</i>	Approved House under construction
<i>Proposed building size</i>	140 sq. ft.
<i>Total building site coverage</i>	22.7%

**BACKGROUND**

August 14, 2019 – Three Bedroom House – the application was considered and it was resolved to grant planning permission. (CPA/17/19; Item 5.23)

December 21, 2020 – Three Bedroom House with 341 Detached Trellis – the application was considered and it was resolved to grant planning permission

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

- 1) Rear Setback (18'-2" vs 20'-0")

**APPLICANT'S LETTER**

*Further to the application submitted in relation to the above referenced Project, we hereby request for a setback variance to a site plan which requires a minimum of 20 ft rear 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:*** *The approved house is well within the 20ft rear setback. Due to the odd shape of the lot, part of the pool and swimming pool deck is beyond the setback line, but still at approximately 10'-0" from the nearest distance to the boundary; we hope that the board will find this acceptable whereas other swimming pools around the vicinity with the same condition have been previously approved.*

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



## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a Swimming Pool & Gazebo; 140 sq. ft. with a rear setback variance to be located on Tarpon Cir., 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) Rear Setback**

Regulation 9(8)(i) states “*the minimum rear setback is 20’*”. The proposed swimming pool would be 18’-2” from the rear boundary a difference of 2’-0” respectively.

The adjoining parcels were notified and no objections were received.

The Authority should assess if there is sufficient reason and an exceptional circumstance that exists in accordance with Section 8(13) to warrant granting a rear setback variance.

#### **2.25 CP Ltd (Andrew Gibb) Block 12C Parcel 313 (P21-0399) (\$42,325) (JP)**

Application for relocation of access gates (only).

### **FACTS**

<i>Location</i>	Canal Point Drive, West Bay Beach South
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors

**Recommendation:** Grant planning permission.

### **APPLICANT’S LETTER**

*We hereby make application to the Central Planning Authority for planning consent grant for the relocation and installation of access control gates across Canal Point Drive in the Canal Point subdivision, George Town Grand Cayman (parcel 12C313).*

*Canal Point Drive already has a set of access control gates on ornate gateposts and served by a small Gatehouse. The development of the One Canal Point apartments and condominiums complex directly adjacent to but ‘inside’ these access control gates and the significant vehicular traffic it will generate, is seen by applicant as likely to cause interference to residential vehicular traffic into and within the Canal Point subdivision.*

*It is the intention, subject to planning consent, to install and erect a second set of gates further east on Canal Point Drive and well east of Canal One, and which is intended as the primary access control point for the Canal Point subdivision. The access control system*

*on the original gates at Canal One will be dismantled and the gates left permanently in the open position and thus no longer a potential disruption to traffic on this roadway.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

Application site is located in the Seven Mile Beach Corridor.

Proposal to change location of access gates only. Guard house will remain in original location with no gates.

### **Zoning**

The property is zoned Low Density Residential.

## **2.26 ALDO GIANNE (Elegant Design Cayman Ltd.) Block 14C Parcel 307 (P21-0479) (JP)**

Application to modify planning permission to revise the elevations.

### **FACTS**

*Location* George Town

*Zoning* **General Commercial**

### **BACKGROUND**

March 3<sup>rd</sup>, 2021 (CPA/05/21; Item 2.3) (P21-0059) modification of Planning Permission approved enabling site design and floor layout subject to:

- Applicant submits revised site plan showing a 6' wide sidewalk along ETH;
- Exit on to ETH reconfigured to prevent drivers on the highway from entering the site through the exit.

August 5<sup>th</sup>, 2020 (CPA/12/20; Item 2.1) (P20-0051) resolved to grant Planning Permission for the gas station complex.

**Recommendation:** Modify Planning Permission

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed development is located in the George Town occupying a corner lot with Esterley Tibbetts Highway forming the eastern boundary and Godfrey Nixon Way running along the south. Paddington Lane provides direct access to the site from the west. To the north an existing storage building occupies the adjoining lot.

Application seeks elevation alterations resulting in an increase of 4' 6" in height. The proposal complies with the maximum height allowance in the GC zone.

### **Zoning**

The property is zoned General Commercial.

### **3.0 DEVELOPMENT PLAN MATTERS**

#### **3.1 YARLCAY LTD Block 20D Parcel 171 (RZ20-0007) (RM)**

Application for Amendment to Development Plan 1997 from Low Density Residential to High Density Residential.

#### **FACTS**

<b>Location:</b>	Linford Pierson Highway, George Town
<b>Parcels:</b>	20D171 and 20E213REM3
<b>Current Zoning:</b>	Low Density Residential
<b>Proposed Zoning:</b>	High Density Residential
<b>Ownership:</b>	Private
<b>Total Parcel Size:</b>	20D171: 10.49 Acres 20E213REM3: 24.55 Acres
<b>Subject Zoning Area:</b>	35.04 Acres

#### **DEPARTMENT OF PLANNING RECOMMENDATION**

As per Section 11(3)(a) of the Development and Planning Act (2021 Revision) the Authority is recommended to forward the file to the Ministry of Planning, Agriculture, Housing and Infrastructure to refer onwards to the Appeals (Development Plan) Tribunal.

#### **UPDATE**

The Central Planning Authority heard the request (RZ20-0007) during meeting 03 on the 3<sup>rd</sup> February 2021 (CPA/03/21; Item 3.3) and it was resolved to forward the rezoning application, including Block and Parcel 20E213Rem3, for 60 day notification and advertising per Section 11(2) of the Development and Planning Law (2017 Revision). The notice period commenced on the 3<sup>rd</sup> March 2021 and concluded on the 11<sup>th</sup> May 2021. A letter of objection was received on the 12<sup>th</sup> March 2021 (see Appendix D).

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

The applicant is seeking an amendment to the Development Plan from Low Density Residential to High Density Residential. The intent is to amend the zoning to subsequently allow for the potential development of affordable housing. The details are outlined in the applicant's letter below:

*“Please find attached our Application to Rezone 20D 171 from “Low Density Residential” to “High Density Residential”. We make this Application on behalf of the Contracting Purchaser, “Yarlca Ltd.”.*

*We understand that both the western adjacent parcel (20E 213Rem3) owned by the National Housing Development Trust, and the eastern adjacent parcels (20D 466 & 467) owned by Sixtees Properties Developments Limited are also in the process of being similarly Rezoned, and our client wishes to go the same route.*

*Developable land close to George Town is limited, and due to the cost involved in filling and developing this parcel a higher density is needed to make it viable. This will allow homes to be more affordable for first home buyers. As a Caymanian Builder creating communities like Lakeland Villas, Royal Pines and Ocean Reach they want to provide for open space, parks for the local community.*

*Finally, with the growth of that area, a proposed Supermarket, a new Bypass and proximity to Town we need to create small community with access to various amenities.*

*At this point in time we do not have the future development of the parcel planned.”*

## **DEPARTMENT OF PLANNING ANALYSIS**

### **Site details:**

The original application included just one parcel - 20D171 – which is one of a number of large undeveloped parcels located to the south of the Linford Pierson Highway. The property is situated approximately 200ft to the west of the ‘Alamo’ roundabout and a new road (31296) is proposed to run south from the roundabout with a connector to the eastern boundary of the subject parcel. The topography of the land is quite even at around 2 feet above sea level and it currently consists of mangrove and bush vegetation.

The additional parcel - 20E213REM3 - is situated immediately to the west of the original subject parcel and is under the ownership of the National Housing Development Trust. This large parcel has similar characteristics with relatively even topography and also consists of mangrove and bush vegetation.

### **Character and Land Uses of Surrounding Area**

The subject parcels lie within a large area of Low Density Residential zoning to the south of the Linford Pierson Highway, although are close to a group of parcels which are zoned for Neighbourhood Commercial use, approximately 300ft to the east. To the north of the subject parcels, and north of the highway, is a large area of Medium Density Residential zoning.

Adjacent to the subject parcels, to the east, are parcels 20D466 and 20D467 where an application to amend the Development Plan from Low Density Residential to High Density Residential (RZ18-0003) is currently awaiting approval by Parliament. The application was initially considered by the CPA on 5<sup>th</sup> September 2018 (CPA/20/18; item 3.1). The

Authority resolved to forward the application for 60 day notification and advertising period, at which time no objections were received. Following the consultation period, the request to amend the Development Plan was again heard by the CPA on 19<sup>th</sup> December 2018 (CPA/28/18; item 3.1). The CPA resolved to forward the proposed amendment to the Ministry of Commerce, Planning and Infrastructure for onward transmission to the Legislative Assembly for consideration, subject to Cabinet approval.

A mixture of single family dwellings, apartments and duplexes are present in the nearby residential areas while the direct area remains “natural” in terms of character as it is currently all vegetation and undeveloped.

Figure 1 displays the updated rezone area and the surrounding land-use context.

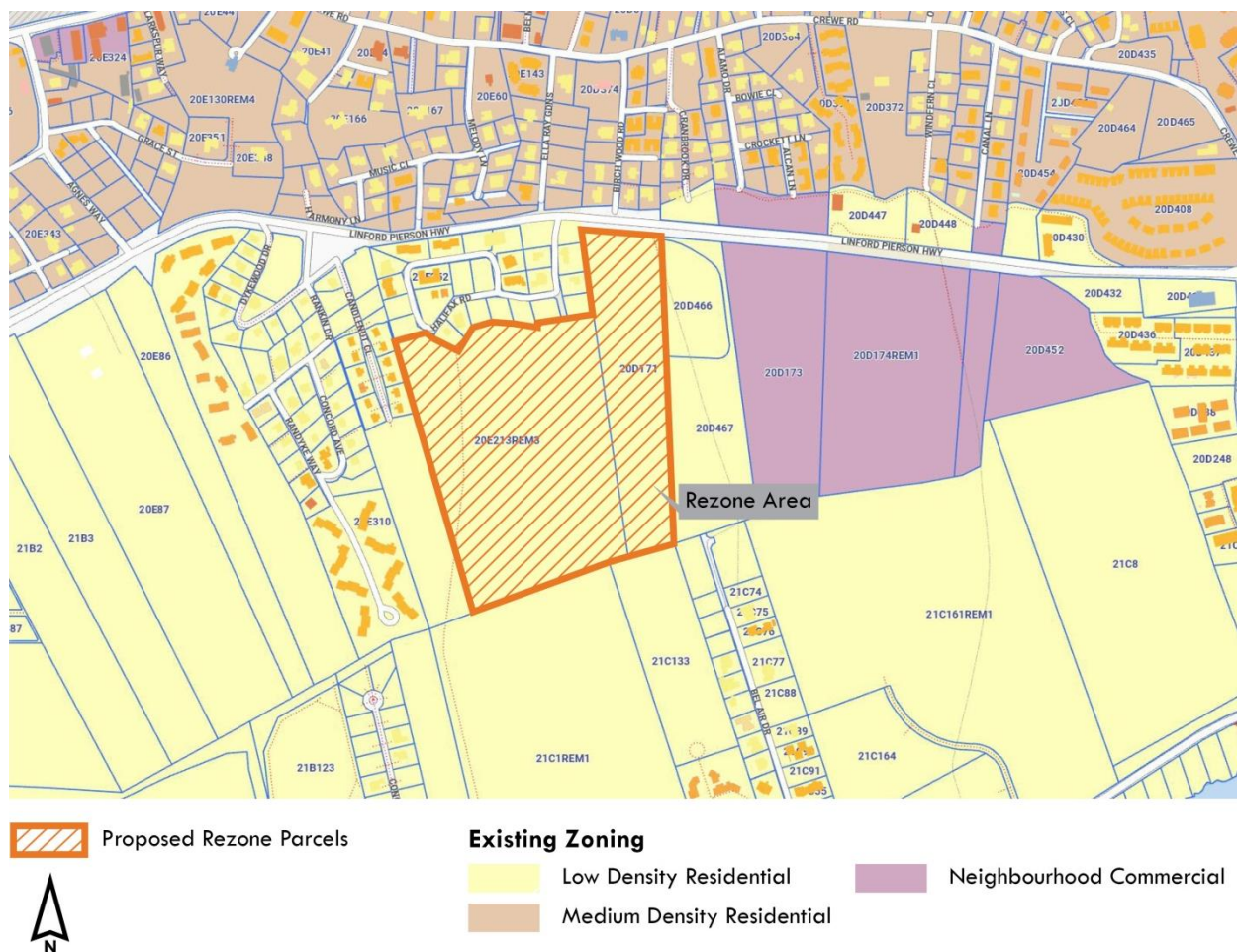


Figure 1: Zoning and location map (Source: [www.caymanlandinfo.ky](http://www.caymanlandinfo.ky)) – showing updated rezone area

### Zoning Figures and Comparison

The table below outlines the major requirement differences in the current and proposed zoning. Based on these figures, taken from the Development and Planning Regulations (2020 Revision), the development potential of the two subject parcels (which amount to

35.04 acres) for apartments under the zoning of HDR would be 876 units or 1,471 bedrooms.

CATEGORIES/ZONES	LOW DENSITY RESIDENTIAL	HIGH DENSITY RESIDENTIAL
MINIMUM LOT SIZE (sqft)	10,000 for houses or 25,000 for apartments	5,000 for houses or apartments
MINIMUM ROAD SETBACK (ft)	20	20
MINIMUM REAR SETBACK (ft)	20	20
MINIMUM SIDE SETBACK (ft)	10 (1 storey) or 15 (2+ storeys)	10 (1 storey) or 15 (2+ storeys)
MINIMUM LOT WIDTH (ft)	80 for houses or 100 for apartments	60 for houses or 100 for apartments
MAXIMUM SITE COVERAGE	30%	40%
DENSITY	15 units per acre / 24 bedrooms per acre (apartments)	25 units per acre or 42 bedrooms per acre (apartments)
MAXIMUM BUILDING HEIGHT*	3 storeys or 40 ft.	3 storeys or 40 ft.

**Figure 2: Zoning comparison table**

In this district of George Town, residential zoning (Low Density, Medium Density, High Density and Beach Resort) makes up roughly 57.13% of land area. Within the estimated 4,396 acres of residential zoning in George Town, only 5.55% (244 acres) of that land area is zoned High Density Residential, while 77.67% (3,414 acres) is zoned Low Density Residential. Rezoning the subject parcels from Low to High Density Residential would result in an increase of 0.8% in the share of High Density Residential.

HDR zoning makes up a very small portion of the overall zoning area in Grand Cayman. It can be argued that there is demand for more areas of HDR given the limited amount of land that is available for development, and the fact that there are a limited number of "affordable" housing options in Grand Cayman.

The primary considerations for this rezone application are:

- The suitability of HDR in this location, based on surrounding land use zoning;
- The potential runoff and flooding impacts of high density development in this location; per DOE comments; and
- Concerns raised by the objectors.

## **AGENCY COMMENTS**

### **Department of Environmental Health**

*"The department has no objections to the proposed in principle."*

### **Cayman Islands Fire Service**

*"At this time the fire department have no objection. Please note for future development As per local code Fire hydrant/firewell are required."*

### **CI Airports Authority**

*"the CIAA have no object subject to full design approval and height details being submitted."*

### **National Roads Authority**

Comments requested on 26/10/2020 – None received.

### **Water Authority**

*"Please be advised that the Water Authority has no objection to the proposed rezone. Requirements for water and wastewater will be determined when development of the parcel(s) is proposed."*

**Department of Environment**

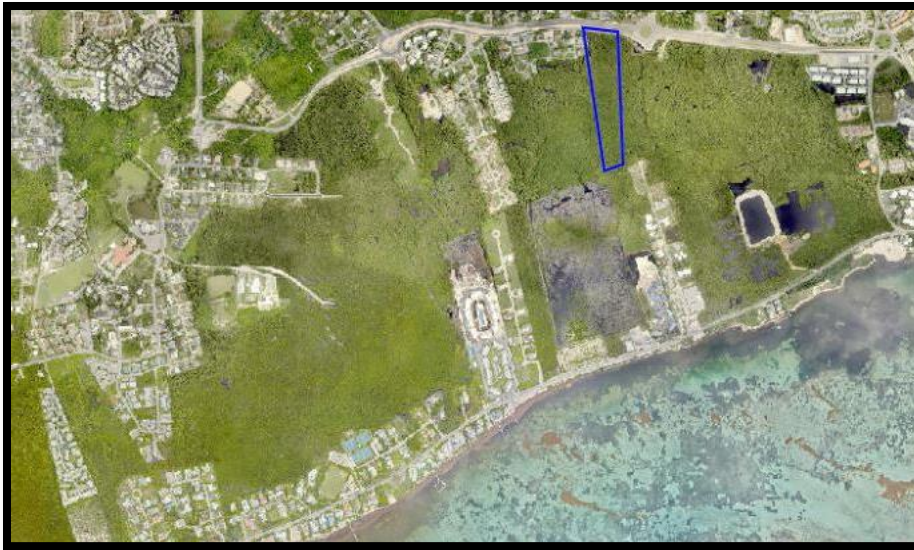
*“Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment offers the following comments for your consideration.*

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

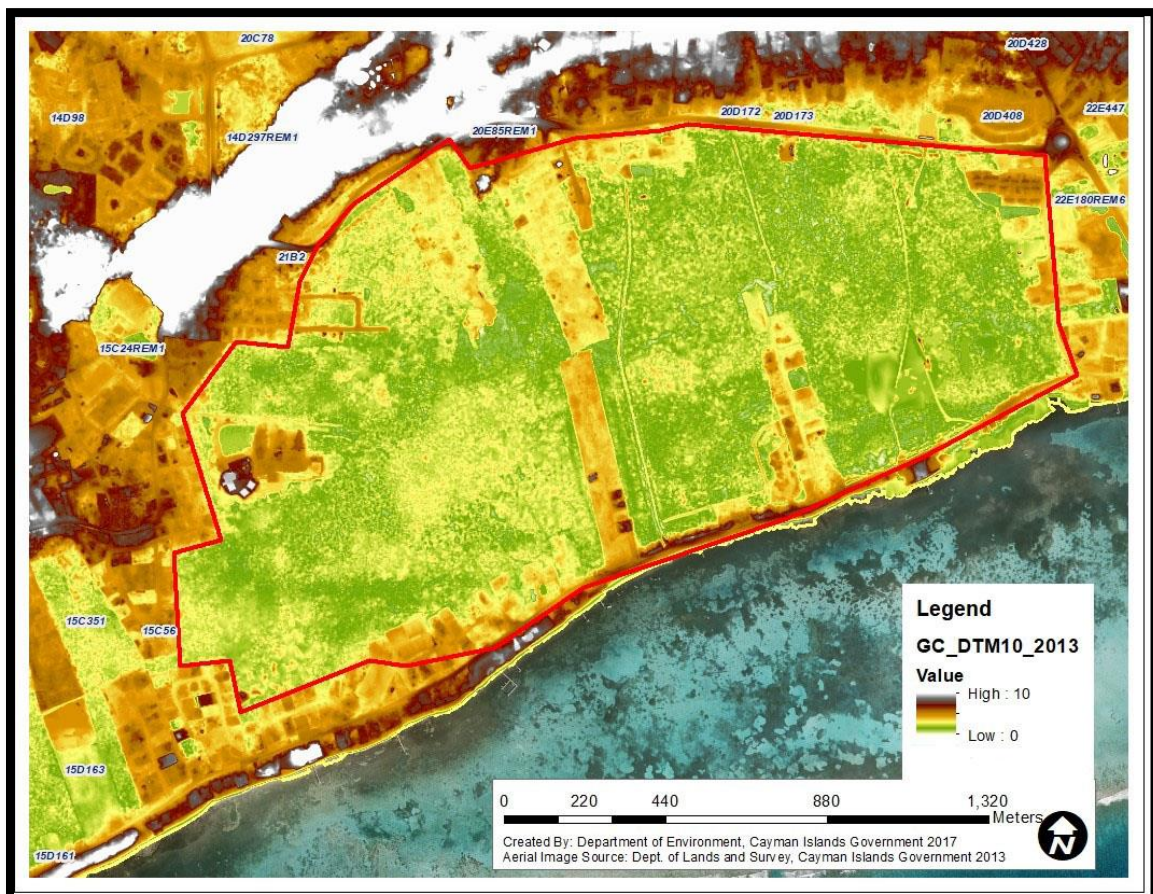
*Another important function of mangrove forests is that they are extremely effective at sequestering carbon from the atmosphere and serve as carbon sinks/stores. Mangrove roots trap carbon-rich plant material in their water-logged soil sealing it off from the atmosphere. This storage of carbon can remain secure for as long as the mangroves remain in-tact. Removing significant tracts of mangrove habitat not only reduces the island’s natural carbon sequestration potential but the physical act of removing the mature mangroves and de-mucking the site releases captured carbon back into the atmosphere adding to ever-increasing carbon emissions. Primary mangrove habitat is particularly useful as it is mature habitat in its natural state, otherwise uninfluenced by human activity. These habitats are often very old and for generations their ecological processes have not been significantly disturbed.*

*The subject parcel of mangrove habitat is located within the South Sound drainage basin (see Figures 1 & 2). The South Sound basin functions as a water catchment and storage basin which provides flood controls and storm-water retention. Surface water is stored in the wetlands, which provides a natural mechanism for reducing flow velocity and flooding. This basin also contributes to the maintenance of water quality in the South Sound Lagoon. Unfortunately, the South Sound drainage basin has become severely fragmented by current and future developments impacting the overall capacity of the remaining wetland area to accommodate drainage for the whole basin.*





**Figure 1: Cayman Land Info screenshot showing application site location outline in blue in 2018**



**Figure 2: Elevation model showing the South Sound drainage basin (outlined in red) and the approximate location of the application site within the blue outline.**



*The DoE has consistently raised concerns about the lack of a comprehensive stormwater management strategy for the South Sound drainage basin over the years. As outlined in the attached Memo dated 30 January 2015 (5 years ago) from the DoE, Water Authority and National Roads Authority, to the Ministry of PLAHI, there are significant concerns regarding the development of this area without an adequate comprehensive stormwater management strategy. The specific recommendation of the Memo was “to issue an RFP to select a suitably qualified consultant to undertake a hydrological assessment of the South Sound drainage basin and devise a regional stormwater management plan, which will include drainage engineering specifications for the proposed road and future development and Best Management Practices to minimise the impacts of stormwater flooding”.*

*The Memo outlined that “rather than continuing with the current practice of requiring each development to deal with stormwater management in isolation, we believe a basin-wide approach to managing stormwater in this location is urgently required”. Several existing developments in the basin continue to be inundated with rainwater during the wet season; most notably Randyke Gardens. Several new residential subdivisions have been granted CPA approval in recent years. Further development without implementing an effective strategy is likely to exacerbate flooding within the area.*

*The Department notes that the current proposal is to rezone from low density residential to high residential. The increased density of development permissible through this rezone will allow for increased areas of hard standing in an ecologically sensitive and fragmented area that provides drainage /hydrological functions. The potential impacts on the capacity of the drainage basin, and the ecological functions of the site as well as the entire wetland drainage basin as a whole, by increasing the density of development on the subject parcel should be thoroughly considered.*

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

#### **4.0 PLANNING APPEAL MATTERS**

#### **5.0 MATTERS FROM THE DIRECTOR OF PLANNING**

#### **6.0 CPA MEMBERS INFORMATION/DISCUSSIONS**

## Appendix ‘A’

## MEMORANDUM

**TO:** Director of Planning

**YOUR REF:** P21-0193

**ATTN:** Burton Schneider

**FROM:** Director of Environment

**DATE:** 6 April 2021

**SUBJECT:** Pro Plus Construction  
68,840sqft 2 Storey Apartments; 31,324sqft 2 Storey Townhouses; 1,804 sqft 2 Storey Clubhouse/Gym/Cabana; Swimming Pool; 2 Signs less than 30sqft and 4' Wall with 6' Gate  
Block 20D Parcel 171

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

The application site consists of primary habitat, classified as seasonally flooded mangrove forest and woodland, as shown on Figure 1. Mangroves are listed as Schedule 1, Part 2 protected species under the National Conservation Law (NCL) (2013) and there is a Mangrove Conservation Plan which came into effect in April 2020.



**Figure 1: Google Map screenshot showing application site location outline in blue in 2021**

Mangrove loss over recent decades has been so extensive that it triggers local Red-Listing criteria. In 2008, the Cayman Islands national IUCN Red List status of Black Mangrove was assessed as

Endangered, White Mangrove and Buttonwood both as Vulnerable, and Red Mangrove as Near-Threatened.

The Ramsar Convention (1971) has been extended to the Cayman Islands, requiring a commitment to work towards the wise use of our mangrove and other wetlands through national plans, policies and legislation, management actions and public education. All of the four mangrove species are protected species under Part 2 of Schedule 1 of the NCL.

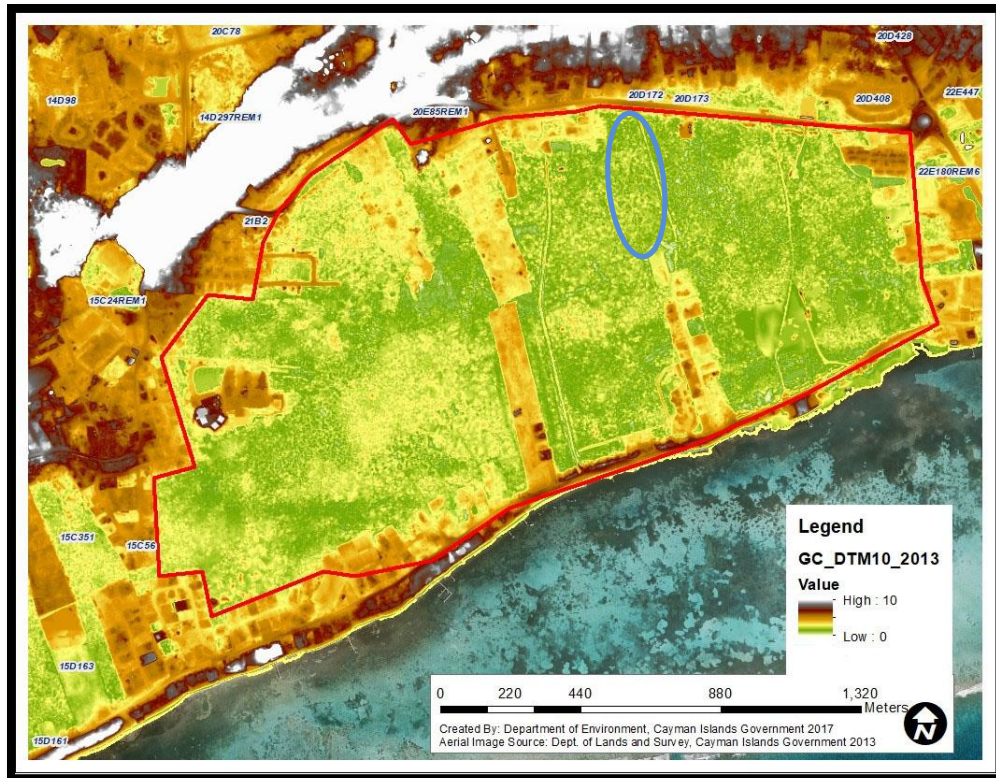
Mangrove forests are a critical part of our natural environment, providing important ecosystem services, which include assisting to mitigate the effects of climate change. Mangrove forests are extremely effective at sequestering carbon from the atmosphere and serve as carbon sinks/stores. Mangrove roots trap carbon-rich plant material in their water-logged soil sealing it off from the atmosphere. Removing significant tracts of mangrove habitat not only reduces the island's natural carbon sequestration potential but the physical act of removing the mature mangroves and de-mucking the site releases captured carbon back into the atmosphere adding to ever-increasing greenhouse gas emissions.

Mangroves forests are also one of the most productive terrestrial ecosystems, being extremely biodiverse and provide habitat and food for an immense variety of species. They also function as natural sponges that trap and slowly release surface water. Inland wetlands in urban areas are particularly valuable, counteracting the greatly increased rate and volume of surface-water runoff. Trees, root mats and other wetland vegetation also slow the speed and distribution of storm waters. This combined water storage and braking action lowers flood heights and reduces erosion. Inland wetlands also improve water quality filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants.

The site is located within the South Sound drainage basin (see Figures 1 & 2). The South Sound basin functions as a water catchment and storage basin which provides flood controls and storm-water retention. Surface water is stored in the wetlands, which provides a natural mechanism for reducing flow velocity and flooding. This basin also contributes to the maintenance of water quality in the South Sound Lagoon.

Unfortunately, the South Sound drainage basin has become severely fragmented by current and future developments (see Figure 3) impacting the overall capacity of the remaining wetland area to accommodate drainage for the whole basin. Therefore, we reiterate our concerns regarding potential flooding and drainage issues and the need for a regional stormwater management plan is now even more critical given how much of the basin is committed for development, as shown in Figure 3.





**Figure 2: Elevation model showing the South Sound drainage basin (outlined in red) and the approximate location of the application site within the blue outline.**



**Figure 3: LIS 2018 aerial imagery showing the South Sound Drainage Basin and areas approved for development**

The area of the South Sound drainage basin delineated in red in Figure 3 is approximately 620 acres. Of this, approximately 500 acres has been granted approval for development or is already developed. Therefore, over 80% of the mangrove wetland area has been lost to development.

The DoE has consistently raised concerns about the lack of a comprehensive stormwater management strategy and the relevant studies for the South Sound drainage basin over the years. These concerns have been highlighted in the attached Memo dated 30 January 2015 from the DoE, Water Authority and National Roads Authority, to the Ministry of PLAHI.

In conclusion, even though the application site has been slated for development, the above should be taken into consideration when considering this application for approval. Therefore if the CPA is minded to grant approval for the residential development the following conditions should be included at a minimum as part of planning permission

- Only the development footprint should be cleared and filled.
- Land clearing should not take place until commencement of each phase of development is imminent, i.e. Clear only the footprint of each phase when construction is commencing.
- A stormwater management plan for the development should be designed in a way that all site derived run-off is handled on site and does not impact the surrounding area.
- Retain as much native mangrove vegetation as possible as well as incorporating it along with other native vegetation species into the landscaping and stormwater management plan.

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

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**Director of Environment**

**Under Delegated Authority of the National Conservation Council**





## MEMORANDUM

**To:** Chief Officer – Ministry PLAHI

**Copy To:** Chief Officer – Ministry FSC&E

**From:** Director – Department of Environment  
Director – National Roads Authority  
Director – Water Authority Cayman

**Date:** 30 January 2015

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**Subject: South Sound Drainage Basin Stormwater Management**

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### Summary and Recommendation

A meeting took place on 10 December 2014 between the Department of Environment, the National Roads Authority and the Water Authority (the Planning Department did not respond to the invitation to attend). The purpose of the meeting was to discuss the impact that planned developments within the South Sound drainage basin, including a four-lane highway, will have on stormwater management in this area.

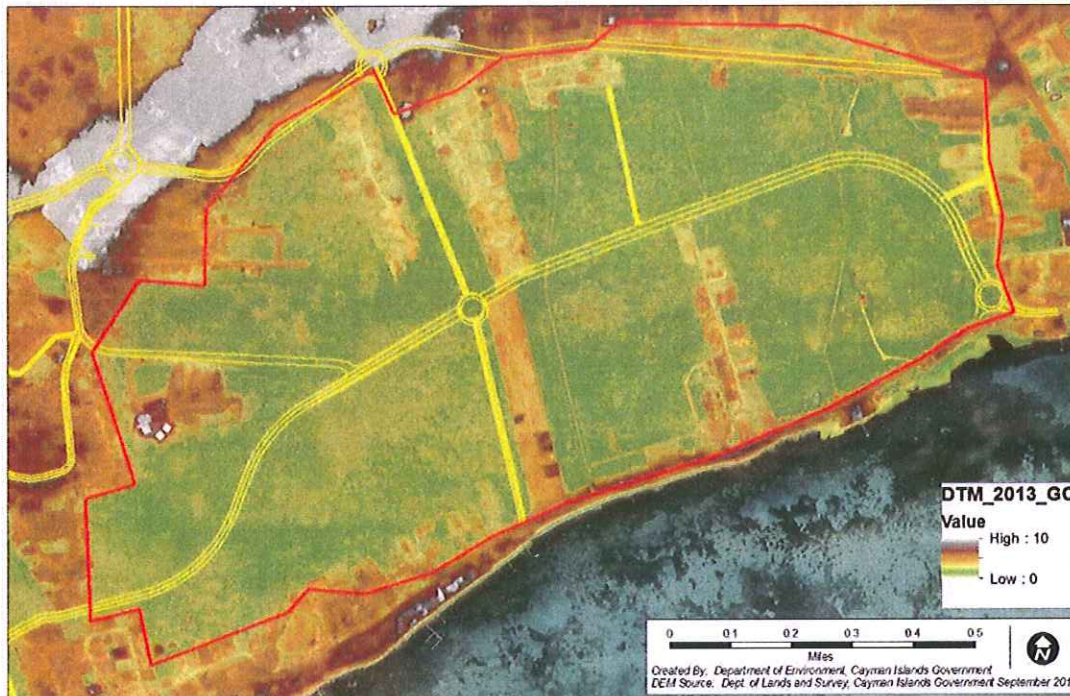
**There was a consensus amongst those in attendance that construction of the proposed road and a number of proposed major developments within the basin will have serious implications for flooding of properties within the basin and South Sound environs if not planned in the context of a regional strategy for stormwater management.**

As the agencies do not have a specific mandate, power or resources to effectively resolve this issue, it was agreed to bring this matter to the attention of the ministries of PLAHI and FSCE for consideration. **Our recommendation is to issue an RFP to select a suitably qualified consultant to undertake a hydrological assessment of the South Sound drainage basin and devise a regional stormwater management plan, which will include drainage engineering specifications for the proposed road and future development and Best Management Practices to minimise the impacts of stormwater flooding.**

The Request for Proposals (RFP) for the consultancy can be jointly developed by the NRA, Water Authority, DoE and Planning, to select a consultant to work with our agencies to prepare a regional stormwater management plan. We estimate that the cost of the plan would be in the order of \$200,000 and these funds will have to be requested in the 2015/16 budget currently being prepared.

## Background

Proposed and existing developments including new roads in the South Sound drainage basin are shown in Figure 1 and Figure 2.

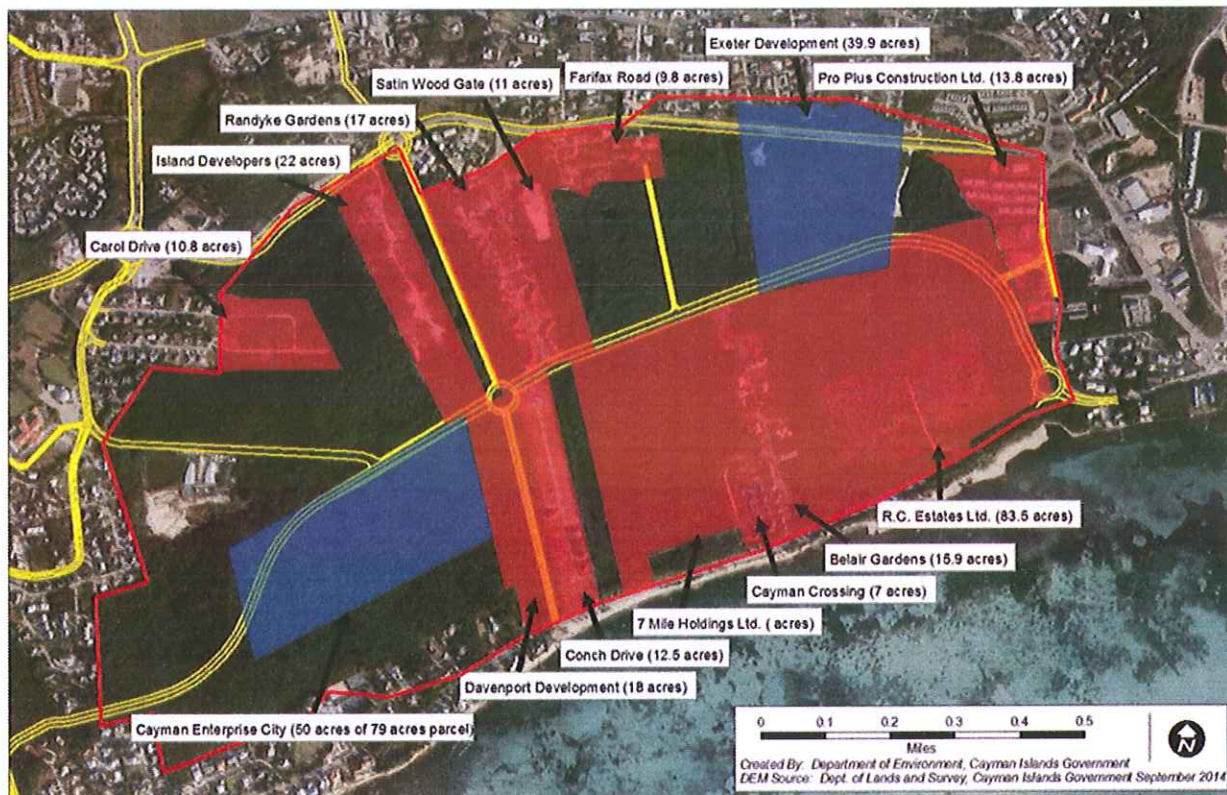


**Figure 1: Topography of South Sound drainage basin (outlined in red) and location of proposed road (outlined in yellow)**

A number of existing developments in the basin become inundated with rainwater during the wet season; most notably Randyke Gardens. Several new residential subdivisions have been granted CPA approval in the past 3 years and, most recently, the agencies have been contacted by Cayman Enterprise City regarding a 50 acre development in the basin and an application has been received from Exeter Development Ltd for a 30-35 acre general commercial development to the south of Linford Pearson highway (comprising a large anchor grocery/retail outlet, with supporting ancillary retail and commercial development); see Figure 2.

Unless the drainage and flooding issues in the area are addressed in a comprehensive manner, prior to these developments and the road coming forward, the agencies have grave concerns regarding the impacts of seasonal flooding on existing developments and on the quality of the receiving waters; i.e., the South Sound lagoon.





**Figure 2: Aerial image showing permitted developments (highlighted in red) and proposed developments (highlighted in blue) within the South Sound drainage basin.**

The South Sound mangrove basin is a blocked non-tidal mangrove wetland which is impounded by the beach ridge and South Sound road to the south, and higher elevation, drier land as well as the Linford Pearson highway to the north. The beach ridge and roads are relatively impermeable to sea water and the mangrove swamp is flooded principally by rainwater. Historically, excess rainwater not retained by the extensive mangrove wetland basin gradually percolated through the beach ridge and mangrove coastlines along the length of South Sound lagoon. Following the construction of South Sound Road and the beginning of developments which reclaimed portions of the mangrove wetland, a series of MRCU physical control canals installed in the 1970's helped to alleviate storm waters and, more recently, a series of culverts were installed by PWD/NRA under South Sound road to drain the mangrove basin to the South Sound lagoon. However, the recent filling along the eastern end of the shoreline in South Sound has resulted in many of these culverts being blocked. The one remaining culvert, in close proximity to the Red Bay dock, is normally blocked by the NRA with a sheet of metal placed in front of the culvert; this culvert is made operational when required (see figures 3 & 4). Seasonal flooding of Randyke Gardens and other low-lying developments in the basin has become a normal occurrence and without a regional stormwater management plan, this flooding will get worse.





**Fig 3:** Closed Culvert in South Sound



**Fig 4:** Landward End of South Sound Culvert

Detailed water level measurements in South Sound have shown that the mean surface water level within the swamp is higher than the mean sea level in South Sound (Davies, J.E. and Giglioli, M.E.C, 1977). Accordingly, during the wet season, impounded rain water remains within the basin and has limited means of escape. As more and more development is brought forward, the implications of removing the stormwater retention capacity of the basin becomes increasingly significant and problematic, not only from the perspective of flood risk for properties within the basin but also for the health of the South Sound lagoon which forms part of the Cayman Islands Marine Park system and is therefore considered a protected area under the National Conservation Law. The previous system of culverts draining waters into the South



**Fig 5:** Red tannin stained water flowing into South Sound at the present culvert (2008).

Sound was problematic in that it created concentrated discharge points for fresh and tannin rich waters to enter the Replenishment Zone; this solution did not mimic the natural drainage patterns of the mangrove basin as previously described.



The rapid and concentrated discharge of stagnant storm water presents a number of environmental and aesthetic issues. Most marine communities, including the seagrass flats, patch reefs and fringing reefs of South Sound, are not tolerant to the large shifts in salinity brought on by the introduction of large pulses of freshwater. Additionally mangrove basin storm water contains large amounts of nutrients and is typically low in oxygen due to high biological oxygen demand of mangrove peats which adds to its detrimental impacts to marine communities.

Aesthetically, concentrated mangrove storm water impacts the ordinarily clear waters of South Sound and can result in strong odours due to the presence of hydrogen sulphide.



**Fig 6:** Red tannin stained water near shore South Sound – note the striking transition between the clear water and the stained near shore water.

**Rather than continuing with the current practice of requiring each development to deal with storm water management in isolation, we believe a basin-wide approach to managing storm water in this location is urgently required.** In fact this area was prioritised by the former Roads Division of PWD for the development of a storm water management plan about 10 years ago. As new developments are constructed on sites filled to higher elevations than existing properties in the South Sound drainage basin, the older existing properties are going to suffer from increased intensity and duration of flooding, as the retention capacity of storm water will be reduced as the basin is developed. We believe that a more appropriate mechanism in addition to the traditional means of storm water drainage (disposal wells) may be to have a series of retention basins for storm water to drain to for holding and filtration, before being dispersed into the South Sound lagoon in a controlled way. However, in order to engineer a regional solution, a detailed understanding of the hydrology of the basin and the implications of various developments is required.

The NRA, the Water Authority and the Department of Environment are therefore bringing this matter to your attention as we believe that the correct approach to tackling this issue is to instruct a suitably qualified consultant to undertake a hydrological assessment of the South Sound drainage basin and devise a regional stormwater management plan, which will include drainage engineering specifications for the proposed road and future development, and Best Management Practices to minimise the impacts of storm water flooding.

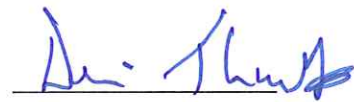
If the approach outlined in this Memorandum is agreeable to your Ministry, the next step would be to formulate a Request for Proposals (RFP) in order to seek consultants who would work with our agencies to prepare a storm water management plan. This RFP can be prepared jointly by the NRA, Water Authority, DoE and Planning. We estimate that the cost of the plan would be in the order of \$200,000 and these funds will have to be requested in the 2015/16 budget currently being prepared.

We look forward to your feedback on this matter at your earliest convenience. Please do not hesitate to contact us should you wish to discuss this further.



**Gina Ebanks-Petrie**

**Director, Department of Environment**



**Denis Thibeault**

**Assistant Director, National Roads Authority**



**Dr Gelia Frederick-van Genderen**

**Director, Water Authority**

## Appendix ‘B’



**FORMAL OBJECTION TO PROJECT NO. P21-0193 TO BUILD  
ON BLOCK & PARCEL NO: 20D 171 SUBMITTED BY  
YARLCAY LTD. ON BEHALF OF ADJOINING OWNERS AND  
OTHER CONCERNED MEMBERS OF THE SOUTH SOUND  
COMMUNITY**

26 March 2021

**By Email Only:** [haroon.pandohie@gov.ky](mailto:haroon.pandohie@gov.ky); [burtan.schneider@gov.ky](mailto:burtan.schneider@gov.ky); [ron.sanderson@gov.ky](mailto:ron.sanderson@gov.ky);

Planning Department  
Government Administration Building  
George Town Grand Cayman, KY1-9000  
CAYMAN ISLANDS

**ATTN: Mr Haroon Pandohie**

*CC: Hon. Roy McTaggart, JP MLA for George Town East (By Email Only:  
[roy.mctaggart@gov.ky](mailto:roy.mctaggart@gov.ky))*

*CC: Gina Petrie-Ebanks, Director Department of Environment (By Email Only:  
[gina.petrie@gov.ky](mailto:gina.petrie@gov.ky))*

*CC: News Media ie Compass, CNS and Marl Road (By Email Only: signatures redacted)*

Dear Mr. Pandohie

**RE: Reference: Applc and procedural concerns in regards to Rezoning, Mangrove  
Clearing application and Planning application for affordable housing**

Please find below the collective Objections to the application for 80 1-Bed Apartments, 24 Townhouses, Pool and Gym in relation to an application for YARL town shown on Block & Parcel No: 20D 171, on behalf of the adjacent owners and the neighbouring properties who are individually listed next to their respective signatures at the end of this letter. Please also note that these objections are supported by certain members of the wider South Sound community (who are not adjacent owners) whose signatures also appear at the end of this letter.

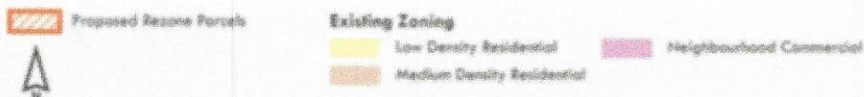
## 1. Rezoning

The applicant has applied for 10.48 acres to be rezoned from Low Density Residential to High Density Residential. The rezone application was approved for rezone advertisement 3 February 2021 which also included 20+ acres of mangrove forest that has recently been acquired by Government for the National Housing Development Trust. Submissions from the DOE were provided on 4 November 2020 outlining concerns which are attached. Please take this as notice of OBJECTION to said rezone notice YARLCAY LTD Block 20D Parcel 171 (RZ20-0007) and Block 20E Parcel 213REM3 for the reasons outlined herein.

### PUBLIC NOTICE

#### REQUEST FOR ALTERATION TO THE DEVELOPMENT PLAN 1997

The Central Planning Authority (CPA) is considering a request for alteration to the Development Plan 1997 (RZ20-0007) for the following: Block 20D Parcel 171 and Block 20E Parcel 213REM3 from Low Density Residential to High Density Residential. These parcels are located to the south of the Linford Pierson Highway.



The electronic file can be inspected at the Department of Planning, Government Administration Building, 133 Elgin Avenue, George Town between 8:30 am and 4:00 pm, Monday to Friday. Anyone wishing to comment on this proposal must do so in writing within 60 days of the final advertisement (March 10<sup>th</sup> 2021) or by May 9<sup>th</sup> 2021. Please remit all correspondence to the attention of the Director of Planning, P.O. Box 113, KY1-9000 Grand Cayman, Cayman Islands; or by email to [planning.dept@gov.ky](mailto:planning.dept@gov.ky). CPA meeting minutes pertaining to this application can be found on the Department's website at [www.planning.ky](http://www.planning.ky) (Meeting CPA/03/21; Item 3.3)



## 2. Land Clearing

The area is primary mangrove habitat in an area known for flooding. The Department of Environment laid out concerns in their letter dated 19 February 2021, a copy of which is attached. Members of the wider South Sound community also provided the attached letter of concern to Planning in objection to premature land clearing, which has not been formally acknowledged.

Significant concerns need to be addressed in regards to this site which sits within a stormwater drainage basin. The lack of an overall stormwater management plan for a high density development must not be disregarded.

- (a) Section 18 of the Constitution requires Protection of the Environment to be considered in all decision making:

*"Protection of the environment*

*18.— (1) Government shall, in all its decisions, have due regard to the need to foster and protect an environment that is not harmful to the health or well-being of present and future generations, while promoting justifiable economic and social development.*

*(2) To this end government should adopt reasonable legislative and other measures to protect the heritage and wildlife and the land and sea biodiversity of the Cayman Islands that—*

*1. (a) limit pollution and ecological degradation;*

*2. (b) promote conservation and biodiversity; and*

*3. (c) secure ecologically sustainable development and use of natural resources."*

- (b) Section 25 (1) of the Development and Planning Law 2017 gives authority to the CPA to set aside lands for Trees and Woodlands. This section also sets out requirements for retention of mangrove buffers.
- (c) Local Ornithologist, Patricia Bradley in a recent planning submission confirmed that *"Freshwater habitat is the most threatened ecosystem on Grand Cayman. It has declined over 95% in the western half of the Island due to intense development pressure in the last 20 years."*

The National Conservation Law (2013) (the "Conservation Law"), amongst other things, protects and conserves endangered, threatened and endemic wildlife and their habitats. S.41 of the Conservation Law provides: *"41. (1) Subject to subsections (2), (3) and (4), every **entity** shall comply with the provisions of this Law and shall ensure that its decisions, actions and undertakings are consistent with and do not jeopardise the protection and conservation of a protected area or any protected species or its critical habitat as established pursuant to this Law."*

This water habitat supports a breeding population of the endemic West Indian Whistling Duck which live mostly in swamps and marshes surrounded by abundant tree cover,



particularly mangroves, but also other shallow, freshwater, brackish or saline ponds. The West Indian Whistling Duck is classed as a “near threatened” species on the Red List of threatened species held by the International Union for Conservation of Nature (“the IUCN”), whose range is now confined to the Cayman Islands, the Greater Antilles and the Bahamas, where only small populations exist. The IUCN estimates that in 2013 there were 360 – 650 breeding pairs on Grand Cayman<sup>1</sup>. A significant cause for its reduced numbers in Cayman, and elsewhere, is habitat destruction and the loss of mangroves, fresh and saline water bodies. One of the threats specifically identified by the IUCN to the West Indian Whistling Duck is residential and commercial development. Section 15 of the Conservation Law designates the West Indian Whistling Duck as a protected species.

### **3. Proposed residential housing development**

Given the lack of time available and the unavailability and transparency of the Planning Department it has not been possible to do an in depth study of the plans.

- (a) But a cursory view of what is available online shows that:
- i. This is a very high density development in an area that is flanked by single family homes to the West and far lower density middle income apartment housing to the East which is part of a larger 20+ acre application waiting on rezoning.
  - ii. The applicant has attempted various loopholes in order to secure high density development by using a piecemeal approach. This is not a low density development when compared with the existing development in the area.
  - iii. The applicant has applied for a variation in zone density which has not yet been approved;
  - iv. The applicant has not applied for a subdivision or strata lands parcel subdivision for the creation of the initial development;
  - v. There is no road access to the site and the developer intends to create and access the site through the residential sub-division to the east with a long-term provision to exit to the west;
  - vi. The volume of traffic will add congestion to the sub-division and the Lindford Pearson Highway. The long-range view of connector roads are not guaranteed.
  - vii. Significant development of other projects already approved is going to add significant stress to existing traffic with no mitigating factors proposed for this development;
  - viii. Emergency access is not sufficient for high density development;
  - ix. By the use of stark tenement architecture, there has been no attempt to preserve the character of the land or community neighbourhood except to temporarily hide the development behind a mangrove buffer to the Lindford Pearson HWY which is marked for future development as part of the site;
  - x. The siting of the driveway and utilities, road access and walls means that no attempt has been made to preserve any section of mangrove forest within the development area;



- xi. No mangrove swales, a known mitigator for flooding, have been retained as a buffer to the site between the West and East boundaries.
  - xii. The importance of mangrove is reflected in the NCC's Species Conservation Plan for Mangroves (which are also protected by Part 2 of Schedule 1 of the Conservation Law). Coastal and inland mangroves throughout the Cayman Islands continue to capture and store greenhouse gasses through deposition of peat while sea level and groundwater levels rise and are important to retain to combat climate change affecting these Islands. Detailed legal submissions in regards to the protection of both coastal and inland mangroves and associated species protection, including humans, are more clearly defined in the recent legal submissions for the ERGUN BEKSOY (Whittaker and Walker) Block 22D Parcel 141REM12 and 320 (P20-0800) CPA/06/21 pgs 130-143.  
<https://www.planning.ky/wp-content/uploads/meetings/Acpa0621.pdf>
  - xiii. Public comments on the Rezoning to High Density Residential are open until 9 May 2021 so the application is premature.
  - xiv. Procedural matters for public service notification and information have been less than satisfactory and more public consultation and education for such significant development is warranted prior to the approval process.
- (b) The project has not considered Goal 2 of the National Planning Framework to ensure residential subdivision is well designed and protects natural resources. Residential subdivision design shall embrace Grand Cayman's natural environment by retaining natural vegetation, key landscape features, and environmentally significant elements while controlling and retaining storm-water runoffs and protecting property from flood damage. Furthermore, the submission of a tree, native plant, and habitat survey is absent from the application.
- (c) Section 9 (1) (2) of the 2015 Development Planning Law says that planning must have regard for (a) the compatibility of any building with the landform and (f) the presence of natural vegetation (such as protected mangrove species).

Section 9 (5) goes on to say- "no land use should be dangerous...or cause annoyance or nuisance to others." The land is a protected species mangrove forest and such deforestation (which will ultimately include a further 20 acres of housing trust lands), with no overall stormwater management plan, should be subject to an Environmental Impact Assessment to ensure that there is no danger of flooding or polluting surrounding lands and communities.

- (d) The Cayman Islands Environment Charter, a legal document, states:

Guiding Principle 1:

"That we must recognise that all people need a **healthy environment** for their well-being and livelihoods and that all can help to conserve and sustain it."

Guiding Principle 3;



"To identify environmental opportunities, costs and **risks** in all policies and strategies."

Guiding Principle 4:

"To seek expert advice and **consult openly** with interested parties on decisions affecting the environment."

- (e) Section 43 of the Conservation Law provides that in any consultations pursuant to s.41(3), the National Conservation Council may, in its discretion and within such times as it may specify, require an environmental impact assessment to be carried out of the proposed action. Where required, s.43(2) of the Conservation Law provides that an environmental impact assessment shall (**emphasis added**): "(a) assess the proposed action having regard to its direct, indirect and cumulative impact and the need to – (i) protect and improve public health and social and living conditions; (ii) preserve natural resources, ecological functions and biological diversity; (iii) protect and conserve protected areas and conservation areas; (iv) protect and conserve protected, endemic and migratory species and their habitats; and (v) avoid any adverse effects of climate change on the quality of the environment;

Screening criteria for an EIA are included under s.3(12(j) of the Conservation Law. Schedule 1 to the Directive includes "Large scale residential developments" as being activities which will be considered against the screening criteria in order to determine whether environmental assessment is required. The combined acreage of 30+ acres of high density development in low lying flood zone would likely warrant such a screening.

## Conclusion

We desire solutions which benefit both the environment and development. We respectfully request that the Planning department maintain their public office responsibilities in properly addressing the public concerns as required constitutionally but as also directed by the Planning Regulations.

The Planning Department receives over one hundred reported violations of the Development and Planning Law per year. Government officials, Government staff, and the public report these violations to the department. Grand Cayman, which is developing at a rapid rate is experiencing both intentional and unintentional violations of Planning Law and Regulations. **Violations range from serious health and safety issues to minor infractions.**

There is no explicit 'rush' to race this application through to CPA approval to build high density accommodations with lack of proper infrastructure planning that could result in multiple violations. The responsibility of planning to do a proper assessment, obtain responses from the relevant infrastructure authorities and protection agencies, obtain and review concerns and objections from surrounding property owners, and compile a detailed report and most likely an

EIA, is paramount to ensuring sustainable development and due process and address significant environmental concerns at this particular site. The jumping through hoops to get this application before the CPA requires some scrutiny by the department.

For all of the reasons detailed above and in the attached we, the undersigned, representing neighbouring properties as well as the other concerned members of the South Sound community as a whole who have added their name and signature to this Objection, vehemently object to the proposed development and clearing of protected mangrove species without an environmental impact assessment.

Given that there are many mitigating factors in regards to errors in public process, we submit that the application should be pulled for review and not be set for CPA decision.

For the avoidance of any doubt, we OBJECT to the Rezoning, Land Clearing and Development of 20D171 and 20E213REM3 and ask that we be given the opportunity for further comment and to be heard in any meetings, hearing, or any other decision making process that may be engaged to determine the development of the mangrove wetlands basin which is also subject to the Area Plan goals set out in the National Planning Framework.

Thank you for your consideration of our objection.

Yours sincerely  
*Signature pages follow*

---

FULL NAME

---

BLOCK & PARCEL # OR  
CONTACT DETAILS

---

SIGNATURE

Encs:

Objection letter dated 12 March 2021 (10 pgs)  
DOE email and submissions (12 pgs)





# TROPICAL ARCHITECTURAL GROUP LTD.

#1 BERTHAZE COURT  
GODFREY NIXON WAY  
P.O. Box 12218 KY1-1010  
GRAND CAYMAN  
CAYMAN ISLANDS  
TEL: (345) 947-5849  
E-MAIL: INFO@TAG.KY  
WEB: HTTP://WWW.TAG.KY

## General Notes

- i. This drawing is the exclusive property of Tropical Architectural Group Ltd. and cannot be reused nor reproduced without prior written consent. Computer files revised by others except Tropical Architectural Group sub-consultants shall not be issued bearing this title block.
- ii. Drawings, specifications and other documents prepared by Tropical Architectural Group are instruments used solely with respect to this project and the Architect shall retain all common law, statutory and other reserved rights including copyright. The owner shall be permitted to retain copies of the Architect's drawings, specifications and other documents for information and reference in connection with Owner's use and occupancy of project. The Architect's documents shall not be used by anyone for other projects, changes to this project, or for completion of this project by others except by explicit agreement of the Architect. Upon any unauthorized use, reuse or modification to Architect's documents, the Owner agrees to indemnify, defend and hold the Architect harmless from and against claims, suits, demands, losses and expenses resulting from such unauthorized use.
- iii. All written dimensions shall take precedence over scaled drawings. The contractor shall check all dimensions before and during construction. Any discrepancies found must be reported to the Architect immediately. All drawings must be read in conjunction with each other. For clarification of dimensional information or discrepancies with specifications, contact Tropical Architectural Group.

Project Name:

**Proposed  
Yarl Townhouse &  
Apartment**

Client Name:

Thevasaeyan, Sam

Block/Parcel:

20D 171

Location:

George Town

Drawn by:

KMA

Date of Issue:

2/12/2021

Drawing Title:

**Site Plan**



Privacy - Terms





THE DEVELOPMENT AND PLANNING LAW  
SECTION 15(4)  
THE DEVELOPMENT AND PLANNING REGULATIONS  
REGULATIONS 8(12A), 8(12B), 8(12C) AND 8(13)(d)

NOTICE OF APPLICATION FOR PLANNING PERMISSION

TO: NAME&ADDRESS

1. [REDACTED]  
[REDACTED]  
[REDACTED]

FROM: Tropical Architectural Group Ltd. P.O. Box 12218 KY1-1010  
(Name of Applicant - Please Print)

I hereby certify that a copy of this notice was served by Registered Mail on all the above  
registered properties on the Monday, 08 March 2021

Date

Signed: [Signature]

Date: Monday, 08 March 2021

You are hereby notified that an application for planning permission for the purpose of Proposed (10) 2-Storey Apartments; (4) 2-Storey Townhouses; Proposed 2-Storey Clubhouse, Gym, Cabana; Swimming Pool; (2) Development Signs; 4' High Wall with 6' High Gate; Proposed Strata Lots (24 Individual + 1 Common) on Block and Parcel 20D171 and owned by Yarl Towers Ltd. has been submitted to the Central Planning Authority (CPA), Grand Cayman.

Site Plans and Elevations related to this application can be inspected **the Department's website** at: <http://planning-notice.planning.ky/> or at the Department of Planning, located at the Government Admin. Building, 133 Elgin Avenue, George Town, Grand Cayman.

If you wish to object or support the application, you should do so in writing stating your precise grounds within 21 CALENDAR DAYS of the DATE OF POSTING. Your comments should be addressed to the Director of Planning, P.O. Box 113, Grand Cayman KY1-9000, Cayman Islands, or e-mail to [planning.dept@gov.ky](mailto:planning.dept@gov.ky). Please include your return address (typically a PO Box number).

NOTE: Notice must be sent not more than three days prior to the date upon which the application is accepted by the Department of Planning.



Yours sincerely

FULL NAME

925-0431  
BLOCK & PARCEL # OR  
CONTACT DETAILS

  
SIGNATURE

FULL NAME

20E 232

BLOCK & PARCEL # OR  
CONTACT DETAILS

  
SIGNATURE

FULL NAME

20E 235

923-6844  
BLOCK & PARCEL # OR  
CONTACT DETAILS

SIGNATURE

FULL NAME

20E 234

BLOCK & PARCEL # OR  
CONTACT DETAILS

Maschine Gibson

SIGNATURE

FULL NAME

20E 233

939-0870 (medivac)  
BLOCK & PARCEL # OR  
CONTACT DETAILS

Euleta Flores

SIGNATURE

916-  
FULL NAME

20E 283

BLOCK & PARCEL # OR  
CONTACT DETAILS

# OR SIGNATURE

SIGNATURE

FULL NAME

20 Feb 83

BLOCK & PARCEL # OR  
CONTACT DETAILS

Leif Salomon

SIGNATURE

Thank you for your consideration of our objection.

Yours sincerely

Melanie Carmichael

FULL NAME

21E 151

BLOCK & PARCEL # OR  
CONTACT DETAILS

MH Carmichael

SIGNATURE

Berna Cummins

FULL NAME

21E 95896

BLOCK & PARCEL # OR  
CONTACT DETAILS

BL Cummins

SIGNATURE

Anna Peccarino

FULL NAME

23B 106

BLOCK & PARCEL # OR  
CONTACT DETAILS

via email copy

SIGNATURE

Judy Bullmore

FULL NAME

23B 105

BLOCK & PARCEL # OR  
CONTACT DETAILS

via email copy

SIGNATURE

Karen Luitjens

FULL NAME

21C 112

BLOCK & PARCEL # OR  
CONTACT DETAILS

via email copy

SIGNATURE

Janet Walker

FULL NAME

15D 162

BLOCK & PARCEL # OR  
CONTACT DETAILS

via email copy

SIGNATURE

Jeri Bovell

FULL NAME

15D 15

BLOCK & PARCEL # OR  
CONTACT DETAILS

via email copy

SIGNATURE



Thank you for your consideration of our objection.

Yours sincerely

LORI ADAMS

FULL NAME

21E 78

BLOCK & PARCEL # OR  
CONTACT DETAILS

lori.marie.adams@gmail.com

via email

FELICITY JONES

FULL NAME

21E 80

BLOCK & PARCEL # OR  
CONTACT DETAILS

felicity@ajones.ky.

SIGNATURE

SUSANNA DE SARAW

FULL NAME

21E 79

BLOCK & PARCEL # OR  
CONTACT DETAILS

[Signature]

SIGNATURE

Aime Shaw

FULL NAME

21E 99

BLOCK & PARCEL # OR  
CONTACT DETAILS

Aime Shaw

SIGNATURE

Pinara Pinera

FULL NAME

Mangrove Rangers  
BLOCK & PARCEL # OR  
CONTACT DETAILS

via email copy

SIGNATURE

FULL NAME

BLOCK & PARCEL # OR  
CONTACT DETAILS

SIGNATURE

FULL NAME

BLOCK & PARCEL # OR  
CONTACT DETAILS

SIGNATURE

Yours sincerely

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CONTACT DETAILS

SIGNATURE

## Appendix 'C'

## Schneider, Burton

---

**From:** Obi, Uche  
**Sent:** Wednesday, March 24, 2021 4:35 PM  
**To:** samtheva@gmail.com  
**Cc:** Krizelle Atlas; Schneider, Burton  
**Subject:** RE: [EXTERNAL] Fwd: DETAILS OF ACCESS TO 20D 171 VIA BP600  
**Attachments:** BP600 gazette plan.pdf

Hi Sam,

Following our conversation today, the NRA have confirmed that as part of the compensation for the land acquired for the widening of Linford Pierson Highway, the subject parcel will be permitted access onto Boundary Plan 600 which is attached to this email

If you have any questions, please let me know.

*Uche Obi*

**Uche Obi, MA FRICS**  
**Chief Valuation Officer**  
Lands and Survey Department  
133 Elgin Avenue | Government Administration Building  
Box 120 Grand Cayman, KY1-9000 | CAYMAN ISLANDS  
Direct. (345) 244 3644 | Mobile. (345) 926 2131  
Email: [uche.obi@gov.ky](mailto:uche.obi@gov.ky) | Website: [www.caymanlandinfo.ky](http://www.caymanlandinfo.ky)



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**From:** Samuel Thevasaeyan [<mailto:samtheva@gmail.com>]  
**Sent:** Wednesday, March 24, 2021 3:47 PM  
**To:** Obi, Uche  
**Cc:** Krizelle Atlas; Schneider, Burton  
**Subject:** [EXTERNAL] Fwd: DETAILS OF ACCESS TO 20D 171 VIA BP600

Dear Mr. Uche,

Further to our communication and email correspondence below, please send a copy of the Gazette notice confirming that I have legal access to my parcel 20D 171 over the neighbouring property located at Downtown Reach. As the road has been built and I settled the property on the promise that I have the legal access.

Please send me the contact at NRA who can confirm the above. Let me know if you have any questions.

Thanks

Sam

Thanking you in advance.

----- Forwarded message -----

From: **Michael Binckes** <[Michael.Binckes@remax.ky](mailto:Michael.Binckes@remax.ky)>

Date: Fri, Sep 4, 2020 at 4:33 AM

Subject: Fwd: DETAILS OF ACCESS TO 20D 171 VIA BP600

To: samtheva <[samtheva@gmail.com](mailto:samtheva@gmail.com)>

Hi Sam, please see below, a further email from Lands and Survey.

Michael Binckes

Commercial and Residential Leasing & Sales

<http://www.michaelbinckes.com>

Cell:(345) 938-3269

Tel: (345) 945-2011

Fax (345) 949-9743

Begin forwarded message:

**From:** "Turner, Spencer" <[Spencer.Turner@gov.ky](mailto:Spencer.Turner@gov.ky)>

**Date:** September 3, 2020 at 1:18:44 PM EST

**To:** Michael Binckes <[Michael.Binckes@remax.ky](mailto:Michael.Binckes@remax.ky)>

**Cc:** Oliver Williams <[oliver.williams@ddlstudio.com](mailto:oliver.williams@ddlstudio.com)>

**Subject:** DETAILS OF ACCESS TO 20D 171 VIA BP600

Sir

I have checked with the NRA officials, and am able to confirm as follows:

The NRA advises that it began construction works of BP600.

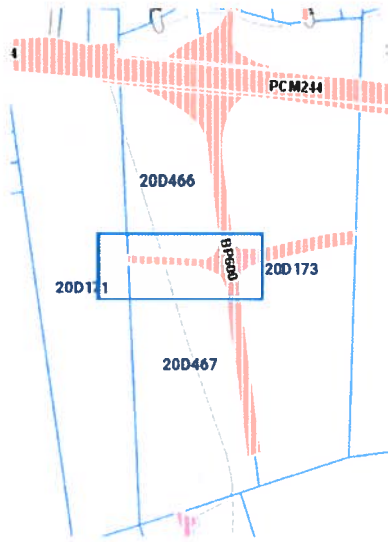
The construction works is from the LPH and includes the section

that is highlighted below (between 20D466 and 20D467)

and as far as parcel 20D171 – the works in current progress

**will not include the section that bisects 20D173**

The construction works are anticipated to be done by early October 2020.



I trust that this resolves this matter.

**You are free to distribute this, as appropriate**

**Spencer Turner**

**Valuation Officer**

Lands & Survey Department

Cayman Islands Government

Box 120, 133 Elgin Avenue

Grand Cayman KY1-9000

## CAYMAN ISLANDS

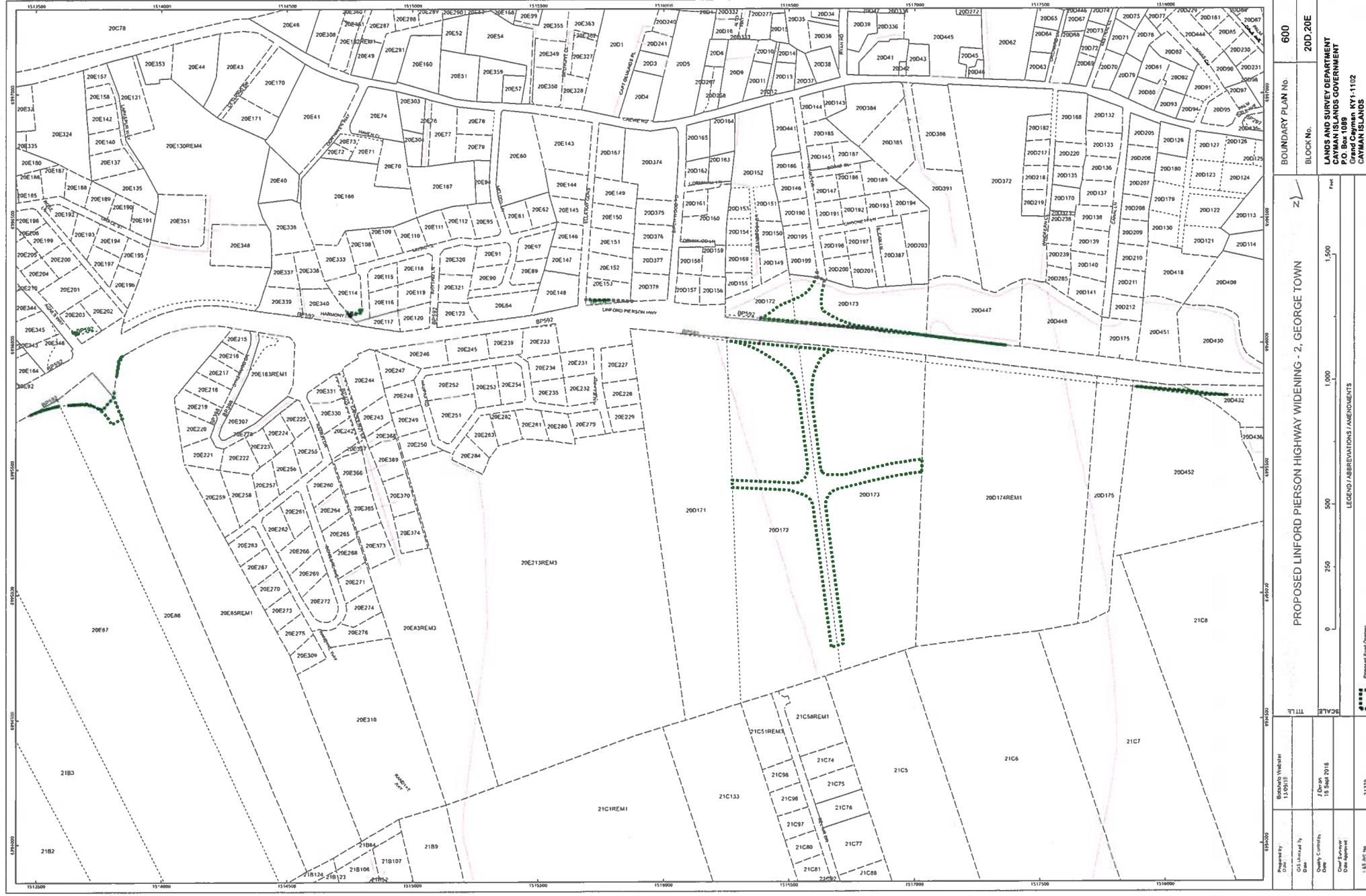
Email: [spencer.turner@gov.ky](mailto:spencer.turner@gov.ky)

Tel: +1 (345) 244 3508

Fax: +1 (345) 949 2187

Web: [www.caymanlandinfo.ky](http://www.caymanlandinfo.ky)







## Appendix 'D'

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12 March 2021

**Via Email:** [planning.dept@gov.ky](mailto:planning.dept@gov.ky)

Mr. Haroon Pandohie  
Director of Planning, Government Administration Building  
133 Elgin Ave, George Town, Grand Cayman

Dear Sirs,

**Re: Yarlca Ltd / Proplus Block 20D Parcel 171 - Land Clearing and Rezoning Application now subject to a Planning Application P21-0066 / Ergun Berksoy**

We write with reference to the Land Clearing and Rezoning Application in relation to Block 20D Parcel 171 which is due to be considered on 17 March 2021. We wish to bring to your attention the following considerations in relation to (1) the proposed rezoning application; (2) the proposed land clearing.

### **1. The Proposed Rezoning**

It is worth noting three things which are of paramount importance in relation to any rezoning applications from the outset:

- (1) According to the Department of Planning's website and in particular the Zoning Guidelines ([http://www.plancayman.ky/wp-content/upload/dlmuploads/Zoning\\_Guidelines\\_2017\\_rev\\_2.pdf](http://www.plancayman.ky/wp-content/upload/dlmuploads/Zoning_Guidelines_2017_rev_2.pdf)), *"The Zoning Map for Grand Cayman will be reviewed as part of the process for preparing PlanCayman. This will take place at a later date once Goals and Objectives have been agreed and Area Plans have been prepared."*
- (2) The Zoning Guidelines on the Planning Department website are based on the Development & Planning Regulations (2016 Revision) and the Development Plan 1997 (2017 Rev) which has not been updated so far. Therefore, it would be inappropriate to consider and determine any applications for rezoning which essentially and very substantially alter the development plan that is currently in force before the said "Goals and Objectives have been agreed and Area Plans have been prepared".
- (3) A 108 page National Planning Framework ("NPF") completed in November 2018 was presented to Cabinet in November 2019 which is a good start for putting together

comprehensive area development plans, based on feasibility studies and environmental impact assessments and with public consultation in order to ensure that any rezoning and/or development in the area does not have an adverse impact on the area, the infrastructure or the existing community. Specifically, this land falls within the George Town catchment and given the completion of the 7-mile beach phase, will be the next sector or zone to be considered under the NPF.

The proposed rezoning would have serious adverse impacts on (1) the already failing infrastructure of the area – traffic congestion is a serious problem along South Sound Road already and there are serious concerns about road safety all along South Sound Road which would be severely exacerbated by any additional high density developments that would result from a rezoning of the relevant areas; and (2) the drainage basin - the local area is already prone to severe flooding and rezoning and land clearing would adversely affect the South Sound drainage basin (this is dealt with in more detail below).

It would be inappropriate to allow the proposed rezoning without first obtaining a feasibility study to ensure that the proper infrastructure is in place to support the additional development that is being proposed, and an environmental impact assessment to ensure that what is being proposed is also feasible and would not damage the area from an environmental perspective.

No feasibility studies nor any environmental studies have been submitted with the application. It is doubtful that any were carried out. No comments were provided from the National Roads Authority or the Water Authority because the application was mischaracterised as a rezoning and a land clearing application with 'no immediate plans to develop' which pushed it under the radar of the NRA and Water Authority. In the circumstances, it would be inappropriate to consider the application in the absence of any such studies and/or reports. There is no urgency in determining the rezone application of 20 October 2020 given that it explicitly stated '**at this point in time we do not have the future development of the parcel planned**' (**emphasis added**). Therefore, there can be no justification for rushing through the application without first considering: (1) a feasibility study; (2) an environmental impact assessment; (3) NRA comments; (4) Water Authority comments; and (5) public consultation in the context of putting together an Area Development Plan – **as expressly stated on the Planning Department Website would be done before changing the Zoning Plan.**

## **2 The Proposed Land Clearing**

This application has been filed piecemeal. The application to rezone on 3 February 2021 under the name of Yarlca Ltd was handled by Richard Mileham but the application before the board on 17 March 2021 to apply to have the land cleared is being handled by Burton Schneider; whereas a further separate planning application for 105 units is mentioned in the Agenda which has not yet been reviewed- all in a period of only 5 weeks. When looked at individually they have separate context but when looked at collectively they are considerably more impactful.

- (a) The application for high density low income housing is concerning without a proper business plan or a capacity plan.
- (b) With elections around the corner it is interesting to hear what candidates representing residents in this high traffic and flood zone have to say (see Prospect Chamber forum: <https://www.youtube.com/watch?v=TQhiNz7e20c>). Irrespective that the CPA is a government appointed board, the board has a duty to act in good faith in the interests of the country as a whole at all times, including leading up to elections and despite any political pressure that may be exerted upon it. As expressly stated on the Department of Planning website, there should be no alteration of the zoning map unless and until a comprehensive area development plan is in place. We need to revisit the lessons learnt and talked about after Hurricane Ivan for the South Sound drainage basin. There needs to be a sustainable plan in relation to any further development in this area.

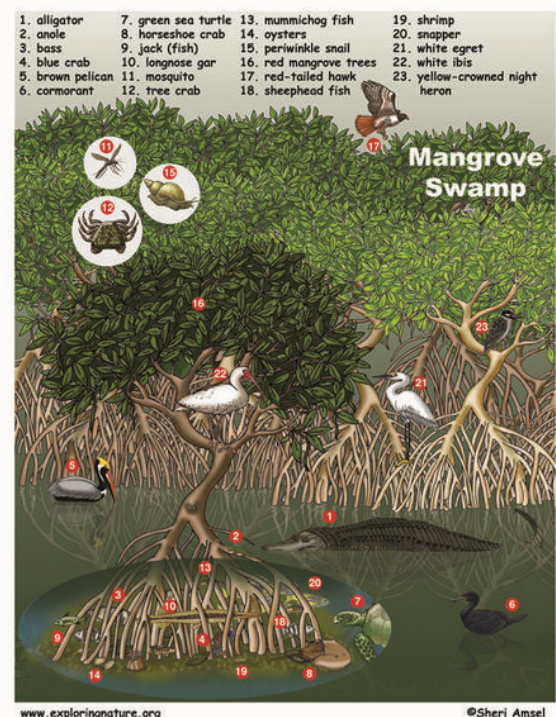
### 3 Environmental concerns

*Under authority given by NCL s.17 (3) (b) (iii) mangroves may not be taken, meaning they may not be killed, collected, destroyed, damaged, or harmed, except under the following conditions:*

*1. Planning Permission has been granted for a project impacting mangroves, by the Central Planning Authority or Development Control Board, and any conditions which must be met before this permission is valid or implementable, have been met. To my knowledge, no rezoning or planning permission for development has been granted.*

Although the application sits entirely in a large zoned area of Low Density Residential south of the Lindford Pearson Highway, the existing area is "natural" in terms of character under the current development planning law. Under the new guidelines of the draft NPF and Zoning requirements, as approved by the CPA and yet to be passed into law, natural land character, neighbourhood goals and objectives and the preservation of our eco-systems is considered a matter of high importance following national consultation. In fact, a recent data report conducted by Amplify Cayman <https://bit.ly/3ca5aEA> noted that *99% feel that the protection of mangrove wetlands is either important or very important*, highlighting the need to strengthen protection for such areas within national and neighbourhood plans.

The proposed land consists of primary habitat uninfluenced by human activity which is a critical ecosystem that helps mitigate climate change. Removing mangroves reduces our ability to offset



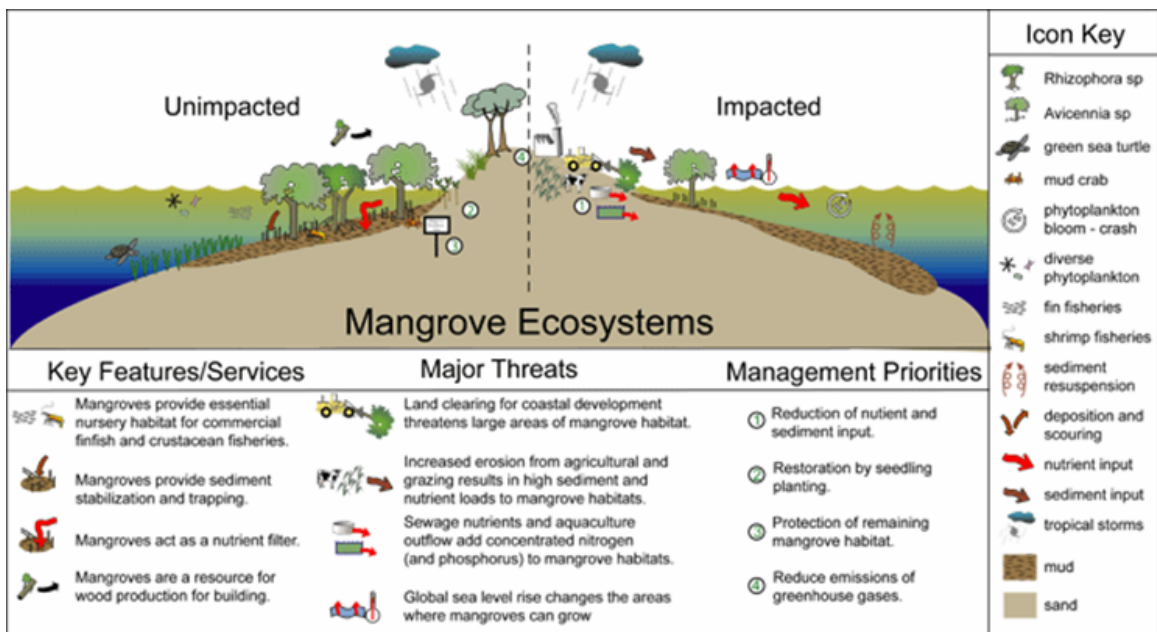
[www.exploringnature.org](http://www.exploringnature.org)

©Sheri Amsel

carbon naturally, and the South Sound catchment basin acts as a natural water catchment, storage and flood control zone failing any national stormwater management plan.

Mangrove loss to our islands has been so extensive it has triggered local Red-listing criteria. In 2008, the CI national IUCN Red List status of Black Mangrove was assessed as Endangered, White Mangrove and Buttonwoods both as Vulnerable and Red Mangrove as Near-Threatened. The Ramsar Convention (1971) has been extended to the Cayman Islands, requiring a commitment to work towards the wise use of our mangrove and other wetlands through national plans, policies and legislation, management action and public education. All of the four mangrove species are protected species under Part 2 of Schedule 1 of the National Conservation Law.

Perhaps more easily put, mangrove communities support diverse species and afford flood protection (see diagrams).



Consideration has not been given to retain a significant mangrove buffer and stormwater swale; **this opportunity will be lost if land clearing approval is granted.**





Consideration for mangroves to be retained as LPP and adapted for public use and wellness (walking trails and bicycle paths) within both the Yarlca footprint and the National Housing Development parcel must be strongly considered in the context of a district wide Area Development Plan, BEFORE, any rezoning is allowed and even before any land clearing is allowed, as once mangroves and other indigenous vegetation are removed, **this opportunity will be lost.**

Please see following document for additional benefits of protecting and conserving: <https://www.nature.org/media/oceansandcoasts/mangroves-for-coastal-defence.pdf>

#### **4. Lack of Neighbourhood Plan**

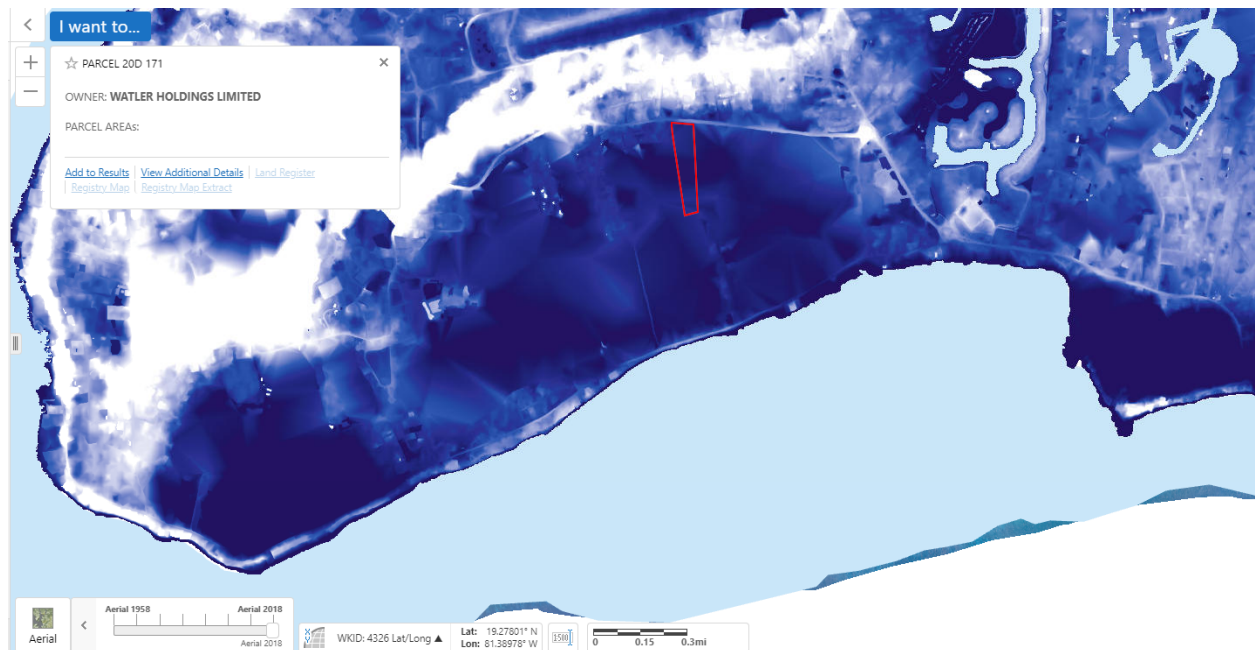
There can be no argument that we need an updated development plan before allowing any rezoning and that we need to address infrastructure before approving more development. The bottleneck traffic leading into the Hurley's roundabout and heavy congestion all along South Sound Road that local residents have to suffer on a daily basis, with the road safety issues and concerns that entails, needs to be resolved before adding several thousands additional vehicles into the equation, and a comprehensive and feasible roads and infrastructure plan needs to be urgently developed – with extensive public consultation – before adding any additional burden to the already clogged system and infrastructure. The traffic policy needs to be addressed holistically and not piecemeal for each development to include safe connected sidewalks, bicycle paths and pedestrian crossings that are also sensitive to the environment and quality of life eg trees and friendly lighting.

The lack of a storm water management system in which the 2015 authority directive memo outlined that a basin-wide approach is urgently needed and was to issue an RFP to undertake a hydrological assessment and devise a management plan for the proposed S26 road and future development goes unanswered. Yet we have funding for other less prioritized projects in the district such as the proposed upgrading of Smith Barcadere.

Concerns regarding increased density of hardstanding in an ecologically sensitive and fragmented area that provides hydrological functions are being ignored. Determining the suitability of HDR in this location based on the surrounding low density development, it is not clear if or how the developer proposes to implement a thorough and costly stormwater management system for the development site. Given the potential runoff and flooding impacts, there are numerous factors yet to be considered and acceptable proposals need to be presented together with any application for clearing or rezoning. The application that has been presented so far is lacking in these and many other respects.

The sanitation issue is enormous with septic tanks and sewage contamination in flood events as we have no plan to manage human waste.

The request for the adjacent parcel owned by National Housing Trust has been added to the application for rezoning without any consideration of the habitat location or flood area.



Hurricane Ivan 2004 flood map



## Application Process

In the short time available to me to identify the above I provide the below timeline. Although I have been advised that I may be out of time to Object, I do not concur with this given all that I have outlined above and the attempts made on my part to raise concerns in the community. Clearly my urgent submission on 29 January 2021 was received by the Planning dept as I received a response from Planning on 26 February 2021.

Under Part 2 of the 1997 Development Plan Statement, the Central Planning Authority has the discretion and authority to review and determine that the plan is unsuitable for clearing or rezoning at this time given the entire context now set out in the points above.

**20 Oct 2020**

Rezone application submitted by Cayman Survey Associates Ltd on behalf of Yarlca Ltd.

**4 Nov 2020**

DOE comments and concerns raised in regards to rezoning in South Sound drainage basin.

**11 Dec 2020**

Application to clear lands received- not public. As there are no occupied neighbouring parcels no notice required.

**29 Jan 2021**

Writer became aware of rezone application and wrote urgent email to my GTE MP raising issues about lack of consultation with the district and requesting a meeting with Minister Hew. Although acknowledged no response to the points raised were received from either Cabinet member.

**3 Feb 2021**

CPA03/21, item 3.3 agenda and meeting to consider and approve rezone by Yarlca Ltd:  
<https://www.planning.ky/wp-content/uploads/Acpa0321.pdf>

**26 Feb 2021**

email from Haroon Pandohie providing link to minutes that approve the rezone application:  
<https://www.planning.ky/wp-content/uploads/meetings/Mcpa0321.pdf>

**5 Mar 2021**

met with Richard Mileham, discussed the application status and obtained copy of 60day public notice from newspaper.

RE: [EXTERNAL] Planning Hearing Agenda - 3 February



McTaggart, Roy <Roy.McTaggart@gov.ky>  
2/2/2021 9:58 AM

To: Melanie C

Good morning Melanie,

Thank you for your message.

I have reached out to Minister Hew for information about the issues you raise, and will share this when I receive a response. Regarding the PlanCayman review, my understanding is that it will move to the George Town area next. However, for obvious reasons, it has fallen behind schedule.

Environmental and sustainability issues will be a part of the Progressives Re-election platform.

Best regards,



**Roy M. McTaggart, JP MP** | Minister for Finance and Economic Development  
Ministry of Finance & Economic Development | Cayman Islands Government  
Government Administration Bldg, PO Box 131 | Grand Cayman KY1-9000 | Cayman Islands  
Tel: (345) 244-3185 | Mobile: (345) 324-1942 | E-mail: [roy.mctaggart@gov.ky](mailto:roy.mctaggart@gov.ky)

From: Melanie C [mailto:[melodyc2010@gmail.com](mailto:melodyc2010@gmail.com)]

Sent: Friday, January 29, 2021 8:19 AM

To: McTaggart, Roy

Subject: [EXTERNAL] Planning Hearing Agenda - 3 February

Dear Roy,

I refer to the attached rezoning application from Yarlca Ltd.

As my local representative and referring to our meeting last year, I am bringing this to your attention with the following concerns.

- 1) There has been no comment from the NRA. Given the situation with rush hour traffic there should be relevant comments in the matter of public interest.
- 2) The NRA made it clear at our meeting that the proposed East/West bypass road to the South was a very long way away from becoming a reality whereas planning continue to approve housing developments, or rezoning in this case. Rather than a piecemeal approach there needs to be a long-term traffic capacity and safety review done for this priority route.
- 3) Do we know where the new connector road will be to South Sound Road? It was originally gazetted to be through the Vela development. Like we have done with Pirate Cove Estates, if a large community park green zone with retained mangrove drainage parkland on either side of the North/South connector road could be reserved and acquired with running /cycling paths it will be hugely beneficial for the community. To be clear, I am not suggesting a paved urban reserve but a natural scape to preserve biodiversity, offset carbon pollution, offset run off

10 Mar 2021

received follow up to confirm land clearing application from Pro Plus Construction item 2.8 will be heard 17 Mar 2021 and that the applicant has recently submitted a planning application, which has been assigned to Burton Schneider.

<https://www.planning.ky/wp-content/uploads/meetings/Acpa0621.pdf>

11 Mar 2021

reached out to Burton Schneider to obtain details of date of land clearing application (noted above) and planning application. He correctly advised that only adjacent landowners would have received notice.

In closing, this letter outlining concerns is supported by a growing number of residents in the South Sound coastal community area. Some of their names are listed below as party to this objection. Others support the objection but wish to remain anonymous (but will no doubt be influenced by how this and similar applications are dealt with when exercising their vote next month).



**NB: Much of the aforementioned information is relevant to the Ergon Berksoy development application which has applied to remove some 50 acres of mangrove and will be discussed at the same board meeting next week.**

If all approved without mitigation or consideration of the facts, with the future development of Cayman Enterprise City - the entire South Sound wetlands basin will be decimated putting the Government at risk of legal action in the future.

I look forward to receiving your acknowledgement of receipt.

Sincerely,  
Melanie Carmichael  
*signed electronically*

Cc: Roy McTaggart MP | Joey Hew MP | Alden McLaughlin MP  
Chairman of the Central Planning Authority  
Planning Officers | Dept of Environment

Objectors:

Berna Cummin 21E 95 & 96  
Anna Peccarino 23B 106  
Judy Bullmore 23B 105  
Karen Luitjens 21C 112  
Melanie Carmichael 21E 151  
Janet Walker and family 15D 162 etc.  
Jeri Bovell 15D 15  
Shirley Roulstone  
Tiffany Polloni