

Central Planning Authority

Minutes of a meeting of the Central Planning Authority held on **May 25, 2022 at 10:00am** in **Conference Room 1038, 1st Floor, Government Administration Building, and Elgin Avenue.**

14th Meeting of the Year

CPA/14/22

Mr. Ian Pairaudeau (Chair)
Mr. Handel Whittaker (Deputy Chair) (via Zoom) (left at 5:00)
Mr. Joshua Bernard
Mr. Gillard McLaughlin
Mr. Charles Russell Jr. (apologies)
Mr. Windel Scott (apologies)
Mr. Peter Campbell
Mr. Kenneth Ebanks (left at 5:30)
Ms. Danette McLaughlin
Ms. Shakina Bush (left at 5:05)
Ms. Christine Maltman, MCIP, AICP (Acting Chair 2.24)
Ms. Celecia Bancroft (via Zoom)
Mr. Ashton Bodden (left at 3:45)
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

List of Applications Presented at CPA/14/22

- 2.1 THE MEADOWS (TAG Ltd) Block 9A Parcel 639 (P21-0655) (JP) 4**
- 2.2 PRO-PLUS CONSTRUCTION LTD. (TAG) Block 15E Parcel 95 (P21-1317) (\$40 million) (NP) 11**
- 2.3 CHARLOTTE BAILEY (CS Designs) Block 44B Parcel 3 (P22-0116) (\$800,000) (NP) 23**
- 2.4 FABIAN WHORMS (Island Drafting) Block 28B Parcel 68 (P22-0167) (\$1,798,200) (NP) 35**
- 2.5 LM De MERCADO (Great Elegance Consulting) Block 27D Parcel 287 (P21-1194) (\$534,000) (JP) 47**
- 2.6 ROGER S. FREEMAN (George Manderson Jr.) Block 14BJ Parcel 19 (P21-1163) (\$100,000) (NP) 50**
- 2.7 RENA MANDERSON (JMP Construction) Block 8A Parcel 116 (P19-0926) (\$600,000) (MW) 60**
- 2.8 BLACK URCHIN RESORT (Paradise Drafting Ltd) Block 48C Parcel 16 (P22-0196) (\$18,000) (JP) 66**
- 2.9 SPOTTS (CAYMAN) LTD. (Paradise Drafting Ltd.) Block 12C Parcel 451/3H10H13 (P22-0128) (\$16,000) (BES) 67**
- 2.10 NOVUS DEVELOPMENT (CAYMAN) Ltd. (Novus Dev.) Block 5C Parcel 358 (P21-1302) (\$900,000) (EJ) 70**
- 2.11 MORNE BOTES (Abernethy & Associates) Block 1D 603 Rem 1 (P22-0370) (\$4,814) (NP) 73**
- 2.12 GEORGIA SCOTT (JMP Construction) Block 22E Parcel 56 (P22-0395) (\$600,000) (EJ) 75**
- 2.13 ANNIE'S PLACE (PBP&J Development) Block 1D Parcel 76 (P21-0995) (\$860,000) (JP) 76**
- 2.14 UNITED PENTECOSTAL CHURCH (Whittaker & Watler) Block 4C Parcel 272 Rem 2 (P22-0201) (\$2.4 million) (NP) 83**
- 2.15 LUKE & MIRIAM BERRY (TSC Architecture) Block 22D Parcel 12 (P22-0195) (\$524,750) (EJ) 87**
- 2.16 MARVA HEWITT (GMJ Home Plans Ltd.) Block 27D Parcel 278 (P22-0275) (\$244,000) (EJ) 90**
- 2.17 PATRICK SAKALA (JMP Construction) Block 5C Parcel 362 (P22-0202) (\$15,000) (EJ) 93**
- 2.18 HARBOUR WALK Ltd (BDCL) Block 22E Parcel 445 (P21-1289) (\$4,000) (JP) 95**
- 2.19 SHALICE CLARKE (Craftman's Touch) Block 43A Parcel 186 (P22-0302) (\$440,000) (JP) 97**
- 2.20 OMARI RANKINE (Tropical Architectural Group Ltd.) Block 27C Parcel 825 (P22-0089) (\$531,840) (MW) 99**
- 2.21 JOHN BURKE (Abernethy & Associates) Block 9A Parcel 725 (P22-0091) (\$3,650) (NP) 102**
- 2.22 JOSEN EBANKS (AD Architecture) Block 4B Parcel 535 (P22-0281) (\$814,680) (NP) 105**
- 2.23 GOVERNOR'S VILLAGE (Trio Design) Block 11D Parcel 86, 87 and 89 (P22-0348) (JP) 107**

- 5.1 **EDIEL ENRIQUE GARCIA Block 54D Parcel 94 (P21-0096) (JP) 110**
- 5.2 **WALLACE ROLANDO RANKIN Block 14E Parcel 179 (CE22-0080) (TY) 111**
- 5.3 **HOPE LEACH, MURIEL LEACH & CARSON LEACH Block 13D Parcel 219 (CE22-0081) (TY) 111**
- 5.4 **MARDITH REYNOLDS & DESWRICK POWELL Block 13D Parcel 232 (CE22-0082) (TY) 111**
- 5.5 **LOIS ANN ARTIAGA & MARTHA EBANKS Block 14E Parcel 213 (CE22-0096) (TY) 112**
- 5.6 **GLENROY BENJAMIN MANNING Block 14E Parcel 196 (CE22-0066) (BP) 112**
- 5.7 **BEVERLY CYNTHIA VERNON & GLACESTER VERNON Block 14D Parcel 192 (CE22-0067) (BP) 112**
- 5.8 **ARDEN CHURCHILL FORBES Block 56B Parcel 3 (CE22-0071) (BP) 112**
- 5.9 **HARRIS RESIDENCE Block 10A Parcel 144 (RS) 113**
- 5.10 **GOVERNORS VILLAGE Block 10E Parcel 66 (HP) 113**
- 5.11 **LEON RHULE Block 15E Parcel 309 (P21-0283) (EJ) 113**

APPLICANTS ATTENDING THE AUTHORITY'S MEETING

Applicant Name	Time	Item	Page
The Meadows	11:00	2.1	4
Pro Plus Construction	11:30	2.2	11
Charlotte Bailey	1:00	2.3	23
Fabian Whorms	1:30	2.4	35
LM De Mercado	2:00	2.5	47
Roger Freeman	2:30	2.6	50

1. 1 Confirmation of Minutes CPA/13/22 held on May 11th, May 2022.

Moved: Gillard McLaughlin

Seconded: Kenneth Ebanks

Confirmed

1. 2 Declarations of Conflicts/Interests

Item	Member
2.4	Ashton Bodden
2.24	Ian Pairaudeau

2.0 APPLICATIONS

APPEARANCES (Items 2.1 to Item 2.6)

2.1 THE MEADOWS (TAG Ltd) Block 9A Parcel 639 (P21-0655) (JP)

Application to modify Planning Permission to revise the site plan and buildings.

Appearance at 11:00

FACTS

Batabano Road, West Bay

Zoning

LDR

Notification result

Objectors

Parcel size proposed

8 ac. (348480 sq. ft.)

Current use

Under construction (residential)

Proposed building size

143,874 sq. ft.

Total building site coverage

25.77%

Allowable units

120

Proposed units

113

BACKGROUND

March 18, 2020 (CPA/06/20; item 2.32) – application to modify floor plans approved (P20-0122)

January 8, 2020 (CPA/01/20; item 2.2) – Planning Permission granted for 113 units, associated infrastructure and strata subdivision (P19-1049, P19-1047 and P19-1099)

Decision: It was resolved to adjourn the application for the following reasons:

- 1) The applicant must provide a survey showing:
 - a) the as-built road location
 - b) the proposed 22' road widening
 - c) the distances from the sewage treatment plant to the adjacent parcel boundary
- 2) The applicant must submit a revised site plan showing the gates on Jubilee Lane as sliding gates, not swinging.

AGENCY COMMENTS

Water Authority

Wastewater Treatment and Disposal

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

- The proposed development **requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification** that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed system shall have a treatment capacity of at least 22,350 US gallons per day (gpd),** based on the following calculations.

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG
<i>Building 1</i>	<i>4 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>2,100</i>
	<i>4 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	
	<i>2 x 3-Bed Units</i>	<i>300gpd/3-Bed</i>	
<i>Building 2</i>	<i>4 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>2,100</i>
	<i>4 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	
	<i>2 x 3-Bed Units</i>	<i>300gpd/3-Bed</i>	
<i>Building 3</i>	<i>4 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>2,100</i>
	<i>4 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	
	<i>2 x 3-Bed Units</i>	<i>300gpd/3-Bed</i>	
<i>Building 4</i>	<i>4 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>2,100</i>
	<i>4 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	
	<i>2 x 3-Bed Units</i>	<i>300gpd/3-Bed</i>	
<i>Building 5</i>	<i>5 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>1,650</i>
	<i>4 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	
<i>Building 6</i>	<i>5 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>1,650</i>
	<i>4 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	
<i>Building 7</i>	<i>4 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>2,100</i>
	<i>4 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	

	2 x 3-Bed Units	300gpd/3-Bed	
Building 8	3 x 1-Bed Units 4 x 2-Bed Units	150gpd/1-Bed 225gpd/2-Bed	1,350
Building 9	4 x 1-Bed Units 4 x 2-Bed Units 2 x 3-Bed Units	150gpd/1-Bed 225gpd/2-Bed 300gpd/3-Bed	2,100
Building 10	4 x 1-Bed Units 4 x 2-Bed Units	150gpd/1-Bed 225gpd/2-Bed	1,500
Building 11	4 x 1-Bed Units 2 x 2-Bed Units	150gpd/1-Bed 225gpd/2-Bed	1,050
Building 12	4 x 1-Bed Units 2 x 2-Bed Units	150gpd/1-Bed 225gpd/2-Bed	1,050
Building 14	4 x 1-Bed Units 4 x 2-Bed Units	150gpd/1-Bed 225gpd/2-Bed	1,500
Clubhouse 1	1,600 sq. ft.	0	0
Clubhouse 2	2,520 sq. ft.	0	0
TOTAL			22,350 GPD

- ***Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 8". Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.***
- ***To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'6" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.***

Generator and Fuel Storage Tank(s) Installation

In the event underground fuel storage tanks (USTs) are used the Authority requires the developer to install monitoring wells for the USTs. The exact number and location(s) of the

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

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

Water Supply:

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.*

OBJECTIONS

See Appendix A

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in the West Bay area of the district characterised by low level development or vacant land. To the east, south-west and north-west the application site is bound by vacant land. To the west and south-east significant detached dwellings share boundaries with the application site. Batabano Road, which serves the site, runs along the northern boundary and Jubilee Lane is south-west.

The application seeks to modify an existing planning permission with the following:

- Site plan
 - gas tanks resited
 - gates proposed on jubilee lane
 - aerobic treatment plant moved plus a second one proposed
 - pool minor alterations
- Building 11 and 12
 - reduction in floor area – design overhauled
- Building 8
 - change in design
- Building 10 and 14
 - reduction in floor area – design overhauled
- Building 5
 - reduction in floor area – reduced number of bedrooms.
 - changed design
- Building 6
 - reduction in floor area – reduced number of bedrooms.
 - changed design
- Building 1 and 3
 - internal alterations only
- Building 2 and 4
 - building 2 changed from previously approved.

- Reduction in floor area
reduced number of bedrooms.
changed design
- Clubhouse
increase in floor area.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Proposed gates on Jubilee Lane

The proposed gates form part of the boundary treatment of The Meadows and define the edge of the lane. Members' attention is drawn to two aspects:

Stacking

Siting of the proposed gates along the defined edge would result in vehicles stacking along Jubilee Lane. The gates should be setback in order to ensure the free flow of vehicles along the Lane.

Despite annotation on the site plan, a swing gate is depicted which would oversail Jubilee Lane creating a hazard for the lane users.

Width of Jubilee Lane

The proposed gates would enable vehicles to enter and leave The Meadows through an alternative point. The width and lack of any other information to the contrary would enable two-way traffic to utilise the gate.

Jubilee Lane measures 16' 5" at the narrowest point which is inadequate to support two-way traffic whereby a minimum of 22' in width should be provided.

At 11:00am, Kris Bergstrom appeared on behalf of the applicant. Neil Burrows, Susan Wilson, Tiger Wilson and Don Patrick appeared as objectors. Summary notes are provided as follows:

- Mr. Bergstrom provided several comments:
 - He made a modification in June, 2021 which changed the mix of units and decreased the size of the buildings and number of bedrooms and these plans showed the sewage treatment plant (STP) being relocated, but he wasn't aware of it
 - There was a lot of back and forth with the Water Authority regarding the size of the STP and this new location is better for putting landscaping around it.
 - The main gates have now been moved further away from Batabano
 - He has a stamped approved plan showing the STP in this location so he didn't realize it was an issue
 - Regarding the gates on Jubilee, he will ensure they are sliding
 - Originally he had 4 plants, but due to discussion with the Water Authority that has been reduced to 2, but they did get a bit bigger, one will serve phase 1 and the other will serve phase 2
 - STP's are very costly and maintenance is sensitive so fewer is better
 - The original design of the STP's had the blower motors on top, this new design is an upgrade and the blower motors will be on the side and will be no higher than the height of the tank

- The pumps and blowers will be enclosed
- These tanks also have a specific type of lid to prevent odours from coming out which has been an issue in the past
- The tanks next door at Mr. Burrows' development does not use these upgraded tanks
- They wanted to decrease odours which is why they went with these type of lids
- With his original approval it shows Jubilee increasing from 12' to 22' and it sits completely on his parcel
- The Planner's comments state the lane is 16.5' and yes, it exists like that, but all the plans show it being 22' so it will be widened and improved
- The Authority asked for input from the objectors.
- Ms. Wilson provided several comments:
 - Her main concern is the placement of the STP
 - When they saw the hole being dug they found out it was for the STP
 - It is located on a blind corner and there is no way to see around it
 - They have seen many near collisions
 - Right past their gate the road is 11"10" so it can't be 22', where does the extra land come from because it's not coming from her land
 - Even if it was widened to 2 lanes you can't see around it
 - She has lived there for 40 years and she did not want to live on a main road, she wanted peace and quiet
 - There is a development to the west and they have been very respectful and even move their STP away from them
 - Now she will sit on the front porch and smell sewage
 - People from the apartments use the road and disturb their peace and quiet
 - The entrance to The Meadows is angled across Jubilee and people don't look when they enter and her son almost got killed because of it
- Mr. Burrows explained he represents the development to the left. He noted that they moved their STP because the neighbours complained. People downwind are affected by the smell from the sewage. This STP needs to be moved so if it fails, The Meadows is affected.
- Mr. Patrick noted that there is also a dumpster near the proposed gates on Jubilee and the prevailing wind brings smells that affect him on 9A 260. Jubilee Lane is on Mr. Bergstrom's land but the previous owner rounded off the corner by the gates and asked no money for it.
- Mr. Wilson asked the members how they would like to pass a STP right in front of their houses. The developer did not get approval to dig the hole and they reported it from day one. They should have waited for approval before they went forward with the STP.
- Mr. Patrick noted that Mr. Bergstrom talks about widening Jubilee to 22' for two way traffic, but it needs to be 25' wide so people can walk and where will he get the land to widen it.
- The Authority noted that if the development was approved like that then the developer

has to do it.

- Ms. Wilson noted that Jubilee can never be 22' wide where the STP is located.
- Mr. Patrick noted that he thought there had to be a sidewalk for apartments. The road needs speed bumps and the gates should be relocated further up Jubilee.
- Ms. Wilson noted that with Mr. Burrows' application they had an issue with using Jubilee and the CPA told him to leave Jubilee alone.
- Mr. Patrick advised that Mr. Bergstrom came to their homes and said he would never touch Jubilee.
- Mr. Bergstrom provided several comments:
 - He has no intention to disrupt their lives, he just wants to improve Jubilee
 - The legality is that there is a 12' wide right-of-way over his land
 - He thought widening it to 22' would be a good balance between what he gives up and widening the lane
 - He doesn't want to give up the right to land he owns
 - The last person that wants a STP is him, but he has to put it somewhere
 - He relocated it 40' from where it was originally shown so if there are smells from it, being 40' closer won't matter
 - Regarding visibility he will work with the neighbours, but it has been a blind corner for a long time and a limited number of people use the road
 - At the corner he will widen the road as much as possible
- The Authority asked if the road would be widened inside the current construction hoarding and Mr. Bergstrom replied that is correct.
- Ms. Wilson noted that they have a wall on the boundary and she provided several measurements of the road width in this area by the STP. She noted that even if the road is 22', two cars can't squeeze between two concrete structures.
- Mr. Patrick noted that where the main gate is now, cars shoot straight in and there is a traffic conflict. He suggested that the access for The Meadows should be angled to the east. He also noted that there is a hedge along the boundary next to Jubilee and you can't see west until you get to the end of the road.
- The Authority explained that the entrance shown on the site plan was approved originally so they can't address it now.
- The Authority asked if the hedge goes up to the public road because under the Roads Law there can't be obstructions of sight lines and that includes hedges so they may wish to speak with NRA.
- The Authority asked Mr. Bergstrom if he can move the STP and he replied it is already there and he has a stamped approved plan showing it in this location.
- Ms. Wilson advised that the plan was stamped in February, 2022 and they brought their concerns in 2021 and sent in photos so there was blatant disregard.
- Mr. Wilson advised that he doesn't want the STP in front of his house.

2.2 PRO-PLUS CONSTRUCTION LTD. (TAG) Block 15E Parcel 95 (P21-1317) (\$40 million) (NP)

Application for 8 apartments and a wall.

Appearance at 11:30

FACTS

<i>Location</i>	South Sound Road in George Town
<i>Zoning</i>	Beach Resort Residential
<i>Notification Results</i>	Objections
<i>Parcel size</i>	0.4 acres
<i>Parcel size required</i>	0.5 acres
<i>Current use</i>	House
<i>Proposed use</i>	Apartments
<i>Building Footprint</i>	3,979 sq. ft.
<i>Building Area</i>	20,305 sq. ft.
<i>Site Coverage</i>	17.2%
<i>Number of Units Allowed</i>	8
<i>Number of Units Proposed</i>	8
<i>Number of Bedrooms Allowed</i>	24
<i>Number of Bedrooms Proposed</i>	8
<i>Parking Required</i>	12
<i>Parking Proposed</i>	13

BACKGROUND

February 9, 2022 (CPA/04/22; Item 2.1) – The Authority resolved to adjourn the application at the request of the applicant. The applicant has since revised the original plans.

Decision: It was resolved to refuse Planning Permission for the following reasons:

- 1) The building is designed such that it is 5 storeys when viewed from the side elevations and this is contrary to regulation 8(2)(f) of the Development and Planning Regulations (2021 Revision) and the Authority has no discretion to vary the number of storeys per Regulation 8(13).
- 2) The application does not comply with the minimum lot size requirement per Regulation 15(4)(a)(iii) of the Development and Planning Regulations (2021 Revision) and the Authority is of the opinion that pursuant to Regulation 8(13)(b), the applicant failed to

demonstrate that there is sufficient reason and exceptional circumstance to warrant allowing the lesser lot size.

- 3) The site plan has been designed with 4 surface parking spaces that will not function properly as they will interfere with vehicles entering and exiting the lower level parking area.
- 4) The site plan is designed such that the exit lane along the westerly boundary does not provide for substantial landscaping between the driveway and property boundary.
- 5) Section 3.03 of the Development Plan 1997 states that the intent of the Beach Resort Residential zone is to provide a transition between the Hotel/Tourism zone and the Low Density Residential zone. Section 3.03 (b) goes on to state that the Authority shall ensure that harmonious and compatible land use with adjacent properties and their zones are achieved. The Authority determined that the mass of the building and the positioning of the building on the site left little room or opportunity to soften the impact of the mass upon the surrounding neighbourhood. Furthermore, paragraph 4 of Section 3.03 directs that development have an “abundant degree of lush, tropical landscaping, incorporating sufficient screening to provide privacy from adjacent properties.” The Authority concluded that there was little opportunity to achieve this goal of the Development Plan given the mass of the building and extent of the driveways.

In coming to its decision, the Authority took into account all agency comments and input from the applicant and the objectors.

OBJECTORS LETTERS

See Appendix B

AGENCY COMMENTS

Agency comments received to date have been provided below:

Department of Environment

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

Site Overview

*Based on over 20 years of turtle nesting monitoring data, the beach on this site is designated as **critical turtle nesting habitat** in the National Conservation Council's Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) (issued under Section 17 (7) of the National Conservation Act (2013)). Sea turtles are listed on Schedule 1 Part 1 of the National Conservation Act (NCA) as being 'protected at all times'. This designation of critical habitat means that adverse impacts to the habitat either have to be avoided or be able to be mitigated with the imposition of conditions of approval.*

Section 41(4) states that every entity (including the Central Planning Authority (CPA)) shall apply for and obtain the approval of the National Conservation Council (NCC) before the making of any decision that would or would be likely to have an adverse effect whether directly or indirectly on the critical habitat of a protected species. The beach at the site is designated critical habitat for a protected species (sea turtles).

Meeting with the Applicant

On 4 January 2022, the Department met with the Applicant on the original plans and discussed the site and our concerns as well as the legal remit under the NCA. We met again on 8 February 2022. During these meetings, the adverse impacts on sea turtle critical habitat were discussed. Revised plans were submitted and provided for review to the Department of Environment on 24 March 2022.

Impacts on the Critical Turtle Nesting Habitat

The coastline in this location is dynamic and experiences significant changes in beach width several times each year under normal conditions. Significant events such as tropical storms, hurricanes and nor'westers produce even greater coastline movement. The vegetation at the site is man-modified and there is an existing house which appears in the earliest aerial photography from 1958.

Appendix 1 presents our records of photos from the site. The beach at the site is relatively exposed to the open ocean and is therefore very dynamic and the Mean High Water Mark Survey which accompanies the application and is the basis for calculating coastal setbacks appears to have been measured during a period of accretion (beach gain).

The Mean High Water Mark, which we confirmed as authenticated by the Lands and Survey Department, was undertaken on 6 October 2021. On 25 January 2022, the Department surveyed the site with a drone. The drone imagery in Figure 3 shows that the Mean High Water Mark (the pink line) is now well into the sea, just three months after it was measured. The drone imagery also clearly shows a smooth area where the waves have washed within a normal 24 hour period. The area landward of that is drier and has visible footprints. Therefore, after a very short period of time, the submitted Mean High Water Mark survey is no longer representative of the on-site conditions.

Figures 4 to 6 show the site after the passage of a cold front in February 2022, and further erosion has taken place. The sea is now much closer to the location of the proposed seawall compared to even one week prior.

For the reasons outlined above, the use of the Mean High Water Mark and the minimum setback of 75 feet in the Development and Planning Regulations were not considered sufficient to avoid severe detrimental impacts on sea turtle critical nesting habitat.

After discussions with the Applicant, the revised plans for the proposed development now show the proposed development as being set back 100 feet from the Mean High Water Mark on the ground floor. The amended plans also show that the proposed development is now set behind the vegetation line and now avoids direct severe detrimental impacts on the sea turtle critical nesting habitat (Figure 9). The proposed development itself will also benefit from this increased setback in terms of resiliency and available beach space for future residents. However, we also strongly recommend the inclusion of other climate resiliency features such as a wash-through ground floor.

We consider that in submitting the amended site plan the Applicant has set the proposed development back sufficiently far from the Mean High Water Mark to avoid severe detrimental impacts to sea turtle critical nesting habitat and the remaining impacts can be satisfactorily mitigated with conditions that have been directed for inclusion in any grant of planning permission.

Construction Impacts

In addition, it is important to ensure that the construction will not have any unacceptable adverse effects on the marine environment. We strongly recommend that Best Management Practices are adopted during the construction to ensure that construction-related debris does not enter the marine environment. We have experienced other developments along the coastline inadvertently polluting the marine environment from wind-borne debris and run-off from stockpiles on the beach. Practices such as sanding down polystyrene which is used as part of wall finishing and window moulding can result in polystyrene getting blown into the sea in significant quantities. This waste material is extremely difficult to remove once it enters the water and it does not biodegrade.

DIRECTED CONDITIONS

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

- The applicant shall prepare and submit a plan for review and approval to the Department of Environment for turtle friendly lighting, which details the impacts on sea turtles. Guidance on developing a lighting plan can be found in the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <https://doe.ky/marine/turtles/tfl/>.*
- Windows and glass doors located within line-of-sight of the beach should be designed for a Visible Light Transmittance (VLT) of 15% or less through the use of tinted glass, window film, or screens.*
- Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.*
- Prior to the commencement of site works, beachside construction fencing associated with the works shall be positioned 75 feet from the Mean High Water Mark (to maximise turtle nesting habitat). The fencing shall be erected so that it fully encloses the beach facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles from entering the construction site or digging under the fencing.*
- All construction materials shall be stockpiled a minimum of 75 feet from the Mean High Water Mark, on the landward side of the construction fencing.*
- All vegetation located within the 75-foot coastal setback shall be retained.*
- Lighting shall be installed and maintained in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE. The DoE will inspect the installed lighting for compliance with the approved turtle friendly lighting plan once construction is complete.*
- Any sand that is to be excavated during construction shall be retained on-site and beach quality sand shall be placed along the active beach profile. Placement on the beach during turtle nesting season will require the written consent of the DoE, to ensure that no nests will be impacted. If there is an excessive quantity of sand that cannot be accommodated on-*

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

*These conditions are directed to prevent the ‘take’ of sea turtles (Part 1 Schedule 1 species of the National Conservation Act) and adverse impacts to the critical habitat of sea turtles, which is defined in the Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp’s Ridley turtles (*Lepidochelys kempii*) (issued under Section 17 (7) of the National Conservation Act (2013)).*

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

RECOMMENDED CONDITIONS

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

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

Department of Environmental Health (DEH)

DEH has no objections to the proposed in principle.

This development require eight (8) thirty three (33) gallon bins and an enclosure built to the department’s requirements.

a. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.

b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.

Minimum Enclosure Dimensions

Number of Containers 8

Minimum Dimensions – Width 5’ Length 10’ Height 2.5’

Fire Department

The Fire Department has stamp approved the drawings.

Water Authority

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

Wastewater Treatment & Disposal

- The developer shall provide a **septic tank(s)** with a capacity of at least 2,500 US gallons for the proposed, based on the following calculations:

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG
Apartments	8 x 1-Bed + Den Units	225gpd/Unit	1,800
TOTAL			1,800 GPD

- The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.
- **Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards.** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.
- **To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'11" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

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.

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)

The Water Authorities updated 2020 effluent disposal well specifications.

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

Elevator Installation

Hydraulic elevators are required to have an approved pump with oil-sensing shut off installed in the sump pit. Specifications of the proposed pump shall be sent to the Water Authority at development.control@waterauthority.ky 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

Water Supply

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

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

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

National Roads Authority

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

Retaining Wall

The four (4)ft retaining wall shall be no higher than two (2) ft ten (10) ft from the roads right of way in order to satisfy sight line for exiting vehicles. **Please have applicant comply.**

Driveway to Underground Parking

The proposed slope of the driveway to the underground parking (as shown on drawing A-101) at 9.3% (1 1/8":12") is too steep as the maximum recommended is 8%. **Please have applicant adjust.**

Road Capacity Issues

The traffic demand to be generated by a residential development of eight (8) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto South Sound Road is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak 20% In	AM Peak 80% Out	PM Peak Hour Total Traffic	PM Peak 65% In	PM Peak 35% Out
53	4	1	3	5	3	2

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

Access and Traffic Management Issues

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

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

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

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

Stormwater Management Issues

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

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

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

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

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

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

APPLICANT’S LETTER

Further to the application submitted in relation to the above referenced Project, we hereby request for a lot variance which requires a minimum of 0.5 acre lot size for apartment units per Planning Regulation 15 (4)(a)(iii); and a lot width variance which requires a minimum of 100 ft for apartments per Planning Regulation 9 (8)(g); a setback variance which requires minimum of 25’ setback from the road per Planning Regulation 15(4)(b)(ii)

We would appreciate your consideration for this variance request on the following basis: (1) Under Regulation 8 (13)(b)(i), the characteristics of the proposed development are consistent with the character of the surrounding area: The total area of the site is only 0.4 acres wherein the Planning Regulation requires at least half an acre of lot for an apartment development. The site is considered a ‘Legacy Lot’ which was registered during the 1975 before the Planning Regulation has been written. Therefore, several legacy lots on the area with existing houses/structures are considered undersized (e.i Developments on 15E93, 15E142 and 15E143) which are all under 10,000sq ft. for a house/duplex. The site will be immense for a house or duplex, and building an apartment was intended to utilize the property.

While the site is under the required size, the number of units proposed is limited to what the site can accommodate by following the 15 units per acre requirements. Also, all the proposed developments on the ocean side outside the 75’ HWM setback has been removed. The only setback we are requesting which we hope the board will consider is the setback for the septic tank since this is the only location we can fit it in. The septic tank is approximately 10 inches outside the setback, but still 24’-2” away from the nearest boundary line.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on South Sound Road in George Town, two properties east of Careys Black Coral.

The property currently contains a house and the proposal is for 8 one bedroom apartments with den.

Adjacent properties were notified by Registered Mail and objections have been received.

The original submission included a seaside pool, seawall and cabana but these features have been removed from the site plan due to objectors’ comments.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Lot size (0.4 acres vs 0.5 acres required)

Regulation 15(4)(a)(iii) states that the minimum lot area for an apartment shall be 0.5 acres.

The subject property has a lot area of 0.4 acres.

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

2) Lot width (94' vs 100' required)

Regulation 15(4)(d) requires a minimum lot width of 100 feet for apartments.

The subject property has a width of 94 feet.

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

3) Building height

The building is designed with a basement parking level with 4 floors above that. The basement level is exposed on the sides of the building and would appear to represent a 5th floor which would not comply with the Development and Planning Regulations.

4) Rear setback

Regulation 15(4)(b)(ii) requires a minimum 25 foot road setback for buildings exceeding one storey.

The proposal is for a septic setback of 22' 11".

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

5) Lack of landscaping abutting proposed driveways

The site plan depicts fifteen foot wide access driveways on each side of the building as well as five foot wide "driveable terrain" strips on each side of the driveway. This twenty foot wide area is required to satisfy fire vehicle access on the sides of the building.

However, this design does not leave an area for a landscaping strip between properties. Typically, the Department requests such a landscaping strip to buffer adjacent uses from higher density development.

6) Parking lot design

The site plan depicts two outdoor parking spaces at the end of each driveway. This will lead to vehicles reversing into the access driveways and may cause traffic conflicts, especially on the west side of the building, where there is a wall blocking the view of vehicles reversing.

At 11:00am, Choppy Delapenha, Samuel Thevasaeyan and David Amirthogalan were present representing the applicant. James Kennedy joined the meeting via Zoom on behalf of the applicant. Matt Diaz was present as an objector and Andrew Moon joined the meeting via Zoom as an objector. Summary notes are provided as follows:

- Mr. Delapenha provided several comments:
 - he explained he is sitting in for Darrel Ebanks who is out with Covid
 - the proposed development is consistent with what has been approved in the area
 - DOE requested a 100' setback and they made that adjustment
 - the pool has been taken off the plan
 - this is part of The Mantras
 - it complies with zoning
 - parking requirements are met and they added one more

- it is BRR and they comply with density
- the community continues to want to see waterfront development
- seawalls cause one thing, he walks SMB every day and he is sad to see the erosion there
- there is no seawall here
- setting the building back was a wise move
- to the left and right within a stone's throw are similar developments
- The building height is 4 storeys and 55' and includes a basement
- they can adjust the plan so the septic is setback 25'
- regarding landscaping next to the driveways they can use grasscrete
- There was a general discussion regarding the building elevations and the basement parking. The Authority noted that the building appears to meet the 55' limit, but exceeds 4 storeys. Mr. Delapenha noted that this design is commonly approved. In response to a query from the Authority, Mr. Thevasaeyan confirmed that the basement is fully exposed on the side elevations.
- The Authority asked for Mr. Moon's input.
- Mr. Moon provided several comments:
 - in the Development Plan for the BRR zone, paragraph 3.03 states that development will generally have the appearance of residential development in scale and massing and there have been a lot of objections filed in this regard
 - the Plan states further that the Authority shall apply the BRR zone provisions in a manner to ensure that there are harmonious and compatible land uses with adjacent properties and this does not seem to be the case here
 - The Plan also states that areas should not become over dense and this is an issue here
 - The Plan goes on to say that there should be aesthetically pleasing development and this proposal is not and it also isn't sensitive to the area
 - the Plan states that attached and semi-detached houses can be approved and in suitable locations apartments – he asks if this location is suitable
 - the Plan also says that the Authority shall ensure a high standard of accommodation and amenities with lush landscaping and it is blatantly obvious those requirements are not met
 - Regulation 15(4)(a)(iii) requires half an acre lot size for apartments and that is not met
 - the applicant says the site is .4 acre but that could have been measured when the boundary was in the sea
 - he attempted to show photographs via his Zoom camera and the Authority advised that they could not adequately see them
- Ms. Melanie Carmichael was present and attempted to hand out the photographs Mr. Moon was referring to, but the Authority explained that she has no standing and the photographs are considered new evidence and it is too late in the process to submit them now – the photos were not accepted.
- The Authority noted that a lot of what Mr. Moon is speaking to is already in his

letter on record.

- Mr. Moon provided a few more comments:
 - the lot width is 94' at the road and 84' at the other end and this does not comply
 - the plans show 1 bedroom with 1 den, but the den has a bathroom
 - DOE's comments are important
 - approving this would be a drastic mistake, it doesn't fit the area and is too large for the lot, especially the usable lot area
- Mr. Diaz provided several comments:
 - the lot size is .4 acre and that is 20% less than required and that is a huge amount
 - the rooms called a den have an adjacent bathroom with a shower and he asks why would a one bedroom unit needs two showers – it is obviously a residential room and violates the occupancy, parking and sewerage needs
- The Authority notes DOE's comments on page 12 of the Agenda regarding this being a critical turtle nesting site and the fact that the pool has been removed and they make the following statement:

We consider that in submitting the amended site plan the Applicant has set the proposed development back sufficiently far from the Mean High Water Mark to avoid severe detrimental impacts to sea turtle critical nesting habitat and the remaining impacts can be satisfactorily mitigated with conditions that have been directed for inclusion in any grant of planning permission

DOE is not directing the application to be refused, but to add conditions if approved, so if approval is granted does the applicant object to any of DOE's recommended conditions.

- Mr. Delapenha replied they are not opposed to the conditions.
- The Authority asked if the building has been designed with wash through areas and Mr. Thevasaeyan replied yes.
- The Authority notes that they have advised this project is part of The Mantras, will it be legally a part of the Strata?
- Mr. Thevasaeyan replied yes. He noted the people at this project can use the pool across the road and the people across the road can use the beach here.
- The Authority noted that goes to the BRR requirement of providing amenities. The Authority also noted Regulation 13 regarding sufficient reason and exceptional circumstance for allowing variances and asked what those are.
- Mr. Thevasaeyan noted that they have 50 units across the street and he wants to give them beach access and in doing so he paid more for the land than it was worth so he needs these units on the beach side.
- Mr. Kennedy provided several comments:
 - he provided the background to the site being purchased and that the previous owner gifted the site to his 8 nephews and nieces to do with as they pleased and they decided to sell it
 - he noted that this goes to the wishes of the local population as it is important to note that the previous owner willed it to family and they decided to sell it for

this development

- regarding turtle nesting his client had a series of meetings with DOE and the plans were revised and DOE supports it, it is a good example of the planning process with people working in harmony
- there have been articles in social media which are not fair as they don't reflect the negotiations with DOE
- the lot size is .42 acres instead of .5 and he says the mischief the Regulations are trying to stop is a developer taking a large tract of land and dividing into smaller lots and that is not the case here as the lot has existed for a long time

2.3 CHARLOTTE BAILEY (CS Designs) Block 44B Parcel 3 (P22-0116) (\$800,000) (NP)

Application for a house & pool.

Appearance at 1:00

FACTS

Manse Road in Bodden Town

Zoning

Beach Resort Residential

Notification Results

No Objections

Parcel size

16,988 sq ft

Parcel size required

10,000 sq ft

Current use

House

Proposed use

House and Pool

Building Footprint

3,028 sq ft

Building Area

4,325 sq ft

BACKGROUND

13 April 2022 (CPA/11/22; Item 2.15) – The Authority resolved to adjourn the application in order to invite the applicant in to discuss the proposed setbacks.

Decision: It was resolved to grant planning permission, subject to the following conditions:

In addition to Building Permit requirements, conditions (1-5) listed below shall be met ***prior to the commencement of any site preparation works such as clearing, filling and grading*** and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The applicant shall submit a plan for turtle friendly lighting which minimizes impacts on sea turtles and is prepared in accordance with the Department of Environment's guidelines and approved by the Central Planning Authority.
- 3) The applicant shall obtain written approval from the Department of Environment that there are no turtle nests on site that will be negatively impacted by the commencement of works.
- 4) Upon fulfilment of condition 3), beachside construction fencing associated with the works shall be positioned as close to the minimum required high water mark setback as possible (to minimise impacts on the turtle nesting habitat) and the fencing shall be erected so that it fully encloses the beach facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles entering the construction site or digging under the fencing, during nesting season. The applicant is directed to liaise with the Department of Environment regarding guidance notes for the appropriate type of fencing.
- 5) The construction drawings for the proposed swimming pool filtration system shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool filtration system is constructed in accordance with the submitted plans it will conform to public health requirements.
- 6) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 7) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.

- 8) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.

In addition to obtaining a permit, condition (9) shall be met prior to the commencement of any construction works.

- 9) The applicant shall obtain written approval from the Department of Environment that there are no turtle nests on site that will be negatively impacted by the commencement of works.
- 10) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

Additionally, once construction has started, conditions (11-14) shall be complied with before a final Certificate of Occupancy can be issued.

- 11) If a turtle lighting plan has been required, confirmation from the Department of Environment that the installed lighting complies with the plan, with final confirmation provided by the Authority or delegate.
- 12) All construction material shall be stockpiled landward of the beachside construction fencing.
- 13) No construction work, vehicle access, storage of equipment/ materials or other operations shall take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.
- 14) Any sand excavated during construction should be retained on-site and beach quality sand shall be placed along the active beach profile. If sand is to be placed on the beach during turtle nesting season (1st May – 30th November yearly), the express consent of the DoE is required to ensure that turtle nests are not adversely impacted.
- 15) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least seven feet (7') above mean sea level.

Reasons for the decision:

- 1) With the exception of the high water mark setback and side setback for the septic tank, which are addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed septic tank does not comply with the minimum required side setback per Regulation 15(4)(b)(i) of the Development and Planning Regulations (2021 Revision). However, Regulation 15(4)(b)(iii) states that setbacks to ancillary structures may be determined by the Authority at its discretion. In this instance, the Authority is satisfied with the proposed side setback of 10' for the septic tank and

this setback would be consistent with the objectives of Section 2.6 of The Development Plan 1997.

- 3) Portions of the proposed pool, pool deck and stairs do not comply with the minimum required setback from the high water mark per Regulation 8(10)(f) of the Development and Planning Regulations (2021 Revision). Pursuant to Regulation 8(11), the Authority may allow a lesser setback having regard to:
- a) the elevation of the property and its environs;
 - b) the geology of the property;
 - c) the storm/beach ridge;
 - d) the existence of a protective reef adjacent to the proposed development;
 - e) the location of adjacent development; and
 - f) any other material consideration which the Authority considers will affect the proposal.

In this instance, the Authority is of the view that :

- There is a protective reef adjacent to the property and this will assist in minimizing storm surge thus allowing the proposed development to be closer to the high water mark.
 - There are existing developments on adjacent properties (44B 6, 379, 380 and 38D 81) with similar or lesser setbacks from the high water mark. Therefore, the setback of the proposed development is consistent with the established development character of the area and it will not detract from the ability of adjacent land owners from enjoying the amenity of their lands.
- 4) The Authority is aware of the Director of the Department of Environment's comments regarding directed conditions, but the Authority is of the view that the lawfulness of such conditions is in question and is of the view that only conditions that the Authority sees fit to impose will be included per Section 15(1) of the Development and Planning Act (2021 Revision). In this instance, the Authority does see fit to impose conditions related to turtle friendly lighting and the location of stockpiled materials, but does not see fit to impose a condition requiring all structures to be setback 75' from the high water mark for the reasons noted above.

AGENCY COMMENTS

The following comments have been received to date:

Department of Environment

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

SITE OVERVIEW

The subject parcel is located adjacent to a Marine Protected Area, namely a Marine Reserve and

based on over 20 years of DoE turtle nesting monitoring data, the beach on this site is identified as **critical turtle nesting habitat** in the National Conservation Council's Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) (issued under Section 17 (7) of the National Conservation Act (2013)).

As per Sections 41 (4) and (5) of the National Conservation Act, 2013 (NCA), this designation of critical habitat means that adverse impacts to the habitat either have to be avoided or be able to be mitigated with the imposition of conditions of approval. It also means that the National Conservation Council is able to direct/stipulate the inclusion of those conditions in any Planning Permission that may be given. All marine turtle species are listed in Part 1 of Schedule 1 to the NCA, as being 'protected at all times'.

IMPACTS ON SEA TURTLES

Artificial Lighting Impacts

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

Turtle friendly lighting has been a legal requirement in ordinances in the United States for over 30 years. It is a **proven** solution to prevent the misorientation of sea turtles whilst safely and effectively lighting beachside properties. The Department **strongly** recommends the use of turtle friendly lighting on turtle nesting beaches. Figures 1-3 show examples of properties in Grand Cayman that have turtle friendly lighting installed.



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

Construction Impacts

Operating heavy machinery during land clearing and construction presents a threat to nesting sea turtles. Construction works not only disturb the physical nesting habitat but heavy machinery and associated works can crush or bury baby sea turtles and turtle nests. The excavation of the foundations for the house, pool and ancillary structures will likely result in a large quantity of sand. The sand is another key component of what

makes the application site good for sea turtles. For this reason, any excavated beach-quality sand should be retained on-site.

CLIMATE CHANGE

*The DoE notes that the applicant's proposed structures are located closer to the Mean High Water Mark (MHW) than the existing house (see Figure 4). In particular, we note that the proposed pool and pool deck are located approximately 68 feet from the MHW and do **not** meet the minimum 75-foot coastal setback for beaches required in the Development & Planning Regulations. The Department strongly maintains its stance that coastal setbacks should not be reduced but instead should be treated as a minimum (as prescribed in the Development & Planning Regulations). Setbacks seek to reduce the impacts of storm-related damage upon coastal infrastructure and ensure that development does not encroach onto the "active" part of a beach, as the back beach holds reserves of sand that are critical for sediment supply during periods of storm activity and erosion. The importance of setbacks is amplified when considered within the context of climate change predictions for the region, which include sea-level rise and increased intensity of storm events (including storm surge). Inappropriately sited development (either on the active beach or too close to the MHW) reduces a beach's potential to recover after major events. This "squeezing" of the beach caused by inappropriately sited development and climate change-induced storms and inundation may reduce the potential area that serves as a turtle nesting habitat.*

*The DoE is of the opinion that rebuilds, additions and modifications of developments should seek to build in a more sustainable and climate-resilient manner. For this reason, the Department does **not** support a coastal setback variance. The DoE encourages applicants to exceed the minimum coastal setbacks wherever possible and incorporate climate-resilient features such as elevated structures and wash-through ground floors. Increasing the coastal setback increases the resilience of properties against the inevitable effects of climate change such as coastal flooding, storm surge and erosion by ensuring that hard structures are located in a way that reduces their susceptibility to these hazards.*



Figure 4: A geo-referenced image showing the outline of the applicant’s proposed built footprint in green overlaid on Lands & Survey 2018 aerial imagery. The yellow line shows the MHW survey line which was submitted to OPS.

IMPORTANCE OF COASTAL VEGETATION

Coastal habitat incorporates a variety of salt and wind tolerant flora. Native coastal shrubland is high in ecological value, providing a biodiverse habitat for native wildlife in addition to stabilizing the shoreline and reducing erosion. Once vegetation has been cleared from a site, it often results in wind-borne erosion of the land and general coastal erosion. Coastal vegetation is therefore important for the integrity of the beach to ensure there is an appropriate nesting habitat for sea turtles. Beach vegetation is also thought to play an important role in sea turtle nest site selection, hatch success, hatchling fitness, sex ratio, and sea finding.

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

CONSTRUCTION DEBRIS IMPACTS ON MARINE ENVIRONMENT

We have experienced developments along the coast inadvertently polluting the marine environment from wind-borne debris. For example, the Department has witnessed and experienced complaints from members of the public regarding pollution from expanded polystyrene (EPS) beads on construction sites around the island (Figures 5-9).



Figures 5-7: DoE site visit photos showing the bits of white polystyrene material littering local development sites. The beads from the first two images made their way into the adjacent Marine Reserve and neighbouring properties. Neighbours complained to the DoE about the pollution. Developers attempted to remedy the situation by cleaning neighbouring pools and yards daily but it was impossible to collect all of the beads, especially once they entered the marine environment. A screen was then fastened around the building to contain the beads. The last image was taken at a construction site located on the same critical turtle nesting beach coastline as the application site.



Figures 8 & 9: Cayman Compass photos from a news article showing polystyrene pollution from a development on a turtle nesting beach which is also adjacent to a Marine Protected Area.

EPS is used in a variety of applications, including thermal insulation in buildings, civil engineering applications and decorative mouldings and panels. During construction, once EPS is cut, tiny microbeads are blown into the air, polluting neighbouring yards, stormwater drains, and nearby water bodies. Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife where it enters the food chain. EPS beads that make their way to the sea can be mistaken by fish and birds as fish eggs and have the potential to cause blockages in their digestive systems. It is almost impossible to collect the polystyrene beads once they have become wind-borne.

We strongly recommend that best management practices be adopted during the construction process to ensure that construction-related debris does not enter the Marine Protected Area or pollute the critical turtle nesting beach.

DIRECTED CONDITIONS

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

- 1. In order to conserve critical turtle nesting habitat, the proposal shall be revised so that all hard structures including the pool, pool deck and any other ancillary features are set back a minimum of 75 feet from the Mean High Water Mark (as required in the Development & Planning Regulations).*
- 2. The applicant shall, prior to the issuance of a Building Permit, prepare and submit a turtle friendly lighting plan which minimises the impacts of artificial lighting on sea turtles. The plan shall be reviewed and approved by the Department of Environment, in accordance with the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <http://doe.ky/marine/turtles/turtle-friendly-lighting/>.*
- 3. Lighting shall be installed and maintained in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE. The DoE will inspect the exterior lighting for compliance with the approved turtle friendly lighting plan once construction and the installation of the fixtures are complete.*
- 4. Prior to the commencement of works, the applicant or applicant's agent shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.*
- 5. No construction work, vehicle access, storage of equipment/ materials or other operations shall take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.*
- 6. Beachside construction fencing associated with the works shall be positioned at least 75ft from the Mean High Water Mark (to maximise turtle nesting habitat) and the fencing shall be erected so that it fully encloses the beach facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles entering the construction site or digging under the fencing, during nesting season.*
- 7. All construction material shall be stockpiled landward of the beachside construction fencing.*
- 8. If the construction is using insulating concrete forms (ICFs), measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure*

that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the critical turtle nesting beach and adjacent Marine Protected Area offshore.

- 9. Any sand excavated during construction shall be retained on-site and beach quality sand shall be placed along the active beach profile. If sand is to be placed on the beach during turtle nesting season (1st May – 30th November yearly), the express consent of the DoE is required to ensure that turtle nests are not adversely impacted.*
- 10. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand off-site, it should be the subject of a separate consultation with the National Conservation Council.*

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

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

APPLICANT'S LETTER

With reference to the subject above, we hereby request for the following setback variance:

- Road setback = 2'-0" minimum*
- Right-side setback = 4'-3.5" minimum*
- Left-side setback = 10'-03/4" to septic tank*
- High Water Mark setback = 68'-10.5" minimum to Pool trough*

The above setback encroachments are based on the footprints of the existing single-storey House that will be refurbished and expanded to create a two-storey House with an attached single-storey Garage. It is important to note that the new two-storey section of the house is within the prescribed setback regulations.

The house setbacks on the north and west side boundaries are exactly in line with the footprint of the house that is currently constructed on the property. The new house footprint has been designed to allow for the use of the entire sub-structure of the

existing house by designing a 1(one) car garage in the location of the living room of the current house. The proposed garage will serve as a buffer between the road and the main living area of the new house.

Furthermore, we are cognizant that the area is zoned as Beach Resort/ Residential which, requires a minimum 20' front and side setbacks and 75'-0" HWM setback, however, most of the surrounding buildings in the area currently have front and side setbacks up to less than 1'-0" from the boundary lines and less than 75'-0" setback from HWM. This is particularly evident on the adjacent house on Block 44B Parcel 380 which has a side setback of +/-1'-3 1/4" and HWM setback of +/-61'-6". There is clear precedent in the area in terms of setbacks encroachments.

As per Regulation 8(13)(b) side setback variances are: (i)consistent with the character of the surrounding area; (iii) 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. Also, as per Regulation 8(11) seaside setback variance may be permitted at a lesser distance than what's prescribe, having regard to: (e) the location of adjacent development.

Below are photos of the existing house on parcel 3. Also, enclosed is an aerial map showing properties that are within 1000 feet of the existing structure where several lots with setback encroachments are highlighted.

As indicated, the new design will maintain the sub structure of the entire old structure's footprint. We felt that this was fundamental to maintain the old Caymanian charm of the new home to ensure that it doesn't affect the aesthetics and community feel of the surrounding area along Manse Road.

We have notified adjoining property owners of the application via registered mail, and we are currently not aware of any objections to the setbacks, or any other matters related to the design of the new house.

We respectfully ask that you consider our request and provide approval for the construction of the new house, which will complement the beauty and history of this historical area. Should you need further information, please do not hesitate to contact us directly.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Manse Road in Bodden Town.

The proposal is for a house and pool.

There is an existing house located on the property. The existing house does not meet the north (road) or west (side) setback requirements. The applicant proposes to use a portion of the existing house for a garage so the existing setbacks will not change for that portion of the house.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Pool HWM setback (68'vs 75')

Regulation 8(10)(f) requires a minimum 75 foot seaside setback where the coastline is beach.

The applicant is proposing a 68' seaside setback to the edge of the pool.

The applicant has submitted a variance letter and the Authority should discuss whether the request is justified in this instance.

2) West side setback – House (4'3" vs 20')

Regulation 15(4)(b)(i) states that side setbacks shall be a minimum of 20 feet.

The proposed west side setback is 4'3", the same amount as the existing building.

The applicant has submitted a variance letter and the Authority should discuss whether the request is justified in this instance.

3) Septic setback (10' vs 20')

Regulation 15(4)(b)(i) states that side setbacks shall be a minimum of 20 feet.

Setbacks are to be measured to septic tanks and the proposed side setback to the buried septic is 10 feet.

The applicant has submitted a variance letter and the Authority should discuss whether the request is justified in this instance.

4) Road setback (2' vs 25')

Regulation 15(4)(b)(ii) states that the rear setback shall be 25 feet for a two storey structure.

The proposed house is setback 2 feet from the east boundary, the same amount as the existing building.

The applicant has submitted a variance letter and the Authority should discuss whether the request is justified in this instance.

At 1:00pm, Christina Sanchez appeared on behalf of the applicant. Summary notes are provided as follows:

- Ms. Sanchez provided several comments:
 - The existing house is from the 1980's
 - They are adding a second floor onto the existing house and that part complies with setbacks
 - They are revising the floor layout of the existing house and giving it a more modern look
 - The adjacent house is only 1' to 2' from the boundary
 - It is only the septic tank that doesn't meet the setback as it is 20' in BRR
 - DOE made comments on the HWM setback and she notes that the neighbouring building is closer to the HWM than this
 - There is a reef off shore in regard to protection from climate change
 - All around Manse Road and Bodden Town there a lot of setback encroachments of 1' or less
- The Authority noted that DOE's comments are mainly about applying certain conditions.
- Ms. Sanchez explained that DOE advised them to contact them prior to doing any work.
- The Authority asked if she is okay if the Authority applies the conditions noted by DOE and Ms. Sanchez replied she was with the exception of changing the HWM setback.
- The Authority asked if she is okay with the condition regarding construction fencing and Ms. Sanchez replied yes.
- Ms. Sanchez explained some of the other HWM setbacks in the area.
- The Authority asked if access to the garage was from the road or the side and Ms. Sanchez replied from the side.

2.4 FABIAN WHORMS (Island Drafting) Block 28B Parcel 68 (P22-0167) (\$1,798,200) (NP)

Application for 5 apartments & 1 duplex.

Appearance at 1:30

Ashton Bodden declared a conflict and left the meeting room.

FACTS

Location

Meadowlark Road in Bodden Town

Zoning

Low Density Residential

Notice Requirements

Objectors

<i>Parcel size</i>	21,235.5 sq. ft.
<i>Parcel size required</i>	37,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed use</i>	5 Apartments, 1 Duplex
<i>Building Footprint</i>	5,125 sq ft
<i>Building Area</i>	9,719.8 sq ft
<i>Site Coverage</i>	24.1 %
<i>Number of Units Allowed</i>	3 & 1 Duplex
<i>Number of Units Proposed</i>	5 & 1 Duplex
<i>Number of Bedrooms Allowed</i>	4
<i>Number of Bedrooms Proposed</i>	10
<i>Parking Required</i>	10
<i>Parking Provided</i>	15

BACKGROUND

NA

Decision: It was resolved to refuse Planning Permission for the following reasons:

- 1) The application does not comply with the minimum lot size requirement per Regulations 9(8)(e) and (f) of the Development and Planning Regulations (2022 Revision) and the Authority is of the opinion that pursuant to Regulation 8(13)(b), the applicant failed to demonstrate that there is sufficient reason and exceptional circumstance to warrant allowing the lesser lot size.
- 2) The application does not comply with the maximum allowable number of apartments per Regulation 9(8)(c) of the Development and Planning Regulations (2022 Revision) and the Authority is of the opinion that pursuant to Regulation 8(13)(b), the applicant failed to demonstrate that there is sufficient reason and exceptional circumstance to warrant allowing additional apartments.
- 3) The application does not comply with the maximum allowable number of bedrooms per Regulation 9(8)(c) of the Development and Planning Regulations (2022 Revision) and the Authority is of the opinion that pursuant to Regulation 8(13)(b), the applicant failed to demonstrate that there is sufficient reason and exceptional circumstance to warrant allowing additional bedrooms.
- 4) The application does not comply with the minimum required rear setback per Regulation 9(8)(i) of the Development and Planning Regulations (2022 Revision) and the Authority is of the opinion that pursuant to Regulation 8(13)(b), the applicant failed to demonstrate that there is sufficient reason and exceptional circumstance to warrant allowing the lesser setback.

AGENCY COMMENTS

The following agency comments have been received to date.

Department of Environment

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

The Department notes that the majority of the subject parcel is predominantly seasonally flooded mangrove habitat (as shown in Figure 1 below) with some man-modified habitat along the parcel's northern roadside boundary. The parcel to the immediate east of the subject parcel (28B/183) belongs to the National Trust and forms Governor Michael Gore's Bird Sanctuary (a parcel protected under the National Trust Act (2010)). This Bird Sanctuary forms a part of the "freshwater marshes of the Spotts-Newlands area which are a roosting, feeding and breeding habitat for several freshwater bird species, many of which do not benefit from the system of animal sanctuaries in saline coastal lagoons."¹

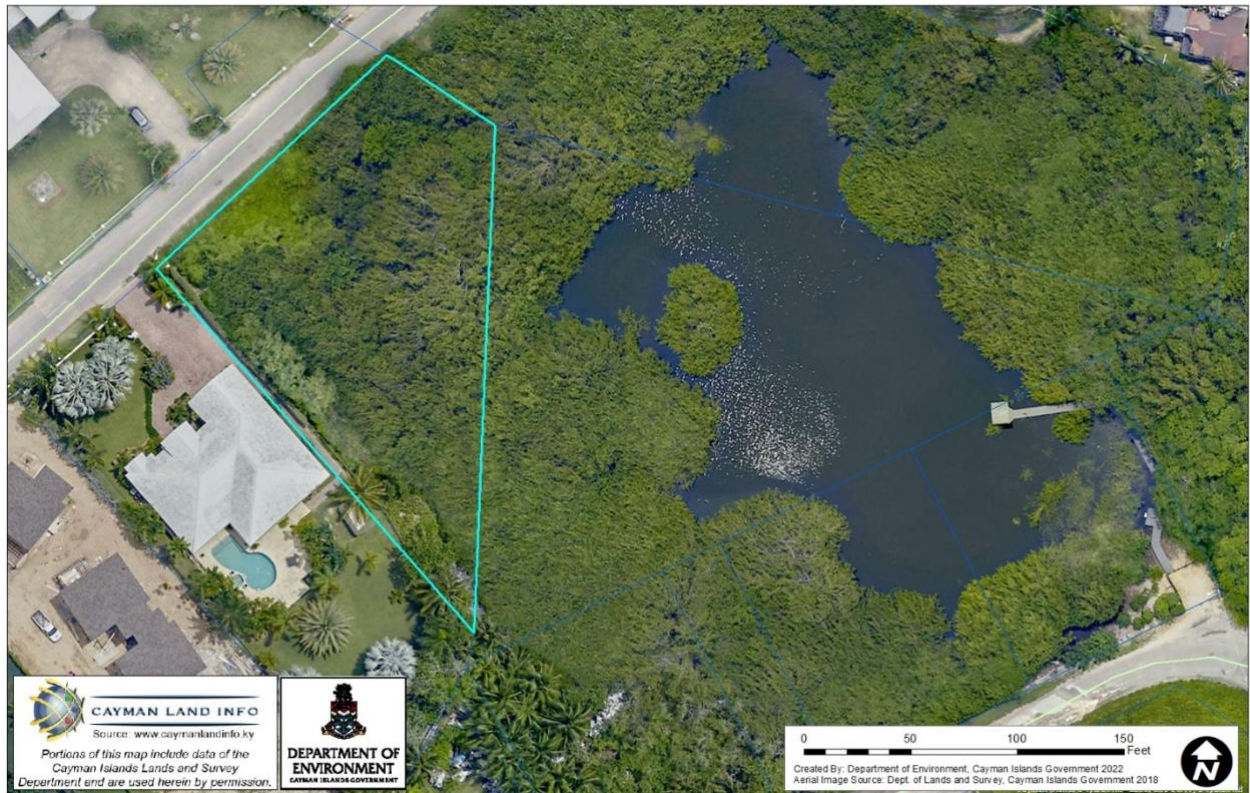


Figure 1: An aerial image map showing the subject parcel (outlined in blue) and Governor Gore's Bird Sanctuary (Source Lands and Survey 2018)

Although the Development and Planning Regulations (2022 Revision) require a 20ft minimum rear setback, currently the plans propose a 15ft setback for one section of the proposed northern apartment building and the septic tank and an approximate 4ft setback of the car parking area, as shown in Figure 2 below.

¹ National Trust for the Cayman Islands 2022, accessed 8 October 2022 <nationaltrust.org.ky>.

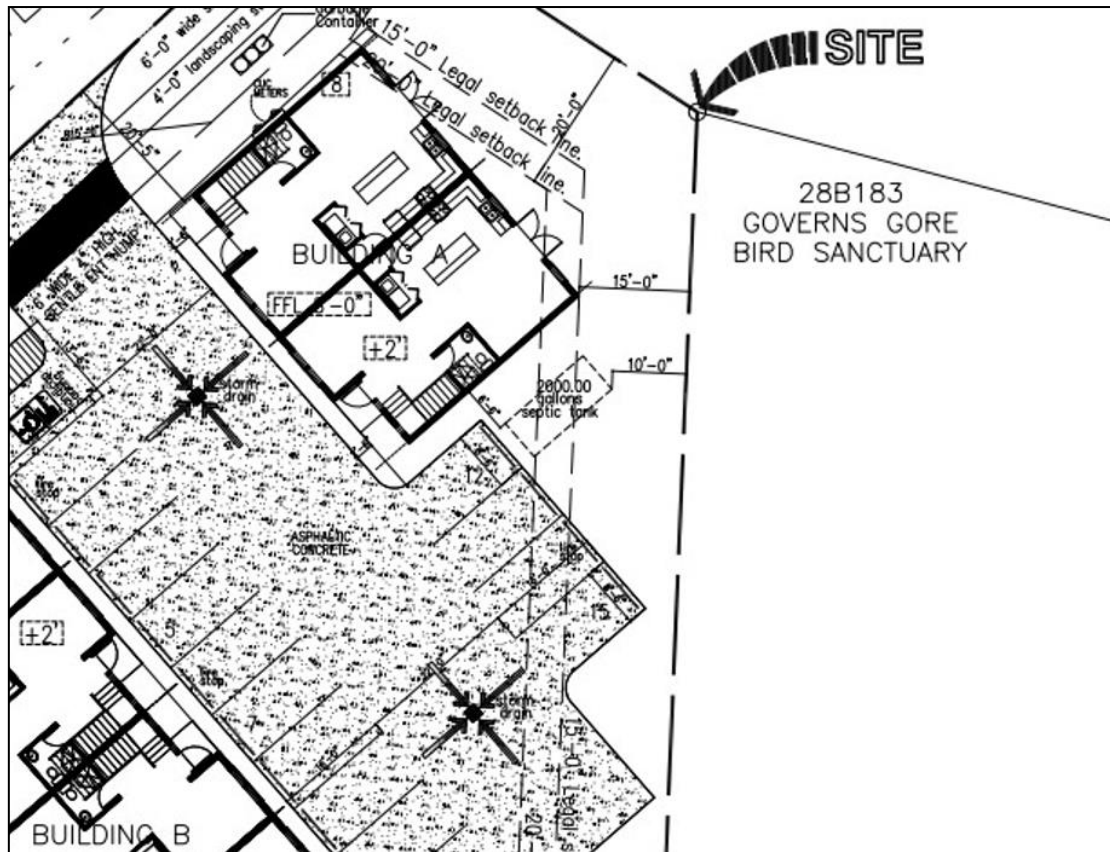


Figure 2: A plan extract showing the area of the proposed building, septic tank and car parking within the 20ft rear boundary setback (Island Drafting Ltd.)

*Hard surfaces remove the functionality of the habitat, including its carbon and stormwater storage capacity and can direct hydrocarbon-laden run-off into the Bird Sanctuary. For this reason, the DOE recommends that at a **minimum the 20-foot rear setback** should be met as required by the Development & Planning Regulations (2022). There should be no hard structures or surfaces within the 20-foot setback and the vegetation should be retained in its natural state, with mangroves left intact. If a greater buffer can be established this would be supported by the Department as it provides the following benefits:*

- *Interception of nutrients and sedimentation and other potential contaminants contained in runoff from developed properties, which can contribute to eutrophication and pollution of the pond.*
- *Provision of a functional area of habitat for birds and other wildlife currently existing there.*
- *Maintenance of flood protection services and natural stormwater management for the surrounding area.*
- *Physical barrier to reduce disturbance of wildlife (especially waterfowl).*
- *Retention of the aesthetic value of the pond through the preservation of natural fringing vegetation.*
- *Reduction in impacts on established ecosystems and diversity of native flora.*

Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposed development we strongly recommend the inclusion of the following is listed as conditions of the approval:

- As a minimum the 20-foot rear setback shall be maintained as a buffer between the development and the National Trust's protected parcel (28B/183), Governor Michael Gore Bird Sanctuary. There shall be no hard structures or hard surfaces within the 20-foot rear setback buffer. All vegetation that falls within the 20-foot rear setback shall be retained in its natural state and shall not be altered or removed.*
- Stormwater management for the site shall be designed in a manner that disposes of stormwater on-site and prevents direct run-off from entering the Governor Michael Gore Bird Sanctuary.*

In addition, we recommend that the National Trust should be consulted as a part of the review of this application and that the site is not cleared until development is imminent to allow the primary habitat to continue to provide its ecosystem functions.

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

We also take the opportunity to remind the applicant that mangroves are protected under the Species Conservation Plan for Mangroves (2020) in accordance with the National Conservation Act (2013). It is an offence to remove mangroves unless permission is explicitly sought to remove them either through planning permission or a National Conservation Council Section 20 permit. With guidance, mangroves can be trimmed to give vistas without causing severe injury to or killing mangroves. Should the applicant wish to trim the mangroves, it must be done in accordance with the Department of Environment's Mangrove Trimming Guidelines (www.doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/).

Department of Environmental Health

Solid Waste Facility:

- 1. DEH has no objections to the proposed in principle. This development require 7 (7) thirty three (33) gallon bins and an enclosure built to the department's requirements.*
 - a. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.*
 - b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

Water Authority Cayman

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

Wastewater Treatment & Disposal

- The developer shall provide a **septic tank(s)** with a capacity of **at least 2,500 US gallons** for the proposed apartments, based on the following calculations:

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD</i>
<i>Building A</i>	<i>2 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	<i>450</i>
<i>Building B</i>	<i>5 x 2-Bed Units</i>		<i>1,125</i>
<i>TOTAL</i>			<i>1,575 GPD</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 licensed driller in strict accordance with the Authority's standards.** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.
- To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'11" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

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

- 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).
- All dimensions and materials shall be provided for any site-built tanks.
- Manhole extensions are permitted up to a maximum of 24" below finished grade.
- Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.
- 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)
- The Water Authorities updated 2020 effluent disposal well specifications.
- A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.

Stormwater Management

This development is located over the **Lower Valley fresh water lens** or within the 500m buffer zone of the lens. In order to protect the fresh water lens, the Water Authority

*requests that stormwater drainage wells are drilled to a maximum depth of **60ft.** instead of the standard depth of 100ft as required by the NRA.*

Water Supply

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

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

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

Fire Department

The Fire Department has stamp approved the drawings.

APPLICANT'S LETTER

We have submitted an application on behalf of Mr. Fabian Whorms to Construct seven apartments 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, the adjoining property owners have been notified of the application

With the registered area of this parcel being 0.4875 Area (21,235.50 Sq. Ft.). Which the proposed development falls short of the required minimum area required for the development of apartments in the low-density residential zoning, the area which the parcel falls short is approximately 3764.50 sq. as mentioned above we would like to request the lot size variance be granted to allow the proposed apartment to be approved as submitted.

The rear set back of building A which as presented for approval is closer than the required

20'-0" minimum setback in this case 15'-0" having taken into consideration the unusual shape of the proposed parcel of land it would place the proposed building A rear setback at approximate 15'-0".

We would appreciate the board's favorable decision to the above-mentioned variance requests.

OBJECTORS LETTERS

Letter #1

The National Trust for the Cayman Islands (NTCI) is writing to register our objection to the development of the above-referenced parcel. As an adjacent landowner, the National Trust has concerns regarding the plans and is grateful for the opportunity to discuss how these proposals will impact our land, which we hold for the benefit of the people of the Cayman Islands.

Parcel 28B68 is ecologically a part of Governor Gore's Bird Sanctuary, a National Trust protected area in the district of Savannah. This sanctuary is located in a suburban area and acts as a community park, as well as an oasis for wildlife in an otherwise developed area. Due to our porous limestone terrain, areas of surface water such as this are very rare in the Cayman Islands. Named after Cayman's former Governor Michael J. Gore, this freshwater wetland is a habitat for over 60 bird species—a quarter of all the bird species native to the Cayman Islands. The pond is also a stopover for migratory birds. These disappearing ecosystems are vital for migratory birds to rest and feed before completing their long journeys. Butterflies congregate in this area and the native freshwater turtle, the Hickatee, has often been spotted among the reeds. The endemic freshwater mosquito fish, Cayman gambusia, is also found here. This pond can be critical during the dry season when it may be the only substantial body of freshwater in the area.

It is also important to remember that urban and suburban parks are essential for nearby communities. Parks and protected public lands are proven to improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide buffers to development, produce habitat for wildlife, and provide a place for children and families to connect with nature and play outdoors together. Studies show that time in parks and other outdoor spaces are significantly correlated with reductions in stress, lowered blood pressure, physical health and mental wellbeing. Parks are a major factor in the quality of life in a given community and enhance property values.

The landowner of parcel 28B68 is applying to put up seven apartments on a half-acre, removing all vegetation and laying an asphalt parking area all the way to the boundary line of the Sanctuary. Clearing the forest will likely permanently mar the view from the Sanctuary's boardwalk, a site enjoyed by locals and visitors alike. The development will take away from the peace and serenity that can be felt when visiting the Sanctuary.

The septic tank for the 7 units is located 10 feet from the National Trust land and is likely to impact water quality. Septic leakage can lead to eutrophication, a process whereby nutrient overloads cause algae to grow and mass fish kills. This is a major nuisance (e.g. smell, sight) that could have health implications for nearby residents as well as people who use the Sanctuary.

We must insist that the landowner observe a 25-ft natural buffer to shield the pond and its beauty from the effects of the development. This buffer will also protect the developer from all too common mistakes by heavy equipment operators. According to Section 18 of the National Trust Act, a person who takes or attempts to take any wildlife, either flora or fauna on Trust Property, or defaces any Trust property is guilty of an offence. A person who is convicted of an offence under this Law is liable to a fine of five thousand dollars or imprisonment for one year.

Contractors, especially when clearing land, often have difficulty 'staying within the lines' and inadvertently clear beyond a landowner's property boundary. The National Trust is severely concerned that our property will be accidentally impacted and that there will be a visual/noise impact on people enjoying Governor Gore's Bird Sanctuary.

We request that the CPA impose a condition requiring a buffer of 25 feet to be retained in its natural state adjacent to the National Trust land to ensure that:

- Governor Gore's Bird Sanctuary continues to provide a desirable park and amenity to the neighbourhood, including future residents of the landowner's development, and*
- The landowner and contractors do not commit an offence by harming National Trust property.*

We feel strongly that the preservation of this sanctuary which benefits our community should not be sacrificed for the benefit of just one landowner. The National Trust has offered (and continues to offer) to purchase this parcel from the landowner at fair market value including the expenses incurred so far in the planning and development process. Governor Gore's Bird Sanctuary provides a valuable amenity to the neighbouring community and to our overall tourism product. We cannot allow incursions into our irreplaceable and rapidly disappearing national environmental assets.

Letter #2

I, Brad Conolly, hereby write to officially object to the application for planning permission to construct seven apartments on Block and Parcel 288/68.

My objection grounds are outlined below:

- There are already 4 other large apartment complexes and two duplexes within Meadowlark Road accounting for over 25 homes.*
- Adding another apartment complex within this one-mile radius (I have calculated this myself and you can double check this information) all on the same road simply doesn't seem logical. If this is added you are looking at having over 40 "homes" in one single road within this one-mile radius. This in itself should be enough for this project not to be approved.*
- There is a 20 m x 20 ft pond on the development property where whistling ducks and turtles and several species of birds spend a lot of time. That is an unnecessary disruption to their habitat.*
- Several children from around Meadowlark Road ride their bicycles in relative safety on the road at present. Adding possibly another 25+ vehicles coming and going increases the risk of an incident or the fear of them/their*

parents not wanting them to ride in a busier area. This is not fair to them,

- There is already an issue with the usual cars speeding in this road as well as loud music coming from some of them, That will/may get added to, the proposal would place a complex between 2 fairly quiet private homes, on a corner, where a new driveway would be right next to our driveway which isn't particularly safe or practical.*
- Meadowlark Road has already been allowed to be over developed/over populated due to planning failures in the past. There should never have been so many homes/apartments built in such a small radius, and while that can be corrected now you can surely help by not adding to an existing issue. I ask that you please take the time to properly assess this application and you will see that this should not be approved.*

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Meadowlark Road in Lower Valley.

The property is presently vacant.

A review of Cayman Land Info reveals that there are existing apartments in the area.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Size

Regulation 9(8)(e) states the minimum lot size for a duplex is 12,500 square feet and Regulation 9(8)(f) states that the minimum lot size for apartments and townhouses is 25,000 square feet. Combined, the required lot size is 37,500 square feet.

The subject parcel has 21,235 square feet of area.

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

2) Number of apartments

As noted earlier, the applicant is proposing a detached duplex as well as apartments. In the LDR zone, a duplex requires a minimum lot area of 12,500 square feet. When this area is subtracted from the overall parcel area, it leaves 0.2 acres of land for apartments, which translates into 3 apartment units. In this instance the applicant is applying for 5 apartments.

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

3) **Number of bedrooms**

Similar to item 4 listed above, there is 0.2 acres of land that can be devoted to apartments on this site. This translates into a maximum of 4 bedrooms in the apartment building and the applicant is seeking permission for 10 bedrooms.

4) **Rear setback**

Regulation 9(8)(i) states that the minimum rear setback is 20 feet.

The proposed duplex is setback 15 feet from the rear boundary.

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

At 1:30pm, Mitzie Bailey and Arnold Berry appeared on behalf of the applicant. Catherine Childs appeared on behalf of The National Trust as an objector. Summary notes are provided as follows:

- Mr. Berry provided several comments:
 - this is an application for 7 apartments
 - his client is nearing retirement and he wanted something to help with income
 - it is an all Caymanian project
 - the lot is 21,235 sq ft and falls short of the minimum 25,000 sq ft and they have sought a variance
 - they could do 2 duplexes if he is correct in saying 10,000 sq ft is required for each and the Authority corrected him in that the required lot size for each duplex is 12,500 sq ft
 - he acknowledged that they would still need a variance for 2 duplexes
 - the unusual shape of the lot forced him to place the building in this direction
 - they need 10 parking spaces and are providing 14, but the National Trust says they would like less
 - if they increase the rear setback to 25' they will lose parking spaces, but that helps the National Trust and that was their undertaking
 - the septic tank location was also a concern and they gave an undertaking to use a sewage treatment plant instead
 - they will move the deep well away from Gore's Sanctuary
 - regarding the area behind building B they gave an undertaking to leave the trees there as much as possible
 - regarding the parking area they gave an undertaking to not use asphalt and use either grasscrete or pavers
 - to the side of Building B they will leave it as much as possible in its natural state
 - the other objector on 28B 126 has basically said it would be a nuisance to him

- a straight line from the middle of this site to his is 336' and he has an apartment complex in front of him and he noted several other apartments in the area
- The Authority asked for input from the objector.
- Ms. Childs provided several comments:
 - Governor Gore's pond is just to the right
 - the applicant came to them yesterday to address their concerns
 - the pond is an amenity for the area
 - it is a healthy ecosystem and fresh water ponds are rare in Cayman
 - a lot of people go there
 - any time the Trust can work with a developer is important, they want to do it right
 - the parking area goes into the 20' setback and the building is only 15'
 - the applicant said they would remove some parking and keep the bottom left area natural
 - the building is too big for the site
 - The Water Authority noted that the site is over the Lower Valley water lens and that wells have to be 60' deep not 100' and this will reduce the impact on the pond
 - as Mr. Berry said, perhaps 2 duplexes is better for the area
 - the Trust is still interested in purchasing the site
 - if you are at the observation platform at the pond your view will be into this site so they want to keep as much vegetation as possible
- Mr. Berry noted that deep wells are set by the Water Authority so they will do what is required. He noted the lot size and shape dictated the design.
- Ms. Childs noted that they want to prevent the lateral movement of water into the pond. She noted that the lot size is square footage and is not affected by the shape.
- The Authority noted that the well depth is important as the site is over a water lens so the Water Authority will say what is required.
- Mr. Berry noted that it would be odd at this stage for the Water Authority to say wells here will be a problem given the number of wells already in the area.
- The Authority asked what is the square footage of the car park and Mr. Berry replied about 6,000 square feet.
- The Authority asked if they would be willing to reduce the project to 2 duplexes and Mr. Berry replied they are asking for what they have applied for.
- The Authority asked if they would put in a sewage treatment plant and Mr. Berry replied that they have relocated the septic tank to comply with the setback and they are willing to put in a sewage treatment plant.

- Mr. Berry explained that they can provide a 25' setback if they reduce the parking area which will reduce the number of parking spaces and they can provide grasscrete or pavers. The Authority noted that grasscrete is not supported. Mr. Berry noted that they can relocate the deep well closer to the road to reduce leaching. He also noted that he may be able to re-design as one building with 7 apartments.
- The Authority clarified that the setback along the side that he has labelled as a rear setback is actually a side setback. Mr. Berry thanked the Authority for the clarification and noted that will assist in redesigning the parking area.

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

Application for an addition to a house.

Appearance at 2:00

FACTS

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

BACKGROUND

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

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

May 11, 2022 (**CPA/13/22; item 2.1**) – current application adjourned to re-invite the applicant and objectors

Decision: It was resolved to refuse Planning Permission for the following reasons:

- 1) The Authority is of the view that the submitted drawings clearly depict two dwelling units therefore the building must be considered a duplex. As such, the application does not comply with the minimum lot size requirement per Regulation 9(8)(e) of the Development and Planning Regulations (2021 Revision) and the Authority is of the opinion that pursuant to Regulation 8(13)(b), the applicant failed to demonstrate that there is sufficient reason and exceptional circumstance to warrant allowing the lesser lot size.
- 2) The application does not comply with the minimum required side setbacks per Regulation 9(8)(j) of the Development and Planning Regulations (2021 Revision) and the Authority is of the opinion that pursuant to Regulation 8(13)(b), the

applicant failed to demonstrate that there is sufficient reason and exceptional circumstance to warrant allowing the lesser lot setbacks.

APPLICANT'S LETTER

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

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

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

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

OBJECTIONS

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

PLANNING DEPARTMENT ANALYSIS

General

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

The application seeks Planning Permission for an upper floor addition

Zoning

The property is zoned Low Density Residential.

Specific Issues

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

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

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

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

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

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

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

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

At 2:00pm, Lisa De Mercado Crisp and Graham Crisp appeared as applicants. The Authority noted that the objector was not present and as this was their second opportunity to attend a meeting natural justice has been served and the Authority proceeded to consider the application. Summary notes are provided as follows:

- Ms. De Mercado Crisp explained that the whole point is for a variance for the second floor addition. The septic tank is for the new addition. They need 10,000 square feet for a detached home and this is an existing house and they need additional square footage for the second floor. She noted that the setback for the left elevation is 14' which is below 15'.
- The Authority asked if this is a separate living quarters so that it is a duplex.
- Ms. De Mercado Crisp replied no.
- The Authority noted that there is an existing house and there will now be a separate living area above it and Ms. De Mercado Crisp replied that is correct. The Authority explained that means there are two distinct living units.
- Mr. Crisp noted that they would be within the confines of the building.

- Ms. De Mercado Crisp noted that the living space is for one family.
- The Authority noted that there is a kitchen and living area downstairs and there will be the same above.
- Mr. Crisp explained it is for their son who will have access through a spiral staircase.
- Ms. De Mercado Crisp noted it is for her son and his family in the future and asked if there is something wrong with that.
- The Authority explained that there are Building Code issues and how the building is categorized as it will make a difference with fire rating and access. The Authority explained that based on this design it would be a duplex and that changes the lot size requirement. In this case the required lot size for a duplex is 12,500 sq ft.
- Ms. De Mercado explained she has two sons, but only one can live on his own right now.
- The Authority asked if there are other duplexes in the area.
- Mr. Crisp replied that several additions have gone up in the area at 2 storeys, but he doesn't know what is going on inside them. He noted the space is for their son so he can have a self-contained area, it gives him his own space to live in.

2.6 ROGER S. FREEMAN (George Manderson Jr.) Block 14BJ Parcel 19 (P21-1163) (\$100,000) (NP)

Application for proposed balcony addition

Appearance at 2:30

FACTS

<i>Location</i>	South Church Street in George Town
<i>Zoning</i>	BRR with GC4 overlay
<i>Notification Results</i>	Objections
<i>Parcel size</i>	0.36 acres.
<i>Parcel size required</i>	0.5 acre
<i>Current use</i>	Ground floor – watersports business Upper floor - restaurant

<i>Proposed use</i>	balcony extension
<i>Building Footprint</i>	853 sq. ft.
<i>Site Coverage Permitted</i>	40 %
<i>Site Coverage Proposed</i>	13.8 %
<i>Parking Required</i>	20
<i>Parking Proposed</i>	20 (11 onsite, 9 off-site leased)

Decision: It was resolved to grant planning permission, subject to the following conditions:

- 1) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 2) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 3) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 4) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least seven feet (7') above mean sea level.

Reasons for the decision:

- 1) With the exception of the high water mark setback, which is addressed below, the application complies with the Development and Planning Regulations (2021 Revision).
- 2) The proposed development does not comply with the minimum required setback from the high water mark per Regulation 8(10)(a) of the Development and Planning Regulations (2022 Revision). Pursuant to Regulation 8(11), the Authority may allow a lesser setback having regard to:
 - a) the elevation of the property and its environs;
 - b) the geology of the property;
 - c) the storm/beach ridge;
 - d) the existence of a protective reef adjacent to the proposed development;
 - e) the location of adjacent development; and
 - f) any other material consideration which the Authority considers will affect the proposal.

In this instance, the Authority is of the view that:

- The application is for a balcony erected on columns and the elevation of the property and its environs is high enough to assist in minimizing storm surge thus allowing the proposed development to be closer to the high water mark.
 - In reviewing the available aerial photography the Authority notes that there are several properties (14E11, 12 & 13 and 14BJ 20 & 26) along approximately 850' of shoreline that have connecting seawalls on the ironshore. The setbacks from the high water mark for the buildings on those properties varies from parcel to parcel given the irregular nature of the ironshore coastline, but all of the buildings are situated behind the seawalls and applicant's proposal is no different. Therefore, the setback of the proposed development is consistent with the established development character of the area and it will not detract from the ability of adjacent land owners from enjoying the amenity of their lands.
- 3) The Authority does not accept the argument put forward by the applicant's Attorney that the existing concrete slab and seawall form part of the building.
 - 4) The Authority is satisfied with the applicant's off-site parking arrangement per Regulation 8(1)(b).
 - 5) The applicant will have to address the comments of the Water Authority per the requirements of the Law/Regulations under the purview of the Water Authority.
 - 6) The Authority noted that the proposed deck was for restaurant/dining purposes and not for bar purposes and that furthermore, the use of the deck for dining would not be obnoxious or create a nuisance for others in the area.
 - 7) The Authority also noted that the area surrounding the subject parcel had changed noticeably since the previous application with large scale residential projects replacing smaller residential developments. The Authority considered this a mixed use area as there were existing commercial operations, including other restaurants, among residential developments.
 - 8) The Authority noted that the proposed deck was smaller in area than a previous application for a similar structure that was refused by a previous Central Planning Authority.
 - 9) The Authority is of the view that the objectors did not raise grounds that would warrant refusing permission. More specifically:
 - The Authority is of the view that the HWM setbacks are acceptable for the reasons noted above.
 - The Authority is of the view that sufficient parking is provided for the site and no evidence has been provided to demonstrate that vehicles associated with the site will park alongside the public road.
 - The existing cabana is not part of the application being considered by the Authority.
 - The Authority is satisfied that the HWM setbacks for the balcony are consistent with the objectives of Section 2.6 of The Development Plan 1997 and the Authority is satisfied that the proposed balcony is not at variance with any other provisions of the Plan.

- It is incorrect to state that the former Paradise restaurant is located in a commercial zone. It is zoned Beach Resort Residential, as is the subject site as well as the site where Sunset House is located.
- No evidence has been provided to demonstrate that the use of the balcony for outside seating will detract from the owners of neighbouring properties from enjoying the amenity of their properties.
- It is not within the remit of the Authority to determine if there is a commercial need for the proposed balcony, that is a free market decision for the applicant.
- The previous use of the site is not part of the application being considered by the Authority.
- The Authority is not strictly bound by previous decisions of a previously constituted Authority provided sufficient reasons are provided and those reasons are noted above.

BACKGROUND

April 25, 2012(CPA/10/12; Item 2.14) - The Authority granted planning permission for a change of use of retail space to a bar/restaurant.

September 6, 2018 (CPA/17/18; Item 2.6) The Authority granted planning permission for an off-site parking area on Block 14BJ Parcel 24 for 12 months only.

February 5, 2019 (CE10-0029) An enforcement notice was issued for a shoreline modification and placement of a commercial tent without planning permission.

July 17, 2019 (CPA/15/19; Item 5.4) - The Authority waived the requirement to provide a current High Water Mark survey for the previous application.

December 4, 2019 (CPA/25/19; Item 2.4) - a similar application proposing an upper floor balcony was refused by the Central Planning Authority for the following reasons:

- 1) The applicant failed to provide sufficient reasons per Regulation 8(11) why a high water setback less than what is prescribed in regulation 8(10(a) should be allowed.
- 2) The Authority is of the view that the balcony can only physically exist if a deficient high water mark setback is allowed and that would not be consistent with Section 2.06 (e) of The Development Plan 1997 in that the resultant noise from the proposed balcony that is intended for outside seating associated with a bar/restaurant would cause a negative impact on the occupants of the neighbouring residential lots.
- 3) Per Section 3.03 (b) of The Development Plan 1997, the Authority is of the view that the resultant noise from the proposed balcony that is intended for outside seating associated with a bar/restaurant will not be harmonious or compatible with the adjacent residential developments.

November 10, 2021 (CPA/23/21; Item 5.2) - The Authority waived the requirement to provide a current High Water Mark survey for the current balcony application.

March 16, 2022 (CPA/08/22; Item 2.1) - The Authority adjourned the application at the request of the applicant.

AGENCY COMMENTS

Agency comments received to date are provided below.

National Roads Authority

As per your memo dated November 3rd, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

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

Water Authority Cayman

Existing Wastewater Treatment System Needing Regular Servicing

The following are the Water Authority's requirements for this development proposal:

The development is served by two existing Clearstream 1000N treatment systems with a design capacity of 2,000 gpd. The existing systems can accommodate the proposed additions. However, following a review of the Water Authorities online maintenance tracking system, it appears the system has not been adequately maintained nor has a service report been submitted since April 30th 2020. 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

- Registered Service Providers submit monthly Service Reports to the client and the Water Authority via our online tracking system. The required maintenance 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 are conditions for approval of Certificate of Occupancy.*

Department of Environment

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

The subject parcel is man-modified and of limited ecological value. However, the area offshore from this parcel is a Marine Reserve protected area and therefore it is important to ensure that the construction will not have any unacceptable adverse effects on the Marine Protected Area.

Therefore, on the basis of the above information, in the exercise of powers which have been conferred through express delegation by the National Conservation Council,

pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE respectfully directs that the following condition be imposed by the Central Planning Authority or Department of Planning, as part of any agreed proposed action for planning approval:

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

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

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

Fire Department

The Fire Department has stamp approved the drawings.

Department of Environmental Health

The DEH has yet to respond to the request for comments. However, it is noted that the solid waste enclosure has existed for many years.

APPLICANT'S LETTERS

See Appendix C

OBJECTION LETTERS

See Appendix D

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on South Church Street, across from Ugland House.

The shoreline is ironshore and the Authority previously determined that a high water mark survey is not required in this instance.

The property contains an existing watersports operation on the ground floor and a restaurant/bar on the upper floor.

The application is to add an 853 square foot uncovered balcony to the upper floor restaurant.

Abutting properties were notified by Registered Mail and two advertisements were placed in a local newspaper. Objections have been received as well as a letter of support.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) HWM setback (33'4" vs 75')

Regulation 8(10(a) requires a minimum 75 foot setback in this area of central George Town.

The applicant is proposing a 33'4" setback to the edge of the proposed deck.

It is noted that the previous 2019 application extended slightly further west to the edge of the existing seawall.

The Authority should consider the proposed seaside variance.

2) Parking

The subject property contains parking for 11 vehicles, including one accessible parking space.

Regulation 8(1) requires a total of 20 parking spaces for both the expanded restaurant/bar use on the upper floor and the commercial use on the ground floor.

The applicant is proposing to provide the additional 9 parking spaces a short distance away on Block 14E Parcel 681. In this regard, a signed lease for nine parking spaces has been provided by the applicant and can be found in Appendix E.

It should be noted that the site is zoned BRR which does not allow for off-site parking, but the lands are also subject to the General Commercial zone 4 overlay which does allow for off-site parking. More specifically, the Regulation states that up to 100% of the required parking (excluding those required for accessibility) may be located not more than 700' from the respective building. In this instance, the proposed 9 off-site parking spaces will be located across the street on 14E 681, about 280' from the building.

The Authority should discuss whether the proposed off-site parking arrangement is acceptable in this instance.

3) Water Authority Comments

The Water Authority has indicated that there are some outstanding Agency requirements that have not been met to date.

At 2:30 Roger Freeman appeared as the applicant and J. Samuel Jackson appeared as his Attorney. Batya Colman, Jo Colman, Daniel Bishop, Alan Wight and Nicholas Dixey were present as objectors. Jonathan Furer joined the meeting via Zoom as an objector. Summary notes are provided as follows:

- The Authority advised that each party would be given 10 minutes to speak and advised that the members have their letters so there is no need to read them verbatim.
- Mr. Jackson explained that he thought they would run through the plans. The Authority explained that the members have already looked at them.
- Mr. Jackson approached the projector screen and provided several comments:
 - The application is to extend the existing balcony

- There is an existing seawall on the ironhsore
- There is an existing slab and they say it is part of the building
- This is the old Eden Rock building with a dive shop and upstairs is a restaurant
- The patio below is part of the operation
- The entirety of the application is a balcony extension
- There is no proposed change of use, the restaurant was already approved and they have a liquor license
- There was an enforcement notice in 2019 which was the source of some venom from the objectors
- Mr. Freeman was a victim of that tenant and he was evicted
- That issue can't be used against him and he ameliorated the problem
- This is a balcony extension over a patio
- The setback variance may be a non-issue as setbacks are measured from the outer edge of a wall and he argues that the ground floor slab is a building wall so the setback already exists
- They should have a legal exemption because they are not changing the setback of the existing building
- He says that they are not going as far as the existing footprint of the building
- Establishing the mean high water mark is an averaging exercise so even if they need a variance it isn't as much as what is noted in the Agenda
- There are grounds under Regulation 8(11) for setback variances and he believes they have addressed those sufficiently
- There will be no music or dancing on the balcony, that is not what is being applied for and that would need planning permission as it would be a change of use, therefore any objections of that nature should be disregarded
- The Authority needs to determine if there is a material planning interest that is being harmed by the balcony extension
- Planning permission should be granted unless there is demonstrable harm to a planning interest
- Speculation about what may happen is not valid
- This is very similar to Lobster Pot, it is not unique
- Government wants to revitalize George Town and this will enhance the amenity of the area
- Parking was addressed in his letter regarding GC4
- The Authority asked for input from the objectors
- Mr. Dixey advised he represents objectors and that Mr. Colman also wishes to speak to the application.

- Mr. Dixey proceeded to provide several comments:
 - This is a re-heated application that was previously considered and determined in 2019, there has been no material change
 - There was a previous decision for a refusal and he read it
 - The 2019 application was for an extension of a restaurant onto a balcony so it is not fair to say the objections are misconceived
 - There are concerns about noise and the impact on those that live nearby
 - If one doesn't like a decision then you appeal it, there wasn't an appeal in this case, you don't wait and then re-apply. This undermines the credibility of Government decisions, you should be able to rely on a decision that wasn't appealed
 - Regarding setbacks, Regulation 8(10(a) and (f) apply and one of them mentions Eden Rock such that a 75' setback applies
 - Yes, Regulation 8(11) allows for variations under certain conditions and that loops back to the Development Plan with regard to Other Material Considerations which speak to the impact of noise on others
 - Mr. Jackson has provided an ingenious argument that the patio forms part of the building – this would mean that the garden behind his house that has a wall would be part of his building, it's ridiculous. If you kick a ball into my garden and then come to take it back you don't get charged with burglary. It is an extraordinary argument but he has to make it otherwise there is no prayer to get the variance.
 - Lobster Pot is in a commercial zone and there are no residences next door. This site is BRR. Paradise is commercial zone and Crudo is a commercial zone so Mr. Jackson is comparing apples to oranges.
 - This property is right next door to residences.
 - The BRR zone is a transition zone between general Commercial and residential, it is to smooth gap with loud noise on decks and residential with a tranquil environment.
 - These sorts of facilities already exist, there are other restaurants on the waterfront, there is no pressing need for another
 - The objections come from residents that live there
 - When these people purchased here they didn't think this would be here as it is not a General Commercial zone.
 - If you look at the support letters they are not from people that live next door and that is why in 2019 it was refused and that decision must be followed.
 - The decision was not appealed as he thought he would wait for a new application and get a different decision
- The Authority asked for input from Mr. Colman
- Mr. Colman introduced his wife and stated that they live in Oceana. He provided several comments:

- Noise is an issue and the context of noise is important
- For example, being on a plane or under Niagara Falls demands noise, but where they live is precious and tranquil, they can hear birds and water lapping and to inject a bar/restaurant right next door in this context is a violation.
- To violate and dismiss it as it isn't important isn't right
- There is an issue of trust in that there used to be an orange water park in front of them and the landlord eventually got around to addressing it.
- The Authority explained that issue is not relevant to this application.
- Mr. Colman advised that the landlord do nothing to help them. They were left with a 30' wide scar on the ironshore that was approved retroactively because there was no choice. So it is hard to trust the applicant in terms of what happened in the past. This proposal adds nothing to the area. There are other bars and restaurants in the area, there are 8 within walking distance and all of them are in a commercial zone. It is not fair to put in this monstrosity.
- The Authority asked if Mr. Furer wished to speak and he replied no.
- Mr. Jackson provide additional comments:
 - All they are doing is a deck/balcony extension
 - If you are into preserving the ironshore then you can't buy into Oceana as they covered more ironshore than this
 - The existing slab has been there 40 years
 - The need for the balcony is outside of Mr. Dixey's area of expertise
 - They have an existing restaurant in situ
 - This is not apples and oranges, the zoning doesn't matter for his purposes when comparing to Lobster Pot, this is an application to extend a balcony to seat more people
 - Section 2.6 of the Development Plan is about maintaining setbacks between neighbours it doesn't address coastal setbacks
 - The previous decision in 2019 was perverse and took into account extraneous matters
- Mr. Dixey interjected that if they need to hear any more about the previous decision then we're all in trouble.
- The Authority asked to confirm if Oceana is next door and asked when it got Certificate of Occupancies versus the restaurant at the subject site.
- Mr. Freeman advised the restaurant opened in 2017
- Mr. Jackson noted that Oceana was occupied before that.
- Mr. Dixie confirmed GC4 is correct, but the site is actually zoned BRR. GC4 only deals with parking.

2.0 APPLICATIONS

APPEARANCES (Items 2.7 to 2.24)

2.7 RENA MANDERSON (JMP Construction) Block 8A Parcel 116 (P19-0926) (\$600,000) (MW)

Application for 4 apartments and 1 duplex with gym & office.

FACTS

<i>Location</i>	Capt. Reginald Parsons Dr., West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.4690 ac. (20,429.64 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	6,506.92 sq. ft.
<i>Total building site coverage</i>	16.30%
<i>Allowable units</i>	7
<i>Proposed units</i>	6
<i>Allowable bedrooms</i>	11
<i>Proposed bedrooms</i>	10
<i>Required parking</i>	9
<i>Proposed parking</i>	14

BACKGROUND

N/A

Decision: It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding suitability, lot size and density.

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment & Disposal

- The developer shall provide a **septic tank(s)** with a capacity of at least **2,250 US gallons** for the proposed, based on the following calculations.*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
<i>Building #1</i>	<i>4 x 2-Bed Units</i>	<i>225gpd/Unit</i>	<i>900gpd</i>	<i>900gpd</i>
<i>Building #2</i>	<i>2 x 1-Bed Units</i>	<i>150gpd/Unit</i>	<i>300gpd</i>	<i>500gpd</i>
	<i>2 x Toilets</i>	<i>100gpd/Toilet</i>	<i>200gpd</i>	
<i>TOTAL</i>				<i>1400GPD</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 licensed driller in strict accordance with the Authority's standards.** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'6" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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.

National Roads Authority

As per your memo dated September 24th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

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

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

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

Access and Traffic Management Issues

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

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

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

Stormwater Management Issues

The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and the use of alternative construction techniques. However, it is critical that the development be

designed so that post-development stormwater runoff is **no worse than** pre-development runoff. To that effect, the following requirements should be observed:

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

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

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

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

Department of Environmental Health

Solid Waste Facility:

This development required (1) 4 cubic yard container with twice per week servicing.

Table 1: Specifications for Onsite Solid Waste Enclosures

Container size (yd3)	Width (ft)	Depth (ft)	Height (ft)	Slab Thickness (ft)	Requirements
4	10	10	5.5	0.5	Water (hose bib), drain, Effluent Disposal well; guard rails

NOTE:

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

Department of Environment

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

The application site is man-modified and of limited ecological value. We recommend 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.

Fire Department

Approved for Planning Permit Only 30 Sep 21

APPLICANT'S LETTER

JMP Construction Ltd. is requesting a variance for a townhouse and apartment buildings Block 8A Parcel 116. We are proposing a variance in lot size from 25,000 SF to 20,469 SF and lot width from 100' to 30'-1". We are aware that the required lot size is 25,000 SF and lot width is 100'.

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

1. Per section 8(13)(i) of the Planning Regulations, the characteristics of the proposed development are consistent with the character of the surrounding area;

2. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare.

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

PLANNING DEPARTMENT ANALYSIS

General

Application for 4 apartments and 1 duplex with gym & office located on Capt. Reginald Parsons Dr., West bay.

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) 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, duplexes, apartments and vacant parcels within the nearby vicinity.

- 3D155:- Conch Pointe Beach Resort
- 3D25:- Conch Pointe Apartments
- 4C567:- Conch Point Garden
- 8A145:- Point 3 West
- 8A132:- Burlington Manor

2) Lot Size

The application was submitted as 4 apartments with a detached gym/office with 2 units above. The 2 units cannot be classified as apartments therefore they must be considered as a duplex Regulation 9(8)(e) of the Development & Planning Regulations (2021 Revision) states “ *the minimum lot size for each duplex is 12,500 sq. ft.* ” Regulation 9(8)(f) of the Development & Planning Regulations (2021 Revision) states “ *the minimum lot size for guest houses and apartments is 25,000 sq. ft.* ” The total required lot size is 37,500 square feet. The proposed lot is 20,429.64 sq. ft. a difference of 17,070.36 sq. ft.

3) Density

The application was submitted as 4 apartments with a detached gym/office with 2 units above. The 2 units cannot be classified as apartments therefore they must be considered as a duplex. Similar to item 2.4 on this Agenda, in the LDR zone, a duplex requires a minimum lot area of 12,500 square feet. When this area is subtracted from the overall parcel area, it leaves 0.182 acres of land for apartments, which translates into 2.7 apartment units. In this instance the applicant is applying for 4 apartments.

4) Lot Width

Regulation 9(8)(g) of the Development & Planning Regulations (2021 Revision) states “ *the minimum lot width for Apartments is 100’.* ” The proposed parcel would be 65.66’ a difference of 34.34’ respectively.

2.8 BLACK URCHIN RESORT (Paradise Drafting Ltd) Block 48C Parcel 16 (P22-0196) (\$18,000) (JP)

Application for three storage containers.

FACTS

<i>Location</i>	Bodden Town Road, Breakers
<i>Zoning</i>	BRR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	2.22 ac. (96,703 sq. ft.)
<i>Current use</i>	Tourism/residential
<i>Proposed building size</i>	468 sq. ft.
<i>Total building site coverage</i>	17.1%

BACKGROUND

January 10th, 2018 (**CPA/01/18; item 2.3**) – application for a house, four apartments, a welcome centre, two pools and 6’ wall approved (P17-1372)

Extensive Planning history relating to development of site for ancillary structures subsequent to above application/decision.

Decision: It was resolved to adjourn the application for the following reason:

- 1) The applicant is required to submit revised plans showing the visual appearance of the containers in keeping with the character and quality of the resort.

AGENCY COMMENTS

Department of Environment (NCC)

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

The Department confirms that we have no comments.

APPLICANT’S LETTER

We are writing on behalf of our client who is requesting permission to install 3# permanent containers on their site in Bodden Town. The containers would be situated behind an existing hedge which will provide plenty of visual screening.

Our client requires this storage space for their resort operations, in particular the storage of additional special event items such as tables, chairs, umbrellas. They will also be storing guest sporting items such as kayaks, inflatables, bicycles etc.

The containers are prefabricated units as outlined in the attached literature from the manufacturer.

We believe that this request will not be materially detrimental to the adjacent neighbours as these containers meet the required setback requirements as described in the planning regulations.

For these reasons we hope that the CPA will approve this request.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located to the south of Bodden Town Road in the Breakers area with the Caribbean Sea forming the southern boundary. Vacant parcels are located to the east and west.

The application seeks Planning Permission for the siting of 3 storage containers.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Suitability

Regulation 15(1) permits development in Beach Resort Residential zones if it ‘has the appearance of residential development in scale and massing’ and Regulation 15(2) permits ‘tourism related development’ in Beach Resort/Residential zones.

Members are invited to consider the content of the Agent’s letter in determining the acceptability of the proposed development.

2.9 SPOTTS (CAYMAN) LTD. (Paradise Drafting Ltd.) Block 12C Parcel 451/3H10H13 (P22-0128) (\$16,000) (BES)

Application to extend the swimming pool and dock

<i>Location</i>	Ritz Carlton Drive off Esterley Tibbetts HWY.
<i>Zoning</i>	H/T
<i>Notification result</i>	No Objectors
<i>Parcel Size Proposed</i>	0.4678 ac. (20,377.36 sq. ft.)
<i>Parcel Size Required</i>	10,000 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	Same as above

Decision: It was resolved to grant planning permission, **subject to the following conditions:**

Condition (1) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide a revised site plan showing the dock revised in width where necessary to ensure the canal width is a minimum of 65'.

In addition to Building Permit requirements, condition (2) listed below shall be met before a Building Permit can be issued.

- 2) The construction drawings for the proposed swimming pool filtration system shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool filtration system is constructed in accordance with the submitted plans it will conform to public health requirements.
- 3) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 4) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 5) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 6) The applicant shall obtain a Certificate of Completion **prior to the utilization of the pool and dock.**

Reasons for the decision:

- 1) With the exception of the canal setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed development does not comply with the minimum required canal setback per Regulation 8(10)(ea) of the Development and Planning Regulations (2022 Revision). Pursuant to Regulation 8(11), the Authority may allow a lesser setback having regard to:
 - a) the elevation of the property and its environs;
 - b) the geology of the property;
 - c) the storm/beach ridge;
 - d) the existence of a protective reef adjacent to the proposed development;
 - e) the location of adjacent development; and
 - f) any other material consideration which the Authority considers will affect the proposal.

In this instance, the Authority is of the view that the main house complies with the required setback and it is only the ancillary feature that does not. The Authority is of the view that the canal wall provides sufficient protection for the ancillary features and the lesser setback will not detract from that protection. Per sub-

regulation f) above, the Authority views these reasons as a material consideration that allows for the lesser setback.

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

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

The application is man-modified with limited ecological value. Should the Central Planning Authority or Department of Planning be minded to grant planning permission for the dock and modification, best management practices should be adhered to during construction; these include but are not limited to:

- Any stockpiled materials being kept away from the canal edge to reduce the possibility of rainwater runoff washing material and debris into the canal causing turbidity and impacting water quality;*
- A minimum dock height of 4 feet and the installation of dock decking with a minimum of ½ inch spacing between decking boards to allow light penetration to occur to support marine life under the dock.*
- The dock construction area being fully enclosed with silt screens with a 4-foot minimum skirt depth to contain any sedimentation or debris arising from the construction of the dock; and*
- The silt screens being left in place until the water contained inside the screens has cleared to the same appearance as the water immediately outside of the screens.*

APPLICANT'S LETTER

We are writing on behalf of our client who kindly requests a setback variance be granted for the extension of their existing swimming pool.

Our client kindly requests a variance be granted for the proposed extension of the swimming pool's length which is in conflict with Regulation 8 (10)(ea) of the Development and Planning Regulations (2021 Revision) which requires a 20-foot setback from the physical edge of the canal. The proposed lengthened end of the pool would be aligned above existing piles and grade beams built along the edge of the canal for the support of the original house and decking. There would be no change in the distance from the canal to the existing concrete structure save that the height would be reduced to align with the infinity edge of the existing pool. This is as per recent constructions of neighboring Deckhouse properties



Photo illustrating the existing grade beam location that the proposed pool lengthening would align with.

PLANNING DEPARTMENT ANALYSIS

General

The application is to extend the swimming pool in length and widen the dock at the above-caption property. The site is located on Ritz Carlton Drive off Esterley Tibbetts HWY.

Zoning

The property is zoned Hotel/Tourism.

Specific Issues

1) Pool Setback

The proposed pool is setback 3'-3" from the physical edge of the canal. In contrast, the minimum required setback is 20'-0" per regulation 8(10)(ea) of the Development and Planning Regulations (2022 Revision).

2) Dock Extension

The dock would extend 7'-8" into the canal, which is not unusual for docks, but in this instance, there does not appear to be other similar docks on this canal and the proposal may be restricting access through the canal.

2.10 NOVUS DEVELOPMENT (CAYMAN) Ltd. (Novus Dev.) Block 5C Parcel 358 (P21-1302) (\$900,000) (EJ)

Application for a house and pool.

FACTS

Location

Lloyd Cres. & Hillard Drive in West Bay

<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2920 ac. (12,719 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3,603 sq. ft.
<i>Total building site coverage</i>	28.33%
<i>Required parking</i>	1
<i>Proposed parking</i>	2

BACKGROUND

NA

Decision: It was resolved to grant planning permission, subject to the following conditions:

Condition (1) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The construction drawings for the proposed swimming pool filtration system shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool filtration system is constructed in accordance with the submitted plans it will conform to public health requirements.
- 3) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 4) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 5) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in

place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.

- 6) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 7) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level.

Reasons for the decision:

- 1) With the exception of the front setback, which is addressed below, the application complies with the Development and Planning Regulations (2021 Revision).
- 2) The proposed application does not comply with the minimum required front setback per Regulation 9(8)(i) of the Development and Planning Regulations (2021 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setback as follows:
 - a) The characteristics of the proposed development are consistent with the character of the surrounding area;
 - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
 - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

APPLICANT'S LETTER

In accordance with section 8(13) of the Development and Planning Regulations (2021 Revision) we would like to request a partial variance from 20ft to 10ft for one of the road setbacks. The application background and reasons we are requesting this variance are as follows:

- *The proposed home is on a corner lot in the subdivision known as The Highlands in West Bay. The lot therefore has two sides with road frontage – the west side, which is adjacent to Hillard Drive and the south side, which is adjacent to Lloyd Crescent.*
- *The front of the house is on the south side of the property and the required 20ft setback from this boundary line has been met. Similarly, the 20ft rear boundary setback on the north of the property and the 10ft side yard boundary on the east of the property, have also been met.*
- *The west side yard setback is required to be 20ft because it has road frontage from Hillard Drive. However, the width and overall size of the lot has made it a hardship to create 20ft setbacks on three sides of the property. The accompanying home design has left us with a 10ft setback on this west side.*

- *The Highlands is a private subdivision and there are no “through access” roads. In addition, the lot in question is near to the end of the subdivision with very few lots and houses beyond this point.”*

PLANNING DEPARTMENT ANALYSIS

General

The proposed four-bedroom house with attached double garage and swimming pool is located on the corner of Lloyd Cres. & Hillard Drive in West Bay

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Minimum front setbacks

As mentioned, the proposed house does not meet the required 20’ setback from Hillard Drive; therefore, the applicant is seeking a setback variance from the Authority, mindful that the subject parcel is a corner lot.

2.11 MORNE BOTES (Abernethy & Associates) Block 1D 603 Rem 1 (P22-0370) (\$4,814) (NP)

Application to modify planning permission to address conditions of approval.

FACTS

<i>Location</i>	End of Lindy’s Walk, west of Watercourse Road
<i>Zoning</i>	LDR
<i>Notification Results</i>	Not applicable
<i>Parcel size</i>	61,419.6 sq ft
<i>Parcel size required</i>	10,000 sq. ft. for dwellings 25,000 sq. ft. for apartments
<i>Parcel width required</i>	80 feet for dwellings 100 feet for apartments
<i>Proposed lot sizes</i>	22,756 sq. ft. & 31,182 sq. ft.
<i>Current use</i>	Vacant

BACKGROUND

15 December 2021 (CPA/26/21; Item 2.8) – The Authority granted planning permission subject to a number of conditions (P21-0935).

Decision: It was resolved to adhere to Planning Permission CPA/26/21; item 2.8.

Reasons for the decision:

There does not appear to be any benefit in removing or deferring the stated conditions

of approval. The applicant can submit a final survey plan which will be stamped approved with an accompanying memorandum that directs the Registrar of Lands to place a restriction on the land registers of the new parcels which will prevent their transfer until the outstanding conditions of approval have been met. Similarly, applications for planning permission for the new lots can be submitted, reviewed and approved as deemed appropriate by the Authority. Should planning permission be granted a condition of approval would be included that would prevent the issuance of a Certificate of Occupancy until the conditions of the underlying subdivision (e.g. construction of the road and piped water line) have been satisfied.

APPLICANT'S LETTER

We are asking for a modification of Planning conditions 1, 2, & 3 to be deferred until further development of the parcel.

Attached is a Master Plan for the development which involves a combination of ID 115 and a condo development.

This development will require infrastructure beyond the construction of the road and waterline on Lot 3 and will be addressed in that application.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in West Bay, at the western terminus of Lindy's Walk.

The property is currently vacant and the proposal is to create two new residential lots and one road parcel.

Proposed residential lot sizes are 22,756 square feet and 31,182 square feet.

The proposed road parcel is 7,985 square feet. Rights of way over the proposed road parcel are proposed.

Zoning

The property is zoned Low Density Residential.

Specific Issues

Condition 1

This condition deals with the paving of the proposed road parcel to NRA standards.

Condition 2

This condition deals with the provision and installation of water infrastructure to the property.

Condition 3

This condition addresses the requirement to connect to the Water Authority's public water system.

The applicant has requested that the three conditions be deferred by the Authority until the property is developed further.

2.12 GEORGIA SCOTT (JMP Construction) Block 22E Parcel 56 (P22-0395) (\$600,000) (EJ)

Application for a house and detached game room.

FACTS

<i>Location</i>	Tropical Gardens Road, Tropical Garden
<i>Zoning</i>	MDR
<i>Parcel size proposed</i>	0.2872 ac. (12,510 sq. ft.)
<i>Parcel size required</i>	7,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3,824.29 sq. ft.
<i>Total building site coverage</i>	25.40%
<i>Required parking</i>	1
<i>Proposed parking</i>	2

BACKGROUND

NA

Decision: It was resolved to grant planning permission, subject to the following conditions:

Condition (1) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 3) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.

- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 5) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level.

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision). Further, the Authority does not consider the game room to be a separate dwelling unit as there is no defined living or sleeping areas or a full kitchen and in this regard a separate electrical meter will not be allowed for the building.

PLANNING DEPARTMENT ANALYSIS

General

The proposed house and detached game room is located in Tropical Gardens and on Tropical Gardens Road.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Potential Second Unit

The proposed detached game room has a bathroom and kitchen area; therefore, the Authority is asked to consider the whether the building should be considered a second unit as there would be lot size implications if it is.

2.13 ANNIE'S PLACE (PBP&J Development) Block 1D Parcel 76 (P21-0995) (\$860,000) (JP)

Application for 5 apartments.

FACTS

<i>Location</i>	Turtle Crescent, West Bay
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.8 ac. (94,438.08 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant

<i>Proposed building size</i>	3,071 sq. ft.
<i>Total building site coverage</i>	9.3%
<i>Allowable units</i>	12
<i>Proposed units</i>	5
<i>Allowable bedrooms</i>	19
<i>Proposed bedrooms</i>	9
<i>Required parking</i>	8
<i>Proposed parking</i>	16

BACKGROUND

No Planning history

Decision: It was resolved to grant planning permission, **subject to the following conditions:**

Conditions (1-7) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall submit a revised site plan showing a turnaround for fire trucks to the satisfaction of the Chief Fire Officer and approved by the Authority.
- 2) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 3) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 4) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 5) The applicant shall provide proof that a Stormwater Management plan has been submitted to the National Roads Authority (NRA). **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 6) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 7) The applicant 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, properties and fire lanes. 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.

In addition to Building Permit requirements, condition (8) listed below shall be met before a Building Permit can be issued.

- 8) The applicant shall submit the Stormwater Management plan required in condition 5) which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority.
- 9) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 10) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 11) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

Additionally, once construction has started, conditions (12-15) shall be complied with before a final Certificate of Occupancy can be issued.

- 12) The access road (s) abutting the proposed lots shall be constructed with asphalt and approved by the Central Planning Authority prior to the lots being registered. The applicant shall liaise with the Managing Director, National Roads Authority (NRA), at predetermined stages of road construction to ensure compliance with the requisite standards. Failure to do so may render the project unacceptable. Please be advised that the road base shall be constructed to National Roads Authority (NRA) minimum design and construction specifications for subdivision roads. The NRA shall inspect and certify road base construction prior to road surfacing activities.
- 13) The applicant shall provide water infrastructure for the entire sub-division. The developer shall submit plans for the water supply system for approval by the Water Authority. The water supply system shall be installed to the Authority's specifications, under the Authority's supervision. Copies of these specifications are available at the Water Authority's office on Red Gate Road.
- 14) The applicant shall request to have the sub-division connected to the Water Authority's public water system. This request will be acted upon after the pipelines on the sub-division have been installed in accordance with the WAC specifications and have passed all specified tests.
- 15) If the development includes access gates, the applicant shall provide written confirmation from the Department of Public Safety Communications (DPSC) that the access gate(s) includes acceptable measures to allow access for emergency service vehicles and personnel.

16) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level.

The applicant is reminded that they must receive all relevant approvals from all required agencies.

Provision shall be made for the **removal of solid waste**, including **construction and demolition waste**, from the site on a regular basis during the construction period.

The applicant shall provide adequate number of **sanitary facilities during the construction stage**.

Reasons for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2021 Revision). This determination includes the specific assessment that per Regulation 9(8) of the Development and Planning Regulations (2021 Revision), the Authority is satisfied that the site location is suitable for apartments as follows:

- There are no physical constraints on the site that would prevent the development of apartments.
- There are several apartment developments in the surrounding area and the proposed apartments are consistent and compatible with the established building character of the area.
- There is sufficient infrastructure at this site (e.g. public road, water line, electrical service) and in the area (commercial retail, grocery stores, etc.) to support the residents of the proposed apartments.

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment & Disposal

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

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD/BLDG</i>	<i>TOTAL GPD</i>
<i>Block #1</i>	<i>1 x 1-Bed Unit</i>	<i>150gpd/1-Bed</i>	<i>150gpd</i>	<i>1,050</i>
	<i>4 x 2-Bed Unit</i>	<i>225gpd/2-bed</i>	<i>900gpd</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 licensed driller in strict accordance with the Authority's standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'8" 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.*

National Roads Authority

General Issue

The proposed driveway is located on an unbuilt section of road that is only 15 feet wide (Turtle Crescent) and a twenty-four (24) ft. wide road needs to be provided in order to have adequate access as the NRA does not endorse the use of vehicular ROWs. **The NRA can not support this application at this time.**

Road Capacity Issues

The traffic demand to be generated by a residential development of five (5) multi-family units has been assessed under ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Turtle Crescent is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak 20% In	AM Peak 80% Out	PM Peak Hour Total Traffic	PM Peak 65% In	PM Peak 35% Out
33	3	1	2	3	2	1

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

Access and Traffic Management Issues

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

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

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

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

Stormwater Management Issues

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

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

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

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

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

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

Department of Environmental Health

The revised solid waste area meets DEH requirements.

Department of Environment

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

The site is man-modified with some regrowth. Native vegetation should be retained and planted where possible. Native vegetation is best suited for the conditions of the site, requires less maintenance and is a cost-effective choice. In particular, the area labelled as 'Block 2 Future Building' should remain in its current state until a development comes forward for that area.

Fire Department

As per fire code 1997 503.2.5 road way in excess of 150 would required a turn around for fire apparatus

Please depicted Proposed Fire hydrant and Fire well.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in West Bay and accessed by an easement off Turtle Crescent. The site and neighbouring lots are densely vegetated and built form consists of single residential units and/or duplexes.

The application seeks Planning Permission for the construction of an apartment building to contain 5 units.

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 character of the area as part of their deliberations.

2) Access

The NRA has commented on the access issue, but their comments don't paint the complete picture. The subject site currently has a registered 22' vehicular right-of-way over 1D 93. The applicant has also provided copies of signed grant of easement forms that will secure 22' vehicular right-of-ways over 1D 91 and 296. Upon registration of those documents, the subject site will benefit from a 22' access leading from Bonaventure Rd, which is public. The Authority needs to determine if the 22' access is acceptable for the proposed apartments and should approval be granted, a condition would need to be include requiring the construction of the access road.

2.14 UNITED PENTECOSTAL CHURCH (Whittaker & Watler) Block 4C Parcel 272 Rem 2 (P22-0201) (\$2.4 million) (NP)

Application for a church

FACTS

<i>Location</i>	Captains Joe & Osbert Road, West Bay
<i>Zoning</i>	High Density Residential
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	2.79 acres
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Vacant
<i>Proposed use</i>	Church
<i>Proposed Building Footprint</i>	13,382 sq. ft.
<i>Proposed Building Area</i>	15,986 sq. ft.
<i>Parking Required</i>	107
<i>Parking Proposed</i>	107

BACKGROUND

2007 – church approved and approval expired

2012 - church approved and approval expired

Decision: It was resolved to grant planning permission, **subject to the following conditions:**

Conditions (1-6) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and size of the wastewater treatment system (including the disposal system).
- 3) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 4) The applicant shall provide proof that a Stormwater Management plan has been submitted to the National Roads Authority (NRA). **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 5) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 6) The applicant 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, properties and fire lanes. 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.

In addition to Building Permit requirements, condition (7) listed below shall be met before a Building Permit can be issued.

- 7) The applicant shall submit the Stormwater Management plan required in condition 4) which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority.
- 8) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 9) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.

10) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

11) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level.

The applicant is reminded that they must receive all relevant approvals from all required agencies.

Provision shall be made for the **removal of solid waste**, including **construction and demolition waste**, from the site on a regular basis during the construction period.

The applicant shall provide adequate number of **sanitary facilities during the construction stage**.

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision). More specifically, the Authority is satisfied that the location is suitable for a church per Regulation 9(3) and that the church will meet the needs of the community per Regulation 14(2).

AGENCY COMMENTS

Comments from agencies that have responded to the circulation of the plans are provided below.

Water Authority Cayman

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 2,657 US gallons per day (gpd)**, based on the following calculations.*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
Congregation	12,454.00 sq. ft.	12,454 x 0.15 (church factor 1)	1,868.1
3 x Offices	~750.92 sq. ft.	750.92 x 0.15 (office factor)	112.6
Assembly Hall	~863.72 sq. ft.	863.72 x 0.15	129.6

		(church factor 1)	
Meeting Room	~487.76 sq. ft.	487.76 x 0.15 (church factor 1)	73.2
Kitchen	~473.20 sq. ft.	473.2 x 1.0 (church factor 2)	473.2
TOTAL			2,656.7 GPD

- ***Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards.*** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.
- ***To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'5" 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 600 US gallons** is required to pre-treat flows from kitchen fixtures and equipment with grease-laden waste; e.g., pot sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the ATU.

Water Supply:

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

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

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

Department of Environmental Health

This application is approved with the condition that the number of garbage bins proposed increase from (2) 33 gallons to (4) 33 gallon bins.

Solid Waste Facility: 1. This development require (4) thirty three (33) gallon bins and an enclosure built to the department's requirements.

a. The enclosure should be located as close to the curb as possible without impeding the flow of traffic.

b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.

Department of Environment

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

The application site is man-modified and of low ecological value. We recommend the planting of native species in the landscaping scheme. Native vegetation is best suited for the conditions of the site. It requires less maintenance and is a cost-effective choice. Native vegetation provides diverse habitats, shelter and food for wildlife such as birds and butterflies. Planting native vegetation promotes biodiversity and stewardship of our natural heritage.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in West Bay on Captains Jo and Osbert Road.

The proposal is for a new church building.

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

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Zoning

As noted, the site is zoned HDR. Regulation 9(3) states that in a residential zone, religious development may be permitted in suitable locations and if details of the application have been advertised twice and no objections are received that raise grounds for refusing permission. In this instance, the applicant complied with the advertisement requirement and no objections were received. The Authority needs to determine if the site is a suitable location for a church.

Additionally, Regulation 14(2) states that religious institutions are permissible in any zone where they meet the needs of the community. The Authority needs to determine if the proposed church meets the needs of the community.

2.15 LUKE & MIRIAM BERRY (TSC Architecture) Block 22D Parcel 12 (P22-0195) (\$524,750) (EJ)

Application for a house.

FACTS

Lords Way, Red Bay

<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.44 ac. (19,166 sq. ft.)
<i>Parcel size required</i>	22,500 sq. ft.
<i>Current use</i>	Duplex
<i>Proposed building size</i>	2,099 sq. ft.
<i>Total building site coverage</i>	25.78%
<i>Required parking</i>	1
<i>Proposed parking</i>	2

BACKGROUND

October 15, 1998 – The CPA granted permission for a duplex.

Decision: It was resolved to grant planning permission, subject to the following conditions:

Condition (1) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 3) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 5) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level.

Reasons for the decision:

- 1) With the exception of the high water mark setback and side setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the maximum allowable site coverage, the minimum required lot size and the minimum required front/rear/side setbacks per Regulations 9(8)(d)(h)(i)(j) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot size and setbacks as follows:
 - a) The characteristics of the proposed development are consistent with the character of the surrounding area;
 - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
 - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

Reasons for the decision:

- 1) With the exception of the lot size and rear setback, which are addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the minimum required lot size and the minimum required rear setback per Regulations 9(8)(e) and (i) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot size and setback as follows:
 - a) The characteristics of the proposed development are consistent with the character of the surrounding area;
 - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
 - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

APPLICANT'S LETTER

This letter is written on behalf of Luke & Miriam Berry who recently applied to the department to construct an additional building on the referenced property. The total square footage of the new building is 2,099 sq. feet. It should be noted that the application requires a set-back and lot size variance and the required notice was sent by registered mail to all owners within a 150 feet radius on March 23rd, 2022. The applicant's reasoning for seeking the variance is that they currently reside in one of the

units in the existing duplex. However, once the proposed house is completed, they will reside in the new structure, which will allow them to financially benefit from the existing duplex.

As per section 8 (13) (b), (iii) such there is sufficient reason to grant a variance as exceptional circumstances exist, which may include the fact; the proposal will not be materially detrimental to persons residing or working in the vicinity to the adjacent property or to the public welfare.

PLANNING DEPARTMENT ANALYSIS

General

The proposed two (2) bedroom house does not meet the required lots size and rear setbacks, located on the corner of Lords Way and Abbey Way in Red Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Minimum Lot Size for House & Duplex –

Regulations 9 (8)(d) & 9 (8)I requires a 10,000 sq. ft. per house and 12,500 sq. ft. per duplex respectively for a total of 22,500 sq. ft.; However, the subject parcel is 19,166 sq. ft. or a difference of 3,334 sq. ft.; therefore, the applicant is seeking a lot size variance.

2) Minimum Rear Setback –

Additionally, the proposed house does not meet Regulations 9 (8)(i) 20' rear; proposed at 17.11' a difference of 2.1'; therefore, the applicant is also seeking a rear setback variance.

Finally, the applicant has notified the adjoining parcel per regulations and the department is not in receipt of any objections.

2.16 MARVA HEWITT (GMJ Home Plans Ltd.) Block 27D Parcel 278 (P22-0275) (\$244,000) (EJ)

Application for a house addition and after-the-fact storage shed.

FACTS

<i>Location</i>	Brightside Street
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2004 ac. (8,729 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	House and storage shed
<i>Proposed building size</i>	1,292 sq. ft.
<i>Total building site coverage</i>	24.44%

<i>Required parking</i>	1
<i>Proposed parking</i>	1

BACKGROUND

February 22, 2006 – Permission granted for a two-bedroom house.

September 29, 2021 (**CPA/20/21; item 2.8**) – The Authority adjourned an application create a duplex to invite the applicant to appear due to lot size and setback variances.

January 05, 2022 (**CPA/01/22; item 2.3**) – The Authority adjourned the duplex application at the applicant's request.

Decision: It was resolved to grant planning permission, subject to the following conditions:

Condition (1) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 3) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 5) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level.

Reasons for the decision:

- 1) With the exception of the rear and side setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the minimum required rear and side setbacks per Regulations 9(8)(i) and (j) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to

Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setbacks as follows:

- a) The characteristics of the proposed development are consistent with the character of the surrounding area;
- b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
- c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

APPLICANT'S LETTER

We write on behalf of our client Ms. Marva Hewitt, with regards to the following variances;

1. *A side setback variance — to allow the proposed to remain as built with a reduced side setback of 7'4" which would be less than the required 10'0" Note a difference of 2'8".*
2. *A rear setback variance — to allow the proposed to remain as built with a reduced side setback of 7'6" which would be less than the required 20'0". Note a difference of 12'6".*

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. There were no objections.*
2. *The garden shed has existed for over a decade and has not negatively affected the property or the immediate neighborhood.*
3. *Per section 8(13)(b)(iii) of the Planning Regulations, granting the variances to allow this structure to remain as shown, will not cause it to be detrimental to persons residing or working in the vicinity, nor to the adjacent property, nor to the neighborhood, or to the public welfare going forward;*
4. *The structure consists of a concrete foundation which would be cumbersome and costly to relocate.*
5. *The application complies with all other relevant planning requirements.*

PLANNING DEPARTMENT ANALYSIS

General

The applicant proposes a two-bedroom (single-storey) addition with family room and TV room and an after-the fact storage shed located on Brightside Street.

The Authority may remember that on September 29, 2021 (**CPA/20/21; item 2.8**) – The Authority adjourned the application (for addition to create duplex and atf shed) to invite the applicant to appear due to lot size and setback variances and on January 05, 2022 (**CPA/01/22; item 2.3**) – The Authority adjourned the application at the applicant's request for P21-0685.

Now, the applicant has submitted a new plan to create a house addition (and not addition to create a duplex); therefore, they are not seeking a lot size variance;

nevertheless, the applicant is still seeking a setback variance for the after-the-fact storage shed which has been existing prior to 2008.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Setback Variances

The applicant is seeking permission for the after-the-fact (100 sq. ft.) storage shed; which does not meet the required side and rear setbacks proposed at 7.4' vs 10' and 7.5' vs 20', respectively. The Authority is asked to consider the merits of the applicant's letter.

2.17 PATRICK SAKALA (JMP Construction) Block 5C Parcel 362 (P22-0202) (\$15,000) (EJ)

Application for replacement roof, patio extension and gazebo.

FACTS

Lloyd Cres, West Bay

Zoning

LDR

Notification result

No objectors

Parcel size proposed

0.2885 ac. (12,567 sq. ft.)

Parcel size required

10,000 sq. ft.

Current use

House

Proposed building size

450.75 sq. ft.

Total building site coverage

27.32%

BACKGROUND

March 13, 2007 - The Department granted permission for a three-bedroom house with attached double garage.

Decision: It was resolved to grant planning permission, subject to the following conditions:

Condition (1) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 3) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in

place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.

- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 5) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level.

Reasons for the decision:

- 3) With the exception of the rear setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 4) The proposed application does not comply with the minimum required rear setback per Regulation 9(8)(i) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot size and setbacks as follows:
 - d) The characteristics of the proposed development are consistent with the character of the surrounding area;
 - e) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
 - f) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

APPLICANT'S LETTER

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 neighborhood, 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.*

PLANNING DEPARTMENT ANALYSIS

General

The proposed roof replacement, gazebo and patio extension is located on Lloyd Cres. in West Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Rear setback

The gazebo does not meet the rear setback per Regulations 9 (8)(i) 20' and is proposed at 12.1' vs 20'; therefore, the applicant is seeking a variance from the Authority for the proposed.

The applicant has notified the adjacent parcels and the department is not in receipt of any objections; therefore, the authority is asked to consider the merits of the applicant request.

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

Application for installation of signs.

FACTS

Edgewater Way, Prospect

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

BACKGROUND

February 2, 2022 (**CPA/03/22; item 2.27**) – application for signs adjourned for the following reason:

- 1) The applicant must submit revised plans that comply with the requirements of NRA regarding sight lines

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

Decision: It was resolved to grant planning permission, subject to the following condition:

- 1) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2021 Revision).

AGENCY COMMENTS

National Roads Authority

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

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

PLANNING DEPARTMENT ANALYSIS

General

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

The application seeks Planning Permission for the installation of signage.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

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

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

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

Residences – 13' 8"

Offices - 12' 11"

Directory sign – 3' 7"

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

2) Size of sign 171 sf v 32 sf;

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

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

Members are invited to consider the acceptability of this.

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

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

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

Members are invited to consider the acceptability of this.

SUPPLEMENTARY ANALYSIS

Revised drawings submitted which amend the location and size of the directory sign.
The agent has submitted a support letter which reads:

“In response to comments from the NRA, I have reduced the size of the Main Sign and relocated it.

Size:

The directory has been removed from the main sign. The overall width of the sign structure has been reduced from 25’-4” to 12’-1¼ “.

Location

I have moved the Main Sign further into the property. It is now located inside the sidewalk in the landscaped triangle at the corner of the property and is out of the way of the sightline at the junction.

The Offices and Residence signs have not changed.”

NRA have been re-consulted in light of the revised drawings. No comments have been received at finalization of the Agenda, but it would appear that the new sign location would not impeded sight lines.

2.19 SHALICE CLARKE (Craftman’s Touch) Block 43A Parcel 186 (P22-0302) (\$440,000) (JP)

Application for a duplex.

FACTS

<i>Location</i>	Bombay Street, Bodden Town
<i>Zoning</i>	MDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.3497 ac. (15,232.93 sq. ft.)
<i>Parcel size required</i>	7,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	2,487.46 sq. ft.
<i>Total building site coverage</i>	14%
<i>Required parking</i>	2
<i>Proposed parking</i>	3

BACKGROUND

No Planning history

Decision: It was resolved to grant planning permission, subject to the following conditions:

Condition (1) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 3) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 5) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level.

Reason for the decision:

- 1) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed access is acceptable as the dots shown on the registry extract map are only indicative of where access should generally be located.

PLANNING DEPARTMENT ANALYSIS

General

The application site occupies a corner lot with Verneice Bodden Drive forming the western boundary and Bombay Street providing access from the north. Vacant lots form the east and south boundaries.

The application seeks Planning Permission for a duplex with two separate access points.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Legal access

Legal access to the proposed development site consists of a single access point off the secondary road, Bombay Street, which is set back from the junction with Verneice Bodden Drive, the primary road.

The proposed second access is only 25' 6" from the junction with Bombay Street in the direct line of sight for vehicles turning left onto Verneice Bodden Drive.

Therefore, Members are invited to consider the legal ramifications of an unregistered access together with the potential hazardous impact on road users.

2.20 OMARI RANKINE (Tropical Architectural Group Ltd.) Block 27C Parcel 825 (P22-0089) (\$531,840) (MW)

Application for a duplex with 4' & 6' fences & generator.

FACTS

<i>Location</i>	Meadowlands Dr., Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.3440 ac. (14,984.64 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3,324 sq. ft.
<i>Total building site coverage</i>	22.2 %
<i>Required parking</i>	2 spaces
<i>Proposed parking</i>	4 spaces

BACKGROUND

March 30, 2022 (CPA/09/22; Item 2.17) – the current application was adjourned for the following reason:

- 1) The applicant must submit a revised site plan showing the parking area re-designed such that vehicles do not reverse onto the road.

The applicant has now re-designed the parking area such that vehicles do not reverse onto the road.

Decision: It was resolved to grant planning permission, subject to the following conditions:

Condition (1) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 3) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 5) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least seven feet (7') above mean sea level.

Reasons for the decision:

- 1) With the exception of the lot width and side setback, which are addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the minimum required lot width and the minimum required side setback per Regulations 9(8)(g) and (j) of the Development and Planning Regulations (2022 Revision). The Authority is of the

opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot width and setback as follows:

- a) The characteristics of the proposed development are consistent with the character of the surrounding area;
- b) It is only the road frontage that does not comply with the lot width requirement, the remainder of the lot meets or exceeds the minimum requirement;
- c) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
- d) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

APPLICANT'S LETTERS

Letter #1

Further to the application submitted in relation to the above referenced Project, we hereby request for a lot width variance which requires a minimum of 80 ft lot width per Planning Regulation 9 (8)(g); and a setback variance which requires a minimum of 10 ft side setback per Planning Regulation 9 (8)(j).

We would appreciate your consideration for this variance request on the following basis: Under Regulation 8 (13)(b)(i), the characteristics of the proposed development are consistent with the character of the surrounding area; Regulation 8(13)(b)(ii) unusual terrain characteristics limit the site's development potential; and Regulation 8(13)(b)(iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare;

(1) The project site is a corner lot property where in its legal access can be found along Meadowlands Drive. The lot width along this road is only approximately 42' - 7" wide. Our client tried negotiating for a legal access along Hirst Road with NRA as well as in Kitty Lane which is a private road but was unsuccessful leaving us no other choice but to access it from the current proposed site entrance.

(2) The current proposed location of the generator being central in the site is the most efficient as it can easily serve both units and close to the CUC pedestal. The proposed generator is still approximately 3 ft away from the adjacent property. The owner of the adjacent property 27C 826 have also shown no objection on the generator being close to their property (see no objection letter on the next page). We hope that the board will find this request to be acceptable.

Letter #2

Through this letter, we would like to give some further information on the proposed development.

The proposed project is a one-storey duplex located on 27C 825. The roof deck will cater some of the utility equipment and future solar panels. The outdoor stair is intended for an ease of access during maintenance.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a Duplex; 3,324 sq. ft. with 4' & 6' Fence & Generator with Lot Width & Side Setback Variances to be located on Meadowlands Dr., Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Width

Regulation 9(8)(g) of the Development & Planning Regulations (2022 Revision) states "*the minimum lot width for detached houses and duplexes is 80'.*". The proposed parcel would only be approximately 42'-7 3/4" of Meadowlands Dr. a difference of 37'-4 1/4" respectively.

2) Side Setback

Regulation 9(8)(j) of the Development & Planning Regulations (2022 Revision) states "*the minimum side setback is 10' for a building of one storey*" as the proposed duplex meets the required minimum side setbacks the Department will point out the proposed generator would only be 3'-0" from the adjoining parcel boundary (27C 826) a difference of 7'-0" respectively. The Board should note the adjoining land owner submitted a letter of no objection regarding this (See above).

3) Fence Height

The CPA fence guideline 4.3.1 stipulates that "*In residential and tourism-related zones, no part of a solid wall or fence should exceed 48 inches in height*"- The proposed wooden divider fence at the rear of the proposed duplex would be 6' in height a difference of 2'-0" respectively.

4) Stair access to Roof

The Department also reached out to the applicant questioning the reason for the stairs which accesses the relatively flat roof. The applicant has submitted a letter stating the outdoor stair is intended for an ease of access during maintenance for the utility equipment and future solar panels. (See applicant letter above).

SUPPLEMENTAL ANALYSIS

The applicant has revised the parking area as requested and the Authority needs to determine if the new design is acceptable.

2.21 JOHN BURKE (Abernethy & Associates) Block 9A Parcel 725 (P22-0091) (\$3,650) (NP)

Application for a 2 lot subdivision.

FACTS

<i>Location</i>	Shorecrest Circle, West Bay
<i>Zoning</i>	LDR
<i>Notification Results</i>	No objectors
<i>Proposed Parcel size</i>	13,125 sq ft & 20,105 sq ft
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant

Decision: It was resolved to grant planning permission, subject to the following condition:

- 1) The surveyor's final drawing **shall include the surveyed dimensions of all lots and must show all required easements** and shall be submitted to the Director of Planning for approval prior to the survey being registered.

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).

AGENCY COMMENTS

The following agencies have submitted comments.

Department of Environment

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

The Department notes that the majority of the subject parcel is predominantly man-modified habitat with some remaining mangrove habitat along the parcel's south-eastern boundary, as shown in figure 1 below. Mangroves are protected under the Species Conservation Plan for Mangroves (2020) in accordance with the National Conservation Act (2013). With guidance, mangroves can be trimmed to give vistas without causing severe injury to or killing mangroves. Should the applicant wish to trim the mangroves to give a view of the canal, it must be done in accordance with the Department of Environment's Mangrove Trimming Guidelines (www.doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/). Any future clearing, filling or development of the resulting parcels should be the subject of a separate consultation with the National Conservation Council.



Figure 1: Aerial Imagery showing the subject parcel (Source: LIS 2018).

Water Authority Cayman

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

Water Supply:

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

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

Wastewater Treatment:

- *Please be advised that the development is outside the Water Authority's West Bay Beach Sewage System (WBBSS) collection area; therefore, the required onsite treatment of wastewater will be specified by the Water Authority when the proposal for built development is reviewed.*

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Shorecrest Circle, adjacent to the tennis court for the subdivision.

The property is currently vacant.

The proposal is to divide the property into two parcels with a proposed 24 foot wide right of way over an abutting parcel of land in favour of proposed parcel B.

Adjacent properties were notified and no objections have been received.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot access

Access to proposed lot “B” is to be over an abutting parcel of land. The owner of that land, which contains a tennis court, has signed a grant of easement form in order to formalize the right of way.

2.22 JOSEN EBANKS (AD Architecture) Block 4B Parcel 535 (P22-0281) (\$814,680) (NP)

Application for a duplex.

FACTS

Location West Bay

Zoning

High Density Residential

Notification result

No Objectors

Parcel size proposed

9,657.3 sq. ft.

Parcel size required

5,000 sq. ft.

Current use

Vacant

Decision: It was resolved to grant planning permission, subject to the following conditions:

Condition (1) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 3) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.

- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 5) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level.

Reasons for the decision:

- 1) With the exception of the rear setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the maximum allowable site coverage, the minimum required lot size and the minimum required front/rear/side setbacks per Regulations 9(6)(h) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setback as follows:
 - a) The characteristics of the proposed development are consistent with the character of the surrounding area;
 - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
 - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

APPLICANT'S LETTER

In relation to the above-mentioned subject, we hereby requesting your good office to grant us an approval for the septic tank setback variance.

As per Regulation 9(8)(i) – minimum front and rear setbacks are 20 feet where the proposed septic tank location is at 17 feet to the rear of the property. The septic tank is an underground structure and will not be a hindrance to both the owner and the adjacent property owners.

Notification has been served.

Despite of the setback variance for the septic tank, we are mindful and took considerations of the provisions under the following regulations: Regulation 8 (13)(b) (i) where the characteristics of the proposed development are consistent with the character of the surrounding area; (ii) unusual terrain characteristics limit the site's development potential; or (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public.

The proposed building was designed to perfectly fit on the location without compromising the following regulations:

Regulation 9(6) (e) minimum lot size for duplexes is 5,000 square feet (Lot size is 9,657.25 square feet).

(g) maximum site coverage for each detached and semi-detached house, duplex, guest house and apartment is forty percent of the lot size (Proposed site coverage is 27.61%).

(h) the minimum front and rear setbacks are 20 feet (Except for the Septic Tank).

(i) the minimum setbacks 10 feet for a one storey and 15 feet or fifty percent of the height of the building, whichever is greater, for a building of more than one storey.

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Velma Ebanks Drive in West Bay.

The property is presently vacant.

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

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Proposed rear setback for septic system

Regulation 9(6)(h) requires a minimum front setback of 20 feet.

The proposed septic system would have a rear setback of 17 feet.

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

2.23 GOVERNOR'S VILLAGE (Trio Design) Block 11D Parcel 86, 87 and 89 (P22-0348) (JP)

Application to modify Planning Permission to revise the site plan.

Ian Pairaudeau declared a conflict and left the meeting room. Christine Maltman sat as Acting Chair.

FACTS

<i>Location</i>	West Bay Road, West Bay Beach North
<i>Zoning</i>	NC
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	4.37 ac. (190,285 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	115,014 sq. ft.
<i>Total building site coverage</i>	74.65%
<i>Allowable bedrooms</i>	285 (previously approved)
<i>Proposed bedrooms</i>	254

BACKGROUND

November 25, 2020 (**CPA/20/20; item 2.1**) – Application for 108 apartments and 24,464 sf self-storage structure approved (P20-0774)

December 15, 2021 (**Administrative Approval**) – Modification to Planning Permission to increase floor area by 4% (P21-1240)

Decision: 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 Act (2021 Revision) hereby orders that planning permission CPA/20/20; item 2.1 be modified to revise the location of the storage building shifting from the southern to northern boundary and minor internal alterations to the residences.

All other conditions of CPA/20/20; item 2.1 remain applicable.

Reason for the decision:

The Authority considered the application and determined that planning permission would be modified as the application complies with the Development and Planning Regulations (2022 Revision).

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment:

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

- *The developer shall notify the Water Authority's Engineering Department at 949-2837 EXT: 3000, as soon as possible to ensure that:*
- *the site-specific connection requirements are relayed to the developer,*
- *any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the developer would be held responsible), and*
- *the Authority can make necessary arrangements for connection.*
- *A **grease interceptor with a minimum capacity of 600 US gallons is required** to pre-treat kitchen flows from fixtures and equipment with grease-laden waste. Fixtures and equipment includes: pot sinks, pre-rinse sinks, dishwashers, soup kettles or similar devices and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the WBBSS.*
- *The developer shall be responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The site's wastewater infrastructure shall be designed and installed to the Authority's specifications. Copies of the Authority's specifications are available at the Water Authority's office on Red Gate Road, or the web:*
http://www.waterauthority.ky/upimages/pagebox/Guidelines-Sewer_1425464500_1426308023.pdf
- *The developer shall submit plans for the infrastructure to the Authority for approval.*
- *The Authority shall make the final connection to the WBBSS, the cost of which shall be borne by the developer.*

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

Elevator Installation

Hydraulic elevators are required to have an approved pump with oil-sensing shut off installed in the sump pit. Specifications of the proposed pump shall be sent to the Water Authority at development.control@waterauthority.ky 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

Lint Interceptor Required at commercial, institutional & coin-op laundries.

An approved lint interceptor is required for commercial, institutional and coin-operated laundries. The developer is required to submit specifications for all laundry (washer) equipment to the Water Authority for determination of the required capacity

of interceptor. Specifications can be sent via email to development.control@waterauthority.ky.

Water Supply:

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

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

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

Department of Environmental Health

No comments received.

Fire Department

Stamped approved plans.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in the West Bay Beach North area of Grand Cayman. Two roads bound the site – Esterley Tibbetts Highway to the east and West Bay Road to the west. The established development of Governors Square forms the southern boundary with vacant land to the north.

The application seeks modification to Planning Permission to revise the location of the storage building shifting from the southern to northern boundary and minor internal alterations to the residences.

Zoning

The property is zoned NC.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

5.1 EDIEL ENRIQUE GARCIA Block 54D Parcel 94 (P21-0096) (JP)

The Authority was advised that this matter was raised at CPA/13/22; item 2.22, but it appears the members were not provided with the full background to the situation. It was explained to the members that the original plans submitted with the application did not accurately reflect the as-built situation. Mid process the applicant switched architects and submitted revised plans that did accurately reflect the as-built situation.

However, inadvertently, the incorrect plans were presented to the Authority when the application was approved. The applicant now simply wants the correct plans stamped approved.

Decision: 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 Act (2021 Revision) hereby orders that planning permission CPA/07/22; item 2.4 be modified to approve the plans submitted on November 16, 2021.

All other conditions of CPA/07/22; item 2.4 remain applicable.

5.2 WALLACE ROLANDO RANKIN Block 14E Parcel 179 (CE22-0080) (TY)

The Authority viewed photographs of derelict vehicles and other debris on site and determined that a Maintenance of Land Notice would be issued.

Decision: It was resolved to authorize the issuance of a Maintenance of Land Notice in accordance with Section 29A of the Development and Planning Act (2021 Revision). Maintenance of Land Notice to take effect at the end of a period of 28 days from the service and compliance with the Maintenance of Land Notice to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

5.3 HOPE LEACH, MURIEL LEACH & CARSON LEACH Block 13D Parcel 219 (CE22-0081) (TY)

The Authority viewed photographs of derelict vehicles and other debris on site and determined that a Maintenance of Land Notice would be issued.

Decision: It was resolved to authorize the issuance of a Maintenance of Land Notice in accordance with Section 29A of the Development and Planning Act (2021 Revision). Maintenance of Land Notice to take effect at the end of a period of 28 days from the service and compliance with the Maintenance of Land Notice to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

5.4 MARDITH REYNOLDS & DESWRICK POWELL Block 13D Parcel 232 (CE22-0082) (TY)

The Authority viewed photographs of derelict vehicles and other debris on site and determined that a Maintenance of Land Notice would be issued.

Decision: It was resolved to authorize the issuance of a Maintenance of Land Notice in accordance with Section 29A of the Development and Planning Act (2021 Revision). Maintenance of Land Notice to take effect at the end of a period of 28 days from the service and compliance with the Maintenance of Land Notice to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

5.5 LOIS ANN ARTIAGA & MARTHA EBANKS Block 14E Parcel 213 (CE22-0096) (TY)

The Authority viewed photographs of derelict vehicles and other debris on site and determined that a Maintenance of Land Notice would be issued.

Decision: It was resolved to authorize the issuance of a Maintenance of Land Notice in accordance with Section 29A of the Development and Planning Act (2021 Revision). Maintenance of Land Notice to take effect at the end of a period of 28 days from the service and compliance with the Maintenance of Land Notice to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

5.6 GLENROY BENJAMIN MANNING Block 14E Parcel 196 (CE22-0066) (BP)

The Authority viewed photographs of derelict vehicles and other debris on site and determined that a Maintenance of Land Notice would be issued.

Decision: It was resolved to authorize the issuance of a Maintenance of Land Notice in accordance with Section 29A of the Development and Planning Act (2021 Revision). Maintenance of Land Notice to take effect at the end of a period of 28 days from the service and compliance with the Maintenance of Land Notice to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

5.7 BEVERLY CYNTHIA VERNON & GLACESTER VERNON Block 14D Parcel 192 (CE22-0067) (BP)

The Authority viewed photographs of a dilapidated metal storage container, derelict vehicles and other debris on site and determined that a Maintenance of Land Notice would be issued.

Decision: It was resolved to authorize the issuance of a Maintenance of Land Notice in accordance with Section 29A of the Development and Planning Act (2021 Revision). Maintenance of Land Notice to take effect at the end of a period of 28 days from the service and compliance with the Maintenance of Land Notice to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

5.8 ARDEN CHURCHILL FORBES Block 56B Parcel 3 (CE22-0071) (BP)

The Authority viewed photographs of derelict vehicles and other debris on site and determined that a Maintenance of Land Notice would be issued.

Decision: It was resolved to authorize the issuance of a Maintenance of Land Notice in accordance with Section 29A of the Development and Planning Act (2021 Revision). Maintenance of Land Notice to take effect at the end of a period of 28 days from the service and compliance with the Maintenance of Land Notice to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

5.9 HARRIS RESIDENCE Block 10A Parcel 144 (RS)

The Authority was advised of a pending application for a cabana that would be situated on an ironshore coastline. The Authority determined that the ironshore coastline was sufficient reason to not require a new HWM survey per Regulation 6(3).

5.10 GOVERNORS VILLAGE Block 10E Parcel 66 (HP)

The Authority was advised that the developers of Governors Village wish to stockpile aggregate and soil on this site on a temporary basis. The Authority determined that the site could be used as proposed but all material has to be removed prior to the final Certificate of Occupancy or Certificate of Completion being issued for the Governors Village development. Further, the site cannot be used to store any other construction related material, vehicles or equipment.

5.11 LEON RHULE Block 15E Parcel 309 (P21-0283) (EJ)

The Authority was advised that the applicant has had difficulty in obtaining a permit for the after-the-fact dock and is seeking for the time frame to be extended. The Authority agreed to extend the time frame for 6 months from the date of this decision.

Decision: 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 Act (2021 Revision) hereby orders that planning permission be modified as follows:

Replace condition 1) with the following condition:

- “1) The applicant is require to apply for a Permit from the Director of Planning no later than November 25, 2022.”

6.0 CPA MEMBERS INFORMATION/DISCUSSION

The meeting adjourned at 5:35pm. The next meeting of the Central Planning Authority is scheduled for *Wednesday, June 8, 2022 at 10:00 a.m.* in in Conference Room 1038, 1st floor, Government Administration Building.



Ian Pairaudeau
Chairman



Haroon L. Pandohie
Executive Secretary

c.c. All members of the Central Planning Authority