

Central Planning Authority

Minutes for a meeting of the Central Planning Authority held on September 14, 2016 at 10:00 a.m. in the Conference Room, 1st Floor, Government Administration Building, Elgin Avenue.

20th Meeting of the Year

CPA/20/16

Mr. A. L. Thompson (Chairman)

Mr. Robert Watler Jr. (Deputy Chairman) (except 2.15)

Mr. Edgar Ashton Bodden (absent)

Mr. S. T. (Tommie) Bodden (except 2.2)

Mr. Dalkeith Bothwell (absent)

Mr. Joseph Coe

Mr. Ray Hydes (except 2.14)

Mr. Trent McCoy

Mr. Rex Miller

Mr. Eldon Rankin

Mr. Selvin Richardson

Mr. Fred Whittaker

Mr. Haroon Pandohie (Executive Secretary)

Mr. Ron Sanderson (Deputy Director of Planning (CP))

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

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APPLICANTS THAT APPEARED BEFORE THE CENTRAL PLANNING AUTHORITY

APPLICANT NAME	TIME	ITEM	PAGE
JIL Corporation Ltd. (KA)	10:30	2.1	5
Ashlyn Wood (KA)	11:00	2.2	15

1.0 CONFIRMATION OF MINUTES

1.1 Confirmation of Minutes of CPA/19/16 held on August 31, 2016.

Moved: Ray Hydes
Seconded: Robert Watler Jr.
Confirmed

2.0 APPLICATIONS

APPEARANCES (Items 2. 1 TO 2. 3)

2. 1 JIL CORPORATION LTD. Block 14BG Parcel 105 (F12-0040) (P16-0591) (\$1.5 million) (KA)

Application for a single storey commercial building for retail and restaurant, and two (2) decks on the ironshore for restaurant use.

Appearance at 10:30

FACTS

<i>Location</i>	North Church Street
<i>Zoning</i>	G COM
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.91 acres
<i>Proposed Use</i>	Commercial
<i>Building Size</i>	10,430 sq. ft.

BACKGROUND

August 31, 2016 (CPA/19/16; Item 2.5) The Authority resolved to adjourn the application to invite the applicant to appear before them to discuss concerns with the proposal.

Decision: It was resolved to refuse planning permission, **for the following reasons:**

1. 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 (2015 Revision) and the Authority is of the opinion that pursuant to Regulation 8(11) there is insufficient reason to allow a lesser setback.
2. The proposed development does not comply with the minimum parking requirements per Regulation 8(1)(a) and 8(1)(iii) and (iv) and pursuant to Regulation 8(13)(b) there is insufficient reason and no exceptional circumstance to vary from the parking requirements referred to herein.

AGENCY COMMENTS

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

parking (which currently cannot be fully provided for on-site). However, the applicant advised that modification would not be possible due to additional costs.

Parking: *The DoE raised concerns to the applicant that having a large area of impermeable parking adjacent to the sea will result in overland flow of hydrocarbons etc. during heavy downpours directly into the Marine Park. The applicant confirmed that there will be a catchment basin at the seaward end of the parking lot to assist with runoff and stormwater management. As mentioned above, the Department welcomes an effort to control run-off from the site as it does not support untreated storm run-off entering the adjacent marine parks. The use of permeable paving would also assist.*

Geological features: *The DoE noted that some of the natural geological features on the ironshore (including a blow hole) were covered by the original configuration of the decking; see Figures 2 and 3. The revised plan shows the decking re-positioned in order not to impact any such features, which the Department welcomes.*



Figure 2: Showing geological feature (tidal pool) that was previously in decking footprint



Figure 3: Showing geological features (blow holes) that were previously in decking footprint

In conclusion, the Department recommends that the minimum coastal setbacks specified in the Regulations should be adhered to, particularly within the context of a changing climate with storm intensity predicted to heighten in the coming years, as well as in an effort to mitigate the issue of run-off from the site into the adjacent marine park.”

Chief Environmental Health Officer

1. *“No details on the kitchen layout have been provided; please submit full details/specification on layout and equipment for the proposed restaurant for Units 2 & 9 for review.*

2. *The access to garbage enclosure is unacceptable. See guidelines below:*

3.3.5 Location of enclosure. The location of all mechanically serviced containers shall be approved by the Department of Environmental Health. The applicant shall submit plans showing the proposed location of the enclosure. The enclosure shall be placed such that access to the enclosure can be kept clear at all times. The enclosure shall be centrally located, and so placed, as to allow easy access for servicing by the Department’s vehicles. The enclosure shall be located so that the vehicle can access the container directly and have adequate room to lift it into the discharge position. The enclosure shall be located such that the vehicle will not impede normal vehicular flow or create potentially dangerous traffic situations while the container is being serviced.

3.3.5.1 Minimum vertical clearance. A minimum vertical clearance of 32 feet above the enclosure itself or where the bin will be serviced is required.

3.3.5.2 Access to enclosure. The service vehicles shall be able to enter and exit the site without having to reverse onto the highway. The enclosure shall be

located away from overhead power lines and other protrusions that can cause electrical shock, injury, or other difficulties during servicing. A vertical clearance of at least 15 feet is required over the entire approach to and from the enclosure. A minimum straight approach of 50 feet should be provided directly in front of the facility to allow the vehicle sufficient area to back out of the facility. A turn around or separate exit that allows the truck to move forward rather than backwards is required. A minimum backup distance of 50 feet is required for any manoeuvre and must be in a straight line. The driveway shall be constructed to withstand trucks weighing up to 62,000 lbs.

3.3.5.3 Angle of approach. Generally the service shall be able to approach the container directly. Where an enclosure is located at the side of an access way the angle of approach made with the access way shall not exceed 22.5 degrees.

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

Chief Fire Officer

“Please identify the location of all existing and proposed fire hydrants/deep wells additionally, please denote the fire vehicle access on the site plan and all required dimensions and radius, for approval by the Cayman Islands Fire Service prior to issuing a building permit.”

Water Authority

“Wastewater Treatment:

- The developer shall provide an on-site aerobic wastewater treatment system of a design certified (NSF/ANSI Standard 40 or equivalent) as capable of achieving effluent quality standards of 30 mg/L Biochemical Oxygen Demand (BOD5) and 30 mg/L Total Suspended Solids (TSS).*
- The treatment capacity of the system shall be at least 4,344 US gallons per day (gpd).*
- A grease interceptor with a minimum capacity of 1,500 US gallons is required to pre-treat grease-laden wastewater flows from kitchen fixtures and equipment including 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 aerobic wastewater treatment system.*
- The developer, or their agent, is required to submit a proposal per the attached Onsite Wastewater Treatment Proposal Form. The developer is advised that Water Authority review and approval of the system is required as a condition for obtaining a Building Permit.*

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 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***"Proposed Sidewalk along North Church Street***

The above site is a component of the overall sidewalk scheme proposed by Chalmers Gibbs in January 2012 and continued by David Johnson. The site as proposed does not correspond to what was presented for comment, which showed an eight (8) ft. sidewalk along North Church Street in front of the above site.

Access and Traffic Management Issues

The proposed on-street parking should be within the subject property, however, this would conflict with the above proposed sidewalk scheme.

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

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

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

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

Stormwater Management Issues

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

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

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 (Amendment) Law, 2004 (Law 11 of 2004). For the purpose of this Law, Section 16(g) defines encroachment on a road as

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

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

LETTERS FROM APPLICANT

Letter #1

"Kindly accept this letter requesting a setback variance for 2 wood decks proposed on the sea-side of the waterfront property 14BG105. The decks will be for the future use of the anchor restaurant tenants in the proposed mixed-use building. Examples of such structures can be found along the waterfront in town, which beach HWM setback.

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

1. *Section 8(13)(b)(i) states an exception allowing for a breach of a setback if 'the characteristics of the proposed development are consistent with the character of the surrounding area'. Hammerheads and Rackhams are located within a few hundred feet of the site and are waterfront properties of commercial use with large areas of decking breaching the HWM setback. Please see the attached diagrams, which show the structures in relation to the waterfront. It would be very much appreciated if planning could look at this application with these 2 precedents.*
2. *Also note that this application for these decks are not 'materially detrimental to persons residing or working in the vicinity, the adjacent property, to the neighbourhood, or to the public welfare as stated in section 8(13)(b)(iii), and*

The wood decks are of typical construction and are built from small square footings cast into the ironshore. The structures are designed to cause the least damage to the ironshore waterfront and are setback 15' from the High Water Mark. Please see drawing A-301, which shows how the structures are to sit on the site. Also note that the sea depth is shallow off this parcel and remains shallow for some hundred feet offshore. This has allowed the site to weather through norwesters and small hurricanes with minimal damage due to most of the wave energy being dissipated off shore

These decks areas are an integral part of the application of this single storey mixed use building and will service the future anchor tenants who required outdoor seating."

Letter #2

"Kindly accept this letter describing the parking design for the proposed mixed use building on the waterfront property on block and parcel 14BG 105. Given the nature of the site (a 0.9 acre waterfront property) the parking area is limited and does not allow for all parking requirements to be handled on site. My client has asked the CPA to consider having 36% (19 spaces) of the parking requirements located off-site. This falls within the requirements of Section 8(1)(a) of the Development and Planning Law, which requires that at least 50% of parking be located on-site for General Commercial zones.

Please see drawing A-003, which describes how the parking requirements of this site are fulfilled with atellite parking. Note that my client, the landowner of 14BG 105, own all parking satellite sites (14BG 102 and 14BG 52)."

PLANNING DEPARTMENT ANALYSIS

General

The application is for a single storey commercial building for retail and restaurant, and two decks on the ironshore for restaurant use. The site is located on North Church Street.

Zoning

The property is zoned General Commercial and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Setbacks

Regulation 8(10)(a) of the Development and Planning Regulations state buildings shall not be closer than seventy-five feet from the high water mark. The proposed building would be roughly 50' from the High water mark and the proposed decks would range from 4' to 18' from the high water mark due to the jagged edge of the ironshore.

b) Parking

Fifty-two (52) parking spaces are required for the proposed development. Thirty-three (33) spaces are proposed on site with the remaining required spaces proposed on 14BG 102 and 52.

Regulation 8(1)(a) allows up to 50% of the required parking to be located on land no more than 500 feet from the respective building.

Block 14BG Parcel 102 has an existing commercial development with restaurants. The last permission granted was for a change-of-use from retail space to restaurant (CPA/23/15; Item 2.15) where the parking requirements for this development was 33 spaces and 36 are provided. Therefore this site has 3 spaces available to lend to this subject application.

Block 14BG Parcel 102 is within 500ft radius of the application site and would therefore comply with Regulation 8(1)(a).

Block 14BG Parcel 52, which is a stand-alone parking lot with 36 spaces. The applicant states 18 spaces are not leased. To comply with the parking requirements, 16 spaces are needed.

However Parcel 52 is over 700' from the application site and therefore does not comply with Regulation 8(1)(a).

Furthermore, the Authority should assess the suitability of the parallel parking. The site currently has a sidewalk which straddles the road reserve and the parcel which was approved as part of the George Town sidewalk project. The applicant proposes to remove part of the sidewalk for the parallel parking, however a paved area is being provided in front of the commercial building for pedestrians to walk.

c) DEH Concerns

DEH has raised concerns with the location of the garbage skip.

SUPPLEMENTARY ANALYSIS

No changes have been made to the application as the Authority wished to invite the applicant to appear before them to discuss the variance requests.

At 10:30am, Robert Johnson appeared on behalf of the applicant. There was discussion regarding certain matters as follows:

- The Authority's concerns that the HWM setbacks and parking do not comply with the Regulations
- The two existing buildings on the site will be removed and relocated elsewhere
- Mr. Johnson's commented that:
 - part of the deck could be removed to achieve a 20' HWM setback.
 - the decks were re-oriented to accommodate a blow hole feature in the ironshore
 - the walkways and decks will be wood with the footings resting on the ironshore
 - they are distributing the required on three sites, the subject site and two off-site locations, while retaining 50% of the required parking on the subject site
 - the building on this site will be setback the furthest from the HWM than any other buildings along this strip of coastline
- A query from the Authority as to why the sidewalk was being removed when that was part of the George Town boardwalk/walkway program. Mr. Johnson replied that they needed to remove it in order to provide parallel parking spaces and that there will be a 14' walkway between the building and the parallel spaces.
- A concern of the Authority that the proposed off-site parking is too far from the subject site and would not be utilized.
- A query from the Authority if the building could be changed to two-storeys which would allow more on-site parking. Mr. Johnson replied that it could be done, but the cost would increase greatly and second storey retail has proven ineffective.

The Authority considered the application further and determined that planning permission would be refused for the following reasons:

1. 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 (2015 Revision) and the Authority is of the opinion that pursuant to Regulation 8(11) there is insufficient reason to allow a lesser setback.
2. The proposed development does not comply with the minimum parking requirements per Regulation 8(1)(a) and 8(1)(iii) and (iv) and pursuant to Regulation 8(13)(b) there is insufficient reason and no exceptional circumstance to vary from the parking requirements referred to herein.

2. 2 ASHLYN WOOD Block 25B Parcel 301 (F04-0383) (P16-0592) (KA)

Application for after-the-fact conversion of a duplex into six (6) apartment units, storage/laundry section and detached three-bedroom unit.

Appearance at 11:00

S.T. Bodden declared a conflict and left the meeting room.

FACTS

<i>Location</i>	Prospect Drive
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.25 acres
<i>Proposed Use</i>	Apartments
<i>Building Size</i>	4,265 sq. ft.
<i>Proposed Parking</i>	10
<i>Required Handicapped Spaces</i>	1
<i>Required Parking</i>	11
<i>Number of Units</i>	7

BACKGROUND

CPA/09/05; Item 2.10 - The Authority granted permission for a duplex.

CPA/19/16; Item 2.4 - The application for after-the-fact apartments was adjourned to give the applicant an opportunity to appear before the CPA.

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 **within 6 months of the date of this decision.**
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

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

AGENCY COMMENTS

Comments from the Chief Environmental Health Officer, Water Authority and National Roads Authority are noted below.

Chief Environmental Health Officer

“Please note the following for the Waste Disposal Facility and enclosure:

- 1. (7) 32 gallon garbage bins are required; the bins shall be a water tight metal or plastic container or containers with tight fitting covers should be provided for the storage of solid waste and should be of such type and description as approved by the Department.”*

Water Authority

“Wastewater Treatment:

The plans submitted indicate two existing septic tanks and that each has a disposal well.

- The developer is required to verify whether all wastewater flows from Building A (including laundry) are plumbed to its own septic tank and all wastewater flows from Building B are plumbed to the other septic tank. If not, the developer is required to submit a detailed plumbing plan showing the distribution of flows to the septic tanks.*
- The developer is required to have both septic tanks and disposal wells inspected and serviced per the Septic Tank Inspection Form that can be downloaded from the Water Authority’s website.*

The completed inspection form shall be returned to the Water Authority for review.

Based on review of the required information, the Water Authority will determine whether the existing septic tanks and disposal wells meet Water Authority design specifications. Any deficiencies noted will require repair or replacement prior to final approval for occupancy.”

National Roads Authority

“Access and Traffic Management Issues

The NRA has concerns with the existing parking arrangement as proposed on the site plan. Having vehicles back into the main road will cause conflict with thru vehicles, leading to serious safety concerns for the NRA.

The development is also too dense for this particular parcel.”

LETTER FROM APPLICANT

“We have submitted an application on behalf of Mr. Ashlyn Wood who has recently had the unfortunate situation of having to try to rebuild the above mentioned and having to deal with sickness with her parents. With the above the lot being smaller than the required minimum lot size and the building being nearer than the required rear setback minimum of 20’-00”, under the regulation we would like to apply for the above mentioned variance.

8(13)(b) there is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that –

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.

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.

We appreciate the board's favourable decision to this request."

PLANNING DEPARTMENT ANALYSIS

General

The application is for after-the-fact conversion of a duplex into six (6) apartment units, storage/laundry section and detached three-bedroom unit to the rear of the property. The site is located off Prospect Drive.

Zoning

The property is zoned Low Density Residential and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Density

Regulation 9(8)(c) states the maximum number of apartments is fifteen per acre with a maximum of twenty-four bedrooms. Based on the size of the site at 0.25 acres, a maximum of three (3) units would be permitted with a maximum of 6-bedrooms. The development has seven (7) units with 9-bedrooms and has a density of 28 units per acre

b) Lot Size

Regulation 9(8)(f) states the minimum lot size for apartments is 25,000 sq. ft. The parcel is 10,890 sq. ft.

c) Site Coverage

Regulation 9(8)(h) states the maximum permitted site coverage for apartments is 25% of the lot size. The development results in site coverage of 35%.

d) Setbacks

Regulation 9(8)(i) states the minimum front and rear setbacks shall be 20 feet. The development is 0' from the rear boundary and the stairs are 8' from the front boundary and the building is 18' from the front boundary.

Regulation 9(8)(j) states the minimum side setback shall be 10 feet for a one storey building. The detached 3-bedroom unit is 7'-3" from the side boundary.

e) Parking Layout

The parking layout results in vehicles having to reverse onto the main road – Prospect Drive. The NRA was consulted and they do not support the design of the parking area.

SUPPLEMENTARY ANALYSIS

At CPA/19/16;item 2.4 - The Authority adjourned the application to give the applicant an opportunity to appear before the CPA.

Additional Water Authority Comments

*“In reference to the memorandum which was sent out on **July 13th 2016**, the applicant has completed the required inspections and successfully abandoned the cesspit which existed. Therefore, the after the fact proposal for conversion of duplex to 7 units will be **approved utilizing the repaired septic tank.**”*

At 11:00am, Ashlyn Wood appeared as the applicant and her mother and Arnold Berry appeared with her. There was discussion regarding certain matters as follows:

- There are other similar buildings in the area.
- The buildings have existed for many years.
- Mr. Berry tried to configure the parking on site as best as possible.
- Ms. Wood stated that there wouldn't be any more illegal development on the site.

2.0 APPLICATIONS

REGULAR AGENDA (Items 2. 4 TO 2. 20)

2. 3 DCR INVESTMENT CO. LTD. Block 24E Parcel 341 (F16-0158) (P16-0759) (\$5.28 million) (CS)

Application for eighteen (18) apartments, clubhouse, gym and pool.

FACTS

<i>Location</i>	Northeast corner of Bamboo Street and Whirlwind Drive, Spotts
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	1.28 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Apartments and Pool
<i>Building Size</i>	32,020 sq. ft.
<i>Density</i>	14
<i>Allowable Density</i>	15
<i>Building Coverage</i>	26.3%
<i>Proposed Parking</i>	32
<i>Required Parking</i>	24
<i>Number of Units</i>	18

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

Conditions (1-4) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) 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). The treatment system must be labelled as either a septic tank or an aerobic wastewater treatment system, whichever is applicable.
- 2) 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.
- 3) The applicant shall submit a Stormwater Management plan designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority. **The applicant should liaise**

directly with the NRA in submitting the stormwater management plan.

- 4) 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.gov.ky) under Policy Development, Policy Drafts.*

In addition to Permit requirements, conditions (5-6) listed below shall be met before a Permit can be issued.

- 5) Construction drawings for the proposed wastewater treatment system and disposal system shall be submitted to the Water Authority for review and approval. The Central Planning Authority must receive confirmation of the Water Authority's approval.
- 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.
- 7) 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.
- 8) 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, condition (9) shall be complied with before a final Certificate of Occupancy can be issued.

- 9) The construction drawings for the proposed swimming pool 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 is constructed in accordance with the submitted plans it will conform to public health requirements.

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, [i.e. two feet (2') above the Vidal Bench Mark].

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.**

The applicant is reminded that the proposed development is subject to compliance with all relevant Laws, including, but not limited to, the Public Health Law, Fire Brigade Law, Water Authority Law and Roads Law.

To prevent potential delays and save money, the applicant may wish to coordinate with the following agencies prior to commencing any construction: **Caribbean Utilities Company, a Telecommunication Company of your preference and the Cayman Water Company and/or the Water Authority - Cayman.**

AGENCY COMMENTS

Comments from the Chief Environmental Health Officer, Water Authority and National Roads Authority are noted below.

Chief Environmental Health Officer

“The following comments are submitted with respect to the above application:

The Department has no objections to the proposed development; an 8 cubic yard container with twice per week servicing is required.

Container Size (cubic yards)	Width (ft)	Depth (ft)	Height (ft)	Slab Thickness (ft)	Requirements
8	10	10	5.5	0.5	Water, drain, deep well or other approved disposal method

Access to enclosure: The enclosure shall be located away from overhead power lines and other protrusions that can cause electrical shock, injury, or other difficulties during servicing. A vertical clearance of at least 32 feet is required over the entire approach to and from the enclosure.

Swimming Pool: Note that Section 3.2.1 of the Department guidelines clearly states. No swimming pool installation, alteration or repair work shall be commenced until a permit shall first be obtained from the department. That being said the Department is requesting full details of the swimming pool to be submitted for review and approval prior to the construction of the pool.”

Water Authority

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

Wastewater Treatment:

- The developer shall provide an on-site aerobic wastewater treatment system of a design certified (NSF/ANSI Standard 40 or equivalent) as capable of achieving effluent quality standards of 30 mg/L Biochemical Oxygen Demand (BOD5) and 30 mg/L Total Suspended Solids (TSS).*
- The treatment capacity of the system shall be at least 5,700 US gallons per day (gpd).*

- *The developer, or their agent, is required to submit a proposal per the attached Onsite Wastewater Treatment Proposal Form. The developer is advised that Water Authority review and approval of the system is required as a condition for obtaining a Building Permit.*

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

National Roads Authority

"As per your memo dated August 15th, 2016 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 impact of the proposed development onto Bamboo Street and Whirlwind Drive is considered to be minimal.

Access and Traffic Management Issues

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

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

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

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

Stormwater Management Issues

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

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

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

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

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

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

LETTER FROM APPLICANT

"On behalf of our clients, we are applying for a variance for the proposed gym. The gym is a single storey building with a normal 10' side setback. Based on the apartments configuration on the site, the back boundary of the apartments is the gym's side boundary.

Therefore we are asking for a variance of 10' for the gym's side boundary. Which would have matched the gym's side to that of the proposed apartments back boundary.

We thank you for your consideration and hope that you will grant our request.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for eighteen (18) apartments, clubhouse, gym and pool.

Zoning

The property is zoned Low Density Residential and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Suitability

Per regulation 9(8), apartments may be permissible in suitable locations. In this instance, there are several existing apartment developments in the immediate area and the proposed development would appear consistent with the existing character of the area.

b) Rear Setback

The site is triangular and located at an intersection. Therefore all three sides are subject to a 20' setback. The apartment buildings comply with these setbacks; however, the gym building encroaches the rear setback by 10'.

This building is 1-storey and faces the side property line of Parcel 322 which has an existing duplex.

The applicant has provided a variance request letter included in this report. The Authority is recommended to determine if the request satisfies Regulation 8(13)(b).

c) Front Setback

Regulation 8(5) mentions that setbacks are to be measured to septic tanks and sewage treatment plants. Along Bamboo Road, the applicant has a treatment system located 10' from the property line versus the 20' setback.

The applicant has provided a variance request letter included in this report. The Authority is recommended to determine if the request satisfies Regulation 8(13)(b).

The Authority considered the application and determined that planning permission would be granted for the following reasons:

1. Per Regulation 9(8) of the Development and Planning Regulations (2015 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.
2. With the exception of the front and rear setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2015 Revision).
 3. The proposed application does not comply with the minimum required front and rear setbacks per Regulations 9(8)(i) of the Development and Planning Regulations (2015 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.

2. 4 NATIONAL CEMENT LTD. Block 19E Parcels 96, 123 and 205 (FA94-0387) (P16-0753) (\$500,000) (KA)

Application for the use of (3) three parcels to be used as a concrete plant with ancillary aggregate storage and for modification to the floor plan for the existing warehouse building for office and storage use.

FACTS

<i>Location</i>	Off Barnes Drive, George Town
<i>Zoning</i>	HI
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	4.58 acres
<i>Current Use</i>	Warehouse
<i>Proposed Use</i>	Cement Plant
<i>Building Size</i>	9,241.19 sq. ft.
<i>Proposed Parking</i>	52
<i>Number of Units</i>	3

BACKGROUND

1983 - Planning permission granted for a warehouse on Block 19E Parcel 123

2001 - Planning permission granted for a 10' fence

2012 - Planning permission granted for industrial aggregate storage yard (4,000 cubic of sand and stone, respectively) and office/storage building of 120 sq. ft. on Block 19E Parcel 205

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

Conditions (1-4) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) 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). The treatment system must be labelled as either a septic tank or an aerobic wastewater treatment system, whichever is applicable.
- 2) 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.
- 3) The applicant shall submit a Stormwater Management plan designed in accordance with the requirements of the National Roads Authority (NRA) and

approved by the Central Planning Authority. **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**

- 4) 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.gov.ky) under Policy Development, Policy Drafts.*
- 5) 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.
- 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.

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, [i.e. two feet (2') above the Vidal Bench Mark].

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.**

The applicant is reminded that the proposed development is subject to compliance with all relevant Laws, including, but not limited to, the Public Health Law, Fire Brigade Law, Water Authority Law and Roads Law.

To prevent potential delays and save money, the applicant may wish to coordinate with the following agencies prior to commencing any construction: **Caribbean Utilities Company, a Telecommunication Company of your preference and the Cayman Water Company and/or the Water Authority - Cayman.**

AGENCY COMMENTS

Comments from the Chief Environmental Health Officer, Water Authority and National Roads Authority are noted below.

Chief Environmental Health Officer

"Please note that the Department has no objections to the proposal submitted. This development is required to have an 8 yd³ rear loading, open top garbage container with twice per week servicing."

Water Authority

“Wastewater Treatment:

- *The developer shall provide a septic tank with a capacity of at least (1,500) US gallons for the proposed. 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.*
- *If the developer proposes to utilize the existing septic tank and/or disposal well, the system shall be inspected and serviced per the Septic Tank Inspection Form that can be downloaded from the Water Authority’s website via the following link:*
- *http://www.waterauthority.ky/upimages/pagebox/FILLABLESepticTankInspectionReportForm_rev2013_1441302814.pdf.*
- *The completed inspection form shall be returned to the Water for review and determination as to whether the existing system meets Water Authority design specifications. Any deficiencies noted will require repair or replacement prior to final approval for occupancy.*
- *All treated effluent shall be discharged into a disposal well; the invert level of the discharge pipe shall be at least two feet above the high water level in the well.*
- *Disposal wells shall be constructed by a licensed driller in strict accordance with the Authority’s standards.*

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 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

“Road Capacity Issues

The impact of the proposed development onto Lancaster 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 a minimum of twenty-four (24) ft.

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

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

Stormwater Management Issues

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

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

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

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

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for the use of (3) three parcels to be used as a concrete plant with ancillary aggregate storage and for modification to the floor plan for the existing warehouse building for office and storage use. The site is located off Barnes Drive, George Town.

Zoning

The property is zoned Heavy Industrial and the Department would offer the following comments.

Specific Issues

a) Zoning

As noted above, the site is zoned Heavy Industrial. Regulation 12(1) states that industrial development may be permitted in this zone if it satisfies certain criteria:

- it is not detrimental to the surrounding area
- it provides centres of local employment
- access to industrial areas is ensured; and
- this regulation is complied with fully

The Department is of the view that the proposed use complies with this regulation. Further, regulation 12(6) summarizes the types of permitted uses in this zone and the Department is of the view that the proposed use complies with this regulation.

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 (2015 Revision).

2. 5 SOL PETROLEUM CAYMAN LTD. Block 6D Parcel 63 (FA78-0142) (P16-0725) (\$100,000) (KA)

Application for an aviation fuel tank.

FACTS

<i>Location</i>	South Church Street
<i>Zoning</i>	BR/R
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	4.5 acres
<i>Current Use</i>	Fuel Tanks

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) The applicant is required to obtain the necessary approvals from the Chief Petroleum Inspector.
- 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.

AGENCY COMMENTS

Comments from The Cayman Islands Airport Authority, Department of Environment, Chief Environmental Health Officer, Water Authority and Chief Petroleum Officer are noted below.

Cayman Islands Airport Authority

“I refer to your email dated August 9 2016 regarding the application for the fuel tank. The Cayman Islands Airport Authority (CIAA) has no objections tot he propsoed installation of the Fuel Tank, as it does not penetrate the Approach Slope of the Airport.”

Department of Environment

“Further to a review of this planning application, the Department of Environment does not have any comments at this stage.”

Chief Environmental Health Officer

1. *“The department has no objections to the proposals submitted.”*

Water Authority

“Fuel Storage Tanks:

Water Authority requirements for fuel storage tank installations pertain to the protection of groundwater resources whereas the Petroleum Inspectorate sets out requirements for fuel storage equipment and safety.

- The developer shall provide Water Authority with a copy of the detailed plans of the proposed fuel storage and safety equipment. Based on a review of the plans, and in consultation with the Petroleum Inspectorate, the Water Authority will determine the number and location of monitoring wells necessary to detect underground leaks from the tank and or associated piping.*
- Site-specific requirements for the number and location of monitoring wells, and the standard specification for constructing monitoring wells, will be sent to the developer and copied to Planning and Building Control to be included as a condition for certificate of occupancy.”*

Chief Petroleum Officer

“No objection.”

PLANNING DEPARTMENT ANALYSIS

General

The application is for an aviation fuel tank. The site is located on South Church Street, George Town.

Zoning

The property is split zoned Heavy Industrial and Beach Resort Residential and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Appropriateness of an Additional Fuel Tank

The proposed tank would be constructed in the area zoned Beach Resort Residential. It meets the minimum setback and building height requirements for this zone. All landowners within 300’ were notified and the application was advertised twice in the newspaper. No comments were received. The site already contains four fuel storage tanks of larger size. The Authority should assess the appropriateness of an additional tank on this site.

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 (2015 Revision).

2. 6 FORTRESS INVESTMENT GROUP Block 11D Parcel 37 (F98-0045) (P16-0742) (\$12,000) (CS)

Application for a construction staging area and 6' fence.

FACTS

<i>Location</i>	Esterley Tibbetts Highway, West Bay Beach North
<i>Zoning</i>	H/T
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	6 acres
<i>Current Use</i>	Hotel
<i>Proposed Use</i>	Construction Staging

BACKGROUND

The Sunshine Suites Hotel exists on this site.

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

- 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.
- 2) The chain link fence shall include a solid colour screening.
- 3) The staging area shall cease to operate upon completion of the renovation works at the Westin hotel.

LETTER FROM APPLICANT

"In order both to relieve parking pressure on the Westin Grand Cayman Resort existing parking area on parcel 11D45 and to provide a secure construction staging area where construction material and component containers may be delivered, contents stored and processed ready for inclusion in the Westin Resort renovation works, Onwer proposed to create such a staging area on the vacant portion of parcel 11D 37 north of the existing Sunshine Suites resort facility - and which is intended to be used solely for this purpose and for no longer than the period required to complete the proposed renovations and possible additions to the resort.

A 100'-0" x 200'-0" portion of the site is to be cleared, prepared and fenced with a 6'-0" high chainlink security fence with 2x sets of 16'-0" wide matching access gates to the west and east of the defined staging area.

We hereby make application for planning consent for this fenced staging area as described on the supporting application documents.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a construction staging area with a 6’ perimeter fence.

Zoning

The property is zoned Hotel/Tourism and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Access

The proposed access to the construction staging area is via a 25’ right-of-way that crosses a commercial centre and apartment development (Cayman Falls). The Department has no concerns for construction staff parking to occur in the fenced area but does recommend the CPA consider whether this access is appropriate for heavy truck and equipment traffic.

A letter from the applicant detailing the nature of the application and timeline is included in this report.

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 (2015 Revision).

2. 7 TIMOTHY NOONAN Block 33E Parcel 28 (F98-0305) (P16-0704) (\$10,000) (CS)

Application for a cabana.

FACTS

Zoning

LDR

Notice Requirements

No Objectors

Parcel Size

27,007 sq. ft.

Building Size

187 sq. ft.

BACKGROUND

September 1, 1998 (**CPA/27/98; Item 6.19**) - The Authority granted planning permission for a 4-bedroom house.

March 4, 2015 (**CPA/05/15; Item 2.12**) - The Authority granted planning permission for a 505 sq. ft. house addition where the CPA granted a High Watermark setback variance of 44' versus the required 75'.

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

LETTER FROM APPLICANT

"On behalf of our client Mr. Timothy Noonan, we are requesting a sea side set back variance for the construction of a Thatched Roof Cabana on the above mentioned property.

We confirm that the Cabana will be located approximately 16 ft. on one corner and 20 ft. on another corner away from the Registered HWM. We note that the HWM area is defined with boulders that have been placed to preserve the erosion of the beach area and have been in place for a number of years.

We note the placement of the Cabana has been selected to preserve the trees currently established on site and its placement does not impede the views of the adjacent neighbours. Movement beach users would not be impeded when walking along the shore line. We would additionally note that there are similar cabanas constructed along the same coast line and indeed across the lagoon on adjacent fingers. One actually being constructed on a dock jutting out into the water.

We are asking that you kindly consider the following:

- * There are existing cabana existing in the immediate area.*
- * Setback variances appears to have been granted for other cabana structures with one or two being constructed on the end of a boat dock/pier.*
- * The cabana is of modest size and appearance similar to other cabana constructed in the neighborhood.”*

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a 187 sq. ft. house addition.

Zoning

The property is zoned Low Density Residential and while the proposed use is a permitted use per Regulation 9 (8), the Department does offer the following comments in regards to the proposal below:

Specific Issues

a) High Water Mark Setback

The proposed addition will be 16’ from the High Water Mark, measured in June 2016. The required HWM setback in the LDR zone for sandy beach is 75’.

The Department notes the original house was approved with a 65’ High Water Mark setback in 1998 and an addition was approved in 2015 with a 44’ setback.

The applicant’s variance request letter is included in this report and the adjacent property owners have been notified with no objections received.

The Authority is recommended to discuss whether a further encroachment in the HWM setback is appropriate.

The Authority considered the application and determined that planning permission would be granted for the following reasons:

1. With the exception of the high water mark setback, which is addressed below, the application complies with the Development and Planning Regulations (2015 Revision).
2. The proposed development does not comply with the minimum required setback from the high water mark per Regulation 8(10) of the Development and Planning Regulations (2015 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 per subregulation 8(11)(f), the proposed cabana and the proposed location of such a minor ancillary feature will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.

2. 8 DART REALTY (CAYMAN) LTD. Block 12D Parcel 104 (F16-0042) (P16-0787) (\$4,000) (KA)

Application for a two (2) lot subdivision.

FACTS

<i>Location</i>	Esterley Tibbetts Highway, South of Galleria Plaza
<i>Zoning</i>	N COM
<i>Parcel Size</i>	20,700 sq. ft.

BACKGROUND

CPA/08/16; Item 2.16 - The Authority granted permission for a warehouse.

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

- 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.
- 2) Lot B shall be combined with the Esterley Tibbetts Highway road reserve.

AGENCY COMMENTS

Comments from the Water Authority and National Roads Authority are noted below.

Water Authority

“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 proposed development is within the Water Authority's West Bay Beach Sewage System (WBBSS) collection area and built development will be required to connect to that system. The developer is required to notify the Water Authority's Engineering Department (949-2837 ext 3000) at the earliest stages of planning for built development to be advised of the site-specific requirements for connection."*

National Roads Authority

"As per your memo dated August 17th, 2016 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 subdivision."

LETTER FROM APPLICANT

"Please accept this letter as formal request for variance for undersized lot B.

Lot A was created as a replacement for the storage units that will be lost on the east side of 12E111 to accommodate the re-alignment of the Esterley Tibbetts Hwy through the tunnel on 12D 101. Planning permission have been granted for the storage units on Lot A. See CPA/08/16;item 2.16

Lot B will simply be a reminder parcel that will be mostly absorbed into the highway. Areas of Lot B, not absorbed into the highway, will be added to 12D 101 at the time of the PCM."

PLANNING DEPARTMENT ANALYSIS

General

The application is for the subdivision of a 20,700 sq. ft. parcel into two (2) lots. The site is located south of Galleria Plaza, off the Esterley Tibbetts Highway.

Zoning

The property is zoned Neighbourhood Commercial and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Lot Size

Both Lot A and Lot B require minimum lot size variances. Regulation 8(9) states the minimum lot size in a commercial zone shall be 20,000 s.f. The proposed subdivision would result in Lot A at 13,550 sq. ft. and Lot B at 7,170 sq. ft.

CPA granted planning permission for warehouse development on Lot A with access from 12E 111. Lot B is proposed to become part of the Esterley Tibbetts Highway.

The Authority considered the application and determined that planning permission would be granted for the following reasons:

1. With the exception of the lot size, which is addressed below, the application complies with the Development and Planning Regulations (2015 Revision).
2. The proposed application does not comply with the minimum required lot size per Regulation 8(9) of the Development and Planning Regulations (2015 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 as follows:
 - a) The characteristics of the proposed development are consistent with the character of the surrounding area; and
 - 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.

2. 9 TROY PEARSON Block 14D Parcel 141 (F09-0237) (P14-0362) (\$74,531) (EJ)

Application for an after-the-fact house addition.

FACTS

<i>Location</i>	Off Smith Road
<i>Zoning</i>	N COM
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	13,068 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	After-the-Fact House Addition
<i>Building Size</i>	552.08 sq. ft.
<i>Total Site Coverage</i>	13.31%
<i>Proposed Parking</i>	1
<i>Required Parking</i>	1

BACKGROUND

August 5, 2009 (CPA/21/09; Item 2.12) - CPA granted permission for a house.

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

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

LETTER FROM APPLICANT

"We have submitted an after the fact addition application on behalf of Mr. Troy Pearson who have added to his existing residence a front porch with is closer that the required 20-0"

We would like to apply to the board to grant a variance under the below mentioned section of the development and planning regulations.

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;

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.

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

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking permission for a setback variance for an after-the-fact house addition.

Zoning

The property is zoned Neighbourhood Commercial and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Setback Variance

The applicant is seeking permission from the Authority for an after-the-fact 552 sq. ft. addition to the house; the subject front porch addition does not meet the required 20' road setback, existing at 16' from the road side boundary, a difference of 4'.

The Authority may wish to take the following into consideration;

- The applicant has notified the adjacent parcels and no objections were received.
- The applicant has sited Regulation 8 (13).

Finally, the proposed meets planning requirements for site coverage, lot width, parking, rear and side setbacks.

The Authority considered the application and determined that planning permission would be granted for the following reasons:

1. Pursuant to Regulation 8(8)(b) of the Development and Planning Regulations (2015 Revision), the Authority deems the road setback in this instance to be 16' instead of 20' as it will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.
2. Given the determination in item 1, the application complies with the Development and Planning Regulations (2015 Revision).

2. 10 JUDY CONGDON Block 59A Parcel 247 (F04-0419) (P16-0801) (\$70,000) (EJ)

Application for a swimming pool.

FACTS

<i>Location</i>	Sea View Road
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	NA
<i>Parcel Size</i>	79,715 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	Swimming Pool

BACKGROUND

March 16, 2005 (CPA/06/05; Item 2.9) - CPA granted permission for a house.

December 2, 2008 - The Department granted planning permission for a generator and modification to change third floor of approved house.

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 construction drawings for the proposed swimming pool 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 is constructed in accordance with the submitted plans it will conform to public health requirements
- 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) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

LETTER FROM APPLICANT

"We are asking the Planning Department to grant a 72'-6" H.W.M. setback variance for the above pool and deck. The attached plan shows that only the eastern corner of proposed pool and deck falls within the required 75' H.W.M. setback, therefore we feel that having the Department grant the requested setback will not be materially detrimental as noted under section 8 (13) in the Development and Planning Regulations 2015:

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;

I have also attached no objection letters from the adjoining property owners. Please do not hesitate to contact me if you need any more information.

LETTERS OF CONSENT

Letter #1

“We are the owners of Block 59A Parcels 62 and 248 and we have no objection to Pandion Ltd., Judith Congdon secretary, of Block 59A Parcel 247 constructing a swimming pool and deck 70 feet from the mean high water mark.”

Letter #2

“We are the owners of Block 59A Parcel 131 and have no objection to Pandion Ltd., Judith Congdon secretary, of Block 59A Parcel 247 constructing a swimming pool and deck 70 feet from the mean high water mark.”

Letter #3

“We are the owners of Block 59A Parcels 60 and 92 and we have no objection to Pandion Ltd., Judith Congdon secretary, of Block 59A Parcel 247 constructing a swimming pool and deck 70 feet from the mean high water mark.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking permission for a setback variance for a proposed swimming pool.

Zoning

The property is zoned Low Density Residential and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) High Water Mark setback variance

The applicant is seeking a High Water Mark setback variance for a swimming pool which is proposed at 72' from the High Water Mark (HWM) instead of the usual required 75'; a difference of 3'. The Authority must determine if there is sufficient reason and exceptional circumstance to allow the lesser setback. It should be noted that in 2002, the applicant for a pool on 59A 276 requested a 65' HWM setback and the Authority determined that it had to have a 75' setback instead.

The Authority considered the application and determined that planning permission would be granted for the following reasons:

1. With the exception of the high water mark setback, which is addressed below, the application complies with the Development and Planning Regulations (2015 Revision).
2. The proposed development does not comply with the minimum required setback from the high water mark per Regulation 8(10) of the Development and Planning Regulations (2015 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 storm/beach ridge appears sufficient to assist in minimizing storm surge thus allowing the proposed development to be closer to the high water mark.
- 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 with similar setbacks from the high water mark. Therefore, the setback of the proposed development is consistent with the established development character of the area and it will not detract from the ability of adjacent land owners from enjoying the amenity of their lands.
- The Authority is of the view that requested variance of 3' is minor in nature and consistent with the intent of the minimum stated setback from the high water mark.

2. 11 AUDLEY NICHOL Block 43A Parcel 85 (F06-0189) (P16-0644) (\$150,000) (MW)

Application for maid's quarters.

FACTS

<i>Location</i>	Off Ena Close, Bodden Town
<i>Zoning</i>	MDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.3316 acres
<i>Current Use</i>	Duplex
<i>Proposed Use</i>	Detached House
<i>Building Size</i>	771 sq. ft.
<i>Building Coverage</i>	20.1%
<i>Total Site Coverage</i>	20.1%
<i>Proposed Parking</i>	1
<i>Required Parking</i>	1
<i>Number of Units</i>	1

BACKGROUND

August 2, 2008 - Approved duplex

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

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, [i.e. two feet (2') above the Vidal Bench Mark].

LETTER FROM APPLICANT

"I am writing on behalf of Audley Nichol who recently applied to the department for an approval of a maids quarters and lot size variance. And as such there is sufficient reason to grant a variance as exceptional circumstances exist, which may include the fact that the proposal will not be materially detrimental to persons residing, working in the vicinity, to the adjacent property, to the neighbourhood, and to the public welfare. It is further noted, that the adjoining property owners have been notified of the application.

Should you require further information please feel free to contact me."

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for detached house (771 sq. ft.)

Zoning

The property is zoned Medium Density Residential and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Lot Size Variance

The minimum lot size for either a house or duplex in the MDR zone is 7,500 sq. ft. Therefore, for a detached house and a duplex, the minimum lot size required is 15,000 sq. ft. The existing lot size is 14,444.5 sq. ft.

The applicant has written a variance request, which is included in this report.

Notifications were mailed to the immediate adjacent property owners and no objections were received.

The Authority must determine if there is sufficient reason and exceptional circumstance to warrant granting the lesser lot size variance per Regulation 8(13)(b).

Given this, the variances the applicant is requesting are the following:

- Lot size variance: 14,444.5 sq. ft. vs. 15,000 sq. ft.

The Authority considered the application and determined that planning permission would be granted for the following reasons:

1. With the exception of the lot size, which is addressed below, the application complies with the Development and Planning Regulations (2015 Revision).
2. The proposed application does not comply with the minimum required lot size per Regulation 9(7)(d) of the Development and Planning Regulations (2015 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 as follows:

- a) The characteristics of the proposed development are consistent with the character of the surrounding area; and
- 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.

2. 12 PATRICK HIGGINSON Block 25C Parcel 28 (F16-0171) (P16-0786) (P16-0786) (\$10,000) (EJ)

Application for an after-the-fact container and pad and a 2-bedroom house.

FACTS

<i>Location</i>	Raven Avenue
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	4 acres
<i>Current Use</i>	After-the-Fact Container
<i>Proposed Use</i>	After-the-Fact Container and House
<i>Building Size</i>	160 sq. ft.
<i>Density</i>	0.25
<i>Allowable Density</i>	4
<i>Total Site Coverage</i>	1.01%
<i>Proposed Parking</i>	2
<i>Required Parking</i>	1

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 submit a revised site plan showing the existing storage container relocated such that it complies with the required 20' rear setback and 10' side setback. The applicant shall also submit a drawing showing the visual appearance of the container improved to the satisfaction of the Director of Planning (e.g. architectural cladding and banding).
- 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) 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, condition (3) shall be complied with before a final Certificate of Occupancy can be issued.

- 4) The storage container shall be physically relocated with the required improvements to the visual appearance as required in condition 1).

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, [i.e. two feet (2') above the Vidal Bench Mark].

LETTER FROM APPLICANT

"We write on behalf of our client, Mr. Patrick Higginson, with regards to the following variance;

- *A setback variance – to allow the existing container shed and its pad foundation to remain with the following setbacks;*
 - *The storage container at 7'-4" from the western boundary and 12'-0" from the Northern boundary*
 - *and The pad foundation at 1'-6" from the western boundary and 7'-0" from the Northern boundary.*

We humbly give the following reasons for this request:

1. *The container shed will be used to secure building tools and supplies relative to the construction of the applicant's home as well as for a future residential subdivision on the subject parcel of which a concept plan has been provided. The container would be removed at completion of the work.*
2. *The location of the shed is the most secured area of the parcel.*
3. *The shed would be visually concealed once the proposed house is built.*
4. *The adjacent properties were notified by registered mail and there have been no objections to date.*
5. *We strongly feel that the subject structure will be unobtrusive and not impose any hardship on any neighbors, nor would serve to detract from any of the neighbors' quality of life or property value.*

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

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking permission for an after-the-fact container and concrete pad as well as a two-bedroom house.

Zoning

The property is zoned Low Density Residential and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Setback Variance

The applicant has installed a container to be used for on-site storage, which is located atop a concrete pad (18' x 30'). Neither comply with required 10-foot side or 20-foot rear setbacks. The pad is located 1.6' from the west side boundary and 7' from the rear. The container is located in the centre of the pad, with a 7.4' side setback and 12' rear setback.

Given the size of the site, there is adequate space available for the storage container to comply with setbacks.

The applicant has notified the adjacent parcels and the Department has not received any objections to the after-the-fact container.

b) Suitability of container as a residential storage shed

Containers are used for shipping freight and are typically stored in storage yards in industrial zone properties or may be used as temporary storage facilities on active construction sites.

The Authority is recommended to determine whether the use of a shipping container for a residential property's permanent storage is appropriate in a low density residential area.

Reason for the decision:

1. Subject to a condition of approval requiring the storage container to be relocated to comply with minimum required setbacks, the Authority determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2015 Revision).

2. 13 KEVIN STOKES Block 17A Parcel 25 (F11-0366) (P16-0805) (P16-0806) (P16-0807) (\$1.1 million) (EJ)

Application for a house, wall and pool.

Robert Watler Jr. declared a conflict and left the meeting room.

FACTS

<i>Zoning</i>	LDR
<i>Notice Requirements</i>	NA
<i>Parcel Size</i>	15,263 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Wall, House and Pool
<i>Building Size</i>	5,489 sq. ft.
<i>Total Site Coverage</i>	23.82%
<i>Proposed Parking</i>	2
<i>Required Parking</i>	1

BACKGROUND

November 30, 2011 - The Department granted permission for a house, hot tub, generator, pad, wall and 500 gallon underground generator.

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 submit revised plans showing the wall panels with a maximum height of 5' and the columns with a height of 6' and the gate setback a minimum of 20' from the front property line.
- 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) 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, condition (4) shall be complied with before a final Certificate of Occupancy can be issued.

- 4) The construction drawings for the proposed swimming pool 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 is constructed in accordance with the submitted plans it will conform to public health requirements.

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, [i.e. two feet (2') above the Vidal Bench Mark].

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking permission for a 5-bedroom house, wall and swimming pool.

Zoning

The property is zoned Low Density Residential and the Department would offer comments on certain specific issues addressed below.

Specific Issue

a) Height of Wall

The applicant is seeking permission for a 7' high concrete wall with 8' high columns proposed along the entire 102' front boundary on Crighton Drive. The CPA has traditionally discouraged walls or fences greater than 4 or 5 feet in residential areas.

b) Setback for Gate

The wall includes a sliding gate at the driveway, which will be set back 9 feet from the road. The Department recommends the gate be setback at least 16 feet to allow for a car to be parked off the road while the gate is opening.

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 (2015 Revision), but conditions of approval would be imposed to ensure that the height of the wall and columns is consistent with the character of the area and that there is sufficient vehicle stacking area in front of the gate to ensure that a vehicle can safely pull off the road while not obstructing traffic on the road.

**2. 14 RUDOLPH MANDERSON Block 49A Parcel 44 (FA87-0133) (P16-0393)
(\$2,000) (CS)**

Application for a two (2) lot residential subdivision.

Ray Hydes declared a conflict and left the meeting room.

FACTS

<i>Location</i>	Northeast Corner of Briardale Road and Hutland Drive, North Side
<i>Zoning</i>	A/R
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	39,204 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	Subdivision
<i>Density</i>	2.22
<i>Allowable Density</i>	2
<i>Number of Lots</i>	2

BACKGROUND

July 3, 2001 - A house was administratively approved.

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

- 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.
- 2) Lot B shall be granted a vehicular right-of-way over Block 49A Parcel 43.

AGENCY COMMENTS

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

Department of Environment

“Further to a review of the above referenced application, the Department of Environment (DOE) has no comments to make at this time as the subject parcel area is man-modified and, despite being in close proximity to Malportas Pond and other areas of ecological value, the application site is of limited ecological value.”

Water Authority

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

Water Supply:

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

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

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

Wastewater Treatment:

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

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a two (2) lot residential subdivision.

Zoning

The property is zoned Agriculture/Residential and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Density

There is no minimum lot size stated for house lots within the Agriculture/Residential zone, however Regulation 21 sets the density at two houses per acre.

The applicant is proposing a two (2) lot subdivision with a minimum lot size of 19,635 sq. ft. which results with a density of 2.22 houses per acre.

Reason for the decision:

1. The Authority considered the application and determined that pursuant to Regulation 21 of the Development and Planning Regulations (2015 Revision),

the subject site is not over a water lens and is not particularly suited for agriculture and therefore the proposed lots may be permitted as they comply with the minimum required lot size in the low density residential zone.

2. 15 FDR REAL ESTATE LTD. Block 10A Parcel 163 (F96-0144) (P16-0705) (\$30,000) (BES)

Application for 4' high concrete fence with 9' high columns for the entrance gate.

Robert Watler Jr. declared a conflict and left the meeting room.

FACTS

Location Ironshore Drive, Yacht Club Subdivision

Zoning **LDR**

Parcel Size 1.25 acres

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

- 1) The applicant shall submit a revised site plan showing the gate setback a minimum of 20' from the front property line.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

LETTER FROM APPLICANT

"Thank you for your email of August 1 St 2016, relating to the height and placement of the boundary wall at the above property.

We note a 48" high wall along the boundary does not appear out of character with wall generally found in the neighborhood and remains quite modest. We confirm that the wall permission being requested is being added to an existing property constructed approximately 18 years earlier. The wall is an attempt to have the property look more stately and in keeping with more recent approvals grated in the immediate area. We note the size/ height of the gate and the height of the wall is not unusual to the area and indeed the street of the property.

We have observed a few properties that have walls constructed and are gated in the immediate area, some with gate equal to or higher than the 9 ft. as in our application and with varying wall heights. One Property in particular having walls in excess of 0ft and gates being approximately 12 ft. high.

We confirm that the placement of the gate is 15ft from the property line and 20ft. from the road apron. We again note that most gates are located closer than 20ft from the boundary line. There are some gates that are perhaps 8ft or 1 0ft from the road apron. We also note that some properties have sloped the area between

the road apron upwards to the actual wall upwards to appear to meet the 4 ft. height and to give the appearance that the wall is perhaps not high. Our drawing indicate the height being from the edge of the road apron, being fairly level with the road way.

We additionally request that you consider that the property is located on a dead end private access road way, with approximately 12 properties located beyond this property and with no possibility of increasing the number of properties. The placement of the gate and fence is also an attempt to preserve Landscaping and mature tree located on site. The Gate is located in a slightly depressed area and will appear lower than projected in the 2d drawings.

Please see below a few images that confirms our position.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission to erect a 4' high concrete fence with 9' high columns for the entrance gate. The property is located on Ironshore Drive, Yacht Club subdivision.

Zoning

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

Specific Issue

a) Gate Setback

The fence would have an entrance gate setback 15'-4" from the front boundary, whereas section 8.2.10 of the CPA Fence Guidelines stipulates that gate setbacks should be 20'. The Department had requested the applicant's agent to revise the plans indicating the gate setback 20' minimum from the front property line to comply with the CPA Fence Guidelines. The applicant has indicated in his letter (see Appendix 'A') that there are security gates in the subdivision setback less than 20'.

b) Fence Column Height

The entrance gate will have columns 9' in height and the Authority should determine if this is appropriate.

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 (2015 Revision), but a condition of approval would be imposed to that there is sufficient vehicle stacking area in front of the gate to ensure that a vehicle can safely pull off the road while not obstructing traffic on the road.

2. 16 LUXURY CAYMAN VILLAS Block 21B Parcel 100 (FA82-0321) (P16-0797) (\$5,000) (MW)

Application for an after-the-fact storage shed.

FACTS

<i>Location</i>	South Sound Road, next to South Sound Boat Ramp
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.68 acres
<i>Current Use</i>	Existing House
<i>Proposed Use</i>	Storage Shed
<i>Building Size</i>	112 sq. ft.
<i>Building Coverage</i>	24.7%
<i>Total Site Coverage</i>	24.7%
<i>Number of Units</i>	1

BACKGROUND

November 16, 2015 - CPA approved modification to house.

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.

LETTER FROM APPLICANT

“We wish to request Planning approval for a 6’-0” high decorative fence located on the east & west side property lines for privacy for this luxury rental property which is rented on a weekly & monthly basis to tourists visiting the island. The east side is particularly noisy since it’s a government parking lot (Red Bay Boat dock & ramp). The west side of the property has an existing 2’-0” high wall and the majority of the new fence is only 4’-0” in height and sits on a raised driveway plinth. A small section closest to the sea does not have any wall thus requiring the fence to be 6’-0” high for consistency & look better for the adjacent land owner on the west parcel.

Lastly, the owner purchased on ready built shed which has been located within the 10’-0” side setback on the east facing the government parking lot. As the

property line is on an angle the shed has been located 8'-3" & 4'-3" as shown on the submitted site plan. Please see attached photos also.

We understand that Public Works intends to build public washrooms immediately adjacent to this fence & shed with a new boardwalk along South Sound Road. We do not have any issues with this proposal and feel the 6'-0" high fence will provide greater privacy for this luxury rental vacation property.

Thank you for your consideration to the above request. Should you require additional information to make an informed decision please let us know."

PLANNING DEPARTMENT ANALYSIS

General

The application is for an after-the-fact storage shed (112 sq. ft.) on the eastern boundary of the property.

Zoning

The property is zoned Low Density Residential and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Setbacks

Regulation 9(8)(j) states the minimum side setback shall be 10' for a one storey building. The shed is 4'-3" from the east boundary, therefore the applicant is seeking a setback variance.

The adjoining parcels were notified and no objections were received. The Authority should assess if exceptional circumstances exists in accordance with section 8(13)(b) to warrant granting a setback variance.

The Authority considered the application and determined that planning permission would be granted for the following reasons:

1. With the exception of the side setback, which is addressed below, the application complies with the Development and Planning Regulations (2015 Revision).
2. The proposed application does not comply with the minimum required side setback per Regulation 9(8)(j) of the Development and Planning Regulations (2015 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.

2. 17 LUXURY CAYMAN VILLAS Block 21B Parcel 100 (FA82-0321) (P16-0796) (\$10,000) (MW)

Application for a 4'-0" - 6'-0" after-the-fact vinyl fence.

FACTS

<i>Location</i>	South Sound Road, next to South Sound Boat Ramp
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.68 acres
<i>Current Use</i>	Existing House
<i>Proposed Use</i>	Fence

BACKGROUND

November 16, 2015 - CPA approved modification to house.

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.

LETTER FROM APPLICANT

"We wish to request Planning approval for a 6'-0" high decorative fence located on the east & west side property lines for privacy for this luxury rental property which is rented on a weekly & monthly basis to tourists visiting the island. The east side is particularly noisy since it's a government parking lot (Red Bay Boat dock & ramp). The west side of the property has an existing 2'-0" high wall and the majority of the new fence is only 4'-0" in height and sits on a raised driveway plinth. A small section closest to the sea does not have any wall thus requiring the fence to be 6'-0" high for consistency & look better for the adjacent land owner on the west parcel.

Lastly, the owner purchased on ready built shed which has been located within the 10'-0" side setback on the east facing the government parking lot. As the property line is on an angle the shed has been located 8'-3" & 4'3" as shown on the submitted site plan. Please see attached photos also.

We understand that Public Works intends to build public washrooms immediately adjacent to this fence & shed with a new boardwalk along South Sound Road. We do not have any issues with this proposal and feel the 6'-0" high fence will provide greater privacy for this luxury rental vacation property.

Thank you for your consideration to the above request. Should you require additional information to make an informed decision please let us know."

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 4'-0" - 6'-0" after-the-fact vinyl fence on the east and west boundary of the property.

Zoning

The property is zoned Low Density Residential and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Fence Height

The CPA fence guidelines stipulate that maximum height of fence in residential zone is 5' - the proposed fence is of vinyl material ranging from 4'-0" - 6'-0" in height. The Authority must determine if the fence height is appropriate.

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 (2015 Revision).

2. 18 SEAN MAAS Block 73A Parcel 118 (F14-0096) (P16-0456) (\$10,000) (EJ)

Application for a trellis.

FACTS

<i>Location</i>	Austin Conolly Drive
<i>Zoning</i>	H/T
<i>Notice Requirements</i>	NA
<i>Parcel Size</i>	27,443 sq. ft.
<i>Current Use</i>	House and Pool
<i>Proposed Use</i>	Trellis
<i>Building Size</i>	368 sq. ft.

BACKGROUND

July 23, 2014 (**CPA/17/14; Item 2.7**) - The Authority granted permission for a house and swimming pool.

July 22, 2015 (**CPA/15/15; Item 2.17**) - The CPA granted permission for a trellis.

October 7, 2015 - The Department modified permission for an upper balcony addition.

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

LETTER FROM APPLICANT

“We respectfully request that a Variance be granted to allow the following conditions for the property referenced above:

- *The proposed trellis is set backed 75’-1” from the HWM, instead of the required 130’-0”*

The recently constructed pool and house were granted variances, and the pool is set back from the HWM by 72’-5”

As per Planning Code 8.(13) Notwithstanding subregulations (1), (2), (5), (7) and (9) and regulations 9(6), (7) and (8), 10, 12, 13, 14 and 15, the Authority may

grant planning permission to carry out development that does not comply with all or any of those provisions if the Authority is satisfied that:

(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;

(c) 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.

We wish to thank the CPA for taking the time to consider this request. Please feel free to advise of any further clarification that we might be able to provide in relation to this request.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking planning permission for a trellis.

Zoning

The property is zoned Hotel/Tourism and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) HWM Setbacks, Regulations 10(1)(g) and 10(1)(f)

The proposed trellis has a 75’ HWM setback versus the 130’ setback required in the Hotel/Tourism zone.

On July 23, 2014 (**CPA/17/14; Item 2.7**), the Authority granted permission for a house and swimming pool on the subject parcel, where the pool and pool deck had a 75’ HWM setback. The trellis will not further encroach the setback.

The applicant has notified the adjacent parcels and the Department is not in receipt of any objections.

The Authority considered the application and determined that planning permission would be granted for the following reasons:

1. With the exception of the high water mark setback, which is addressed below, the application complies with the Development and Planning Regulations (2015 Revision).
2. The proposed development does not comply with the minimum required setback from the high water mark per Regulation 8(10) of the Development and Planning Regulations (2015 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, pursuant to sub-regulation 8(11)(f), the Authority is of the view that the Authority previously granted a high water mark setback variance for a pool on the site and the proposed trellis is setback further from the high water mark than the pool and is therefore consistent with the established development character of the property.

2. 19 **BONNIE SUE Block 22D Parcel 327 (FA93-0199) (P16-0292) (\$30,000) (KA)**

Application for a guard house with bathroom facilities.

FACTS

<i>Location</i>	Island Drive, Prospect
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Proposed Use</i>	Guard House
<i>Building Size</i>	248 sq. ft.

BACKGROUND

CPA/14/16; Item 2.4 - Authority granted permission to increase the number of lots for an existing subdivision from thirty six (36) to fifty four (54).

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

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for a guard house with bathroom facilities at the entrance to a new subdivision off Admirals Avenue, Prospect.

Zoning

The property is zoned Low Density Residential and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Front setback

The proposed guard house would be 5' from the front boundary versus the required 20'. Adjacent landowners were notified and no objections were received. The Authority must determine if there is sufficient reason and exceptional circumstance to allow the lesser setback. Of note, at CPA meeting (CPA/07/14; Item 6.5), the Authority resolved that they generally supported gated communities subject to an application.

The Authority considered the application and determined that planning permission would be granted for the following reasons:

1. With the exception of the front setback, which is addressed below, the application complies with the Development and Planning Regulations (2015 Revision).
2. The proposed application does not comply with the minimum required front setback per Regulations 9(8)(i) of the Development and Planning Regulations (2015 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.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

5.1 INTERNATIONAL FAST FOODS Block 23C Parcel 3 (CE16-0128) (JM)

The Authority reviewed photographs of the site and the construction debris that had been deposited on the site.

Decision: It was resolved to authorize the issuance of a Maintenance of Land Notice in accordance with Section 29A of the Development and Planning Law (2015 Revision). Maintenance of Land Notice to take effect at the end of a period of 30 days from the service and compliance with the Maintenance of Land Notice to be completed within the period of 60 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

5.2 ARMANDO EBANKS Block 33B Parcel 139 (F16-0164) (P16-0680) (EJ)

The Authority reviewed the submitted plans and determined that if they are not revised to depict one self-contained dwelling unit, then they must be considered as depicting a duplex and therefore the application must be reviewed as such and the applicable application fees must be paid, prior to the application being considered for administrative approval or approval from the Authority, as the case may be.

5.3 CPA POLICY FOR MULTIPLE KITCHENS (HP)

The Authority determined that if a building has more than one kitchen, and the applicant does not wish the building to be categorized as a duplex or apartments, then the applicant must provide a written detailed explanation for the multiple kitchens and the plans will then be considered by the Authority.

5.4 MAUREEN JERVIS-BROOKS Block 23C Parcel 111 (CE16-0017) (JM)

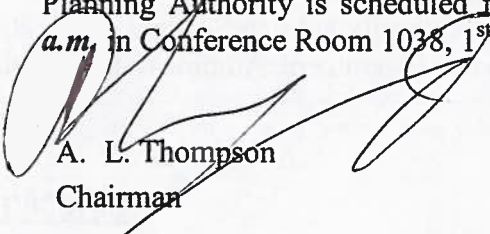
The Authority considered the owner's letter regarding the maintenance of land notice and determined that time period for complying with the notice would be extended by 60 days to November 14, 2016.

5.5 ELECTION SIGNS (HP)

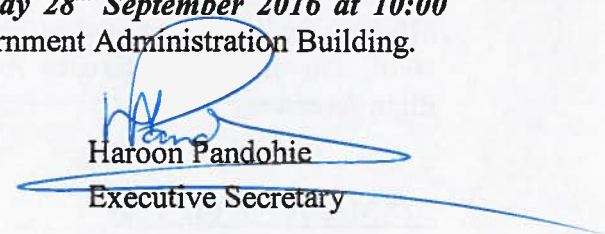
The Authority determined to endorse the policy taken for the 2013 election as follows:

- Planning permission is not required for election signs provided they are erected after the dissolution of the Legislative Assembly and they are located a minimum of 12' from any road. There is no limit on the size of the signs.

The meeting adjourned at 12:30 pm. The next regular meeting of the Central Planning Authority is scheduled for **Wednesday 28th September 2016 at 10:00 a.m.** in Conference Room 1038, 1st floor, Government Administration Building.



A. L. Thompson
Chairman



Haroon Pandohie
Executive Secretary

cc: All members of the Central Planning Authority

Appendix 'A'

August 3rd 2016

Planning Authority
133 Elgin Avenue
Government Administration Building
George Town
Grand Cayman

Attn; Burton Schneider

RE: Fence on Block 10A Parcel 163 FDR Real Estate Ltd.

Thank you for your email of August 1st 2016, relating to the height and placement of the boundary wall at the above property.

We note a 48" high wall along the boundary does not appear out of character with wall generally found in the neighborhood and remains quite modest. We confirm that the wall permission being requested is being added to an existing property constructed approximately 18 years earlier. The wall is an attempt to have the property look more stately and in keeping with more recent approvals granted in the immediate area. We note the size/ height of the gate and the height of the wall is not unusual to the area and indeed the street of the property.

We have observed a few properties that have walls constructed and are gated in the immediate area, some with gate equal to or higher than the 9 ft. as in our application and with varying wall heights. One Property in particular having walls in excess of 4ft and gates being approximately 12 ft. high.

We confirm that the placement of the gate is 15ft from the property line and **20ft.** from the road apron. We again note that most gates are located closer than 20ft from the boundary line. There are some gates that are perhaps 8ft or 10ft from the road apron. We also note that some properties have sloped the area between the road apron upwards to the actual wall upwards to appear to meet the 4 ft. height and to give the appearance that the wall is perhaps not high. Our drawing indicate the height being from the edge of the road apron, being fairly level with the road way.

We additionally request that you consider that the property is located on a dead end private access road way, with approximately 12 properties located beyond this property and with no possibility of increasing the number of properties. The placement of the gate and fence is also an attempt to preserve Landscaping and mature tree located on site. The Gate is located in a slightly depressed area and will appear lower than projected in the 2d drawings.

Please see below a few images that confirms our position.

Gates all located on the same street as the proposed property.



Gate set back approximately 18 ft. from road's apron with gate approximately 6.5ft. high.



Gate and post located approximately 10ft from road's apron with gates 8.5' high.



Gate and post located approximately 20ft from roads apron and 13ft high. Grade sloped from road up to base of fence. Wall greater than 4ft high.



Gate and post located approximately 18ft from roads apron and 7ft high, with pillars. Rough grade sloped from road up to base of fence. Wall varying and sloping



Gate and post located approximately 18ft from roads apron and 9ft high gate and pillars.

We trust that you will look at our application favorably, considering the information provided in this letter and grant us an approval.

Should you have any additional queries please do not hesitate in contacting our office.

Sincerely

Lyle Rodney Frederick, AIA
Registered Architect
Frederick + McRae Ltd.

Building

What you should know before you start building

Once you have your final plans approved by the Vista Del Mar Architectural Committee (see attached ARC requirements), and, planning and building approvals from the Cayman Islands Government Planning Department, the following are the 'Construction Rules & Code of Conduct' with respect to the Vista Del Mar community during the construction of your home.

One of the main objectives of our development is to maintain as much peace and quiet as possible during the construction phase. Once you and your family occupy your new residence, you will be most appreciative of our strict building regulations.

After you select a builder, we suggest that you give them a copy of the 'Construction Rules & Code of Conduct'.

We ask that you and/or your Contractor set up an appointment with the property manager of Vista Sur Maintenance Co for further discussions.

We are available to answer any questions or comments that you and/or your Construction Superintendent may have. The on-site management and staff will ensure that these regulations are adhered to on a daily basis.

Congratulations on this exciting new venture, and we look forward to working with you and your construction crew.

Vista Del Mar

Construction Rules & Code of Conduct

In order to protect the peace and tranquility of Vista Del Mar for our residents, the following regulations and codes have been established and will remain in effect during the construction of your home.

We ask for your cooperation in ensuring those working on your property, understand and observe these rules, and we thank you for your assistance.

Please make sure that you're Contractor and any other service providers have a copy of this document, and have signed the attached form confirming their understanding and acceptance of same.

Working hours:

<u>START</u> -7:30 A.M.	Monday through Friday: Gate opens. All work permitted.
PACK-UP-6:00 P.M. MOVE-OUT	Monday through Friday: Construction stops! (Security Guard will drive by sites; sound reminder horn). ALL WORK MUST STOP AT THIS TIME.
<u>END</u> -6:30 P.M.	Monday through Friday: All construction crew and their vehicles must be outside the development. NO PERSONNEL OR VEHICLES WILL REMAIN INSIDE VISTA DEL MAR. INCLUDING; MANAGERS, FOREMEN OR SUPERVISORS.

No work permitted of any kind on Saturday, Sunday and Bank Holidays.

NOTE: Concrete Work & Concrete Trucks

Concrete Trucks will not be permitted to enter the development past 4:00 pm Monday through Friday.

This is to ensure that all concrete work will be completed by 6:00 pm. Please coordinate and schedule this work accordingly to avoid "emergency" situations.

Vista Del Mar

Person in Charge:

A contact person is required for Vista Sur Maintenance Co to correspond with – it may be the general contractor, the property owner, or a person appointed by them. This person should be introduced to the manager of Vista Sur Maintenance Company and Vista Del Mar prior to the start of construction. Please provide the office with all contact details including names, phone numbers and email addresses.

Security:

The Person in Charge must submit a list of names, vehicle type and license numbers for each of the workers including all subcontractors entering Vista Del Mar.

Setbacks:

The following setbacks shall be observed:

Canal front Properties

- | | |
|--|---------|
| a) From the centreline of the canal wall | 25 feet |
| b) From the roadway | 20 feet |
| c) From the side boundary | 15 feet |

Any trees and other vegetation which may be present on the Property at the date hereof are to be preserved in the areas between the above minimum 15-foot side setback lines and the boundaries of the Property.

All other trees and vegetation at the Property are to be preserved and must be reflected in the landscape plan submitted for the Architectural Committee at the time of application for approval, except for the areas that need to be cleared for building, lawns, gardens or any other specific feature approved by the Guarantee Company.

Once the areas which need to be cleared for building are identified in detail, a plan showing such areas must be submitted to the Guarantee Company for approval prior to any clearing. The remaining trees and vegetation not approved for clearing shall be protected during construction with a continuous bright-coloured ribbon outlining such areas and will not be damaged. In the area free of trees, all lawns at the front and back of the Dwelling shall extend to the property line.

Vista Del Mar

Oceanfront Estates

- a) From the North Sound Iron shore 50 feet
- b) From the roadway 20 feet
- c) From the side boundary 15 feet

Any trees and other vegetation which may be present on the Property at the date hereof are to be preserved in the areas between the above minimum 15-foot side setback lines and the boundaries of the Property.

All other trees and vegetation at the Property are to be preserved and must be reflected in the landscape plan submitted for the Architectural Committee at the time of application for approval, except for the areas that need to be cleared for building, lawns, gardens or any other specific feature approved by the Guarantee Company.

Once the areas which need to be cleared for building are identified in detail, a plan showing such areas must be submitted to the Guarantee Company for approval prior to any clearing. The remaining trees and vegetation not approved for clearing shall be protected during construction with a continuous bright-coloured ribbon outlining such areas and will not be damaged. In the area free of trees, all lawns at the front and back of the Dwelling shall extend to the property line.

OR

SetBack and Boundary Areas

Ensure prior to the clearing of land that the setback and boundary areas as defined in the Vista Del Mar Covenants, are identified and all work is conducted in accordance.

Seawall

Any seawall failure which is deemed to be as a result of an owner's actions such as the planting of vegetation adjacent to the seawall, unauthorized excavations within 25ft of the seawall and placing of heavy loads thereon, will be considered a cost to the owner.

Heavy equipment & trucks entering Vista Del Mar:

All heavy equipment & trucks entering Vista Del Mar must use the Service Gate to enter the development. This gate is monitored with camera surveillance and all drivers accessing this gate must report to the Guard on Duty via the intercom (located at the Service Gate).

Construction Crew Parking:

Parking is only permitted within the actual job site. This area is to be maintained by the General Contractor.

Vista Del Mar

Respecting our neighborhood:

Please be aware that this is a neighborhood with children playing in the area. No swearing or inappropriate language will be tolerated.

Meal/Lunch areas are confined to the actual work site.

Restroom Facilities:

Owners/Contractors will be responsible for providing portable restroom and wash-up facilities for their workers. Use of the marina restrooms or the grounds is strictly prohibited.

Fishing & Hunting:

Fishing or hunting of any kind within the Vista Del Mar Community is not permitted.

Storage & Spill over:

The use of adjoining or neighboring properties is strictly prohibited.

All materials, out buildings and vehicles must remain within your property boundaries. No material storage is permitted on roadways, road reserves or other lots.

Work Structures

Permissible only within the actual construction site.

Trash Area:

Trash storage must be available within the construction site.

Suitable containers are to be provided for construction debris, and separate, lidded containers should be used for mealtime trash. Daily cleanup of mealtime trash containers is a must.

Visitors:

Friends and spouses of workers are not allowed on the property. They are to remain behind the gate until the worker has been contacted by the security guard.

THANK YOU FOR YOUR UNDERSTANDING AND COOPERATION. WE LOOK FORWARD TO
WORKING WITH YOU.

Schneider, Burton

From: Lyle Frederick <lrfrederick@frederickmcrae.com>
Sent: Tuesday, September 06, 2016 11:37 AM
To: Schneider, Burton
Subject: Application for 4-ft to 9-ft Fence on Block 10A Parcel 163
Attachments: 16-0209 Vista Development (2).pdf

Hello Burton,

Further to our conversation please see attached the document and information received from Vista Del Mar Development outlining their guide lines relating to the placement of fences and gates etc. in Vista Del Mar.

We also note that the access way in Vista is a private road identified as common property to Vista Del Mar development.

Many thanks



Lyle Rodney Frederick, AIA
Registered Architect
Frederick + McRae Ltd.
(345) 926 3601



please consider the environment before printing this email

From: Kara Phillips
Sent: Tuesday, September 06, 2016 11:14 AM
To: Lyle Frederick <lrfrederick@frederickmcrae.com>
Subject: FW: Document from Vista Sur Maintenance

From: Vista Sur Maintenance Co. Limited [<mailto:vdmcayman@gmail.com>]
Sent: Tuesday, September 06, 2016 10:33 AM
To: Kara Phillips <kphillips@frederickmcrae.com>
Subject: Fwd: Document from Vista Sur Maintenance

Dear Kara:

Please find attached the utility and telephone conduit layout. However it did not scan very well so I have left a hard copy for you with the security guard. The Rowland's parcel number is 163 however it doesn't show this on the drawing. I have marked it on the hard copy.

Also, below is a letter sent to all owners in July with regards to the boundary and setbacks.

Seawalls/Canal Setbacks:

A 25ft setback is required from the edge of the seawall. (refer Covenants 'Easements')

Recent seawall failures have been attributed to the imposing of undue loads on the wall, resulting in damage and erosion. The planting of trees next to the seawall also contributes, as the root ball adds extra pressure to the wall, which will eventually give way.

Excavation activities, whether for landscaping or addition of services along the seawall must be carried out by respecting the fact that tiebacks from the seawall could be damaged, leading to a possible collapse of the seawall. It may be of benefit to erect a wire barrier at the 25ft line to ensure that this area is not encroached while building your home.

Underground Utilities/Road Boundaries:

A 20ft setback from the road is required for building sites, and a 10ft setback is required from the road for vegetation and fencing. (refer Covenants 'Easements')

In addition to the seawall encroachment problem, our underground utilities have also become an issue. Some of the parcels have built driveways, garbage enclosures and planted trees directly or a few feet from the road, and in some cases, directly on top of the utility and water lines.

Utility Service Lines are located or within the following:

Water lines: 4ft to 5ft from the roadway, and 36" deep

Electrical lines: 3ft to 4ft from the roadway, and 18" to 24" deep

Construction activities in general, including boundary walls, and in particular landscaping are being installed without due regard for below ground services.

A map of utility/service locations is available at the VDM Office, and we ask that all contractors familiarize themselves with services locations before excavation works commence.

Please Note

Vista Sur Maintenance Co Ltd will not be liable for the cost of restoring any seawall breach or collapse, or disruption to below ground services, which has been caused by an owner's failure to respect the required setbacks, and services locations.

With kind regards,

Cindy

--

Cindy Rendon (Manager)
Vista sur Maintenance Co. Limited
P.O. Box 31523
Grand Cayman KY1-1207
Cayman Islands
345-949-7187
ydmcayman@gmail.com