

Central Planning Authority

Minutes of a meeting of the Central Planning Authority held on **28 February 2024 at 10:00am** in Conference Room 1038, 1st Floor, Government Administration Building, 133 Elgin Avenue

7th Meeting of the Year

CPA/07/24

Mr. Ian Pairaudeau (Chair)
Mr. Handel Whittaker (Deputy Chair)
Mr. Joshua Bernard
Mr. Gillard McLaughlin
Mr. Charles Russell Jr.
Mr. Peterkin Berry (apologies)
Mr. Peter Campbell
Mr. Kenneth Ebanks (via Zoom)
Ms. Danette McLaughlin
Ms. Shakina Bush (via Zoom) (left at ?)
Ms. Christine Maltman, MCIP, AICP (via Zoom) (left at 12:15)
Ms. Celecia Bancroft
Mr. Ashton Bodden (left at 4:00)
Mr. Haroon Pandohie (Executive Secretary) (apologies)
Mr. Ron Sanderson (Acting Executive Secretary)

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

List of Applications Presented at CPA/07/24

- 2.1 BRUCE WATLER (GMJ Home Plans) Block 32C Parcel 63 (P23-0659) (\$56,000) (NP) 5**
- 2.2 YARL TOWERS (National Building Group) Block 28C Parcel 664 (P23-0877) (\$20,000) (NP) 7**
- 2.3 WEST VILLAGE DEVELOPMENT COMPANY LTD. (TAG) Block 4D Parcels 129,513 & 514 (P23-0586) (\$3.7 million) (NP) 11**
- 2.4 TIFFANY CHISHOLM Block 45A Parcel 8 (P23-0885) (\$5,000) (NP) 27**
- 2.5 JAMES STERLING (JIMMY) EBANKS (Garden City Designs) Block 68A Parcel 119 (P23-0486) (\$35,000) (EJ) 31**
- 2.6 CAROL SWABY (Whittaker & Watler) Block 27D Parcel 325 (P23-0951) (\$162,764) (EJ) 38**
42
- 2.7 K & B LIMITED (TAG) Block 25B Parcel 674 (P23-0996) (\$2,606,700) (NP) 42**
- 2.8 K & B LIMITED (TAG) Block 25B Parcel 674 (P23-0996) (\$2,606,700) (NP) 55**
- 2.9 SYDNEY SHAW (Darius Development) Block 25B Parcel 242 + 6REM1 (P23-0997) (\$10,000) (EJ) 62**
- 2.10 URIEL WILLIAMS (Craftmans Touch) Block 27D Parcel 422H1 (P23-0274) (\$3,000) (EJ) 69**
- 2.11 DWIGHT MCLEARY FREDERICK (Whittaker & Watler) Block 66A Parcel 16 (P23-0930) (\$35,000) (EJ) 71**
- 2.12 ROVINDA ESTATES (BDCL Architects) Block 20B Parcels 342, 289, 175 & 176 (P23-0941) (\$20,000,000) (EJ) 76**
- 2.13 CONKER HOLDINGS LIMITED (GMJ Home Plans Ltd.) Block 14D Parcel 6 (P23-0582) (\$600,000) (MW) 84**
- 2.14 RBC HOUSE LIMITED (AMR Consulting Engineers) Block 14BH Parcel 160 (P23-1013) (\$50,000) (MW) 92**
- 2.15 CHRISTOPHER DINNALL (R Design Architectural Studio) Block 58A Parcel 159 (P23-0673) (\$574,600) (MW) 93**
- 2.16 WENDY MYLES (John Bernard) Block 14E Parcel 757 (P23-0082) (\$65,300) (MW) 97**
- 2.17 LUIS RAMIREZ-PINTO & SHIRLY ANN MARTINEZ (Benitez & Sons Ltd.) Block 1D Parcel 579 (P23-0668) (\$75,000) (MW) 99**
- 2.18 HECTOR CHIN (Eric Cronier) Block 71A Parcel 62 (P23-1035) (\$7,000) (NP) 103**
- 2.19 ODVAR JUAN B BJERHOLT (GMJ HOME PLANS) Block 69A Parcel 72 (P23-1095)(\$800,000) (JS) 106**
- 2.20 CARY ENGLISH & LEE MCKAY (Abernethy & Associates) Block 4B Parcel 525 (P23-1162) (\$1,000) (NP) 111**

- 2.21** **EVERTON PARKER (TAG) Block 43A Parcel 414 (P23-1020) (\$1,262,550) (NP)**
115
- 2.22** **ROZETTA SIMPSON-WILKS (Garden City Designs) Block 4B Parcel 573 (P23-0604) (\$392,400) (MW) 124**
- 5.1** **COE GROUP Block 4E Parcel 139 (P21-0977) (MW) 126**
- 5.2** **ANTHONY EBANKS Block 28C Parcel 606 (P24-0023) (JS) 130**
- 5.3** **DESMOND & TYBERT WILLIAMS Block 55A Parcel 188 (P24-0070) (AS) 130**
- 5.4** **JULIAN ELIZABETH ELLIOTT Block 20E Parcel 260 (CE24-0034) (AP) 130**

APPLICANTS ATTENDING THE AUTHORITY'S MEETING

Applicant Name	Time	Item	Page
Bruce Watler	10:30	2.1	5
Yarl Towers	11:00	2.2	6
West Village	11:30	2.3	8
Tiffany Chisholm	1:00	2.4	15
James Sterling Ebanks	1:30	2.5	17
Coe Group	2:30	5.1	64
Carol Swaby	3:00	2.6	22

1.1 Confirmation of Minutes CPA/05/24 held on 13th February 2024

Moved: Christine Maltman

Seconded: Peter Campbell

Confirmed

1.2 Declarations of Conflicts/Interests

Item	Member
2.3	Joshua Bernard
2.16	Joshua Bernard
2.19	Gillard McLaughlin

2.0 APPLICATIONS
APPEARANCES (Items 2.1 to Item 2.6)

2.1 BRUCE WATLER (GMJ Home Plans) Block 32C Parcel 63 (P23-0659) (\$56,000) (NP)

Application for an after-the-fact house.

Appearance at 10:30 a.m.

FACTS

<i>Location</i>	Trumbach Drive in Lower Valley
<i>Zoning</i>	Low Density Residential
<i>Parcel size required</i>	10,000 sq. ft.
<i>Parcel size proposed</i>	2.9 acres
<i>Current use</i>	After the fact house
<i>Building size</i>	320 q ft
<i>Site coverage</i>	0.5%

BACKGROUND

October 11, 2023 (**CPA/24/23; Item 2.15**) – The Authority resolved to adjourn the application and invite the applicant to appear at a meeting in order to discuss the aesthetics of the container 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 **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.

Additionally, once construction has started, condition (3) shall be complied with before a final Certificate of Occupancy can be issued.

- 3) The left elevation of the container shall be clad with T-111 and regular double doors must replace the container doors.
- 4) The applicant shall obtain a Final Certificate (of Fitness for Occupancy) **within 12 months of the date of this decision.**

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Trumbach Drive in Lower Valley.

The property contains an after the fact container house (320 square feet) that the applicant is seeking planning permission for.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Aesthetics of shipping container

The Authority should determine if the aesthetics of the shipping container house are acceptable in this instance.

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans.

At 10:30am, Van Ramjeet (VR) appeared on behalf of the applicant. Summary notes are provided as follows:

- VR apologized on behalf of his client that this is an after-the-fact application. He indicated that they took effort to include horizontal and vertical siding to try and hide the container. He explained that the left side was not cladded as his client uses that side for storage, but he has no concern with adding regular double doors.
- CPA asked if he can make it look like a house and be aesthetically pleasing.
- VR replied it is cladded, just not the left elevation, but they can put in a regular double door.
- CPA asked if he would object to putting on cement board with stucco versus T-11 as it would be more in keeping with the neighbourhood.
- VR replied he could speak to the client about that and revert.
- CPA sought clarity on whether the container is split, storage on one side and a dwelling unit on the other and VR replied that is correct.
- CPA asked if it is already constructed like this and his client is living in it and VR replied yes to both.
- CPA asked if there are other container homes in the area and VR replied not to his knowledge.

2.2 YARL TOWERS (National Building Group) Block 28C Parcel 664 (P23-0877) (\$20,000) (NP)

Application for after-the-fact land clearing.

Appearance at 11:00 a.m.

FACTS

<i>Location</i>	Ranch Road, Savannah
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	5.55 acres
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed use</i>	None at this time

BACKGROUND

January 31, 2024 (CPA/04/24; item 5.4) – The Authority considered an email from the applicant and determined it did not address the Authority’s concerns and they still needed to be invited to a meeting.

January 17, 2024 (**CPA/3/24; Item 2.12**) – The Authority resolved to adjourn the matter and invite the applicant in to a meeting in order to address the future use of the property.

September 13, 2023 (**CPA/21/23; Item 3.2**) - Rezoning considered by the Authority and it was determined to send it for public comments and a s41(3) consultation

Enforcement action on the property for land clearing (CE23-0104).

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

- 1) The Authority is of the view that the applicant failed to provide sufficient reasons for approving the application. The applicant relied on an assumption that a demolition permit had been granted by the Department of Planning in addition to "approval" being provided by the Department of Environment, neither of which is factually correct.

AGENCY COMMENTS

The Authority received and considered comments from the Department of Environment.

Department of Environment (November 7, 2023)

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

The site was man-modified with regrowth of mangrove wetland habitat. However, google imagery (see Figure 1) shows the application site as already cleared. It is also noted that an enforcement file has been created for unauthorized land clearing of this site (Planning Ref: CE23-0104) in September 2023.



Figure 1: Aerial Imagery showing the application site outlined in red (Source: Google Maps, Accessed 25 October 2023)

The site has already been cleared and therefore there is little opportunity to provide meaningful feedback. However, it is noted that the application site is part of a wider former-wetland and likely provides drainage capacity to the surrounding area. The clearing and filling of this parcel may increase the risk of flooding to the surrounding area.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located at the end of Ranch Road in Savannah.

The property is presently vacant.

The applicant is seeking after the fact permission to clear the land by mechanical means.

The plans state that clearing of the land was necessary to remove former buildings that occupied the parcel. However a site visit revealed that the majority of the property has been cleared of vegetation.

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

Zoning

The property is zoned Low Density Residential.

Specific Issue

1) After the fact nature of the application

Discuss the after the fact request to clear the lands.

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans.

At 11:00am, David Amirthapalan (DA) and Lester Eugeric Undang (LU) appeared on behalf of the applicant. Summary notes are provided as follows:

- DA provided several comments:
 - There was a meeting on December 6, 2023 where a rezone application was considered to change the zoning from Low Density Residential to High Density Residential.
 - CPA wanted more clarification regarding the land clearing and the rezone application
 - There were some existing huts and a pond on site and they got a demolition permit
 - The demolition company removed most of the vegetation
 - Planning contacted them and they made an application for land clearing
 - The land clearing application is still not approved
 - The rezone was applied for, but not for anything they would do until 6 to 7 years later
 - They want to do an affordable housing project
- CPA advised the housing and rezone applications are not before them today.
- DA explained they want to grow palm trees for some of their other projects. They want to move top soil from other sites to this site so they can grow plants.
- CPA advised it takes a dim view of what has occurred on the property and noted they should have supervised the demolition company.
- DA agreed and noted they made a mistake.
- CPA noted that they said they demolished something.
- DA said yes, but it was a long time ago. He noted they have DOE approval for the land clearing.
- CPA noted that the applicant said something about a pond.

- DA explained that someone was breeding fish and there were few structures.
- CPA noted the applicant said they have DOE approval.
- DA replied yes, it is in OPS.
- CPA clarified that they mean they have approval to clear around the structures and DA replied yes.
- CPA asked when was the DOE approval received.
- DA replied he doesn't have the exact date, but it is in OPS.
- CPA asked if they can say approximately when they got DOE approval.
- DA replied it was October 17, 2023.
- CPA advised that DOE memo, which is part of today's Agenda, has been read and CPA does not view it as an approval.
- The CPA/Planning Department did not locate any records of approval for a demolition permit.
- CPA asked since the land has already been cleared, have they considered the ramifications for flooding.
- DA replied they have a site plan that shows a lot of deep wells.
- CPA asked that given the way the land is now, have they taken into account the flooding of neighbours.
- DA replied no, the land is as it is now.

2.3 WEST VILLAGE DEVELOPMENT COMPANY LTD. (TAG) Block 4D Parcels 129, 513 & 514 (P23-0586) (\$3.7 million) (NP)

Application for a commercial & residential complex.

Appearance at 11:30 a.m.

Joshua Bernard declared a conflict and left the meeting room.

FACTS

<i>Location</i>	Batabano Road, West Bay
<i>Zoning</i>	Neighbourhood Commercial & Medium Density Residential
<i>Notification Results</i>	Objector
<i>Parcel size</i>	8.868 acres Phase 1 (combined)
<i>Parcel size required</i>	20,000 sq ft
<i>Current use</i>	Vacant
<i>Proposed use</i>	Residential & Commercial Complex

<i>Proposed Building Footprint</i>	74,857 sq. ft.
<i>Proposed Building Area</i>	89,569 sq ft - Commercial 122,241 sq ft - Residential 211,810 sq ft - Total
<i>Number of Proposed Apartments</i>	82
<i>Number of Permitted Apartments</i>	168 (this accounts for removing 20,000 sq ft for commercial from the overall parcel size)
<i>Number of Proposed Bedrooms</i>	92
<i>Number of Permitted Bedrooms</i>	252
<i>Parking Required</i>	361
<i>Parking Proposed</i>	365

BACKGROUND

December 8, 2021 (**CPA/25/21; Item 2.8**) – The Authority granted planning permission for a Commercial and Residential complex (P21-0556) on 4D 129, 132 and 514. That project contained 179 apartments and 280 bedrooms. If the current project is approved it would supersede P21-0556.

January 31, 2024 (**CPA/04/24; item 2.6**) – The current application was adjourned to re-invite the applicant and objector to attend the meeting. The applicant was present, but the objector was not.

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

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

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The construction drawings for the proposed swimming pool filtration system shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool

filtration system is constructed in accordance with the submitted plans it will conform to public health requirements.

- 3) 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 per the Water Authority's specifications.
- 4) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 5) The applicant shall submit the Stormwater Management plan which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority. **The plan must include the northern undeveloped portion of Block 4D Parcel 513.**
- 6) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under About/Draft Policies.*
- 7) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning and must be prepared in accordance with the Central Planning Authority's Construction Operations Plan Guidelines - Template B found on the Planning Department's website (www.planning.ky) under About/Draft Policies.
- 8) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 9) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area
- 10) Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.

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

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

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

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

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision). This determination includes the specific assessment that per Regulation 9(8) of the Development and Planning Regulations (2022 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.
- 3) The Authority is of the view that there were no objections that raised sufficient grounds for refusing permission. More specifically, the objector's only stated concerns are with an increase in traffic and additional flooding in the area. The Authority is of the view that the objector did not provide any empirical data to demonstrate that the proposed development would increase traffic in the area to an unacceptable level. Further, the Authority is of the view that the applicant has the right to develop their property in accordance with the Development and Planning Regulations and that may involve filling the land. The applicant will be responsible for containing drainage on their property and as a condition of approval they will have to prepare a detailed stormwater management plan and install the necessary drainage features on site. Further, the

Authority will require the stormwater management plan to also include the northern undeveloped portion of Block 4D Parcel 513 as this will assist in ensuring drainage is contained on site. Regarding flooding being caused by development on other properties, that is not the responsibility of the applicant and is outside of the remit of the Authority to address through this application.

AGENCY COMMENTS

The Authority received and considered comments from the Water Authority, Fire Department, National Roads Authority and Department of Environment.

Water Authority Cayman

Please be advised that the Water Authority’s requirements for this development have been determined based on the understanding that the parcels in question are to be combined.

Wastewater Treatment and Disposal

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

- *The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer’s guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 19,937 US gallons per day (gpd), based on the following calculations.*

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD/BLDG</i>	<i>GPD</i>
<i>Phase 1.1</i>	<i>Retail Units (21,865 sq.ft.)</i>	<i>21,865 sq.ft. x 0.15</i>	<i>3,279.75</i>	<i>12,354.75</i>
	<i>53 x 1-Bed Units</i>	<i>150gpd/1-Bed Unit</i>	<i>7,950</i>	
	<i>5 x 2-Bed Units</i>	<i>225gpd/2-Bed Unit</i>	<i>1,125</i>	
<i>Phase 1.2</i>	<i>Retail Units (5,812 sq.ft.)</i>	<i>5,812 sq.ft. x 0.15</i>	<i>871.8</i>	<i>2,971.8</i>
	<i>8 x 1-Bed Units</i>	<i>150gpd/1-Bed Unit</i>	<i>1,200</i>	
	<i>4 x 2-Bed Units</i>	<i>225gpd/2-Bed Unit</i>	<i>900</i>	
<i>Phase 1.3</i>	<i>Retail Units (5,812 sq.ft.)</i>	<i>5,812 sq.ft. x 0.15</i>	<i>871.8</i>	<i>2,971.8</i>
	<i>8 x 1-Bed Units</i>	<i>150gpd/1-Bed Unit</i>	<i>1,200</i>	
	<i>4 x 2-Bed Units</i>	<i>225gpd/2-Bed Unit</i>	<i>900</i>	
<i>Phase 1.4</i>	<i>Retail Units (10,927 sq.ft.)</i>	<i>10,927 sq.ft. x 0.15</i>	<i>1,639.05</i>	<i>1,639.05</i>
			<i>TOTAL</i>	<i>19,937.4</i>

- *Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards. The minimum well casing diameter for this development shall be 8’’. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4’5’’ above MSL. The minimum invert level is that required to maintain avillage*

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

Potential High-Water Use

- *The plans submitted do not indicate the types of tenants to be included. Therefore, the above requirements are based on low-water-use tenants; i.e., those where wastewater generation is limited to employee restrooms/breakrooms. Should high-water-use tenants; e.g., food service, laundry, etc., be anticipated at this stage, details should be provided to the Water Authority thereby allowing requirements to be adjusted accordingly. Any future change-of-use applications which indicate an increase in water use will require an upgrade of wastewater treatment infrastructure which may include in-the-ground interceptors (for grease or oil-grit or lint) and/or an upgrade to an Aerobic Treatment Unit.*

The developer is advised to contact development.control@waterauthority.ky to discuss requirements to accommodate potential high-water use tenants.

Elevator Installation

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

Generator and Fuel Storage Tank(s) Installation

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

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

- *The Water Authority has plans to extend the public sewerage system along the Esterly Tibbetts Highway in order to connect the proposed Aster Cayman Medcity development which is situated adjacent to the proposed West Village development. The actual construction schedule for this major pipeline extension has not yet been determined.*
- *In accordance with Clause 42 (1) of the Water Authority Act, all buildings within the area to which the public wastewater system extends must be connected to it. Therefore, provisions shall be made to design and construct the sewer collection system for the proposed West Village development in such a manner as to accommodate an easy transfer from the on-site wastewater treatment and disposal system to a connection to the public sewerage system when it has been extended to this area.*
- *The developer shall notify the Water Authority's Engineering Department at 949-2837, Ext: 3000, as soon as possible to ensure that the site-specific connection requirements can be relayed (including the provisions to accommodate the future connection to the*

- public sewerage system without undue disruption and/or inconvenience to the West Village development)*
- The developer shall be responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The site's wastewater infrastructure shall be designed and installed to the Authority's specifications.*
 - The developer shall submit plans for the sewerage infrastructure to the Authority for approval.*

Water Supply

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

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

Fire Department

The Fire Department has approved the drawings.

National Roads Authority

Memo 1

The NRA is concerned that the entrance of Rubis gas station located next to the proposed West Village Development is too close in proximity that will cause visibility and accessibility issues for motorists exiting the new development.

There is also an electrical pole near the entrance of Rubis that is obstructing the view.

As per the NRA's Design and Construction Specifications for Subdivision Roads & Property Development,

- 7.2 Access Roads o Single family, residential driveways may be no closer to each other than twenty feet (20') and must be a minimum of thirty feet (30') from intersections. Commercial driveways on these roads must be no closer to each other than thirty feet (30') and, located at least seventy-five feet (75') from intersections.*
- 7.3 Commercial Driveways o Two (2) exit lanes and one (1) entrance lane shall be provided. Driveway separation islands shall not impede pedestrian traffic. • The turning radius at some locations are sufficient for smaller vehicles, however larger vehicles will have an issue manoeuvring inside of the development. • How is the applicant going to address pedestrian pathways for occupants of the development?*

Please have applicant address the NRA's concerns and resubmit.

Memo 2

As per your memo dated February 12th 2024 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issue

In 2016, average weekday daily traffic (WADT) volumes on Batabano Road were just under 7,000 vehicle per day (vpd). On the Esterley Tibbetts Highway link just south of Batabano, the WADT was about 7,400 vpd in 2016 and had increased to just over 9,000 vpd in 2018, an increase of 21% over the two years. The NRA does not believe that traffic along Batabano Road near the subject site has increased at the same growth rate as the Esterley Tibbetts Highway traffic volumes has shown, but would venture to say that a 3% annual growth rate would be reasonable. As such, the WADT on Batabano Road for 2023 are likely in the order of about 8,000 vpd.

While such traffic levels are in the order onto a Secondary Arterial road such as Batabano Road are deemed acceptable. However, it does not take into account future traffic growth onto the road network as the area develops, and the NRA anticipates that widening of the right-of-way to 50 feet from the current 30 feet should be planned for at this time.

On that basis, NRA recommends to the CPA that the applicant be required to set aside 10 feet for future road widening by the NRA. In the meantime, a turning lane for west bound traffic to the site (as an interim configuration) should be considered for the development. This requirement necessitates the sidewalk to be relocated 10 feet within the subject parcel.

Road Capacity Issues

The traffic demand to be generated by a mixed-use development consisting of eighty two (82) multi-family residential units and 89,569 square feet of Commercial/retail space has been assessed in accordance with ITE Code 220 — Apartment and ITE Code 720— Shopping Centre. Based on ITE traffic generation rates, the anticipated traffic to be added onto Batabano Road is as follows:

Dev't Type	Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak In	AM Peak Out	PM Peak Hour Total Traffic	PM Peak In	PM Peak Out
Apartment	545	42	9	33	51	33	18
Shopping	3,826	88	35	23	332	114	113
Total	4,371	130	44	56	383	147	131

Based on these estimates, the impact of the proposed development onto Batabano Road is considered to be moderate.

In 2016, average weekday daily traffic (WADT) volumes on BAtabano Road were just under 7,000 vehicle per day (vpd). On the Esterley Tibbetts Highway link just south of Batabano, the WADT was about 7,400 vpd in 2016 and had increased to just over 9,000 vpd in 2018, an increase of 21% over the two years. The NRA does not believe that traffic along Batabano Road near the subject site has increased at the same growth rate as the Esterley Tibbetts Highway traffic volumes has shown, but would venture to say that a 3% annual growth rate would be reasonable. As such, the WADT on Batabano Road for 2023 are likely in the order of about 8,000 vpd.

While such traffic levels are in the order onto a Secondary Arterial road such as Batabano Road are deemed acceptable. However, it does not take into account future traffic growth onto the road network as the area develops, and the NRA anticipates that widening of the right-of-way to 50 feet from the current 30 feet should be planned for at this time.

On that basis, NRA recommends to the CPA that the applicant be required to set aside 10 feet for future road widening by the NRA (note that this requirement was made for the proposed residential development immediately west of the subject lands and the Rubis gas station east of this proposed development). In the meantime, a turning lane for west bound traffic to the site (as an interim configuration) should be considered for the development. This requirement necessitates the sidewalk to be relocated 10 feet within the subject parcel.

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 Batabano Road, within the property boundary, to NRA standards.

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

Stormwater Management Issues

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

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

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

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

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

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

Department of Environment – December 1, 2023

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

Site Overview

The application site is man-modified but low-lying and consists of a regrowth of vegetation. We note that nearby parcels (including the new Rubis Service Station and the Legoland apartment site) are highly elevated and the surrounding area is prone to flooding.

Advice for the Applicant

With the conversion of the site to hardstanding, drainage must be properly assessed. The applicant should consider incorporating Sustainable Drainage Systems (SuDS) into the stormwater management for the site to mitigate against the inundation of the surrounding area. SuDs are drainage solutions that provide an alternative to the direct channelling of surface water through pipes and deep wells. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity, and reducing the transport of pollution to the water environment. The applicant may also wish to consider the use of porous or permeable surfaces in areas of hardstanding.

In addition, we recommend that the applicant plants and incorporates native vegetation such as buttonwood into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and the amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

The DoE also recommends that, wherever possible, sustainable design and energy efficiency features be included in projects such as this one. We especially encourage renewable energy installations given that the Cayman Islands has a target of 70% of energy generation being renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). Photovoltaic solar panels in particular could be installed on suitable roof space or over the proposed parking spaces.

Advice for the Central Planning Authority/Planning Department

Best management practices should be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when they enter the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

Section 41(3) Recommendations

To prevent adverse impacts on the environment as a result of construction debris, we recommend the inclusion of the below condition in any grant of planning permission:

- *If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent marine environment.*

OBJECTION LETTER

Dejavu all over again.

I am writing to officially lodge an objection to the above which is scheduled to go before the CPA Board for approval.

I am the owner of WBNW - Block 4D, Parcel 173 which is just across the street from the above development. I have lived at my residence for the past 48 years.

The majority of land in the Batabano area is zoned Low Density- Residential so I guess it has become commercial now and that said which means all are considered flooding parcels in rainy and hurricane season. However, the new development the developer would be filling their parcel much higher than the surrounding parcels where homes have been built for decades. I wonder if the Planning Department which I hope that they realise that the swamps is a drain system for the Cayman Islands and they are being filled to build homes, apartments and 10 storey buildings, as I stressed in my previous email to the application of WBNW-4D-133, and the answer was I was not in the radius please not again.

Planning also approved for the Saint Mary's cemetery to be constructed on Block 4D, Parcel 510 which is right in my back yard and I have severe flooding when it rain because the parcel was filled much much higher than the surrounding parcels, which means if the above is approved we will get water from both sides because the cemetery does not have a retaining wall and no proper drainage system and a deep well that when the tide is high water is coming over the top.

I wonder how many more buildings will be constructed on that little strip of land called the Batabano road. To my knowledge this parcels of land was already submitted to planning and was rejected it was going to be a little Camana Bay and this application seems to be a little similar.

I am sincerely asking you to look carefully at this application and consider the impact if approved to the residents of the Batabano area and West Bay in general where people have lived there for decades. I hope that my fellows Caymanians that are in the Planning Department will have an insight in what damage approving these applications are doing to our island.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in West Bay on Batabano Road, just west of the intersection with the northern terminus of the Esterly Tibbetts Highway (ETH).

The proposal is for a total of four buildings on the site in Phase 1. Phase 2 plans have not been submitted or applied for yet. There would be a total 65,314 square feet of retail space, 82 apartments with a total of 92 bedrooms, and storage units totalling 21,014 square feet.

Building 1.1 would have 31,758 square feet of retail and 58 apartments.

Building 1.2 would have 5,999 square feet of retail and 12 apartments on the second and third floors.

Building 1.3 would have 6,604 square feet of retail and 12 apartments on the second and third floors

Building 1.4 would have 20,953 square feet of retail with 21,014 square feet of storage units.

A total of 361 parking spaces are required and 365 parking spaces have been provided. It should be noted that the Department's parking calculation includes common areas such as washrooms, elevators, stairs and corridor areas. It should also be noted that the parking requirements do not include provision for restaurants and bars, as they are not yet determined by the owners. As such, bars and restaurants would have to proceed through individual change of use applications and be assessed for parking at that time. There is a surplus of 4 parking spaces in this regard.

A total of 6 accessible sites are proposed as part of the overall total.

Zoning

The properties are split zoned Neighbourhood Commercial and Medium Density Residential. The Neighbourhood Commercial zone extends along Batabano Road for a depth of approximately 450 feet and is applicable only to Block 4D Parcel 514.

For the information of the Authority, unit and bedroom counts have been based upon the Medium Density Residential Regulations.

Specific Issues

1) Suitability

Per regulation 9(7), the Authority needs to determine if the location is suitable for apartments. Likewise, Regulation 9(3) states that commercial development may be permissible in a residential zone in suitable locations. A review of the area shows a gas station constructed on 4D 515 with several vacant parcels in the immediate area. It should also be noted that the Authority did approve a similar mixed use development on 4D 129, 132 and 514.

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans.

At 11:30am, Jonathan Murphy and Daniel Bond appeared on behalf of the applicant and they were joined by their architectural representatives: Darrel Ebanks, Mary ann Villanueva and Kathleen Runas. Wilma Ebanks appeared as an objector. Summary notes are provided as follows:

- CPA asked the applicant team to present the proposal.
- Ms. Villanueva (MV) provided several comments:
 - This is a mixed use development

- She explained the zoning of the site and the surrounding area
 - There is a gas station under construction next to the site
 - The same mixed use development was approved in 2021
 - The new application is similar, but less dense
 - The storage area has been expanded and it will be open to the public
 - The objector is concerned about flooding, but they can't corroborate the impact of this development on her land
 - They will have a storm water management plan, but not at this stage
 - They will have a properly designed storm water management system
- Mr. Ebanks (DE) noted that regarding stormwater management he has seen St. Mary's cemetery and it is lower land and it does flood and that water goes onto the objector's land. He explained they will put in a proper storm water management system. He noted this project is quite a big reduction from the previously approved project. He also noted that apartments were approved on a nearby parcel.
 - CPA asked if there is provision for bars and restaurants.
 - DE replied there is nothing specifically designed for that.
 - CPA advised if restaurants and bars want to go into this project then additional parking will be required.
 - DE agreed and noted they could use the adjacent land.
 - CPA asked if they will have deep wells and DE replied yes and swales and whatever NRA wants.
 - CPA noted he said there is a big reduction and asked in what way.
 - MV replied they are not using all of the land.
 - CPA asked that it is only a reduction because they are not using all of the land and MV replied yes.
 - Mr. Murphy (JM) noted that this is phase 1 and the other phases will also be mixed use. He proceeded to explain the phasing and the access roads that will be used.
 - CPA asked what will happen in the north part and JM replied that part tapers so it is somewhat limited. He noted they would stay within the MDR requirements and would be 2 to 3 storeys and sympathetic with the area.
 - CPA noted that most of the land is zoned MDR and they are doing more commercial than residential and asked if they would do the same in the north part.
 - JM replied they are only doing neighbourhood commercial on the road frontage part and as they move back it is purely residential.
 - CPA noted that the front part is zoned NC which is only 4D 514, but their commercial goes half way up into 4D 513 which is zoned MDR.

- JM noted the parcel to the east is for a gas station and that site was rezoned. He noted they put the commercial and storage looking onto the gas station.
- CPA asked if the storage is for tenants and the public.
- JM replied they will look at both. He noted that these are 1 and 2 bedroom units and are smaller and more efficient, but they lack storage. He noted they would offer the storage to the commercial tenants, then the residential tenants and then third parties.
- CPA asked if these units would be rental or for sale.
- JM replied some will be sold.
- CPA noted that the Regulations says commercial is allowed in a residential zone in suitable locations and a large portion of their commercial development is in a residential zone and asked why do they feel this is a suitable location and asked if there are other commercial uses in the area.
- DE replied there are 2 or 3 small plazas near the road junction and Parsons is just up the road and the Astor development is nearby.
- CPA asked if they can confirm that they feel they have addressed suitability.
- DE replied yes, this is a good use of the space and there is a gas station next to the site.
- JM noted that behind the gas station their residential units face north. He noted that in the West Bay community there are not many commercial elements and people have to drive down the West Bay corridor.
- CPA asked for the objector's input.
- Ms. Ebanks (WE) provided several comments:
 - 96 apartments were approved on 4D 123 and on other sites there more apartments for a total of 386 and Legoland was also approved and this will add a lot ore traffic to the area
 - There is flooding in the area
 - She showed the CPA a map of the area and explained what is in the area and she noted where Legoland is located
 - Elderly people live in the area
 - Rubis is elevated very high and the water goes across the street into the swamp
 - Water comes through the cemetery and into her yard
 - She paid \$4,500 to fill her yard
 - CPA needs to think about what they are doing and how it affects the area
 - She showed CPA pictures of her land being flooded and said this has to stop
- CPA noted that the water is coming from the surrounding properties

- WE showed pictures of a grass piece that floods and now Legoland has bought it
- CPA explained if the applicant contains the water on their site then it won't go on hers
- WE noted that West Village has to fill their land so where will the water go.
- CPA explained they have to contain the water on their site.
- WE showed pictures of the cemetery and explained there is no wall and the water builds up and she has dealt with this for 6 years. She noted that Planning needs to take a good look at this as it is terrible what is going on around here. She explained she wasn't going to come here, but she decided to come here to fight, this has to stop, they can't fill up the swamp. She noted that when Astor and other developments start they will fill the land.
- CPA noted that it seems she is mainly objecting to flooding.
- WE replied yes, the Cayman Islands are going to be flooded out.
- CPA asked the applicant that in light of the area being prone to flooding, outside of drain wells, have they considered how to deal with drainage, maybe using berms. CPA noted that if each property contains its own drainage then it won't affect others. CPA asked if they have taken a good hard look at drainage, not just the minimum.
- DE replied they are in discussions with a civil engineer to ensure drainage is contained on site and it won't just be deep wells, it will be done properly.
- JM explained they have experience in the area and the site isn't mangroves, it is grassland over hard rock. He noted the problem is with some low lying properties.
- CPA asked how many homes are potentially affected by this development.
- WE replied there are 6 to 8 homes across the street that get flooded. She noted she objected to Legoland, but was told she was not in the radius, but what they should have said is she can't object because it was pre-approved.
- CPA noted she has a legitimate concern.
- WE noted she has been here 48 years and never had to deal with this flooding.
- CPA asked what street she lives on and she replied on Laurel.
- CPA asked the applicant if they have given consideration to adding deep wells in the undeveloped area at the back.
- JM replied they will have a storm water management plan and they can program deep wells for that area and they will put in landscaping and play areas to help with runoff.
- CPA noted that in order to get a Certificate of Occupancy they have to demonstrate that they are managing water on site.
- CPA noted there is a large area of undeveloped land that they own and they could put in deep wells there.

- JM replied yes and they can bring that forward to this phase.
- CPA noted they can't force them to do it, but it would be neighbourly.
- CPA looked at WE's location in relation to the subject site.
- WE noted again that she has been there 48 years and never had this problem.
- CPA noted that storm drains don't always work and asked if they have thought of using ponds and retention areas and they should look at the whole area.
- WE noted that the cemetery has a drain system, but she told them they were drilling in the wrong place.
- JM noted than 19 North has a retention pond and it is subject to tidal movements.
- CPA noted the issue is the hard surfaces as there is nowhere for the water to go.
- JM explained they will take the approach that if they have to, they will add deep wells to the land near Legoland.
- CPA noted they haven't addressed the concern of the NRA.
- MV advised they revised the plans to address NRA.
- CPA asked if there is anything for signs. MV replied they applied for signs. CPA asked if they have plans for the signs and MV replied yes. CPA reviewed the plans.
- CPA asked if every building has a sign and MV replied the commercial buildings have signs. CPA noted that all of the buildings have commercial and asked if all of the buildings have a sign and MV replied yes.
- CPA asked if the previous approval has been withdrawn or is it still in place.
- JM replied it is still in place.

2.4 TIFFANY CHISHOLM Block 45A Parcel 8 (P23-0885) (\$5,000) (NP)

Application for land clearing.

Appearance at 1:00 p.m.

FACTS

<i>Location</i>	South of Chisholm Road in North Side
<i>Zoning</i>	Agricultural/Residential
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	29 acres
<i>Current use</i>	Vacant
<i>Proposed use</i>	None at this time

BACKGROUND

December 13, 2023 (CPA/30/23; item 2.9) - It was resolved to adjourn the application for the following reasons:

- 1) The applicant is required to obtain a vehicular right-of-way with a minimum constructed width of 15' as the Authority is of the view that the existing 6' pedestrian right-of-way is insufficient to accommodate the machinery needed to clear and hammer the property as proposed by the applicant.
- 2) The Authority also requires additional information regarding the proposed rock hammer operations.

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 hammered rock shall not be removed from site.

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).
- 3) The Authority is satisfied with the arrangement the applicant has made with the neighbouring land owner for access to the property.

AGENCY COMMENTS

The Authority received and considered comments from the Department of Environment.

Department of Environment (November 10, 2023)

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

The application site consists of predominately primary dry forest and shrubland in the area that is proposed to be cleared. The remainder of the parcel is man-modified and has been used for grazing for a long period of time. The area of primary habitat is relatively small in relation to the size and has been impacted, however clearing for the farm should be done in a manner that would minimise the area of impact.

In this case, retaining some of the trees and vegetation through selective clearing would be beneficial because it could:

- *It can be retained along parcel boundaries to serve as privacy, noise and sound buffers and screening.*
- *It can serve as an amenity, providing green space and shade for livestock or for those on the property.*

- *It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies and other pollinators. This habitat helps to contribute to the conservation of our local species and pollination of crops.*
- *It can assist with drainage, directly through breaking the momentum of rain, anchoring soil, and taking up of water and indirectly through keeping the existing grade and permeable surfaces.*
- *It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.*
- *When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

APPLICANT'S LETTER

I write to inform you that my planning application submitted to conduct land clearing and rock breaking, by mechanical means, on my private property (Block 45A Parcel 8), is being done so to facilitate farming for both crops and livestock.

I am a registered commercial farmer by the Cayman Islands Department of Agriculture, and would like to expand my agricultural interests.

Access to the property is via Hutland rd. over the right of way shown on the Lands and Survey map that was previously uploaded.

PLANNING DEPARTMENT ANALYSIS

General

The subject properties are located south of Chisholm Road and west of Hutland Road in North Side.

The property is currently vacant and the application is to clear 5 acres of the land and break rock within that 5 acres.

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

Zoning

The property is zoned Agricultural/Residential.

Specific Issues

1) Use of the land

The applicant has indicated that they intend to use the land for agricultural purposes and the clearing and chipping of rock is needed for this purpose. The Authority should determine if this is sufficient reason to allow the land clearing.

2) Access

The land register for the property indicate it has a 6' pedestrian access as shown on the registry map. The registry map shows an easement running through the middle of the overall parcel. It would not appear that a 6' pedestrian access is sufficient to facilitate land clearing by mechanical means.

SUPPLEMENTARY ANALYSIS

The applicant contacted the Department seeking an audience with the Authority to discuss concerns with the previous decision to adjourn the application.

At 1:00pm, William Chisholm (WM) appeared for the applicant. Summary notes are provided as follows:

- WM provided several comments:
 - He doesn't intend to clear the whole thing, there are some natural features that he would never destroy
 - He has until August to relocate from where he is now
 - He needs to build pens to hold his livestock
 - He is just clearing the area that is higher up
 - He is a registered commercial farmer
 - He goes by the letter of the law
 - This has been a frustrating process
 - He doesn't feel that everything has been 100% honest
 - He brought an aerial photograph that shows this is wide open grass land and he pointed out the area he wants to clear. CPA noted that the same aerial photography can be seen on the projector screen.
 - He was told he needs to register a right-of-way
 - He has permission from his neighbour
 - The machine can easily get from Hutland to his land
 - It's ridiculous that he needs a right-of-way
 - He could build a pool and go over his neighbour's land to do it and he wouldn't need an easement
 - Eventually he will build a house here
 - He will get a 30' easement over his sister's land
 - The survey is not yet complete
- CPA noted it isn't wholesale clearing because it is already cleared. CPA asked if he will just jackhammer in that one area and WV replied yes.

- WC noted there is nothing for a machine to destroy and this is just a one off thing.

2.5 JAMES STERLING (JIMMY) EBANKS (Garden City Designs) Block 68A Parcel 119 (P23-0486) (\$35,000) (EJ)

Application for an after-the-fact house comprised of a 20’ shipping container and two after-the-fact 40’ shipping containers for storage.

Appearance at 1:30 p.m.

FACTS

<i>Location</i>	Sea View Road, East End
<i>Zoning</i>	LDR
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	0.81 ac. (35,283 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	ATF House & Storage Containers
<i>Proposed building size</i>	800 sq. ft.
<i>Total building site coverage</i>	2.27%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

BACKGROUND

October 11, 2023 (**CPA/24/23; Item 2.2**) – the Authority deferred the application in order to re-invite the applicant and objectors to appear. The objectors were present and available for the meeting, but the applicant was not.

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

- 1) The applicant is required to submit revised elevation drawings showing the 2 – 40’ containers with a residential appearance.

AGENCY COMMENTS

The Authority received and considered comments from the Department of Environment.

Department of Environment

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

The site was previously man-modified with regrowth. Much of the existing vegetation on site had been previously disturbed. Given that this is an after-the-fact application, there is limited opportunity for relevant agencies to provide useful feedback to applicants. However, we recommend that there be no further clearing, filling or excavation works on the site without the appropriate permissions in place. In addition, any further development of the site must be the subject of a separate consultation and consultation with the National Conservation Council



Figure 1: Photo showing the application site (Source: UKHO, 2021)

APPLICANT'S LETTER

We are seeking for the above and are applying for a front setback variance for the same pursuant to Regulation 8(13). The application qualifies for the variance under Regulation 8(13) (b) (iii) as the “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;” because the front setback of 15.5’ vs the required 20’ will not impede persons travelling on the 30’ wide ROW.

The front setback became an issue because the person setting out the foundations for the containers inadvertently used an assumed boundary point. For this our client profusely offers his apologies, but this situation will be rectified once he develops the property. At this point he is researching various development scenarios and financing options prior to submitting for the permanent development.

We trust that the above is sufficient reasons for the Authority to grant planning permission for a specified time.

OBJECTION LETTER

We are responding to a Notice of Application for Planning Permission, for block/parcel 68A119.

After reviewing the application, we as joint proprietors of the adjoining block/parcel 68A118, have several concerns as to the plans for Mr. Ebanks property.

Both our property and the adjoining lots are zoned agricultural and/or residential as per our copy of the real estate listing when we purchased. The plans for 68A119 because of the rather small living space and the quite large size of the two container units give the appearance to be of commercial use.

The ability of these storage units to withstand tropical hurricane winds without debris potential damaging our future home or causing bodily harm, especially as per the plans supplied, because the storage units are simply placed on top of concrete blocks is an additional concern.

Lastly, referencing the Central Planning Authority's decision as to the Cleveland Dilbert application:

"The use of metal storage containers for the purposes of human habitation would not enhance the quality of life for the persons residing in the containers," "Nor would it safeguard the cultural, social and general welfare of the persons residing in the containers." It explained that regardless of whether the containers could be fitted out to comply with the building code, they are not an "appropriate form of housing". "It is clear to the authority that metal storage containers used for residential purposes are not consistent with the architectural traditions of the islands," the authority said. According to the Development and Planning Regulations, developments in residential zones should be consistent with the architectural traditions of the islands.

We have been looking forward to meeting our neighbors and forming a sense of community. We do not enjoy having to write this. In no way are our objections to the proposed plans personal or with malice. We mean no disrespect to Mr. Ebanks and are hopeful that some type of appropriate solution can be accomplished.

PLANNING DEPARTMENT ANALYSIS

General

The after-the-fact house with metal storage containers is located near to the Blow Holes off Sea View Road in East End.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

The Authority is asked to consider if the design of the after-the-fact house in a metal storage container meets the provisions of Regulation 9(2)(c) for traditional building forms. Also, the Authority needs to determine if it is suitable for two, 40' storage containers to be situated in a residential zone.

2) Front setback

The after-the-fact house and two shipping containers do not meet Regulation 9(8)(i) as they are located 15' vs 20' from the front (road) boundary; therefore, the applicant is seeking a front setback variance.

SUPPLEMENTARY ANALYSIS

On October 11, 2023 (CPA/24/23; Item 2.2) – the Authority deferred the application in order to re-invite the applicant and objectors to appear.

Additionally, the Department conducted a site visit on Thursday, February 15, 2024 and found another container on site along with the several boats which appear to be under repair.





At 1:30pm, James Sterling Ebanks (JE) appeared as the applicant and he was joined by his agent, Kenneth Ebanks (KE). Justine Smith-Diaz (JS) appeared as an objector. Summary notes are provided as follows:

- KE provided several comments:
 - The objector states the use of the containers gives the appearance of a commercial use, but this is not commercial
 - There is a living unit and storage of personal belongings
 - The objector states that containers are not a suitable form of housing
 - numerous jurisdictions have proven the use of containers to be a good way to reduce housing demand
 - with some additional work to the containers they can be improved visually and be kept cool
 - Government should look into how to best utilize containers to address the acute housing shortage
 - Regarding traditional architectural traditions, he's not sure if Government as defined what that is so it is hard to comply to it
 - 30 years ago when that Regulation was drafted it meant housing prior to the 1950's, but today that has changed
 - South Church Street and Boggy Sand used to be traditional housing
 - There needs to be a national conversation as to what architectural traditions should be
 - Regarding being secured properly, if Planning Permission is granted they will have to meet Code requirements
 - There are 2' x 2' concrete pilings with 'L' brackets welded to the containers and bolted to the pilings
 - If Building Controls says they have to reinforce it then they will

- Looking at the photographs in the Agenda he doesn't see how it detracts from architectural traditions, but yes the other two containers look like containers
- If they have to improve the look of the two containers they will gladly do it
- CPA asked if the intention is to finish the other containers like the house.
- JE replied those containers are strictly for storage for vehicles, parts and engines. He won't leave them like they are, but financially he can't do it now.
- CPA asked what is his time frame because it does look like a commercial site. CPA noted he needs to dress up the containers to look like a house and asked what is his time frame.
- JE replied that along the sides of the containers he can put up hardy board, he will dress it up, but he can't put a ridge on it. He can improve the sides.
- CPA asked for the objector's input.
- JS provided several comments:
 - She was here for the last meeting and came in from the US for it and he didn't show up
 - It's not 2 containers, there are 3 and there are derelict boats as well
 - She is leery that he will keep up with his promises
 - This will devalue her land
 - It is a hazard to anything she builds on her lot
 - She asked if a permit was not needed or was it do it and beg forgiveness
 - She doesn't understand how this happened
 - This is not in the flavour of the community
 - If there was some way to block the view that would help
- CPA asked where is her property.
- JS noted she can see into the land from hers
- CPA asked if she is parcel 118 and JS replied yes.
- CPA noted that regarding this being after-the-fact it happens a lot and there are several similar applications on this Agenda.
- JS asked if an application had been put in before and CPA replied no.
- JS noted there is a porta potty and asked if the house will have running water.
- JE advised he rented the porta potty during construction.
- CPA asked if he has running water and JE replied yes.
- CPA asked if he has power and JE replied no, he uses a generator.

- JE noted he was given bad advice and made a mistake and got caught. He noted it took some time to get the containers and he calls it a good thing as there aren't too many houses that look like it.
- CPA asked if he had a house on Cayman Kai road and JE replied yes. CPA asked if he solid it and JE replied yes, he needed to.
- CPA asked the objector that given the fact she is next door, if the applicant gave an undertaking to improve the appearance of the containers would that be satisfactory.
- JS replied it depends on what they would look like, this is all very vague. She asked doesn't this have to be reviewed.
- CPA replied yes, by Building Control.
- JS asked what are the plans for the boats because if it is not a commercial use then what is it. She noted that when she bought the property it was supposed to be residential and agricultural and this doesn't add to the area. She noted that what she is asking for is not outlandish. She asks that Codes be adhered to.
- CPA asked if there is a house on her site.
- JS replied no. She explained she bought the land in February and there was nothing on the applicant's land the next thing she knew she got a letter from Planning so she came down in August and saw what occurred. She noted that a plan needs to be put in place for the site, a definitive plan.
- CPA provided several comments:
 - there is a strict policy for using containers for homes
 - they need to be dressed up so they look like a house
 - they don't want containers that just look like containers
 - There has to be some improvement to the two containers
 - if they are dressed up there will be a more favourable outcome
 - he needs to keep the property a certain way or be subject to a Maintenance of Land notice
- CPA asked if the applicant would like the CPA to look at the application today as is or would he like it to be adjourned and submit revised plans with an improved appearance of the containers.
- KE replied they would welcome the opportunity to go back and revise the plans to improve the southern side of the bottom container and the north side of the upper container.
- CPA advised that the whole of the containers need to be improved.
- KE noted they would be happy to make changes to the containers with exterior improvements to more resemble residential.
- JS asked what prevents this from becoming commercial.

- CPA advised commercial would require a change of use and she would be notified again.
- CPA advised JE he will also need a permit.
- JE advised that he promises to do no commercial work on site. He noted his business is marine related and the boats in the yard are his. He noted he plans on getting back into the business so he works on the boats and then moves them out.
- CPA explained that the more he talks the more he is leading them to believe this is a commercial business. CPA explained he can work on his boat, but 2 or 3 boats becomes commercial.
- KE asked for JS's email so he can email her the revised proposal.

2.6 CAROL SWABY (Whittaker & Watler) Block 27D Parcel 325 (P23-0951) (\$162,764) (EJ)

Application for an after-the-fact house addition.

Appearance at 3:00 p.m.

FACTS

<i>Location</i>	Kimera Way
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No objections received.
<i>Parcel Size</i>	0.1547 Ac. / 6,739 sq. ft.
<i>Current Use</i>	Three (3) Bedroom House
<i>Proposed Use</i>	Setback and lot size variance for detached one house
<i>Parking required</i>	2
<i>Parking proposed</i>	2
<i>Site coverage allowed</i>	30%
<i>Site coverage proposed</i>	35.44%
<i>Height allowed</i>	40-ft. / 3-stories
<i>Height proposed</i>	24.7-ft. / 2-stories
<i>Rear setback allowed</i>	20-ft.
<i>Rear setback proposed</i>	4.6-ft.

BACKGROUND

February 27, 2007 – the Department granted permission for a three (3) bedroom house.

May 30, 2014 – the Department granted permission for a house addition.

August 19, 2020 (**CPA/13/20; Item 2.20**) – the Authority granted permission for a house addition.

January 31, 2024 (CPA/04/24; Item 2.7) – the Authority adjourned the application in order to invite the applicant to appear before the authority regarding the deficient setback and additional site coverage.

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) With the exception of the site coverage and rear setback, which are addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 3) The proposed application does not comply with the maximum allowable site coverage and the minimum required rear setback per Regulations 9(8)(h) and (i) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the additional site coverage and lesser setback as follows:
 - a) The characteristics of the proposed development are consistent with the character of the surrounding area;
 - b) The rear of the property abuts an undevelopable strip of land so there is no direct impact from the lesser rear setback on an adjoining residential property;
 - c) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
 - d) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

APPLICANT LETTER

On behalf of my client, I would like to request a rear setback variance of 15'-6". The site coverage allowed is 30%, we are also seeking a variance of 5%.

I was told by the client that she will be able to purchase the portion of land at the rear of her home.

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

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

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking a setback variance for the proposed two-bedroom, two-storey addition to the house located on Kimera Way in Savannah.

Zoning

The land is zoned Low Density Residential.

Specific Issues

1) Rear setback variance

On August 19, 2020 (CPA/13/20; Item 2.20), the Authority granted approval for a two storey addition. The ground floor was to be storage/laundry with an entertainment area and the second floor was to be two bedrooms. What was actually built on the ground floor was a re-orientated storage/laundry, tv room and a hallway leading to the atf addition. The second floor of the 2020 approval was never constructed.

The applicant then constructed onto the extended house with the two storey addition that was approved in 2020. This atf addition has a rear setback of 4'6" vs the required 20' per Regulation 9(8)(i). The applicant's site plan indicates that they will purchase an additional piece of property to the rear which would allow a 25'.7' rear setback. That combination has not yet occurred.

2) Site coverage

The total site coverage is 35.44% which exceeds the allowable 30% in Regulation 9(8)(h).

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans.

At 3:00pm, Fred Whittaker (FW) appeared on behalf of the applicant. Summary notes are provided as follows:

- FW provided several comments:
 - This was originally a Frank Hall Homes house
 - He did the plans for an addition which had a 17' rear setback

- They got the final electrical inspection and realized something was wrong
- There was a 12' piece in the middle that was never added to his plan
- The building is done with a 4'3" rear setback
- CPA asked if he is saying his client was dishonest.
- FW replied no, there was an oversight on her part. He didn't realize she had added the 12' piece and he should have picked up on it. He advised on February 27, 2007 permission was granted for a 3 bedroom house; on May 30, 2014 permission was given for a house addition; and on August 19, 2020 approval was granted for the next addition, but he missed the 12' piece on his plans.
- FW noted that Frank Hall Homes promised everyone they would be able to buy the strip of land in the back because Government didn't go through with the road in that location.
- CPA noted it is a narrow piece of land and undevelopable on its own.

2.0 APPLICATIONS
(Items 2.7 to 2.22)

2.7 K & B LIMITED (TAG) Block 25B Parcel 674 (P23-0996) (\$2,606,700) (NP)

Application for warehouses (see associated application for a strata lot subdivision in item 2.8 of this Agenda).

FACTS

<i>Location</i>	Rex Crighton Boulevard, Spotts
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	46,739.8 sq. ft.
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Vacant
<i>Proposed Building Footprint</i>	13,248 sq. ft.
<i>Proposed Building Area</i>	17,378 sq. ft.
<i>Parking Required</i>	18
<i>Parking Provided</i>	18

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

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

- 1) The applicant shall provide a copy of the submission made to the Lands and Survey Department for reciprocal 15' vehicular easements for the use of the shared driveway for Block 25B Parcels 532 and 674.
- 2) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 3) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system including the disposal system per the Water Authority's specifications.
- 4) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 5) The applicant shall provide proof that a Stormwater Management plan has been submitted to the National Roads Authority (NRA). **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 6) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under About/Draft Policies.*
- 7) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning and must be prepared in accordance with the Central Planning Authority's Construction Operations Plan Guidelines - Template B *found on the Planning Department's website (www.planning.ky) under About/Draft Policies.*

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

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

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

12) 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 (13) shall be complied with before a final Certificate of Occupancy can be issued.

13) The reciprocal easements required in condition 1) shall be registered.

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

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

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

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

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) Per the Development and Planning Act s7 consultation memorandum from the Department of Environment, the site has been man-modified. As such, the Authority has determined that it is unlikely that the application will result in adverse effects on the environment generally or on any natural resource and therefore, no further referral to the National Conservation Council under the National Conservation Act s41(3) is required.
- 3) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision). Further in this regard, the Authority is of the view that Regulation 9(3) would be applicable for the intended use. As such, the Authority considers the site to be suitable for the proposed development and no objections were received as a result of the two newspaper advertisements. The Authority is of the view that the aesthetics of the building are acceptable and the height of the fence is also acceptable.

AGENCY COMMENTS

The Authority received and considered comments from the Fire Department, Water Authority, Department of Environment and National Roads Authority.

Fire Department

The Fire Department has stamp approved the drawings.

Water Authority

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

Wastewater Treatment & Disposal

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

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD</i>
<i>Warehouse (10 units)</i>	<i>1xWC/Unit</i>	<i>150gpd/WC</i>	<i>1,500</i>
<i>TOTAL</i>			<i>1,500</i>

- *The septic tank shall be constructed in strict accordance with the Authority’s standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- *Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards. The minimum well casing diameter for this development shall be 4’’. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4’5’’ above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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

- 1) *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a*

- Precast septic tank drawing if you intend to use a Precast Tank). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
- 2) All dimensions and materials shall be provided for any site-built tanks.*
 - 3) Manhole extensions are permitted up to a maximum of 24” below finished grade.*
 - 4) Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
 - 5) A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
 - 6) The Water Authorities updated 2020 effluent disposal well specifications.*
 - 7) A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

Water Supply

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

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

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

Department of Environment

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

Site Overview

As shown in Figure 1, the application site is predominantly man-modified consisting of regrowth with seasonally flooded mangroves in the southwest area of the parcel Figure 1.

The application site with the parcel boundary highlighted in red (Aerial Imagery Source: UKHO, 2021).

Advice to the Applicant

The applicant is reminded that mangroves are Schedule 1, Part 2 Protected Species under the National Conservation Act (NCA) with an adopted Conservation Plan. It is an offence to remove mangroves unless permission is explicitly sought to remove them either through the granting and implementation of planning permission or a National Conservation Council Section 20 permit. The Mangrove Species Conservation Plan can be downloaded at the following link: <https://conservation.ky/wp-content/uploads/2021/01/Species-Conservation-Plan-for-Mangroves-FINAL.pdf>.

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

They are also an important natural asset for the Cayman Islands and form part of Cayman's Natural Capital Accounts. Mangrove wetlands are extremely effective at sequestering carbon from the atmosphere and serve as carbon sinks. The large-scale removal of significant tracts of mangrove habitat reduces the Island's natural carbon sequestration potential and the removal of mature vegetation and de-mucking of mangrove sites releases captured carbon into the atmosphere. The removal of mangrove habitats reduces the extent and value of this natural asset and removes the ecological services the habitat currently provides.

With the conversion of the mangrove habitat to hardstanding, drainage must be properly assessed. As seen in Figure 2 below, the DoE note that the site is low-lying with the surrounding parcels to the north, east, and south being more elevated. The applicant should consider incorporating Sustainable Drainage Systems (SuDS) into the stormwater management plan for the site to mitigate against the inundation of the surrounding area. SuDS are drainage solutions that provide an alternative to the direct channeling of surface water through pipes and deep wells. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity and reducing the transport of pollution to the water environment.

Figure 2. The application site with the parcel boundary highlighted in red and a contour and terrain overlay (Elevation Data Source: Cayman Land Info, 2018).

The DoE also recommends that native vegetation is used where possible. Native species are best suited for the conditions of the site, including the temperature and amount of

rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services. In particular, we strongly encourage the applicant to retain the wetland vegetation in the low-lying areas seen in Figure 3 below and utilise them for catchment.

Figure 3. The application site with the parcel boundary highlighted in red and 2018 vegetation data with an overlay of the submitted plans (Architectural Plans Source: TAG Ltd, 2023).

Advice to the Central Planning Authority Best management practices should be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICFs). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, we recommend the inclusion of the following conditions in the approval:

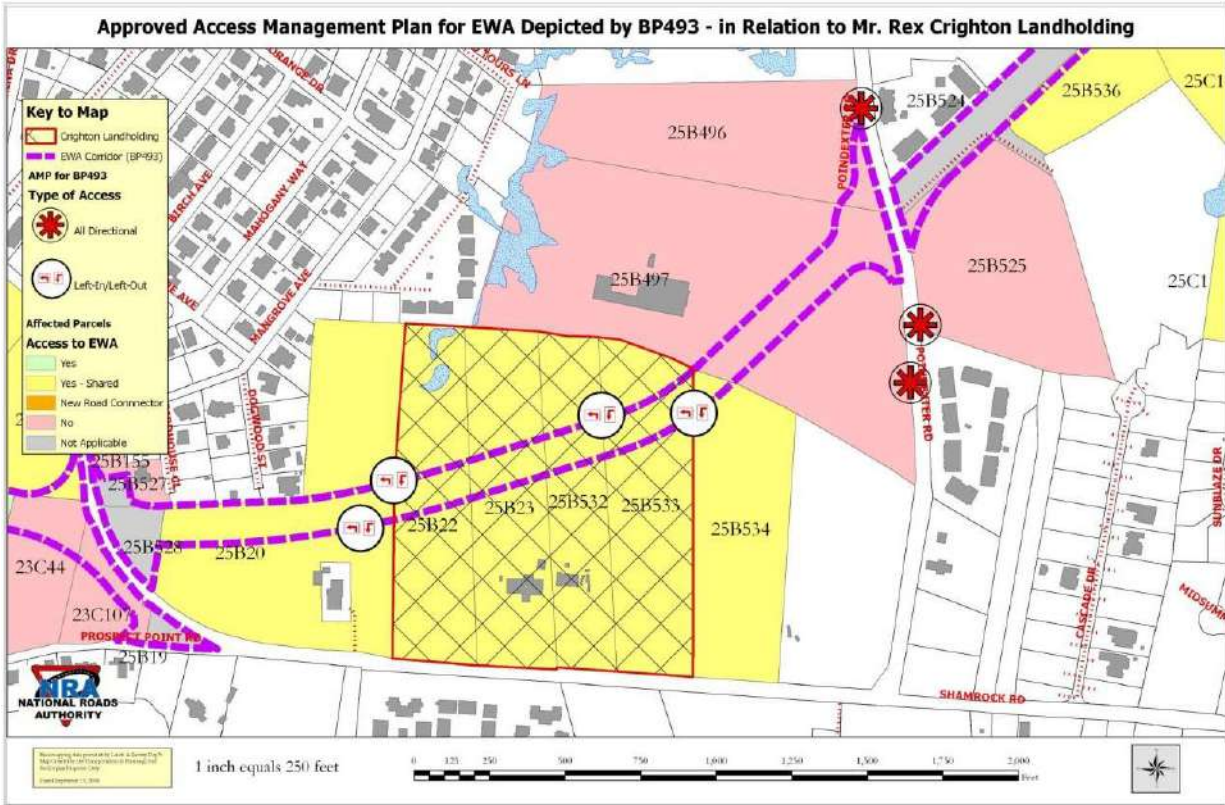
1. If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the environment.

National Roads Authority

As per your email dated February 11th, 2024, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issues

The NRA endorses the applicant's shared access scheme for this development and the neighbouring parcel, Block 25B Parcel 532, as it complies with the Access Management Plan for this section of the East-West Arterial roadway approved by the NRA Board of Directors in April 2008 for Boundary Plan 493 as depicted below.



Rex Crighton Boulevard was declared a public road pursuant to Section 5 of the Road Act (2005 Revision) in January 2014 when Prescribed Composite Map 298 was published, and is classified as a Primary Arterial roadway pursuant to Section 5 (7).

Road Capacity Issues

The traffic demand to be generated by a storage facility of 17,378 square feet has been assessed in accordance with ITE Code 150 – Warehousing. Thus, the assumed average trip rates per thousand square feet provided by the ITE for estimating the daily, AM and PM peak hour trips are 3.56, 0.30 and 0.32 respectively. The anticipated traffic to be added to Rex Crighton Boulevard is as follows:

Expected Daily Trips	AM Peak Hour Total Traffic	AM Peak 79% In	AM Peak 21% Out	PM Peak Hour Total Traffic	PM Peak 25% In	PM Peak 75% Out
62	5	4	1	6	2	4

Based on these estimates, the impact of the proposed development on Rex Crighton Boulevard is considered to be minimal.

Access and Traffic Management Issues

Entrance and exit curves shall be no less than fifteen (15) feet in radius. Entrances shall be twenty-four (24) feet wide.

A six (6) foot sidewalk shall be constructed on Rex Crighton Boulevard within the property boundary, to NRA specifications (available on our website at: <https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20>).

One-way driveway aisles with diagonal parking shall be between twelve (12) to sixteen (16) ft. wide. Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.

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

Stormwater Management Issues

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

- i. 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.

- ii. *The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.*
- iii. *Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Rex Crighton Boulevard. 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.*
- iv. *Curbing is required for the parking areas to control stormwater runoff.*
- v. *Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins (Per NRA specifications (available at: https://www.caymanroads.com/upload/files/4/628e6599_be2c9.pdf) are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- vi. *Sidewalk details need to be provided per NRA specifications (available on our website at: <https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20>).*

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

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

Department of Environmental Health

Comments have yet to be received.

APPLICANT'S LETTER

This letter is in response to the planner's review comments regarding the above application for the development of a warehouse facility in a low-density residential zone. Our aim is to address each point raised and demonstrate compliance and/or suitable mitigation with the Development and Planning Regulations (Revision 2022) and the Wall and Fence Guidelines (2014).

1) Suitability for warehouses

As members are aware, the application site is located in a low density residential zone, accordingly Regulation 9(1), 9(3), and (5) are relevant.

Regulation 9(1): Other uses in residential zones must be appropriate in regard to siting and design.

In considering the application we invite members to note within the low density zone:

- 1) Prospect Primary School bounds the site to the north.*
- 2) The four-lane east-west arterial road bounds the site to the south.*
- 3) An NRA storage depot is located directly east of the site across the east-west arterial road.*

In addition to the above, as part of the application we are proposing to retain landscaping on the perimeter of the site. We invite members to consider the application site in line with the various neighbouring land uses of institutional, industrial and roads, and as such the proposal would assimilate into its immediate environment.

Taking into account these surroundings, our proposal is specifically designed to fit the unique context of this location. The proposal is designed fit for purpose and with a limited height of 27' 6", additionally views from the arterial road into the site are restricted owing to the existing mature vegetation which will be retained on the frontage. Consequently, members are invited to note the limited impact of the proposal upon the aesthetics of the area which is characterised by non-residential uses.

A lack of adequate storage provision is apparent in Cayman, particularly for outlying districts. This proposal seeks to contribute towards meeting the demand whilst ensuring it is suitability located with regards to direct access to the arterial road.

The proposed development, with its thoughtful siting and design, retention of mature vegetation, aligns well with the mixed-use character of the surrounding area, thereby adhering to the intent of Regulation 9(1).

Regulation 9(3): Permits other uses, providing newspaper adverts have been undertaken.

We confirm that newspaper adverts along with notices have been undertaken and can confirm that no objections have been received. The absence of objections following our comprehensive public notification process, by default, is indicative of the community's acceptance of this proposed development.

Regulation 9(5): Not to cause nuisance or annoyance.

The principle of warehouse storage facilities within residential zones has previously been accepted by this authority, for instance CPA/29/22; item 2.2 (P22-0751) and CPA/12/22; item 2.11 (P21-1189). A positive feature of the current proposal, in contrast to the decisions referred to, is the distinct lack of residential properties neighbouring the application site. Furthermore, the type of use, being warehousing/storage, does not result in nuisance conditions. Given the minimal residential presence near the site and the negligible risk of nuisance or annoyance associated with warehousing we hope members

agree the proposed development will not give rise to untenable conditions for residents and complies with Regulation 9(5).

2) Proposed shared driveway

The National Road Authority have endorsed the proposed shared access arrangement and highlights the feature conforms with the approved Boundary Plan 493. A significant benefit of such an arrangement is evident in reducing the number of access points along an arterial road thus contributing to minimising disruption to the flow of traffic along this important route.

We have discussed a reciprocal easement with the owners of adjacent parcel 25B 532 and both parties are working together to formalise such an arrangement. If members are agreeable to the proposed development, we propose inclusion of a condition to ensure a final copy of the easement is submitted prior to stamped approved plans being issued. We are committed to finalising this mutually beneficial easement with the neighbours to ensure seamless access and functionality of the proposed development.

3) Fence height

Acknowledging that Section 4.3.1 of the Wall and Fence Guidelines (2014) stipulates walls and fences in residential areas should not exceed 4 feet in height, we ask members to consider our request for a 6 foot high chain link fence with retention of existing landscaping in front. The nature of the development dictates enhanced security is necessary to safeguard the units. The retention of vegetation along the perimeter will not only enhance the visual appeal but also soften the impact of the higher fence, aligning with the aesthetic values of the area.

Members are invited to note the NRA storage depot, opposite the application site, received planning permission on the 16th December 2020 for an 8 foot high chainlink fence (CPA/22/20; 2.27 P20-0513). Additionally, unlike the NRA depot site, we are proposing a landscaping strip in front of the fence, adjacent to the arterial road, in an effort to screen the fence. Having regard to the need for security, the previous NRA depot fence decision, and the proposed landscaping we hope CPA agree that our request for a 6 foot high fence is reasonable.

In conclusion, we believe that the proposal thoughtfully addresses the planner's concerns and is in line with the Development and Planning Regulations (Revision 2022). The development is sensitively designed and located to integrate into the existing environment, meet local storage needs, and adhere to the standards of nuisance prevention. We respectfully request the members' consideration of our application and look forward to a positive outcome that benefits the community and supports local development needs.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in Spotts along Rex Crighton Boulevard.

The proposal is for a 17,378 square foot warehouse and 18 parking spaces. There are 10 tenant spaces divided between the two buildings.

It is noted that the proposal includes a shared access driveway with the property to the west. If planning permission is granted, the requirement for reciprocal rights of way should form a condition of approval.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Zoning/Suitability

The Authority should also note that Regulation 9(1) states that in a residential zone, the primary uses are residential and horticultural.

Regulation 9(3) states that commercial, hotel, tourism-related, agricultural, religious, social and education development (including recreational facilities and public and civic buildings) may be permitted in suitable locations in a residential zone. Warehouses are typically considered to be light industrial development therefore; this Regulation would not appear to be applicable.

Regulation 9(4) states that any other variation from the primary uses shall only be granted after an applicant has undertaken what is referred to as the “polling” exercise. This has not occurred in this instance.

Regulation 9 (5) states the following:

“No use of land in a residential zone shall be dangerous, obnoxious, toxic or cause offensive odours or conditions or otherwise create a nuisance or annoyance to others”.

The Authority should also be aware of Regulation 12(4) which states that light industrial development may be permitted by the Authority in other areas provided it is not offensive and does not adversely affect the area, and in Residential zones is also subject to regulation 9(3), (4) and (5) as follows –

(c) light industry linked to the needs of the local communities may alternatively be located conveniently within a residential area

Given the regulatory framework as outlined above, it would appear that the Authority needs to answer several questions:

- 1) Can warehouse development be included in the list of types of development in Regulation 9(3) or is it considered light industrial?
- 2) If warehousing is light industrial, does the applicant have to undertake the polling exercise per Regulation 9(4)?
- 3) Is warehousing contrary to the restrictions of Regulation 9(5)?
- 4) Per Regulation 12(4) is warehousing offensive and would it adversely affect the area where it is located? If the answer is yes, then warehousing shouldn't be allowed in the LDR zone. If the answer is no, then the Authority needs to determine if the warehouses are linked to the needs of the local communities per 12(4)(c) and if the answer to that is yes, then the Authority must again consider the questions for Regulations 9(3), (4) and (5).

2) Aesthetics

Given the site location on the Rex Crighton Boulevard, the Authority should be satisfied that the visual appearance of the buildings are acceptable.

3) Proposed fence height

CPA Guidelines state that the maximum height of a fence or wall shall be 4 feet in a residential zone.

In this instance, the proposed fence is a 6 foot high chainlink fence.

The Authority should discuss whether a 6 foot high chainlink fence is warranted in this instance.

2.8 K & B LIMITED (TAG) Block 25B Parcel 674 (P23-0996) (\$2,606,700) (NP)

Application for 12 lot strata (see associated application for warehouse in item 2.7 of this Agenda)

FACTS

<i>Location</i>	Rex Crighton Boulevard, Spotts
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	46,739.8 sq. ft.
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Vacant

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

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision). More specifically, per Regulation 9(8)(ja) of the Development and Planning Regulations (2022 Revision), the Authority deems the

minimum lot size, lot width, setbacks and site coverage to be as shown on the submitted plans.

AGENCY COMMENTS

The Authority received and considered comments from the Fire Department, Water Authority, Department of Environment and National Roads Authority.

Fire Department

The Fire Department has stamp approved the drawings.

Water Authority

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

Wastewater Treatment & Disposal

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

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD</i>
<i>Warehouse (10 units)</i>	<i>1xWC/Unit</i>	<i>150gpd/WC</i>	<i>1,500</i>
<i>TOTAL</i>			<i>1,500</i>

- *The septic tank shall be constructed in strict accordance with the Authority’s standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- *Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards. The minimum well casing diameter for this development shall be 4’’. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4’5’’ above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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

1. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
2. *All dimensions and materials shall be provided for any site-built tanks.*
3. *Manhole extensions are permitted up to a maximum of 24” below finished grade.*
4. *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
5. *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
6. *The Water Authorities updated 2020 effluent disposal well specifications.*
7. *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

Water Supply

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

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

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

Department of Environment

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

Site Overview

As shown in Figure 1, the application site is predominantly man-modified consisting of regrowth with seasonally flooded mangroves in the southwest area of the parcel Figure 1.

The application site with the parcel boundary highlighted in red (Aerial Imagery Source: UKHO, 2021).

Advice to the Applicant

The applicant is reminded that mangroves are Schedule 1, Part 2 Protected Species under the National Conservation Act (NCA) with an adopted Conservation Plan. It is an offence to remove mangroves unless permission is explicitly sought to remove them either through the granting and implementation of planning permission or a National Conservation Council Section 20 permit. The Mangrove Species Conservation Plan can be downloaded at the following link: <https://conservation.ky/wp-content/uploads/2021/01/Species-Conservation-Plan-for-Mangroves-FINAL.pdf>.

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

They are also an important natural asset for the Cayman Islands and form part of Cayman's Natural Capital Accounts. Mangrove wetlands are extremely effective at sequestering carbon from the atmosphere and serve as carbon sinks. The large-scale removal of significant tracts of mangrove habitat reduces the Island's natural carbon sequestration potential and the removal of mature vegetation and de-mucking of mangrove sites releases captured carbon into the atmosphere. The removal of mangrove habitats reduces the extent and value of this natural asset and removes the ecological services the habitat currently provides.

With the conversion of the mangrove habitat to hardstanding, drainage must be properly assessed. As seen in Figure 2 below, the DoE note that the site is low-lying with the surrounding parcels to the north, east, and south being more elevated. The applicant should consider incorporating Sustainable Drainage Systems (SuDS) into the stormwater management plan for the site to mitigate against the inundation of the surrounding area. SuDS are drainage solutions that provide an alternative to the direct channeling of surface water through pipes and deep wells. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity and reducing the transport of pollution to the water environment.

Figure 2. The application site with the parcel boundary highlighted in red and a contour and terrain overlay (Elevation Data Source: Cayman Land Info, 2018).

The DoE also recommends that native vegetation is used where possible. Native species are best suited for the conditions of the site, including the temperature and amount of

rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services. In particular, we strongly encourage the applicant to retain the wetland vegetation in the low-lying areas seen in Figure 3 below and utilise them for catchment.

Figure 3. The application site with the parcel boundary highlighted in red and 2018 vegetation data with an overlay of the submitted plans (Architectural Plans Source: TAG Ltd, 2023).

Advice to the Central Planning Authority Best management practices should be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICFs). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, we recommend the inclusion of the following conditions in the approval:

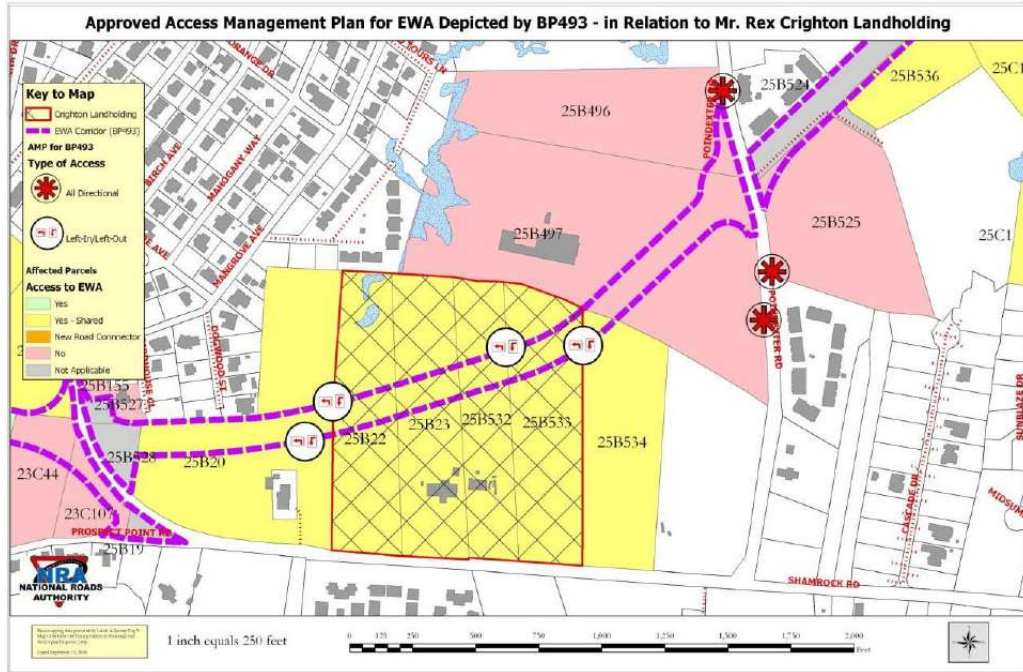
1. If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the environment.

National Roads Authority

As per your email dated February 11th, 2024, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issues

The NRA endorses the applicant's shared access scheme for this development and the neighbouring parcel, Block 25B Parcel 532, as it complies with the Access Management Plan for this section of the East-West Arterial roadway approved by the NRA Board of Directors in April 2008 for Boundary Plan 493 as depicted below.



Rex Crighton Boulevard was declared a public road pursuant to Section 5 of the Road Act (2005 Revision) in January 2014 when Prescribed Composite Map 298 was published, and is classified as a Primary Arterial roadway pursuant to Section 5 (7).

Road Capacity Issues

The traffic demand to be generated by a storage facility of 17,378 square feet has been assessed in accordance with ITE Code 150 – Warehousing. Thus, the assumed average trip rates per thousand square feet provided by the ITE for estimating the daily, AM and PM peak hour trips are 3.56, 0.31 and 0.32 respectively. The anticipated traffic to be added to Rex Crighton Boulevard is as follows:

Expected Daily Trips	AM Peak Hour Total Traffic	AM Peak 79% In	AM Peak 21% Out	PM Peak Hour Total Traffic	PM Peak 25% In	PM Peak 75% Out
62	5	4	1	6	2	4

Based on these estimates, the impact of the proposed development on Rex Crighton Boulevard is considered to be minimal.

Access and Traffic Management Issues

Entrance and exit curves shall be no less than fifteen (15) feet in radius. Entrances shall be twenty-four (24) feet wide.

A six (6) foot sidewalk shall be constructed on Rex Crighton Boulevard within the property boundary, to NRA specifications (available on our website at: <https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20>).

One-way driveway aisles with diagonal parking shall be between twelve (12) to sixteen (16) ft. wide. Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.

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

Stormwater Management Issues

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.
- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Rex Crighton Boulevard. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.
- Curbing is required for the parking areas to control stormwater runoff.
- Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins (Per NRA specifications (available at: https://www.caymanroads.com/upload/files/4/628e6599_be2c9.pdf) are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.
- Sidewalk details need to be provided per NRA specifications (available on our website at: <https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20>).

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-

compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as

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

Department of Environmental Health

Comments have yet to be received.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in Spotts along Rex Crighton Boulevard.

The proposal is for a 12 lot strata, with 11 individual lots and one common lot. The application is related to P23-0996, which is an application for 10 warehouse units on the same property.

Zoning

The property is zoned Low Density Residential.

2.9 SYDNEY SHAW (Darius Development) Block 25B Parcel 242 + 6REM1 (P23-0997) (\$10,000) (EJ)

Application for an 8 lot subdivision.

FACTS

<i>Location</i>	Shamrock Road near to Poindexter Road
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	3.17 ac. (138,024 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant

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

- 1) Prior to the commencement of any site works and road construction (with the exception of minor land clearing needed to establish site levels for the preparation of a stormwater management plan), the applicant shall submit:
 - a) Specifications of any proposed underground utilities; including location, type of utilities, and trench dimensions.
 - b) A stormwater management plan prepared in accordance with the requirements of the Managing Director, NRA and approved by the Central Planning Authority. The plan shall be designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and should include, but not be limited to, the location of all drainage facilities and general grading details of the parcels (roads included). In general, the entire site shall be graded in such a manner that stormwater runoff is no more than that which occurred during predevelopment conditions along private boundaries with any excess runoff directed to one central drainage facility or a series of facilities.
- 2) Prior to the subdivision plan being finalized, the following conditions shall be satisfied:
 - a) All underground utilities shall be inspected and approved by the relevant agencies prior to the utilities being buried.
 - b) The approved stormwater management system shall be installed on site.
 - c) The final subdivision plan shall indicate a vehicular easement over the subdivision access road in favour of each lot. The final plan must be accompanied with the requisite grant of easement forms detailing the easements to be registered.
 - d) The access road (s) abutting the proposed lots shall be constructed with asphalt and approved by the Central Planning Authority prior to the lots being registered. The applicant shall liaise with the Managing Director, National Roads Authority (NRA), at predetermined stages of road construction to ensure compliance with the requisite standards. Failure to do so may render the project unacceptable. Please be advised that the road base shall be constructed to National Roads Authority (NRA) minimum design and construction specifications for subdivision roads. The NRA shall inspect and certify road base construction prior to road surfacing activities.
 - e) The applicant shall provide water infrastructure for the entire sub-division. The developer shall submit plans for the water supply system for approval by the Water Authority. The water supply system shall be installed to the Authority's specifications, under the Authority's supervision. Copies of these specifications are available at the Water Authority's office on Red Gate Road.
 - f) The applicant shall request to have the sub-division connected to the Water Authority's public water system. This request will be acted upon after the pipelines

on the sub-division have been installed in accordance with the WAC specifications and have passed all specified tests.

- g) With the exception of the access, there shall be no land clearing, excavation, filling or development of the resultant subdivided parcels without planning permission for such works being granted.
- h) The surveyor's final drawing **shall include the surveyed dimensions of all lots** and shall be submitted to the Director of Planning for approval prior to the survey being registered.

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) The Authority has determined that it is unlikely that the application will result in adverse effects on the environment generally or on any natural resource and therefore, no further referral to the National Conservation Council under the National Conservation Act s41(3) is required.
- 3) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).

AGENCY COMMENTS

The Authority received and considered comments from the Water Authority, National Roads Authority and Department of Environment.

Water Authority Cayman

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

Wastewater Treatment

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

Water Supply

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

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the piped water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*

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

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

National Roads Authority 03-JAN-24

As per your email dated November 29th, 2023, 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 with the above proposed subdivision.
Stormwater Management Issues

A comprehensive drainage plan needs to be provided by the applicant for the entire project. The applicant shall demonstrate that the Stormwater Management system can be designed to handle stormwater runoff produced from rainfall with an intensity of 2 inches per hour for a duration of one hour, ensuring that the surrounding properties that are lower, and/or nearby public roadways will not be subjected to stormwater runoff from this site.

Infrastructure Issues

The NRA advises the CPA to require the developer to provide for signage (stop signs, etc.), street lighting and any other traffic calming measures on the proposed roads of the subdivision. For our traffic calming guidelines, please visit our website at: <https://www.caymanroads.com/traffic-calming>. Once the roadway has been taken over as a public road, the NRA can then assume this responsibility. This site will need a stop sign with stop bars at the junction of Shamrock Road.

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

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

The roadway shall be Hot Mix Asphalt (HMA). The NRA shall inspect and certify the road base construction prior to HMA surfacing activities.

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

National Roads Authority 09-JAN-24

Further to our comments submitted on January 3rd, 2024, the NRA, on closer examination of the proposed subdivision offers the following supplementary comments.

General Issues

While the NRA has no objections to the proposed layout of the subdivision, we do have concerns as to how the development of the site will affect the drainage in the surrounding area.

- 1) Per section 4.4 – Elevation, of the Design and Construction Specifications for Subdivision Roads & Property Development, no part of the proposed road shall be less than four feet above mean sea level, except where required to tie into existing roads. Filling lot 1 (a significant portion of the site) as here required, will result in the loss of stormwater storage. This will be further compounded by both the relief of the site, and that the road surface (Hot-mix-asphalt) is impervious. This will increase the risk of stormwater runoff onto Shamrock Road and onto the adjacent parcels to the north.
- 2) Zoned Low Density Residential, it is likely that about 30 percent of proposed lots 1 (the southern portion), 7 and 8 could be filled to about 4 feet above mean sea level as the minimum finished floor elevation per 10(e) of the Development and Planning Regulations (2022 Revision) needs to be 5 feet above mean sea level. This will result in additional stormwater storage losses and potential for runoff onto adjacent lots, particularly Block 25B Parcels 172, 175, 509, 510, 518, 519 and 526.

We therefore ask that the subdivision be resubmitted for approval along with a stormwater management plan addressing these concerns.

Stormwater Management Issues

A comprehensive drainage plan needs to be provided by the applicant for the entire project. The applicant shall demonstrate that the Stormwater Management system can be designed to handle stormwater runoff produced from rainfall with an intensity of 2 inches per hour for a duration of one hour, ensuring that the surrounding properties that are lower, and/or nearby public roadways will not be subjected to stormwater runoff from this site.

Infrastructure Issues

The NRA advises the CPA to require the developer to provide for signage (stop signs, etc.), street lighting and any other traffic calming measures on the proposed roads of the subdivision. For our traffic calming guidelines, please visit our website at: <https://www.caymanroads.com/traffic-calming>. Once the roadway has been taken over as a public road, the NRA can then assume this responsibility. This site will need a stop sign with stop bars at the junction of Shamrock Road.

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

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

The roadway shall be Hot Mix Asphalt (HMA). The NRA shall inspect and certify the road base construction prior to HMA surfacing activities.

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

Department of Environment

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



Figure 1. The application site with the parcel boundary highlighted in red (Aerial Imagery Source: UKHO, 2021).

As seen in Figure 1 above, the application site consists of predominately primary dry forest and shrubland with some man-modified areas in the southern area of the parcel along the road and seasonally flooded mangrove forest and woodland in the northern area. Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.

*We note that the application is for a subdivision, we would **not** support the clearing of the site at this time. Land clearing should be reserved until the development of individual lots is imminent (through the granting of planning permission for development on those particular lots). This allows the opportunity for the individual lot owners to retain as much native vegetation as possible. Clearing the entire site prematurely removes the choice from the individual lot owners and removes the value the habitat could provide in the time between the preparation of a subdivision and the development of an individual lot. If the*

applicant decides to clear the site, we strongly encourage that the vegetation in the proposed Lands for Public Purpose highlighted in Figure 2 below is retained in its natural state as much as possible.



Figure 2. The application site with parcel boundaries highlighted in red and the proposed Land for Public Purpose highlighted in blue (Aerial Imagery Source: UKHO, 2021).

Primary habitat and native vegetation can be retained and used in a variety of ways on a property:

- It can be retained along parcel boundaries and between buildings to serve as privacy, noise and sound buffers and screening.
- It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.
- It can serve as an amenity, providing green space and shade for those who live nearby or on the property.
- It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies. This habitat helps to contribute to the conservation of our local species.
- It can assist with drainage, directly through breaking the momentum of rain, anchoring soil, and taking up of water and indirectly through keeping the existing grade and permeable surfaces.
- It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.
- When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed subdivision, the DoE recommends the inclusion of the following condition in any planning permission to minimise impacts to this valuable habitat:

- *There shall be no land clearing, excavation, filling or development of the resultant residential parcels (Lots 2 to 8) without planning permission for such works being granted.*

PLANNING DEPARTMENT ANALYSIS

General

The proposed 8 lot subdivision (8 house lots and 1 road lot) is located east of Poindexter Road and off Shamrock Road.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Access road

The proposed access road is part of lot 1, but does not have a separate road parcel. Further, the road is proposed at 24' instead of the typical 30' for subdivision roads.

2) LPP

The LPP is proposed as part of Lot 1 and is very irregularly shaped which raises questions about its functionality.

2.10 URIEL WILLIAMS (Craftmans Touch) Block 27D Parcel 422H1 (P23-0274) (\$3,000) (EJ)

Application for an after-the-fact 4' concrete wall.

FACTS

<i>Location</i>	Jay Hubert Drive & Saddlewood Drive, near to North Sound Estate
<i>Zoning</i>	LDR
<i>Parcel size proposed</i>	0.1634 ac. (7,117 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House & ATF wall

BACKGROUND

September 11, 2012 – Permission granted for a three (3) bedroom 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.

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) The Authority considered the application and determined that planning permission would be granted as the wall is in keeping with the character of the area and will not detract from the ability of the surrounding owners from enjoying the amenity of their land.

AGENCY COMMENTS

The Authority received and considered comments from the National Roads Authority.

National Roads Authority

As per your memo dated January 15th, 2024 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Per Development and Planning (Amendment) Regulations, 2021 Section 4 (g)18

- *Walls and fences adjacent to a road shall be setback a minimum of four feet from the roadside parcel boundary, and vehicular gates adjacent to a road shall be setback a minimum of twelve feet from the roadside parcel boundary.*

APPLICANT'S LETTER

With respect to our submission for after the fact perimeter wall, block 27D parcel 422 located on Saddlewood Drive, Savannah, Grand Cayman, we hereby request variance as follows:

- 1. Front setback, gate and right side setback variance for a perimeter wall where the present regulation requires a minimum of 4ft for the wall, the proposed is 0'. Where the gate should be 12ft, the proposed is 0'. The owner was of the opinion that the wall should be in line with the boundaries.*

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking after-the-fact permission from the Authority for the 4' concrete wall and gates located on the corner of Jay Hubert Drive and Saddlewood Drive.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Wall & fence road setback

The after-the-fact wall and gates is at 0’ vs 4’ & 12’ respectively as required under regulations 8 (18); one gate is located on Jay Hubert Drive and another gate on Saddlewood Drive both is at 0’ vs 12’ setback.

2.11 DWIGHT MCLEARY FREDERICK (Whittaker & Watler) Block 66A Parcel 16 (P23-0930) (\$35,000) (EJ)

Application for land clearing and road construction.

FACTS

<i>Location</i>	Off High Rock Drive, East End
<i>Zoning</i>	A/R
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	19 ac. (827,640 sq. ft.)
<i>Parcel size required</i>	43,560 sq. ft.
<i>Current use</i>	Vacant

Decision: Prior to a full review under the Development and Planning Act (2021 Revision), The Development Plan 1997 and the Development and Planning Regulations (2022 Revision) and after reviewing the DOE's response to DPA s7 consultation, as part of its consideration of Section 41 of the National Conservation Act (2014) (NCA), the Authority resolved to adjourn the application and require the applicant to provide a written response to the issue of potential adverse effects of the proposal, as defined in Section 2 (a-l) of the NCA as follows:

“adverse effect” means an effect that may result in the physical destruction or detrimental alteration of a protected area, a conservation area, an area of critical habitat or the environment generally and includes-

- (a) alterations that may impair the capacity of the area to function as a habitat beneficial to wildlife;
- (b) development that may increase the potential for damage to the area from floods, hurricanes or storms;
- (c) alterations of salinity levels, nutrient balance, oxygen concentration or temperature that may be harmful to wildlife or the ecological or aesthetic value of the area;

- (d) alterations of hydrology, water flow, circulation patterns, water levels or surface drainage that may be harmful to wildlife or the ecological or aesthetic value of the area or that may exacerbate erosion;
- (e) alterations that may interfere with the public use and enjoyment of the area;
- (f) the discharge of pathogens, dissolved or suspended minerals or solids, waste materials or other substances at levels that may be harmful to wildlife or the ecological or aesthetic value of the area;
- (g) changes in littoral or sediment transport processes that may alter the supply of sediment available for those processes or that may otherwise exacerbate erosion;
- (h) alterations that may increase losses of the area from a rise in the sea level with respect to the surface of the land, whether caused by an actual sea level rise or land surface subsidence;
- (i) emissions of air pollutants at levels that may impair the air quality of the area;
- (j) alterations that may hinder or impede the movement or migration of wildlife;
- (k) alterations that may impair the capacity of a beach ridge to function as a protective barrier and as a reserve of sand for beach nourishment during storms; and
- (l) alterations that may impair the capacity of the area to act as a sink or reservoir of greenhouse gases or enhance its potential as a source of greenhouse gases.

AGENCY COMMENTS

The Authority received and considered comments from the Water Authority and Department of Environment.

Water Authority Cayman

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

Water / Wastewater

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

Department of Environment (December 27, 2023)

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

Site Overview

The application site is located over the East End water lens and consists of a mixture of primary dry shrubland, seasonally flooded mangroves, and man-modified areas with a regrowth of vegetation. Primary habitat is a mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans, and may consist of many endemic and ecologically important species. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.

*The site is also located directly adjacent to National Trust protected land which forms a part of the Salina Reserve and within the natural distribution range of the Grand Cayman Blue Iguanas (*Cyclura lewisi*) that have been released into the Salina Reserve.*

Advice to the Applicant

It is important to note that there are areas of mangroves that fall outside of the proposed land-clearing footprint. Mangroves are Part 2 Schedule 1 protected species under the National Conservation Act (2013) with an adopted Mangrove Conservation Plan (2020). It is an offence to remove mangroves unless permission is explicitly sought to remove them either through a coastal works permit, planning permission, or a National Conservation Council Section 20 permit. If the Applicant wishes to trim the mangroves, they can be trimmed in accordance with the Department of Environment's Mangrove Trimming Guidelines (www.doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/).

Primary habitat provides many ecological services and can be retained and used in a variety of ways on a property:

- It can be retained along parcel boundaries to serve as privacy, noise and sound buffers and screening.*
- It can serve as an amenity, providing green space and shade for livestock or for those on the property.*
- It can remain as a habitat for endemic wildlife such as anoles, birds, butterflies, and other pollinators. This habitat helps to contribute to the conservation of our local species and pollination of crops.*
- It can assist with drainage, directly by breaking the momentum of rain, anchoring soil, and taking up water and indirectly through keeping the existing grade and permeable surfaces.*
- It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil, and peat.*
- When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

Advice for the Central Planning Authority/Planning Department Impacts on Blue Iguanas

Blue Iguanas are listed as endangered on the IUCN Red List and they are a Part 1 protected species under the National Conservation Act (2013) making them a species 'protected at all times'.

Blue Iguanas are endemic to Grand Cayman meaning they are unique to Cayman and found nowhere else on Earth. They are an iconic Caymanian flagship species and their presence serves as a valuable tourism asset. Blue Iguanas typically live solitary, territorial lives. As they recover from the brink of extinction, reproduce, and seek to establish territory, the urbanization of valuable primary habitat continues to be a concern for the future of our wild population that relies on this habitat to forage, shelter, and nest.

Heavy machinery can crush or bury iguanas and their nests. It is therefore crucial that no mechanical clearing, excavation, or filling takes place before DoE consultation. Should land clearing be approved, mechanical clearing must not take place during the Blue Iguana nesting season (1 June – 30 September yearly) without DoE consultation. Blue Iguanas can be easily startled and go into retreats where they would remain unseen, putting them at risk.

Justification for land clearing

We note that 10 of the application site's 19 acres are being proposed for land clearing and "hammering" and that there is a proposed road in the location of the private right-of-way within the parcel.

Justification for the land clearing has not been included in the application submitted to the DoE for review, therefore, the DoE considers the proposal to be speculative clearing. The DoE reached out to the applicant on two occasions to clarify the justification for the proposed land clearing and "hammering" but did not reach a response. The DoE does not support speculative clearing of parcels before planning permission for development is granted.

We recommend that applications for land clearing are presented along with the development proposal so that appropriate mitigation measures can be recommended, as there may be varying recommendations depending on the form and nature of the development being proposed. Once planning permission has been received, the DoE encourages applicants not to undertake land clearing until development is imminent to allow ecosystem services to continue to function until they are ready to begin construction.

Section 41(3) Recommendations

For reasons highlighted throughout this review, the DoE does not support the approval of this application. As there has been no justification submitted for the land clearing, the DoE recommends that the application be refused or deferred until a proposal for the development or use of the land has been applied for and planning permission has been granted. No clearing should take place until planning permission for land clearing, site works or development has been granted and those works are imminent.

Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposed land clearing, the DoE recommends the inclusion of

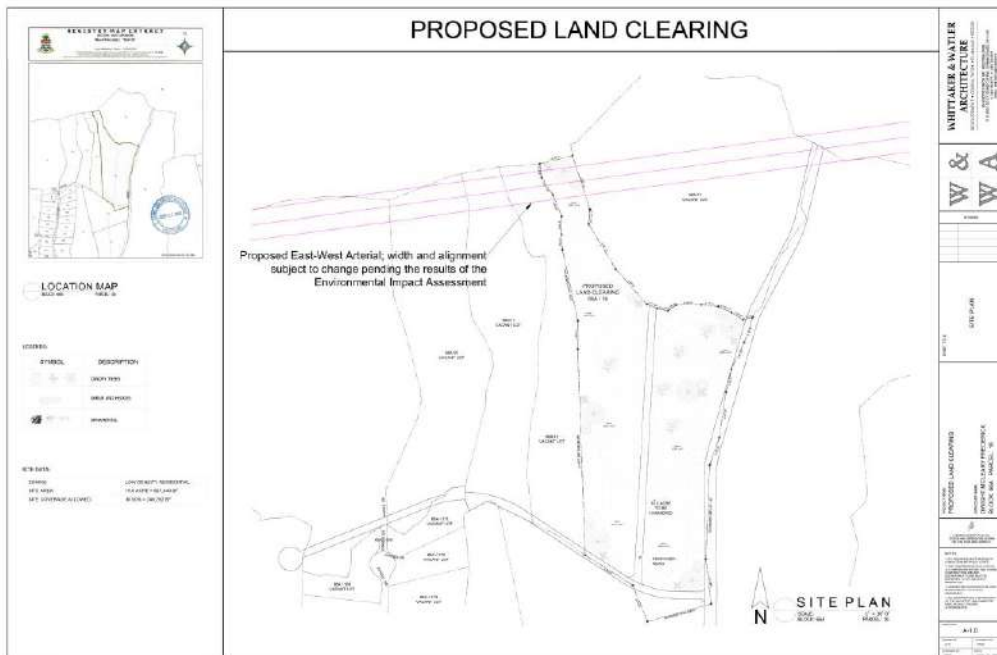
the following condition in the Planning approval to minimise impacts on Part 1 Protected Species and habitat:

1. A walkover survey shall be conducted, as agreed by the Department of Environment, prior to commencing works on-site to ensure that no iguanas or nests are present. The Department of Planning shall receive written confirmation from the Department of Environment prior to issuing a Building Permit.

National Roads Authority

As per your email dated December 6th, 2024, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

While the NRA has no objections to the proposed land clearing, it is to be noted that the subject parcel is intersected by the proposed East West Arterial as shown on the attached plan overlaid with the proposed road in magenta. It should also be noted that the Environmental Impact Assessment in relation to the proposed road is not yet complete and its proposed width and alignment are, therefore, subject to change.



APPLICANT'S LETTER

This letter is to clarify that the proposed Land Clearing of approximately 10 Acres on part of Block 66A Parcel 16 is for Farming purposes.

The client will retain all mature trees on site.

PLANNING DEPARTMENT ANALYSIS

General

The proposed 10-acre land clearing and 7’ wide road construction located at the junction of BP497 & BP515 off High Rock Drive in East End.

Zoning

The property is zoned Agriculture Residential.

Specific Issues

1) Land clearing and road width

The applicant proposes to clear 10 acres of the existing 19 acres of Agriculture Residential land and construct a 7’ wide road will give access to parcel 17 in the rear. The Authority is asked to consider the merits of the applicant’s letter and DOE’s comments and concerns.

2.12 ROVINDA ESTATES (BDCL Architects) Block 20B Parcels 342, 289, 175 & 176 (P23-0941) (\$20,000,000) (EJ)

Application for three warehouses buildings, generator and six (6) signs.

FACTS

<i>Location</i>	Shipping Lane, off Portland Road.
<i>Zoning</i>	LI
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	1.8285 ac. (79,650 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Miscellaneous buildings
<i>Proposed building size</i>	93,221 sq. ft.
<i>Total building site coverage</i>	34.69%
<i>Parking Coverage</i>	48.41%
<i>Total Site Coverage</i>	83.11%
<i>Required parking</i>	93
<i>Proposed parking</i>	86

BACKGROUND

Commercial buildings existed prior to 1994.

Decision: It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the building height and the amount of proposed parking spaces.

AGENCY COMMENTS

The Authority received and considered comments from the Water Authority, National Roads Authority, Department of Environmental Health, Department of Environment & Fire Department.

Water Authority

Please be advised that the Water Authority’s requirements for this development have been determined based on the understanding that the parcels in question are to be combined. Furthermore, WAC will allow this storage facility exceeding 1,800 GPD on a single parcel to utilize a septic tank instead of an ATU based on the assumption of this development being of very low water consumption.

Wastewater Treatment & Disposal

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

BUILDING (A)	UNITS/BLDG	GPD/UNIT	GPD
<i>Floor 1</i>	<i>9 x Water Closets 1 x Store</i>	<i>150gpd/water closet 128.3 sq.ft. x 0.1</i>	<i>1,362.83</i>
<i>Floor 2</i>	<i>2 x Water Closets</i>	<i>150gpd/water closet</i>	<i>300</i>
<i>Floor 3</i>	<i>2 x Water Closets</i>	<i>150gpd/water closet</i>	<i>300</i>
TOTAL			1,962.83

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

BUILDING (B)	UNITS/BLDG	GPD/UNIT	GPD
<i>Floor 1</i>	<i>8 x Water Closets 1 x Store</i>	<i>150gpd/water closet 128.3 sq.ft. x 0.1</i>	<i>1,212.83</i>
<i>Floor 2</i>	<i>2 x Water Closets</i>	<i>150gpd/water closet</i>	<i>300</i>
<i>Floor 3</i>	<i>2 x Water Closets</i>	<i>150gpd/water closet</i>	<i>300</i>
TOTAL			1,812.83

- *The developer shall provide a **septic tank(s)** with a capacity of at least 2,000 US gallons for the proposed, based on the following calculations:*

BUILDING (C)	UNITS/BLDG	GPD/UNIT	GPD
<i>Floor 1</i>	<i>5 x Water Closets 1 x Store</i>	<i>150gpd/water closet 128.3 sq.ft. x 0.1</i>	<i>762.83</i>
<i>Floor 2</i>	<i>2 x Water Closets</i>	<i>150gpd/water closet</i>	<i>300</i>
<i>Floor 3</i>	<i>2 x Water Closets</i>	<i>150gpd/water closet</i>	<i>300</i>
TOTAL			1,362.83

- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- ***Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 4".** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- ***To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'5" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

At the BCU stage, the Water Authority reserves the right to change its decision on whether a treatment plant is required depending on the submitted plumbing drawings. For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:

- 1) *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
- 2) *All dimensions and materials shall be provided for any site-built tanks.*
- 3) *Manhole extensions are permitted up to a maximum of 24" below finished grade.*
- 4) *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
- 5) *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
- 6) *The Water Authorities updated 2020 effluent disposal well specifications.*
- 7) *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

Elevator Installation

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

Generator and Fuel Storage Tank(s) Installation

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

<https://www.waterauthority.ky/upimages/download/USTMonitoringWellFeb20131445632994.pdf>

Water Supply

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

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

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

National Roads Authority

As per your email dated November 9th, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by a storage facility of 35,056.00 sq. ft. has been assessed in accordance with ITE Code 150 – Warehousing. Thus, the assumed average trip rates per thousand square feet provided by the ITE for estimating the daily, AM and PM peak hour trips are 3.56, 0.30 and 0.32 respectively. The anticipated traffic to be added to Portland Road is as follows:

Expected Daily Trips	AM Peak Hour Total Traffic	AM Peak 79% In	AM Peak 21% Out	PM Peak Hour Total Traffic	PM Peak 25% In	PM Peak 75% Out
125	11	9	2	11	3	8

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

Access and Traffic Management Issues

Entrance and exit curves shall be no less than fifteen (15) feet in radius. Entrances shall be twenty-four (24) feet wide.

A six (6) foot sidewalk shall be constructed on Portland Road within the property boundary, to NRA specifications (available on our website at: <https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20>).

One-way driveway aisles with diagonal parking shall be between twelve (12) to sixteen (16) ft. wide. Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.

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

Stormwater Management Issues

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

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.*
- Construct a gentle ‘hump’ at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Portland Road. Suggested dimensions of the ‘hump’ would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*

- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins (Per NRA specifications (available at: https://www.caymanroads.com/upload/files/4/628e6599_be2c9.pdf) are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk details need to be provided per NRA specifications (available on our website at: <https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>).*

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

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

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

Department of Environmental Health

Solid Waste Facility: This development requires (2) 8 cubic yard containers with twice per week servicing. NOTE: The drain for the enclosure must be plumbed to a garbage enclosure disposal well as per the Water Authority's specifications.

Contact development.control@waterauthority.ky for deep well details. Generator: The specifications for the generator which provides information on the noise levels generated is required. The minimum information required is the overall sound pressure level (dBA), the distance from the equipment this measurement was taken, and the octave band analysis of the sound level.

Department of Environment (November 15, 2023)

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

Fire Department

Please note, this development requires a Fire Well/Fire Hydrant. Kindly note, Chapter 6 of the 1994 Standard Fire Prevention Code States: 603.1.3 Fire Hydrants; 603.1.3.1 Water Supply. Approved fire hydrants shall be provided for buildings to meet the necessary fire flow requirements as determined by the fire official. 603.1.3.2 Location. The location and number of hydrants shall be designated by the fire official, but in no case shall distance between installed fire hydrants exceed 1,000 ft (305 m). Maximum distance from the nearest hydrant to the most remote exterior point of any building shall be 500 ft (152 m).

APPLICANT'S LETTER

We write to request a variance to the Development and Planning Regulations as follows:

Variance

A variance is required for the number of parking spaces proposed. 93 spaces are required for the gross building area. 86 spaces are proposed based on net areas.

Cannon Place Storage Parking Calculations

			Spaces
<i>Warehouses</i>	<i>Net areas</i>	<i>29,561.00</i>	<i>29.56</i>
<i>Staff areas</i>		<i>520</i>	<i>0.52</i>
<i>Personal storage</i>			
<i>Second & Third floors</i>	<i>Net areas excluding circulation</i>	<i>41,260.00</i>	<i>41.26</i>
<i>Total Building Net Area</i>	<i>Required Parking Spaces</i>		<i>71.34</i>
	<i>Proposed Parking Spaces</i>		<i>86.00</i>
<i>Total Building Gross Area</i>	<i>Required Parking Spaces</i>	<i>93,221.00</i>	<i>93.22</i>

Justification:

The proposed development includes a gross building area of 93,221 SF inclusive of rentable warehouse and storage units, common areas such as entrance lobbies, staircases, hallways in the upper levels to access storage and utility rooms.

The ground floor warehousing units are designed for exclusive use as storage. Each will be allocated 2 parking spaces in front of each unit with the exception of two units which measure 2,022 SF each; these will each be allocated a third parking space.

The second and third floors have been designed for personal storage and will be accessed infrequently, leaving most of the parking spaces available/unused. However there is adequate parking available in the design to satisfy the 1/1000 requirement for all of these storage areas based on net areas.

The net areas have been marked on the attached plans and are calculated as 70,341 SF of storage area and 520 SF of staff areas. Based on the net areas, 71.34 parking spaces are required to comply with planning regulations. The design includes 86 spaces in total. 81

have been allocated using the methodology explained above which leaves 5 spare/unallocated.

Parking Space Dimensions

Warehouse parking space dimensions are 9'-6" x 18'. Staff and personal storage parking space dimensions are 8'-6" x 16'.

We believe there is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that:

- 1) The characteristics of the proposed development are consistent with the character of the surrounding area and the light industrial activities.*
- 2) 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.*

We now look forward to your approval of our request for this variance. If you require additional information, please contact this office.

PLANNING DEPARTMENT ANALYSIS

General

The proposed three (3) storage buildings, generator and six (6) signs is located Shipping Lane, off Portland Road.

Zoning

The property is zoned Light Industrial.

Specific Issues

1) Building height

All buildings are proposed at three-storey, with the ground floor having mezzanines and the second and third floor is open concept for adjustable size units. The proposed buildings are 52.7' to the roof and 57.1' top of stairwell; therefore, the Authority must consider if the proposed is acceptable building height and bulk under regulations 12. (2) (b) & (e). Each building has one elevator and an external staircase.

2) Parking spaces

The proposed 93,221 sq. ft buildings require a total of 93 parking spaces (1:1000 sq. ft.); however, the applicant proposes a total of 86 spaces which would make a deficiency of 7 parking spaces. The applicant has calculated parking on net area which excludes all circulating areas, however, this goes against standard practices of gross floor area. Ground floor units will have two parking spots within the loading docks, which could impact parking spots.

2.13 CONKER HOLDINGS LIMITED (GMJ Home Plans Ltd.) Block 14D Parcel 6 (P23-0582) (\$600,000) (MW)

Application for a change of use from a house to mixed use building with office space on the lower floor and 2 apartments on the upper floor.

FACTS

<i>Location</i>	Palm Rd., George Town
<i>Zoning</i>	Neighbourhood Commercial
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.1685 ac. (7,339.86 sq. ft.)
<i>Parcel size required</i>	CPA discretion
<i>Current use</i>	Existing house
<i>Proposed building size</i>	2,596 sq. ft.
<i>Total building site coverage</i>	17.68%
<i>Allowable units</i>	CPA discretion
<i>Proposed units</i>	2
<i>Allowable bedrooms</i>	CPA discretion
<i>Proposed bedrooms</i>	2
<i>Required parking</i>	7
<i>Proposed parking</i>	9

BACKGROUND

July 7, 2010 (CPA/16/10; Item 2.12) – approval granted for an addition to a house to create a duplex. A permit was not obtained for the addition.

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

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

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

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

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

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

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

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

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

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 1) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision). Further in this regard, pursuant to Regulation 8(8)(b) of the Development and Planning Regulations (2022 Revision), the Authority deems the minimum road setback and side setbacks to be as shown on the submitted plans and finds the setbacks not to be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare and are consistent with the provisions of Section 2.6 of The Development Plan 1997.
- 2) The Authority is of the view that the parking layout is functional especially as it is very similar to the layout for the commercial development on the adjacent property, Block 14D Parcel 441.

AGENCY COMMENTS

The Authority received and considered comments from the Water Authority, National Roads Authority, Department of Environmental Health and Department of Environment.

Water Authority

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

Wastewater Treatment & Disposal

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

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD</i>
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1 ST Floor	2 x Offices (1,298 sq.ft.)	0.15 / 1,298 sq.ft.	194.7
2 nd Floor	2 x 1-Bed Units	150 / 1-Bed Units	300.0
		TOTAL	494.7

- *The septic tank shall be constructed in strict accordance with the Authority’s standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- *The existing building on the parcel is currently served by a septic tank. The Water Authority advises that all wastewater infrastructure, including septic tanks, deep wells, ATUs, etc. must be contained within the boundaries of the parcel on which the building stands.*
- *If the developer proposes to utilize the existing septic tank and/or disposal well, the system shall be inspected and serviced per the Water Authority’s Septic Tank Inspection Form.*

Septic Tank Inspection Form: <https://bit.ly/2RO8MBB>

The completed inspection form shall be returned to the Water Authority for review and determination as to whether the existing system meets Water Authority design specifications. Any deficiencies noted will require repair or replacement prior to final approval for certificate of occupancy.

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

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

- 1) *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*

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

Water Supply

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

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

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

National Roads Authority

A six (6) foot sidewalk shall be constructed on the corner of Palm Road, and Aspen Lane, within the property boundary, to NRA standards.

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

Department of Environmental Health

Solid Waste Facility:

1. *This development require 4 (33) gallon bins and an enclosure built to the department's requirements.*

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

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

Table 1: Minimum Enclosure Dimensions

<i>Number of Containers</i>	<i>Minimum Dimensions (feet)</i>		
	<i>Width</i>	<i>Length</i>	<i>Height</i>
<i>4</i>	<i>5.00</i>	<i>5.00</i>	<i>2.50</i>

Department of Environment (7 November 2023)

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

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

Best management practices should be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed modification and addition, we recommend the inclusion of the following conditions in the approval:

- 1) If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the environment.*

Fire Department

Please Depict Proposed Fire well and Fire Hydrant

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

*As per 1994 Standard Fire Prevention. 602.6 Access to Buildings by Fire Apparatus
602.6.1 Every building hereafter constructed shall be accessible to fire department apparatus by way of access roadways with all-weather driving surfaces of not less than 20 ft. (6.1 m) of unobstructed width, with adequate roadway turning radius capable of*

supporting the imposed loads of fire apparatus and having a minimum vertical clearance of 15 Feet.

APPLICANT'S LETTER

We write on behalf of the applicant, Conker Holdings Ltd, concerning the following variance;

- 1) A lot size variance – where the subject parcel is registered as 0.1685 acres or 7339.86 sqft, which is 12,660.14 sqft less than the required 20,000 sqft for a development in areas zoned Neighbourhood Commercial.
- 2) A roadside setback variance #1 – for the rear wall of the subject building situated 19' from Aspen Lane that would be 1' less than the required 20ft.
- 3) A roadside setback variance #2 – for steps at the rear of the building that are proposed 11'3" from Aspen Lane, which would be 8'9" less than the required 20ft.
- 4) A roadside setback variance #3 – where the right side wall of the subject building is located 18'9" from Palm Road, which would be 1'3" less than the required 20ft.
- 5) A roadside setback variance #4 – for the septic tank located 10' from Palm Road that would be 10'0" less than the required 20ft.

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

- 1) Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by registered mail.
- 2) Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or the public welfare.
- 3) Per section 8(13)(b)(i) of the Planning Regulation, the characteristics of the proposed development are consistent with the character of the surrounding area. The proposed building is an extension to Chestnut Centre on parcel 14D441 and is proposed with similar aesthetics and setbacks.
- 4) The precedent for commercial development on a lot size less than required exists along the Smith Road corridor. The nearby parcel, 14D20, which is 0.1826 Acres, consists of an approved commercial development.
- 5) Although the lot is below the prescribed size for commercial use, the proposed development is comfortable below the required site coverage. The proposed building and parking area totals 40% (17.68% building and 22.32% parking) of the property versus the 75% allowed.
- 6) Section 8(9) states that after the 6th May 2002, the minimum lot size in a Commercial or Industrial zone shall be twenty thousand square feet. The subject parcel was created before such date.

- 7) *The building setbacks proposed are similar to the existing dimensions, as the new building will utilize the exterior walls of the current structure in the areas where the setbacks are already less than the required.*
- 8) *The reduced setback for the new septic tank is similar to the existing dimensions. The new septic tank is proposed in the very same location of the current tank.*
- 9) *The application complied with all other relevant planning requirements and departmental reviews.*

We look forward to your favourable response to this variance request. Should you have any queries, please do not hesitate to contact us at 947-7020 or via email at gmj@candw.ky.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a change of use from a house to mixed use building; 2,596 sq. ft to be located on Palm Rd., George Town.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) Zoning

Regulation 13(1)(b) states that the primary use is a less intense form of development of that permitted in the General Commercial zone and which cater principally to the needs of persons resident in, or in the vicinity of, the zone. The applicant has not addressed this zoning issue in their letter.

Regulation 13(9) states that residential development is permissible in the NC zone provided it is not on the ground floor. The proposed application complies with this Regulation.

2) Lot size

The applicant has addressed a need for a lot size variance in their letter, but a variance is not required. Regulation 8(9) states that after May 6, 2002, the minimum lot size in a Commercial zone shall be 20,00 square feet. This Regulation has always been applied for the creation (subdivision) of new lots after May 6, 2002. The subject parcel existed well before 2002 therefore Regulation 8(9) would not apply.

3) Parking functionality

The site plan layout includes angled parking spaces that would have to reverse onto Palm Rd and an un-named laneway. Palm Rd is about 16' - 17' wide and the un-named lane way is about 13' wide. There is a concern that there will be difficulty for vehicles to successfully reverse onto these access roads.

4) Front setback

Regulation 8(8)(b) of the Development & Planning Regulations (2022 Revision) states “the minimum road setbacks shall be 20’-0”. The proposed development would be 18’-5” from the fronting road boundary (Palm Rd.) a difference of 1’-7” respectively.

5) Side setback

Regulation 8(8)(b) of the Development & Planning Regulations (2022 Revision) states “ the minimum road setbacks shall be 20’ and the minimum side and rear setbacks shall be 6’, unless otherwise specified by the Authority.” The proposed septic tank would be (10’-1”), stairs (10’-9”) & steps (12’-0”) off (Aspen Ln.), a difference of 9’-11” (septic), 9’-3” (stairs) & 8’-0” (steps) respectively.

2.14 RBC HOUSE LIMITED (AMR Consulting Engineers) Block 14BH Parcel 160 (P23-1013) (\$50,000) (MW)

Application to replace an existing generator chain link fence enclosure with 10’ concrete wall.

FACTS

<i>Location</i>	Shedden Rd, George Town
<i>Zoning</i>	General Commercial
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.876 ac. (38,158.56 sq. ft.)

BACKGROUND

February 28, 2019 – Modification to ground floor office fit-out – the application was considered and it was resolved to grant planning permission.

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.

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).

PLANNING DEPARTMENT ANALYSIS

General

The application is for the replacement of existing generator chain link fence enclosure with 10’ concrete wall to be located on Shedden Rd., George Town.

Zoning

The property is zoned General Commercial.

Specific Issues

1) Fence Height

The CPA fence guideline 4.41 stipulates that “*In commercial, industrial and institutional zones, no part of a solid wall or fence should exceed 48 inches in height except for where provided within these regulations.*” The proposed concrete wall would be **10’-0”** in height a difference of **6’-0”** .

The Authority should assess if there is sufficient reason generator to warrant granting planning permission for the proposed fence height.

2.15 CHRISTOPHER DINNALL (R Design Architectural Studio) Block 58A Parcel 159 (P23-0673) (\$574,600) (MW)

Application for a duplex.

FACTS

<i>Location</i>	Arlington Dr., North Side
<i>Zoning</i>	Agricultural Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.2631 ac. (11,460.636 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	2,873 sq. ft.
<i>Total building site coverage</i>	25.07%
<i>Required parking</i>	2
<i>Proposed parking</i>	5

BACKGROUND

September 2, 2020 (CPA/14/20; item 2.8) (P20-0175) – Approval granted for a 29 lot subdivision. The Authority was aware the property was situated over a water lens and the DOA had advised that the land was not suited for traditional agriculture. The subdivision lots were based on the LDR lot size requirements.

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

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

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

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) With the exception of the lot size and rear setback, which are addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 3) The proposed application does not comply with minimum required lot size per the Development and Planning Regulations (2022 Revision). The Authority is of the

opinion that there is sufficient reason and exceptional circumstance to allow the lesser lot size and setback as follows:

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

AGENCY COMMENTS

The Authority received and considered comments from the Department of Environment.

Department of Environment (November 6th 2023)

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

The DoE note that the application site has been cleared recently and, therefore, is man-modified and of limited ecological value.

We recommend that the applicant plants native vegetation and incorporates it into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

Best management practices should be adhered to during construction to reduce impacts on the environment. In particular, control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, we recommend the inclusion of the following condition in the approval:

- 1) *If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the environment.*

APPLICANT'S LETTER

We write on behalf of the applicants, Mr. Christopher Dinnall, with regards to the following variance;

- 1) A lot size variance – where the subject parcel is registered as 0.2631 acres or 11,460.636 sq. ft. which is 1,039.364 sq. ft. smaller than the required 12,500 sq. ft. for a duplex development in areas zoned Agricultural Residential.*
- 2) A rear setback variance – the proposed rear deck will encroach into the rear setback to 16'-0" a difference of 4'-0" less than the required 20'-0".*

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

- 1) Per section 8(13)(d) of the Planning Regulations (2022 Revision), the owners of the adjacent properties were notified by register mail. There have been no objections to date.*
- 2) Per section 8(13)(b)(iii) of the Planning Regulations (2022 Revision), 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.*
- 3) Although the lot is below the prescribed lot size for a duplex, the development proposed is comfortably below the required site coverage. It equates to only 25.07 percent of the property.*
- 4) The application complies with all other relevant planning requirements.*

We look forward to your favourable response to this variance request. Should you have any queries, please do not hesitate to contact us at 1(345)-4070 or via email perrycon21@gmail.com

PLANNING DEPARTMENT ANALYSIS

General

The application is for a duplex; 2,873 sq. ft. to be located on Arlington Dr., North Side.

Zoning

The property is zoned Agricultural Residential.

Specific Issues

1) Lot size

As noted in the Background section the underlying subdivision was approved on the basis of LDR lot size provisions per Regulation 21. As such Regulation 9(8)(e) states *“the minimum lot size for each duplex is 12,500 sq. ft.”*. The proposed lot would be **11,460.636 sq. ft.** a difference of **1,039.364 sq. ft.**

2) Rear setback

Regulation 9(8)(i) states *“the minimum rear setbacks are 20'-0”*. In this instance, the proposed rear deck would be **16'-0”** from the rear boundary a difference of **4'-0”**.

2.16 WENDY MYLES (John Bernard) Block 14E Parcel 757 (P23-0082) (\$65,300) (MW)

Application for an ATF addition to house and an ATF storeroom.

Joshua Bernard declared a conflict and left the meeting room.

FACTS

<i>Location</i>	July St., George Town
<i>Zoning</i>	High Density Residential
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.0814 ac. (3,545.784 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Existing residence
<i>Proposed building size</i>	540.5 sq. ft.
<i>Total building site coverage</i>	35.89%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

BACKGROUND

August 22, 2011 – House- the application was considered and it was resolved to grant planning permission.

October 24, 2018 – 4’ retaining wall – the application was considered and it was resolved to grant planning permission.

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) With the exception of the rear and side setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 3) The proposed application does not comply with the minimum required rear and side setbacks per Regulations 9(8)(6)(h) and (i) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setbacks as follows:
 - a) The characteristics of the proposed development are consistent with the character of the surrounding area;
 - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
 - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

APPLICANT'S LETTER

To Whom it may Concern, I request a variance to reduce the back yard setback from 20 feet to 10 feet for a proposed addition to my client home. They need the variance because I have a designated for an extra room for the client family of the property which has forced the construction of the existing home 10 feet from the back property line. The existing house is already built to both 10 feet side yard setbacks. It would not be possible to construct the additional 356 sq. ft. addition on either the north or south side even if the side yard setback was reduced to 0 feet. The back of my client property is well vegetated by the proposed addition. They have enclosed letter of support from all adjacent neighbors

Thank you for your time and consideration.

Thank you for allowing me to submit this quote and for your time and consideration.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an ATF addition to house; 489.5 sq. ft. & ATF storeroom; 51 sq. ft to be located on July St., George Town.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Rear Setback

Regulation 9(6)(h) of the Development and Planning Regulations (2022 Revision) states “*the minimum front and rear setbacks are 20 feet.*” The ATF addition would be 9’-0” from the rear boundary a difference of 11’-0”.

2) Side Setback

Regulation 9(6)(i) of the Development and Planning Regulations (2022 Revision) states “*the minimum side setback is 10 feet for a building of one storey*”. The ATF storage would be 0’-0” from the northern boundary in addition the ATF addition to the front of the existing house would be 8’-0” from the northern boundary and the rear ATF addition would be 9’-0” from the southern boundary a difference of **10’-0”** (ATF Shed), **2’-0”** (ATF front addition) & **1’-0”** (ATF rear addition) respectively.

2.17 LUIS RAMIREZ-PINTO & SHIRLY ANN MARTINEZ (Benitez & Sons Ltd.) Block 1D Parcel 579 (P23-0668) (\$75,000) (MW)

Application for a porch addition to an existing dwelling.

FACTS

<i>Location</i>	Windstar Dr, West Bay
<i>Zoning</i>	High Density Residential
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.1546 ac. (6,734.376 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Existing residence & ATF duplex addition
<i>Proposed building size</i>	72 sq. ft.
<i>Total building site coverage</i>	22.62%
<i>Required parking</i>	2
<i>Proposed parking</i>	2

BACKGROUND

August 31, 2001 – Two bedroom house- the application was considered and it was resolved to grant planning permission.

June 29, 2007 – House addition – the application was considered and it was resolved to grant planning permission.

July 21, 2021 – Addition to a house to create a duplex & an ATF storage building (CPA/15/21; Item 2.3) – the application was considered and it was resolved to adjourn the application.

May 10, 2023 – Addition to an after the fact shed to create dwelling unit (CPA/11/23; Item 2.20) – the application was considered and it was resolved to grant planning permission.

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

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

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

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

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) With the exception of the rear and side setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 3) The proposed application does not comply with the minimum required rear and side setbacks per Regulations 9(8)(6)(h) and (i) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setbacks as follows:
 - a) The characteristics of the proposed development are consistent with the character of the surrounding area;
 - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
 - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

APPLICANT'S LETTER

Letter #1

We would be Grateful for your consideration in respect to the following planning variances which relates to our client's Mr. LUIS RAMIREZ ADDITION CHANGE (P23- 0668) on ID- 579. Please note the below variance request.

WITH REAR SETBACK VARIANCES., *We ask permission for these buildings giving the following reasons:*

- a. Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail:*
- b. Per section 8(13)(b)(iii) of the Planning Regulation, 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*

c. Its a porch addition in the back of an approved addition, which will not represent a significant change with respect to what has already been approved.

We look forward to your favorable response to this request, your Understanding and approval will be greatly appreciated.

Letter #2

I hope this request finds you well.

I am writing this letter to request a variation of the Rear Setback on my application to modify the approved existing plans on my property.

As you know, I agreed to demolish the bedroom that had existed on my property long before I bought it and unfortunately, I made the mistake of expanding it. However, now that I have accepted and have this project for a two-bedroom home approved by planning in the back part of my house; I would like to have a porch so I can go outside to get some fresh air and be able to sit for a while. I know I'm not respecting the rear setbacks but I have no other option. I told the architect to try to follow the same lines so that we do not go beyond what has already been approved. Also, and more importantly, I have advised him to make a square building instead of one with an irregular shape that is useless and creates wasted space; but instead, use the extra space to come up with a porch as I am requesting. Maybe it was wrong of me to not pay attention to the architect's previous proposal, but I think we still have time to change it.

I am respectfully asking the Board to please take into consideration my request for an additional porch to be approved for my plans.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a porch addition located on Windstar Dr., West Bay.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Rear Setback

Regulation 9(6)(h) of the Development and Planning Regulations (2022 Revision) states “the minimum front and rear setbacks are 20 feet.” The porch addition has a rear setback of 14’-4” , a difference of 5’-8”.

2) Side Setback

Regulation 9(6)(i) of the Development and Planning Regulations (2022 Revision) states “the minimum side setback is 10 feet for a building of one storey”. The proposed steps off the proposed porch would be 9’-9” from the side boundary, a difference of 3”.

2.18 HECTOR CHIN (Eric Cronier) Block 71A Parcel 62 (P23-1035) (\$7,000) (NP)

Application for a 2 lot subdivision.

FACTS

<i>Location</i>	Unnamed private road, East End
<i>Zoning</i>	Agricultural/Residential
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	43,560 sq ft
<i>Proposed lot sizes</i>	2 @ 21,780 sq ft
<i>Proposed lot widths</i>	1 @ 55' & 1 @ 92'
<i>Current use</i>	Vacant

BACKGROUND

January 17, 2024 (CPA/03/24; Item 2.9) – It was resolved to adjourn the application for the following reasons:

- The applicant is required to explain in writing the purpose of the application.
- The applicant is directed to liaise with the National Roads Authority in order to provide an estimate of the timing of the construction of Boundary Plan 506.

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) There shall be no land clearing, excavation, filling or development of the resultant subdivided parcels without planning permission for such works being granted.

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).

AGENCY COMMENTS

The Authority received and considered comments from the National Roads Authority and Department of Environment.

Department of Agriculture

Comments yet to be received at report submission deadline.

Department of Environment

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

Site Overview

The application site consists of primary dry forest and shrubland. Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.

Advice to the Applicant

The Applicant should keep clearing and filling to a minimum and retain as much primary habitat as possible to incorporate it into the landscaping scheme for the development. Primary habitat and native vegetation can be retained and used in a variety of ways on a property:

- It can be retained along parcel boundaries and between buildings to serve as privacy, noise and sound buffers and screening.*
- It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.*
- It can serve as an amenity, providing green space and shade for those who live nearby or on the property.*
- It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies. This habitat helps to contribute to the conservation of our local species.*
- It can assist with drainage directly by breaking the momentum of rain, anchoring soil, and taking up water and indirectly by keeping the existing grade and permeable surfaces.*
- It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.*
- When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through*

development, allowing for the movement of animals and the continuation of viable populations.

Advice to the Central Planning Authority/Planning Department

*As the site is primary habitat, we would recommend not including a condition requiring each lot to be cleared and filled. We note that the application is for a subdivision, we would **not** support the clearing of this site at this time. Land clearing should be reserved until the development of individual lots is imminent (through the granting of planning permission for development on those particular lots). This allows the opportunity for the individual lot owners to retain as much native vegetation as possible. Clearing the entire site prematurely removes the choice from the individual lot owners and removes the value the habitat could provide in the time between the preparation of a subdivision and the development of an individual lot.*

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed subdivision, the DoE recommends the inclusion of the following conditions in any planning permission to minimise impacts on this valuable habitat:

- 1. There shall be no land clearing, excavation, filling or development of the resultant parcels without planning permission for such works being granted.*

National Roads Authority

As per your email dated December 15th, 2023, 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.

APPLICANTS LETTER

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

Although the width of Lot A along the road is 55 ft. wide, the average lot width exceeds the minimum 80 ft required.

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

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on an unnamed private road that is located east of Farm Road in East End.

The property is presently vacant.

The proposal is to divide the existing parcel into two lots, with one proposed lot having frontage of 55 feet and the other with 92 feet on the private road.

Zoning

The property is zoned Agricultural/Residential.

Planning Issues

1) Width of proposed lot A (55' vs 80')

One of the proposed lots would have a lot width of 55 feet.

Regulation 9(8)(g) states that the minimum lot width for a detached house or duplex shall be 80 feet.

The applicant's agent has submitted a variance letter.

The Authority should discuss whether a variance for lot width is warranted in this instance.

SUPPLEMENTARY COMMENTS

The Applicant's agent has submitted the following information in response to the CPA adjournment letter:

On behalf of our client, we hereby seek to address the concerns of the Central Planning Authority as outlined in the letter to adjourn the application and dated 5th February 2024.

As outlined in CPA/03/24; Item 2.9,

1.) The applicant is required to explain in writing the purpose of the application:

The purpose of the application is to create 2 residential and hobby farming lots which are minimum 0.5 acre and both meet the planning requirements.

2.) The applicant is directed to liaise with the National Roads Authority in order to provide an estimate of the timing of the construction of Boundary Plan 506:

Boundary Plan 506 has already been constructed as there is currently an existing 30 ft. wide road along the north western boundary of the parcel. Evidence of this is shown in the attached plan with the 2023 aerial overlaid.

2.19 ODVAR JUAN B BJERHOLT (GMJ HOME PLANS) Block 69A Parcel 72 (P23-1095)(\$800,000) (JS)

Application for a house and deck.

Gillard McLaughlin declared a conflict and left the meeting room.

FACTS

<i>Location</i>	Queens Highway, East End
<i>Zoning</i>	Low Density residential
<i>Notification result</i>	No objection
<i>Parcel size proposed</i>	0.54 ac.
<i>Parcel size required</i>	25,522 sq ft
<i>Current use</i>	Proposed 2 storey house with deck
<i>Proposed building size</i>	1752sq ft
<i>Total building site coverage</i>	5.20%
<i>Required parking</i>	1
<i>Proposed parking</i>	2

Decision: It was resolved to grant planning permission, subject to the following conditions: Condition (1) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 3) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 4) Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.
- 5) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 6) All construction materials and debris shall be stockpiled at least 75 ft from the Mean High Water Mark to prevent material from entering the marine environment.

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

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) Per the Development and Planning Act s7 consultation memorandum from the Department of Environment, the site has been man-modified. As such, the Authority has determined that it is unlikely that the application will result in adverse effects on the environment generally or on any natural resource and therefore, no further referral to the National Conservation Council under the National Conservation Act s41(3) is required.
- 3) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).

AGENCY COMMENTS

The Authority received and considered comments from the Department of Environment.

Department of Environment

This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.

Site Overview

The site is largely primary habitat consisting of coastal shrubland, with some man-modified habitat at the property boundaries (refer to figure 1).

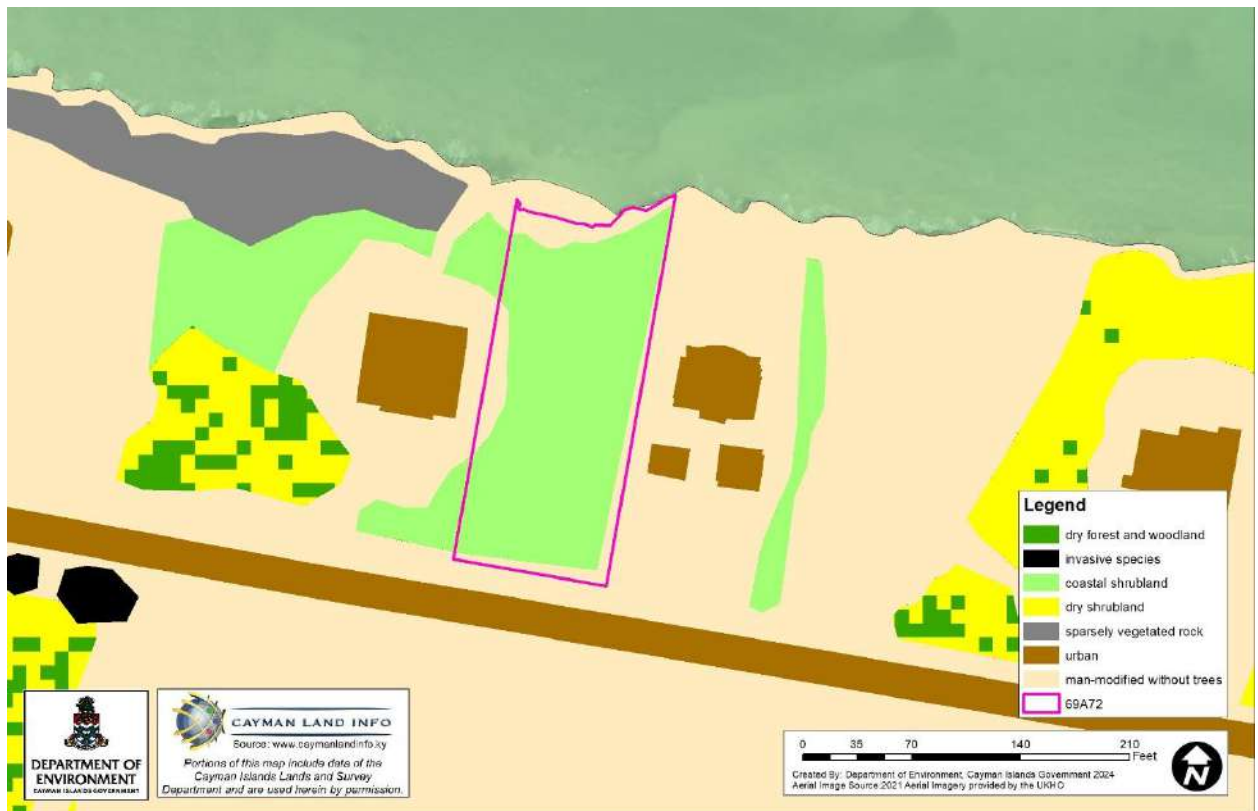


Figure 1: Land cover over the subject parcel (outlined in pink) (Source: DoE, 2018).

Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.

Advice to Applicant

The DoE notes that the proposed development has been sited sensitively with respect to coastal setbacks (refer to figure 2). This is important for maximizing the resiliency of coastal development with respect to the effects of climate change including increased intensity of storms and sea level rise predictions for the area. The site layout provides opportunity to retain native vegetation on the site.

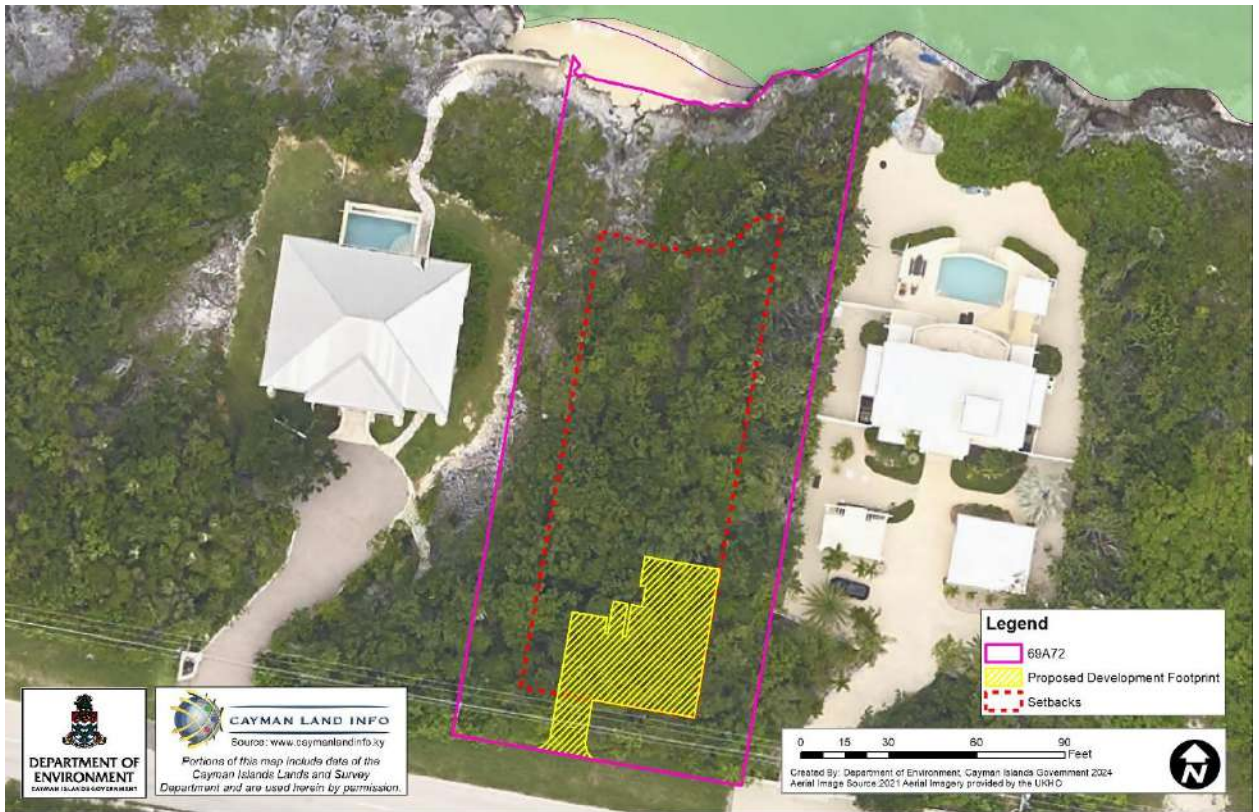


Figure 2: Site layout showing the proposed development footprint as per the applicants plans (Aerial Imagery Source: UKHO, 2021).

Coastal habitat incorporates a variety of salt and wind-tolerant flora. Native coastal vegetation is becoming rarer as development on the coast increases. In addition to biodiversity, coastal vegetation also provides ecosystem services because it stabilizes the shoreline and reduces erosion. Once vegetation has been cleared, it often results in wind-borne erosion of the land and general coastal erosion.

The applicant should retain as much native vegetation as possible and incorporate it into the landscaping scheme. Native species are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

Best management practices should be adhered to during construction to reduce impacts on the environment. In particular, control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

Inappropriate storage of materials, construction waste and debris can result in adverse impacts to the marine environment through the run-off and escape of materials and debris.

Storms, high waves, high tides, rainy weather or inadequate construction practices can result in the materials entering the sea.

Section 41(3) Recommendations

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed works, we recommend the inclusion of the following conditions in the approval:

- 1) If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the environment.*
- 2) All construction materials and debris shall be stockpiled at least 75 ft from the Mean High Water Mark to prevent material from entering the marine environment.*

PLANNING DEPARTMENT ANALYSIS

General

The application site is located on the Queens Highway, East End

The application is for the construction of a (2) storey house with deck and complies with all relevant provisions of the Development and Planning Regulations.

Zoning

The property is zoned Low Density residential

Specific Issues

1) DOE's comments

DOE's s7 DPA response refers to s41(3) of the NCA so it would appear the Authority must now put its mind to that section of the NCA

2.20 CARY ENGLISH & LEE MCKAY (Abernethy & Associates) Block 4B Parcel 525 (P23-1162) (\$1,000) (NP)

Application for a 3 lot land strata subdivision.

FACTS

<i>Location</i>	Velma Banks Drive, West Bay
<i>Zoning</i>	High Density Residential
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	6,625 sq ft.
<i>Parcel size required</i>	5,000 sq ft

Current use

Duplex

BACKGROUND

December 15, 2021 (CPA/26/21; Item 2.14) – The Authority granted planning permission for three apartments (P20-1063).

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.

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision). Further in this regard, per Regulation 9(6)(ia) of the Development and Planning Regulations (2022 Revision), the Authority deems the minimum lot size, lot width, setbacks and site coverage to be as shown on the submitted plans.

AGENCY COMMENTS

The Authority received and considered comments from the Department of Environment and Water Authority.

Department of Environment

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

Water Authority Cayman

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

Wastewater Treatment

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

Water Supply

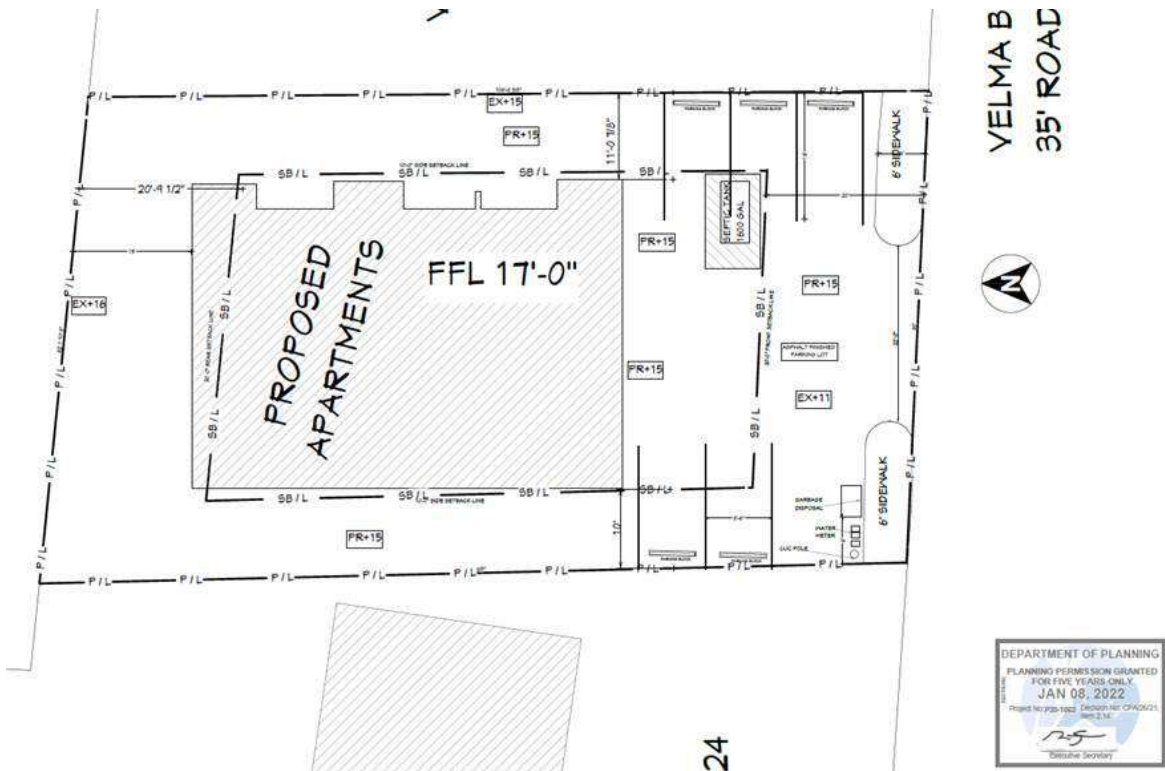
Please be advised that the proposed development site is located within the Cayman Water Company's (CWC) water supply area.

- 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.

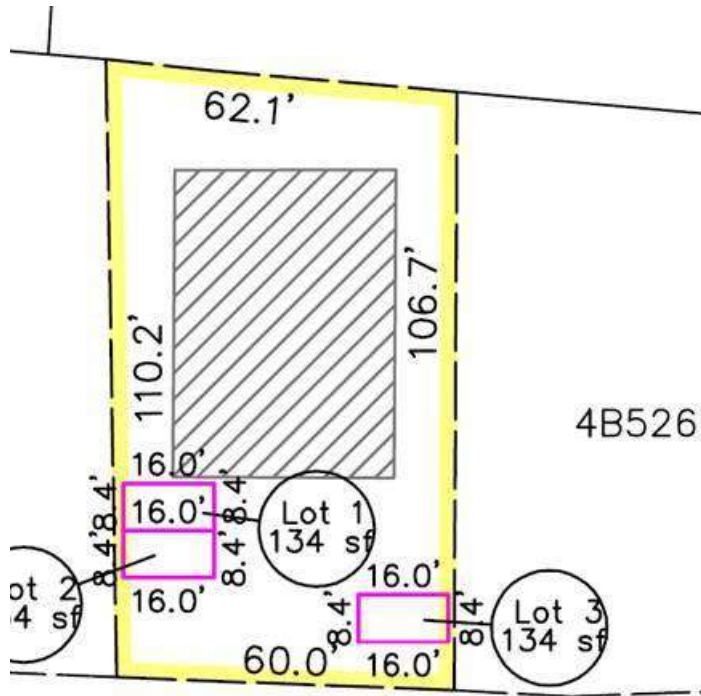
APPLICANTS COMMENTS

The application is located in a High Density Residential zone. Consequently, Regulation 9(6) is applicable requiring a minimum lot size of 5,000 sf and minimum lot width of 60 O.

On the 15th December 2021, planning permission (P20-1063) was granted for 3 apartments supported by 5 parking spaces (MCPA/26/21; item 2.14):



The current application (P23-1162) seeks permission for 3 raw land strata lots in the parking area:



Proposed lots 1-3 directly correlate with parking spaces established under P20-1063, the remaining 2 parking spaces would form visitor parking.

The purpose of the lots is to correspond with the triplex to enable a strata to be registered. The proposed lots 1-3 are 134 sf and 8.4' x 16'.

We are asking the Central Planning Authority to use their discretion, as provided under Regulation 9(6)(ia), to permit the lot sizes and lot widths.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Velma Banks Drive in West Bay.

The property is currently developed with a three unit apartment building.

The proposal is to create 3 individual strata lots for the existing parking spaces.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Lot size & lot width

The individual strata lots would not satisfy the minimum lot size requirements of the HDR zone but Regulation 9(6)(ia) states that “the minimum lot size, lot width, setbacks and site coverage for land strata lots and volumetric parcels which are intended to allow the conveyance of dwelling units in an approved duplex, apartment building or townhouse shall be at the discretion of the Authority”.

The Authority should discuss if lot size and lot width variances are warranted in this instance.

2.21 EVERTON PARKER (TAG) Block 43A Parcel 414 (P23-1020) (\$1,262,550) (NP)

Application for a commercial retail building.

FACTS

<i>Location</i>	Anton Bodden Drive, Bodden Town
<i>Zoning</i>	Medium Density Residential
<i>Notification Results</i>	No Objections
<i>Proposed use</i>	Retail Building
<i>Building Area</i>	14,645 sq ft
<i>Parking Required</i>	79 spaces
<i>Parking Proposed</i>	79 Spaces

BACKGROUND

June 11, 2014 (CPA/14/14; item 2.2) – approval granted for a 5,500 sq ft commercial building

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

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

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

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

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

debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.

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

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

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

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

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) Per the Development and Planning Act s7 consultation memorandum from the Department of Environment, the site has been man-modified. As such, the Authority has determined that it is unlikely that the application will result in adverse effects on the environment generally or on any natural resource and therefore, no further referral to the National Conservation Council under the National Conservation Act s41(3) is required.
- 3) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision). Further in this regard, the Authority is of the view that Regulation 9(3) would be applicable for the intended use. As such, the Authority considers the site to be suitable for the proposed development as there is existing commercial development on the parcel and no objections were received as a result of the two newspaper advertisements. The Authority is of the view that the aesthetics of the building are acceptable and the height of the fence is also acceptable.

AGENCY COMMENTS

The Authority received and considered comments from Department of Environment, Water Authority, Department of Environmental Health, Fire Department and the National Roads Authority.

Department of Environment

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

The application site is man-modified with an existing commercial building on site. We recommend that the applicant plants and incorporates native vegetation into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

Best management practices should be adhered to during construction to reduce impacts on the environment. In particular, control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when they enter the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, we recommend the inclusion of the following condition in the approval:

- 1) If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the environment.*

Water Authority Cayman

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

Wastewater Treatment and Disposal

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

- The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 3,593 US gallons per day (gpd), based on the following calculations.*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Existing Commercial Building	First Floor = 4360sq.ft. (5333sq.ft. – 973sq.ft.)	0.15/sq.ft.	0.15 x 4360sq.ft.	654
	Second Floor = 1947sq.ft.	0.15/sq.ft.	0.15 x 1947sq.ft.	292
	Barber & Beauty Shop (973sq.ft.)	75gpd / service chair	75gpd x 6 Service Chairs	450
TOTAL				1,396

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Proposed Commercial Building	Total square footage = 14,645 sq.ft.	0.15/sq.ft.	0.15 x 14,645sq.ft.	2,197
TOTAL				2,197

- Decommission Existing Septic Tank

The drawing proposes that the existing 1,500-gallon septic tank is to remain. The developer is advised that the Water Authority policy graduates the requirement for achieving “30/30” limits by applying it to larger developments, defined as those where calculated flows exceed 1,800 gallons per day (GPD) on a given parcel. The policy also applies to existing developments when there is a change of use or expansion of the development. Therefore, approval for the proposed development requires that all wastewater generated on the parcel; i.e., both proposed and existing structures, shall be treated in an onsite aerobic wastewater treatment system(s).

The existing septic tank shall be decommissioned as per the Water Authority’s Best Management Practices (BMP’s) below and the wastewater flows re-plumbed towards the Aerobic Treatment System.

http://www.waterauthority.ky/upimages/download/BMPs_abandoned_WW_systems1_1423220782.pdf

- Potential High-Water Use

The plans submitted do not indicate the types of tenants to be included. Therefore, the above requirements are based on low-water-use tenants; i.e., those where wastewater generation is limited to employee restrooms/breakrooms. Should high-water-use tenants; e.g., food service, laundry, etc., be anticipated at this stage, details should be provided to the Water Authority thereby allowing requirements to be adjusted accordingly. Any future change-of-use applications which indicate an increase in water use will require an upgrade of wastewater treatment infrastructure which may include in-the-ground interceptors (for grease or oil-grit or lint) and/or an upgrade to an Aerobic Treatment Unit.

The developer is advised to contact development.control@waterauthority.ky to discuss requirements to accommodate potential high-water use tenants.

- Hair Interceptor Required

An approved hair interceptor is required for the pre-existing/proposed salon or barber shop. The developer is required to submit a plan of the salon and/or barber shop that includes the number of service chairs and wash basins to determine the capacity of interceptor required. Details can be sent via email to development.control@waterauthority.ky

- **Elevator Installation**

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

- *Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 6". Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'5" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

Water Supply

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

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

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

Department of Environmental Health

DEH has no objections to the proposed in principle.

Fire Department

The Fire Department has stamp approved the drawings.

National Roads Authority

As per your email of January 3rd, 2024, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issues

- Entrance and exit curves shall have no less than fifteen (15) feet radius curves;
- 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.**

The NRA requests that the CPA have the applicant revise the site plan to comply with the above-listed requirements.

Road Capacity Issues

The traffic demand to be generated by a commercial plaza 14,645 sq. ft. has been assessed in accordance with ITE Code 820 – Shopping Centre. Thus, the assumed average trip rates per thousand square feet provided by the ITE for estimating the daily, AM and PM peak hour trips are 42.70, 0.96 and 3.71 respectively. The anticipated traffic to be added onto Anton Bodden Drive is as follows:

Expected Daily Trips	AM Peak Hour Total Traffic	AM Peak 62% In	AM Peak 38% Out	PM Peak Hour Total Traffic	PM Peak 48% In	PM Peak 52% Out
625	14	6	4	54	17	19

Based on ITE Trip Generation rates. Pass-By traffic for the proposed development is estimated at 34%; the 34% Pass-By traffic (which already exist on the roadway's base traffic) can be reduced by 150 vpd. Consequently, the net traffic generation of the proposed development will be 475 vpd.

Daily traffic demand on Anton Bodden Road in February 2018 was just under 1,900 vehicles per day (vpd). In June 2023, traffic demand along this roadway had increased to 2,265 vpd. Based on the development's anticipated traffic generation, the traffic forecasts along Anton Bodden Drive will be in the order of about 2,740 vpd, a 20% increase over 2023 traffic demand. Anton Bodden Drive is classified a Collector Road under the Roads Law and with appropriate intersection geometry, it should be able to handle between 10,000 and 15,000 vpd in the future.

Access and Traffic Management Issues

Entrances shall be twenty-four (24) feet wide.

A six (6) foot sidewalk shall be constructed on Anton Bodden Drive within the property boundary, to NRA specifications (available on our website at: <https://www.caymanroads.com/upload>

[/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20](https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20)).

One-way driveway aisles with diagonal parking shall be between twelve (12) to sixteen (16) ft. wide. Two-way driveway aisles shall be a minimum of twenty-four (24) ft. wide.

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

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road

encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as

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

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

PLANNING DEPARTMENT ANALYSIS

General

The proposed retail building tower represents phase two of the commercial complex located at the intersection of Anton Bodden Drive and Harvey Stephenson Drive in Bodden Town.

The proposed building would be 14,645 square feet in area and have parking for a total of 79 vehicles, which is the minimum required for combined phases one and two.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Zoning

Regulation 9(3) states that in a residential zone commercial development may be permitted in suitable locations and if no objections are received through the newspaper advertisements process that would raise ground for refusing permission.

Given the approval granted in 2014 for the existing commercial building on the property, it would appear that the issue of suitability has already been determined. It is also noted that no objections have been received.

2) NRA comments

NRA has made comments on site planning which is the remit of the CPA, not the NRA. In this instance, the applicant has provided 15' entry/exit radii and although the CPA allows a width of 22' for drive aisles, the applicant is providing 24'. NRA has commented on the depth of the parking spaces vis a vis the placement of tire stops, but that is contrary to the Development and Planning Regulations which allow for a minimum parking stall width of 8'-6" x 16' – the tire stops are then placed within the parking stalls.

2.22 ROZETTA SIMPSON-WILKS (Garden City Designs) Block 4B Parcel 573 (P23-0604) (\$392,400) (MW)

Application to modify planning permission to revise the floor plan layout & elevations (add exterior stairs & balcony); reduce the floor area to 1,962 sq. ft., and relocate the garbage enclosure.

FACTS

<i>Location</i>	Banson Dr., West Bay
<i>Zoning</i>	High Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.1893 ac. (8,245.908 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1,962 sq. ft.
<i>Total building site coverage</i>	11.9%
<i>Allowable units</i>	4
<i>Proposed units</i>	4
<i>Allowable bedrooms</i>	7
<i>Proposed bedrooms</i>	4
<i>Required parking</i>	6
<i>Proposed parking</i>	6

BACKGROUND

March 25, 2002 – Proposed Two Bedroom House -the application was considered and it was resolved to grant planning permission.

October 5, 2005 – Proposed Two Bedroom House – the application was considered and it was resolved to grant planning permission.

October 10, 2014 – Duplex – the application was considered and it was resolved to grant planning permission.

February 15, 2023 (CPA/04/23; Item 2.7) – Planning permission granted for 4 apartments

Decision: It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Act (2021 Revision) hereby orders that planning permission CPA/04/23; item 2.7 be modified to

revise the floor plan layout & elevations (add exterior stairs & balcony); reduce the floor area to 1,962 sq. ft., and relocate the garbage enclosure.

All other conditions of CPA/04/23; item 2.7 remain applicable.

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).

AGENCY COMMENTS

The Authority received and considered comments from the Department of Environmental Health.

Department of Environmental Health

Solid Waste Facility: 1. This development require 4 (33) gallon bins and an enclosure built to the department's requirements. A. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic. B. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure. Enclosure Dimensions: Length: 5.0 feet Width: 5.0 feet Height: 2.5 feet

PLANNING DEPARTMENT ANALYSIS

General

The application is for a modification to apartments; revise floor layout & elevations (add exterior stairs & balcony); reduce floor area to 1,962 sq. ft., relocate garbage enclosure to be located on Banson Dr., West Bay.

Zoning

The property is zoned High Density Residential.

The proposed meets all requirements for the respective zone, parking, site coverage, lot size & setbacks.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

5.1 COE GROUP Block 4E Parcel 139 (P21-0977) (MW)

Appearance at 2:30

BACKGROUND

On February 16, 2022 (CPA/05/22; item 2.1), the Authority granted planning permission for 15 apartments subject to the following conditions:

Conditions (1-5) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1. The applicant shall submit a copy of the submission made to the Lands and Survey Department to either expunge the existing rights-of-way/easements or have them relocated through the site in an unobstructed manner.*
- 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).*
- 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.ky) under Policy Development, Policy Drafts.*
- 5) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the*

stockpiling of material excavated from the site and material brought to the site for fill purposes.

In addition to Building Permit requirements, conditions (6-7) listed below shall be met before a Building Permit can be issued.

- 6) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.*
- 7) The construction drawings for the proposed swimming pool filtration system shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool filtration system is constructed in accordance with the submitted plans it will conform to public health requirements.*
- 8) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.*
- 9) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.*
- 10) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.*
- 11) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.*

Additionally, once construction has started, conditions (12-13) shall be complied with before a final Certificate of Occupancy can be issued.

- 12) The requirements of condition 1) above must be finalized or registered and this must be reflected on the land registry extract map.*
- 13) If the development includes access gates, the applicant shall provide written confirmation from the Department of Public Safety Communications (DPSC) that the access gate(s) includes acceptable measures to allow access for emergency service vehicles and personnel.*
- 14) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s).***

On May 24, 2023 (CPA/12/23; item 5.1), the matter of whether or not condition 1) had been discharged was put forward to the Authority. The applicant had been invited to the meeting and was present with their Attorney. At that meeting the Authority made the following determination:

The Authority reviewed the available documentation and considered the input from applicant and determined that comments from the Registrar of Lands and the Public

Lands Commission would be required in order to properly determine if condition 1) has been satisfied. The Authority noted that "relocation" means elimination of the existing right-of-way AND providing a new one (i.e. relocated). The applicant is of the opinion that simply providing a new right-of-way satisfies this; however, the Authority noted its concern that the existing right-of-way is still there and does not feel comfortable that it is still shown on Registry Map and therefore requires written confirmation from the Registrar of Lands and the Public Lands Commission that the existing public right-of-way no longer exists. The Authority also confirmed that no members had conflicts of interest regarding this application.

On August 23, 2023 (CPA/18/23; item 2.2) – The issue of compliance with condition 1) was brought to the Authority for consideration again with the applicant and their Attorney present for discussion. The Authority had available comments from the Registrar of Lands, but nothing from the Public Lands Commission. The Authority made the following conclusions/determinations:

The Authority took into consideration the information provided by the applicant and his attorney and the Registrar of Lands and determined that the applicant has not fully complied with the following condition:

- 1) The applicant shall submit a copy of the submission made to the Lands and Survey Department to either expunge the existing rights-of-way/easements or have them relocated through the site in an unobstructed manner.*

The Authority is grateful for and agrees with the advice from the Registrar of Lands regarding the legal and procedural process for complying with condition (1) above which requires both the removal of the existing public right(s)-of-way and the provision of new public right(s)-of-way with the same benefit, but in an unobstructed manner.

The Registrar acknowledged that a new public right-of-way had been registered, but also noted the following:

“Once a public easement is registered the landowner will be required to make an application to the Grand Court for an order to remove or modify any public right of way.”

Notwithstanding that the Registrar of Lands advised the applicant’s surveyor of same in January 2023, the applicant’s attorney acknowledged that they are now aware of the next steps in the process and agreed to comply with the Grand Court process as outlined by the Registrar of Lands.

Therefore, the Authority finds that condition (1) has not been complied with as the existing right-of-way is still in place and on the Land Register and will not be complied with until this is corrected and confirmed by the Registrar of Lands. Accordingly, prior to any further determination of condition (1), the Authority requires written confirmation/documentation from the Registrar of Lands that the process outlined in her memo has been complied with.

The Authority further advised the applicant that construction has proceeded with the construction which not only impedes existing registered rights-of-way, construction to date has been at the applicant's risk and without the grant of any Building Permit. The Applicant ceased construction upon receipt of a Stop Notice and is aware that no further construction is permitted without the requisite approvals and, among other things, compliance with condition (1) regarding rights-of-ways.

PLANNING DEPARTMENT ANALYSIS

Specific Issue

The applicant's Attorney has contacted the Department explaining they have new information from the Chief Surveyor regarding the legal status of the "public" right-of-way that runs diagonally through the property. The Department thought it prudent to invite in the applicant and their Attorney to discuss the matter directly with the Authority.

Subsequent to the Agenda being finalized and published the Department provided the members with additional information contained in Appendix A.

At 2:30pm, Morne Botes (MB) appeared on behalf of the Coe Group and Waide DaCosta (WD) joined him as his Attorney-at-law. Summary notes are provided as follows:

- WD provided several comments:
 - He explained the findings of the Registrar of Lands and referred to her drawing
 - The portion of the right-of-way through the subject parcel is private, not public
 - The PLC is not involved
 - The beneficiary of the right-of-way is Bernard Ebanks who owns 4E 111
 - They have come to an agreement with Mr. Ebanks through his Attorney, Owen Merren
 - The Registrar said to relocate it and sent him an email
 - There is a difference in extinguishing a private right-of-way and a public right-of-way
- CPA asked if the beneficiary as agreed to relocate it.
- WD replied yes and to keep Mr. Ebanks happy they will keep it in the road.
- CPA asked if Planning has a copy of the documents and WD replied yes.
- WD noted that they feel they have addressed the condition of approval and the paperwork will be submitted tomorrow morning.
- CPA asked what is the status of the other easement.
- MB replied their land register is not encumbered by that easement. Mr. Bush can walk over it with his cows if he wants to, it is an undefined right-of-way.
- WD noted that they never got a report from the PLC, they had to sue them.

- CPA noted they need to get the beneficiary to sign the documents for the relocation.
- WD agreed.
- CPA asked since they have gates how is it that the right-of-way is unobstructed and how can they be prevented from locking it.
- MB replied the gates are open and he has another gate situation coming up to deal with. He noted they can't lock it because they created a public right-of-way and it is there now.
- WD stated they finally got the right-of-way issue sorted with the help of the Registrar.
- CPA confirmed that they will provide the Department with the necessary documents and WD replied yes and MB noted they would get them tomorrow.

5.2 ANTHONY EBANKS Block 28C Parcel 606 (P24-0023) (JS)

The Authority was advised that an application has been submitted for a house and it complies with all relevant Development & Planning Regulations. The Authority considered DOE's memorandum and determined that the application can be approved administratively.

5.3 DESMOND & TYBERT WILLIAMS Block 55A Parcel 188 (P24-0070) (AS)

The Authority reviewed the architectural plans for a proposed duplex and was satisfied that the building design meets the definition for a duplex and the application can be approved administratively.

5.4 JULIAN ELIZABETH ELLIOTT Block 20E Parcel 260 (CE24-0034) (AP)

The Authority viewed photographs of the repair of vehicles, dilapidated structures and the deposit of refuse and spoil and determined that a Maintenance of Land notice would be issued.

Decision: It was resolved to authorize the issuance of a Maintenance of Land Notice in accordance with Section 29A of the Development and Planning Act (2021 Revision). Maintenance of Land Notice to take effect at the end of a period of 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 Act.

6.0 CPA MEMBERS INFORMATION/DISCUSSION

The meeting adjourned at 4:55pm. The next regular meeting of the Central Planning Authority is scheduled for *Wednesday, March 13, 2024 at 10:00 a.m.* in in Conference Room 1038, 1st floor, Government Administration Building.



Ian Pairaudeau
Chairman



Ron Sanderson
Acting Executive Secretary