

Central Planning Authority

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

12th Meeting of the Year

CPA/12/24

Mr. Ian Pairaudeau (Chair)

Mr. Handel Whittaker (Deputy Chair) (Acting Chair 2.4 and 2.30)

Mr. Joshua Bernard

Mr. Gillard McLaughlin

Mr. Charles Russell Jr.

Mr. Peterkin Berry

Mr. Peter Campbell

Mr. Kenneth Ebanks (via Zoom)

Ms. Danette McLaughlin

Ms. Shakina Bush (via Zoom)

Ms. Christine Maltman, MCIP, AICP

Ms. Celecia Bancroft

Mr. Ashton Bodden

Mr. Haroon Pandohie (Executive Secretary)

Mr. Ron Sanderson (Deputy Director of Planning - Current Planning)

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

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- 2.2 ONIEL EWERS (Roland Bodden and Co.) Block 25C Parcel 383 (P23-0378) (\$4,250) (MW) 10
- 2.3 RENEE MYLES (Abernethy & Associates) Block 32C Parcel 56 (P19-0172) (\$3,017) (EJ) 14
- 2.4 FS INC (Johnson Design & Architecture) Block 43D Parcel 175 (P23-0624) (\$100.0 million) (NP) 17
- 2.5 ERIC M. RIVERS (TRIO Architects) Block 24E Parcel 218 (P23-0920) (\$1.2 million) (NP) 43
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- 2.21 DENRY & AVOLYN HOWELL (TSC Architecture) Block 28D Parcel 357 (P24-0153) (\$1,000) (EJ) 111**
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APPLICANTS ATTENDING THE AUTHORITY'S MEETING

| Applicant Name | Time | Item | Page |
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| Mandy Moore | 10:30 | 2.1 | 6 |
| Oniel Ewers | 11:00 | 2.2 | 10 |
| Renee Myles | 11:30 | 2.3 | 14 |
| FS Inc. | 1:00 | 2.4 | 17 |
| Eric Rivers | 2:00 | 2.6 | 43 |

1.1 Confirmation of Minutes CPA/10/24 held on 27 March 2024.

Moved: Christine Maltman

Seconded: Kenneth Ebanks

Confirmed

1.2 Declarations of Conflicts/Interests

| Item | Member |
|-------------|--------------------------------|
| 2.4 | Ian Pairaudeau, Kenneth Ebanks |
| 2.14 | Peterkin Berry |
| 2.22 | Gillard McLaughlin |
| 2.30 | Ian Pairaudeau |

2.0 APPLICATIONS
APPEARANCES (Items 2.1 to Item 2.5)

2.1 MANDY MOORE (Mandy Moore) Block 27C Parcel 224 (P23-0469) (\$1,500) (EJ)

Application for clearing and filling of land.

An appearance was scheduled for 10:30am. The applicant was present and available for the meeting, but the objector was not.

FACTS

| | |
|-----------------------------|---|
| <i>Location</i> | Leeward Drive & Brenda Street, NS Estates |
| <i>Zoning</i> | LDR |
| <i>Notification result</i> | Objector |
| <i>Parcel size proposed</i> | 0.2514 ac. (10,950 sq. ft.) |
| <i>Current use</i> | Vacant |

BACKGROUND

NA

Decision: It was resolved to adjourn the application and re-invite the applicant and objector to appear before the Authority to discuss details of the application.

AGENCY COMMENTS

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

Department of Environment (November 22, 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 site is man-modified with regrowth. The site also has mangroves along the canal boundary as shown in Figure 1.



Figure 1: The application site outlined in red (Aerial Imagery Source: UKHO, 2021)

Advice to the Applicant

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 to give a view of the canal, 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/).

If the Applicant received planning permission for land clearing, retaining mangrove vegetation along the canal edge can provide benefits such as:

- *Slow erosion and assist with the management of run-off and drainage;*
- *Provide habitat and food for wildlife;*
- *Provide sound and privacy buffers from the road and neighbouring properties and developments;*
- *Provide mature vegetation which can enhance landscaping and immediately offer shade; and*
- *Reduce the amount of greenhouse gas emissions by avoiding the unnecessary clearing of land which releases carbon dioxide into the atmosphere.*

Advice to the Central Planning Authority

The site is man-modified and therefore has lost some of its environmental value, but secondary regrowth can still provide habitat for birds, insects and other wildlife. 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 does **not** support speculative clearing of parcels prior to planning permission for development being granted.

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

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

APPLICANT'S LETTER

Clearing of Block 27C Parcel 224 with a baco to clean up land

Make it look organized in the area

The brush that is there (garbage) will be taken to the DEH dump.

We will also be levelling the land.

OBJECTION LETTER

Please accept this letter as our objection to the recent application as above noted.

Th applicant advised me personally that he intends to excavate the parcel some 15-25ft from the canal boundary going into the property, to allow him to berth 3 large commercial fishing vessels in the north-south orientation.

The intention is clearly for commercial marine purposes and eventually supporting land based operations.

This is totally unacceptable in a low density residential area.

North Sound Estates is one of the first canal subdivision on the island, It si very narrow 50-ft wide canals, they are not suitable for large commercial scale vessels.

Furthermore, the subdivision is zoned low density residential and it is unsuitable for this type of enterprise.

This parcel situated on the leeward side of a dead-end canal network where the water quality is not the best with various debris piling up there with easterly prevailing winds.

The owner advised me that he intends to place 3 large vessels there and orient them in a borth/south berthed position. This operation will cause significant interference with the peace and tranquillity of this location.

If we decide to berth boat(s) at our place that takes up half the canal as the applicant has stated he wished to do, then no one will be able to get in or out!!

This will infringe on our side of the canal and make docking and manoeuvring much more difficult.

The small canal has to naturally be shared equally by the lots on each side and if this project is allowed then we will no longer have equal use of the canal which is inherently unfair and unjust.

Inevitably the land-based operation from these fishing vessels will also cause a disturbance, noise and smells, as well as the inevitable bilge discharge, perhaps even sewer until the land facilities are built.

Smaller commercial fishing vessels were moored on this same canal to windward a few years back and crew were living and working on the boats and sewage was constantly being pumped overboard and drifting down to us, objections made at that time as well.

This will cause significant issues at the end of this very small canal system, difficult turning area and significant prop-wash and erosion will result. This is an entirely, unsuitable location for this purpose and we urge the authorities to refuse planning permission for this purpose.

PLANNING DEPARTMENT ANALYSIS

General

The proposed clearing of land and levelling of land is located on Leeward Drive & Brenda Street in North Sound Estates.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Clearing and levelling of land

The applicant proposes to clear and level the land, but there is no application for the primary development of the site.

2.2 ONIEL EWERS (Roland Bodden and Co.) Block 25C Parcel 383 (P23-0378) (\$4,250) (MW)

Application for a 4 lot land strata subdivision.

An appearance was scheduled for 11:00am. The applicant’s agent was present and available for the meeting. The objector had advised that they were travelling and could not attend the meeting. The Authority noted that this was the second time that the objector advised they could not appear before the Authority. The Authority determined that natural justice had been satisfied and the application could be considered in the absence of the objector and with their letter of objection on record. The Authority also determined that it was not necessary to hear from the applicant’s agent in order to fully consider the application.

FACTS

| | |
|----------------------------|---------------------------------|
| <i>Location</i> | Raven Ave., Bodden Town |
| <i>Zoning</i> | Low Density Residential |
| <i>Notification result</i> | Objectors |
| <i>Parcel size</i> | 0.3166 ac. (13,791.096 sq. ft.) |
| <i>Current use</i> | Vacant |

BACKGROUND

March 25, 2010 – Three by Three Bedroom Duplex – the application was considered and it was resolved to grant planning permission.

November 4, 2021 – Five (5) Bedroom Duplex – the application was considered and it was resolved to grant planning permission.

May 22, 2023 – Six (6) Bedroom Duplex – the application was considered and it was resolved to grant planning permission.

August 30, 2023 (CPA/19/23; item 2.3) – It was resolved to adjourn the current application at the request of the objector who advised they were unable to attend the meeting.

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.

Reason for the decision:

- 1) 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.
- 2) Regarding the objector's concerns, the Authority noted that it is not within its remit to monitor, approve or enforce Restrictive Covenants. Notwithstanding, the Authority noted that clause 27 of the covenants attached to the objector's letter indicates a duplex would be allowed on the subject parcel.

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment

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

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.

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 is man-modified and of low ecological value.

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. We recommend that native plants are incorporated into any future 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.

APPLICANT'S LETTER

On behalf of our client, Mr. Oniel Ewers, we are kindly requesting a variation on the minimum lot sizes for the proposed Raw Land Strata lots, as it relates to Planning Regulation 8(13).

This housing development has been submitted for approval and we are kindly requesting the stratification of the building footprint. This will include land usage for unit entitlement for the new owners to enjoy private and personal space which is more geared towards a duplex concept. We are kindly requesting a favorable review into this proposal.

Your approval for the variation would be greatly appreciated. Should you have any questions or require any additional data please call our office.

OBJECTIONS

Letter #1

I am writing in respect of the application for Block 25C383 to divide a piece of land into four raw land state lots.

I wish to object on the basis that the subdivision in which this property is located is intended for single family dwellings only.

Letter #2

We are writing in respect of the application for Block 25C383 to divide a piece of land into four raw land state lots.

We wish to object on the basis that the subdivision in which this property is located is intended for single family dwellings only.

Attached are the covenants for the subdivision which show this in Item 1 of the Second Schedule. These covenants have been registered.

Covenant Documents

See Appendix A

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 4 lot land strata subdivision located on Raven Ave., Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Compliance to Regulation 9(8)(ja)

As noted above, a duplex has been granted planning permission on the subject property. The applicant now wishes to create a 4 lot land strata subdivision that includes a lot for each side of the duplex, lots for the rear and side yard areas for each side of the duplex and a common area between the duplex and the road. The proposed lots range in size from 1,614 sq ft to 2,722 sq ft. Regulation 9(8)(ja) states “*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 consider if the proposed development can be considered under the above-mentioned regulation.

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans.

2.3 RENEE MYLES (Abernethy & Associates) Block 32C Parcel 56 (P19-0172) (\$3,017) (EJ)

Application for a two lot subdivision.

Appearance at 11:30am

FACTS

| | |
|-----------------------------|--|
| <i>Location</i> | Off Shamrock Road, Lower Valley |
| <i>Zoning</i> | LDR |
| <i>Notification result</i> | No objectors |
| <i>Parcel size existing</i> | 2.222 ac. (96,790 sq. ft.) |
| <i>Parcel size required</i> | 10,000 sq. ft. |
| <i>Parcel size proposed</i> | Lot-1 = 21,815 sq. ft. or 0.5008 acres Lot-2 = 75,053 sq. ft. or 1.7229 acres |

BACKGROUND

September 27, 2023 (**CPA/23/23; Item 2.20**) - The Authority adjourned the application in order to circulate to agencies for comments.

November 8, 2023 (**CPA/26/23; Item 2.18**) - The Authority adjourned the application for a two-lot subdivision in order for applicant to appear before the Authority to discuss concerns regarding the access for proposed lot 2 and the status of the existing right-of-way traversing over the property.

Decision: It was resolved to adjourn the application at the applicant's request in order to resolve the easement issue and then submit a revised plan.

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment

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

Stormwater Management

- *This development is located over the **Lower Valley fresh water lens** or within the 500m buffer zone of the lens. In order to protect the fresh water lens, the Water Authority requests that stormwater drainage wells are drilled to a **maximum depth of 60ft** instead of the standard depth of 100ft as required by the NRA.*

Water Supply

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

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

The NRA has no objections or concerns regarding the above proposed two lot subdivision.

Department of Environment

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

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

*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 condition in any planning permission to minimise impacts to 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.*

APPLICANT'S LETTER

Please find attached the amended proposed subdivision plan. The purchaser of Lot 1 is the proprietor of 32C 264 and her mother is the proprietor of 32C 263. They are both willing to grant a 24' vehicular right of way through their parcels over the existing 24' VROW to Lot 1.

PLANNING DEPARTMENT ANALYSIS

General

The proposed two-lot subdivision located off Shamrock Road and adjacent to Midnight Road.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Right-Of-Way

The proposed lots meet the regulations for minimum lots size for houses and duplexes; however, there is right-of-way over 32C465 from Shamrock Road and link to Midnight Road but no confirmation as to the size; therefore, the applicant is seeking permission for a 24' Vehicular Right of Way over the eastern boundary of 32C63 and 32C64 only in order to access proposed lot 1. The Authority is asked to consider if it is satisfied with the proposed 24 VROW.

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans.

At 11:30am, Renee Myles appeared as the applicant and was joined by her agent, Greg Abernethy (GA). Summary notes are provided as follows:

- GA provided several comments:
 - This is a family subdivision
 - His client is buying lot 1
 - She owns Parcel 264 and her mom owns parcel 263
 - They agreed to provide a right-of-way to L1
 - It seems there is a concern with the easement that runs through the middle
 - This is an A level easement and pre-dates land registry
 - Mr. Jackson asked to have it re-aligned slightly
 - He spoke with the Lands and Survey Department about re-aligning it
 - The Assistant Registrar thinks they have to get approval from everyone who benefits from the easement and that could be 1000 people or 5 people
 - They are working on the easement issue
 - Mr. Jackson owns Parcel 465 and there will be an easement over that parcel for L2
 - He has put in a revised plan to show the re-aligned easements
- There was a general discussion about A level easements and the time frame for re-aligning them.
- GA noted that the purpose is for L1 to be for his client's kids. He noted the plan is to sort out the easement and submit a revised plan.
- CPA asked if he can get something in writing from the Registrar regarding the process for re-aligning the easement.
- GA replied he would try.

2.4 FS INC (Johnson Design & Architecture) Block 43D Parcel 175 (P23-0624) (\$100.0 million) (NP)

Application for 157 apartments, cabanas & pools.

Appearance at 1:00pm

Ian Pairaudeau declared a conflict and left the meeting room. Kenneth Ebanks declared a conflict and was placed in the Zoom waiting room. Handel Whittaker sat as the Acting Chair.

FACTS

| | |
|---------------------------------------|-------------------------------|
| <i>Location</i> | Bodden Town Road, Bodden Town |
| <i>Zoning</i> | Hotel/Tourism |
| <i>Notification Results</i> | Objections |
| <i>Parcel size</i> | 6.3 acres |
| <i>Parcel size required</i> | 0.5 acres |
| <i>Current use</i> | Vacant |
| <i>Proposed use</i> | Apartments, Cabanas & Pool |
| <i>Proposed Building Area</i> | 323,196 sq. ft. |
| <i>Bldg Site Coverage Permitted</i> | 40% |
| <i>Bldg Site Coverage Proposed</i> | 34.9% |
| <i>Total Site Coverage Permitted</i> | 75% |
| <i>Total Site Coverage Proposed</i> | 38.2% |
| <i>Number of Permitted Apartments</i> | 157 |
| <i>Number of Proposed Apartments</i> | 157 |
| <i>Parking Required</i> | 236 |
| <i>Parking Proposed</i> | 243 |

BACKGROUND

November 22, 2023 (**CPA/28/23; Item 2.2**) – Prior to a full review under the Development and Planning Act (2021 Revision), The Development Plan 1997 and the Development and Planning Regulations (Rev 2022) and after only reviewing the proposal in detail with the applicants regarding Section 41(3) of the National Conservation Act (2014) (NCA) and reviewing the list of definitions of adverse effects in Section 2 (a-1) of the NCA, it was resolved to adjourn the application and refer the matter to the National Conservation Council pursuant to Section 41(3) of the NCA as there may be potential adverse effects.

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

- 1) The plans depict a 6 storey building and that does not comply with Regulation 8(2)(e). The applicant is required to submit revised plans showing the building reduced to 5 storeys, with the reduction in storeys coming from above the parking level. The parking level must remain as it is, i.e. no encroachment into or disturbance of the beach ridge.

AGENCY COMMENTS

The Authority received and considered comments from the Water Authority, Fire Department, Department of Environmental Health, National Roads Authority and the Department of 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 38,700 US gallons per day (gpd), based on the following calculations.*

| BUILDINGS | UNITS/BLDG | GPD/UNIT | GPD/BLDG | GPD |
|-----------------------|--------------------|-------------|---------------|------------|
| Buildings 5-6 Phase 1 | 31 units each | 225/300/375 | 7,425 | 14,850 GPD |
| Buildings 3-4 Phase 2 | 23 units each | 225/300 | 5,475 | 10,950 GPD |
| Buildings 1-2 Phase 3 | 23- & 31-units ea. | 225/300/375 | 5,475 & 7,425 | 12,900 GPD |
| TOTAL | | | | 38,700 GPD |

- *Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards. The minimum well casing diameter for this development shall be 10’’. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 5’12’’ 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.*

Underground ATUs

- *The drawings indicate that the wastewater treatment plant is proposed to be buried and/or is located within a traffic area. The Water Authority will not approve buried ATUs with the exception of those proposed under approved handicapped parking* OR within non-traffic, landscaped areas of the property.*

Queries regarding the burial of ATUs and additional requirements can be forwarded to development.control@waterauthority.ky.

** All components of the ATU must be located within the handicapped parking spaces.*

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

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.

Water Supply

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

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

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

Fire Department

The Fire Department has stamp approved the drawings.

Department of Environmental Health

Solid Waste Facility: The proposed development would require (4) 8 cubic yard containers with three times per week servicing Below are the guidelines for Onsite Solid Waste Management:

Location of enclosure

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

Minimum vertical clearance

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

Access to enclosure

The service vehicles shall be able to enter and exit the site without having to reverse onto the highway. The enclosure shall be located away from overhead power lines and other protrusions that can cause electrical shock, injury, or other difficulties during servicing. A vertical clearance of at least 15 feet is required over the entire approach to and from the enclosure. A minimum straight approach of 50 feet should be provided directly in front of the facility to allow the vehicle sufficient area to back out of the facility. A turn around or separate exit that allows the truck to move forward rather than backwards is required. A minimum backup distance of 50 feet is required for any manoeuvre and must be in a straight line. The driveway shall be constructed to withstand trucks weighing up to 62,000 lbs.

Angle of approach

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

Turning radius The turning radius required for access to the enclosure must be adequate a 3-axil truck. The over overall length of the truck is 36 feet and the overall width is 8.5 feet. A minimum outside turning radius of 46 feet is required. The minimum inside radius shall be 33 feet.

NOTE: The drain for the enclosure must be plumbed to a garbage enclosure disposal well as per the Water Authority's specifications.

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

National Roads Authority

Memorandum #1 (August 28, 2023)

As per your memo dated August 14th, 2023 the NRA has reviewed the above-mentioned planning

proposal. Please find below our comments and recommendations based on the site plan provided.

General Issue

- Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide. Therefore, a driveway of 16ft. does meet NRA standards.*
- A six (6) foot sidewalk shall be constructed on Bodden Town Road, within the property boundary, to NRA standards.*
- Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft.*
- The NRA would like the CPA to advise the applicant to accommodate a bus stop along Bodden Town Road and recessed in the sidewalk.*
- One-way driveway aisles with perpendicular parking are required to be Twenty-Two (22) ft.*

Road Capacity Issues

The traffic demand to be generated by a residential development of 157 apartment units has been assessed in accordance with ITE Code 220 - apartment. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM

peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Bodden Town Road is as follows:

| <i>Expected Daily Trip</i> | <i>AM Peak Hour Total Traffic</i> | <i>AM Peak 20% In</i> | <i>AM Peak 80% Out</i> | <i>PM Peak Hour Total Traffic</i> | <i>PM Peak 65% In</i> | <i>PM Peak 35% Out</i> |
|----------------------------|-----------------------------------|-----------------------|------------------------|-----------------------------------|-----------------------|------------------------|
| 1,044 | 80 | 16 | 64 | 97 | 63 | 34 |

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

Access and Traffic Management Issues

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 Bodden Town Road. Suggested dimensions of the ‘hump’ would be a width of 6 feet and height of 2 -4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins*

are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.

- Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Detail.s.pdf>)

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

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

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

Memorandum #2 (November 7, 2023)

As per your memo dated October 19th, 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 regarding the above revised proposed six apartment building, three pools, and two cabanas. The applicant has satisfied NRA concerns with the entrance & exit curves, widths of the one & two-way drive way aisles, increasing the sidewalk, and adding a bus stop on Boden Town Road. However, all other conditions still apply as referenced in memorandum dated August 28th, 2023.

Department of Environment (September 14, 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 consists predominantly of primary coastal shrubland habitat. 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.

The sandy eastern portion of the application site and the neighbouring parcels to the east have experienced turtle nesting activity this 2023 turtle nesting season. Given the height and density of the development, there is also the potential for artificial lighting associated with the proposed development to impact turtle nesting habitat to the west and the east of the proposed site.

Strong Currents

The Department wishes to highlight that there are strong currents in this area. The water that comes over the reef exits through the break in the reef at this location as shown in Figure 1 below. These currents may make it unsafe for some in-water activities such as offshore swimming and snorkeling.

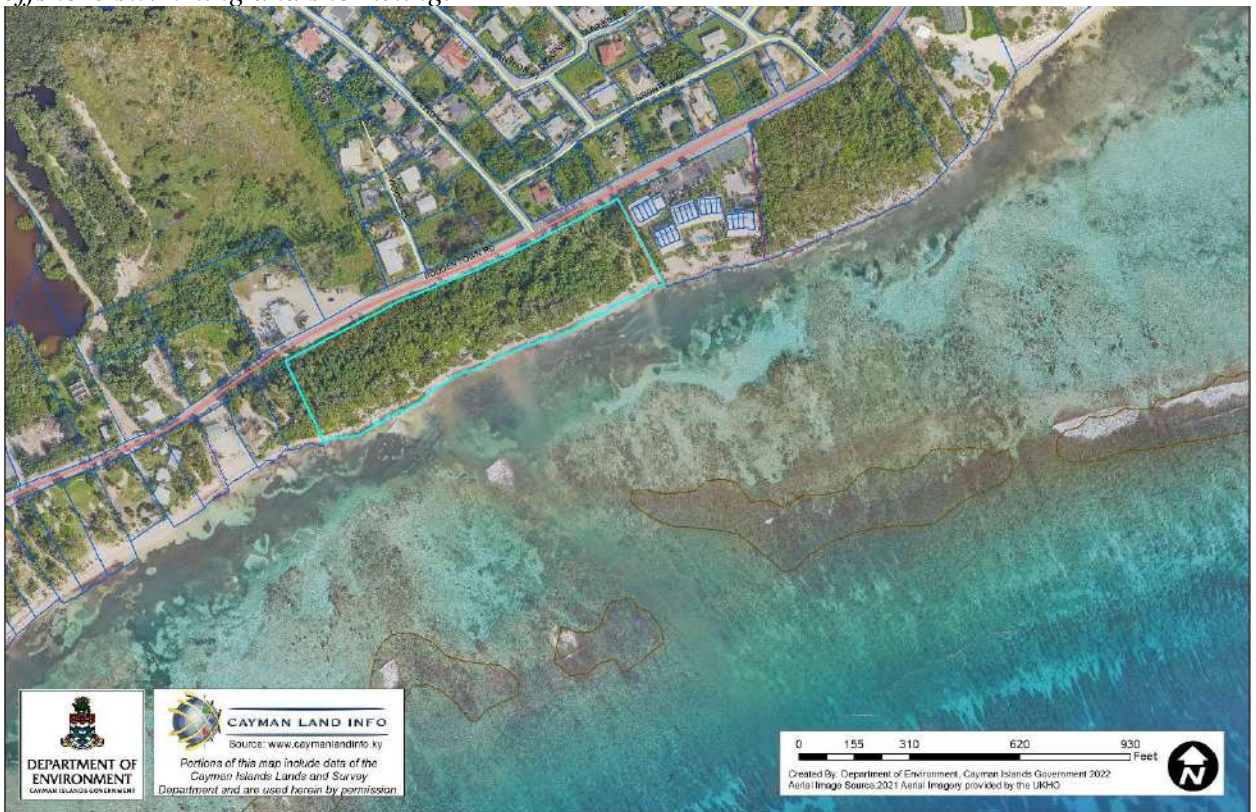


Figure 1: 2021 aerial imagery showing the break in the reef where the outflow exits creating strong currents in front of the application site outlined in light blue. (Imagery Source: UKHO, 2021)

Impacts on Turtle Nesting

All marine turtle species are listed in Part 1 of Schedule 1 of the National Conservation Act, 2013, as being 'protected at all times'.

The main threats to sea turtles from development are:

- *Construction on the beach directly or indirectly impacting mature and hatchling sea turtles,*
- *Development on the beach directly removing nesting areas and indirectly impacting the nesting habitat through modification and degradation of the natural beach,*
- *Artificial lighting causing mature females to be deterred from nesting and hatchling turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators or vehicles, and*
- *Loss of coastal vegetation.*

Construction Impacts on Turtle Nesting

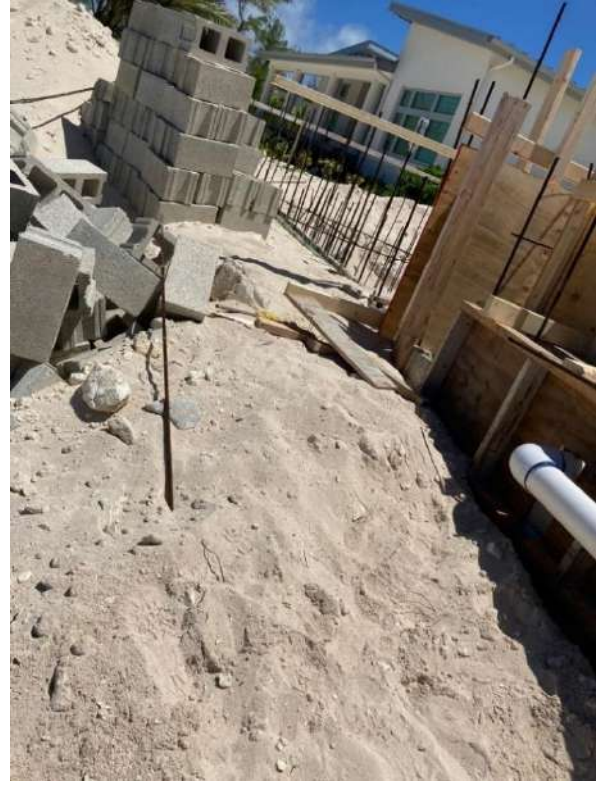
Operating heavy machinery during land clearing and construction presents a threat to nesting sea turtles. Construction works not only disturb the physical nesting habitat but heavy machinery and associated works can crush or bury baby sea turtles and turtle nests.

The excavation of the foundations will likely result in a large quantity of sand. We recommend that any excavated sand is retained on-site.

Nesting sea turtles often use vegetation as a cue for nesting, and will crawl landwards up the beach until they reach the vegetation, or on a modified beach, a hard structure. When the vegetation is removed for construction, sea turtles can enter construction sites and be harmed. Figures 2 through 5 show sea turtle tracks directly up to construction sites. The DoE has also been called to respond numerous times to sea turtles who have become trapped in construction sites. Figure 6 shows a sea turtle hatchling that was killed due to heavy equipment being operated on the beach.



Figures 2 & 3: Sea turtle tracks showing that the sea turtle has crawled up the beach until it reached a construction site (Source: DoE and Tammy Kelderman, 2021). The fence pictured is dangerous to sea turtles as it is sharp, rusty and not secure.



Figures 4 & 5: DoE photo showing turtle tracks within a construction site on a turtle nesting beach. This site did not have temporary beachside construction fencing to prevent turtles from entering the site. The turtle could have or may have been injured by construction materials and debris on-site (Source: DoE, 2023).



Figure 6: A dead sea turtle hatchling, which was killed by heavy equipment operating on the beach (Source: DoE, 2022).

*For these reasons, construction fencing suitable for excluding turtles must be installed prior to the commencement of demolition and/or site works. Mesh fencing, Heras fencing, and chainlink fencing are all **unacceptable** as they can be dangerous to turtles, and do not exclude them from the site. Mature green sea turtles weigh around 300 to 400 lbs and are capable and strong diggers.*

Temporary beachside construction fencing must be:

- *Located as far landward as possible to leave room/habitat for the turtles to nest during the work;*
- *Made from a sturdy/solid material like plywood with no gaps (i.e. not chainlink fencing or the orange plastic fencing with holes as hatchlings can crawl through these and adults can knock it down or become tangled);*
- *Embedded at least 2 feet into the sand so that turtles cannot dig it out or crawl under;*
- *Installed in a manner that any nailing of the wood will be done so that the sharp ends are located on the landside of the fencing to prevent injury to turtles;*
- *Suitable to contain all excavated material, construction materials, and demolition waste landward of the fencing; and*
- *Installed so that it does not block public access along the foreshore and **not** installed along or seaward of the Mean High Water Mark.*



Figure 7: An example of suitable construction fencing to protect turtles (Source: DoE, 2022).

Impacts of Artificial Lighting on Turtle Nesting

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

Turtle friendly lighting has been a legal requirement in ordinances in the United States for over 30 years. It is a proven solution to prevent the misorientation of sea turtles whilst safely and effectively lighting beachside properties. Figures 8-10 show examples of properties in Grand Cayman that have turtle friendly lighting installed. Artificial lighting from the proposed property would have the potential to impact the turtle nesting beach therefore, the submission of a turtle friendly lighting plan will be required to minimise the impacts of artificial lighting.



Figures 8-10: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman.

Coastal Vegetation

We support the applicant’s retention of existing native coastal vegetation on-site. Coastal habitat incorporates a variety of salt and wind-tolerant flora. Native coastal vegetation is becoming rarer as development on the coast increases. Coastal shrubland is high in ecological value, providing a biodiverse habitat for native wildlife in addition to stabilising the shoreline and reducing erosion. Once vegetation has been cleared, it often results in wind-borne erosion of the land and general coastal erosion. Coastal vegetation is therefore important for the integrity of the beach. Beach vegetation is also thought to play an important role in sea turtle nest site selection, hatch success, hatchling fitness, sex ratio, and sea finding. We recommend that the existing vegetation be underbrushed to create pathways to the beach and provide shade areas within the landscaping and outside of the paths to the beach, the vegetation be retained (see examples in Figures 11-13). We also recommend the use of native vegetation and planting throughout the landscaping scheme.



Figures 11-13: Example photos of a property in Grand Cayman which retained coastal vegetation and created a path to the beach.

Polystyrene Pollution

The Department has witnessed and experienced complaints from members of the public regarding pollution from expanded polystyrene (EPS) beads on construction sites around the island. EPS is used in a variety of applications, including thermal insulation in buildings, civil engineering applications and decorative mouldings and panels. During construction, once EPS is cut, tiny microbeads are blown into the air, polluting neighbouring yards, stormwater drains, and nearby water bodies. Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when they enter the food chain. EPS beads that make their way to the sea can be mistaken by fish and birds as fish eggs and have the potential to cause blockages in their digestive systems. These beads are very difficult to remove once they enter the water and they do not naturally break down.

DOE RECOMMENDATIONS

If the Central Planning Authority or Planning Department is minded to approve this development, the following conditions should be included in any grant of planning permission:

- 1. The applicant shall prepare and submit a plan for review and approval to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. Guidance on developing a lighting plan can be found in the Department of Environment's Turtle Friendly Lighting: Technical Advice Note (September 2018) available at <https://doe.ky/marine/turtles/tfl/>. The DoE's written approval must be received by the Planning Department prior to the issuance of the Building Permit.*
- 2. No construction work, vehicle access, storage of equipment/materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November yearly) without the express consent of the DoE.*
- 3. Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.*
- 4. Prior to the commencement of works, temporary beachside construction fencing associated with the works shall be positioned as far landward as possible to maximize turtle nesting habitat. Where no hard structure forms a barrier the fencing shall be positioned a minimum of 75ft from the Mean High Water Mark. The fencing shall be erected so that it fully encloses the beach-facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles entering the construction site or digging under the fencing, during nesting season.*
- 5. Lighting and specifications for visible light transmittance shall be installed and maintained in accordance with the turtle friendly lighting plan which has been reviewed and approved by the Department of Environment. The DoE will inspect the exterior lighting and specifications for visible light transmittance for compliance with the approved turtle friendly lighting plan once construction and the installation of the*

fixtures are complete. Confirmation of the Department of Environment’s written approval of the installed exterior lighting after the inspection must be received by the Planning Department prior to the issuance of the Certificate of Occupancy.

- 6. All construction materials and debris shall be stockpiled at least 75 feet from the Mean High Water Mark to prevent material from entering the marine environment. If beachside construction fencing is required or will be installed, all construction materials, fill, sand, equipment, and/or debris shall be stockpiled landward of the beachside construction fencing.*
- 7. 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 environment.*
- 8. Should there be any sand excavated during construction, beach-quality sand shall be retained on-site and placed along the active beach profile. If sand is to be placed on the beach during turtle nesting season (1st May – 30th November yearly), the express consent of the DoE is required to ensure that turtle nests are not adversely impacted.*

If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand off-site, it should be the subject of a separate consultation with the National Conservation Council.

National Conservation Council – December 15, 2023

We provided comments on this application on 24 September 2023, please see the previously uploaded review. It is unclear to us why the CPA has chosen to delay the application in this manner and to continue to not follow the Court of Appeal’s Judgement and the way forward that was agreed at a recent meeting between the CPA, NCC and the Departments of Planning and Environment. We apologise to the applicant on behalf of the government for this unnecessary delay.

Public Lands Commission

The Public Lands Commission writes in reference to the subject application submitted by Johnson Design + Architecture to the Central Planning Authority regarding the proposed SeaGlass, development comprising of six apartment buildings; 3 pools; two 2S6 sq.ft. cabanas.

The Public Lands Commission has been established under the Public Lands Act (2020 Revision) and one of its mandates under section 5 (b) is:

“to protect the right of access to and use of public land by members of the public, including the enforcement of public rights of way over private lands.”

Subsequent to the Public Lands Commission review and investigation of the matter, the following has been noted:

- 1. There are no historic prescriptive public rights of way recorded in the Beach Access Report as affecting this Parcel.*
- 2. There is one existing registered public right of way affecting this Parcel—known as ‘BT7’—of 6ft width on the east boundary dating from 1984.*

As the zoning is Hotel Tourism, the relevant part of the Development & Planning Regulations 2022 is Regulation 32, which requires the landowner to set aside and dedicate to the public a right of way of not less than six feet in width per every two hundred feet or part thereof, from a road to the sea, on the subject property.

- 3. The Parcel appears to have a shoreline length of 1,050 feet and it is noted that the developer is offering 2 x 20 ft public rights of way; one at each end of the parcel.*

After due consideration The Public Lands Commission requests that the individual 6 ft public rights of way to the sea be located every 200 feet as provided for in Regulation 32; i.e. not rolled up into two x 20 ft public rights of way at each end.

We also at this time wish to take the opportunity to advise that while the Central Planning Authority (CPA) has the power to consider and approve amendments to conditions of planning approval, the CPA nor any other body in the Cayman Islands Government has the power to modify or extinguish a registered public right of way. A registered public right of way can only be modified or extinguished via an application to the Grand Court in accordance with Section 98D of the Registered Land Act (2018 Revision) with the exception of an indefeasible right of way.

Civil Aviation Authority

Comments have yet to be received from the CAA.

OBJECTORS LETTERS

Please see Appendix B.

APPLICANT’S LETTER

Please accept this planning application for a 157 luxury apartment project on a 1,037 linear foot vacant seafront parcel in Moon Bay, on the outskirts of Bodden Town. The proposed six buildings (each five-story tall) sit on a 6.31 acre rectangular site, zoned as

Hotel/Tourism, with permitted development uses for apartments, Cottage colony and Hotel.

In support of this application, please note the following points:

Site Plan /Building Massing

The buildings are arranged based on the site setbacks. Given the zoning, these are 130', 145' and 160' High Water Mark setbacks. The buildings are configured along the length of the site, nestled behind the existing natural ridgeline and spaced to allow for 3 pools and 2 garden courtyards between them. Each of the buildings sit on and are connected through a shared basement parking undercroft. A critical approach to the site design was to retain the natural ridgeline, natural vegetation to the greatest extent as well as preserve as much of the natural features and character of the site by limiting the actual building footprint.

No buildings breach the site setbacks or the number of allowable apartments. The project will be phased in 3 parts, each phase constructing a pair of buildings at a time, as diagrammed in A - 004. The linear nature of site lends to phasing and by simply building from east to west is the most effective strategy for building the proposed structures and services. A total of 40' width Public beach right of way at either end of the site has been provided of the 36' that is required.

Design Intent

The project is composed primarily of 1 and 2 bed apartments with penthouse units on the top 2 levels. All apartments have views to the sea. Floor to ceiling, wall to wall glass facades both provide natural daylight into the buildings and maximize views. Large wrap-around balconies with kitchenettes and outside showers allow for generous outside living and deep shading. The project was designed intentionally to have a high façade to floorplan ratio, several buildings are proposed here instead of a single block of apartments to break-up the massing, allow for large green courtyards between the buildings and provide a high amount of exterior wall per apartment. Altogether, a high standard of residential design is put forward and can be referenced in the renderings.

Undercroft Parking

Parking is provided in the basement with an arrangement that is both efficient (more parking spaces are provided than required by planning) and easy to use (6 loops within a single large loop makes driving simple and intuitive). Each building has a basement lobby to easily access parking. A horizontal cable vegetation system allows for the basement roof to be greened, eliminates the need for mechanical air recirculation and provides natural light into a typically dark undercroft space. The basement parking also eliminates the need to have any surface parking, which would add to site coverage and require removing existing natural foliage on this vacant site. In fact, given the building design and arrangement with a parking undercroft, the building footprint is minimized to 30% of the site area, 10% less than the 40% permitted by planning.

Design Team and Authorities

Given the size and complexity of the project, we interfaced on several occasions with the Authorities (Fire Dept., NRA, CUC, WA, Planning and DoEH) to address and incorporate their requirements, advice and or guidance into the project. These technical and local authority requirements are embedded into the project design.

In an early integrated approach, we worked with a team of MEPF and structural engineers to develop the design. Mechanical, Electrical, Plumbing, Wastewater Treatment, Sprinklers, Fire Alarm, Vertical Circulation and Structure systems have been designed by the Architecture and Engineering teams. Sprinkler reservoirs, generators, CUC transformers, dumpsters, AC condensers, elevators, trash chutes and parking have all been designed to work with phasing.

The renderings in this application are meaningful and well evolved because of this design team integration.

Please review this application in the context of the above and note that the renderings and drawings in this planning package are the culmination of 1.5 years of design optioneering, handmade models, 3-D printed models, numerous meetings, site analysis and development. In summary, a few points to highlight:

- 1. The building placement retains the natural ridgeline to the greatest extent*
- 2. More public beach access is provided than required*
- 3. Site coverage is well below the maximum allowed (30% instead of 40%)*
- 4. More parking is provided than is required*
- 5. No setback variances or breaches have been submitted*
- 6. No density (apartment or room count) variances have been submitted*
- 7. A bus stop with seating has been accommodated on site.*
- 8. Preserve and retain, as much as possible, the natural features and character of the site, especially along the waterfront*
- 9. Bring vegetation in and around the residences all the way to the road*

We have worked hard in an early integrated, team approach with the client team, CI government authorities and core consultant groups to put forward a project that's both sensitive to the site and delivers exceptional residential buildings.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Bodden Town Road, immediately west of the Moon Bay Condominium complex. The site is presently vacant.

The proposal is to construct six buildings with three pools and three cabanas. The proposed six buildings would have a total of 157 apartments and there would be covered parking for 243 vehicles.

The proposal also includes two 18 foot wide public rights-of-way, one on the east side of the proposal and the other on the west side. This would satisfy Regulation 32, which requires six feet of public right-of-way for each two hundred feet of frontage. It is noted that this property has 1,037 feet of frontage.

Zoning

The property is zoned Hotel/Tourism.

Specific Issues

1) Height of Building

Regulation 8(2)(e)(i) states that in Hotel/Tourism zone, the maximum permitted height is sixty-five feet or five storeys, whichever is less.

Regulation 2 defines “height of building” as the vertical distance measured from the highest point on a proposed or existing building to the proposed finished grade directly below that point; and for the purposes of this definition, “finished grade” means the highest grade within five feet of the building and includes natural grade when no terrain alteration is proposed.

Regulation 2 also defines “storey” and this means that portion of a building included between the surface of any floor and the surface of the floor next above or if there be no floor above it, then the space between such floor and the ceiling next above it.

With respect to the proposed building, it would appear that the proposed covered parking constitutes a storey and the result is a six storey building with 77’6” of height, which would not satisfy Regulation 8(2)(e). It is also noted that the proposed rooftop structures were not included as a storey, in keeping with Regulation 8(4) height exemptions.

The Authority should discuss the height of the building and the number of storeys proposed.

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans. Comments from the PLC have now been received, see above.

At 1:00pm, Rob Johnson (RJ), Brian MacDonald (BM), Steve Ferry and James Gillman appeared on behalf of the applicant. John Wooding, Helen Wightman, Joseph Woods and Dwain McGuinness appeared as objectors. Summary notes are provided as follows:

- CPA asked if the applicant has seen the comments from DOE.
- RJ replied they have read all of the comments in the Agenda and have analysed them.
- CPA reminded everyone of the process with s41(3) of the NCA and NCC comments and that everyone has been brought back to hear the application and the objectors will have a chance to speak to the application.
- RJ provided several comments from his speaking notes:
 - he explained the site location
 - he described the site size and sea frontage
 - the project meets or exceeds planning requirements
 - they seek no variances
 - they care deeply are for the Island
 - they have taken a sensitive approach to the site development
 - the buildings are arranged around required setbacks
 - he described the site layout
 - there is a shared parking undercroft
 - they will retain the natural ridge line and as much vegetation as possible
 - they haven't maxed out the site coverage
 - they meet setbacks and density
 - 40' of public access to the waterfront has been provided which is more than required
 - He described the unit layout
 - There are several buildings, not one block, which breaks up the massing and provides areas for landscaping
 - There is a high level of design
 - The parking is in the basement and it is efficient and easy to use and there are more spaces than required
 - Basement parking reduces surface parking which decreases the site coverage and allows them to retain foliage

- They interfaced with authorities several times and he listed the various agencies
- They also worked with engineers for the design
- This has gone through 1 ½ years of design options and models
- CPA asked RJ to address building height.
- RJ replied with several comments:
 - This is a 5 storey building
 - They did an environmental survey
 - There is a large ridge at about 19' above mean sea level
 - There is indigenous vegetation across the site
 - There is an ironshore bluff that runs into beach
 - The section drawings show the building nestled behind the ridge line
 - By being behind the ridge this will help with storm surge
 - The buildings are on a podium
 - The finished grade is done to address Regulation 2
 - the finished grade on the far east and west sides of the site which expose the parking 'basement' is because they needed a level surface for the fire lanes from the main road
 - If there needs to be a completely subterranean parking level then they would have to cut into the ridge line and the first floor of the condos would be looking into the back of the ridge without any view of the sea
 - This is a beautiful site and they have used a soft touch
- CPA asked how far back is the building from the ridge.
- RJ replied it varies along the length of the site. He explained they have a diagram and it shows the peak of the ridge and the setback from the ridge ranges from 45' to 86'. He noted that in some areas they will have to remove a little bit of the bluff.
- CPA asked if RJ could hand out his display boards, which was done.
- CPA noted that RJ has said he read the Agenda so he would have seen the issue of building height as it is 6 storeys and the CPA has no power to vary the number of stories. CPA asked if RJ is saying they have 6 storeys because if they have 5 they will have to dig into the ridge.
- RJ replied that what is in the Agenda mis-represents the situation. He noted that Regulation 2 defines finished grade 5' from the building so when you measure 5' from the building there are only 5 storeys above.

- CPA noted that where the fire lane is, the whole level is visible and counts as a storey.
- RJ explained that a lot happens on the sides of the buildings. He noted that only 2 ½% of the total building façade is on the sides and there are 10' wide planters which gives the 5 storeys above them. He noted that they worked with the authorities and Fire needs a 20' lane which forced a level surface. He noted also that there is public access on the sides so they are 20' clear.
- CPA noted there have been applications with 20' fire lanes, but the only areas not filled are where the ramps to the underground parking are located.
- CPA noted that the fire lanes are 20', but only 18' is required for public access. RJ noted they are going for 20' public access.
- RJ noted there are a number of variables at play on the sides including bollards at two openings for emergency access.
- CPA noted that the elevations show parts of the parking level fully exposed so it is 6 storeys.
- RJ noted they are taking the height from the planters.
- CPA asked if they are taking the height from a manmade feature and RJ replied yes.
- CPA asked what happens between the buildings for finished grade where the pools are located, in between buildings 2 & 3 and 4 & 5.
- RJ replied there are gardens at the ground floor grade which is the same grade as the pools.
- CPA looked at the basement plan and noted there are two entry/exits. RJ noted that NRA is okay with it as they worked closely with them.
- CPA asked if the service gates in the basement will remain and RJ replied yes, that is where the bollards are located.
- RJ noted there are two more places for fire access, between Buildings 2 & 3 and Buildings 4 & 5, they are cut into the landscape area.
- CPA asked if the fire truck reverses onto the road and RJ replied yes, it would work like at Seven Mile Beach developments.
- RJ noted they have stamped approved plans from Fire.
- CPA asked that when you drive off Bodden Town Road are you at the same level as the parking and RJ replied yes, you drive right in.

- CPA asked if the building is sprinklered and RJ replied it is. CPA asked is there a cistern and RJ replied yes, there are primary and secondary cisterns and they are located under the basement.
- CPA asked what size are the cisterns. BM replied 70,000 gal for one and the other two are 30,000 gal.
- There was a general discussion about the garbage dumpsters and their locations.
- CPA asked about sewage infrastructure.
- RJ replied there are two sewage treatment plants, between buildings 1 & 2 and between buildings 2 & 3. He noted they are located in the basement, below the asphalt surface and will be engineered per Water Authority requirements.
- CPA noted they may have trouble digging there because of the water table. RJ explained they will be more shallow, but they may have to dig into the water table.
- BM explained how the sewage treatment plants would work in the lower level.
- CPA asked that regarding infrastructure, for a development of this magnitude does Bodden Town have the infrastructure to sustain it and is it in keeping with the character of the area.
- RJ replied with several comments:
 - They have given these issues tremendous thought
 - They have largely relied on the authorities and their rules and regulations
 - Regarding car traffic, NRA says impact will be minimal
 - For waste water treatment they will abide by Water Authority's requirements
 - So from a technical aspect they are more than okay, they are fully supported
 - The site is zoned H/T and has been that way for a long time
 - This is one of the few H/T sites around Bodden Town
 - The project is 100% within zoning and has the character of what the site is zoned for
- CPA noted it doesn't want to knock NRA, but given what the traffic is now, after this project the traffic will increase significantly, the reality is different from what NRA is saying.
- RJ noted that they see the project being used by owners, renters and visitors. He noted there is traffic congestion at a certain band width in the morning and evening and a lot of people staying here won't have jobs in town or kids that have to be taken to town. He noted they worked with NRA and they say the impact will be minimal.

- CPA asked to hear from the objectors.
- Objector asked how many parking spaces are there and RJ replied 243 which is more than what is required.
- Mr. Woods noted he doesn't object, he supports the project. He noted he lives across the street. He explained that the road is only two lanes and asked if they have considered a turning lane. He noted it only take ones person trying to turn on this two lane road and everyone will be backed up behind.
- CPA asked if the applicant has considered putting in a turning lane.
- RJ replied he thought it was up to NRA to decide on that issue.
- CPA asked if the applicant would meet with NRA to try and establish a turning lane and RJ replied yes.
- Objector noted they have 4 and 5 years old kids and they have to leave at 5am to get to school on time. They noted this is clearly not being built for the people of Bodden Town, it must be for visitors because if it is for the people of Bodden Town then there will be an increase in traffic, they can't have it both ways.
- RJ noted they worked with NRA and they say there will be minimal impact and apparently they will be building a new road and roundabout.
- Objector noted that maybe the project should be delayed until the new road is there.
- RJ said he can't comment on that.
- Objector noted that there is a change in speed limit to the east and cars are approaching very fast from the east and there could be a problem with cars going in and out of this development.
- Objector noted that someone was killed at this spot two weeks before the last meeting when this application was heard.
- Objector noted that on the face of it, they support the project. They love Bodden Town and want to keep some of its original charm. He noted he is unhappy with the height as Moon Bay next door will be dwarfed by this project. They would like to see the building no higher than Moon Bay, it is too high for Bodden Town.
- CPA provided several comments:
 - As noted in the Agenda, there are comments from the NCC regarding s41(3)
 - The memo accuses the CPA of not following the court decision but upon receiving DOE's comments in response to our section 7 DPA consultation, the CPA properly referred the matter to the NCC under section 41(3) of the NCA. This is the lawful process as determined by both laws and the Court of Appeal. The Authority felt it is important that parties understand this process, having

been before the CPA at its last meeting when the matter was referred to the NCC under s 41(3).

- It is a scathing, but short memo, accusing CPA of delaying projects and NCC apologized on behalf of Government
- CPA noted this same memo was also sent by the DOE on behalf of the NCC for other projects and CPA wrote NCC advising that the comments were out of order
- NCC agreed that the memo had gone a step too far
- It is unfortunate that neither DOE or NCC commented on the beach ridge
- CPA still has no comments from the environmental experts regarding the beach ridge

2.5 ERIC M. RIVERS (TRIO Architects) Block 24E Parcel 218 (P23-0920) (\$1.2 million) (NP)

Application for 3 townhouses.

Appearance at 2:00pm

FACTS

| | |
|--------------------------------------|--------------------------------|
| <i>Location</i> | Marina Drive, Prospect |
| <i>Zoning</i> | Low Density Residential |
| <i>Notification Results</i> | No objections |
| <i>Parcel size</i> | 10,998.9 sq ft |
| <i>Parcel size required</i> | 25,000 sq ft |
| <i>Current use</i> | Vacant |
| <i>Proposed use</i> | 3 Townhouses |
| <i>Building Footprint</i> | 2,799 sq ft |
| <i>Building Area</i> | 5,252 sq ft |
| <i>Bldg site coverage permitted</i> | 30% |
| <i>Bldg site coverage proposed</i> | 25.5% |
| <i>Total site coverage permitted</i> | 75% |
| <i>Total site coverage proposed</i> | 44.9% |
| <i>Units Permitted</i> | 3 |
| <i>Units Proposed</i> | 3 |
| <i>Bedrooms Permitted</i> | 6 |

| | |
|--------------------------|---|
| <i>Bedrooms Proposed</i> | 6 |
| <i>Parking Required</i> | 5 |
| <i>Parking Proposed</i> | 6 |

BACKGROUND

January 31, 2024 (CPA/04/24; Item 2.10) – It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the lot size and the suitability of the site for townhouses.

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) All construction materials shall be stockpiled at a minimum of 20 feet from the canal edge to reduce the possibility of run-off washing material and debris into the canal causing turbidity and impacting water quality.
- 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.
- 13) 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.

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

AGENCY COMMENTS

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

Department of Environment

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

The application site is man-modified and of limited ecological value. We recommend that native plants be incorporated 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 to the canal including to the environment and water quality.

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. All construction materials shall be stockpiled at a minimum of 20 feet from the canal edge to reduce the possibility of run-off washing material and debris into the canal causing turbidity and impacting water quality.
2. 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.

Water Authority Cayman

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

Wastewater Treatment & Disposal

- The developer shall provide a septic tank(s) with a capacity of at least 1,500 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>Unit 1</i> | <i>1 x 2-Bed Unit</i> | <i>225gpd/2-Bed Unit</i> | <i>225</i> |
| <i>Unit 2</i> | <i>1 x 2-Bed Unit</i> | <i>225gpd/2-Bed Unit</i> | <i>225</i> |
| <i>Unit 3</i> | <i>1 x 2-Bed Unit</i> | <i>225gpd/2-Bed Unit</i> | <i>225</i> |
| <i>TOTAL</i> | | | <i>675</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 5'8" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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

1. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank). 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 Environmental Health

Solid Waste Facility:

1. This development require 3 (33) gallon bins and an enclosure built to the department’s requirements. a. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic. b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure. Enclosure

Dimensions: Length: 7.5 feet Width: 2.5 feet Height: 2.5 feet

National Roads Authority

As per your memo 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.

Road Capacity Issues

The traffic demand to be generated by a residential development of three (3) multi-family units has been assessed in accordance with ITE Code 220 - Apartment. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Marina Drive is as follows:

| Expected Daily Trip | AM Peak Hour Total Traffic | AM Peak 20% In | AM Peak 80% Out | PM Peak Hour Total Traffic | PM Peak 65% In | PM Peak 35% Out |
|---------------------|----------------------------|----------------|-----------------|----------------------------|----------------|-----------------|
| 13 | 1 | 0 | 1 | 1 | 1 | 0 |

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

Access and Traffic Management Issues

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

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

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

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

Stormwater Management Issues

The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff within the subject parcel and retain existing drainage characteristics of the site as much as is feasible through innovative design and 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 Marina Drive. Suggested dimensions of the ‘hump’ would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.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.

Fire Department

The Fire Department has approved the drawings.

APPLICANT'S LETTER

I am writing on behalf of my client Eric Rivers for whom I am seeking a Variance based on regulations 9 (8)(f) of the Development & Planning Regulations (2022 Revisions).

We are applying to the Planning Authority for permission to build [3] – 2 Story Apartments on Block 24E Parcel 218 Marina Drive – Prospect.

Although the Parcel size is under the required SQFT the proposed development still falls well within the developable % of the site. There exist, on the adjacent parcels of equal size, similar developments.

Thanks for your kind consideration in this matter.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Marina Drive in Prospect.

The proposal is for three townhouses with six bedrooms and 6 parking spaces.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Size

Regulation 9(8)(f) states that the minimum lot size for apartments and townhouses in a LDR zone is 25,000 square feet.

The application is for townhouses on a parcel with 10,998.9 square feet.

The CPA should discuss whether a variance is warranted in this instance.

The Department would note that there are existing multi-family developments on similar sized parcels in the vicinity.

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans.

At 2:00pm Eric Rivers appeared as the applicant and he was joined by his agent, Aston Ebanks (AE). Summary notes are provided as follows:

- CPA asked for the application to be presented.
- AE provided several comments:
 - His client's property is on Marina Dr
 - Most of the properties in that area are of the same size
 - His client wants to build 3 apartments
 - The lot size is a bit smaller than what is recommended
 - They looked at the developments on surrounding properties and thought they would go forward with 3 apartments
 - The site coverage is 25%
 - Precedent has been set with the adjacent properties where there is a duplex and triplex
 - They included in the record some images of the area
 - The Board has discretion to grant in their favour
- CPA asked if these are 2 bedrooms or 1 bedroom units
- AE replied there are 2 bedrooms on the second floor.
- ER referred to the support letter and the photographs and explained the types of developments in the photos as a duplexes, 4 units and a triplex.

2.0 APPLICATIONS
(Items 2.6 to 2.32)

2.6 MOHAN SAMMY (Cayman Survey Associates Ltd.) Block 37E Parcel 184 (P23-0684) (\$5,000) (MW)

Applications for an ATF container with awning & an ATF shed.

FACTS

| | |
|-------------------------------------|---------------------------------|
| <i>Location</i> | Hudson Dr., Bodden Town |
| <i>Zoning</i> | Low Density Residential |
| <i>Notification result</i> | No Objectors |
| <i>Parcel size proposed</i> | 0.2884 ac. (12,562.704 sq. ft.) |
| <i>Parcel size required</i> | 10,000 sq. ft. |
| <i>Current use</i> | Existing ATF structures |
| <i>Proposed building size</i> | 740 sq. ft. |
| <i>Total building site coverage</i> | 5.89% |

BACKGROUND

August 4, 2022 – Three bedroom house with 120 gallon LPG tank – the application was considered and it was resolved to grant planning permission.

April 22, 2022 – Unauthorized land clearing – application was forwarded to the legal department.

Decision: It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the suitability of locating a shipping container in a residential area and the deficient front setback.

APPLICANT’S LETTER

On behalf of our client Mr. Mohan Sammy we kindly request an After-the-Fact Set-back Variance as specified in your OPS correspondence dated 5.09.2023.

Mr. Mohan received planning permission to build a 3-bedroom house on August 4th, 2022 (your reference: F22-0286/P22-0692).

We feel moving the container for what should be a relatively short period of time is an unnecessary burden on Mr. Sammy, noting that he has already installed construction fencing and a hedge to screen it from the road.

We make specific reference to Regulation 8(13)(b), and believe this will not have a detrimental effect on the adjacent properties because it is his intention to remove the container and screening, once his home is completed.

We trust the CPA will look favorably on this request.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an ATF container with awning & ATF shed; 740 sq. ft. located on Hudson Dr., Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

There is no primary development on the site and the Authority would typically discourage shipping containers in residential areas.

2) Roadside setback

Regulation 9(8)(i) of The Development and Planning Regulations (2024 Revision) states “*the minimum front and rear setbacks are 20'-0”*”. The ATF container and awning would be approximately **12.5’** from the road edge a difference of **7.5’**.

2.7 EDDINGTON POWELL (Whittaker & Watler) Block 28B Parcel 382 (P24-0104) (\$269,400) (JS)

Application for the addition of 3 apartments to an existing house for a total of 4 apartments.

FACTS

| | |
|-----------------------------|--------------------------------|
| <i>Location</i> | Spotts Newlands Rd, Spotts |
| <i>Zoning</i> | Low Density Residential |
| <i>Parcel size required</i> | 25,000 sq. ft. |
| <i>Parcel size proposed</i> | 12,580 sq. ft. |
| <i>Current use</i> | House |
| <i>Proposed use</i> | Apartment |

| | |
|----------------------------------|---------|
| <i>Site coverage allowed</i> | 30 % |
| <i>Proposed site coverage</i> | 18.51 % |
| <i>Number units permitted</i> | 4 |
| <i>Number units proposed</i> | 4 |
| <i>Number bedrooms permitted</i> | 6 |
| <i>Number bedrooms allowed</i> | 4 |
| <i>Parking spaces required</i> | 6 |
| <i>Parking spaces proposed</i> | 7 |

BACKGROUND

Existing house

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

APPLICANTS LETTER

On behalf of my client, I would like to request a lot size variance for the proposed project. 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.

The lot is 0.2888 Acre which is 12,580.00 sq. Ft. My variance request would be for 12,420.00 sq. Ft. There is similar development in the 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 subject parcel is located on Pennsylvania Ave in Spotts

The application is for an addition of 3 apartments to an existing house.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

A review of records reveals that there are no other apartments on Spotts Newlands Rd in this immediate area. The Authority needs to determine if the site is a suitable location for apartments given the character of the area.

2) Lot size (12,580 sq. ft. vs 25,000 sq. ft.)

The required lot size for an Apartment is 25,000 sq. ft as can be seen in Section (9) (8) (f), the proposed lot size is 12,580 sq. ft. The Authority should consider discussing the request for a variance.

2.8 PREMIER RENTALS LTD. (Cayman Survey Associate) Block 38B Parcel 437 (P24-0166) (\$6200) (JS)

Application for a 2 lot subdivision.

FACTS

| | |
|---------------------------|---|
| <i>Location</i> | Lemon Road, Bodden Town |
| <i>Zoning</i> | Low Density Residential |
| <i>Parcel size</i> | 20,116 sq. ft. |
| <i>Current use</i> | House and derelict structure |
| <i>Proposed lot sizes</i> | 5,190 sq ft (westerly lot) 14,926 sq ft (easterly lot) |

BACKGROUND

- House approved in 1994
- No record of approval for the derelict structure on the westerly lot

Decision #1: It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding lot size, lot width and setbacks. The applicant is also advised to revise the plan to show the location of the existing septic tank(s).

Decision #2: It was resolved to authorize the issuance of a Maintenance of Land Notice in accordance with Section 29A of the Development and Planning Law (2021 Revision) for the dilapidated building. Maintenance of Land Notice to take effect at the end of a period of 30 days from the service and compliance with the Maintenance of Land Notice

to be completed within the period of 60 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

AGENCY COMMENTS (Section 7 DPA)

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

Water Authority

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

Wastewater Treatment

- *The developer is advised that wastewater treatment and disposal requirements for built development are subject to review and approval by the Water Authority.*
- *The existing building(s) on the parcel are currently served by a septic tank(s). 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.*

Stormwater Management

- *This development is located over the (**Lower Valley**) **fresh water lens** or within the 500m buffer zone of the lens. In order to protect the fresh water lens, the Water Authority requests that stormwater drainage wells are drilled to a **maximum depth of 60ft** instead of the standard depth of 100ft as required by the NRA.*

Water Supply

*The proposed development site is located within the Water Authority's piped water supply area, however, please be advised that the connection of a proposed development to the Water Authority's piped water supply **may** require an extension.*

- *Extensions in private roads are done at the owner's expense and the timing of any pipeline extension is at the sole discretion of the Water Authority.*
 - *The developer shall contact The 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.

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). 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. The Department of Environment confirms that we have no comments at this time.

APPLICANT'S LETTER

Please find attached our Application to Subdivide 38B 437 into 2 lots so as to separate the ownership of the 2 buildings.

Due to the size of the parcel and the footprints of the 2 buildings we request Variances as follows:

- Eastern Lot. For west side & rear setbacks only.
- Western Lot. For area, north & south dimensions and set backs on all 4 sides.

The boundaries and dimensions as shown on our diagram have been taken from Fixed Boundary Survey 02/003, so we are able to quote distances and offsets to a precision of 0.1' throughout.

We make specific reference to Regulation 8(13)(b), and believe this will not have a detrimental effect on the adjacent properties as the buildings already exist.

We trust the forgoing is satisfactory, but should you have any queries, please do not hesitate to contact us.

1) Lot size (5,190 sq ft vs. 10,000 sq ft)

There is a derelict structure on this lot with no record of approval. If the derelict house is demolished then the subdivision would be creating a new house lot that is substantially undersized per Regulation 9(8)(d).

2) Lot width (59.6' vs 80')

Similar to item 1), the subdivision will create a lot with a width that is substantially less than what is required by Regulation 9(8)(g).

3) Setbacks (14.2' vs 20')

The existing setbacks are deficient per Regulation 9(8)(i) and (j) – front (14.2' vs 20'); rear (8.1' vs 20'); sides (0' and 2.1' vs 10'). If the existing structure is demolished it is suggested it would be difficult to develop the new lot within required setbacks.

Eastern Lot

1) Side setback (7.3' vs 10')

The proposed new boundary between the two proposed lots would result in a deficient side setback per Regulation 9(8)(j).

2.9 MIKE MORTIMER (APEC Consulting Eng.) Block 4E Parcel 612 (P24-0047) (\$30,000,000) (EJ)

Application for sixty-four (64) apartments with perimeter fence.

FACTS

| | |
|-------------------------------------|--|
| <i>Location</i> | Rev. Blackman Road & Stadium Drive, West Bay |
| <i>Zoning</i> | HDR |
| <i>Notification result</i> | No objectors |
| <i>Parcel size proposed</i> | 2.56 ac. (111,514 sq. ft.) |
| <i>Parcel size required</i> | 5,000 sq. ft. |
| <i>Current use</i> | Vacant |
| <i>Proposed building size</i> | 61,872 sq. ft. |
| <i>Total building site coverage</i> | 27.12% |
| <i>Total site coverage</i> | 50.2% |
| <i>Allowable units</i> | 64 |
| <i>Proposed units</i> | 64 |
| <i>Allowable bedrooms</i> | 107 |
| <i>Proposed bedrooms</i> | 128 |
| <i>Required parking</i> | 96 |
| <i>Proposed parking</i> | 96 |

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 Regulation 9(6) 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) With the exception of the number of bedrooms, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 4) The proposed application does not comply with the maximum allowable number of bedrooms per Regulation 9(6)(c) 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 bedrooms as follows:

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

AGENCY COMMENTS (Section 7 DPA)

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

Water Authority

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

Wastewater Treatment and Disposal

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

- ***The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer’s guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 14,400 US gallons per day (gpd), based on the following calculations.***

| BUILDING | UNITS/BLDG | GPD/UNIT | GPD |
|-----------------|-------------------|-------------------|---------------|
| Buildings (A-H) | 64 x 2-Bed Units | 225gpd/2-Bed Unit | 14,400 |
| | | | |
| TOTAL | | | 14,400 |

- ***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

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

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

National Roads Authority

As per your email dated February 19th, 2024, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by a residential development of sixty-four (64) dwelling units has been assessed in accordance with ITE Code 220 – Apartments. Thus, the assumed average trip rates per dwelling unit provided by the ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added to Reverend Blackman Road and Stadium Drive is as follows:

| <i>Expected Daily Trips</i> | <i>AM Peak Hour Total Traffic</i> | <i>AM Peak 20% In</i> | <i>AM Peak 80% Out</i> | <i>PM Peak Hour Total Traffic</i> | <i>PM Peak 65% In</i> | <i>PM Peak 35% Out</i> |
|------------------------------------|--|------------------------------|-------------------------------|--|------------------------------|-------------------------------|
| 426 | 33 | 7 | 26 | 40 | 26 | 14 |

Based on these estimates, the impact of the proposed development on Reverend Blackman Road and Stadium Drive 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 along Reverend Blackman Road and along Stadium 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>).

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 with an 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 Reverend Blackman Road and Stadium Drive. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2- 4 inches. Trench drains abutting the road are not acceptable.*
- *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/4/628e65_99be2c9.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

This development will be required (2) 8 cubic yard containers with three times per week servicing.

Department of Environment (February 27, 2024)

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.

Environmental Overview

As seen in Figure 1 below, the application site is man-modified and of limited ecological value.



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

Advice to the Applicant

The DoE recommends that native vegetation is retained wherever possible and incorporated into the landscaping scheme, particularly in the setbacks. 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.

As seen in Figure 2 below, due to its low-lying nature and on-site freshwater vegetation, the southern area of the site has served as a drainage basin for the surrounding area during times of heavy rainfall. With the conversion of this valuable habitat to hardstanding, drainage must be properly assessed. We recommend that stormwater is managed on-site to avoid run-off and prevent the flooding of adjacent properties and that wetland vegetation

is retained where possible to assist with on-site drainage. The applicant may wish to consider the use of porous or permeable paved surfaces in areas of hardstanding, such as the parking area and road access points, to allow rainwater infiltration and help manage the impacts of stormwater run-off.



Figure 2. The application site with the parcel boundary highlighted in red (Aerial Imagery Source: Cayman Land Info, 2018).

We recommend that the applicant 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.

Lastly, we recommend that, wherever possible, sustainable design and energy efficiency features are 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.

Advice to the Planning Department/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 (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 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

Fire Department approved.

APPLICANT'S LETTER

Please find enclosed a planning application for Stadium Drive Residences, located on Block 4E Parcel 612, in the district of West Bay. This application is submitted by APEC Consulting Engineers Ltd (APEC) on behalf of the Applicant, Mike Mortimer, with the support of Blur Workshop Architecture as architects and APEC as engineering consultants.

The application consists of 64 2-bedroom units in 8 two story buildings, 96 car parking spaces, and 100 bike racks on a 2.56-acre site. The application complies with all development requirements for high density residential with the exception that it exceeds the maximum permitted number of bedrooms by 21. Our client would like to address this variance with the following rationale:

“The critical shortage of suitable accommodation for labor-intensive industries, like construction and tourism, is evident in the Cayman Compass Article dated June 2023 and supported by the Labor Workforce Report 2023ii. According to the Deloitte Assessment in May 2023, Grand Cayman is projected to experience a yearly population growth of 3%,

reaching 98,000 by 2025 and 115,000 by 2030. Notably, low- income industries are expected to constitute 37% of the total labor workforce.

“Stadium Drive is explicitly designed to address this current and future market demand. To meet the demand and support the feasibility of the development, we request the CPA consider a variance of 21 bedrooms as part of the application.

“The bedroom variance is supported by a comprehensive parking plan and transportation strategy: the parking plan, compliant with code requirements, consists of 96 car parking spaces and 100 bike racks, and the public bus service route passing by on Rev Blackman Road. This plan aligns with our market research that has shown residents residing on the property will consist of 40% car users, 35% public transport users, and 25% cyclists. Overall, this results in a minimal impact on the surrounding neighborhood and aligns with the diverse mobility preferences of existing properties within the District of West Bay”.

PLANNING DEPARTMENT ANALYSIS

General

The proposed sixth-four (64) apartments, each containing two (2) bedrooms will be in eight (8) two-story buildings, with 96 parking spaces, 100 bike racks and perimeter fence is located on the corner of Rev. Blackman Road and Stadium Drive in West Bay.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Suitability

The Authority should determine if the proposed is a suitable locations per regulations 9 (6); mindful, that the proposed is in a high-density area which appears to be saturated with single family homes and apartments.

2) Bedroom density

As proposed, the applicant is seeking a bedroom variance from the Authority, proposed at 128 vs 107 or a difference of 21 bedrooms over the maximum allowed permissible under regulations 9 (6)(c) for this 2.56 acres.

2.10 RANDY & KERRY SOTO (CS Design) Block 40A Parcel 45 (P23-0929) (\$630,000) (EJ)

Application for a house.

FACTS

Location

Rum Point Drive, North Side

| | |
|-------------------------------------|---------------------------|
| <i>Zoning</i> | LDR |
| <i>Notification result</i> | No objections |
| <i>Parcel size proposed</i> | 0.29 ac. (12,632 sq. ft.) |
| <i>Parcel size required</i> | 10,000 sq. ft. |
| <i>Current use</i> | Vacant |
| <i>Proposed building size</i> | 1,865 sq. ft. |
| <i>Total building site coverage</i> | 14.76% |
| <i>Allowable units</i> | 1 |
| <i>Proposed units</i> | 1 |

BACKGROUND

March 4, 2020 (**CPA/05/20; item 2.16**) – the application was adjourned to invite the applicant to appear before the Authority to discuss the building design and the high-water-mark setback.

June 10, 2020 (**CPA/09/20; item 2.8**) – The previous application was adjourned to re-invite the applicant to attend the CPA meeting

June 24, 2020 (**CPA/10/20; item 2.5**) – The previous application was adjourned and the applicant was required to submit revised plans showing the proposed house designed to better fit within required setbacks. The applicant at that time was proposing a HWM setback of 40’ 7” vs the required 75’.

January 3, 2024 (**CPA/01/24; Item 2.28**) – The Authority adjourned the application in order to obtain the applicant’s response to NCA Sec 2 (a-1).

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

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

- 1) The applicant shall 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) All construction materials shall be stockpiled at a minimum of 75 feet from the Mean High Water Mark to reduce the possibility of run-off washing material and debris into the marine environment causing turbidity and impacting water quality.
- 6) 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.
- 7) Any sand that is to be excavated during construction shall be retained on-site and beach-quality sand shall be placed along the active beach profile. Placement of the sand on the beach during turtle nesting season will require the written consent of the Department of Environment, to ensure that no nests will be impacted. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it shall be the subject to a separate application for planning permission and separate consultation with the National Conservation Council.
- 8) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 9) 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 and of limited ecological value. The Authority also considered the applicant's written response to s2(a-1) of the NCA. 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) With the exception of the high water mark setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 4) The proposed development does not comply with the minimum required setback from the high water mark per Regulation 8(10)(b) of the Development and Planning Regulations (2022 Revision). Pursuant to Regulation 8(11), the Authority may allow a lesser setback having regard to:
 - a) the elevation of the property and its environs;
 - b) the geology of the property;
 - c) the storm/beach ridge;
 - d) the existence of a protective reef adjacent to the proposed development;
 - e) the location of adjacent development; and
 - f) any other material consideration which the Authority considers will affect the proposal.

In this instance, the Authority is of the view that there are existing developments on adjacent properties with similar setbacks from the high water mark. Therefore, the setback of the proposed development is consistent with the established development character of the area and it will not detract from the ability of adjacent land owners from enjoying the amenity of their lands.

AGENCY COMMENTS

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

Department of Environment (December 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).

Site Overview

The application site is man-modified and of limited ecological value, with aerial imagery showing that the site was cleared in 2020. The site is bordered by a Marine Protected Area (No Diving Zone overlay), however the area offshore is not a Marine Reserve.

Advice for the Applicant

We recommend that native plants are incorporated 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.

We note that the location of the proposed house falls high of the minimum coastal setback as per the Development and Planning Regulations (2022). It is imperative that minimum coastal setbacks are met for all structures, including pools and pool decks. This is particularly important to increase resiliency, given climate change predictions for the region and the increasing prevalence of coastal erosion associated with inappropriately sited development. We recommend that the applicant submits a revised plan, where the development meets the minimum required coastal setbacks and takes into account potential impacts related to climate change. This could include features to increase resiliency such as wash through ground floors.

Section 41(3) Advice for the Central Planning Authority / Planning Department

Best management practices should also be adhered to during construction to reduce impacts on the environment and the marine environment, including impacts to water quality. Materials should be stockpiled away from the water's edge to avoid run-off into the canal. 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.

It is likely that the construction of the foundations will require excavation of sand from the beach. Beaches naturally undergo processes of erosion and accretion. By removing sand from the beach and harming the beach ridge, the natural balance is disrupted and erosion is likely to occur more rapidly. Returning excavated sand to the active beach profile helps prevent premature erosion of the beach through maintaining natural coastal processes.

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

- 1. All construction materials shall be stockpiled at a minimum of 75 feet from the Mean High Water Mark to reduce the possibility of run-off washing material and debris into the marine environment causing turbidity and impacting water quality.*
- 2. 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.

3. *Any sand that is to be excavated during construction shall be retained on-site and beach-quality sand shall be placed along the active beach profile. Placement of the sand on the beach during turtle nesting season will require the written consent of the Department of Environment, to ensure that no nests will be impacted. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it shall be the subject of a separate consultation with the National Conservation Council.*

APPLICANT'S LETTER

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

- *High Water Mark setback = 60'-7" main building; 66'-10 porch slab (uncovered)*
- *Front setback = 16'-6" concrete steps (uncovered)*

The owners wish to build a small cottage for their family to use occasionally. The proposed development has a total of 1,800.00 square feet which is only about 15% of site coverage. Despite this, it was difficult to follow the required setback regulations due to the shape and depth of the lot. In an effort to minimize setback encroachments, we've integrated the back porch within the building's footprint.

It should be emphasized that the proposed development` maintains a significantly greater distance from the HWM line compared to the surrounding properties.

Enclosed is an aerial map showing existing structures that are in proximity with the proposed cottage. The existing HWM line setbacks ranges from 16 to 61 feet.

The information stated above are in line with the relevant sections outlined in the Planning regulations in granting Planning permission:

As per Regulation 8(13)(b)(i) the characteristics of the proposed development are consistent with the character of the surrounding area; (ii) unusual terrain characteristics limit the site's development potential; or; (iii) he 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.

Furthermore, the lot is not a designated Turtle Nesting area as confirmed by DOE.

We have notified adjoining property owners via registered mail, and we are currently not aware of any objections to the setback, or any other matters related to the proposed cottage.

Given the above, we ask that you consider our request. Should you need further information, please do not hesitate to contact us.



PLANNING DEPARTMENT ANALYSIS

General

The proposed three-bedroom house is located on Rum Point Drive in North Side.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) HWM Setback Variance

The proposed house does not meet regulations 8(10)(b), proposed at 66'10" vs 75' from the high-water-mark, therefore, the applicant is seeking a variance from the Authority. The applicant references Regulation 8(13)(b) in their letter to support the lesser HWM setback, but they should have referenced Regulation 8(11) and assessed the setback per the provisions of that Regulation.

SUPPLEMENTARY ANALYSIS

On January 3, 2024 (**CPA/01/24; Item 2.28**) – The Authority adjourned the application in order to obtain the applicants response to NCA Sec 2 (a-1); the applicant has responded as follows:

The Geotechnical Investigation of the abovementioned property was completed on 28th February 2024.

- *Present during the inspection was M. Alexander Moroney of AMR Consulting Engineers.*

- *Weather: Sunny*
- *Investigation lasted approximately 2 hours, starting from 9:00am and ending at 1100am.*

The fieldwork involved in the geotechnical investigation consisted of the excavation of 4 No. trial pits using an excavator supplied by SLIM Ltd. Soil descriptions are based on median soil gradation and consistencies encountered during the investigation.

Strata: NATIVE GROUND, OOID (BEACH) SAND

Trial pit No. encountered: All Pits

Thickness range: 5'-4" to 7'-3" Underlying: on grade

Description: Loose, off-white, pinkish-white sandy soil. Predominantly rounded coarse sand grains (0.025" to 0.08" dia.). Occasional coralline debris and conch shells (up to 2'-10" observed. Roots and minor organic contaminants from the surrounding foliage present within the first 1'-8" below grade on average. Relatively gap-graded soil lacking the gradation to facilitate adequate compaction, soil not suitable as a bearing stratum for large static structures. If the large coralline debris is sieved from the soil, the high-quality sand may have the potential to be sold.

Depth of Trial Pits:

| Trial Pit No. | Groundwater Recharge Level | Final Depth of Pit | Competent Stratum Encountered |
|---------------|----------------------------|--------------------|-------------------------------|
| 1 | N/A | 7'-2" | Bedrock Encountered at Depth |
| 2 | N/A | 6'-4" | Bedrock Encountered at Depth |
| 3 | N/A | 5'-4" | Bedrock Encountered at Depth |
| 4 | N/A | 7'-3" | Bedrock Encountered at Depth |

Native Bedrock was encountered within all the excavations. Based on our previous experience, the Cayman Formation limestone underlies this area; depth to be approximately between 5'-4" to 7'-3". The Cayman Formation is the relic of a benthic

shelf environment setting within the Miocene Epoch, a low energy environment where fine carbonate sediments would have accumulated on the seafloor, eventually becoming the cemented limestone on island. The weathered upper surface of the Cayman Formation has an allowable bearing capacity of approximately 10,000psf.

Given the structural loadings of the proposed building, the beach sand encountered on site will have insufficient allowable bearing capacities and gradation to promote support the structure. the foundation system should bear upon the underlying Cayman Formation bedrock encountered approximately between 5'-4" to 7'-3" below grade. It is the opinion of this practice that deep foundations should be utilized on this site.

1.4 REINFORCER AUGERCAST (RC) PILES

It is the opinion of this practice that a viable foundation option based on maximum structural integrity and minimum risk of differential settlement be the utilization of reinforced concrete augercast Piles. Cast-in-place, 16" or 20" dia. reinforced concrete augercast piles can be installed and socketed directly into the underlying Cayman Formation limestone encountered between 5'-4" to 7'-3" below grade.

The piles should be socketed between 6 to 12 inches within the high integrity Cayman Formation limestone, grouped and spaced to suit the wall and reinforcement provision and column layout of the building. Dependent on their given length piles could be expected to provide an allowable service load compression capacity of 65 tons. A system of reinforced concrete grade beams can then be used to share the loadings between piles to support load bearing walls and ground slabs. Dependant on the layout of the building, there may be concentrated loadings in excess of individual pile capacities. As such, it may be necessary to position several piles in close proximity to form a group, as is normal practice.

Reinforced concrete columns/walls should extend up from the pile groups via an engineered pile cap to give a suitable load path for any isolated structural loadings. In these cases, interval times must allow for sufficient curing of installed piles prior to the installation of adjacent piles to prevent disturbance. These piles can be simply tested on site to check capacity, provided that a suitable anchor rod is installed to the pile. We would recommend that test loads should be at least twice the proposed working load of the pile.

All concrete grout used within the piles should have a minimum compressive strength of 5,000 pounds per square inch (psi) at 28 days, to protect against sulphate attack.

See Appendix A for Site Figures

See Appendix B for National Conservation Act Adverse Effects Assessment

See Appendix C for Limitations

Photographs:



Photo 1 – Trial Pit No. 1 Dug.



Photo 2 – Trial Pit No. 1 Spoils.



Photo 3 – Trial Pit No. 2 Dug.



Photo 4 – Trial Pit No. 2 Spoils.



Photo 5 – Trial Pit No. 3 Dug.



Photo 6 – Trial Pit No. 3 Spoils.



Photo 7 – Trial Pit No. 4 Dug.



Photo 8 – Trial Pit No. 4 Spoils.



Photo 9 – Site Bird’s Eye View.



Photo 10 – Site Oblique View Facing West



Photo 11 – Cross Site View Facing East.



Photo 12 – Backhoe Refilling Trial Pits.

APPENDIX A
SITE FIGURES



APPENDIX B

**NATIONAL CONSERVATION ACT
ADVERSE EFFECTS ASSESSMENT**

APPENDIX B

LIMITATIONS

A) *Alterations that may impair the capacity of the area to function as a habitat to beneficial to wildlife.*

Based on the visit to the site during the geotechnical investigation it was evident that the site has been maintained. With the exception of the two mature coconut trees and mature seagrape tree beneath the footprint of the proposed residence, all other foliage on site was limited to low laying salt tolerant grass.

B) Development that may increase the potential for damage to the area from floods, hurricanes, or storms.

The property is situated along the northern coastline. The site dips gently towards the ocean and the underlying sand is freely draining soil. In the opinion of this practice, development on site will not significantly affect the drainage capabilities of the site.

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.

The underlying groundwater table was not encountered throughout ground investigation, however, due to the proximity to the ocean it can be inferred that the site will be subjected to tidal influences which will regulate the temperature daily. Due to the continuous salt spray and salt carried by onshore breeze the salinity levels will be maintained.

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.

The recommended foundation option is the use of pile foundations which will remove the necessity for any demuck and refill exercises. The piles will be installed within the sand preserving the native free draining soil beneath the site.

E) Alterations that may interfere with the public use and enjoyment of the area.

The required setback of the property is 66'-10" from the shoreline. This setback maintains the natural beach line and provides plenty of space for public recreational use of the waterfront parcel.

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 aesthetic value of the area.

Groundwater resources beneath this site are comprised of salt water, as per the hydrology map of the Cayman Islands. Piles will be socketed 6" to 12" into the underlying Cayman Formation limestone approximately 5'-4" to 7'-3" below grade level. It is the opinion of this practice that the impact to the underlying groundwater resource will have a negligible impact on the quality of the water.

- G) *Changes in littoral or sediment transport processes may alter the supply of sediment available for those processes or that may otherwise exacerbate erosion.*

The required setback for the proposed property is 66'-10" from the shoreline providing adequate beach front to allow for sand accretion to continue without impediment. Based on the existing site plan there appears to be no proposed seawall for the property which means that shoreline erosion and accretion will be facilitated by natural process.

- 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.*

Finished grade levels are dictated by the architectural design, however, this practice can confirm that there will be no reduction of the existing grade level, therefore, the existing slope incline of the site will either be maintained or increased as a result of development works.

- I) *Emissions of air pollutants at levels that may impair the air quality of the area.*

The proposed building is residential; therefore, it is the opinion of this practice that there will be no impact on air quality as a result of the development or use of the building.

- J) *Alterations that may hinder or impede the movement or migration of wildlife.*

The required set back of the property is 66'-10" from the shoreline. This provides adequate beach area for any potential nesting turtles and other coastal 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.*

The required set back of the property is 66'-10" from the shoreline. This provides sufficient space for the accretion of sand and coralline debris which should maintain the characteristic beach ridge slope and function.

- 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.*

This is a coastal property not flooded wetland, based on the geotechnical investigation there is no peat soil underlying the property which would act as a greenhouse gas reservoir. Therefore, there should be no risk of releasing sequestered greenhouse gas due to site works.

LIMITATIONS

- *No party other than the Client shall rely on the Consultant’s work without the express written consent of the Consultant. The scope of work and related responsibilities are defined in the Conditions of Assignment. Any use which a third party makes of this work, or any reliance on or decisions to be made based on it, are the responsibility of such third parties. Decisions made or actions taken as a result of our work shall be the responsibility of the parties directly involved in the decisions or actions. Any third party user of this report specifically denies any right to any claims, whether in contract, tort and/or any other cause of action in law, against the Consultant (including Sub-Consultants, their officers, agents and employees).*
- *The work reflects the Consultant’s best judgement in light of the information reviewed by them at the time of preparation. Unless otherwise agreed in writing by AMR Consulting Engineers, it shall not be used to express or imply warranty as to the fitness of the property for a particular purpose. This is not a certification of compliance with past or present regulations. No portion of this report may be used as a separate entity; it is written to be read in its entirety.*
- *The subsoils conditions present on site have been predicted by extrapolating data obtained from trial pits situated at various locations throughout the site. As such, discrepancies from the originally predicted subsoil conditions may be revealed during excavation and construction. If considerable deviations from the predicted subsoil conditions are made evident during construction, it may be necessary to reassess the recommendations and conclusions arrived at in this report.*
- *The foundation system recommendations made in this report are based on the predicted subsoil conditions and behaviour, together with local foundation construction techniques. This is in keeping with the local industrial standard for geotechnical engineering practices.*
- *Only the specific information identified has been reviewed. The consultant is not obligated to identify mistakes or insufficiencies in the information obtained from the various sources of to verify the accuracy of the information.*

2.11 LUDIVENE DILBERT & JACK EBANKS (Island drafting) Block 4D Parcels 28 and 29 (P24-0090) (\$244,552) (JS)

Application for an after the fact duplex.

FACTS

| | |
|-----------------|-----------------------------------|
| <i>Location</i> | Hetties Lane in West Bay |
| <i>Zoning</i> | Medium Density Residential |

| | |
|-------------------------------|----------------|
| <i>Parcel size required</i> | 22,500 sq. ft. |
| <i>Parcel size proposed</i> | 8,712 sq. ft. |
| <i>Site coverage allowed</i> | 30 % |
| <i>Proposed site coverage</i> | 29.87 % |
| <i>Current use</i> | Two houses |
| <i>Proposed use</i> | Duplex & Shed |

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, condition (3) shall be complied with before a final Certificate of Occupancy can be issued.

- 3) Block 4D Parcels 28 and 29 shall be combined and registered with a new parcel number.
- 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) With the exception of the lot size and front 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 minimum required lot size and the minimum required front setback per Regulations 9(7)(e) and (i) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot size and setbacks as follows:
 - a) A condition of approval has been included that requires the subject property to be combined with the adjoining property, Block 4D Parcel 29. This will result in a larger lot size that is closer to the minimum requirement. Further, the parcel

combination ensures there is no off-site parking and compliance with Regulation 8(1).

- b) The characteristics of the proposed development are consistent with the character of the surrounding area.
- 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.
- d) The proposal is consistent with the provisions of Section 2.6 of The Development

APPLICANTS LETTER

We have submitted an application on behalf of Jack Ebanks on the above-mentioned block and parcel and who is desirous of obtaining consideration/approval for the above subject matter.

Notwithstanding regulation 8 (13) (b) (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, nor to the public welfare;

And notwithstanding regulation 8 (13) (d) in the case of an application where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, the adjoining property owners have been notified of the application.

The lot size required for the three structures (to create an AFT Duplex and two existing Houses) on site should be 22,500 sq. ft. but presently the lot size available is 13,068sq.ft. - a shortfall of **9,432.00 sq. ft.** The client therefore is willing to combine both lots **Block #4D/28 and Block #4D/29** in order to accommodate the application and is seeking consideration for the front setback 10'-0" v 20'-0" of which a variance is being sought.

Having mentioned the above, we would at this time like to request Variance to be granted to allow the AFT Duplex to be constructed as applied for.

We look forward to the Board's favourable decision to this request and await response at your earliest convenience.

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Hetties Lane in West Bay.

The application is for an after the fact Duplex.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Lot size (8,712 sq. ft. vs 22,500 sq. ft.)

The required lot size for a duplex is 7,500 sq. ft. as can be seen in section (9) (7) (e). However, the lot has an additional two existing residences which would mean that Section (9) (7) (d) would need to be considered for each dwelling for a total required lot size of 22,500 sq. ft.

2) Front setback (10’ vs 20’)

The proposal also encroaches the front setback which is required to be 20ft as per Section (9) (7) (i) the proposed front setback is 10’. The Authority should consider discussing the request for a variance.

3) Off-site parking

Regulation 8(1) states that parking shall be provided on the parcel to which the application relates and then provides exceptions to that requirement in the General Commercial zones, the Neighbourhood Commercial zoned and the Hotel/Tourism zone. The exceptions do not extend to the residential zones. In this instance, parking for the houses and duplex is located on the adjacent property, Block 4D Parcel 29. One means of addressing this issues is to require the two parcels to be combined.

2.12 INVICTA CONSTRUCTION LIMITED (Abernethy & Associates Ltd.) Block 9A Parcel 733 (P23-1157) (\$10,446) (MW)

Application modify planning permission to revise the subdivision design.

FACTS

| | |
|-----------------------------|----------------------------------|
| <i>Location</i> | Shorecrest Cir., West Bay |
| <i>Zoning</i> | Low Density Residential |
| <i>Notification result</i> | No Objectors |
| <i>Parcel size existing</i> | 5.5133 ac. (240,159.348 sq. ft.) |
| <i>Parcel size required</i> | 10,000 sq. ft. |
| <i>Current use</i> | Vacant |
| <i>LPP 5%</i> | 12,007.9674 sq. ft. |
| <i>LPP Proposed</i> | 71,612.64 sq. ft. |

BACKGROUND

March 09, 2022 – Combination/ subdivision to create 9 residential parcels, 1 LPP & 1 road parcel (CPA/07/22; Item 2.7) – the application was considered and it was resolved to grant planning permission.

Decision: It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Act (2021 Revision) hereby orders that planning permission CPA/07/22; item 2.7 be modified to revise the subdivision layout and reduce the number of lots to 4 residential lots, 1 road lot and 1 LPP.

All other conditions of CPA/07/22; 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 modified 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, Department of Environmental Health and Department of Environment.

Water Authority

Please be advised that the Water Authority's previous requirements (Plan Ref: i072821-160821 P21-0731) for this development are still applicable and are as follows:

Water Supply:

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

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

Wastewater Treatment:

- *Please be advised that the development is outside the Water Authority's West Bay Beach Sewage System (WBBSS) collection area; therefore, the required onsite*

treatment of wastewater will be specified by the Water Authority when the proposal for built development is reviewed.

National Roads Authority

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

Stormwater Management Issues

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

The applicant shall demonstrate that the Stormwater Management system can be designed to include storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties that are lower, and nearby public roadways are no subject 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. Once the roadway has been taken over as a public road, the NRA can then assume that responsibility. This site will need a stop sign with stop bars at the junctions of Shorecrest Circle.

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

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

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

All internal roadway curves (horizontal alignment) shall be no less than 46 feet 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 (27-2-24)

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 (NCA) and the Section 41 Guidance Notes issued by the National Conservation Council.

Site Overview

The application site is man-modified, having been previously cleared apart from the mangroves remaining on the water's edge.

Advice to Applicant

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>.

Advice to Planning and the Central Planning Authority

We note that the Lands for Public Purposes (LPP) parcels is located in Vulgunner's Pond. We would continue to support this allocation of LPP Lots as part of Vulgunner's Pond provided that it remains in its natural state.

Section 41(3) Recommendations

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 on this valuable habitat:

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

Fire Department

The Fire department have no objection and save comments for future development. The Cayman Islands Fire Service adheres to the 2006 Fire Brigade Law, 1995 revision Fire Brigade law of the 1994 Standard Fire Prevention Code, the 1997 Fire Code, and all relevant NFPA Codes.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a modification to subdivision design to be located on Shorecrest Cir., West Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot sizes

The applicant was originally approved with 9 residential lots and 1 LPP. The lots varied in size, but were large enough to accommodate a duplex in the LDR zone. The new proposal combines the 9 residential lots resulting in a total of 4 residential lots each of which more than exceeds the lot size requirement for apartments in the LDR zone. This matter is brought to the Authority’s attention in the event future applications for apartments are submitted.

2.13 RUAN VAN VUUREN (JMP Construction) Block 5C Parcel 384 (P24-0154) (\$200,000) (JS)

Application to modify planning permission to revise the pool layout.

FACTS

| | |
|-------------------------------|---|
| <i>Location</i> | Corner of Capt. Temple Dr. & Elnathan Rd. in West Bay |
| <i>Zoning</i> | Low Density Residential |
| <i>Parcel size required</i> | 10,000 sq. ft. |
| <i>Parcel size proposed</i> | 13,007 sq. ft. |
| <i>Site coverage allowed</i> | 30 % |
| <i>Proposed site coverage</i> | 31.22 % |
| <i>Current use</i> | House |
| <i>Proposed use</i> | House |

BACKGROUND

House approved in 2010

July 21, 2021 (CPA/15/21; item 2.25) – approval granted for house additions, pool and fence

August 2, 2022 – modification to pool approved Administratively

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

All other conditions of the Administrative grant of planning permission 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) With the exception of the rear setback, which is 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 setback per Regulation 9(8)(i) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser 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.

APPLICANTS LETTER

JMP Construction is requesting a variance for a single-family residence addition on Block 5C Parcel 384. We are proposing a screened porch with setback variance from 20'-0" to 10'-0" and swimming pool setback variance from 20'-0" to 7'-0". Pool deck with setback variance to 4'-0". Steps at the screened porch with setback variance to 6'-2". Constructing a new 6'-0" high fence on the rear and side boundaries. Lot coverage from 30% to 31.22%.

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

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

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

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on the Corner of Capt. Temple Dr. & Elnathan Rd. in West Bay

The application is for the modification to a pool layout.

Zoning

The property is zoned Low Density Residential

Specific Issues

1) Rear Setback (7ft vs 20ft.)

The required rear setback in a Low Density residential zone is 20ft as can be seen in Section (9) (8) (i). In 2021, the Authority approved the pool with a rear setback of 10ft and the applicant is now seeking to reduce that to 7ft. Although the applicant’s variance letter addresses the setback of the porch, site coverage and fence height, those three elements were already approved by the Authority in 2021. The only current variance needed is the 7ft rear setback for the pool.

2.14 DELLOY PEHARIE (Island drafting) Block 28C Parcel 67 (P24-0011) (\$733,080) (JS)

Application for a duplex and storage shed.

Peterkin Berry declared a conflict and left the meeting room.

FACTS

| | |
|-------------------------------|--------------------------------|
| <i>Location</i> | Luke Forbes Drive in Savannah |
| <i>Zoning</i> | Low Density Residential |
| <i>Parcel size required</i> | 12,500 sq. ft. |
| <i>Parcel size proposed</i> | 8,276 sq. ft. |
| <i>Site coverage allowed</i> | 30 % |
| <i>Proposed site coverage</i> | 25.53 % |
| <i>Current use</i> | Vacant as of January, 2024 |
| <i>Proposed use</i> | Duplex & Shed |

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

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

- 1) The applicant shall submit revised plans showing the removal of the proposed shed.
- 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 size of the storage shed, 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 lot size per Regulation 9(8)(e) of the Development and Planning Regulations (2022 Revision). The

Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot size 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.
- 4) The Authority is of the view that the applicant has not demonstrated that a 369 square foot storage shed is in keeping with the character of the area and needs to be removed from site plan.

APPLICANTS LETTER

We have submitted an application on behalf of Delloy Peharie on the above-mentioned block and parcel and who is desirous of obtaining consideration/approval for the above subject matter.

Notwithstanding regulation 8 (13) (b) (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, nor to the public welfare;

And notwithstanding regulation 8 (13) (d) in the case of an application where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, the adjoining property owners have been notified of the application.

The lot size required for a duplex is 12,500 sq. ft but presently the lot size available is 8,276 sq. ft and as such we have a **shortfall of 4,224** which a variance is being sought.

The client would like for the Storeroom to facilitate the duplex in using it to store building materials, as a shelter in inclement weather for equipment etc. After the completion of the duplex buildings, the client is also requesting that the storeroom remain and be used for the purpose it will be built for utility equipment. (10,000sq.ft.).

Having mentioned the above, we would at this time like to request a Variances to be granted to allow the duplex to continue to be constructed.

General

The subject parcel is located on Luke Forbes Drive in Savannah.

The application is for the erection of a Duplex and storage shed.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot size (8,276 sq. ft. vs 12,500 sq. ft.)

The required lot size for a duplex is 12,500 sq. ft as can be seen in section (9) (8) (e), the proposed lot size is 8,276 sq. ft. The Authority should consider discussing the request for a variance.

2.15 CAYMAN DISTRIBUTORS GROUP (Spartan Fencing) Block 13D Parcel 425 (P24-0002) (\$30,000) (MW)

Application to replace a chain link fence with barbed wire at a height of 8'-2".

FACTS

| | |
|-----------------------------|--------------------------------|
| <i>Location</i> | Eastern Ave., George Town |
| <i>Zoning</i> | General Commercial |
| <i>Notification result</i> | No objections |
| <i>Parcel size proposed</i> | 2.769 ac. (120,617.64 sq. ft.) |
| <i>Parcel size required</i> | 20,000 sq. ft. |
| <i>Current use</i> | Existing commercial buildings |

BACKGROUND

April 11, 2012 – Modification to increase floor area, site design & change of use (CPA/09/12; Item 2.14) - the application was considered and it was resolved to grant planning permission.

August 29, 2012 – LPG tank – the application was considered and it was resolved to grant planning permission.

March 6, 2013 – (3) signs (CPA/05/13; Item 2.17) – the application was considered and it was resolved to grant planning permission.

June 25, 2014 – Change of use; industrial to commercial; 561 sq.ft. (CPA/15/14; Item 2.1) – the application was considered and it was resolved to refuse planning permission.

July 26, 2023 – Replacement & extension to concrete loading dock; 75.22 sq. ft. – 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 shall submit revised plans showing an 8' chain-link fence with no barbed wire.
- 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.

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, the Authority does not support the use of barbed wire and has included a condition of approval requiring revised plan showing the removal of the barbed wire. The Authority is of the view that an 8' chain-link fence with no barbed provides sufficient security for the site.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a replacement chain link fence with barbed wire topping 8'-2" to be located on Eastern Ave., George Town.

Zoning

The property is zoned General Commercial.

Specific Issues

1) Fence height

The CPA fence guideline 4.4.3. stipulates that *"In commercial, industrial and institutional zones, when a semi-transparent wall or fence is used in combination with a solid wall or fence, the solid portion of the wall or fence must not exceed 32 inches."* - The proposed chain link fence would be 6'-0" in height with a 1'-0" CMU base and topped with a 14" barbed wire topping which would give the fence an overall height of 8'-2" a difference of 2'-2".

In addition the CPA fence guideline 10.2 states the following regarding security features namely barbed wire.

- *Barbed Wire*

Stand alone barbed wire fencing will generally be permitted only in agricultural applications. Barbed wire as a security feature on top of a masonry wall or chain link fence is permitted subject to CPA approval.

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

2.16 SHERENE CHALLENGER (Craftman’s Touch) Block 1E Parcel 34 (P24-0043) (\$20,000) (JS)

Application for a shed.

FACTS

| | |
|-------------------------------|-----------------------------------|
| <i>Location</i> | North West Point Road in West Bay |
| <i>Zoning</i> | Low Density Residential |
| <i>Parcel size required</i> | 10,000 sq. ft. |
| <i>Parcel size proposed</i> | 6,534 sq. ft. |
| <i>Current use</i> | House |
| <i>Proposed use</i> | Shed |
| <i>Building size</i> | 174 sq ft |
| <i>Site coverage allowed</i> | 30 % |
| <i>Proposed site coverage</i> | 26 % |

BACKGROUND

Existing house

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) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 3) 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.

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 setback, which is 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 setback per Regulation 9(8)(i) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser 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.

APPLICANTS LETTER

We are seeking Planning approval for a shed as per site plan submitted, on the basis that the proposed structure meets the Development and Planning Regulations (2017 Revisions) Section 8 (11) criteria. We seeking a variance of: 5' rear setback (vs, 20'). There is an existing deep well in front of proposed shed which is why the 5' rear setback is requested and the adjoining properties have structures less than 20' from rear setbacks.

We feel that having the Department grant the requested setback variance will not be materially detrimental as noted under section 8 (13) in the Development and Planning Regulations:

8. (13) (b) (i) the characteristic of the proposed development is consistent with the character of the surrounding area;

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

We thank you for your kind consideration, and please let us know if you require any additional information.

AGENCY COMMENTS (Section 7 DPA)

The Authority received comments from 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.

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

Advice to 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 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 addition, 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.*

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on North West Point Road in West Bay.

The application is for the erection of a 174 sq ft shed.

Zoning

The property is zoned Low Density Residential.

Specific Issues

- 1) Rear setback (5' vs 20')**

The required rear setback in an LDR is 20ft as can be seen in section (9) (6) (h), the proposed front setback is 5'. The Authority should consider discussing the request for a variance.

2.17 PRUDENCE PRYCE (AIM Design Studio Ltd.) Block 38B Parcel 597 (P23-1051) (\$20,000) (EJ)

Application to modify planning permission for duplex to revise the floor plan layout.

FACTS

| | |
|-------------------------------------|-------------------------------------|
| <i>Location</i> | Lemuel Cir, North Ward, Bodden Town |
| <i>Zoning</i> | LDR |
| <i>Notification result</i> | NA |
| <i>Parcel size proposed</i> | 0.3001 ac. (13,072 sq. ft.) |
| <i>Parcel size required</i> | 12,500 sq. ft. |
| <i>Current use</i> | Duplex |
| <i>Proposed building size</i> | 334 sq. ft. |
| <i>Total building site coverage</i> | 23% |

BACKGROUND

March 18, 2020 (**admin approve**) – Permission granted for a duplex.

Decision: It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Act (2021 Revision) hereby orders that planning permission be modified to convert the garage into a bedroom.

All other conditions of the Administrative grant of planning permission 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 modified as the application complies with the Development and Planning Regulations (2022 Revision).

PLANNING DEPARTMENT ANALYSIS

General

The proposed modification to change garage into bedroom with bathroom located on Bristol Height Drive in Beach Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Proposed use

On March 18, 2020 permission was granted for a duplex with two attached garages; now the applicant proposes to convert one of the garages (334 sq. ft.) to a bedroom with bathroom with an external door. There is a concern that the proposed area could potentially be a third unit. If it is determined to be third unit then the building would be three apartments and the subject parcel at 13,072 sq ft acre would not comply with the required lot size of 25,000 sq ft for apartments.

2.18 PARAMOUNT CARPET (CS Designs) Block 19E Parcels 12, 70, 72, & 108 (P23-1074) (\$20,000) (NP)

Application for a storage building and parking control feature.

FACTS

| | |
|--|---------------------------------|
| <i>Location</i> | North Sound Road in George Town |
| <i>Zoning</i> | Heavy Industrial |
| <i>Notification Results</i> | No Objections |
| <i>Parcel size</i> | 1.651 acres |
| <i>Parcel size required</i> | CPA Discretion |
| <i>Current use</i> | Retail & Storage |
| <i>Proposed use</i> | Storage Building |
| <i>Building Footprint</i> | 1,770 sq. ft. |
| <i>Building Area</i> | 1,770 sq. ft. |
| <i>Existing site coverage</i> | <i>approx. 97%</i> |
| <i>Proposed additional site coverage</i> | 2% |
| <i>Total site coverage</i> | <i>approx. 99%</i> |
| <i>Site coverage permitted</i> | see below |

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

- 1) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 3) The applicant shall obtain a Certificate of Completion **prior to utilizing the storage facility**.

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 is of the view that bollards and chain are a parking control feature and not a fence, therefore Regulation 8(18) is not applicable.
- 3) With the exception of the site coverage, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 4) The proposed application does not comply with the maximum allowable site coverage per Regulation 8(1) 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 as follows:
 - a) The existing site coverage already exceeds 75% and the proposed storage facility represents a small (2%) increase to that existing site coverage.
 - 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.

AGENCY COMMENTS

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

Department of Environment – January 17, 2024

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

The Fire Department has written that they approve the drawings.

National Roads Authority

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

*The NRA does not have any issues or concerns with the revised proposed roof covering and **parking** bollards, as the applicant has relocated the bollards that does not obstruct access for motorists entering and exiting the parking lot.*

PLANNING DEPARTMENT ANALYSIS

General

The subject properties are located in North Sound Road in George Town.

The properties are developed with several retail and storage buildings.

The proposal is for a storage building and a new fence along North Sound Road.

The storage building will consist of two 40 foot containers joined by a steel roof.

The fence will be comprised of bollards and removable chains.

Zoning

The properties are zoned Heavy Industrial.

Specific issues

1) Aesthetics

The Authority should consider if joining the two existing shipping container with a metal roof provides for an acceptable aesthetic appearance.

2) Fence setback

If the Authority considers the bollards and chain to represent a fence then it does not comply with Regulation 8(18) as it is setback about 1' from the road side parcel boundary vs the required 4'.

3) Site coverage

The existing total site coverage is approximately 97% and the new storage facility would add another 2% for a total of approximately 99%. Regulation 8(1) states that the

total site coverage (buildings and parking areas) must not exceed 75%. However, Regulation 12(2)(c) states that the maximum permitted floor area in an industrial zone is at the discretion of the Authority and 12(2)(h) states that the amount of screening and landscaping is also at the discretion of the Authority. An argument could be made that these two regulations when read together give CPA discretion for total site coverage in an industrial zone.

2.19 GARY WATLER (Craftman's Touch) Block 22D Parcel 196 (P23-0727) (\$12,000) (EJ)

Application for an addition of a garage to house.

FACTS

| | |
|-------------------------------------|---------------------------|
| <i>Location</i> | Victory Avenue, Prospect. |
| <i>Zoning</i> | LDR |
| <i>Notification result</i> | No objectors |
| <i>Parcel size proposed</i> | 0.29 ac. (12,632 sq. ft.) |
| <i>Parcel size required</i> | 10,000 sq. ft. |
| <i>Current use</i> | House |
| <i>Proposed building size</i> | 881.50 sq. ft. |
| <i>Total building site coverage</i> | 29.03% |

BACKGROUND

House existing

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

Conditions (1-2) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall submit a revised site plan showing garage with a minimum 6' side setback.
- 2) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 3) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 4) 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
- 5) 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.
- 6) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 7) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

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

Reasons for the decision:

- 1) 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 side setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 3) The proposed application does not comply with the minimum required side setback per Regulation 9(8)(j) of the Development and Planning Regulations (2022 Revision). The

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

- a) The Authority has included a condition requiring a revised site plan to increase the side setback to 6 feet;
- b) The characteristics of the proposed development are consistent with the character of the surrounding area;
- c) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
- d) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

APPLICANT'S LETTER

With respect to our submission for o Garoge/Boot shed, on block 22D parcel 196, Grand Cayman, we hereby request variance as follows:

Side and rear setback variance is requested. Where the regulations requires 10ft on the side, 2'7" is requested and where 20ft is required at the rear of the building, 9' is requested.

In making the application for such a variance, our client is mindful of provisions of Regulations 8 (13) of the Development and Planning Regulations, and would submit that there is sufficient reason and exceptional circumstances that would permit such setback allowance, in that:

- (i) *The characteristics of the proposed development are consistent with the character of the surrounding area.*
- (ii) *The proposed structures will not be materially detrimental to persons residing in the vicinity, to the adjacent properties, or to the neighboring public welfare.*

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking permission for the proposed 881.5 sq. ft. garage addition to existing house, located on Victory Avenue in Prospect.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Rear setback

The proposed 881.5 garage addition does not meet regulations 9 (8) (j) for the required 10’ side setback, proposed at 2.4’ vs 10’; therefore, the application is seeking a side setback variance from the Authority.

2.20 ROMONE GAYLE (GMJ Home Plans Ltd) Block 32B Parcel 440 (P23-0397) (\$160,000) (AS)

Application for an addition to a house to create a duplex.

FACTS

| | |
|-----------------------------|-----------------------------|
| <i>Location</i> | Walbridge Dr & Shadetree Dr |
| <i>Zoning</i> | LDR |
| <i>Notice results</i> | No objectors |
| <i>Parcel size</i> | .2409 AC (10,493 sq. ft.) |
| <i>Parcel size required</i> | 12,500 sq ft |
| <i>Current use</i> | House |
| <i>Existing footprint</i> | 1,193 sq ft |
| <i>Existing building</i> | 1,193 sq ft |
| <i>Proposed footprint</i> | 800 sq ft |
| <i>Proposed addition</i> | 800 sq ft |
| <i>Site Coverage</i> | 19% |

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

APPLICANT'S LETTER

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 parcels 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 public welfare.*

3. *The precedent for a duplex on a lot size less than required already exists within the subdivision on lot 32B493 (12,122.75 sqft). Similar cases also exist in the adjacent subdivisions on parcels 32B76 (10,890 sqft) and 32B78 (11,325.6 sq ft).*
4. *The characteristics of the proposed development are consistent with the character of the surrounding areas.*
5. *Although the lot is below the prescribed lot size for a duplex, the development proposed would be comfortably below the required site coverage. The proposed footprint is only 18.99 percent of the property versus 30% allowed.*
6. *The applicant has also explored her options and concluded that the proposed addition would be more comfortable and convenient for her versus having to source a suitable sized lot for a duplex.*
7. *The application complies with all other planning requirements.*

PLANNING DEPARTMENT ANALYSIS

General

The application is for an 800 sq ft addition to a house to create a duplex on a 10,493 sq ft parcel.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot size

Pursuant to Regulation 9(8)(e) of the Development and Planning Regulations (2022 Revision) the minimum lot size for a duplex is 12,500 sq ft. The subject parcel has a lot size of 10,493 sq ft.

2.21 DENRY & AVOLYN HOWELL (TSC Architecture) Block 28D Parcel 357 (P24-0153) (\$1,000) (EJ)

Application to modify planning permission for the as built location of the septic tank.

FACTS

| | |
|-----------------------------|-----------------------------|
| <i>Location</i> | Betty Sue Close, Savannah. |
| <i>Zoning</i> | LDR |
| <i>Notification result</i> | No objectors |
| <i>Parcel size proposed</i> | 0.2870 ac. (12,501 sq. ft.) |

Parcel size required 10,000 sq. ft.
Current use Duplex under construction

BACKGROUND

September 27, 2022 (admin approve) – permission granted for a duplex.

Decision: It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Act (2021 Revision) hereby orders that planning permission be modified to allow the as-built location of the septic tank.

All other conditions of the Administrative grant of planning permission 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) With the exception of the rear setback, which is 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 setback per Regulation 9(8)(i) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setback as follows:
 - a) The characteristics of the proposed development are consistent with the character of the surrounding area;
 - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
 - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

APPLICANT'S LETTER

This letter is written on behalf of Denry and Avolyn Howell; An approval was granted for a 2 story Duplex on the referenced property. The total square footage is 3,650. As required, notices were sent by registered mail to all owners within an 80 feet radius on February 19th, 2023. They request a setback variance for after-the-fact septic as it is located at the

rear in close proximity to block 28D Parcel 663 of the property and would like the board's consideration.

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

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking permission for the after-the-fact septic tank located on Better Sue Close in Savannah.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Rear setback

The proposed septic tank does not meet regulations 9 (8) (i) for the required 20' rear setback, proposed at 5.3' vs 20'; therefore, the application is seeking a rear setback variance from the Authority. On September 27, 2022 admin permission was granted for a duplex and two septic tanks; however, said septic does not meet approved setback.

2.22 JUDITH MCLAUGHLIN (PPDS Cayman) Block 72C Parcel 133 (P24-0162) (\$5,000) (MW)

Application for a 2 lot subdivision.

Gillard McLaughlin declared a conflict and left the meeting room.

FACTS

| | |
|------------------------------|-----------------------------------|
| <i>Location</i> | Fiddlers Way, East End |
| <i>Zoning</i> | Medium Density Residential |
| <i>Notification result</i> | No Objectors |
| <i>Parcel size existing</i> | 0.2695ac. (11,740 sq. ft.) |
| <i>Proposed parcel sizes</i> | 6,660 and 5,080 sq ft |
| <i>Parcel size required</i> | 7,500 sq. ft. |
| <i>Current use</i> | Existing residences |

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) With the exception of the lot size and lot width, 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 lot size and lot width per Regulations 9(8)(d) and (g) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot size and lot width as follows:
 - a) The parcel is naturally severed by the existing road and the proposed subdivision simply allows for new parcels numbers for the land on both sides of the road.
 - 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.

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment

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

Stormwater Management

- *This development is located over the (East End) fresh water lens or within the 500m buffer zone of the lens. In order to protect the fresh water lens, the Water Authority*

requests that stormwater drainage wells are drilled to a **maximum depth of 80ft** instead of the standard depth of 100ft as required by the NRA.

Wastewater Treatment for Existing Structure

- ***The existing building(s) on the parcel are currently served by a septic tank(s). 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.***

Water Supply

*The proposed development site is located within the Water Authority's piped water supply area, however, please be advised that the connection of a proposed development to the Water Authority's piped water supply **may** require an extension.*

- *Extensions in private roads are done at the owner's expense and the timing of any pipeline extension is at the sole discretion of the Water Authority.*
 - *The developer shall contact The 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

As per your memo March 7th, 2024 the NRA has reviewed the above-mentioned planning proposal.

The NRA has no objections or concerns regarding the above proposed two lot subdivision.

Should you have any questions, please do not hesitate to contact the undersigned.

Fire Department

The Fire department have no objection and save comments for future development. The Cayman Islands Fire Service adheres to the 2006 Fire Brigade Law, 1995 revision Fire Brigade law of the 1994 Standard Fire Prevention Code, the 1997 Fire Code, and all relevant NFPA Codes.

APPLICANT'S LETTER

We are writing to request variances for the proposed subdivision of the property located in the Medium Density Residential zone, specifically at 72C 133. The site is unique in that it is transected by Fiddlers Way, resulting in two distinct sections of the lot, both of which are currently development with existing buildings.

The primary objective of the proposed subdivision is to formalise these two separate sections, necessitating variances for the creation of lots 1 and 2. The variances are required due to the fact that the lot sizes fall below the prescribed minimum 7,500 sf, and the width of lot 2 is less than the mandated 60 feet.

It is important to note that the existing boundaries with neighbouring lots will be retained, and the resultant lots will mirror the scale of land parcels in the immediate area, as illustrated in the below image:



We respectfully request members to consider granting the variances based on the following grounds:

1. Consistency with surrounding character

The character of the proposed lots, particularly in terms of size and width, aligns seamlessly with the prevailing characteristics of the surrounding area. Our proposal aims to maintain harmony with the existing land parcels.

2. Minimal impact on the vicinity

As the application pertains to the subdivision of already developed lots, we believe the proposal will not be materially detrimental to the well-being of individuals residing in the vicinity, to adjacent properties, or within the neighbourhood. The proposed changes are intended as a paper-based exercise with no on-the-ground impact.

We understand the importance of adhering to zoning regulations, but we believe that the requested variances are justified given the context and characteristics of the site.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 2 lot subdivision to be located on Fiddlers Way, East End.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Lot size

Regulation 9(7)(d) of The Development and Planning Regulations (2024 Revision) states “the minimum lot size for each detached house is 7,500 sq. ft. ”. The applicant has proposed the proposed two lots with the following sizes **Lot 1 (6,660 sq. ft.) & Lot 2 (5,080 sq. ft.)** a difference of **Lot 1(840 sq. ft.) & Lot 2 (2,420 sq. ft.)** respectively. The Authority should note that proposed Lots 1 & Lot 2 currently have two residential homes each with additional ancillary structures that have been in existence since 1994 per the LIS aerials. With that being said the minimum lot size for Lot 1 & Lot 2 would need to be a minimum of **15,000 sq. ft.** each.

2) Lot width

Regulation 9(7)(g) of The Development and Planning Regulations (2024 Revision) states “the minimum lot width for detached houses and duplexes is 60’-0””. The proposed **Lot 2** would have a minimum lot width of **55.7’** a difference of **4.3’**.

2.23 THOMAS ROSE-INNES & ALEXANDRA DOJA (LIV Developments Ltd.) Block 15E Parcel 34H6 (P24-0108) (\$10,000) (MW)

Application for a 6’ vinyl boundary fence.

FACTS

| | |
|-----------------------------|--------------------------------|
| <i>Location</i> | Montage Dr., George Town |
| <i>Zoning</i> | Low Density Residential |
| <i>Notification result</i> | No objections |
| <i>Parcel size proposed</i> | 0.1787 ac. (7,784.172 sq. ft.) |
| <i>Parcel size required</i> | 10,000 sq. ft. |
| <i>Current use</i> | Approved residence. |

BACKGROUND

May 27, 2020 – House with pool (CPA/08/20; Item 2.7) - 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 a 6'-0" vinyl boundary fence to be located on Montage Dr., George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Fence height

The CPA fence guideline 4.3.1 stipulates that *"In residential and tourism-related zones, no part of a solid wall or fence should exceed 48 inches in height"*- The proposed vinyl fence would be 6' in height a difference of 2' and would be located on the side boundaries.

2.24 EAMON MCERLEAN (Declan O'Brian) Block 23B Parcel 15 (P24-0085) (\$700,000) (JS)

Application for a house addition, garage with guest unit, extension to existing pool deck, outdoor kitchen, hot tub and a 2nd floor balcony extension.

FACTS

| | |
|------------------------------|---------------------------------|
| <i>Location</i> | Hurley Merren Blvd. in Prospect |
| <i>Zoning</i> | Beach Resort Residential |
| <i>Parcel size required</i> | 20,000 sq. ft. |
| <i>Parcel size proposed</i> | 26,136 sq. ft. |
| <i>Site coverage allowed</i> | 30 % |

Proposed site coverage 11.9 %
Current use House

BACKGROUND

Existing house and pool

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

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

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least 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) With the exception of the 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 side setbacks per Regulation 15(4)(b)(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.

APPLICANTS LETTER

Application for an addition to an existing home, a new garage with visitor's apartment above, extension to existing pool deck , new outdoor kitchen and hot tub on block 23B-15

We would like to request a setback variance for this home. As this is Beach Resort Residential the side setbacks requirements are 20'. We are asking that this be treated as a home as it is an existing home with side setbacks of 15' for 2 storey and 10' for single storey.

I refer to 8(13) of the planning regulations. As this is an existing high-end rental home we feel that this is a reasonable variance request as the owner would like to increase the size of the home and make it more attractive for short term rentals. We hope the board will find this acceptable.

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

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Hurley Merren Blvd. in Prospect.

The application is for an extension and addition.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Side setbacks (10' and 15' vs 20')

The required side setback in a Beach resort residential zone is 20ft as can be seen in Regulation (15)(4)(b)(i), the proposed side setbacks are 10ft and 15ft respectively. The Authority should consider discussing the request for a variance.

2) Lot size

Per the Regulations, the unit above the garage must be considered a second dwelling unit. Per Regulation 15(4)(a)(i), the lot size for each house is 10,000 sq ft. In this instance, 20,000 sq ft is required and the subject parcel size is 26,136 sq ft.

2.25 DONOVAN WILLIAMS (Benitez & Sons Ltd) Block 4E Parcel 660 (P23-1146) (\$25,000) (JS)

Application for an after-the-fact house addition.

FACTS

| | |
|-------------------------------|---------------------------------|
| <i>Location</i> | John Bush Road in West Bay |
| <i>Zoning</i> | High Density Residential |
| <i>Parcel size required</i> | 5,000 sq. ft. |
| <i>Parcel size proposed</i> | 6,895 sq. ft. |
| <i>Site coverage allowed</i> | 40 % |
| <i>Proposed site coverage</i> | 34.57 % |
| <i>Current use</i> | House |
| <i>Proposed use</i> | Bathroom |

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

APPLICANTS LETTER

We would be Grateful for your consideration in respect to the following planning variances which relates to our client's Mr. Donovan Williams ILLEGAL BATHROOM (P23-1146) on 4E660. Please note the below variance request.

WITH FRONT 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. There are many other similar cases near the property.

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

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on John Bush Road in West Bay.

The application is for an after the fact bathroom.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Front setback (11' 8" vs 20')

The required front setback in a HDR is 20ft as can be seen in section (9) (6) (h), the as-built setback is 11'8". The Authority should consider if the applicant has demonstrated that a variance can be granted.

2.26 ERVIN & MABEL SWABY (John Arch Construction) Block 1D Parcel 639 (P24-0014) (\$125,400) (NP)

Application for house addition to create a duplex

FACTS

| | |
|-------------------------------------|---------------------------------|
| <i>Location</i> | Hillandale Close, West Bay |
| <i>Zoning</i> | High Density Residential |
| <i>Notification Results</i> | No Objections |
| <i>Parcel size</i> | 6,629.8 sq ft. |
| <i>Parcel size required</i> | 5,000 sq ft |
| <i>Current use</i> | House |
| <i>Proposed use</i> | Addition to create a duplex |
| <i>Building footprint proposed</i> | 1,045 sq ft |
| <i>Bldg Site coverage permitted</i> | 40% |
| <i>Bldg site coverage proposes</i> | 31.4% |

| | |
|-------------------------|---|
| <i>Parking required</i> | 2 |
| <i>Parking proposed</i> | 3 |

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 side setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 3) The proposed application does not comply with the minimum required side setback per Regulation 9(6)(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 setback as follows:

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

APPLICANT'S LETTER

I am the Architect working on the project of Block and Parcel ID 639 regarding the proposed project.

"1,075 S.F Addition to house to create a Duplex," the applicant being Ervin and Mabel Swaby and owners of the property too.

Ervin and Mabel Swaby are creating an extension to convert their existing home into a duplex. In regulations 9, (6)(i) requires a min of 10' setback for a building of one story. In this case the proposed septic tank would be set back 2'10" from the property boundary. A variance letter is required and the reason for it is there is no other location for the septic tank that meets the setbacks.

I would like you to consider this request for the variants as per regulations Regulation 8 (13)(b) there is sufficient reason to grant a variance and an exceptional circumstance exists.

8 (13)(b)(iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare. It was notified to the adjacent properties by registered mail of the application for planning permission and there were no objections.

*8 (13)(b) In the case of an application where **lesser setbacks** are proposed for a development or a **lesser lot size** is proposed for a development, the Authority shall in addition be satisfied that the adjoining property owners have been notified of the application.*

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Hillandale Close in West Bay.

The property currently contains a house and the proposal is for a new unit addition to create a duplex.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Side setback

Regulation 9(6)(i) requires a minimum side setback of 10 feet.

The proposed septic system would have a setback of 2’10” on the north side.

The Authority should consider whether the applicant’s variance request is satisfactory in this instance.

2.27 MIKE & SHELDA MILLER (3D KYUBE) Block 27D Parcel 56 (P23-0893) (\$25,000) (NP)

Application for an 8’ after the fact wall.

FACTS

| | |
|----------------------------|--------------------------------|
| <i>Location</i> | Rackley Boulevard, Savannah |
| <i>Zoning</i> | Low Density Residential |
| <i>Notification result</i> | Not Required |
| <i>Current use</i> | House |

BACKGROUND

January 31, 2024 (CPA/04/24; item 2.12) – approval granted for 8’ wall on adjoining parcel to the rear (27D 61)

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). Further in this regard, the Authority is of the view that the wall is consistent in height with the neighbouring wall on Block 27D Parcel 61.

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Rackley Boulevard in Savannah.

The property contains an existing house.

The applicant is seeking after the fact planning permission for an 8 foot high wall along the rear boundary. The length of the wall is slightly over 100 feet.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Wall height

CPA Guidelines recommend the height of a fence or wall to a maximum 4 feet in height in residential areas.

The applicant is seeking after the fact planning permission for an 8 foot high wall.

The Authority should note the Background section above and the reference to the 8' wall approved on the adjoining property to the rear of the subject parcel.

2.28 LESLIE HARVEY (Whittaker & Watler) Block 14D Parcel 450 (P23-0440) (\$2.0 million) (NP)

Application for a commercial retail plaza & 2 signs.

FACTS

| | |
|-----------------------------|---------------------------------|
| <i>Location</i> | Smith Road in George Town |
| <i>Zoning</i> | Neighbourhood Commercial |
| <i>Notification Results</i> | No Objections |
| <i>Parcel size</i> | 26,571.6 sq. ft. |
| <i>Parcel size required</i> | 20,000 sq. ft. |
| <i>Current use</i> | Vacant |
| <i>Building Footprint</i> | 5,197 sq. ft. |
| <i>Building Area</i> | 13,371 sq. ft. |

| | |
|-------------------------|-----------------------------|
| <i>Site Coverage</i> | 74.9% (parking & buildings) |
| <i>Parking Required</i> | 45 |
| <i>Parking Proposed</i> | 45 |

BACKGROUND

August 30, 2023 (CPA/19/23; Item 2.8) – The Authority resolved to adjourn the application and require the applicant to provide a minimum 46 parking spaces.

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) 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 Agency comments from the Department of Environmental Health, Fire Department, Water Authority, Department of Environment and National Roads Authority.

Department of Environmental Health

DEH has no objections to the proposed in principle. However the estimates solid waste generation exceeds the capacity of (1) 8 cubic yard container. This development will required (2) 8 cubic yard containers with three times per week servicing. Revisions to the site plan are required to show the required amount of garbage dumpsters.

Fire Department

The Fire Department has approved the proposal

Water Authority

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

Wastewater Treatment & Disposal

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

| BUILDING | UNITS/BLDG | GPD/UNIT | GPD |
|-----------------|------------------------------|----------------------------------|----------|
| Harvey's Center | 12 x Units 10,449 sq. ft. | 10,449 x 0.15 (retail factor) | 1,567.35 |
| TOTAL | | | 1,567.35 |

- 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 4'8" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

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

- 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.
- All dimensions and materials shall be provided for any site-built tanks.
- Manhole extensions are permitted up to a maximum of 24" below finished grade.
- Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.

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.*

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.

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).

The application site is man-modified with limited ecological value. Therefore, we recommend that native plants are incorporated 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.

We also recommend that the applicant incorporates Sustainable Drainage Systems (SuDS) into the stormwater management plan for the site. 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. Measures could include permeable and sustainable materials within the parking area.

In addition, 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.

Lastly, we recommend that, wherever possible, sustainable design and energy efficiency features are 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.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, the DoE recommends the inclusion of the following condition in any planning permission:

- 1. If the construction uses insulating concrete forms (ICF) 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 are completely*

captured on-site and does not enter the nearby water bodies or impact the surrounding areas.

National Roads Authority

As per your email dated June 20th, 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 an office building of 29,215 square feet has been assessed in accordance with ITE Code 710 – General Office. 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 11.03, 1.56 and 1.49 respectively. The anticipated traffic to be added to Smith Road is as follows:

| <i>Expected Daily Trips</i> | <i>AM Peak Hour Total Traffic</i> | <i>AM Peak 88% In</i> | <i>AM Peak 12% Out</i> | <i>PM Peak Hour Total Traffic</i> | <i>PM Peak 17% In</i> | <i>PM Peak 83% Out</i> |
|-----------------------------|-----------------------------------|-----------------------|------------------------|-----------------------------------|-----------------------|------------------------|
| 322 | 46 | 40 | 6 | 10 | 8 | 36 |

Based on these estimates, the impact of the proposed development on Smith 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 between twenty-two (22) and twenty-four (24) feet wide.

A six (6) foot sidewalk shall be constructed on Smith Road within the property boundary, to [NRA specifications](#).

One-way driveway aisles with diagonal parking shall be between twelve (12) to sixteen (16) feet wide. Two-way driveway aisles shall be a minimum of twenty-two (22) feet 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 Smith 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 details need to be provided as per NRA specifications.

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.

APPLICANT'S LETTER

On behalf of my client, I would like to request a 1 ft. high variance for the height of the proposed chainlink fence. The client would like to have a 5 ft. high chainlink fence to the

sides and back of the property for privacy & security purposes because of the proposed commercial building to be built on this land.

The total area of the building is 13, 881.00 sq. ft. and we would need 46 parking slots. The building design in a such way that the common area added up to be 3,462.00 sq. ft. Although we do understand that parking is based on the total sq. ft. of the building. We would like to request a variance for 3 parking slots. The area of the rentable is only 10,419.00 sq. ft. which will require 35 parking slots.

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

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Smith Road in George Town.

The property presently contains a house that would be demolished as part of the proposal.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) Parking variance (43 vs 46)

Regulation 8(1)(iv) requires a minimum of one parking space for every 300 square feet of commercial area. In this regard, the gross floor area of the building is 13,881 square feet and would require 46 parking spaces.

The applicant is proposing a total of 43 parking spaces and has requested a variance for the three parking spaces.

The variance letter references the leasable area versus the gross floor area of the building.

Another issue that should also be taken into account is that of future restaurant uses. It is quite common for commercial building to be approved and then subsequent change of use applications are submitted for restaurants and those will be assessed at a one space per 200 square foot basis (Regulation 8(1)(iii)) and as the applicant already requires a parking variance it would only be exacerbated should such change of use applications be approved.

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

2) Fence height (5' vs 4')

The applicant is proposing a five foot high chainlink fence along the two side boundaries as well as the rear boundary.

CPA Guidelines speak to a maximum four foot high fence.

3) Signage

The proposal includes an application for a building sign as well as a monument sign and they comply with the Authority’s guidelines. It should be noted that any future signage for individual tenants would requires separate applications and would also have to be assessed against the guidelines.

SUPPLEMENTARY COMMENTS

The applicant has reduced the gross floor area of the building to 13,371 square feet, which requires a total of 45 parking spaces based upon one space per 300 square feet of area.

The revised plans depict a total of 45 parking spaces on the property.

2.29 NOEL DESLANDES (AD Architecture Ltd.) Block 15C Parcel 100 (P23-1018) (\$200,800) (MW)

Application for a house addition to create a duplex.

FACTS

| | |
|-------------------------------------|--------------------------------|
| <i>Location</i> | Lantana Way, George Town |
| <i>Zoning</i> | Low Density Residential |
| <i>Notification result</i> | No Objectors |
| <i>Parcel size proposed</i> | 0.31 ac. (13,503.6 sq. ft.) |
| <i>Parcel size required</i> | 12,500 sq. ft. |
| <i>Current use</i> | Existing Residence |
| <i>Proposed building size</i> | 934 sq. ft. |
| <i>Total building site coverage</i> | 27.47% |
| <i>Required parking</i> | 2 |
| <i>Proposed parking</i> | 3 |

BACKGROUND

February 13, 1997 – House – the application was considered and it was resolved to grant planning permission.

January 3, 2024 (CPA/01/24; item 2.13) – It was resolved to adjourn the application for the following reason:

- 1) The applicant is required to submit revised plans that show at least a 25% physical common wall connection between the two duplex units.

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) 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 an addition to create a duplex; 934 sq. ft. located on Lantana Way, George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Duplex definition

The Development and Planning Regulations (2022 Revision) definition states a “Duplex” means two dwelling units one above the other or side by side having a common wall.” The applicant has proposed an addition containing a one - bedroom one bath unit added to the existing residence which will be joined by a storage room and covered patio.

SUPPLEMENTARY ANALYSIS

The applicant has since submitted a revised plan which increased the proposed floor area and now seems to depict a duplex with a 25% connection. The Authority should determine if the revised plans are acceptable.

2.30 BRUCE & JACKIE STIRLING (Robert Towell Architects Ltd.) Block 22E Parcel 366 (P24-0124) (\$2.6 Million) (JS)

Application for a house.

Ian Pairaudeau declared a conflict and left the meeting room. Handel Whittaker sat as the Acting Chair.

FACTS

| | |
|-------------------------------|---------------------------------|
| <i>Location</i> | Grand Isle Way in Grand Harbour |
| <i>Zoning</i> | Low Density Residential |
| <i>Parcel size required</i> | 10,000 sq. ft. |
| <i>Parcel size proposed</i> | 14,226 sq. ft. |
| <i>Site coverage allowed</i> | 30 % |
| <i>Proposed site coverage</i> | 27 % |
| <i>Current use</i> | Vacant |
| <i>Proposed use</i> | House |

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

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

- 1) The 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) All construction materials shall be stockpiled at a minimum of 20 feet from the canal edge to reduce the possibility of run-off washing material and debris into the canal causing turbidity and impacting water quality.
- 6) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 7) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least 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) With the exception of the lot width at the road, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 3) The proposed application does not comply with the minimum required lot width per Regulation 9(8)(g) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot width as follows:
 - a) The characteristics of the proposed development are consistent with the character of the surrounding area; and
 - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.

APPLICANTS LETTER

RE: REQUEST FOR SITE WIDTH VARIANCE FOR HOUSE & POOL FOR STIRLING RESIDENCE
BLOCK 22E - PARCEL 366 – GRAND HARBOR

Dear Sir;

We write to the Central Planning Authority to request approval to construct a 2 storey house & pool on an irregular triangular parcel of land with 56'-2" road frontage and 106'-0" canal frontage with a site area of 14,225 sf (0.3266 acres)

Development and Planning law (rev 2022) Section 9 (8g) states that all low density lots shall be a minimum of 80'-0" in width for detached houses.

We therefore formally request a site width variance from CPA based on the above conditions.

Standard procedures set by the Central Planning Authority (CPA) require **THE APPLICANT** to obtain consent from adjacent landowners to ensure there are no objections to this variance request.

Should you require additional information please contact us for further details.

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.

Environmental Overview

As seen in Figure 1 below, the application site is man-modified and of limited ecological value.



Figure 1. The application site with the parcel boundary highlighted in blue (Aerial Imagery Source: Cayman Land Info, 2023).

Advice to the Applicant

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.

The applicant may wish to consider the use of porous or permeable paved surfaces in areas of hardstanding, such as the parking area and driveway, to allow rainwater infiltration and help manage the impacts of stormwater run-off.

Advice to the Planning Department/Central Planning Authority

The DoE notes that the submitted plans indicate that the proposed pool deck will not meet the minimum canal setback. As the development's current setback from the road is well over the minimum, there is ample opportunity to increase the development's distance from the canal. We recommend that the applicant revise the submitted plans so that the proposed development meets the minimum canal setback.

Best management practices should also be adhered to during construction to reduce impacts on the environment and the canal, including impacts to water quality. Materials should be stockpiled away from the canal's edge to avoid run-off into the canal. 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 conditions in the approval:

- 1. All construction materials shall be stockpiled at a minimum of 20 feet from the canal edge to reduce the possibility of run-off washing material and debris into the canal causing turbidity and impacting water quality.*
- 2. 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.

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Grand Isle Way in Grand Harbour

The application is for the erection of a house.

Zoning

The property is zoned low density residential.

Specific Issues

1) Lot Width (56'2" vs 80')

The required lot width in a low-density residential zone is 80ft as can be seen in Section (9) (8) (g), the proposed lot width is 56'2" as the road. It is noted that the lot is wedge shaped and has a width of 104' on the canal.

The Authority should consider discussing the request for a variance.

2.31 MINISTRY OF EDUCATION (PWD) Block 55A Parcel 17 (P23-0887) (\$551,000) (NP)

Application for the conversion of existing covered area into 3 classrooms.

FACTS

| | |
|------------------------------------|--------------------------------|
| <i>Location</i> | Frank Sound Road in North Side |
| <i>Zoning</i> | Low Density Residential |
| <i>Notification Results</i> | No Objections |
| <i>Parcel size</i> | 28.0 acres |
| <i>Parcel size required</i> | CPA Discretion |
| <i>Current use</i> | High School |
| <i>Proposed use</i> | Additions |
| <i>Proposed Building Footprint</i> | 1,377 sq. ft. |
| <i>Proposed Building Area</i> | 1,377 sq. ft. |
| <i>Total Bldg site coverage</i> | 9% |
| <i>Total site coverage</i> | 21% |
| <i>Existing parking spaces</i> | 166 |

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

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

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

Reasons for the decision:

- 1) 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 Fire Department and Department of Environment.

Fire Department

The Fire Department has approved the drawings.

Department Of Environment 7 Nov 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 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 works, 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.*

PLANNING DEPARTMENT ANALYSIS

General

The proposal is for a total 1,377 square foot addition to the Clifton Hunter High School in Frank Sound. There are three separate additions to three existing buildings, comprising a 459 square foot classroom each.

Zoning

The property is zoned Low Density Residential.

2.32 COMPASS HOLDINGS LTD. (Darius Development) Block 14C Parcel 319 (P24-0003) (\$40,000) (MW)

Application for an electrical room & 4 electrical pedestals.

FACTS

| | |
|----------------------------|------------------------------|
| <i>Location</i> | North Sound Rd., George Town |
| <i>Zoning</i> | General Commercial |
| <i>Notification result</i> | No Objectors |

| | |
|-------------------------------------|----------------------------------|
| <i>Parcel size proposed</i> | 3.6314 ac. (158,183.784 sq. ft.) |
| <i>Parcel size required</i> | 20,000 sq. ft. |
| <i>Current use</i> | Existing commercial development |
| <i>Proposed building size</i> | 43 sq. ft. |
| <i>Total building site coverage</i> | 14.09% |
| <i>Total site coverage</i> | 40.87% |

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

- 1) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 3) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

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).

APPLICANT'S LETTER

We hereby request planning approval for a 400amp stand-alone electrical service.

The purpose for the installation is to provide electrical infrastructure to the open space located on the corner of North Sound Road and Compass Drive. The space will be used as an open green space / landscaped park equipped for small to medium sized events.

The aim is to enhance and beautify the empty open space while creating an attractive venue for family and recreational activities/ events.

The electrical equipment will be housed in a small building finished with materials that will integrate into the surrounding properties and will feed four (4) electrical distribution pedestals located within the park as shown on the proposed site plan. Each distribution pedestal will have multiple connection points for a variety of event equipment. The

pedestals will also be finished with materials to integrate discreetly into the landscaping. Please do not hesitate to contact us for any further information or documentation required to process this application.

We look forward to your favorable reply in due course.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an electrical room; 43 sq. ft. & (4) electrical pedestals; 4’-2” (ea) to be located on North Sound Rd., George Town.

Zoning

The property is zoned General Commercial.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

5.1 BON CREPE LTD. (Abernethy & Associates Ltd.) Block 66A Parcel 20 & Block 69A Parcel 51 (P23-0679) (\$150,000) (NP)

Application for land clearing and after the fact land clearing & road construction

Appearance at 11:50

The Applicant’s Agent appeared before the Authority on an unrelated matter and requested an opportunity to address the Authority. Subsequent to the Authority’s decision on 13th February 2024, on 21st March 2024, the Authority received a “Letter Before Action” (LBA) from the National Conservation Council via its attorneys, threatening judicial review action if the Authority’s decision was not modified or revoked under Section 17 of the Development and Planning Act (2021 Revision). The LBA is included in Appendix C. The applicant (via his agent) was included as an interested party in the circulation of the LBA.

Joshua Bernard declared a conflict and left the meeting room

FACTS

Location Sunnyfield Road, North Side

Zoning **Agricultural/Residential**

| | |
|-----------------------------|-------------------|
| <i>Notification Results</i> | One Objection |
| <i>Parcel Size</i> | 199 acres |
| <i>Parcel Size Required</i> | 10,000 sq ft |
| <i>Current Use</i> | Road & Gate |
| <i>Proposed Use</i> | None at this time |

BACKGROUND

13th February 2024 (CPA/05/24; item 2.5) the Authority considered the applications thoroughly including submissions from the applicant both in writing and in person. For a full summary of the decision, those minutes should be referenced. On 13th February the Authority rendered the following decisions:

Decision #1: It was resolved to grant planning permission for the after-the-fact road construction which commenced circa. 2018/209 and resumed at the end of 2022 and ceased on 24th February 2023, prior to the Interim Directive being issued on 28th February 2023, for the following reasons:

- 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 use of the after-the-fact road/trail is for recreational purposes only (ie no motorized vehicles, mechanical activity or maintenance).

Reasons for the decision:

- 1) The Authority acknowledged the comments from the Department of Environment regarding the potential adverse effects as they relate to construction and operation of the after-the-fact road/trail. Regarding the construction impacts, the Authority is of the view that the road/trail already exists and a decision to allow it to remain does not result in additional construction-related adverse effects on the environment generally or on any natural resource. Regarding the operational impacts, the Authority has imposed a restriction on the approval that, subject to the outcome of the applicant's appeal to Cabinet, only recreational use of the road/trail is permitted and no vehicular activity, maintenance, construction etc is permitted without the prior consent of the Authority. The Authority considered other operation impacts raised by the DOE and found that, since the road exists, there are no additional conditions within the Authority's remit that it is able to impose regarding these impacts. Accordingly, no further referral of the after-the-fact road application to the National Conservation Council under the National Conservation Act s41(3) is required.
- 2) After-the-fact development is permissible under the Development and Planning Act and Regulations. It is therefore acceptable and lawful in some circumstances as a

means to regularize such development. In this case, the Authority is of the view that removing the after-the-fact road would not only require a separate application but would also be subject to review by the Department of Environment under Section 7 of the Development and Planning Act (2021) and based on the Department of Environment's Section 7 memorandum dated 29th September 2023, as the Authority has already concluded, that removal of the existing road would have greater adverse effect than leaving the existing road in situ.

Decision #2: It was resolved to adjourn the applications for the proposed road construction and gate pending the outcomes of the legal proceedings involving the applicant's appeal of the NCC's Interim Directive and the Court proceedings regarding DOE filing a charge against the applicant.

The applicant is reminded that absolutely no further development activity on the site regarding clearing, road construction or maintenance etc is permitted without the prior consent of the Authority. In addition, while use of the property for agricultural purposes does not require an application for planning permission, no such use shall include any mechanical equipment or activity.

CURRENT APPLICATION

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/05/24; item 2.5 be modified as follows:

- That said permission is hereby adjourned pending the outcome of the Applicant's appeal to Cabinet regarding the National Conservation Council's (the Council) interim directive dated 28th February 2023. Accordingly, the Authority hereby holds in abeyance any further consultation with the Council on this matter, pending the outcome of the said appeal.

The applicant is reminded that absolutely no further development activity on the site regarding clearing, road construction or maintenance etc is permitted without the prior consent of the Authority. In addition, while use of the property for agricultural purposes does not require an application for planning permission, no such use shall include any mechanical equipment or activity

All other conditions of CPA/05/24; item 2.5 remain applicable.

Reasons for this decision:

- 1) The Authority considered all information contained in the Agenda and Minutes of its meeting held on 13th February 2024 (CPA/05/24; item 2.5), including agency comments, applicant's submissions and representations, any objections and any other representations made pertaining to the application.
- 2) For clarity, "adjourned" means there is no decision to approve or to refuse the application. The application therefore stands in abeyance pending the outcome of the cases referred to in the CPA's decision
- 3) The Authority also referred to paragraph 38 of the Cayman Islands Court of Appeal (CICA) judgment (NCC v CPA) which provides:

"Properly construed, therefore, adverse effect is to be assessed by the CPA, under both section 41(3) and section 41(4), prior to consideration of any conditions. The risk of harm posed by "any action" must be assessed prior to consideration of the conditions which might eliminate that risk."

That paragraph clearly states that it is for the Authority to determine "adverse effect" both sections 41(3) and 41(4) of the National Conservation Act. The CICA judgment merely provides that under the circumstances of the case, it was the Authority's duty to consult or give clear and cogent reasons for not consulting further.

In the case of the instant application, the Authority consulted under Section 7 of the Development and Planning Act (2021 Revision) and received the DOE's very detailed reply. In accordance with the CICA ruling, and for reasons already stated herein (including the 13th February 2024 CPA minutes), the Authority enumerated both its consideration of the DOE's comments and provided cogent reasons for not consulting further.

In the case of the after-the-fact applications for land clearing and after-the-fact road/trail construction, the Authority did not find any potential adverse effects, especially since the construction and operations work was completed.

- 4) The Authority also considered the Letter Before Action dated 21st March 2024 from Nelsons Attorneys on behalf of the National Conservation Council.
- 5) The Authority specifically reviewed the submissions from the DOE and National Conservation Council contained in the Authority's minutes of its meeting on 13th February 2024 (which for ease of reference have been included in these Minutes). The Authority concluded that these previous minutes clearly outline that the Authority considered the DOE/NCC submissions. Notwithstanding, in response to the Council's threat of judicial review, the Authority agreed to modify its previous approval to adjourn the matter until Cabinet has ruled on the applicant's appeal. Further, notwithstanding that all after-the-fact construction and operations activity had ceased **before** the Council's interim directive was issued on 28th February 2023, the Authority

determined in the circumstances, while the Applicant's appeal of that directive is pending, any further consultation by the Authority with the DOE and/or NCC on this matter would be held in abeyance.

At 11:30am, the applicant's agent Mr. Greg Abernathy (GA) appeared before the CPA regarding another prescheduled matter and upon conclusion of that matter at approximately 11:50am, GA asked if he could address the Authority on the subject application. GA explained that, having been copied on recent correspondence from Nelson Attorneys on behalf of the NCC, his client (Bon Crepe Ltd) asked him to raise the matter with CPA today.

- The Authority advised that it was aware of the correspondence and had circulated same to CPA members, namely the 21st March 2024 Letter Before Action from Nelsons, on behalf of the NCC asking the Authority to revoke planning permission for the after-the-fact land clearing and after-the-fact road, or else be the subject of judicial review.
- The Authority asked GA to confirm that he was here today at his client's request. GA responded "yes". The Authority asked if GA would like to summarize his client's opinions on the NCC's suggestion that planning permission for the after-the-fact road be revoked.
- GA replied that, on behalf of his client, he confirms that he and his client understand the Authority's position and will accept the Authority's decision today to modify the Authority's decision of 13th February 2024.
- The Authority thanked the applicant's agent for attending.

5.2 CPA STATISTICS

The Authority was provided with updated statistics regarding the number of applications that were refused planning permission and the number of variances granted.

5.3 DEPARTMENT OF AGRICULTURE

The Authority determined that an electrical connection can be approved for the office/lunch room trailer.

5.4 MICHAEL MURPHY Block 5C Parcel 335 (P23-1011) (EJ)

The Authority determined that the re-orientation of the septic tanks and deep wells was acceptable.

5.5 DEVELOPMENT INQUIRY Block 10A Parcel 346

The Authority determined that a new HWM survey is not required per Regulation 6(3) as the coastline is ironshore.

6.0 CPA MEMBERS INFORMATION/DISCUSSION

6.1 IGLESIA EMBAJADORES DE DIOS LTD Block 14D Parcel 130

The Authority noted that the structures on site are ruinous and dilapidated and a Maintenance of Land notice needs to 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 Law (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 law.

6.2 AGGREGATE ADVISORY COMMITTEE

A presentation from members of the AAC will be provided at the Authority's next meeting on April 24, 2024.

6.3 CPA MEETING WITH PLANNERS

The Authority asked that a meeting be scheduled so that the Authority can explain to the Current Planning staff the accepted process for dealing with matters related to Sections 2(a-1), 41(3) and 41(4) of the National Conservation Act.

The meeting adjourned at 4:00pm. The next regular meeting of the Central Planning Authority is scheduled for *Wednesday, April 24, 2024 at 10:00 a.m.* in in Conference Room 1038, 1st floor, Government Administration Building.



Ian Pairaudeau
Chairman



Haroon L. Pandohie
Executive Secretary

Appendix B

PO Box 552
Savannah, Grand Cayman
KY1-1502

Kenneth Walker
Owner
Block 48E Parcel 70H019



October 15, 2023

Director of Planning
PO Box 113
Grand Cayman, KY1-9000
Planning.dept@gov.ky

To Whom it may concern,

I would like to address my concerns and express my objection of the proposed 6 x five story apartment building (157 apartments in total) with 3 x pools. Block and parcel 43D175.

We (Owners and renters of Moonbay condominiums) have seen some recent and current construction in the last few years and it is disconcerting to everyone that the government is allowing more construction without taking into consideration the impact on the environment or the people of Grand Cayman. What is the increase in rubbish (garbage), water use, fuel consumption, ocean traffic (impacts coral and sea life) as well as impact of road, water and sewage infrastructure?

In recent years we have seen a multitude of residences built or in the process of being built.

| | | | | |
|-------------------------------------|-------------------|----------------------------|--------------|-------------|
| The Grand Hyatt Residences | The Watermark | Lacovia | Aqua Bay | Prisma |
| One Canal Point | The Grove 2 | Blue Palms | The Sands | Serrano |
| Lotus at Canal point | Sapphire Oceans 9 | Seadreams | RIA | Point West |
| Salt Air Townhomes | Sunset Point | Kapok | Secret Beach | One/GT |
| Urban Flats | The Bentley | Aura | Allure | Paris |
| Dolphin Point Club | Downtown Reach | Catalina Bay | Kailani | Q |
| The South Sound Collection | Bahia | Mantras | Karma | Seaview |
| Harbor Walk Residences | Grand Palmyra | Indigo Bay | Prive' | The Lagoons |
| The Meadows at Batabano | Beach Groves | Ocean Vista | Tradewinds | Arvia |
| The Residences at Mandarin Oriental | | The Silver Reef Residences | | Jay |

Every person living on grand Cayman knows how bad the traffic is and once the above-mentioned complexes are filled, the traffic delays and accidents will only increase.

While Grand Cayman is working on some roads around Georgetown to alleviate the traffic, it will not make any difference to those coming from East End, North Sound or West Bay once current construction of complexes is complete, so to add more would only exacerbate the problem.

If the government doesn't look at the future and ensure the ecosystem and infrastructure can handle the current growth, the Cayman Islands government will not only be doing a disservice for the people that live on the island but will be harming the Caymanian people of Grand Cayman.

Until an environmental impact study on the surrounding waters from current construction and the infrastructure on Grand Cayman is in place, particularly the roads, I **OBJECT** to any new construction of any complexes, especially east of Savannah where you are proposing new construction. **Block and parcel 43D175.**

The government should consider a moratorium on construction east of Grand Harbor until they know what it will do to the overall health of the island as well as having the roads in place to mitigate traffic issues.

Sincerely yours,

Kenneth Walker, ELD

Popovich, Nicholas

From: Department of Planning
Sent: Monday, October 23, 2023 1:27 PM
To: Popovich, Nicholas
Subject: FW: 42D175 Objection from owner of 48E 70 H20

From: [REDACTED] <[REDACTED]@hotmail.com>
Sent: Monday, October 23, 2023 12:12 PM
To: Department of Planning <Planning.Dept@gov.ky>
Subject: [EXTERNAL] 42D175 Objection from owner of 48E 70 H20

Director of Planning

PO Box 113

Grand Cayman, KY1-9000

To Whom it may concern,

As a Caymanian who has spent the majority of my life in Bodden Town, I **STRONGLY OBJECT** to the proposed 6 x five story apartment buildings (157 apartments in total) with 3 x pools. Block and parcel 43D175. [REDACTED]

Firstly, I object due to environmental impact that will be caused by a complex of that size with the quantity of residents. It will impact not only the sea, but also the land and wildlife in the area. We have already seen the impact of building in the surrounding areas with displaced birds and agouti etc.. looking for places to live. We have also seen a huge decrease in the sea life in Bodden Town. Conch, lobster, fish etc. used to be plentiful in Bodden Town. Now it is extremely scarce. Imagine what the impact of 157 new apartments in the area would do.

Secondly, I object due to the "cultural" impact that will be caused by a complex of that size. Bodden Town, being the first capitol of the Cayman Islands, has great importance historically. Bodden Town is where the first school and the first church were located. It is where democracy started in the Cayman Islands. The quaintness of Bodden Town and it's historical importance must be preserved for generations of Caymanians to come. The National Trust has worked very hard at ensuring this and building 6 high-rise buildings in Bodden Town will destroy the charm and unique features of the community. The proposed buildings are totally inconsistent with other structures in Bodden Town.

Thirdly, I object due to Bodden Town and the Eastern districts do not have the infrastructure to support 157 units. The roads alone is reason to not build. Daily traffic is a constant challenge for residents of these areas. Families are spending hours a day sitting in traffic as it is now and this will exacerbate the problem.

Planning needs to consider the impact on the lives of Caymanians and a heritage that is slowly being lost and not just the financial gains of the developers. Our beautiful island that "time forgot" is being destroyed by all of the developing and building.

[Redacted]

Thank you for your consideration in this matter.

Kind regards,

Allison Taylor

Owner of Block and Parcel 48E 70 H20

[Redacted]

[Redacted]

[Redacted]

Oct 25, 2023

Director of Planning
P.O. Box 113
Grand Cayman, KY1-9000

From: Bruno Vecchiato



**Subject: Notice of Application for Planning Permission
Block 43D, Parcel 175
[6 x 5-storey apartment buildings (157 Apts.), 3 – pools and 2 – cabanas]**

To Whom It May Concern:

I write to you with regards to above subject proposed application. I have reviewed the information and drawings on the Planning Department's government website and would like to register my concerns and objection to the proposed development for the following reasons.

The 6 buildings with a total of 157 apartments on a lot with a total road frontage of 1,050ft [approx.] will be too many buildings and apartments for the allocated lot size, the 6 levels for the apartment buildings [basement to level 5 + roof level] would be too high and too dense for the proposed 300,000 sq. ft. on 6.25 acres of land, and the impact it would have on the traffic congestion in the vicinity.

From the drawings I cannot tell where the proposed parking will be located, in the Basement or in front of the buildings, either way there will not be enough parking to accommodate 157 apartments including visitor's parking as the lot size is too small to accommodate all parking necessary for the complex, or are we to assume that the parking for the development will be off site and or to be determined later, which will be problematic in the future.

I suggest that the government not approve or proceed with this application until an environmental impact assessment is done in regards to whether any beachside Ironshore, dock or beach upgrade works is required or is planned for in the future, how the clearing and leveling of the property in preparation for the development is done and how the development will affect traffic congestion in the area on the single-lane road in both east-west direction.

Yours sincerely,
Bruno Vecchiato


Signature

P23-0624

Popovich, Nicholas

From: Department of Planning
Sent: Thursday, October 26, 2023 10:35 AM
To: Popovich, Nicholas
Subject: FW: [EXTERNAL] Objection to 43D175 by owner of 48E 70 H4

From: [REDACTED]
Sent: Wednesday, October 25, 2023 3:26 PM
To: Department of Planning <Planning.Dept@gov.ky>
Subject: [EXTERNAL] Objection to 43D175 by owner of 48E 70 H4

Director of Planning
P.O. 113
Grand Cayman, KY1-9000

To Whom It May Concern,

RE: BLOCK & PARCEL 43D175

I am writing this letter to urgently and strongly object to the proposed 6 five-story buildings with 3 pools (157 total units) to be built on the above referenced block and parcel 43D175.

Every time I even think about all the impacts a project this size would have in this district it causes me great concern for the already stressed traffic and what it's going to do to the environment and infrastructure. The roads already can't handle all the traffic now much less adding 157 units for this particular project, with the majority probably owning 2 vehicles, (and the other massive proposed project a little further east)! And as for the environment? You don't have to be a college graduate to see what has and is happening to our island as a whole, much less our quiet districts of Bodden Town, East End and North Side.

People are and have been moving to the eastern districts to get away from the over development of George Town, Seven Mile Beach and West Bay. PLEASE, STOP KILLING THE GOOSE! My family, a McTaggart member, left the island in 1960 and I returned in 1987 to live permanently. My first years were spent in the George Town and South Sound areas as I had children in school, so I have experienced a great number of developments. We moved to Bodden Town in 1998 and have remained here since. And as Barefoot Man penned and sang 40 years ago, "Where have all the mangoes gone?" It would make me most happy to see a moratorium put on developments island wide, with the exception of individual (not developments) single family homes until.....?

Take care of the "little man" instead of "the developers" who are only looking to gain financially.

Thanking you in advance for your consideration, I am

Sincerely,

Anita Jean Lovinggood (Jeanie)

[REDACTED]

Grand Cayman

Cayman Islands, KY1-1007

[Redacted]

[Redacted]

Popovich, Nicholas

From: Department of Planning
Sent: Wednesday, November 1, 2023 2:29 PM
To: Popovich, Nicholas
Subject: FW: [EXTERNAL] Registration of Complaint of Project Number P23-0624

From: [REDACTED]
Sent: Friday, October 27, 2023 2:01 PM
To: Department of Planning <Planning.Dept@gov.ky>
Cc: [REDACTED]
Subject: [EXTERNAL] Registration of Complaint of Project Number P23-0624

Complaint to the above-referenced project.

Robyn G. Pharr
Attorney at Law

[REDACTED]

[REDACTED]

October 27, 2023

TO:
Mr. **Haroon Pandohie**
Director of Planning
P.O. Box 113
Grand Cayman, KY1-9000, Cayman Islands,
P23-0624| Department of Planning
Email: planning.dept@gov.ky.

RE: Block 43D, Parcel 175

Project Number P23-0624
323196SQ.FT. TOTAL FOR SIX APARTMENT BUILDINGS; 3 POOLS;
TWO 256 SQ.FT. CABANAS

SUBJECT: Complaint and Concerns Regarding the Development known as Project P23-0624

Dear Mr. Pandohie;

I am writing to register a formal complaint and express my deep concerns about the ongoing development of the new complex adjacent to the Moon Bay Condominium complex. While I understand the importance of development and progress, the current project raises serious issues that need your immediate attention.

First and foremost, the issue of over-density in the proposed complex is a matter of significant concern. The Moon Bay Condominium complex, public beach, and immediate area already struggle with space and infrastructure limitations, and the addition of a new complex will only exacerbate this problem. The increased density of residents and visitors is likely to strain our already fragile resources and utilities.

One of the most pressing concerns is the impact on our local infrastructure, particularly the traffic on the two-lane road that serves as the main access point to our community. The existing road is already congested with a lack of parking and public beach users are currently constricting the narrow road with parked cars and creating road safety problems now. The new development is only going to worsen the traffic situation and make safe travel access worse than it already is. It's imperative that a thorough traffic impact assessment be conducted to address this issue.

The proposed development also poses a severe threat to our local ecosystem, specifically in terms of beach and barrier reef erosion. The beautiful shoreline our community cherishes is at risk due to the construction activities associated with the new complex. We urge you to prioritize ecological preservation and take necessary steps to mitigate beach and reef erosion issues potentially increasing the impact of a hurricane. It's imperative that a thorough ecological impact assessment be conducted to address this issue.

Furthermore, concerns about the water system, electric, and septic systems should not be underestimated. The current infrastructure may not be equipped to handle the increased demand, and residents fear water shortages, electrical brownouts, and potential issues with sewage management.

Noise pollution, overload on public beach access and use, and the lack of adequate parking are also issues that need attention. These problems are not only detrimental to the residents but also have a direct impact on the quality of life in our and surrounding communities.

Additionally, the safety of Moon Bay Condominium residents and the public should be a top priority, and measures to ensure their security during all phases before, during, and after the construction phase must be put in place.

Considering these concerns, we kindly request that the development project be thoroughly reviewed, and necessary modifications made to address the issues raised. We hope that you will consider the long-term well-being of the Moon Bay Condominium residents, the local area, and the preservation of our cherished environment.

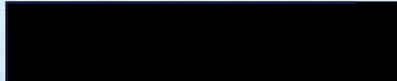
Thank you for your prompt consideration and assistance in this matter. I register my complaint.

Sincerely,

Robyn G. Pharr, Esq^{EFG}

Robyn G. Pharr
Attorney at Law

Robert Wood



27 October 2023

Director of Planning
The Department of Planning
PO Box 113
Grand Cayman KY1-9000
Cayman Islands

Cc : Hon. Premier and MP Wayne Panton
Hon. Dwayne Seymour, MP BTE

Re: Planning Application on Block 43D Parcel 175

Dear Director of Planning/Sirs:

It is with deep regret that I have become aware of this tragedy about to rear its head again in our District of Peace, Quiet, and Tranquility.

This previous monstrous plan I noted was stopped through the collective efforts of the residents here in Pease Bay with a visit to their Executive Council under the previous Governor John Owen.

History – Topography

The property is a high bluff lying in front of one of the most vicious natural channels surrounding this island and serves to protect the residents on the North side of the main road.

The area is extremely rocky and shallow with pockets of marshland adjoining the main road, and parts of the old original road can still be seen at the far Western end.

The marsh along the road serves as a drainage area during storms and heavy rain to keep the road open from flooding as it sits below road level.

Had it not been for this bluff during Hurricane Ivan, all houses in this area would possibly have been lost as it broke the force of the waves but did not completely stop the flood water.

I, for one, had fish swimming in my driveway for days after.

Objection

This proposed development is completely out of context with this side of the island and the peaceful lifestyle of the Eastern District. Six (6) five-story buildings with 157 apartments and three (3) pools --- that is horrific.

Given a ratio of 3.5 baths per unit, let us say at a minimum of 550 toilets of sewage --- where is it going? Just reflect on this.

There is no infrastructure to accommodate this and that is only for minimum sewage.

Think of the environment here. This project requires a minimum setback of 75' from the seaside, and 50-60' from the main road to allow for parking. Where will this go? Given two (2) spaces per unit excluding visitors bring 314 vehicles just for residents --- where is the infrastructure to accommodate? What will this do to the already congested road traffic? Where will visitors' parking go? Underground? (No way.) This was part of the previous disastrous application whereby an amount of 680,000 cubic yards of material would have been required to provide parking.

This would create a total disaster with the blasting alone contributing to significant damage to the area already severely fractured by the ongoing quarrying located in the mangroves directly behind the residents in the area.

Ocean Side

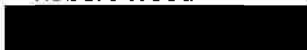
As stated at the beginning, the property sits directly in front of a natural channel which has severe currents most of the year.

The area itself is a non-swimming zone and all history and indigenous Caymanians are aware of the dangers presented here, and there is no beach save for a small cove on the Eastern end.

I strongly suggest that Planning refuses this application in its entirety and would suggest that the developer modify his plan to a more suitable and sustainable type of development such as Cayman-styled individual homes. We do not need to emulate Seven Mile Beach and cater to everyone who wishes to exploit our island for their beneficial gain. Let us stop the greed.

Sincerely,


Robert Wood



MOON BAY CONDOMINIUMS

[REDACTED] Bodden Town Road, Grand Cayman

The Executive Committee of Strata Plan No.59
Moon Bay Condominiums,

[REDACTED]
Grand Cayman, CAYMAN ISLANDS

Director of Planning,
P.O. Box 113,
Grand Cayman, KY1-9000,
Cayman Islands

27th October 2023

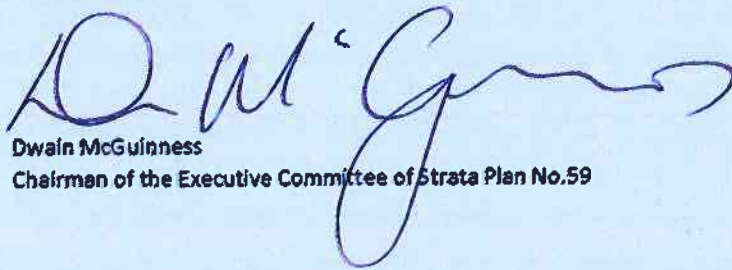
Dear Sirs,

RE: FORMAL OBJECTION TO PROJECT P23-0624

The Executive Committee of Strata Plan No.59, commonly known as Moon Bay Condominiums and located at 820/840 Bodden Town Road, Block 48E Parcel 70, formally submit this objection to project number P23-0624 on the following grounds:

- The detrimental effect to the security of property and residents of Moon Bay Condominiums during construction and on completion of the development.
- Road safety concerns arising from increased traffic.
- Concerns about flooding and storm water management which may detrimentally affect Moon Bay Condominiums.
- Loss of use of beach frontage for Moon Bay Condominiums residents.
- Environmental concerns including potential damage/erosion to the beach on 48E/70, loss of turtle nesting sites, increased boating activity damaging ocean life.
- Project not being in keeping with other developments in the vicinity, particularly noting the height of the proposed buildings.
- Concerns about lighting levels
- Concerns about noise pollution and a loss of privacy for Moon Bay Condominiums residents.

Yours Faithfully,



Dwain McGuinness
Chairman of the Executive Committee of Strata Plan No.59

Popovich, Nicholas

From: Department of Planning
Sent: Wednesday, November 1, 2023 2:31 PM
To: Popovich, Nicholas
Subject: FW: [EXTERNAL] Planning Application P23-0624 re Block 43D Parcel 175

From: [REDACTED]
Sent: Tuesday, October 31, 2023 10:26 AM
To: Department of Planning <Planning.Dept@gov.ky>
Subject: [EXTERNAL] Planning Application P23-0624 re Block 43D Parcel 175

Good Morning,

I am in receipt of the notice of an application being submitted to construct six 5 story apartment buildings (157 units in total) on 43D 175 in Pease Bay, Bodden Town. I wish to advise that I am in favor of the proposed application, but would ask that when approval is given that the developers: 1) widen the existing Bodden Town Road to accommodate a turning lane for the entire stretch of the property; 2) construct a decent width side walk set back from the edge of the road with perhaps a lawn and some trees separating the sidewalk from the roadside as an added means of safety and aesthetics and 3) I would also ask that consideration be given to having a connector road to the East-West arterial road nearby as 157 units will add significantly more additional traffic to the one lane road that currently exists in Bodden Town.

Thank you.

Sincerely,

Joseph Woods

Appendix C

Our Ref: 5339-2

Writer's email: kmcclymont@nelsonslegal.com

21 March 2024

Central Planning Authority
Att: Haroon Pandohie, Secretary of the Central Planning Authority
Email: haroon.pandohie@gov.ky

Bon Crepe Ltd
C/O Abernathy & Associates
Att: Greg Abernathy
Email: greg@survey.ky

Dear Sirs

Re: Pre-Action Protocol Letter - Judicial Review

1. We write in accordance with the pre-action protocol for judicial review.

Proposed Claimant

2. We are instructed by the proposed claimant, the National Conservation Council (“NCC”), which was established by s.3(1) of the National Conservation Act.

The decision under challenge

3. The Department of Environment received from the Central Planning Authority (“CPA”) a consultation request in respect to an application made by Bon Crepe Ltd for (1) after-the-fact planning permission to clear land by mechanical means and construct a road; and (2) permission to clear a further 662.6 linear feet of property to facilitate the extension of the road for which after-the-fact permission was also sought. The application related to the properties described as Block 66A, parcel 20 and Block 69A, parcel 51 (P23-0679)(NP).

4. The Director, acting on behalf of the Department of Environment (the “DOE”) determined that the proposals for which permission was sought by the applicant would or would likely cause adverse effects on a designated area of critical habitat and advised the CPA that it was therefore required to refer the application to the NCC under section 41(4) of the National Conservation Act (the “Act”) and that, if that occurred, the NCC would wish to impose conditions on any grant of planning permission under section 41(5) of the Act, as a means of mitigating the adverse impacts that had been identified.
5. Contrary to that advice, on 13 February 2024 the CPA resolved:
 - a. Not to refer the matter to the NCC under section 41(4) of the Act.
 - b. To grant after-the-fact planning permission and issue notice of the grant of planning permission.
 - c. To adjourn the application to clear a further 662.6 linear feet of property to facilitate the extension of the road for which after-the-fact permission.

The Issue

6. The NCC considers that the CPA’s decision unlawful on the following three grounds:
 - a. Firstly, the CPA did not consult the NCC on the application pursuant to section 41(3) of the Act;
 - b. Secondly, the CPA did not provide clear and cogent reasons for departing from the view of the DOE that the application should be referred to the NCC for under section 41(4) as the proposal would or would likely have an adverse environmental impact; and
 - c. Thirdly, in coming to its decision that the proposal would not or would not be likely to cause adverse environmental impact, the CPA took into consideration its own opinion on the impact of it’s the conditions it imposed on the permission to mitigate the environmental impact, rather than considering the impact of the proposal without reference to its own conditions and allowing the NCC to direct conditions to mitigate that adverse impact, being a power conferred on the NCC by section 41(5) of the Act.

Remedy

7. The CPA wouldn't ordinarily be able to retake the decision under challenge because it is *functus officio*; however, it might be able to revoke the decision under section 17 of the Development and Planning Act. We invite you to consider whether that is possible and let us know your position.
8. If we are unable to reach a negotiated agreement within a reasonable timeframe, the NCC will ask the Grand Court to grant (i) an interim stay of the after-the-fact planning permission until the Court can determine the claim, (ii) a declaration that the reasons given by the CPA for deciding not to refer the application to the NCC for consideration under section 41(4) of the Act were inadequate; and (iii) an order quashing the planning permission. If that becomes necessary, the NCC will:
 - a. invite the CPA to submit to the form of relief outlined above; and
 - b. as Bon Crepe Ltd will be directly affected by the proposed relief, will name it as an interested party to the claim and invite the company not to contest the claim.

Forum

9. The NCC is not entitled to appeal against the grant of planning permission to the Planning Appeals Tribunal under s.48(1) of the Development and Planning Act because it was not served with notice of the application for planning permission in accordance with the Development and Planning Regulations (which do not require notice to be served on the NCC) and did not object in accordance with the Development and Planning Regulations. In those circumstances, the NCC intends to apply for judicial review. We invite you to agree that this is the correct procedure for challenging the lawfulness of the grant of planning permission. If you disagree, please provide your reasons.

Timing

10. An applicant for Judicial Review must proceed with its claim without delay and must file no later than 3 months after the decision in issue was made, being 13 May 2024. Accordingly, we consider it necessary to start the pre-action protocol process for judicial review now, to avoid any suggestion of delay by the NCC.

11. We will ask the Grand Court to determine the application for leave to apply for judicial review on the papers and to direct that the grant of leave shall operate as a stay of the planning permission pursuant to Order 53, rule 3(10) of the Grand Court Rules. We would not object to the CPA and/or Bon Crepe Ltd applying for a prompt return hearing should you consider that you have grounds for seeking the discharge of the interim stay.

Reply

12. Please provide your response within 14 days of the date of this letter, as required by paragraph 13 of Practice Direction No 4 of 2013 (Pre-Action Protocol for Judicial Review). If your response is received within this timeframe, it will allow time for full negotiations to continue, with a view to avoiding legal proceedings.

13. Your reply should be provided to this firm, being Nelsons Legal, whose address for service is The Grand Pavilion, 802 West Bay Road, Grand Cayman Cayman Islands, with a copy also sent by electronic mail to kmcclymont@nelsonslegal.com.

Yours faithfully

Nelsons Legal

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Kate McClymont