

Central Planning Authority

Minutes of a meeting of the Central Planning Authority held on December 15, 2021 at 10:00 a.m. in 2nd Floor Conference Room at Governor's Square.

26th Meeting of the Year

CPA/26/21

Mr. Ian Pairaudeau (Chair)

Mr. Handel Whittaker (Deputy Chair) (Acting Chair for item 2.3)

Mr. Joshua Bernard

Mr. Gillard McLaughlin

Mr. Charles Russell Jr. (apologies)

Mr. Windel Scott

Mr. Peter Campbell

Mr. Kenneth Ebanks

Ms. Danette McLaughlin

Ms. Shakina Bush (via Zoom)

Ms. Christine Maltman, MCIP, AICP

Ms. Celecia Bancroft (via Zoom)

Mr. Ashton Bodden (via Zoom)

Mr. Haroon Pandohie (Executive Secretary)

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

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

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APPLICANTS ATTENDING THE AUTHORITY'S MEETING

APPLICANT NAME	TIME	ITEM	PAGE
Hurley's	11:00	2.1	5
Fosters	11:30	2.2	15
Finigan Huffington	1:00	2.3	39
TAG Development	1:30	2.4	50
Phillip Mitchell	2:00	2.5	59
Lee McKay	2:30	2.14	89

1.1 Confirmation of Minutes of CPA/25/21 held on December 08, 2021.

Moved: Kenneth Ebanks

Seconded: Christine Maltman

Confirmed

1.2 Declarations of Conflicts/Interests

ITEM	MEMBER
2.1	Danette McLaughlin
2.2	Celecia Bancroft
2.3	Ian Pairaudeau
2.9, 2.11, 5.4	Kenneth Ebanks
2.12	Peter Campbell
5.1, 5.4	Christine Maltman

2.0 APPLICATIONS

APPEARANCES (Items 2.1 to 2.5)

2.1 HURLEYS (Frederick & McRae) Block 15B Parcels 263 and 405 & Block 14E Parcels 541 and 542 (P21-0879) (\$4.9 Million) (NP)

Application for proposed supermarket.

Appearance at 11:00

Danette McLaughlin declared a conflict and left the meeting room.

FACTS

<i>Location</i>	Walkers Road, George Town
<i>Zoning</i>	Neighbourhood Commercial
<i>Notification Results</i>	Objections
<i>Parcel size</i>	2.697 acres (combined)
<i>Parcel size required</i>	20,000 sq ft
<i>Current use</i>	Vacant
<i>Proposed use</i>	Supermarket (35,560 sq ft)
<i>Proposed Building Footprint</i>	32, 500 sq. ft.
<i>Proposed Building Area</i>	35,560 sq. ft.
<i>Parking Required</i>	119
<i>Parking Proposed</i>	127

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

Conditions (1-8) 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:
 - a) An 8' high solid wall along the common boundaries of 14E 139 & 144 and 15B 295.
 - b) A 6' wide sidewalk within the subject parcel boundary and the removal of the existing sidewalk.
 - c) The removal of grasscrete from the parking/driveway areas.
- 2) The applicant shall provide a copy of the submission made to the Lands and Survey Department to combine Block 14E Parcels 541 & 542 and Block 15B Parcels 263 & 405.
- 3) If not already shown on the site plan, the applicant shall submit a site plan that shows

the location, dimensions and **size** of the wastewater treatment system (including the disposal system).

- 4) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 5) The applicant shall submit a Stormwater Management plan designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority. **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 6) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 7) Construction drawings for the proposed wastewater treatment system and disposal system shall be submitted to the Water Authority for review and approval. The Central Planning Authority must receive confirmation of the Water Authority's approval.
- 8) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes. The plan should also include the proposed days and hours of construction.

In addition to Building Permit requirements, condition (9) listed below shall be met before a Building Permit can be issued.

- 9) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 10) 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.
- 11) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

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

- 12) Block 14E Parcels 541 and 542 and Block 15B Parcels 263 and 405 shall be combined and registered with a new parcel number.
- 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 five feet (5') above mean sea level.

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**.

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

Reasons for the decision:

- 1) The site is zoned Neighbourhood Commercial and the Authority is satisfied that the proposed grocery store will service the needs of the community per Section 3.02 (b) of The Development Plan 1997 just as the former commercial plaza and grocery store fulfilled that role. The Authority would also note that this section of the Plan specifically envisions uses such as a grocery store being situated in the Neighbourhood Commercial zone.
- 2) The Authority is satisfied that the proposed grocery store will cater principally for the needs of persons resident in, or in the vicinity of, the Neighbourhood Commercial zone per Regulation 13(1)(b) of the Development and Planning Regulations (2021 Revision).
- 3) The proposal as submitted exceeds the allowable site coverage per Regulation 13(11) of 75% by 0.7%. The Authority does not support the use of grasscrete as a parking/driveway surface for commercial uses as it does not wear well due to the amount of tire movements which tend to cause the grasscrete to fail. A condition of approval has been imposed requiring a revised site plan showing the removal of the grasscrete which would then increase the site coverage to 82.1%. The Authority agrees with the applicant that the provision of wider parking spaces as well as additional parking spaces above the required minimum represent sufficient reason and an exceptional circumstance to warrant allowing the additional site coverage per Regulation 8(13)(b) of the Development and Planning Regulations (2021 Revision).
- 4) The Authority has taken into account the objections on record and is of the view that they do not raise sufficient grounds for refusing permission. More specifically:
 - Conditions of approval have been imposed requiring an 8' solid wall to be erected along the common property boundaries of the objectors. This wall will mitigate concerns related to privacy, trespass and to some extent noise.
 - The Authority notes that the applicant is proposing to use a closed top trash compactor which is loaded from inside the building. The Authority is satisfied that this approach to trash collection will significantly minimize any potential nuisances related to smell and waste overflow.
 - The Authority is satisfied that the applicant has satisfactorily addressed the objector concerns as noted herein the minutes.

AGENCY COMMENTS

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

NRA

As per your memo dated September 8th 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by the above proposed development of 32,500 sq. ft. has been assessed in accordance with ITE Code 850-Supermarket. The anticipated traffic to be added onto Walkers Road is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak In</i>	<i>AM Peak Out</i>	<i>Pass- By</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak In</i>	<i>PM Peak Out</i>	<i>Pass- By</i>
3,374	112	45	27	40	313	102	98	113

Based on these estimates, the impact of the proposed development onto Walkers Road 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 Walkers Road, within the property boundary, to NRA standards. Please have the applicant adjust the existing sidewalk to be within the property boundary, so as to preserve the fifty (50)ft designated road reserve as per Boundary Plan 9. The NRA has future plans to upgrade Walkers Road and the adjustment and upgrade of the sidewalk will help with these plans.

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

Stormwater Management Issues

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

- *The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- *The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- *Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Walkers 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 surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Detail%20s.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 Walkers Road encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as

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

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

Department of Environment

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).

A review of historic aerial imagery confirms that the site has been significantly modified by human activity (land clearing) and is therefore of low ecological value. We recommend the planting of native species as part of the landscaping of the scheme. Native species are

best suited for the habitat conditions of the site, requiring less maintenance and making them a very cost-effective choice.

The DOE recommends that wherever possible sustainable design features are included in projects such as this one, especially renewable energy installations given the target that 70% of energy generation be 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 and rainwater collection could be used for irrigation.

Water Authority Cayman

Please be advised that the Water Authority's requirements for this development have been determined based on the understanding that the parcels in question are to be combined. Requirements for proposed are as follows:

Wastewater Treatment and Disposal

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

- The proposed development requires **Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification** that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed system shall have a treatment capacity of at least 7,782 US gallons per day (gpd)**, based on the following calculations.*

BUILDING	SQ. FT.	CALCULATION	GPD/BLDG
Total Floor Area	Ground Floor: 32,500 sq. ft. Mezzanine: 3,060 sq. ft.	Total sq. ft. x 0.15 (retail factor) 35,560 x 0.15	5334gpd
Kitchen Area	1,360 sq. ft.	Total sq. ft. x 1.8 (restaurant factor) 1,360 x 1.8	2448gpd
TOTAL			7,782 GPD

- A grease interceptor with a minimum capacity of **1,500 US gallons** is required to pre-treat flows from kitchen fixtures and equipment with grease-laden waste; e.g., pot*

sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the ATU.

- *Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'9" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

Generator and Fuel Storage Tank(s) Installation:

- *In the event underground fuel storage tanks (USTs) are used the Authority requires the developer to install monitoring wells for the USTs. The exact number and location(s) of the monitoring wells will be determined by the Authority upon receipt of a detailed site plan showing location of the UST(s) and associated piping. The monitoring wells shall comply with the standard detail of the Water Authority linked below. All monitoring wells shall be accessible for inspection by the Authority. In the event above ground fuel storage tanks (ASTs) are used, monitoring wells will not be required.
https://www.waterauthority.ky/upimages/download/USTMonitoringWellFeb2013_1445632994.pdf*

Water Supply:

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

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

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

Department of Environmental Health

DEH has no objections to the proposed in principle.

The applicant must provide the following for review and approval:

- 1. The kitchen layout including the specifications for all equipment.*
- 2. The specification for the hot water heater.*
- 3. The approved BCU drawings for the commercial kitchen hood when available.*

Solid Waste Facility: Table 1: Specifications for Onsite Solid Waste Enclosures

Container size 26 yd³

Width 20ft

Depth 24ft

Height 5.5ft

Slab Thickness 0.5ft

Requirements 220V, 3-phase, 3.5 amp power source;

Water (hose bib), drain, Effluent Disposal well; guard rails

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

Fire Department

Fire Department has reviewed the drawings and have no concerns.

OBJECTIONS

See Appendix B

APPLICANT'S LETTER

On behalf of our client Hurley's Supermarket LTD, we are requesting a variance related to the site coverage, increased parking, and parking bay size.

We note that currently the Building and Parking areas accounts for 75.7 percent of the site coverage as defined under the Planning Regulations. Section 13 (11). This suggest that our application is less than 1% above the required site coverage ratio.

We confirm that we have increased the typical parking bay width to be 9 ft wide vs the 8.5' as required under the regulation. We find that with the increase vehicle sizes are impacting the ease of maneuverability of vehicles and improved access of loading groceries. The slightly larger parking bays are preferred specifically in the general parking areas of supermarkets. We also note that 8 additional parking bays have been provided. These above factor's accounts for the portion of increased site coverage. (We note that ideally, it is our desire to have 9ft x 18ft parking bays and 24 feet drive isles, however this would negatively impact the site coverage by a further 4% amounting to 79.6 % coverage)

We confirm that we have defined the fire lane / delivery trucking lane to the South and West of the building to be of Grass-Crete, and as a porous drive surface it would further improve the site coverage ratio. While we are cognizant that the authority is not highly supportive of the use of grass-crete as possible landscaping elements, the area which we have defined amounts for a further 6.3 % of site coverage ratio thus improving the site coverage ratio.

Grass-crete is also being used in other countries to help to offset negative environmental impact facing the planet.

Given the above, we trust that you will review our proposed site plan favorably and grant us an approval to carry out the development as designed, having 127 parking spaces. We note that 104 parking bays are designed to be 9ft x 16ft (larger than required).

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in George Town on Walkers Road. It is the site of the former Eden Plaza and the Hurleys grocery store.

The proposal is to construct a new supermarket with 35,560 square feet of area.

Staff have also advised the agent that the three lots will have to be combined into one if the application is approved. The owner agrees with this potential condition of approval.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

a) Site Coverage (75.7% vs 75%)

The Neighbourhood Commercial zone allows a maximum site coverage of 75 %. This is made up of building and parking related aisles, spaces, and entrances. (Regulation 13(11)).

The proposal is for a site coverage of 75.7%.

The applicant has submitted a variance letter pertaining to the excess 0.7 %.

b) Use of Grasscrete (6.4%)

The applicant is proposing 6.4 % of the site coverage noted in (a) above to be grasscrete.

Grasscrete does not typically wear well, especially where transport trucks and heavy vehicles are concerned.

If the grasscrete is removed, the overall site coverage would be 82.1 %.

At 11:00am, Lyle R. Frederick appeared on behalf of the applicant. Yehonatan Segal, Leah Liat, Michael Segal and Erika van Dam joined the meeting via Zoom. Summary notes are provided as follows:

- Mr. Fredrick provided several comments:
 - Operating hours for delivery trucks are 8pm to 10pm as these are typical hours based on the Port Authority's operation.
 - The generator has not been sized yet, but will likely be 500kw. It will only be used in emergencies and weekly for testing which can be scheduled during regular working hours

- Screened baffles will be used to reduce noise from the a/c equipment. He doesn't have the decibels but it will be like it is at any modern building
 - They will be using a closed top compactor which is loaded from the inside. There can be leakage, but that is up to the operator to keep it clean. There will be no recycle bins as they can get very messy.
 - Regarding commercial kitchen exhaust and noise there will only be an extractor fan which is not noisy and odours are vented through the roof top.
 - The plans show how mahogany and royal palms can be planted for vegetative screening.
 - There are no windows on the back of the building and they have no objection to putting up a 6' wall if CPA wants it.
 - The generator is 100' away from the boundary.
 - They can minimize light at the rear of the building by only having lights on the building that are directed down, there will be no pole lighting at the rear.
 - He feels he has addressed all of the objectors' concerns.
- Leah Liat indicated that she represents the Strata. They suggested that a 6' wall be provided. They would prefer if the a/c and compactor could be relocated farther away so there would be less effect on their owners. If they are relocated to the front or to the left it would be best as there are fewer owners in those locations.
 - The Authority viewed the aerial plans to clarify where the new store is situated in relation to the old Eden Centre.
 - Erika van dam noted that her house will be directly behind the store and there wasn't anything there before. The industrial side of the building will be facing her and she agrees with the Strata to flip the a/c and compactor to the front or side.
 - Ms. Liat suggested that maybe the whole building could be moved closer to the front.
 - Yehonatan Segal noted that the Fosters at Camana Bay put all of the mechanical/equipment areas close to the road with parking next to the residential and the same thing here would help.
 - Mr. Frederick noted that the site has been laid out for fire access and to accommodate truck deliveries as they need space to manoeuvre, the site has been designed for specific reasons.
 - Yehonatan Segal re-iterated that they would still like to see the dumpster and a/c switch sides as anything like that would be helpful.
 - Mr. Frederick noted that the dumpster is a closed unit, it does not have an open top. The site just needs to be properly managed. Many developers use private waste management companies so they don't have to rely on DEH and they can set the times for pickup. He noted that he could look at the placement of the a/c equipment, but it is sited because of what happens inside the store.

- The Authority summarized the key objections as the need for a privacy wall, noise from the a/c and smells from the dumpster and trucks.
- Ms. Liat explained that there will be containers waiting for unloading and this can lead to smells and noise especially as they will be closer to residences than before.
- An objector asked what would be the time frame for construction. Mr. Frederick replied construction would likely start in April, 2022 and would last about 16 to 24 months.
- An objector asked if there were noise ordinances and limits to hours of construction and the Authority noted that they didn't have the power to control those issues.
- Mr. Frederick indicated that his client would be willing to engage in an operations plan regarding hours of construction.
- An objector noted they were trying to avoid complications later and address this issue now.

2.2 **FOSTERS (Frederick & McRae) Block 5C Parcels 163,164 & 407 (P21-0801) (\$2.2 Million) (NP)**

Application for a proposed supermarket expansion.

Appearance 11:30

Celecia Bancroft declared a conflict and left the meeting room.

FACTS

<i>Location</i>	West Bay Road, West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	4.534 acres (combined)
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Supermarket (30,780 sq ft)
<i>Proposed use</i>	Supermarket
<i>Proposed Building Footprint</i>	11,094 sq. ft.
<i>Proposed Building Area</i>	11,094 sq. ft.
<i>Parking Required</i>	140
<i>Parking Proposed</i>	190

BACKGROUND:

13 October 2021 (CPA/21/21; Item 2.4) Members resolved to adjourn the application and offered two options to the applicant:

1. The preferred option was to retain the historic house in its present location and revise the parking lot.
2. Relocate the historic house to the left side of the property and revise the parking lot.

The applicant's agent has submitted a letter in response to the adjournment and the two CPA options.

24 November 2021 (CPA/24/21; item 2.7) Members resolved to adjourn the application and invite the applicant to address the CPA in person regarding the house relocation.

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

Conditions (1-6) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 2) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 3) The applicant shall submit a Stormwater Management plan designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority. **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 4) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 5) Construction drawings for the proposed wastewater treatment system and disposal system shall be submitted to the Water Authority for review and approval. The Central Planning Authority must receive confirmation of the Water Authority's approval.
- 6) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.

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

- 7) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.

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

Additionally, once construction has started, conditions (10-12) shall be complied with before a final Certificate of Occupancy can be issued.

- 10) The existing public road reserve between 5C 163 and 407 shall be closed and vested in the ownership of the applicant.
- 11) Block 5C Parcels 163, 164 and 407 and the closed road reserve shall be combined and registered with a new parcel number.
- 12) A 15' wide public right-of-way shall be registered in the location shown on the approved site plan.
- 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 five feet (5') above mean sea level.

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**.

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

Reasons for the decision:

- 1) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2021 Revision). More specifically:
 - a) Per Regulation 9(3), the Authority is satisfied that the site is a suitable location for the proposed grocery store expansion and there are no objections from adjacent land owners.
 - b) The Authority is satisfied that the proposal is consistent with the provisions of Regulations 16(1) and (2).
- 2) The Authority acknowledges the comments from the Department of Environment but would note that the content of those comments regarding the Development and Planning Law and Regulations falls outside the remit of that agency. Further, the administration of the Development and Planning Law and Regulations is the direct remit of the Central Planning Authority whose members need no education regarding same from the Department of Environment.

- 3) The Authority is satisfied with the applicant's proposal to relocate the existing house to another property.
- 4) The Authority is satisfied with the applicant's proposal to provide a new public right-of-way and associated conditions of approval have been included.

AGENCY COMMENTS

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

Water Authority Cayman

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

Wastewater Treatment:

The existing development is served by an onsite aerobic wastewater treatment system with a design treatment capacity of 7,500 gallons per day. A 1,500-gallon grease interceptor is also installed.

The design capacity of the existing wastewater treatment system can accommodate the wastewater flows from the proposed *expansion*, given that the treatment system is being operated and maintained as designed to produce an effluent that meets the Authority's discharge limits.

The Water Authority is recommending that the existing grease interceptor be upgraded as it is not working as per manufacturer's specifications.

Fire Department

The Fire Department has submitted stamp approved drawings for the proposed expansion.

Department Of Environmental Health (DEH)

DEH has no objections to the proposed in principle.

However, if this addition includes a commercial kitchen or food prep area, the applicant shall submit the floor plan, including the equipment schedule and specifications to DEH for review

National Roads Authority

As per your memo dated August 12th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

The Bridge

The applicant has proposed to ‘shift’ the public road as a fifteen (15)ft. ROW to the eastern boundary of the site. The NRA is satisfied with this per two conditions,

1. That the fifteen (15)ft. ROW be registered with Lands and Survey as a Public ROW; and
2. That the existing public road be closed and vested (at the cost of the applicant per todays land value) to normalize the site.

Road Capacity Issues

The traffic demand to be generated by the above proposed development of 41,680 sq. ft. has been assessed in accordance with ITE Code 854 - Supermarket. The anticipated traffic to be added onto West Bay Road is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak In	AM Peak Out	AM Pass By	PM Peak Hour Total Traffic	PM Peak In	PM Peak Out	PM Pass By
3,789	106	47	34	24	348	134	134	80

Based on these estimates, the impact of the proposed development onto West Bay Road 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 West Bay Road, within the property boundary, to NRA standards.

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

Stormwater Management Issues

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that

surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.

- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.
- Construct a gentle ‘hump’ at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto West Bay 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 surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.
- Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)

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

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

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

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).

Ecological Value

There is primary habitat along the southern boundary of the site, which is seasonally flooded mangrove forest (see Figure 1). Mangroves are a Schedule 1 Part 2 Protected Species under the National Conservation Act 2013 and there is an adopted Mangrove Conservation Plan (2020).

We recommend the retention of mangroves where possible. We note that the Applicant is proposing to keep the mangroves behind the existing supermarket, but is proposing to clear, fill and use the area of mangroves to the west, however the purpose is not outlined on the map – it may be recycling or storage. It is recommended that this area be retained as mangroves, which can also assist with drainage. As shown in Figures 5 to 8, the area with the existing mangroves is low-lying and is likely providing stormwater drainage for the area.

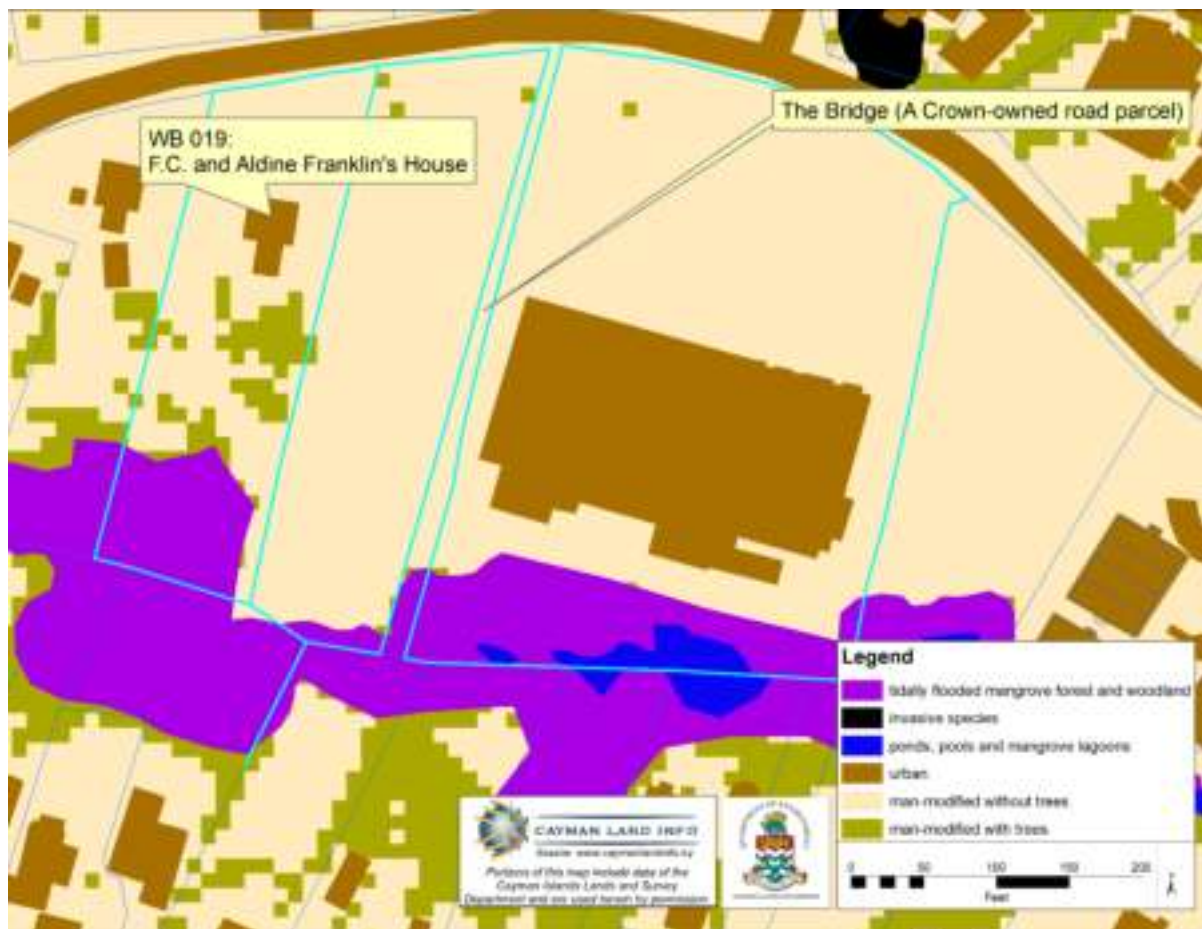


Figure 1. The habitat present at the site (outlined in light blue), indicating mangroves along the southern boundary.

Traditional Caymanian House

The traditional Caymanian house located on the parcel is listed on the National Trust for the Cayman Islands Heritage Register as WB 019. Based on this register, the house is F.C & Aldine Franklin's House and was built in approximately 1908 by Samuel Matthew Ebanks III. The house is listed as constructed with ironwood stilts and wattle and daub. The house has also been known as Miss Cassie's House.

The site also appears to fall within a Historic Overlay Zone. The Development and Planning Regulations (2021 Revision) state, *"In a Historic Overlay zone, the Authority*

shall have a duty to promote and encourage the preservation of historic buildings and conserve their historic architectural heritage.” The importance of protecting heritage assets was also reflected in the draft National Planning Framework 2018.

The Development Plan 1997 states, *“The purpose of the Historic Overlay Zone is to promote and encourage the perpetuation of historic buildings and structures with the underlying zone remaining in effect. Development will be strictly controlled to conserve the Cayman Islands historical and architectural heritage.*

Subject to the Development and Planning Law and Regulations, the Authority shall apply the Historic Overlay Zone provisions and other relevant provisions of the Statement in a manner best calculated to:

- a) Preserve and protect the established historical, architectural or cultural character of the area,*
- b) Preserve any significant aspect, appearance or view of the area, and*
- c) Preserve and protect any prospect or view, being an environmentally important prospect or view, from any public area.”*

Based on information received from the National Trust Historic Advisory Committee, the house was used in 1942-1943 as a kindergarten school. Figure 2 shows the house today, and Figure 3 shows the house sometime in the past with a traditional Caymanian front yard. The property was derelict for some time (Figure 4) but was restored in approximately 2018.



Figure 2. The traditional Caymanian house, known as F.C. & Aldine Franklin's house built in 1908 that is proposed to be demolished and replaced with 8 parking spaces.



Figure 3. An older photo of the traditional Caymanian house, of an unknown date, showing the traditional-style front yard (Source: Alice Mae Coe).



Figure 4. The house was derelict for some time (as shown) but was restored in 2018.

The plans state “existing house to be demolished” and in its place, there are proposed to be 8 parking spaces and part of the parking lot turning area.

In situ preservation (leaving it in its original location) is the first option with respect to cultural heritage. It is often best to conserve heritage assets in place, because there is value in keeping the location of heritage assets authentic. In addition, the context surrounding a heritage asset is valuable, especially in this case where it is adjacent to ‘the Old Homestead’ (WB 020 on the National Trust for the Cayman Islands Heritage Register) and the Bridge (discussed below), and within a Historic Overlay Zone.

Heritage is finite, and to demolish the house to build 8 parking spaces does not seem a wise use of this heritage asset. We recommend that the applicant redesigns the parking lot to preserve the house *in situ*.

The Department of Environment requested additional information from the Historic Advisory Committee of the National Trust who stated, “*The National Trust also calls on the developers of parcel 5C164 (F.C. & Aldine Franklin’s House) to find a possible use*

for the historic residence by possible relocating it on the parcel where allowed by the proposed site usage and to carry out suitable structural renovation that will preserve it for the benefit of the community as an outstanding example of 'old time' West Bay residential architecture." We understand that the Applicant has later clarified to the National Trust that the house is to be transported to a site in Frank Sound. Although we are pleased that the house would not be demolished (as stated on their architectural plans), it will lose its authenticity of location and reduce the historical architectural heritage of this area of West Bay. The Department continues to recommend that the house be preserved *in situ* because it is in an authentic location within a Historic Overlay Zone.

The Bridge

The expansion of the grocery store is proposed directly over an existing road parcel. The existing road parcel is the site of 'the Bridge'. The Department of Environment has not been able to source significant written historical records of the Bridge. However, it is understood that the Bridge was used as a way to go from West Bay Road to the beach near Boggy Sand Road. The wetlands here are traditionally low-lying and the Bridge was a raised boardwalk made of tree trunks and logs resting on big rocks over the wetlands to provide access between the road and the beach. We understand from the Historic Advisory Committee of the National Trust that the Bridge was also known as "Mr. Hillard's Bridge", who was the father of the late Mr. Spurgeon Ebanks. It is clearly visible in the 1958 aerial imagery (see Figure 6) and is understood to also have been used in 1942 to 1943 to access Ms. Belle's kindergarten school at the heritage house located at the site. Therefore, the Bridge has been used for at least 80 years as a traditional footpath.

A National Trust sign is present at the site, see Figure 5 below. The Bridge is likely also part of a much wider network of historical footpaths, and connected Batabano Road with the beach along the general route of what is now Willie Farrington Drive. The Bridge is also registered on the Beach Access Report (although it is incorrectly referred to as SMB – Brooklyn Bridge).

The Bridge was registered as a public road, leading to a Right of Way across private property to Boggy Sand Road and onward to the beach. The Bridge is visible up until as recent as the 2004 aerial imagery (see Figures 6 to 8). In the 2008 aerial imagery, the Fosters supermarket is shown as expanding and under construction and any structures for the Bridge likely were demolished.

In 2013, the Bridge is no longer visible, and is now part of the parking lot and a grassy area for the Foster's supermarket, even though the parcel is still registered as a public road. The expansion proposed would place the buildings of the supermarket over the public road. Currently, very little evidence of the Bridge is present (see Figure 9).



Figure 5. A National Trust Heritage sign near the location of The Bridge, aka Mr Hillard's Bridge.



Figure 6. The Bridge and F.C. Aldine Franklin's House in the 1958 aerial imagery. Water is visible at the centre of the mangrove basin.



Figure 7. The Bridge and F.C. and Aldine Franklin's house shown in the 1971 aerial imagery.



Figure 8. The Bridge is still visible as recently as the 2004 aerial imagery. In the 2008 Aerial imagery, the Bridge has been demolished as part of the previous expansion of the Foster's supermarket.



Figure 9. The location of 'the Bridge' has been replaced with a parking lot and a grassy area associated with the existing Foster's supermarket.

Although the Bridge is in very poor condition as a heritage asset, it is a public road and therefore owned by the government. It was historically used as a footpath and is currently registered as a public road and therefore the historical use is not significantly different from the current designation as a road. On the ground, there is little evidence of the Bridge as any structures remaining in 2008 were demolished as part of the previous expansion of the supermarket. However, in its current configuration, it could be restored and the heritage value enhanced. The proposed development would result in a supermarket building being built into the public road and removing any opportunity to conserve this heritage asset in its existing location in the future, and it would be permanently lost.

It is not known whether the government has entered into an agreement with Foster's Supermarket to divest or give over this land. It is also not known whether the heritage value of the Bridge or that the parcel is owned by the Crown was considered when the supermarket was expanded in approximately 2008 resulting in the loss of any physical signs of the Bridge.

The applicant has proposed on their architectural plans to leave a right of way along the boundary of the parcel, however this is not in its original location. In addition, according to the Historic Advisory Committee of the National Trust, the Applicant has agreed to replace the sign and not block access. Under the applicant's proposals, a Crown-owned public road with historical significance would be lost and replaced with an access over private property nearby. The Department does not consider this to be an equal trade, given that the applicant has not detailed the finishes or treatment with respect to the right-of-way to know if it would enhance the heritage asset in any way.

The Department of Environment contacted the Historic Advisory Committee of the National Trust who requested that the Central Planning Authority to *“allow further research into the boardwalk and trail using local knowledge and the Trust's own records and to be allowed to erect interpretive signage in due course that acknowledges the trail and the 'bridge' and places it in context of the West Bay community's heritage.”*

Therefore, it is considered that it would not be appropriate to approve this application at this time given that:

- The Central Planning Authority (CPA) has a duty to promote and encourage the preservation of historic buildings and conserve their historic architectural heritage within a Historic Overlay Zone. Therefore, the CPA has a duty to consider the heritage of the traditional Caymanian house on the site and the location of the Bridge.
- The plans state that the house is to be demolished, and the house is listed on the National Trust of the Cayman Islands Heritage Register. The CPA has a duty to encourage the preservation of this building.
- Given that the Applicant does not own the land where the Bridge was located, the Applicant will be required to enter into discussions with the government to build a supermarket building on this public road. We understand from the Ministry of Lands that such activity would require National Roads Authority and Cabinet permission.

The Department recommends that:

- The plans be modified to preserve the mangroves in the southwestern corner of the site,
- The plans are revised to retain F.C. and Aldine Franklin's house *in situ*,
- Further research into the boardwalk and trail is conducted by the National Trust, and
- The plans are revised to protect or conserve the Bridge as agreed pending further discussion.

SUPPLEMENTARY DOE COMMENTS

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 Applicant has provided a letter and requested our review following our initial comments dated 2 September 2021.

Traditional Caymanian House

The Applicant has provided revised plans indicating that the house will be relocated. While a better option than demolishing it, it will still result in the loss of a traditional Caymanian house in a Historic Overlay Zone and a prominent location visited by tourists.

The Bridge

The Applicant has provided further correspondence from 2008 regarding the Bridge which indicated that the National Roads Authority (NRA) was satisfied to stop up the road and vest to the Applicant in exchange for a relocated roadway, filled and compacted with aggregate to a suitable walking level, including adding canopy trees of an indigenous nature and public access signage in a prominent location. However, it does not appear that the agreement was fulfilled by either party, with the exception of the placement of a sign. The road was not vested to the Applicant and the Bridge was not improved in its new proposed location. In addition, based on the NRA's comments for the Proposed Development which is the subject of this application, they do not attribute any significance to the Bridge and are satisfied to vest the land over to the Applicant without any improvements.

The Department is not opposed to relocation of the Bridge, but considers that any relocation should be in tandem with restoration of the physical footpath and heritage context. It is noted that the attached letter contains many possibilities (e.g. the mangroves 'could' be kept) but no commitments. The Central Planning Authority should seek to secure improvements by conditions.



Figure 1. The 2008 correspondence indicates that the Bridge should have been relocated here, with public access signage and an area suitable for walking.

Ecological Value

The letter notes that the mangrove will be removed and replaced with skips/dumpsters for recycling and that this is ‘beneficial to with the preservation of the environment’ [sic]. It is not a wise use of wetlands to convert them into waste handling areas, and it does not benefit the environment to remove mangroves and replace them with concrete/tarmac and dumpsters.

The Department’s recommendations remain unchanged, that:

- The plans be modified to preserve the mangroves in the southwestern corner of the site,
- The plans are revised to retain F.C. and Aldine Franklin’s house *in situ*,
- Further research into the boardwalk and trail is conducted by the National Trust, and

The plans are revised to protect or conserve the Bridge as agreed pending further discussion

APPLICANT'S LETTER

On behalf of our client Foster's Supermarket, we confirm the following as it relates to the review as presented by the Department of Environment.

- The environmental Area: We note that low area identified as 'Tidal Flooded Mangrove Forest and Woodland' is largely preserved as part of the Landscape requirements of the regulation. A part of the defined area proposed to be filled for the placement of recycle goods (Glass, metals, Plastic & paper) which is a beneficial to with the preservation of environment. We note that the 'Right of Way' is proposed to be relocated and is included as a part of the natural landscape. The revised location of the 'The Bridge' would be a more accurate reflection of why the bridge was indeed necessary in the olden days. This path and landscape could remain. Additionally, the proposed grade can be contoured to allow the swamp area and mangroves to remain as a flood rain period collection area.

Our client has communicated with the West Bay Heritage Committee, and they are satisfied that the signage of 'The Bridge' will be retained located along the most western boundary. Additionally, they would support story board/s being erected along the proposed public right of way relocation and close to the Homestead house and as an extension of the tourist attraction of the house of parcel 5C, 186. Our client embraces this this idea.

- The Bridge: 'The Bridge' is no longer present. The bridge was a path of temporal fallen logs to allow foot path passage to the beach through the swampy wet area at the southern boundary of the site. We have presented documentation based on the Planning approval of 2009 which indicated that the planning approval at the time permitted the public road/right of way to be relocated to the far western boundary of site 5C 163. The client provided the paved passage as was a condition to the 2009 approval. We are uncertain as to why the registration of the relocation of the right of way was not recorded at lands and survey, however, we have provided you with documentation relating to the discussions with planning at that time. Additionally, a sign was provided as was agreed with the West Bay Historical Committee that identified the path and the sign. This sign remains in place as a National Trust point of interest.

Our client has no objection to the combination of the land parcels and for the registration of the Public Right of Way as indicated on the proposed site plan. We are also aware that the National Roads Authority is also supportive of this proposal.

- The Aldine Franklin's house: We note that the house has received some basic repairs but has not been Restored.

While the house has had some improvements, the original state has many factors that have simply been done to provide a mimicked appearance of the original, which is not indicative of a proper restoration. The house has had three, possibly four alterations with few elements remaining that would appear to be in their original state. For example, the interior ceiling and a few of the parting walls of lime daub and wattle remain. The roof has had modifications with the profile being changed when additions were carried out over time. The wooded floor has been altered and tiled over. The external walls have received a cement render coating to seemingly prevent a/c cooling loss and water ingress. The roof gables are sheeted with T 1-11 sheeting and not shiplap siding as was traditionally used. The windows are not original.

We confirm that we have carried out preliminary investigations and measurement to enable the original element of the house to be relocated to a property in Frank Sound (59A – 260). The owner of this parcel is very interested in the relocation of the original elements of the house and recreating the appearance. The new owner wishes to reconstruct the building for use as a functioning house and is willing to import materials to closely resemble the lime daub and wattle walls, shiplap siding and zinc roofing, gingerbread, and wooden trims similar to the original. Additionally, the client already has some stored material of posts and framing members that can be used to refurbish the old house.

We note that we have been in communication with ‘Unit Construction’ review and comment with regards to the feasibility of relocating the house and they are of the opinion that the original structure can be relocated. This entails dismantling the existing structure into components and trucking them to the new site, where it would be placed on a new foundation and reconstructed to recreate the historical features.

In this process, the house would be upgraded to have the necessary convenience of bathroom facilities, kitchen and utilities installed. While the house currently has these features, it appears to have been haphazardly executed/installed.

We can confirm that we have measured the house as it exists and are in the process of creating drawings to make a Planning Application for the house to be placed on its new site 59A – 260. We anticipate making the Planning submission the house within 3 to 4 weeks.

We feel that it is not a feasible to properly restore the existing house to its original state and that the above proposal presents reasonable options for addressing the points raised by the Department of Environment to help preserve the important historical past.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in West Bay on West Bay Road.

The property is the site of the Fosters Republix supermarket, which is a free standing 30,780 square foot building.

The proposal is to expand the building to the west with an 11,094 square foot addition.

If the application is granted planning permission, the total area of the supermarket will be 41,874 square feet.

As part of the proposal, the applicant is proposing to relocate an existing pedestrian access to the historic “bridge” pedestrian trail further west, to the edge of the owner’s three lots (parcel 164). The owner agrees with staff that the relocated right of way must be registered on title and it is suggested that this requirement be added as a condition if the application is approved. It should be noted that the right of way beyond the Fosters property leading to Boggy Sand Road is a private right of way and not open to the public.

In addition, the owner is proposing to close a narrow public road allowance that travels in a north south direction across the property. The NRA agrees with this proposal to close and convey the allowance to the owner.

With regard to the existing historic Cayman house that is located on parcel 164, the applicant has engaged an interested party willing to move the dwelling to a property in East End. The proposed relocation will require a separate application for planning permission.

There is also an existing sign for the “bridge” trail that the owner has agreed to relocate to the location of the new right of way.

Staff have also advised the agent that the three lots will have to be combined into one if the application is approved. The owner agrees with this potential condition of approval.

Zoning

The property is zoned Low Density Residential.

Specific Issues

a) Historic Overlay

In accordance with Regulation 16, the subject area is designated with a “Historic Overlay” zone.

Regulation 16(1) states that the Authority shall have a duty to promote and encourage the preservation of historic buildings and conserve their historic architectural heritage.

Regulation 16(2) indicates that in considering any application for permission to develop within an Historic Overlay zone, the Authority shall, in its discretion, ensure that the development:

- a) Conforms to the traditional workmanship, design, scale, massing, form, materials, decoration, colour and methods of construction of the buildings and the locations of windows and doors in them: and
- b) In its setting, reflects the historic pattern of development in the Islands.

As noted previously, the owner is proposing to relocate the historic Cayman style house located on the property to a different property in the East.

In addition, staff have spoken to the agent about affixing large historic weatherproof photos of Cayman to the blank areas of the north and west facing exterior elevations of the building. The owner’s agent has no objection to this concept and staff suggest it be added as a condition should the application be granted planning permission.

Staff are of the opinion that these two measures will assist the proposal with meeting the spirit of the historic overlay zone.

APPLICANT’S LETTER IN RESPONSE TO THE ADJOURNMENT

Further to the receipt of the notice of adjournment dated October 21st, 2021, on the above noted project, we wish to inform the Planning Authority of the recent development as it relates to the existing house and having it relocated enabling its preservation.

We reference a meeting held on October 28th, 2021, between our Client (Foster’s Supermarket), the National Trust of the Cayman Islands and the concern citizen group of the West Bay district, it was agreed that the house would be relocated to a new site.

The National Trust has once again confirmed that they do not have funds to address the

immediate needs of the house for its preservation, relocation or continued upkeep. (It was indicated that a special fund-raising campaign would be undertaken to address the financial aspects of preserving the house which extends beyond the preservation of the house).

It was discussed that the House would potentially be relocated to a Natural Trust Property 'Uncle Sammy's Pond' as a formation of a 'Preservation Park' it is our understanding that this site is in the ownership of the National Trust in perpetuity for the people of the Cayman Islands. This option would indeed keep the house in the district of West Bay and closer to its origins, however funding remains a major issue.

As mentioned to the board during the planning meeting, and discussed with the groups above, another option that remains possible is to have the house relocated and renovated to be used as a guest house at an East End location (59A 260). We note that there are already Cayman Style cottages/ buildings on the adjoining property and this house would be a complimentary addition. An application is being assembled to request planning permission to have the house relocated, renovated and lived in at this East End location.

We are of the strong opinion that this latter option, remains the best and most viable option.

SUPPLEMENTARY ANALYSIS

The applicant's agent has submitted a proposal to relocate the historic house off of the subject property.

The Authority should discuss the proposal to relocate the home to a property in East End for use as a guest house.

At 11:30am, Woody Foster appeared as the applicant and Lyle R. Frederick appeared as his agent. Summary notes are provided as follows:

- Mr. Foster indicated that he has met with the National Trust twice since the last meeting and discussed all of the options with them. One of the options was to leave the house on the site but in a different location, but that represents a liability issue for them so that option has been taken off the table. Another option is to relocate it to a site supported by the Trust, but they have no budget to maintain it. The preferred option is to move it to Frank Sound. He noted that Government has also told him there is no money in the budget to maintain the house. The best option is to move it where people will be willing to take care of it. He noted that the whole process for historic buildings is a mess and he wants to be part of the solution and is willing to help financially.
- Mr. Frederick noted they have now done some leg work on relocating the house and have an outline cost of doing it. He noted they have given plans to Planning showing where it will be and what it will look like, they just need this approval before they submit an application for the house. He noted that they are interested in doing a type of story board near the bridge.

2.3 FINIGAN HUFFINGTON (Whittaker & Watler) Block 14D Parcel 352 (P21-0548) (\$318,500) (NP)

Application for proposed five apartments & laundromat.

Appearance at 1:00

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

The objector was not present and as this was the second opportunity for the objector to attend the meeting, the Authority determined that natural justice had been provided and the application could be considered in the objectors' absence.

FACTS

<i>Location</i>	Templeton Road in George Town
<i>Zoning</i>	Medium Density Residential
<i>Notice Requirements</i>	One objector
<i>Parcel size</i>	8,712 sq. ft.
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	foundation, temporary building, & concrete block storage
<i>Proposed use</i>	5 Apartments & Laundromat
<i>Building Footprint</i>	2,450 sq ft
<i>Building Area</i>	2,450 sq ft
<i>Site Coverage</i>	28 %
<i>Number of Units Allowed</i>	5
<i>Number of Units Proposed</i>	5
<i>Number of Bedrooms Allowed</i>	8
<i>Number of Bedrooms Proposed</i>	5
<i>Parking Required</i>	8
<i>Parking Provided</i>	7

BACKGROUND

February 20, 2007 (CPA/05/07; item 2.3) – approval granted for 5 apartments

January 23, 2008 – permit issued and initial inspections undertaken

March 4, 2009 (CPA/07/09; item 2.5) – approval granted for a temporary house for 12 months and has not been removed to date

April 15, 2009 – permit issued and inspections undertaken for the temporary house

CE18-0153 – enforcement notice issued for construction of an addition to temporary house and occupancy of same, case closed and re-opened under CE19-0051

CE18-0199 – maintenance of land notice issued and went so far as to be sent to DPP for ruling, but no record of activity after that

CE19-0051 – notice issued for construction without planning permission or permit, but case was closed with no reasons given

October 27, 2021 (CPA/22/21; item 2.1) – the application was adjourned due to a non-appearance by the applicant and objector. The applicant and objector are to be re-invited to a future CPA meeting.

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

Conditions (1-6) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) A 6' high construction fence with screening shall be erected around the perimeter of the site within 90 days of the date of this decision.
- 2) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 3) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 4) The applicant shall submit a Stormwater Management plan designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority. **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 5) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 6) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.

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

- 7) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 8) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 9) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 10) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

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

- 11) The existing temporary dwelling on site shall be removed.
- 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.

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**.

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

Reasons for the decision:

- 1) With the exception of the number of parking spaces, lot width, rear setback and solid waste enclosure setback, which are addressed below, the application complies with the Development and Planning Regulations (2021 Revision).
- 2) The proposed application does not comply with minimum required number of parking spaces, the minimum required lot width, the minimum required rear setback and the minimum required solid waste enclosure setback per Regulations 8(1)(vii), 8(7) and 9(7)(g) and (i) of the Development and Planning Regulations (2021 Revision). The

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

- a) The applicant is utilizing an existing foundation of apartments that were previously approved in 2007. It is also noted that the applicant at that time obtained a building permit and commenced construction.
 - b) In 2007, the Authority based the determination of where the front setback is located on the orientation of the front of the building. At that time, the plans were drawn with the front of the building facing south, therefore the setback from the easterly boundary was a side setback and the building complied with the required 15' setback. However, the current manner for determining the front setback is based on where the primary access road is located. In this case, the westerly boundary is now considered the front and therefore the easterly boundary is now considered the rear. As such, in utilizing the existing foundation, the building would not comply with the required 20' rear setback. The Authority is of the view that it would not be fair or equitable to apply a different setback standard to a building already under construction.
 - c) The septic tank already exists and the applicant is not proposing to change its location therefore the existing setbacks are acceptable.
 - d) The location of the solid waste enclosure is acceptable and the Authority notes there have been no objections raised regarding the proposed location.
 - e) The lot width is acceptable and allows for the orderly development of the site.
 - f) The number of parking spaces is acceptable and the parking lot design is acceptable.
 - g) 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
- 3) The Authority took into account the objector's submission and determined that the submission did not raise sufficient grounds for refusing permission. More specifically:
- The required notice was sent to the objector by registered mail and there is proof of same on record.
 - Complaints regarding the Department of Planning not responding to concerns raised about the site are not germane to the consideration of the current application.
 - The height of the existing foundation is related to the plans that were previously approved and can't be addressed through consideration of the current application.
 - Regarding drainage, the Authority concurs with the Authority in 2007 when it was acknowledged that there is a general drainage problem for the area, but it cannot be the sole responsibility of the applicant to cure the problem. A

condition of approval is included that requires the submission of a stormwater management plan that will address retention of drainage on site.

- As noted above, the Authority has found the number of parking spaces to be adequate and it is noted further that parking spaces are not subject to setback requirements.
- The Authority viewed several photographs provided by the objector regarding existing walls on the site and it appears to the Authority that these walls are less than 4' in height and not along the road therefore planning permission is not required.
- Concerns regarding the collection of refuse on the site now is a matter for the Department of Environmental Health.
- The Authority is satisfied that the submitted plans depict what is required to be shown per the Development and Planning Regulations (2021 Revision).
- The encroachment of tree limbs on other properties is not within the remit of the Authority to address.
- Concerns regarding the destruction or placement of items on existing walls is not within the remit of the Authority to address.
- Encroachments into a public road are the remit of the National Roads Authority.
- The Authority has included a condition of approval requiring the erection of a 6' construction fence with screening to help mitigate the visual appearance of the site and to prevent trespass which will assist in ensuring the general public's safety.
- The existing building on site must be removed prior to a Certificate of Occupancy being issued.

At 1:00pm, Mr. Huffington appeared as the applicant and Fred Whittaker appeared as his agent. As noted above, the objector was not present. Summary notes are provide as follows:

- Mr. Whittaker provided several comments:
 - In 2007, 5 apartments with dens in the attic space were approved
 - A permit was issued and the foundation was started, but his client stopped due to financial constraints
 - He now wants to continue with the project, but with a different design
 - In 2007, the front doors faced a different way so what is being considered the rear now was considered the side then
 - They are just using the existing foundation
 - They have removed the dens from the attic space
 - There is a small laundry and porch
 - The existing temporary house will be removed before the C.O. for the

apartments as that is where his client lives now

- In 2007, the parking spaces were 8' wide, now they are 8' 6"
- This is the best parking layout he could come up with and it gives 7 parking spaces, not 8
- The lot width already exists at 78'
- The laundry will only be used by the tenants
- The Authority asked about the suitability of the site for apartments. Mr. Whittaker indicated that there are a lot of substandard units in the area and there is a need for the proposed type of units.
- The Authority asked about the timing of construction and Mr. Whittaker replied right away. Mr. Huffington noted he would like to be renting them by July or August.
- The Authority noted that the site is in a rundown condition and it needs to be cleaned up. Mr. Huffington replied that he didn't think it was rundown and that it was very clean. Mr. Whittaker noted that the site could be tidied up regarding the construction materials and other items.

AGENCY COMMENTS

The following agency comments have been received to date.

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 apartment complex.*
- *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.*
- *An approved lint interceptor is required for commercial, institutional and coin-operated laundries. The developer is required to submit specifications for all laundry (washer) equipment to the Water Authority for determination of the required capacity of interceptor. Specifications can be sent via email to development.control@waterauthority.ky*
- *Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*

- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'8" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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

1. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).*
2. *All dimensions and materials shall be provided for any site-built tanks.*
3. *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

DEH has no objections to the proposed in principle.

1. *This development require six (5) thirty three (33) gallon bins and an enclosure built to the department's requirements.*

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

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

Minimum Enclosure Dimensions

Width 5'

Length 7.5'

Height 2.5'

Fire Department

The Fire Department has stamped approved the drawings.

Department of Environment

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

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

We recommend:

- *The planting and incorporation of native vegetation in the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands resulting in vegetation that requires less maintenance which makes it a very cost-effective choice.*

National Roads Authority

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

Parking Lot

The parking lot as re-designed will encourage vehicles to reverse into the main road of Templeton Street. The NRA does not condone or promote this type of design as it encourages vehicles to use the road as part of their parking lot which is disruptive to passing motoring vehicles. The NRA advises the CPA to have the applicant re-design the parking lot so that the vehicles do not reverse onto the road.

Road Capacity Issues

The traffic demand to be generated by a residential development of five (5) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Templeton Street is as follows:

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

Based on these estimates, the impact of the proposed development onto Templeton Street 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 Templeton Street, 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 Templeton Street. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch*

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

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

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

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

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

APPLICANT'S LETTER

On behalf of my client, to give you an overview with this application, in 2008 this project was approved with (5) 1-bedroom + loft and 6 parking spaces. The owner went and did the footing and foundation walls.

The reason there is 15 feet setback at the rear of the property is because at that time it was consider a side setback because of where the front doors located, so we will ask for a 5 ft. variance on the rear setback.

We would like a variance for one parking slot which we are short of.

The property is existing in the Windsor Park area and the width is 78 ft wide.

The septic tank is existing in the rear of the property with only 6 ft. rear setback and 8'-6" side setback. If the board feels to have it relocated and put within the setback then we can.

The entry is showing 15'- radius

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

OBJECTORS LETTER

The objection letter can be found in Appendix A.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Templeton Street in George Town.

The property contains a foundation, temporary building, and several pallets with concrete blocks.

The proposal is for five one-bedroom apartments as well as a laundromat. It should be noted that the apartments do not contain laundry facilities.

Zoning

The property is zoned High Density Residential.

Specific Issues

a) Rear Setback

The proposed building is setback 15 feet from the rear boundary whereas 20 feet is required.

The existing septic tank is setback 6 feet from the rear boundary whereas 20 feet is required.

The applicant is requesting a variance.

b) Side Setback

The existing septic tank is setback 8'6" from the north side boundary whereas a minimum 10 feet is required.

The applicant is requesting a variance.

c) Lot Width

Regulation 9(6)(ea) states that the minimum lot width for apartments is 100 feet.

The subject property has a minimum lot width of 78'.

The applicant's agent has submitted a variance letter and the Authority should consider whether a variance is warranted under the circumstances.

d) Number of Parking Spaces

Regulation 8(1)(vii) requires 1.5 parking spaces per apartment unit.

Therefore, a minimum 8 parking spaces are required with 5 apartments.

The applicant is proposing 7 parking spaces and the agent has submitted a variance letter.

e) Parking Lot Design

The Planning Department and NRA would note that the parking lot is designed with vehicles reversing into the abutting road way. Such an arrangement is considered poor design and dangerous to both vehicles and pedestrians using Templeton Street.

f) Setback to Solid Waste Enclosure

The proposed solid waste enclosure is setback 1 foot from the side boundary whereas a minimum 6 feet is required.

2.4 TAG DEVELOPMENT (Tropical Architectural Group Ltd) Block 14D Parcel 349 (P21-0706) (\$703,500) (BES)

Application for modification to site layout changes, 815 sq. ft. increase to floor area and add two units for a total of 8 units, 320 sq. ft. storage building as well as a 5-ft high fence

Appearance at 1:30

FACTS

<i>Location</i>	Templeton Street, Windsor Park Subdivision
<i>Zoning</i>	HDR
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	0.2990 ac. (13,024.4sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed use</i>	Apartments
<i>Proposed building size</i>	5,628 sq ft.
<i>Total building site coverage</i>	22.8%
<i>Allowable units</i>	7
<i>Proposed units</i>	8
<i>Allowable bedrooms</i>	13
<i>Proposed bedrooms</i>	8
<i>Required parking</i>	12
<i>Proposed parking</i>	12

BACKGROUND

July 31, 2019 **(CPA/16/19; Item 2.10)** – CPA granted planning permission for 6-apartments, 5'-ft chain link fence and sign (30-sq ft).

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/16/19; item 2.10 be modified as

shown on the revised plans submitted December 1, 2021 and by inserting the following condition:

“1A) The applicant shall submit a revised site plan showing a 4’ concrete wall along the westerly property boundary.”

All other conditions of CPA/16/19; item 2.10 remain applicable.

Reasons for the decision:

- 1) With the exception of the number of apartments and rear setback, which are addressed below, the application complies with the Development and Planning Regulations (2021 Revision).
- 2) The proposed application does not comply with the maximum allowable number of apartments and the minimum required rear setback per Regulations 9(6)(c) and (h) of the Development and Planning Regulations (2021 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the additional apartments and the lesser setback as follows:
 - a) The characteristics of the proposed development are consistent with the character of the surrounding area;
 - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
 - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.
- 3) The Authority is of the view that the objector did not raise sufficient grounds for refusing permission and the concerns about flooding from the lake can, in part, be addressed through the inclusion of a condition of approval requiring the construction of a 4’ wall all the property boundary next to the lake.

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment & Disposal

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

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

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

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

Water Supply

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

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

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

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

National Roads Authority

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

Fence and Wall

Please have the applicant shift the five (5) ft high fence back as well as remove any portion of the existing wall, so as not to block the proposed sidewalk.

Road Capacity Issues

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

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

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

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

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

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

DoE/NCC

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 predominately man-modified with some regrowth including some invasive species i.e Casuarina Pine, however it is abutting a pond as shown in Figure 1.



Figure 1a&b: LIS 2018 Aerial Imagery (1a) and DOE's Habitat Map Extract (1b) Showing Application Site Outlined in Blue

Surface drainage on the site should not be directed untreated into the lake on the property as this may introduce suspended material or contamination which would impact the lake water quality, potentially causing issues such as fish kills (if fish are present) and odors. Instead, surface drainage water should be disposed of by other means such as in deep wells or drainage swales. A vegetated buffer should be planted and maintained along the lake edge to help reduce direct surface water run-off. Native vegetation should be incorporated into landscaping scheme as well as the vegetated buffer as native vegetation is best suited for site conditions and is a cost-effective option. In addition, during construction, construction materials and debris should be stockpiled away from the pond's edge.

DEH

This application is approved with the condition that the applicant revises the site plan to show that 2 of the garbage bins have been removed.

Solid Waste Facility:

- 1. This development require six (8) thirty-three (33) gallon bins and an enclosure built to the department's requirements.*
 - a) The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.*
 - b) The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

Fire Services

The CFO approved the site layout.

OBJECTORS LETTER

We the undersign, Owners and Occupants of Templeton Pine Lakes, Block 14D, Parcel 350, are hereby Objecting to the Plans Submitted by Tropical Architectural Group Ltd for Owners Loida Sapinos Ebanks & Darrell Clayton Ebanks, to build on Block & Parcel 14D 349 -1 21-0706 . We are Objecting solely on the Plan to Erect a 5ft Chain link Fence, as the Plan should have shown instead a 4-5 ft Concrete Wall. By Purchasing the Land, Block & Parcel 14D 349, they Inherited a Pond in the back of the property. That said Pond Overflows when they is a Considerable amount of rainfall, Flooding our Property, Block 14D Parcel 350, sometimes our Homes. No Consideration or Approval should be given until they Plans Show's a change to Erect a 4-5ft Concrete Wall, and not a 5ft Chain link fence. To have someone from Planning have a look at the Property Block & Parcel 14D 349, Planning would Know What and Why we are Basing our Objection.

APPLICANT'S LETTER

I am receipt of the objection letter from the adjoining property owners of 14D 350. In principle, I don't have an issue with their request to change the chain link fence to a concrete wall, although it will add a considerable expense to the project. We have already revised the site plan to reflect the change from a fence to a concrete block wall, and uploaded it to the OPS.

Sometime in June, I was contacted by someone who lives in the area regarding the condition that my property was in and was asked to clean it up, when we visited the site we were shocked to see the condition it was in. It seems that surrounding neighbors were using the land as a dumping ground, whilst walking the site we encountered derelict vehicles, appliances, building material debris, car engines, and lots of garbage. We decided to clear and fill the land whilst awaiting the planning modification so it would not be an eyesore in the neighborhood. After clearing the land we noticed that there was an illegal structure on 14D 350 that seemed quite close to our boundary, I contacted a land surveyor to commence a survey to identify our boundaries. During the process of surveying, it was brought to my attention that the illegal structure was closer than we thought and it actually extends over my boundary. Herein lies our problem, for us to undertake the construction of the boundary wall it will require the objectors to immediately demolish the illegal structure so that filling can commence and the wall can be built.

Photo of the illegal structure taken from my property



Excerpt from a recent survey showing the illegal structure extends over my boundary



I look forward to our modification application being considered by the CPA and the illegal structure being removed so that I can move forward with the filling of the site.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located on Templeton Street, Windsor Park Subdivision.

The application is for a modification to planning permission for apartments that was granted in July of 2019.

Specifically, the proposal is for the following:

- site layout changes
- 815 sq. ft. increase to floor area to add two units for a total of 8 units,
- 320 sq. ft. storage building and
- 5-ft high fence.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Apartment's Density

Per Regulation 9(6)(c), the maximum allowable apartments on the site is seven (7), whereas the application is for eight (8) units.

2) Rear Setback

According to Regulation 9(6)(h), the minimum rear setback is 20-ft; however, the proposed rear setback is 13'-1".

The adjoining parcels were notified and objections were received.

The Authority should ascertain whether or not if there is sufficient reason and an exceptional circumstance that exists per Regulation 8(13)(b) of the Development and Planning Regulations (2021 Revision) to warrant granting density and rear setback variances.

At 1:30pm, Darrel Ebanks appeared as the applicant. Berkley Burrowes appeared as an objector. Summary notes are provided as follows:

- Mr. Ebanks provided several comments:
 - this is a modification application
 - 6 units were approved, they are now asking for 8
 - there is a setback issue, but the previous approval had a greater variance
 - the previous setback was closer to the lake than they wanted
 - they can put up a wall
 - there is a problem in the back corner because the building on the objector's land encroaches into this parcel by about 1' and this was confirmed by his surveyor

- The Authority clarified that Mr. Burrowes is an owner and not a tenant.
- Mr. Burrowes explained he is not opposed to the building, but the lake overflows onto his land and he just wants a wall to be put up.
- The Authority asked if the unit that has encroached onto this site belongs to Mr. Burrowes and replied it does not. His is number 4 and the addition is to unit 7.
- The Authority asked Mr. Burrowes if he would prefer a 4' or 5' wall and he replied he would prefer 4'
- Mr. Ebanks noted that he agrees to a 4' wall.

2.5 **PHILLIP MITCHELL (John Bernard) Block 25C Parcel 472 (P20-1184) (\$349,440) (NP)**

Application for a proposed Duplex & Dwelling.

Appearance at 2:00 p.m.

FACTS

<i>Location</i>	Canyon Dawn Drive in Spotts
<i>Zoning</i>	LDR
<i>Notification result</i>	Objection
<i>Parcel size proposed</i>	18,508 sq. ft.
<i>Parcel size required</i>	32,500 sq. ft.
<i>Current use</i>	Dwelling
<i>Proposed building size</i>	780 sq. ft. House 1,908 sq. ft. Duplex
<i>Total building site coverage</i>	21.2 %

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

1. The application does not comply with the minimum lot size requirement per Regulations 9(8)(d) and (e) of the Development and Planning Regulations (2021 Revision) and the Authority is of the opinion that pursuant to Regulation 8(13)(b), the applicant failed to demonstrate that there is sufficient reason and exceptional circumstance to warrant allowing the lesser lot size.

APPLICANT'S LETTER

March-08-2021

I am hereby responding to email dated as indicated above:-

- 1. I am a young (25 years of age) Caymanian with three young children and a wife.*
- 2. My goal is to have living provisions for my three children so they can have the best opportunity to excel in their studies, whatever they may choose.*
- 3. Notices (150 Pt. Radius) have been sent by registered mail and receipts and other accompanying documents has been uploaded to Planning Dept.*
- 4. The site plan has been revised to show all existing buildings on the site and on adjacent lands pursuant to regulation 6 (4) uploaded to planning.*
- 5. Site levels and floor levels are shown above main seas leave (MSL)*
- 6. The land is not directly adjacent to the sea, a canal, or inland waterway,*
- 7. Building setbacks, site coverage, parking, landscaping, water supply, sewage and garbage disposal are shown on site plan.*
- 8. Variance Requesting in respect of regulations 9 (8) (d) (e) - Lot size.*

(b) There is sufficient reasons to grant a variance and an exceptional circumstance exists, which may include the fact that-

(i) The characteristics of the proposed development are consistent with the character of the surround area;

(iii) The proposal will not be materially detrimental to persons residing on working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.

I trust I have fulfilled the board's requirements in this matter and look forward to your reply.

OBJECTOR'S LETTER

I refer to a notice received from the owner of 25C472 re a planning application for "permission to build duplex and one bedroom dwelling house on exiting property" and, after viewing the plan for the proposed buildings to be erected, I hereby write to express my objection and concerns.

My objection is guided by Regulation 9(8) of the Development and Planning Regulations (2021 Revision) which sets out the minimum lot size and setbacks for homes in low density residential zones.

My main concerns are that:

- i) approval for such a development will set a precedence that allows for other such buildings which will result in over-development of what is zoned low density residential;*
- ii) permitting such development will lead to loss of what I (and many other homeowners) desired when we purchased homes in a low density residential area, which is enjoying the benefits of peace and tranquility in a development specifically zoned and designed for “single family” living;*
- iii) allowing such a development will lead to loss of property value and the frustration of owners who most likely bought property in the area expecting the “single family” home to be their forever home or, should they decide to sell and move on, the property value would have appreciated instead of depreciated from over-development.*

I trust the Board will give careful consideration to this application.

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Canyon Dawn Drive in Spotts.

The property contains an existing detached dwelling.

The applicant is seeking planning permission to add another detached dwelling as well as a duplex to the property.

Adjacent landowners were notified by Registered Mail and one objection has been received to date.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Proposed lot area of 18,508 sq ft for a duplex whereas 32,500 sq ft is required

Regulation 9(8)(e) requires a minimum 12,500 square feet in an LDR zone for a duplex and a minimum 10,000 square feet for each detached dwelling.

The proposal, if approved, would result in two detached dwellings (one existing) on the property and one duplex, which translates into a minimum lot requirement of 32,500 square feet.

The subject parcel has 18,508 square feet of area.

The applicant has submitted a support letter, which is contained in the Appendix.

At 2:00pm Mr. & Mrs. Mitchell appeared as the applicants and John Bernard appeared as their agent. Opal Erskine joined the meeting via Zoom as an objector. Summary notes are provided as follows:

- Mr. Mitchell explained that the reason for the application is that they have three kids and they want them to have an investment as they get older.
- The Authority noted that they are asking for a large lot size variance.
- Ms. Erskine provided several comments:
 - she owns parcel 358
 - if these buildings proceed they will have negative impact on her life.
 - when she was looking for a new home she researched and decided she wanted to be in the LDR zone because there are certain restrictions on what can take place.
 - HDR can be very crowded and this has a negative impact on the neighbourhood.
 - on October 3, 2007, a Frank Hall Homes application was refused because the density exceeded 3 houses per acre and this was closer to MDR than LDR and would affect the ability of adjacent owners to enjoy the amenity of the area
 - she bought here for the quality of life
 - if this application happens then it will be a precedent and others will follow moving the area from LDR to HDR
 - she would then have to look at moving again
- Mr. Mitchell noted that 26 people object to the Frank Hall Homes application and in this case they sent out 30 notices and there was only 1 objection. He is not sure how this proposal will affect the objector how she says it will. He noted that other people have done this in this neighbourhood and she is in a different neighbourhood. He advised that people have added on at 25C 438, 424 and 480.
- The Authority noted that on 25C 480 approval was granted to add to a house to create a duplex.
- Ms. Erskine advised she knows of additions that were approved on 25C 503 and 497, but they were not separate buildings. She also noted that the 10' setback shown on the plan doesn't allow for the steps at the rear doors.
- The Authority asked if the applicant knows they are asking for a large lot size variance and Mr. Mitchell replied that he did

2.0 APPLICATIONS

REGULAR AGENDA (Items 2.6 to 2.13)

2.6 CUC (Kariba) Block 23C Parcel 138 (P21-0737) (\$1Million) (JP)

Application for expansion of existing substation.

FACTS

<i>Location</i>	Shamrock Road, Prospect
<i>Zoning</i>	NC
<i>Notification result</i>	No objector
<i>Parcel size proposed</i>	0.64 ac. (27,878.4 sq. ft.)
<i>Current use</i>	National infrastructure
<i>Proposed building size</i>	10,886 sq. ft.
<i>Total building site coverage</i>	58.36%

BACKGROUND

Extensive history relating to development of national power site

Sister application P21-1002 seeks Planning Permission for modification to site layout

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

In addition to Building Permit requirements, condition (1) listed below shall be met before a Building Permit can be issued.

- 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) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 4) The applicant shall obtain Certificate of Completion **prior to utilization of the utility expansion.**

Reason for the decision:

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

AGENCY COMMENTS

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

Department of Environmental Health

DEH has no objections to the proposed in principle.

Fire Department

Stamped approved plans uploaded.

APPLICANT'S LETTER

The purpose of the application relates to new equipment for backup power. The battery units are charged and store power so that a continuous power supply to the public is maintained.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located off Shamrock Road in the Prospect area.

An established subdivision is sited to the north beyond Shamrock Road and a vehicle dismantling company is located to the south.

The application seeks Planning Permission to further develop the existing substation by installing enclosed batteries and medium voltage power stations which shall act as back-up power. The battery units would be charged and then relied upon to maintain a continuous power supply for the Prospect community.

Zoning

The property is zoned Neighbourhood Commercial. There are no concerns with the proposal.

SUPPLEMENTARY ANALYSIS

CPA/23/21; item 2.30 on 10th November Members considered the application and requested consultation with the Department of Environment. The following comments received on 29th November:

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.

2.7 CARLOS SEDANO (HK Global Inc. Ltd.) Block 24E Parcel 454 (P20-0955) (\$350,000.00) (EJ)

Application for Two (2) Bedroom House.

FACTS

<i>Location</i>	Windswept Drive
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	16,705 sq. ft.
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	House, Pool, Outdoor Kitchen & Pergola's
<i>Proposed Use</i>	An additional house
<i>Proposed building size</i>	2,057 sq. ft.
<i>Total building site coverage</i>	31.87%
<i>Allowable units</i>	1
<i>Proposed units</i>	2

BACKGROUND

1996 - the Department granted permission for a three (3) bedroom house.

May 07, 1999 - the Department granted permission for a three (3) bedroom house.

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

AGENCY COMMENTS

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

Department of Environment

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

All construction materials should be stockpiled away from the canal to prevent runoff and debris from entering the marine environment.

APPLICANT'S LETTER

I come before you, seeking for a setback's variances on the property of Carlos Sedano, as the lot size, over site coverage and side and canal setback

- 1. Lot Size Variance (16,705 sq. ft. vs 20,000 sq. ft.),*

2. *Side & Canal Setback Variance (10' & 10' vs 15' & 20'),*
3. *Over Site Coverage (31.87% vs 30%).*

are required for the SEDANO FAMILY APARTMENT (P20-0955) B&P: 24E454 Date: 14-Nov-2020 The circumstances and reason envisioned to this, is that Mr. Carlos Sedano intends to hand over the existing house to his medical daughter for her and her family, and for him and his wife Milagros to move to the proposed apartment that will be attached to the existing house.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Windswept Drive in Prospect and contains an existing dwelling.

The application is to add a second detached dwelling to the property.

The applicant has notified the adjacent parcels and the Department is not in receipt of any objections. Therefore the Authority is asked to consider the proposal on its own merits.

Zoning

The property is zoned Low Density Residential.

Specific Issues

If the Authority were to consider the proposed second house, then the following variances is required:

1) Lot Size Variance

The proposed house does not share a common wall with the existing house and is therefore considered a second detached dwelling.

Each dwelling requires a minimum 10,000 square feet of area (Regulation 9(8)(d)) resulting in a total required lot area of 20,000 square feet.

The property has 16,705 square feet

The proposed does not meet the required lot size and the applicant is seeking a lot size variance (16,705 sq. ft. vs 20,000 sq. ft.), a difference of 3,295 sq. ft.

2) Canal Setback Variance

The applicant is seeking a canal setback variance, proposed at 10' whereas 20 feet is required by Regulation 8(d).

3) Side Setback Variances

The applicant is also seeking a side setback variance for the proposed two storey house.

The applicant proposes 10' whereas a minimum 15' is required (Regulation 10(8)(j)) for a two-storey house.

In addition, the applicant is requesting a 6.11' proposed setback for an LPG tank where 10 feet is required.

There is also a variance request for a side yard of 7.6' to the proposed steps where a minimum 10 feet is required.

4) Site Coverage Variance

Regulation 10(8)(h) permits a maximum site coverage of 30 percent.

The proposed site coverage with the second house is 31.87%, a difference of 1.87% over the allowable coverage.

2.8 MORNE BOTES (Abernethy & Associates) Block 1D 603 Rem 1 (P21-0935) (\$4,814) (NP)

Application for proposed 3 lot subdivision.

FACTS

<i>Location</i>	End of Lindy's Walk, west of Watercourse Road
<i>Zoning</i>	LDR
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	61,419.6 sq ft
<i>Parcel size required</i>	10,000 sq. ft. for dwellings 25,000 sq. ft. for apartments
<i>Parcel width required</i>	80 feet for dwellings 100 feet for apartments
<i>Proposed lot sizes</i>	22,756 sq. ft. & 31,182 sq. ft.
<i>Current use</i>	Vacant

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

- 1) Lot 3 shall be constructed with asphalt and approved by the Central Planning Authority prior to the lots being registered. The applicant shall liaise with the Managing Director, National Roads Authority (NRA), at predetermined stages of road construction to ensure compliance with the requisite standards. Failure to do so may render the project unacceptable. Please be advised that the road base shall be constructed to National Roads Authority (NRA) minimum design and construction specifications for subdivision roads. The NRA shall inspect and certify road base construction prior to road surfacing activities.
- 2) The applicant shall provide water infrastructure for the entire sub-division. The developer shall submit plans for the water supply system for approval by the Water Authority. The water supply system shall be installed to the Authority's specifications,

under the Authority's supervision. Copies of these specifications are available at the Water Authority's office on Red Gate Road.

- 3) The applicant shall request to have the sub-division connected to the Water Authority's public water system. This request will be acted upon after the pipelines on the sub-division have been installed in accordance with the WAC specifications and have passed all specified tests.
- 4) The final subdivision plan shall indicate a vehicular easement over the subdivision access road in favour of each lot. The final plan must be accompanied with the requisite grant of easement forms detailing the easements to be registered.
- 5) Lots 1 and 2 shall not be cleared or filled until approval has been granted for such clearing and filling or approval has been granted for the primary development of the parcels.
- 6) The surveyor's final drawing **shall include the surveyed dimensions of all lots** and shall be submitted to the Director of Planning for approval prior to the survey being registered.

Reason for the decision:

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

AGENCY COMMENTS

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 consists of a mixture of primary dry shrubland and man-modified areas. 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.

*Whilst we note that the application is for a subdivision, we would **not** support the clearing of this site at this time. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human uses. 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. Native vegetation is best suited for the habitat conditions of the Cayman Islands, resulting in vegetation that requires less maintenance which makes it a very cost-effective choice.*

Primary habitat can be retained and utilized in a variety of ways on a property:

- *It can be retained along parcel boundaries and between buildings to serve as privacy buffers/screening.*
- *It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping.*
- *It can serve as an amenity, providing green space and shade for those who live nearby/on the property.*
- *It can assist with on-site stormwater management and drainage.*
- *It can remain as a habitat for endemic wildlife (helping contribute to the conservation of our local species).*
- *It can help cut back on carbon emissions by leaving the habitat to act as a carbon sink through avoiding its destruction and allowing natural processes to occur which assist with the removal of carbon dioxide in the atmosphere. and;*
- *When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

DoE Recommended Conditions

Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposed subdivision, the DoE recommends the inclusion of the following conditions in the Planning approval:

1. *There shall be no land clearing, excavation, filling or development of the resulting subdivided parcels without planning permission for such works being granted.*
2. *Any future development, clearing, filling or excavation of the resulting subdivided parcels shall be the subject of a separate consultation with the Central Planning Authority and National Conservation Council.*

PLANNING DEPARTMENT ANALYSIS

General

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

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

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

The proposed road parcel is 7,985 square feet.

Rights of way over the proposed road parcel are proposed.

Zoning

The property is zoned Low Density Residential.

2.9 CAYSHRED (Phoenix Construction Ltd) Block 19A Parcel 9 (P21-1078) (\$1.5m) (JP)

Application for modification to change the height of boundary wall and a site plan modification to the east.

Kenneth Ebanks declared a conflict and left the meeting room.

FACTS

<i>Location</i>	Sparky Drive, George Town
<i>Zoning</i>	HI
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	43,935.74 sq. ft.
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	18,253.66
<i>Total building site coverage</i>	35.25%
<i>Required parking</i>	25
<i>Proposed parking</i>	26

BACKGROUND

March 20, 2019 (CPA/06/19; item 2.13) – application for a warehouse, generator, fence and sign approved (P18-1071)

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/06/19; item 2.13 be modified to allow a change in the height of the boundary wall and a change in the site layout as shown on the plans submitted December 3, 2021.

All other conditions of CPA/06/19; item 2.13 remain applicable.

Reason for the decision:

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

AGENCY COMMENTS

Comments from the Department of Environmental Health are noted below.

Department of Environmental Health

Solid Waste Facility:

This development requires (1) 8 cubic yard container with twice per week servicing.

NOTE:

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

Modification:

DEH has not objections to the proposed wall modification.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located within an established industrial area occupying a corner lot with Lincoln Driving running along the northern boundary and Sparkys Drive forming the western perimeter.

The application seeks planning permission for the construction of an 8 foot high wall along the western boundary and revisions to site layout along the eastern boundary.

Zoning

The property is zoned Heavy Industrial.

Specific Issues

1) Height (8' v 4')

Section 4.4.1 of the Wall and Fence Guideline sets a maximum height of 4' for boundary treatment constructed as a solid wall or fence.

The application seeks Planning Permission for an 8' high solid block wall.

Members are invited to consider the acceptability of such a design.

2.10 LORI-ANN DAILY (Abernethy & Associates) Block 75A Parcel 223 (P21-1175) (\$12,734) (NP)

Application for proposed 22 Lot Subdivision

FACTS

<i>Location</i>	West of John McLean Drive, East End
<i>Zoning</i>	LDR
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	6.74 acres
<i>Parcel size required</i>	10,000 sq. ft. for dwellings 25,000 sq. ft. for apartments
<i>Parcel width required</i>	80 feet for dwellings 100 feet for apartments
<i>Proposed lot sizes</i>	10,017 sq. ft. to 15, 195 sq. ft.
<i>Current use</i>	Vacant

BACKGROUND

CPA/16/19; Item 2.9 Approval granted for a five lot subdivision on the subject lands. (P19-0548).

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

2. The applicant is required to submit a revised plan showing road connections to 71A 39 Rem 4 and 75A 224 at the northern end of the proposed subdivision and retaining the road connection to 75A 224 at the south of the proposed subdivision.

AGENCY COMMENTS

Agency comments received to date are provided below.

Department of Environment

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

The application site consists of primary habitat - dry shrubland vegetation and sparsely vegetated rock, as shown in Figure 1.

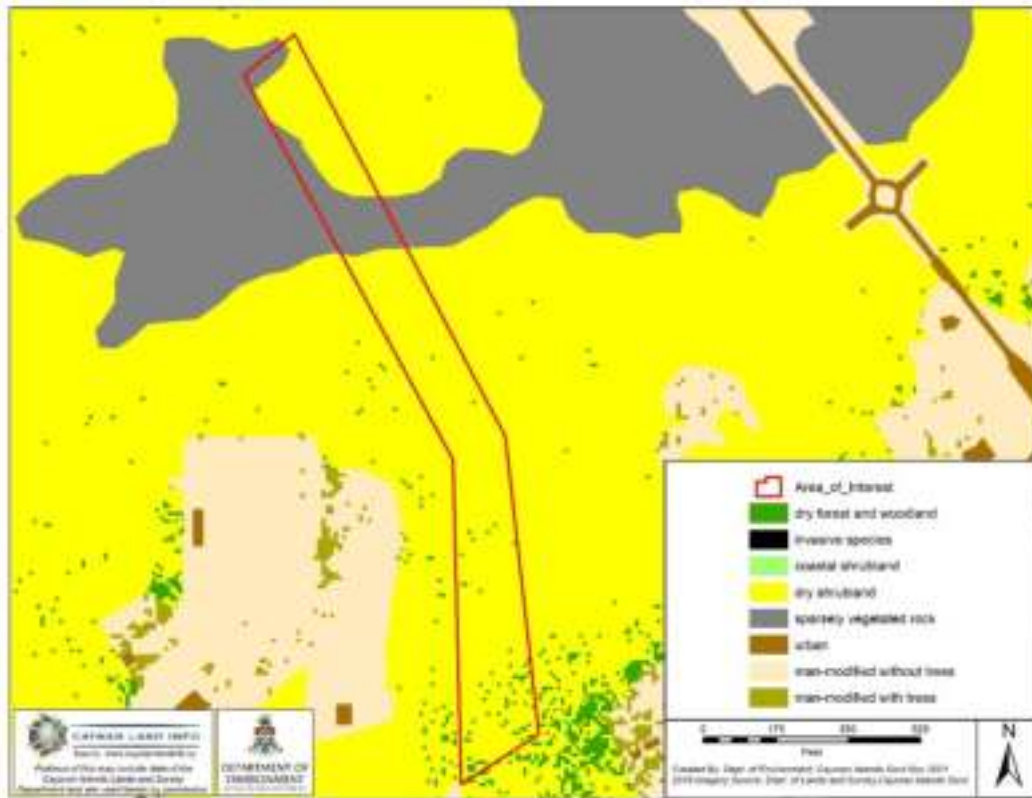


Figure 1: DOE's 2013 habitat map extract showing application site outlined in red.

We note that the application site was previously the subject of planning application (Planning Ref: P19-0458) for a smaller scale subdivision of 5 lots, which was granted planning permission on 31 July 2019. Whilst the application site has already been approved for a subdivision, the Department questions the need for another residential subdivision that results in the clearing of primary habitat. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human uses.

Primary habitat can be retained and utilized in a variety of ways on a property:

- *It can be retained along parcel boundaries and between buildings to serve as privacy buffers/screening.*
- *It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping.*
- *It can serve as an amenity, providing green space and shade for those who live nearby/on the property.*
- *It can assist with on-site stormwater management and drainage.*
- *It can remain as a habitat for endemic wildlife (helping contribute to the conservation of our local species).*

- *It can help cut back on carbon emissions by leaving the habitat to act as a carbon sink through avoiding its destruction and allowing natural processes to occur which assist with the removal of carbon dioxide in the atmosphere. and;*
- *When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

Therefore, the DOE urges the Planning Department and CPA to look into the need for the subdivision of land in the absence of an updated development plan for the islands

Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposed subdivision, the DoE recommends the inclusion of the following conditions of approval:

3. *There shall be no land clearing, excavation, filling or development of the resulting parcels without planning permission for such works being granted.*
4. *Any future development, clearing, filling or excavation of the resulting subdivided parcels shall be the subject of a separate consultation with the Central Planning Authority and National Conservation Council.*

Water Authority Cayman

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

Water Supply:

- *Please be advised that connection of the proposed development to the Water Authority's piped water supply system **will require an extension**. It is the policy of the Water Authority – Cayman to extend water distribution lines in public roads for the first 100 feet from the main road at no cost to the owner. **Extensions exceeding 100ft from the main road on public roads and extensions in non-public areas are done at the owner's expense**. The timing of any pipeline extension is at the sole discretion of the Water Authority.*
- *The **developer is required to notify the Water Authority's Engineering Department** at 949-2837, without delay, to be advised of the timing of the extension and the site-specific requirements for connection.*

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

Wastewater Treatment:

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

APPLICANT'S VARIANCE LETTER

Enclosed please find the amended subdivision design.

My client requested that the road connection to 75A 224 be placed at the southern end of the parcel.

We also looked into the registered survey of the subject parcel and found that the digital registry map that the original design was created from was plotted incorrectly. We have fixed this issue and now have all the lots, which the exception of lot 10, designed to the required minimum width and area, therefore the variances are no longer needed for lots 1, 2, 3, and 4.

We are asking for a variance on the lot width for lot 10 under the Planning Regulation 8(13) (b) (iii). The lot is on a bend in the road which narrows the road frontage, but there is ample building space within the envelope.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in East End, east of John McLean Drive.

The property is currently vacant and the proposal is to create twenty new residential lots, one parcel (14,750 square feet) as Lands for Public Purposes, and one road parcel.

Proposed residential lot sizes range from 10,090 square feet to 12,810 square feet.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Width

Proposed lot 10 has a depth of 71 feet.

Regulation 9(8)(g) requires a minimum lot depth of 80 feet.

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

2) Road Connection to the East

The Department would recommend a future road link block to the east in the event that the abutting parcel is developed for residential uses.

The applicant is proposing one link at the south end of the property.

The Department would suggest an additional link at the north end of the property.

2.11 DONOVAN EBANKS (Donovan Ebanks) Block 33B Parcel 146 (P21-0862) (F21-0420) (\$1,500) (NP)

Application for proposed land clearing.

Kenneth Ebanks declared a conflict and left the meeting room.

FACTS

<i>Location</i>	Cayman Kai
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	13,420 sq. ft.
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed use</i>	None

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

- 1) The native Inkberry plant shall either be left in situ or translocated to an appropriate recipient site reviewed and approved by the DoE. The DoE will document the new location of the transplanted Inkberry via GPS.
- 2) Only invasive species shall be selectively and carefully cleared from the land, to ensure no native species are directly or indirectly impacted.
- 3) Mangroves located between the subject parcel and the canal shall be retained in accordance with the Species Conservation Plan for Mangroves (2020) under the National Conservation Act (2013).
- 4) Should there be any trimming of the mangroves which fall within the applicant's parcel boundary, it shall be done in accordance with the DoE's Mangrove Trimming Guidelines available from the DoE's website here: <https://doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/>.

Reason for the decision:

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

AGENCY COMMENTS

Comments from the Department of Environment are noted below:

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 predominately man-modified, however, there is some native vegetation scattered throughout the parcel. Similarly, the neighbouring parcels also contain areas of native vegetation. The canal border of the application site consists of dense healthy mangroves, as shown in Figures 1 and 2 below.



Figure 1: DoE site visit photo (Nov 2021) showing healthy dense mangroves along the canal adjacent to the application site.

Native Vegetation

A recent DoE site visit confirmed there are patches of native vegetation on the boundary of the parcel, the path into the area and along the coastal edge next to the mangroves. The native vegetation identified on-site was predominately Red Birch, Candlewood, Jasmine, and Silver Thatch trees. Figure 2 shows the approximate locations of some of the large Silver Thatch palms and the native Inkberry shrub within the parcel. Please note these points are general locations of the larger Silver Thatch trees and by no means the location of all the Silver Thatch on-site. There were many smaller Silver Thatch trees and native plants scattered throughout and intermixed with invasive Scaevola shrubs.



Figure 2: Aerial imagery showing the approximate locations of some of the large Silver Thatch palms (red) and the native Inkberry shrub (purple) within the parcel. The pink is a rough outline of the approximate area of mangrove vegetation around the application site. Note that much of the mangrove vegetation is outside of the parcel boundary.

Inkberry (*Scaevola plumieri*) also called Bay Balsam, is indigenous to all 3 Cayman Islands. *Inkberry* is becoming increasingly rare due to increased coastal development and the introduction of the imported and fast-growing invasive species of *Scaevola* (*Scaevola sericea*). *Inkberry* is considered **critically endangered** in the Cayman Islands and is a Schedule 1, Part 2 species under the National Conservation Act (2013).

The local *Inkberry* is distinguished from the invasive *Scaevola* as its berries are deep blue, unlike the invasive *Scaevola*'s pale white berries. Local *Inkberry* plants also have short round fleshy leaves which are smaller, stiffer and a more matte-coloured green when compared to the invasive *Scaevola*'s shiny larger green leaves. Both species are coastal species and tend to be located on the beach. Both have similar looking small white half flowers. *Inkberry* is salt tolerant and provides ornamental value making it great for seaside landscaping.

The native *Inkberry* plant on the subject parcel is very small (0.5 m height and ~ 1 m radius) and may look similar to the invasive *Scaevola*. The GPS point (purple square in Figure 2)

is an approximate location of the Inkberry as the GPS has a 3m margin for error and therefore the point may not directly correspond with the exact position of the plant. This point is to be used as a guide and should the applicant require assistance identifying the native Inkberry, they are encouraged to contact the DoE. Due to the rarity of this plant, should permission be granted for this proposal, this native inkberry should be carefully transplanted to an appropriate recipient site.

Figure 3:
Comparative photo showing the differences between local Inkberry (*Scaevola plumieri*) and the invasive *Scaevola* plant.
Photo source: Ann Stafford, Cayman Nature website.





Figure 4: Comparative photo showing the differences between local Inkberry (*Scaevola plumieri*) and the invasive *Scaevola* plant. Photo source: Ann Stafford, Cayman Nature website.



Figures 5 & 6: DoE site visit photos (Nov 2021) showing the variety of vegetation in and around the application site.

Mangroves

We note that the majority of the mangroves are located outside of the applicant's parcel boundary (see Figure 2). Mangroves are protected under Schedule 1, Part 2 of the National Conservation Act (2013). It is an offence to remove mangroves unless permission is

explicitly sought to remove them either through planning permission or a National Conservation Council Section 20 permit. The DoE recommends all existing mangrove vegetation in and around this parcel be retained. However, should the Central Planning Authority or Planning Department be minded to grant approval for the mechanical clearing of the entire parcel it is vital to note that the mangroves that fall outside of the applicant's parcel boundary would **not** be covered by this land clearing permission and **must** be retained in accordance with the Species Conservation Plan for Mangroves (2020) under the National Conservation Act (2013).

With guidance, mangroves can be trimmed to give vistas without causing severe injury to or killing mangroves. Should the applicant wish to trim the mangroves within their parcel, this **must** be done in accordance with the Department of Environment's Mangrove Trimming Guidelines (www.doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/).

Mangroves provide a nursery habitat for fish and other marine life and are vital in helping to maintain good water quality. Both mangroves and other canal-side vegetation provide a natural buffer that helps to intercept surface water that may run off the land into the canal impacting water quality. In addition, canal-side vegetation, especially mangrove, also help to prevent soil erosion by binding the substrate.

Speculative Nature of Proposal

The DoE does not support the wholesale clearing of this site. We consider the proposal to be speculative clearing as the applicant's submissions do not provide justification for the mechanical clearing. The Department does **not** support the speculative clearing of land, without planning permission having been secured for development on the land. We encourage applicants to submit proposals for land clearing along with their proposals for development as there may be varying recommendations such as vegetation retention depending on the form and nature of the development being proposed. We also recommend that land is not cleared until development has been approved and is imminent to allow sites to continue to provide habitat and ecosystem services.

Retaining vegetation provides benefits to the property owner and the surrounding area. For example, retaining vegetation can:

- Affect soil development over time generally contributing to more productive soil.
- Provide habitat and food for wildlife.
- Provide sound and privacy buffers from the road and neighbouring properties/developments.
- Provide mature vegetation which can enhance landscaping and immediately offer shade.
- Assist with the management of run-off and drainage.
- Reduce the amount of greenhouse gas emissions by avoiding the unnecessary clearing of land which releases carbon dioxide into the atmosphere.

Conclusion & Recommended Conditions

For reasons highlighted throughout this review, we recommend this application is held in abeyance until a development proposal for the parcel has been applied for, reviewed and granted planning permission. Should the applicant wish to proceed with the clearing, we recommend the invasive vegetation is selectively cleared and that native vegetation is retained particularly bordering their parcel (both sides), the native Inkberry and as many Silver Thatch trees as possible. As previously mentioned, some Silver Thatch plants are mixed in with the invasive Scaevola patches, which will require additional attention when clearing. Selective clearing of invasive Scaevola (see Figures 3 & 4) and the retention of native vegetation.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposal, the following should be included as conditions of approval:

- 1) The native Inkberry plant shall either be left in situ or translocated to an appropriate recipient site reviewed and approved by the DoE. The DoE will document the new location of the transplanted Inkberry via GPS.
- 2) Only invasive species shall be selectively and carefully cleared from the land, to ensure no native species are directly or indirectly impacted.
- 3) Mangroves that fall outside Block 33B Parcel 146 shall be retained in accordance with the Species Conservation Plan for Mangroves (2020) under the National Conservation Act (2013).
- 4) Should there be any trimming of the mangroves which fall within the applicant's parcel boundary, it shall be done in accordance with the DoE's Mangrove Trimming Guidelines available from the DoE's website here: <https://doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/>.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on a short road off of Rum Point Drive in Cayman Kai.

The property is currently vacant and the application is to clear the parcel to the boundaries.

Zoning

The property is zoned Low Density Residential.

2.12 SOL FOUR WINDS (Cayman Engineering Ltd) Block 5B Parcel 147 (P21-0947) (\$170,000) (JP)

Application for canopy and signage.

Peter Campbell declared a conflict and left the meeting room.

FACTS

<i>Location</i>	Town Hall Road, West bay
<i>Zoning</i>	NC
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.30 ac. (13,068 sq. ft.)
<i>Current use</i>	Petrol station

BACKGROUND

Extensive history relating to gas station use, of note:

August 8, 2018 (**CPA/18/18; item 2.21**) application for illuminated columns to be used as signage approved (P18-0596)

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 utilization of the canopy.**

Reason for the decision:

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

APPLICANT'S LETTER

I write in follow up to your email exchanges with Ms. Schmarrah McCarthy (AMR) with regard to Sol

Petroleum Cayman Limited's application for a Major Identification Sign at the 4 Winds service station.

In support of the sign planning application Sol wish the CPA to consider the following points in making their decision: -

- *Sol have significantly lowered the sign's height by 8 feet 9 inches and reduced the marketing surface area from the initial planning application.*
- *Approximately 32sq ft of each side of the sign is in place to comply with the mandatory requirements of the Dangerous Substances Regulations (Part 6 Fuel Signs and Prices). These regulations stipulate service stations: "clearly display fuel product pricing and relevant information, in each case the sign shall be set up in such a manner and be so lit that the price and any other matter that it displays can be readily seen by motorists approaching the regulated premises from all directions at any time the regulated premises is open for business for the sale of fuel".*
- *A Major Identification sign was approved by CPA for this location in 1995, that sign was removed some time ago for maintenance and not replaced until the branding could be finalized. The new proposed sign incorporates fuels pricing and branding where previously these were 2 separate signs.*

PLANNING DEPARTMENT ANALYSIS

General

The application site, which is located in a prominent position on the four way stop in West Bay, forms part of the historic area for West Bay.

The applicant is seeking Planning Permission to replace the existing canopy structure, install banner signage along the canopy outer facing edge, install a replacement internally illuminated banner sign on the shop fascia and install illuminated totem pole sign.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) Compliance to sign guidelines

Totem pole

Section 5.2 of the Sign Guidelines (2014) is relevant, which states signs shall have a maximum size of 32 sq ft and a maximum height of 12 feet.

The proposed totem pole is 84.25 sq ft and 14' 9" in height.

Building signs

Section 5.2 of the sign guidelines (2014) states building signs (commercial single tenant) shall not exceed 10% of the building façade.

Members are invited to note the element of the proposal replaces an existing sign of similar size and location.

Canopy signs

Section 5.2 permits canopy signage providing it does not exceed 40% of the face area of the canopy.

Members are invited to note the element of the proposal replaces an existing sign of similar size and location.

2) Historic overlay

Section 3.11 of the 1997 Development Plan provides advice for considering development in the historic overlay zone whereby:

The purpose of the Historic Overlay Zone is to promote and encourage the perpetuation of historic buildings and structures with the underlying zone remaining in effect. Development will be strictly controlled to conserve the Cayman Islands historical and architectural heritage.

Subject to the Development and Planning Law and Regulations, the Authority shall apply the Historic Overlay Zone provisions and other relevant provisions of the Statement in a manner best calculated to:

- (a) Preserve and protect the established historical, architectural or cultural character of the area;
- (b) Preserve any significant aspect, appearance or view of the area; and
- (c) Preserve and protect any prospect or view, being an environmentally important prospect or view, from any public area.

Members are invited to consider the existing lawful use of the site together with the prominent location of the totem sign.

SUPPLEMENTARY ANALYSIS

CPA/23/21; item 2.8 on 10th November Members considered the application and requested consultation with the Department of Environment. The following comments received on 30th November:

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.

2.13 MITZIE BAILEY (Island Drafting) Block 5C Parcel 34 (P21-1108) (\$25,000) (NP)

Application for proposed change of use – residential to wellness centre.

FACTS

<i>Location</i>	West Bay Road, West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No Objectors
<i>Building size</i>	1,308 sq. ft.
<i>Current use</i>	House
<i>Proposed use</i>	Wellness Centre

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

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

- 1) The applicant shall submit a revised site plan showing a 6' sidewalk along West Bay Road and located within the parcel boundary.
- 2) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 3) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 4) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

Reason for the decision:

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

PLANNING DEPARTMENT ANALYSIS

General

The subject house is located on West Bay Road in West Bay, across from the Fosters Republic.

The proposal is to change the use to a Wellness Centre.

The proposal includes parking for 5 vehicles, including one accessible space.

The applicant advertised the proposal on two occasions in a local newspaper.

Landowners within 500 feet of the proposal were also notified by Registered Mail. No objections have been received.

AGENCY COMMENTS

The following agencies have provided comments.

Fire Department

The Fire Department has stamp approved the drawings.

Water Authority Cayman

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

Wastewater Treatment & Disposal

- *The existing development is served by a **septic tank** with a capacity of **1,000 US gallons**. This capacity been deemed appropriate in accommodating the projected wastewater output for the proposed change of use.*
- *If the developer proposes to utilize the existing septic tank and/or disposal well, the system shall be inspected and serviced per the Septic Tank Inspection Form that can be downloaded from the Water Authority's website via the following link: <https://bit.ly/2RO8MBB>. The completed inspection form shall be returned to the Water Authority for review and determination as to whether the existing system meets Water Authority design specifications. Any deficiencies noted will require repair or replacement prior to final approval for certificate of occupancy.*
- ***Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards.** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- ***To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'5" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*
- *In the absence of detail on prospective retail tenants, the requirements set out are based on basic retail/office use; i.e., low-water use tenants. Any change-of-use to allow for a high-water use tenant; e.g., food service, or hairdresser, will require an upgrade of the wastewater treatment system. Required upgrades depend on the type of tenant and may include the installation of an in-the-ground grease interceptor and/or an increase in the capacity and/or type of treatment system installed. Given that after-the-fact upgrades can be disruptive and costly, the developer is advised to build in the flexibility for their range of desired tenants at this stage. Contact*

development.control@waterauthority.ky to discuss requirements to accommodate potential high-water use tenants.

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

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

Water Supply

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

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

Department of 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 DoE confirms that we have no comments at this time as the application site is man-modified and of limited ecological value.

Department of Environmental Health

In sufficient information has been provided to allow the assessment of this application for compliance with the relevant environmental health requirements.

Zoning

The property is zoned Low Density Residential.

Specific Issues

The site plan should be revised to include a minimum 6 foot wide sidewalk along West Bay Road.

2.14 LEE MCKAY (Craftman's Touch) Block 4B Parcel 525 (P20-1063) (\$660,000) (BS)

Application for three (3) apartments.

Appearance at 2:30

FACTS

<i>Location</i>	Velma Banks Dr. off Fountain Road, West Bay.
<i>Zoning</i>	HDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.1521 ac. (6,625.5 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed use</i>	3-apartments
<i>Proposed building size</i>	4,058 sq ft sq. ft.
<i>Proposed footprint</i>	2,029 sq ft
<i>Total building site coverage</i>	30.6% vs 40% max allowable
<i>Allowable units</i>	3
<i>Proposed units</i>	3
<i>Allowable bedrooms</i>	6
<i>Proposed bedrooms</i>	6
<i>Required parking</i>	5
<i>Proposed parking</i>	5

BACKGROUND

September 15, 2021 (CPA/19/21; item 2.9) – application adjourned to invite in applicant to explain reasons for the variances

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

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

- 1) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).

- 2) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 3) The applicant shall submit a Stormwater Management plan designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority. **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 4) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 5) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.

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

- 6) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 7) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 8) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 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 five feet (5') above mean sea level.

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.**

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

Reasons for the decision:

- 1) Per Regulation 9(6) of the Development and Planning Regulations (2021 Revision), the Authority is satisfied that the site location is suitable for apartments as follows:
 - There are no physical constraints on the site that would prevent the development of apartments.
 - There are several apartment developments in the surrounding area and the proposed apartments are consistent and compatible with the established building character of the area.
 - There is sufficient infrastructure at this site (e.g. public road, water line, electrical service) and in the area (commercial retail, grocery stores, etc.) to support the residents of the proposed apartments.
- 2) With the exception of the lot width and side setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2021 Revision).
- 3) The proposed application does not comply with the minimum required lot width and the minimum required side setbacks per Regulations 9(6)(f) and (i) of the Development and Planning Regulations (2021 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot width and setbacks as follows:
 - a) The characteristics of the proposed development are consistent with the character of the surrounding area;
 - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
 - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997
- 4) The Authority is satisfied that the parking layout will function adequately.

AGENCY COMMENTS

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

WAC

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 **(1,250) US gallons** for the proposed, based on the following calculations.*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
<i>Apartment Building</i>	<i>3 x 2-Bed Units</i>	<i>225gpd/2-Bed unit</i>	<i>675gpd</i>	<i>675gpd</i>
TOTAL				<i>675gpd</i>

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

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

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

Water Supply

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

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

NRA

As per your memo dated December 24th, 2020 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 a six (6) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Velma Banks Drive is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 16% In</i>	<i>AM Peak 84% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 67% In</i>	<i>PM Peak 33% Out</i>
<i>40</i>	<i>3</i>	<i>1</i>	<i>2</i>	<i>4</i>	<i>3</i>	<i>1</i>

Based on these estimates, the impact of the proposed development onto Velma Banks 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. Please have applicant revised site plan to show.

Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft. Please have applicant revised site plan to show.

A six (6) foot sidewalk shall be constructed on Velma Banks Drive, within the property boundary, to NRA standards. Please have applicant revised site plan to show.

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

Stormwater Management Issues

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

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

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

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

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

NCC

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

The DOE recommends that the applicant incorporates native vegetation in the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands resulting in vegetation that requires less maintenance which makes it a very cost-effective choice.

DEH

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

- 1. This development will require a minimum of (3) 33 gallon garbage bins within a 2.50ft W x 7.50 ft L x 2.50 ft H enclosure.*
- 2. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.*
- 3. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

Fire Services

The CFO approved the site layout.

APPLICANT'S LETTER

With respect to our submission for apartments on block 4B parcel 525 located on Velma Banks road, West Bay. We hereby request variances as follows:

- 1. Setback Variance for Proposed apartment to be located 10'-0" from the side boundaries shared with parcels 524 and 11'-0" shared with 526. The rear setback is at 15'-0" shared with Parcel 378.*
- 2. Lot Width Variance for lot width to be less than the minimum 100'-0" at the front.*

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.*

We thank you for your consideration of this matter and look forward to a favorable decision on this application in due course.

PLANNING DEPARTMENT ANALYSIS

General

The application is for three (3) apartments with six (6) bedrooms at the above-captioned property.

The site is located on Velma Banks Dr. off Fountain Road, West Bay.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Suitability

Regulation 9(6) permits apartments in suitable locations. The surrounding land uses in the area are industrial (Andy's Auto at the rear of the subject property), duplexes, dwelling houses, and vacant properties.

Members are invited to consider whether the site is suitable for apartments.

2) Sides Setbacks

Regulation 9(6)(i) requires a minimum 15' side setback for a building of more than one storey, whereas the proposed sides setbacks are 10' and 11' respectively.

Members are invited to reflect upon the variance letter in order to determine whether adequate justification has been provided.

3) Lot Width

Regulation 9(6)(f) requires a minimum 100' lot width for apartments, whereas the proposed lot width is 60'-4".

4) Parking Lot Layout

The parking layout includes angled parking which could lead to awkward movements within the driveway and perpendicular spaces could be achieved and would function better. Also, two of the spaces are 8' wide instead of 8' 6" and the parking area doesn't show curbing. It would appear that these changes could be realistically accommodated.

At 2:30pm, Mr. McKay appeared as the applicant and Lenworth Green appeared as his agent. Summary notes are provided as follows:

- The Authority asked them to explain the reasons for the requested variances.
- Mr. Green explained that they would like to get 3 units and the proposal fits but they need variances.
- The Authority noted there are no objections and asked if they notified the adjacent owners. Mr. Green replied that they did.
- The Authority asked if the building is two storeys and Mr. Green replied that it is.

- The Authority asked if they can make the parking spaces 90 degrees and Mr. Green replied that they can.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

5.1 FRANK SCHILLING Block 11D Parcel 105 (P21-0635) (JP)

Christine Maltman declared a conflict and left the meeting room.

The Authority was reminded that on October 27, 2021 (CPA/22/21; item 2.2) approval was granted for a pergola and outdoor bar. At that time the applicant proposed 10 off-site parking spaces which the Authority accepted with a condition that the applicant obtain a lease from the owner for the parking spaces. The Authority was advised that the applicant has submitted a signed license for the parking spaces, instead of a lease. The Authority considered the matter and determined that license does not satisfy the condition of approval that the applicant must obtain a lease for the parking spaces which is registered.

5.2 ELSA HENRY Block 25C Parcel 484 (P21-0758) (BS)

The Authority was reminded that on October 27, 2021 (CPA/22/21; item 2.12) an application for an addition to a house to create a duplex was adjourned to invite in the applicant to explain why they needed external stairs leading to the two upstairs bedrooms when there was also an internal staircase. The Authority was advised that the applicant has submitted revised plans showing the removal of the external stairs, but there is now a parapet wall above the small porch. The Authority is of the view that the parapet wall is an indication that the external stairs may be put in place at a later date and should be removed from the plans.

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 removal of the parapet wall over the porch.

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

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

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

Reason for the decision:

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

5.3 CHURCH OF GOD PROPHECY Block 13EH Parcel 68 (HP)

The Authority considered and approved the request to erect a tent on the property from December 26, 2021 to January 2, 2022.

5.4 MAGELLAN HOME OWNERS ASSOCIATION Block 11C Parcel 321 (CE21-0206) (BP)

Christine Maltman and Kenneth Ebanks declared conflicts and left the meeting room.

The Authority viewed photographs of the ruinous condition of land due to the storage of various pieces of construction related equipment and materials, a derelict shipping container and an a garbage container overflowing with landscaping debris and determined that a maintenance of land notice would be issued to the owner.

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

5.5 GARFIELD WAYNE ELLIS Block 25B Parcel 266 (CE21-0224) (BP)

The Authority viewed photographs of the ruinous condition of land due to the storage of construction of heavy equipment, trucks and shipping containers and vehicle repair and determined that a maintenance of land notice would be issued to the owner.

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

5.6 SHEILA WOOD, VELONA WOOD AND JOHN WOOD Block 44B Parcel 105 (CE21-0228) (BP)

The Authority viewed photographs of a dilapidated building and determined that a maintenance of land notice would be issued to the owner.

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

5.7 JOSEPH BERRY Block 44B Parcel 106 (CE21-0229) (BP)

The Authority viewed photographs of the ruinous condition of land due to the storage of derelict vehicles and trailers and determined that a maintenance of land notice would be issued to the owner.

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

5.8 ERIC EVORT EBANKS Block 25B Parcel 667 (CE21-0231) (BP)

The Authority viewed photographs of the ruinous condition of land due to the storage of derelict vehicles and determined that a maintenance of land notice would be issued to the owner.

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

5.9 CLEVERFISH Block 15B Parcel 52 Rem 1 (HP)

The Authority was advised that a representative of the school had contacted the Department regarding a proposal to use the cleared portion of the site owned by Cayman Economy Cars for the purpose of a temporary play area. The Authority determined that the proposal was acceptable and that planning permission would not be required.

6.0 CPA MEMBERS INFORMATION/DISCUSSIONS

The meeting adjourned at 3:30pm. The next regular meeting of the Central Planning Authority is scheduled for *Wednesday, January 5, 2022 at 10:00 a.m.* in Conference Room 1038, 1st floor, Government Administration Building.



Ian Pairaudcau
Chairman



Haroon L. Pandohie
Executive Secretary

c.c. All members of the Central Planning Authority

Appendix ‘A’

Sarah D. Lewis

P.O. Box 1339, George Town, Grand Cayman KY1-1108, Cayman Islands
T: +1 (345) 328-9887 | E: slewis0308@gmail.com

URGENT

Friday, 3 September 2021

By E-mail to:

Planning.dept@gov.ky

By Hand Delivery to:

Director of Planning
Planning Department
Cayman Islands Government
Government Administration Building
133 Elgin Avenue
P.O. Box 113
George Town
Grand Cayman KY1-9000
Cayman Islands

Letter of Objection to Notice of Application for Planning Permission – 14D352 – Finigan Huffington ("the Applicant") 5-Units Apartment with Laundromat - Project No. P21-0548 (the "Project")

I, Sarah Lewis, Single Proprietor of 14D372, do hereby object to the subject application for planning permission based on the following grounds each of which will be addressed in turn:

- Mode of Delivery of Notice Application for Planning Permission;
- Planning Department's Failure to Follow Through on Complaints;
- Height of Existing Foundation and Water Drainage Issue;
- Proposed Parking;
- Planning Application Does Not Accurately Reflect Actuality;
 - Proposed Construction of 2 Feet Internal Wall Near on 14D352 / Affixed to Boundary Wall of 14D372;
 - Proposed Ten Feet (10 ft.) Setback;
 - Garbage/Refuse Disposal;
 - Proposed Plumbing and Electrical Work Previously Completed on the Project's Foundation;
 - Proposed Water Meter;
 - Physical location of Septic Tank;
- On-Site Storage, Hazards and Public Safety Concerns;
 - Insufficient Space Between Existing Building and Erected Foundation of Proposed Project;
 - Mental, Emotional and Physical Well Being;
- Land Encroachment to Surrounding Properties;
- Destruction/Placement of Items on Boundary Wall of 14D372;
- Physical Obstruction to Public Road;
- Noise Pollution/Public Disturbance and Royal Cayman Islands Police Intervention;
- Applicant Falls Afoul of the Land Law; and

The Director of Planning
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Cayman Islands Government
Friday, 3 September 2021

Letter of Objection to Notice of Application for Planning Permission – 140952 – Finigan Huffington ("the Applicant"); 5-Units
Apartment with Laundrymat – Project No. P21-0548 (the "Project")

- Applicant Falls Afoul of the Development and Planning Act and the Development and Planning Regulations.

Mode of Delivery of Notice Application for Planning Permission ("Notice")

My Notice was delivered to me by regular mail. The Notice and the Department of Planning's website both stipulates that the Notice is to be served by Registered Mail. The Applicant and/or the Architect, Fred Whittaker, attested that the Notice was served to me Registered Mail with no date on executed on 11 August 2021. This service of Notice must be remedied as per the requirements. For ease of reference, please refer to the fine print at the bottom of the screen print following and copy actual Notice served – see following page.



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Letter of Objection to Notice of Application for Planning Permission - 14D352 - Finigan Huffington ("the Applicant") 5-Units Apartment with Laundromat - Project No. P21-0548 (the "Project")



CAYMAN ISLANDS
GOVERNMENT

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

NOTICE OF APPLICATION FOR PLANNING PERMISSION

TO: NAME & ADDRESS

SARAH LEWIS

Owner of Block and Parcel 14D372

Single Proprietor

P.O. Box 1338 Grand Cayman, KY1-110

You are hereby notified that an application for planning permission for the purpose of

5-UNITS APARTMENT WITH LAUNDROMAT

on Block and Parcel(s) 14D352

and owned by FINIGAN HUFFINGTON

has been submitted to the Central Planning Authority (CPA), Grand Cayman.

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

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

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

FROM: FINIGAN HUFFINGTON

P.O. Box & Kt: P.O. BOX 2182, KY1-1105

(Name of Applicant - Please Print)

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

(Date)

Name: FRED WHITTAKER

Signed:

Date: AUG. 11. 2021

Revised: 1 June 2022

Planning Department Failure to Follow Through on Complaints

My late mother, Gloria M. Scott, previous registered sole proprietor of 14D372, made a complaint to the Planning Department (the "Department" approximately three (3) years ago. This complaint was triggered by the Applicant's construction on the property without what appeared to be the applicable consent from the Planning Department, and his construction of a wall adjoining the existing boundary wall for 14D372, among other things that will be addressed below. My mother felt that the complaint was necessary as

there was an absence of a Notice of Planning Permission indicating the Applicant's intention to construct a building on his property.

I am aware that an officer/employee from the Department visited the Applicant's address and spoke with the Applicant. I also am aware that some subsequent action was taken by the Department, including instructing removal of derelict vehicles by the Applicant that were stored on the property and relevant issues that was to be addressed by either the Summary or Grand Court of the Cayman Islands. Subsequent to this initial visit, the Applicant ramped up construction and delivery and storage of construction materials on site that has the potential for public hazard.

Since my mother's passing, I have been calling the mobile telephone number provided to me by the officer/employee and left numerous messages at other telephone numbers for various persons, including the Director of Planning and other senior personnel within the Planning Department.

Upon the approach of severe weather in 2020, I sent an e-mail to Hazard Management Cayman Islands ("HMCI") copied to the Department to which I have not yet received a response nor an update on the matter from the Planning Department. I did receive a response from HMCI, copied to the Department.

In light of the foregoing, I am unaware of what actually triggered the Application process to which I am now responding. With that in mind, I do stand to be corrected if a lack of a response from the Department to me does not constitute any form of inaction on its part.

I would now like to thank the Department for any steps it has taken to remedy the complaint since lodgment with relevant persons.

Height of Existing Foundation and Water Drainage Issue

The height of the Project's current foundation far exceeds the height of any other building foundation in the area. This is great cause for concern for land owners 14D372, 14D415, etc., heading down Templeton Street, and those immediately across the street who all suffers greatly from flooding throughout the year. This is exacerbated by extreme weather conditions despite there being deep wells installed by the National Road Authority ("NRA") in front of 14D372 and across the street from 14D352. The well immediately across from 14D372 is basically nonfunctional due to oil deposits, etc., as confirmed by NRA employees. The well in front of 14D372 is currently blocked despite it being cleared last year.

From the plans that I am able to access online, I am able to see what appears to be 2 deep wells, one to the front of the property in the area of the proposed parking area, and one to the rear on the left-hand side or towards the side of 14D372. Are these drains exclusively for storm water purposes? If so, the proposed drains seem inadequate in size to capture the run off that will be projected from the property from the proposed Project. There appears to be a need a much bigger storm water drainage system in light of the type of proposed project. This bigger storm water draining system should be mandatory considering the severe flooding issues that affect Templeton Street even during what may be considered normal rainy weather conditions.

It should also be pointed out that the water table in the area is very high and despite future storm drain installations, they may not be effective at all, causing even further flood prone conditions.

When the house was constructed on 14D372, it was the highest building on the street, with what was considered to be an above average height foundation. Over the years with the road being resurfaced with

Increases in its height, and the other subsequent developments allowed to be constructed without sufficient drainage conditions, I experience severe flooding that encroaches on the porch when vehicles drive through even at the slowest of speeds. If development continues to go unchecked without the appropriate infrastructure in place, many persons on Templeton Street will be accustomed to a very new and expected way of life, more frequent and extensive flooding and the inability to access their homes by foot. This is the only street in this section off Anthony Drive that experiences this type of severe flooding that lasts well over 1 week before storm waters dries away.

The Applicant has filled his land, which, I suppose he is in his right to do. Does filling of land not need an application to be submitted to the Department prior to commencement of any construction? I query if it is the Applicant's legal right for him to fill his land to an above normal height for the area and then further construct his foundation up to five feet four inches (5ft 4in.) off the ground? What current law allows for this in a low-lying high water table area prone to flooding?

Please be advised that because of this filling of land, the boundary wall for 14D372 has approximately 3 feet of wall underground. Therefore, where the Applicant has a two feet (2 ft.) wall height on his property, this equates to approximately +/- 4 feet on 14D372. There is future potential fallout from constant land filling that may result in water being transferred onto 14D372 and the property immediately adjoining 14D352 on the other side when the Project is complete – please see the following photograph depicting the fact that the land is filled almost to the top of the boundary wall of 14D372.



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Letter of Objection to Notice of Application for Planning Permission – 14D352 – Finigan Hurlington ("the Applicant") 5-Units
Apartment with Laundrymat - Project No. P21-0548 (the "Project")



The Applicant himself suffers from flooding, but only to the entrance of his property as per the aforementioned, all water is projected towards the road and down the street to other properties. Please note that I am in no way suggesting that the Applicant's actions are the sole reason for flooding on Templeton Street.

The following photos depict flooding issues approaching Templeton Street from the direction of Anthony Drive at the first house on the left through to 14D372, 14D352 and beyond, during mild to tropical storm weather conditions with only the 2 aforementioned drains on Templeton Street.

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Letter of Objection to Notice of Application for Planning Permission - 14D352 - Finigan Huffington ("the Applicant") 5-Units Apartment with Laundromat - Project No. PZ1-0548 (the "Project")

Example of Water on Templeton Street Between 14D372 and 14D352 on 2 September 2021 – light rainfall



Anthony Drive Approaching Templeton Street on the Left



The Director of Planning
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**Letter of Objection to Notice of Application for Planning Permission – 14D352 – Finigan Huffington ("the Applicant") 5-Units
Apartment with Laundromat - Project No. P21-0548 (the "Project")**

Entrance of Templeton Street Approaching from Off Anthony Drive / Templeton Street Proper



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Apartment with Laundromat – Project No. PZ1-0548 (the “Project”)



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Letter of Objection to Notice of Application for Planning Permission – 14D352 – Finigan Huffington ("the Applicant") 5-Units
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**Letter of Objection to Notice of Application for Planning Permission - 140352 - Finigan Huffington ("the Applicant") 5-Units
Apartment with Laundromat - Project No. P21-0548 (the "Project")**



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Letter of Objection to Notice of Application for Planning Permission – 140352 – Finigan Huffington ("the Applicant") 5-Units
Apartment with Laundromat - Project No. P21-0948 (the "Project")





The following photographs depict flooding issues approaching Anthony Drive from Templeton Street proper from the vicinity of 14D372, 14D352 and beyond towards Anthony Drive.

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Letter of Objection to Notice of Application for Planning Permission – 14D852 – Rineen Huffington ("the Applicant") 5-Units
Apartment with Laundromat - Project No. P21-0548 (the "Project")



Letter of Objection to Notice of Application for Planning Permission – 14D352 – Finigan Huffington ("the Applicant") 5-Units Apartment with Laundromat - Project No. P21-0548 (the "Project")



The following 2 photographs of the property adjoining 14D372 heading towards Anthony Drive from Templeton Street



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Letter of Objection to Notice of Application for Planning Permission – 14D352 – Finigan Huffington ("the Applicant") 5-Units
Apartment with Laundromat – Project No. P21-0548 (the "Project")



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Letter of Objection to Notice of Application for Planning Permission – 14B352 – Finigan Huffington ("the Applicant") 5-Units
Apartment with Laundromat – Project No. P21-0548 (the "Project")

The following photographs are of the property adjoining the preceding neighbor's property (last house on the righthand side of the road) heading towards Anthony Drive from Templeton Street.



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Large amounts of refuse from flooding events are left on my property partly due to the carriage of the water stream from direction of the wind, etc., and due to the position of the land as it sits lower than most other properties on the same side of the street, to the exception to the entrance of Templeton Street on the left accessed from the direction of Anthony Drive.

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Letter of Objection to Notice of Application for Planning Permission – 14D352 – Finigan Hurlington ("the Applicant") 5-Units
Apartment with Laundromat - Project No. P21-0548 (the "Project")

*Examples of the Aftermath of Flooding at Apartment Complex Across from 14D372 and 14D352,
respectively*



The Director of Planning
Department of Planning
Cayman Islands Government
Friday, 3 September 2021

Letter of Objection to Notice of Application for Planning Permission - 180352 - Finigan Huffington ("the Applicant") 5-Units Apartment with Laundromat - Project No. P21-0548 (the "Project")

Proposed Parking

Please be advised that the Applicant currently resides on the property in the building shown at the rear of the property in photographs supplied in this letter of objection to the Application. He has lived on the property for the past sixteen (16) years with his wife. I do believe that the Applicant's son is off to college and is not in residence at the moment.

Pursuant to the Application, the Applicant intends for 6 regular parking spots with one handicap parking spot. It is also noted that the parking spot numbered one (1) is within the standard ten feet (10 ft.) setback for properties in the area. In light of this, parking spot numbered one (1) should not be allowed, thereby and possibly, leaving a total of five (5) regular parking spots available for residents of the proposed Project. Please see following reference photo as to placement of parking spot numbered one (1).



The Applicant owns several vehicles that are currently parked on his property, if memory serves me correctly, it is a total of three (3) vehicles. In the past up to six (6) vehicles and additional car engines were parked/stored on the front and side of the property. There was, and still is, little space to navigate around the property. This number of parked/stored motor vehicles was reduced pursuant to a physical inspection by an officer/employee of the Department as herein before mentioned. If the Applicant is already owning three (3) vehicles that are parked on his property, and, if he reserves three (3) of the six (6) proposed parking spots, that leaves only three (3) to service five (5) apartments plus the existing building in which he resides. It is duly noted that the latter temporary building of six-teen (16) years, turned permanent

The Director of Planning
Department of Planning
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Letter of Objection to Notice of Application for Planning Permission – 14D352 – Finigan Muffington ("the Applicant") 3-Units
Apartment with Laundromat – Project No. P21-0548 (the "Project")

building, will be removed pursuant to the details on the Application. However, it is doubtful that the structure will be removed, based on the Applicant's historical tendencies of ignoring some of the applicable laws of the Cayman Islands.

The following photographs shows motor vehicles that are currently on the Applicant's property.



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Letter of Objection to Notice of Application for Planning Permission - 140352 - Firdgan Huffington ("the Applicant") 5-Units
Apartment with Laundromat - Project No. P21-0548 (the "Project")



Letter of Objection to Notice of Application for Planning Permission ~ 14D352 ~ Finigan Huffington ("the Applicant") 3-Units Apartment with Laundromat - Project No. P21-0548 (the "Project")

Taking into consideration that there are five (5) proposed apartments, and bearing in mind that potential tenants who may rent from the Applicant will need at a minimum two (2) parking spaces for each apartment, the norm for families residing in apartments, there will be inadequate/insufficient parking available to all concerned with the proposed Project.

Please be advised that there is a current parking problem for tenants of apartment complexes on Templeton Street and who park on the road side obstructing pedestrians from accessing the sidewalks as vehicle owners sometimes park on them as well. Bearing this fact in mind, it is even more important for the proposed Project to have adequate and easily accessible parking.

It is further noted that the proposed elevation for this proposed car park is between four feet (4 ft.), at the lowest point, to five feet (5 ft.) at its highest point from the current elevations. I stand to be corrected if I am misinterpreting the information on the Application; however, if my understanding is correct, this leads back to my comments and concerns about the land fill and flooding detailed herein.

Planning Application Does Not Accurately Reflect Actuality

- o **Proposed Construction of 2 Feet Internal Wall Near on 14D352 / Affixed to Boundary Wall of 14D372**

The Applicant has already constructed this proposed wall; it is not correctly reflected as an existing wall on the Application. I am not able to confirm the height of the constructed wall as in existence, therefore the veracity of its height is beyond my limitations. This wall is also connected to boundary wall of 14D372. The distance between these 2 walls is approximately seven (7) feet. Neither past or current owners of 14D372 has given the Applicant consent for his internal wall to be affixed or joined to the boundary wall for 14D372.

The following photographs shows the already constructed proposed two feet (2 ft.) wall adjoining the boundary wall of 14D372.

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**Letter of Objection to Notice of Application for Planning Permission – 14D352 – Finigan Huffington ("the Applicant") 3-Unit
Apartment with Laundromat - Project No. P21-0348 (the "Project")**



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A similar wall has been built on the opposite side of the property 14D352 that is also not depicted on the Application and as indicated in the following photograph.



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Further, you will note that the Applicant has also constructed another wall that connects his internal wall with another in the ground wall as depicted in the following photograph - take a close look at the ground in front of the chair.



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The following photographs have been cropped and enlarged for easy reference



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Based on the Applicant's past conduct on his property the possibility exists for the Applicants enclosure of the already wall-in areas. What recourse is there if that happens?

o **Proposed Ten Feet (10 Ft.) Setback**

From the photographs preceding this paragraph, you will not that the internal wall is already connected to the foundation of the Project. Therefore, where is the 10 feet setback supposed to materialize?

This pre-existing wall does not therefore allow for a setback wall of 10 feet from the boundary of 14D372 as indicated on the Application. Note that there is a wooden planter box planter constructed around one of the Applicant's mango trees as indicated in the following photograph.

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This planter box is approximately eighteen inches (18 in.) from boundary wall of 14D372 and within the ten feet (10 ft.) setback mentioned herein. The wooden box needs to be removed as per the applicable planning law.

I am hereby requesting the Department's assistance, via its powers enforceable and as allowed by the remit of the Cayman Islands Planning Laws, and any other applicable Cayman Islands Law, in seeking remedy to the Applicant's removal of his internal wall from the boundary wall of 14D372 and at the Applicant's expense remedy any damages that may be contained in the process with prior written notification of intended action to me. I am not of the intent to seek due process when this matter should be peacefully remedied.

To the other side of 14D352, there are trees effectively eliminating the ten feet (10 ft.) setback as detailed in the following photographs.

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Garbage/Refuse Disposal

The Applicant currently does not have a garbage disposal system on his property. His refuse is disposed in the dumpster across his property as depicted in the below photograph.

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Despite there being a drawing for garbage to be contained at the entrance of proposed Project, there is the potential for this not to materialize. In addition, does the fact that the proposed Project is an apartment building with a laundromat not stipulate the need for a dumpster as opposed to the limited assigned refuse containers detailed on the drawings? What mechanisms are in place to ensure that there are adequate refuse containment facilities? There is the potential of continued refuse disposal across the street on another person's property.

The following pictures shows that there are currently obstructions to the proposed refuse containment area.

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- **Proposed Plumbing and Electrical Work Completed on the Project's Foundation**

Plumbing and electrical work was previously installed in the foundation. These installations have since been removed

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o **Proposed Water Meter**

There is already a water meter in place. The Application should have reflected that there will be additional water meters and the proposed placement, not an indication to imply that there is currently no water meter in place. Please see the following photographs in support of this point.



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Letter of Objection to Notice of Application for Planning Permission – 14D392 – Finigan Huffington ("the Applicant") 5-Units Apartment with Laundromat – Project No. P21-0548 (the "Project")



o **Physical location of Septic Tank**

Septic system built within ten feet (10 ft.) of boundary wall for 14D372, with an approximate setback measurement of nine feet (9 ft.) at its widest point, which, directly interferes with the proposed ten feet (10 ft.) setback from the boundary wall of 14D372 as indicated on the Application - please see the following reference photographs.

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Additionally, the Application shows a six feet (6 ft.) clearance from the rear of 14D352. However, the actual space between the septic tank and the rear of the property is approximately five feet (5 ft.) at its widest point from the rear boundary wall of 14D352, using the building block with an approximate length of six-teen inches (16 in.) as a guide. From the following reference photographs, you will note that this distance diminishes from approximately five feet (5 ft.) to approximately four feet (4 ft.) at an angle.

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This photograph was taken aligning sight of the septic tank with the building blocks.



The Application needs to detail the accurate measurements depicting the actual physical location of the septic tank on the property and not an approximation.



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The septic tank is not complete and appears to be open as shown in the following photographs.
This allows for possible environmental and other hazards including health hazards.



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Land Encroachment to Surrounding Properties

This happens with the overhanging limbs of trees on 14D352 onto properties on either side of it as shown in the following photographs.



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This encroachment also happens by design as depicted in the following photographs.

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These encroachments are to be remedied without further delay. The Applicant is also to cease and desist from any further such encroachments of any kind.

Further, the Applicant should be made to treat the tree infestations/diseases that are spreading to neighboring trees and plants as depicted in various photographs in this letter. The Applicant is to be reminded that it is his responsibility to trim overhanging branches from his side of his property.

Destruction/Placement of Items on Boundary Wall of 14D372

The Applicant has over the years been placing and/or affixing items on the boundary wall of 14D372, despite many requests to cease and desist from doing so.

At one point in time, the Applicant affixed straps to the boundary wall with concrete nails in two separate spots to anchor his trees and erected building. I do have photographs to prove this point; however, time does not permit me to include same with this letter of objection. However, if necessary, I should be able to retrieve same and produce to your office in whatever means required. The following photograph depicts a crack in the wall further to the Applicant's use of concrete nails as mentioned above.

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The following photographs were taken Thursday, 2 September 2021 and shows the lack of respect for other people's property by the Applicant. Please be advised that all plants in pots are mine. The construction materials/equipment is the Applicant's and have no need to be resting on the boundary wall.

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Letter of Objection to Notice of Application for Planning Permission – 14D352 – Finlgen Huffington ("the Applicant") 5-Units
Apartment with Laundromat - Project No. P21-0543 (the "Project")



The following photographs are further examples of affixing objects and/or destruction of boundary wall on 14D372 by the Applicant. You will note that there have been 2x4 lumber affixed to the boundary wall. This wall was built prior to the Applicant's purchase of 14D352 and he has therefore not contributed to the cost of erecting same.

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There has in the past been a shelf built between the 2 pieces of 2x4 lumber that held the Applicant's jumbo igloos and that were a constant feature of the wall on the Applicant's side. The Applicant was instructed to remove the shelf when the officer of the Department first visited him in light of the complaints made against his infractions/circumvention of the applicable planning laws.

It would be helpful if the Applicant would cease and desist from placing anything on the boundary wall of 14D372 and/or affixing anything, temporary or permanent to the walls. Additionally, I am hereby requesting the Department's assistance, via its powers enforceable and as allowed by the remit of the Cayman Islands Planning Laws, and any other applicable Cayman Islands Law, in seeking remedy to the Applicant's removal of his belongings from the boundary wall of 14D372. I am not of the intent to seek due process when this matter should be peacefully remedied.

It is feared that during the construction of the proposed Project that the Applicant will increase his activities of total disregard for my property/the wall already described. Further, as examples set by the

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Applicant, there exists the potential for proposed tenants to have the same disregard for personal property and become a nuisance to me and/or the community.

Physical Obstruction to Public Road

Following are photographs that are self-explanatory. This border has been stepped back a couple of inches and have been placed further out in the roadway in the past. There is the potential for the continuation of placement of obstacles in the road way.



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Please also note that in the past the Applicant used to mix concrete in the road. This was stopped by someone calling the Royal Cayman Islands Police who subsequently approached the Applicant and had a conversation with him. I have not seen a reoccurrence of the action since that time.

On-Site Storage, Hazards and Public Safety Concerns

There are several safety concerns in play now and that has been for the past several years. The latest of them being the storage of building blocks two (2) pallets high to the front of the subject property. Please see the following pictures for an understanding of the matter.



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Note in the following photographs that the blocks have started to separate themselves on the pallets closest to the road. I have serious concern for my own/the public's safety and the protection of property, including motor vehicles, that can be damaged by winds upwards of 70 miles per hour potentially tossing the building blocks and damaging windows on my home or on to my motor vehicles and that of the surrounding neighbors.

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Last year when there was an approaching storm, I sent an e-mail to Hazard Management Cayman Islands copied to the Department advising of the situation with the blocks. This matter was basically discounted by HMCI as not being a potential hazard. Please see attached e-mail and subsequent response from HMCI. To date, I have not yet had a response from the Department in relation to the placement/storage of building blocks on the subject property.

In addition, these building blocks are within the ten feet (10 ft.) setback from the boundary of 140372 and should be moved, especially now that we are in the hurricane season. The blocks were even more separated than shown in the pictures above, but appear to have somewhat been put back in place by the Applicant.

Forbidding any extreme weather, what will happen to potential damage caused to people and/or their property by flying building blocks? Will the Applicant be willing to pay for any damages cause by his flying property aside from the building blocks? How would settlement of damages be effected short of due process? What is the Department's role in such matters?

The Applicant should be mindful that his own blocks may literally and unexpectedly tumble down on him and/or innocent passersby.

Additionally, there appears to be insufficient space to work on the property to work on the proposed Project, thereby potentially endangering the wellbeing of the Applicant and his potential employees of the Project.



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Letter of Objection to Notice of Application for Planning Permission – 14D952 – Finigan Huffington ("the Applicant") 5-Units
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○ **Insufficient Space Between Existing Building and Erected Foundation to Proposed Project**

There is less than a two feet (2 ft.) space between the current building in which the Applicant resides and the foundation for the proposed Project at the widest distance between the two (2) structures. Please refer to the following photographs for reference.

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The lack of adequate space between the structures poses various risks to the Applicant, his wife and potential workers on the proposed Project. This situation should be remedied.

o **Mental, Emotional and Physical Well Being**

The current state of the Applicant's property encroaches on a person's right to fresh air, beautiful sights and sounds, and overall mental, emotional and physical wellbeing. Additionally, the proposed Project does not afford potential tenants the right to space for exterior relaxation and general well-being.

Further, the Applicant's personality may potentially discourage persons for standing up for his or her individual rights that may potentially hinder a peaceful co-existence on the proposed Project.

Noise Pollution/Public Disturbance and Royal Cayman Islands Police Intervention

I have on several occasions had to call the Royal Cayman Islands Police Services for assistance with noise pollution and public disturbances effected by the Applicant. This was in every instance associated with commencement of construction work sometimes as early as 4:00 AM and as late as 10:00 PM. This happened quite bit when my late mother was seriously ill and I had to approach him at minutes to 10PM and ask him to wrap up his work. Recorded dates for requiring assistance are as follows:

- ✓ 19 May 2019;
- ✓ 28 November 2019; and
- ✓ 27 December 2019.

There have been instances of noise pollution/public disturbance wherein the RCIPS were not called.

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In light of the foregoing, please advise what times are permissible for construction work to be done outside of any applicable strata or other prescriptions. If the Department is not able to stipulate recommended working hours, please advise if there are any current Cayman Islands laws that addresses this issue as it is feared that the Applicant could potentially resume early morning and late-night construction past 6:00 PM.



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Friday, 3 September 2021

Letter of Objection to Notice of Application for Planning Permission - 140352 - Finigan Huffington ("the Applicant") 5-Units
Apartment with Laundromat - Project No. P21-0548 (the "Project")

Applicant Falls Afoul of the Cayman Islands Registered Land Law (2004 Revision)

I do believe that the Applicant has fallen afoul of the law wherein he has failed to maintain the boundary features and has interfered with said boundary features.

The Applicant may have also fallen afoul of other applicable Cayman Islands currently in force allowing for land owners to keep property in a clean and tidy condition free from derelict motor vehicles, etc., and to make the land safe for those persons who may come in close contact/proximity to said property by use of public road access and those of immediate surrounding neighbors. The possibility exists for other infractions, but I am not an expert of said laws.

Applicable infractions need to be remedied.

Applicant Falls Afoul of the Development and Planning Act and the Development and Planning Regulations

This is apparent from the contents of this letter of objection.

Should you require clarification on any point raised, please do not hesitate to contact me via telephone in the very first instance.

I do thank you for your time taken to accept, acknowledge and peruse the contents of the letter.

I look forward to hearing from you.

Many thanks and kind regards,



Sarah D. Lewis

Att.

Appendix ‘B’

**OBJECTION LETTER TO PROJECT NO. P21-0879, BLOCK & PARCEL NO: 14E541
32,500 SQ FT NEW GROCERY STORE Block and Parcel: 14E541, 14E542, 15B263**

Dear Director of Planning,

After reviewing the advertised development plans of Hurley's Supermarket on Walkers Road, we would like to voice our concerns with the current proposal and request that they are taken into consideration. Further, we have a few clarification questions we would like answers to as well as suggestions we believe will mitigate some of our concerns.

Questions:

- Are there windows at the back of the building (facing South Palms apartments)?
- What smell and sound controls are in place in Grand Harbour? Will the same or better controls be placed in the new location?
- How will you mitigate the risk of fire hazards?
- What is the sound rating of the generator, AC, and compressor?

Concerns:

- The service road running along the complex may pose privacy, trespassing, and noise issues; something we have previously had to deal with on a smaller scale when the old Hurley's was built
- Waste smell and noise of garbage truck due to the current location of the dumpster
- Noise and smell as a result of the proximity of the loading dock and its operation overnight, early mornings, and weekends
- Increased presence of rodents, insects, chickens, etc. because of proximity of the loading dock and dumpster to the complex
- Industrial kitchen and exhaust will produce noise and strong smell
- Unpleasant smell of spoiled food and returns in the back warehouse area
- Industrial waste overflow in case of a flood

Suggestions:

- Build a 6' concrete separation wall
- Change the position of the dump
- Place smell & sound control

As the strata EXCO, we feel that more consideration can be given to the residents of South Palms who have been around since 1987 and that changes can be made while not affecting the business of the proposed supermarket. That said, we kindly request that the proposed plans are reconsidered and that relevant changes are made in order to ensure that the residents' quality of life is not compromised.

Thank you in advance for your time and consideration!

Respectfully,

EXCO of STRATA PLAN #121 – SOUTH PALMS II
Block 15B Parcel 295 H1-H33

Contact information:

CHARTERLAND LTD.
#A1 Plaza Venezia,
North Sound Road
PO Box 32319
Grand Cayman KY1-1209
CAYMAN ISLANDS
PH: 345 623 2772

**OBJECTION LETTER TO PROJECT NO. P21-0879, BLOCK & PARCEL NO: 14E541
32,500 SQ FT NEW GROCERY STORE Block and Parcel: 14E541, 14E542, 15B263**

Dear Director of Planning,

We are owners of apartments in South Palms and we recently received a notice for PROJECT NO. P21-0879, BLOCK & PARCEL NO: 14E541. We appreciate the transparency and wish Hurley's supermarket much luck with the development. While we are excited for the added convenience of having Hurley's supermarket in walking distance, we do have some concerns we wish to have addressed to ensure the value of our properties does not decline and our quality of living is not impacted.

South Palms has been around for over 30 years and previously Hurley's supermarket was located adjacent to the pool, which other than privacy issues did not have much impact on the residents. Currently, none of the supermarkets are as close to residential homes as the proposed location and the direction of the noise and smell sources are kept far away to avoid inconveniences. The new Hurley's location and direction of the proposed smell and noise sources, on the other hand, are extremely close to the apartments and therefore as residents, we fear of the following issues:

- Noise and smell due to the following
 - Proximity of industrial generator, AC, and compressor
 - Proximity of loading dock: drop off and pick up of containers will be accompanied by loud truck noise overnight, early morning, and on weekends
 - Spoiled food and returns: storage proximity will be accompanied by unpleasant smell while awaiting pickups
 - Proposed location of dump: proximity to residential homes will lead to unpleasant garbage smells as well as loud noise of dumpster pickup at inconvenient hours of the day
 - Commercial kitchen and exhaust: proximity will cause heavy scent and noise
- Privacy, trespassing, and noise concern due to the service road by the complex, which faces our bedrooms, as well as the removal of all trees in the area
- Rodents and insects by loading dock and dumpster
- Should there be a flood due to a hurricane for example, we fear industrial waste overflow
- Increased fire hazard due to industrial chemicals and explosives, which would increase risk of fire that could easily spread over to residential area

We are aware that typically cleanliness in industrial spaces rarely meets the standards of residential areas; this, coupled with the above concerns, leads us to

believe that a concrete separation wall may reduce some of the impact of these issues. We would further ask that you kindly consider shifting the problematic areas (eg. Loading dock, dumpster, etc.) further away from the residential apartments (eg. Towards other commercial lands, towards the road, towards the pool side of the complex) and/or shift the building location so that parking, for example, would be the closest to our complex. We trust that you will also ensure commercial grade smell and sound controls that will mitigate the impact on our quality of life.

Once again, while we are excited for the development plans, we also fear that our quality of life will be compromised should the plans proceed as submitted and so we dearly ask that you rethink the plans so that they are more considerate of the residents who have been living at South Palms for many years.

We thank you in advance for your consideration!

Kindest regards,

1.

STRATA PLAN #121 – SOUTH PALMS II

Black 15B Parcel 295H17

Yehonatan Segal & Liat Tebeka

P.O. Box 940 GT, KY1-1102

Phone: +1 345 925 3230

Emails: yoni.segal@gmail.com / Liat.Tebeka@gmail.com

2.

STRATA PLAN #121 – SOUTH PALMS II

Black 15B Parcel 295H22

Jacobus Smit

PO Box 1044, KY1-1102

Phone: +1 345 927 1377

Email: jacogsmi@gmail.com

3.

STRATA PLAN #95 – SOUTH PALMS I

Block15B Parcel 291H25

Michal Segal

PO Box 1044, KY1-1102

Phone: +1 345 322 8905

Email: michalsegal10@gmail.com

We would like to object the development of a new Hurley's supermarket near our properties.

We have already had a build behind our condo of a 2 story house which has cut down a natural bush area as a barrier for sound and a nice view of natural environment and trees.

Now we only see their house and pool and hear the ongoings of the residents when it was previously a quiet sound barrier and natural bush area for Cayman Parrots and wildlife.

The land to be used for a new supermarket is where cats and wildlife live and developers have already taken enough land in the surrounding area of natural wildlife and tree growth.

Developing land in South South has taken away it's natural charm and turning in to a concrete jungle. South Palms Phase II - that pool will not have any privacy anymore and no one will want to use the pool listening to the traffic and commercial noise.

Regards

Claire Coulson and James Nisar

Owners of 25 Phase I and 60 South Palms Phase II

Properties 15B291H24 and 15B295H31

It is exciting to understand the current derelict property on parcels 15B405, 15B263, 14E542 and 14E541 is slated to become a attractive supermarket.

As an owner of the west neighboring block and parcel 15B295H5, there is an objection/concern about the bordering property line. My property (as well as others in the South palms condo complex) are 2 story apartments with second floor bedrooms. My property will look onto the supermarket building's west side and their parking lot. There is a objection/concern about the amount of lighting on the property that will now illuminate our apartments and particularly the bedrooms. Another objection/concern would be the aesthetics of the side of the building bordering our property.

It is requested a high and dense landscaping be required along the entire west property border to obscure the view and minimize the intrusion of lighting. The landscaping would need to be a minimum of 20-25 feet tall and dense enough to prohibit direct view.

Again, we are pleased about the addition of the supermarket and hope the objection/concern regarding lighting and aesthetics can be mitigated by requiring landscaping.

Thank you for your
consideration.

Melinda Kolchinsky
Block and parcel 15B295H5

**OBJECTION LETTER TO PROJECT NO. P21-0879, BLOCK & PARCEL NO: 14E541
32,500 SQ FT NEW GROCERY STORE Block and Parcel: 14E541, 14E542, 15B263**

Dear Director of Planning,

I am the owner of a residential single-family home located at **91 Pebbles Way, BLOCK & PARCEL NO: 14E144** and I recently received a notice for **PROJECT NO. P21-0879, BLOCK & PARCEL NO: 14E541**. I appreciate the transparency and wish Hurley's supermarket much luck with the development. While I am excited for the added convenience of having Hurley's supermarket in walking distance, I do have some concerns I wish to have addressed to ensure the value of my property - and that of neighbouring properties - does not decline, and my quality of living is not impacted.

Currently, none of the supermarkets are as close to residential homes as the proposed location and the direction of the noise and smell sources are kept far away to avoid inconveniences. The new Hurley's location and direction of the proposed smell and noise sources, on the other hand, are extremely close to my home and therefore as the home owner and resident, I fear of the following issues:

- Noise and smell due to the following
 - Proximity of industrial generator, AC, and compressor
 - Proximity of loading dock: drop off and pick up of containers will be accompanied by loud truck noise overnight, early morning, and on weekends
 - Spoiled food and returns: storage proximity will be accompanied by unpleasant smell while awaiting pickups
 - Proposed location of dump: proximity to residential homes will lead to unpleasant garbage smells as well as loud noise of dumpster pickup at inconvenient hours of the day
 - Commercial kitchen and exhaust: proximity will cause heavy scent and noise
- Privacy, trespassing, and noise concern due to the service road along the perimeter of my property
- The complete destruction of forested green space that provides a much needed sound and visual barrier, as well as significantly important green space for which all residents of the Cayman Islands should be fighting to retain as natural green space filled with native trees and shrubbery
- Rodents and insects by loading dock and dumpster

- Should there be a flood due to a hurricane for example, I fear industrial waste overflow
- Increased fire hazard due to industrial chemicals and explosives, which would increase risk of fire that could easily spread over to residential area

I am aware that typically cleanliness in industrial spaces rarely meets the standards of residential areas; this, coupled with the above concerns, leads me to believe that a concrete separation wall along the entire rear (west-facing) boundary of the proposed Hurley's development may help to reduce some of the impact of these issues. I would further ask that you kindly consider shifting the problematic areas (eg. loading dock, dumpster, etc.) further away from the residential homes and apartments that make up the rear (west-facing) boundary (eg. towards other commercial lands, towards the road, towards the south side of BLOCK & PARCEL NO: 14E541) and/or shift the building location so that parking, for example, would be the closest to the rear (west-facing) boundary line. I trust that you will also ensure commercial grade odor and sound controls so as to mitigate the impact on our quality of life.

Once again, while I am excited for the development plans, I also fear that my quality of life will be compromised should the plans proceed as submitted and so I beg of you to rethink the plans so that they are more considerate of the residents who have been living on Pebbles Way, as well as those in neighboring properties, for many years.

I thank you in advance for your most sympathetic consideration!

Kindest regards,

ERIKA VAN DAM

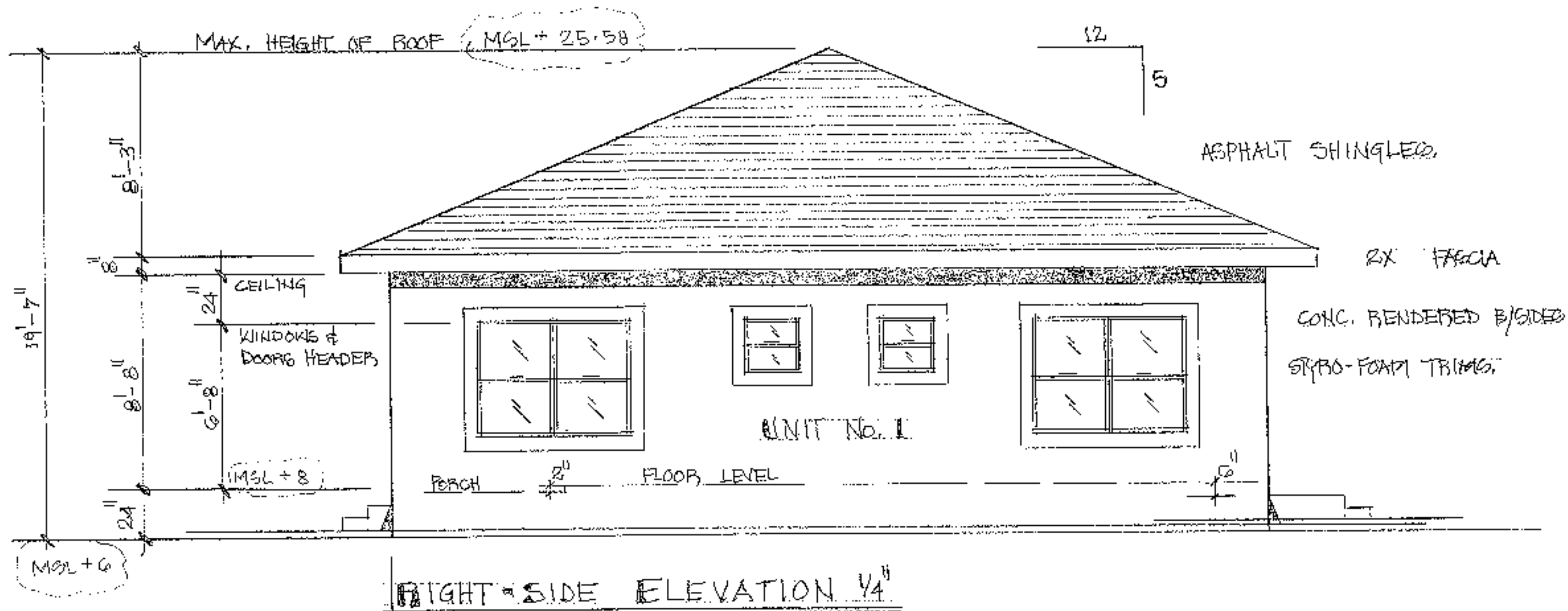
Block 14E Parcel 144

P.O. Box 1733 GT, KY1-1109

Phone: +1 345 926 4360

Email: erikavandam@mac.com

Appendix 'C'



ALL WINDOWS AND GLASS DOORS
ARE TO BE IMPACT PATED
SD/E 66 DP

I HEREBY CERTIFY ALL THE
DIMENSIONS SHOWN ON THIS PLAN
ARE CORRECT,
JMB DEC/2020

PROPOSED DUPLEX ON 25C 472 SPOTS.
FOR: PHILLIP MITCHELL

Scale: 1/4"

DRAWN BY: JMB

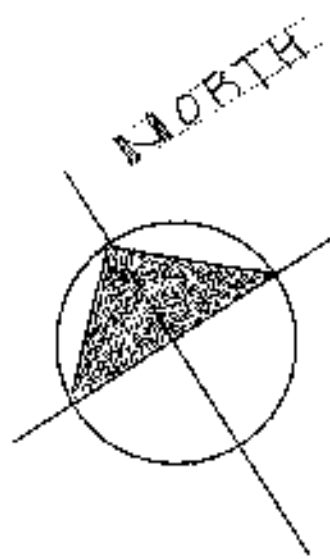
Date: DEC-20

Johnbernard781@gmail

RIGHT-SIDE ELEV.

DRAWING NUMBER
4 of

I HEREBY CERTIFY ALL THE DIMENSIONS SHOWN ON THIS PLAN ARE CORRECT.
 SIGNED: JMM FEB/2021



SITE PLAN scale 1/20

- BLOCK 25C #472 SPOTS
- ZONED: AREA "B"
- LAND AREA = 0.4249 ACRE (18,508.6 SQ. FT.)
- PROPOSED SITE COVERAGE = 21.3%
- WATER SUPPLY: PUBLIC SYSTEM
- SEWAGE DISPOSAL: SEPTIC TANK & DEEP WELL

NOTE: LAND FILLED/COMPACTED TO ROAD LEVEL.

PROPOSED HOUSE & DUPLEX ON 25C472 SPOTS	
FOR: PHILLIP MITCHELL	
Scale: 1/20	DRAWN BY: JHB
Date: NOV-20	Johnbernard781@gmail
REV: FEB-21	
SITE PLAN	DRAWING NUMBER: 1 OF 1

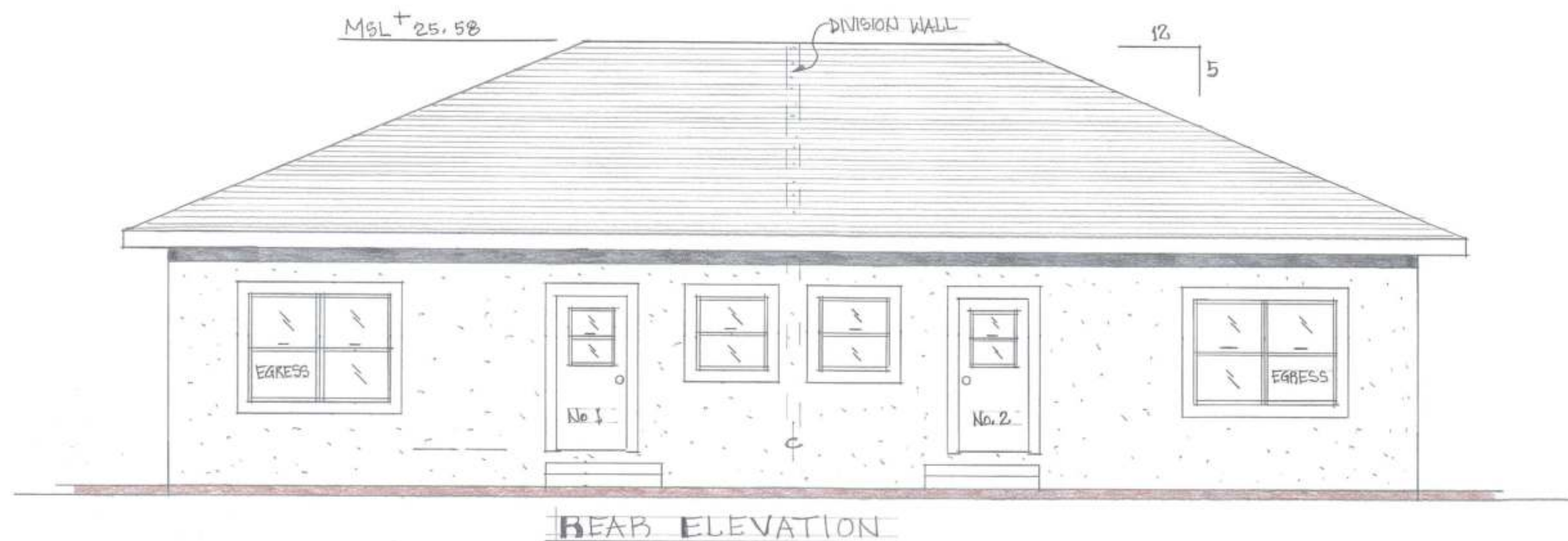


ALL WINDOWS & GLASS DOORS ARE TO BE
IMPACT RATED 50/- 66 DP

I HEREBY CERTIFY ALL THE DIMENSIONS SHOWN
ON THIS PLAN ARE CORRECT.

SIGNED: *[Signature]* Nov/20

PROPOSED ONE BEDROOM HOUSE 250472	
FOR: PHILLIP MITCHELL	
Scale: 1/4"	DRAWN BY: JHLB
Date: NOV-20	
ELEVATIONS	DRAWING NUMBER 3 OF



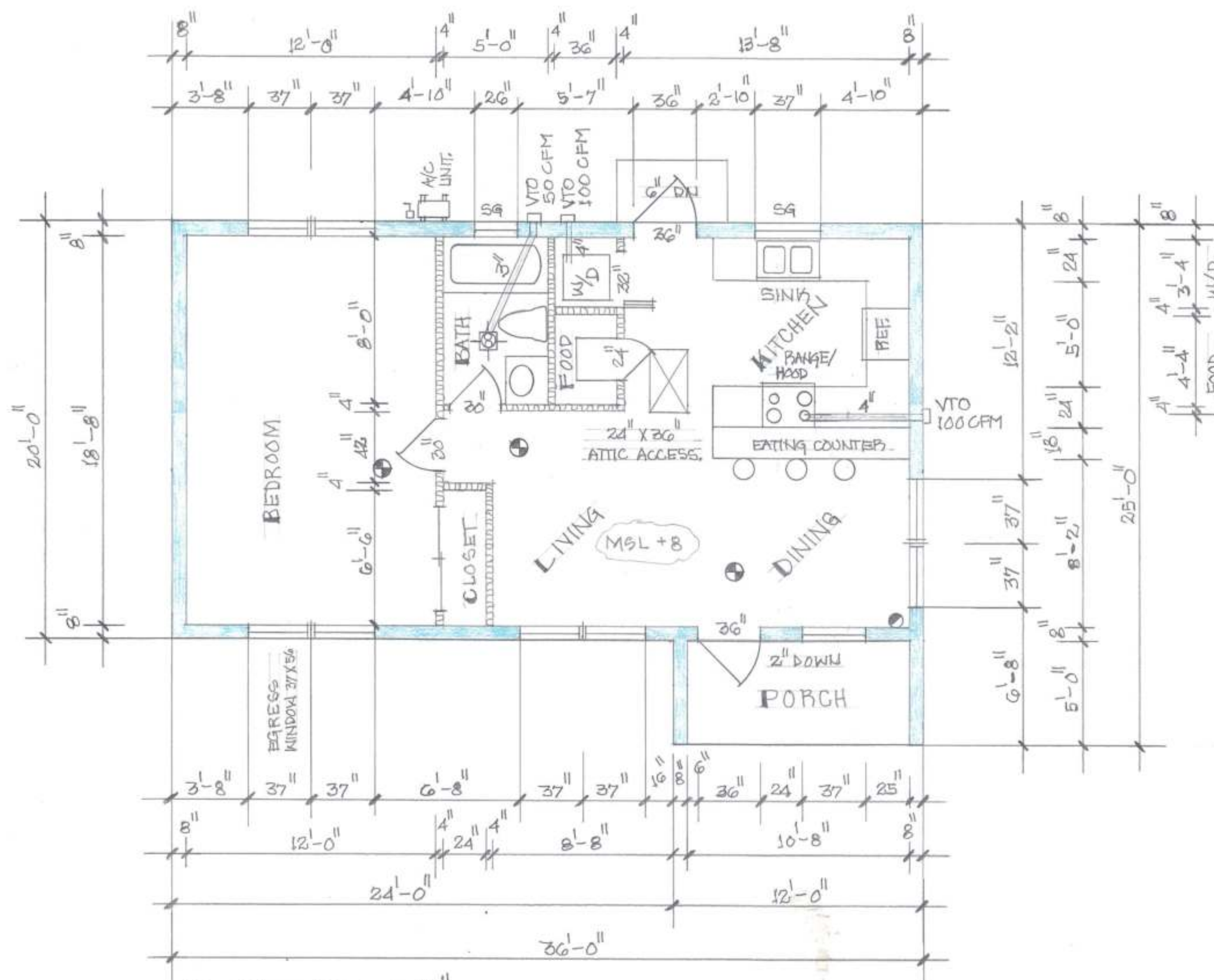
ALL WINDOWS & GLASS DOORS ARE TO BE
IMPACT RATED 50/-66 DP

I HEREBY CERTIFY ALL THE DIMENSIONS
SHOWN ON THIS PLAN ARE CORRECT.

SIGNED: *John Bernard* NOV/20



PROPOSED DUPLEX ON 250472 SPOTS FOR: PHILLIP MITCHELL	
Scale: 1/4"	DRAWN BY: JHLB
Date: Nov-20	Johnbernard781@gmail.com
ELEVATIONS	
DRAWING NUMBER 3 OF	



FLOOR PLAN 1/4"

FOOTPRINT/ AREA = 780 SQ. FT.

I HEREBY CERTIFY ALL THE DIMENSIONS SHOWN ON THIS PLAN ARE CORRECT.

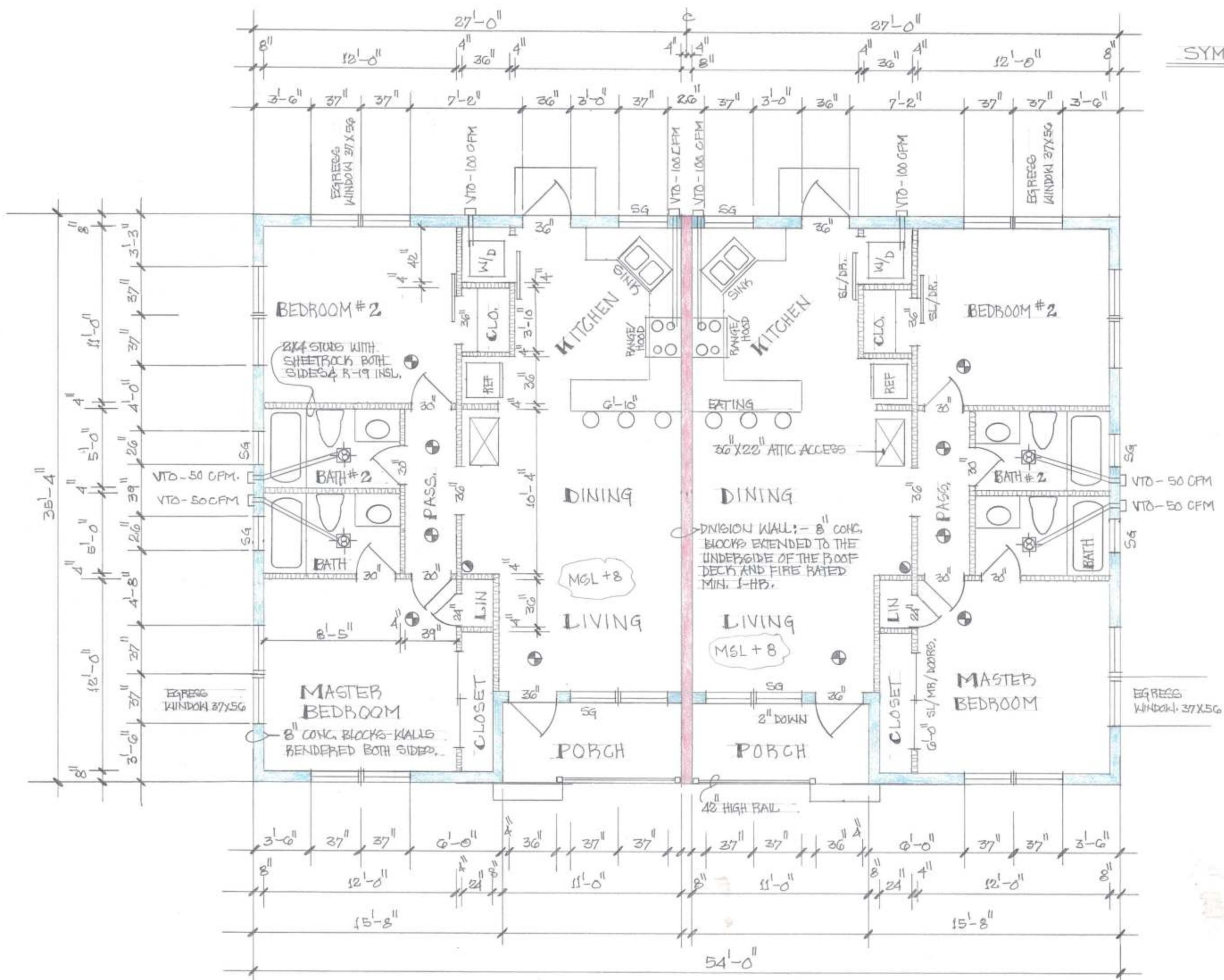
SIGNED: JHLB NOV/20

SYMBOL	DESCRIPTION
	8" CONC. BLOCKS-WALL WITH PLASTER RENDERED BOTH SIDES.
	2X4 STUD-WALL WITH SHEETROCK BOTH SIDES & R-19 INSULATION.
	BATH EXHAUST FAN W/ LIGHT.
VTO	VENT-TO-OUTSIDE (BATH/R. HOOD/ DRYER).
SG	SAFETY GLAZING /GLASS.
	SMOKE DETECTOR
	FIRE EXTINGUISHER
	TELEPHONE
	TELEVISION

NOTES:

- (1) EXHAUST FANS/SMOKE DETECTORS/ FIRE EXTINGUISHERS AND A/C UNITS SHALL BE MANUFACTURERS SPECIFICATIONS.
- (2) ALL WINDOWS AND GLASS DOORS ARE TO BE IMPACT RATED 50/-66 DP

PROPOSED ONE BEDROOM HOUSE ON 250472	
FOR: PHILLIP MITCHELL	
Scale: 1/4"	DRAWN BY: JHLB
Date: Nov-20	Johnbernard781@gmail.com
FLOOR PLAN	DRAWING NUMBER
	3 OF



SYMBOL	DESCRIPTION
	BATH EXHAUST FAN WITH LIGHT
	VTO VENT-TO-OUTSIDE (BATH/RANGE HOOD/DRYER)
	SG SAFETY GLAZING/GLASS
	SMOKE DETECTOR
	FIRE EXTINGUISHER
	TELEPHONE
	TELEVISION

NOTES:

- (1) ALL WINDOWS AND GLASS DOORS ARE TO BE IMPACT RATED 50/- 66 DP
- (2) EXHAUST FANS, SMOKE DETECTORS AND FIRE EXTINGUISHERS ARE ALL SUBJECT TO MANUFACTURERS SPECIFICATIONS.

FLOOR PLAN scale: 1/4"
 FOOTPRINT/AREA = 1908 SQ. FT.
 EACH SIDE = 954 SQ. FT.

I HEREBY CERTIFY ALL THE
 DIMENSIONS SHOWN ON THIS PLAN
 ARE CORRECT.
 SIGNED: [Signature] NOV/20

PROPOSED DUPLEX on 256472 SPOTS	
FOR: PHILLIP MITCHELL	
Scale: 1/4"	DRAWN BY: JHLB
Date: Nov. 20	Johnbernard781@gmail.com
FLOOR PLAN	DRAWING NUMBER 2 OF