

Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on February 17, 2016 at 10:00 a.m. in the Conference Room, 1st Floor, Government Administration Building, Elgin Avenue.

5th Meeting of the Year

CPA/05/16

Mr. A. L. Thompson (Chairman)
Mr. Robert Watler Jr. (Deputy Chairman)
Mr. Edgar Ashton Bodden
Mr. S. T. (Tommie) Bodden
Mr. Dalkeith Bothwell
Mr. Joseph Coe
Mr. Ray Hydes
Mr. Trent McCoy
Mr. Rex Miller
Mr. Eldon Rankin
Mr. Selvin Richardson
Ms. Sharon Roulstone
Mr. Fred Whittaker
Mr. Haroon Pandohie (Executive Secretary)
Mr. Ron Sanderson (Deputy Director of Planning (CP))

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

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APPLICANTS APPEARING BEFORE THE CENTRAL PLANNING AUTHORITY

APPLICANT NAME	TIME	ITEM	PAGE
Steve Bell (EJ)	10:50	2.1	5
Chelverton Subdivision (CS)	11:10	2.2	7
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1.0 CONFIRMATION OF MINUTES

1.1 Confirmation of Minutes of CPA/04/16 held on February 3, 2016.

2.0 APPLICATIONS

APPEARANCES (Items 2. 1 TO 2. 5)

2. 1 STEVE BELL Block 25B Parcel 154 (F15-0202) (P15-0808) (EJ)

Application for after-the fact containers for storage purposes.

Appearance at 10:50

FACTS

<i>Location</i>	Corner of Mangrove Avenue & Shamrock Road
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	10,890 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	After-the-Fact Containers
<i>Total Site Coverage</i>	4.41%

BACKGROUND

August 14, 2015 (CE15-0048) - The Department opened an enforcement case for after-the-fact containers.

Recommendation: Discuss the application, **for the following reasons:**

1. Deficient front setbacks
2. Appropriateness of storage containers in a residential area

LETTER FROM APPLICANT

“Good Afternoon Mr Jackson, please see below details as requested. Thank you for handling our application request.

- 1) Currently the dimensions are 15 ft from the main road and 10ft from the side road. I was advised that the setback should be 20ft and 10ft. I was waiting to hear back on our application before moving the containers just in case there were any other restrictions with the location of the containers and wanted to prevent moving the containers twice. There was an arial with a proposed 20ft and 10ft setback attached with the application.*
- 2) We have yet to submit our application for a Duplex which we plan to build in 2016. We have already acquired the majority of the tools needed but as we source construction materials they will be stored in these containers as well. Because we have not submitted the application yet i was given the a list of the*

adjacent properties from Planning and sent a notice via Registered mail to all surrounding owners. A copy of the letter was submitted with our application.

Please let us know if there is any more information we can assist you with.

Have a great day and we look forward to your reply.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking after-the fact permission from the Authority for the subject containers for storage purposes.

Zoning

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

Specific Issues

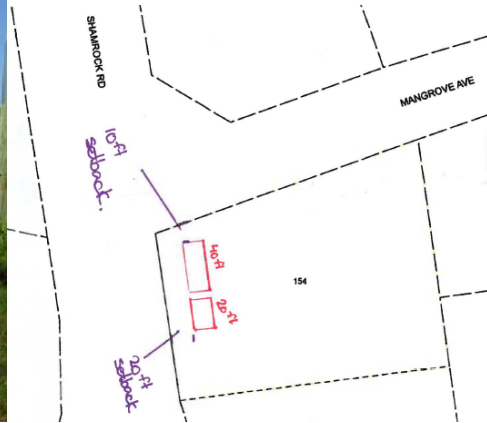
a) Setback Variance

The proposal is for 20’ and 40’ containers which are located on the corner of Mangrove Avenue and Shamrock Road. At present, the containers do not meet the required 20’ front setbacks as they are 15’ from Shamrock Road and 10’ from Mangrove Avenue. The applicant has indicated that should approval be granted that they would relocate the containers to comply with the required front setbacks.

b) Storage containers in a residential area

Traditionally, the Authority has discouraged containers in residential zones when they are not associated with the construction of an approved development. The applicant has indicated that they will be submitting an application for a duplex sometime in 2016, but that has not yet happened. The subject site is zoned residential and is in a high traffic area and is very visible to the motoring public. The Authority needs to determine if, in the absence of an approved development, the containers are appropriate in a residential area and in this location.





2. 2 CHELVERTON INVESTMENTS LTD Block 11D Parcel 14 (FA83-0334) (P15-1066) (\$115,000) (CS)

Application for a three (3) lot combination/subdivision.

FACTS

<i>Location</i>	Between West Bay Road and Esterley Tibbetts Highway
<i>Zoning</i>	N COM
<i>Notice Requirements</i>	Objectors
<i>Parcel Size</i>	14.6 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Vacant
<i>Number of Units</i>	3

Recommendation: Discuss the application, for the following reason:

1. Objectors' concerns.

AGENCY COMMENTS

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

Water Authority

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

Water Supply:

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

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

Wastewater Treatment:

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

National Roads Authority

"As per your memo dated December 4th, 2015 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

A deceleration lane needs to be constructed along the ETH to gain proper access into the subdivision. This will require some land to be taken from lot "A". The applicant and agent for the proposed subdivision of 11D16 were made aware of this deceleration lane prior to the above submission.

For the Esterley Tibbetts Highway at forty (40) MPH a length of 425 feet with a 15:1 taper at the end of the deceleration lane is required. Once the applicant has completed this redesign they should resubmit their site plan for NRA Board and administration approvals.

NRA FOLLOW UP COMMENTS:

The acceleration/deceleration lane needs to be 12 feet wide, and the hard shoulder is 7 feet wide (made up of 5 feet for bicycle lane and 2 feet for a Type "F" curbface) – this widening it to take place behind the current white lane."

OBJECTIONS

Letter #1

TWO OBJECTORS SUBMITTED THE SAME LETTER

"I write to object to the application for the sub-division/combination of the above-mentioned parcels.

The said parcels are zoned neighborhood commercial. I understand that an application for a service station has already been made in respect of part of this area. I was unable to either obtain information regarding the proposed sub-division/combination or the development plans for the remainder of the parcels after the sub-division/combination has been completed.

My concerns fall broadly into three areas. Given the zoning of the parcels it is likely that the larger parcel arising out of the subdivision/combination will be developed as shops/offices and/or restaurants. This will allow traffic to move

between the Esterly Tibbetts Highway and the West Bay Road through an area that was not intended to be a link between the two main roads.

Based on the plans that I have been shown there appears to be an access road with a turning circle that comes off the Esterly Tibbetts highway. If the subsequent development of the remainder of the property was focused on the Esterly Tibbetts highway there would be the risk that the service areas of that development would face the West Bay Road (in exactly the same way that the service areas of Galleria Plaza now front the Esterly Tibbetts highway). In my view this would be a particularly unfortunate thing to allow in what is one of the prime areas of West Bay beach (Plantana, as you are well aware, is in the vicinity of both Government House and the soon to be completed Kempton Hotel.)

Great care will have to be taken to ensure that the future development of the site should not cause any form of blight to the West Bay Road or the properties belonging to those who live in that area.

The referenced parcels are zoned neighbourhood commercial. We understand that an application for a service station has already been made in respect of part of this area. We were unable to either obtain information regarding the proposed sub-division/combination or the development plans for the remainder of the parcels after the subdivision/combination has been completed.

The following paragraphs outline our concerns. Given the zoning of the parcels it is likely that the larger parcel arising out of the subdivision/combination will be developed as shops/offices and/or restaurants. This will allow traffic to move between Esterly Tibbetts Highway and the West Bay Road through an area that was not intended to be a link between the two main roads.

Based on the plans that we have been shown there appears to be an access road with a turning circle that comes off the Esterly Tibbetts highway. If the subsequent development of the remainder of the property was focused on the Esterly Tibbetts Highway there would be the risk that the service areas of that development would face the West Bay Road (in exactly the same way that the service areas of Galleria Plaza now front the Esterly Tibbetts highway). In our view, this would be a particular unfortunate thing to allow in what is one of the prime areas of West Bay beach (Plantana, as you are well aware, is in the vicinity of both Government House and the soon to be completed Kimpton Hotel.)

We would like to stress that great care will have to be taken to ensure that the future development of the site should not cause any form of blight to the West Bay road or the properties belonging to those who live in that area.

Letter 2

“We refer to the notice of application for planning permission dated 2nd December 2015 from Eric Cronier sent on behalf of Chelverton Investments Ltd. by which we have been notified that an application for planning permission for the purposes of combining and subdividing block 11D 14-16 to form two new lots and one road parcel has been submitted to the CPA.

This letter sets out the basis for our objection to the said application. Please note that this letter is written not only on behalf of the Strata Corporation that owns parcel 11D34 (Plantana Condominiums) but also the owners of the units that comprise of Plantana. We wish to make it clear that should the application for planning permission be deferred we would like to be extended the opportunity of addressing the CPA at any deferred meeting.

Immediately following receipt of the notice we requested SEL Consulting to attend the Planning Department to inspect the application in accordance with the terms of the notice of application for planning permission. Mr. Small of SEL Consulting was advised that there were no subdivision plans filed however, we was provided with the applicaiton and plans filed in October 2015 in respect of a service station on parcel 11D 16. (We should make it clear that we have never received notice of the appliction for planning permission in relation to the said service station and prior to Mr. Small's advice, we knew nothing of it).

It is clear from the documents submitted with the application for planning permission for the service station that there was a need to combine and subdivide 11D 14-16. That much can be seen from the plan showing the location of the service station and the access and turning circle (presumably the one road parcel referred to in Eric Cronier's notice of 2nd December 2015). It is clear that the application for the combination and subdivision of parcels 11D 14-16 and the application in respect of the service station filed previously should in our view have been presented at the same time as part of the a composite application for planning permission. It is to be noted that the application in respect of the service station is a major application.

The subject parcels are zoned neighbourhood commercial. It is therefore likely that the larger parcel arising out of the subdivision/combination will be developed as shops/offices and/or restaurants. It is also likely that development will seek to take advantage of the road frontage and access from the West Bay Road. This will allow traffic to move between the Esterly Tibbetts Highway and the West Bay Road. We feel not only that this would be at odds with the purpose of limited access from teh Esterly Tibbetts Highway but it would also be undesirable to have vehicular traffic moving between the West Bay Road and Esterly Tibbetts Highway through a series of commercial developments not designed to accommodate through traffic.

DEPARTMENT'S NOTE

The objector noted they did not receive a notification for the gas station. This objector lies outside the notification radius for the referenced gas station application.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a three (3) lot combination/subdivision.

Zoning

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

Specific Issues

a) Road Design

The applicant is proposing to reconfigure three (3) existing commercial lots into a one acre lot, a road parcel and a 13.2 acre remainder piece. Given the location of this site is between two major roads in the island's main tourism district, the Departments questions whether the proposed road parcel should connect West Bay Road and Esterly Tibbetts Drive to promote improved connectivity in a congested area of the island. As well as to improve connections between land uses as this large piece of land develops.

b) Objectors' Concerns

The objectors make reference to a gas station proposal for this site. An application has been received for a gas station on Lot B, however it is not yet ready to be presented before the Authority as there are outstanding agency concerns that need to be addressed.

c) NRA's comments

The NRA has confirmed that the site plan dated February 2, 2016 satisfies their requirements for the acceleration/deceleration lanes off Esterly-Tibbetts Highway.

2. 3 HANK BARNES Block 43D Parcel 121 (F15-0213) (P15-0865) (\$145,260) (BES)

Application for three (3) apartments.

Appearance at 11:30

FACTS

<i>Location</i>	Dickens Street, Bodden Town
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	12,196.8 sq. ft.
<i>Building Size</i>	1,614 sq. ft.
<i>Density</i>	14.3
<i>Allowable Density</i>	15
<i>Building Coverage</i>	18.4%
<i>Proposed Parking</i>	6
<i>Required Parking</i>	5

BACKGROUND

January 20, 2016 (CPA/03/16; Item 2.6) - CPA adjourned the application and invite the applicant to appear before the Authority to discuss concerns regarding suitability of the location for apartments, the deficient lot size and the deficient rear setback.

Recommendation: Discuss the application, **for the following reasons:**

1. Suitability of the site for apartments
2. Deficient lot size
3. Deficient rear setback

AGENCY COMMENTS

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

Chief Environmental Health Officer

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

The Department has no objections to the proposed with the understanding that the following will be submitted for review and approval;

- *A garbage enclosure that meets the Department standards, of which no more than five (5) 32-gal garbage bins will be provided.*

Water Authority

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

Wastewater Treatment:

- *The developer shall provide a septic tank with a capacity of at least 1,000 US gallons for the proposed apartments. 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.*
- *All treated effluent shall be discharged into a disposal well; the invert level of the discharge pipe shall be at least two feet above the high water level in the well. The effluent disposal well shall be constructed prior to installation of the septic tank, in order to establish the flow line from the building sewer stub-out, through the septic tank, to a discharge invert level of at least two feet above the high water level in the disposal well.*
- *Disposal wells shall be constructed by a licenced driller in strict accordance with the Authority’s standards. Minimum required depth of borehole and length of grouted casing are site-specific and are obtained by licenced drillers before pricing or constructing an effluent disposal well.*

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, in strict compliance with the approved plans and the Water Authority’s Guidelines for Constructing Potable Water Mains and under the Water Authority’s supervision.*

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 October 5th, 2015 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 2,247 sq. ft. has been assessed in accordance with ITE Code 220 - Apartments. The anticipated traffic to be added onto Dickens Street 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>PM Peak Hour Total Traffic</i>	<i>PM Peak In</i>	<i>PM Peak Out</i>
20	2	1	1	2	1	1

Based on these estimates, the impact of the proposed development onto Dickens 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-two (22) ft.

A six (6) foot sidewalk shall be constructed on Dickens 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 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 Dickens Street. Suggested dimensions of the ‘hump’ would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.
- Curbing is required for the parking areas to control stormwater runoff.

- *Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*

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

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

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

LETTER FROM APPLICANT

"I am a middle-age Caymanian who after being involved in a construction accident, obtained a settlement to which my desire is to assist my children by means of living accommodation.

I am humbly asking the Department for variance in the issues of the "Lot Size" and "Building Set-Backs".

First, I am aware that the lot size is below the prescribed minimum; however, these apartments are what my children really want as they desire to live close together and, as to date, there are no objection/s by my neighbours to this development as I have spoken to them, especially, the parcel to which I will be encroaching (43D – 109).

My desire is that the existing house be allowed to remain as it is occupied presently with some fixing-up since it was purchased in 2015.

My prayer is that this application be granted, and best wishes for 2016 to you, your family, and your Department."

PLANNING DEPARTMENT ANALYSIS

General

The application is for three (3) apartments to be located on Dickens Street, Bodden Town. As noted on the plans, there is an existing house on the property.

Zoning

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

Specific Issues

a) Suitability

Pursuant to Regulation 9(8) of the Development and Planning Regulations (2015 Revision), apartments are permissible in suitable locations. As indicated on Cayman Land Info, the surrounding land uses in the area are primarily single-family dwelling houses. There are apartments on 43D 107 that were approved in 1990 and it appears that a house on 43D 106 has been converted into multiple units but without permission. From a land use perspective, it is suggested that locating apartments on the subject site would not be consistent with the development character of the area.

b) Lot Size

The size of the subject lot is 12, 196.8 sq. ft.. The minimum required lot size for apartments is 25,000 sq ft and the existing house would require an additional 10,000 sq ft. As such, the applicant would fall short of the required by 22,803 sq ft. The applicant has submitted a letter outlining their reasons for requesting a lot size variance. The Authority must determine if there is an exceptional circumstance and sufficient reason to grant the variance. From a planning standpoint, a duplex would be more suitable based on the lot size.

c) Setbacks

The proposed rear setback is 12' or 8' less than the minimum required 20'; whereas, the minimum required is 20'. The adjacent land owner was notified and no objection was received.

SUPPLEMENTARY ANALYSIS

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

2. 4 MICHAEL TRACEY Block 43D Parcel 148 (F16-0003) (P16-0002) (\$1 million) (CS)

Application for a house, two (2) cabanas and pool.

Appearance at 1:00

FACTS

<i>Location</i>	Behind Bodden Town Cemetery, Bodden Town Road, Bodden Town
<i>Zoning</i>	BR/R
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	33,105 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	House
<i>Building Size</i>	4,964 sq. ft.
<i>Building Coverage</i>	19%
<i>Proposed Parking</i>	3
<i>Required Parking</i>	1
<i>Number of Units</i>	1

BACKGROUND

February 3, 2016 (**CPA/04/16; Item 2.12**) - The Authority resolved to adjourn an application for a house, pool, and two (2) cabanas to invite the applicant to appear before the Authority to discuss concerns with the high water mark setback, the rear setback, and the lack of public access to the sea.

Recommendation: Discuss the application, **for the following reasons:**

1. High Water Mark Setback variance (50' vs. 75').
2. Rear setback variance (10' vs. 20').

LETTER FROM APPLICANT

“We have been commissioned to design a luxury rental vacation home for a challenging beachfront lot that has minimal ocean and rear setbacks. The 75'-0” HWM setback line indents 5’ in the middle of the proposed house as shown on the site plan. We are proposing to build a constant 28’ wide building & therefore require a minor setback variance of 70'-0” in the center area.

We also request a HWM setback variance for approval by the Central Planning Authority to construct an open terrace deck & swimming pool with 2 auxiliary cabanas within the ocean setback @ 49’ from HWM, rather than the recommended 75'-0” outlined in the Planning Regulations.

We do recognize that the Planning Board has the discretion to approve applications on an individual basis and where precedence occurs in the area. We unfortunately do not have the required site depth to facilitate an adequate size pool required by tourists visiting these islands. A swimming pool is a critical component for a successful vacation rental project. This client intends to offer upscale vacation rental accommodation which is greatly needed in the revitalization of Bodden Town and the tourism sector.

We wish to convey an existing pool for the “White House” resort immediately adjacent exists and is built less than 45’-0” to the HWM setback. We also believe our pool will protect the proposed house from potential storm surge & foundation system erosion in the future.

Lastly, we understand that regulation 15(6) requires a 6’ PROW to the shore for any development occurring in the BRR zone whose shoreline is 200 linear feet or greater. A 6’ PROW currently exists on the east side of the White House resort allowing ocean access which we feel is sufficient in this case. We therefore are requesting to omit the 6’ ROW in light of this condition at the Board’s approval.

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

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a house, two cabanas and pool.

Zoning

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

Specific Issues

a) Rear Setback

This particular parcel is an odd shape, located between the shoreline and the Bodden Town Cemetery. The development complies with the side setbacks for the north and south boundaries, but is requesting a 10’ setback between the house and the cemetery wall. The Department would suggest that the proposed setback is acceptable as it should not negatively affect the adjacent parcel.

b) High Water Mark Setback

For a sandy shore, the High Water Mark setback in the BRR zone is 75’. The pool and two cabanas will be setback 45’ from the High Water Mark . The house foundation will be located approximately 70’ from the High Water Mark. Regulation 8(11) gives the Authority the discretion to allow a lesser setback having regard to certain criteria, such as: the elevation of the property; the geology of the property; the storm/beach ridge; existence of a protective

reef; the location of adjacent development; and any other material consideration.

c) Public Beach Access

Regulation 15(6) states for a development within the BRR zone that has a frontage of 200 feet or more, the Authority shall ensure that a public right of way to the sea is dedicated. The right-of-way shall be a minimum of 6’ wide for every 200’ of frontage or part thereof. This site has approximately 250’ of shoreline frontage; however, the applicant does not wish to provide a public right-of-way as explained in their letter. It must be noted that the Authority has no discretion to vary this requirement.

SUPPLEMENTARY ANALYSIS

The applicant has submitted revised plans to include a 6-foot public right-of-way to the beach and to have the house foundation wholly located outside the 75-foot High Water Mark Setback.

The proposal still seeks a 10-foot side setback variance where it fronts the Bodden Town Cemetery and a 50-foot High Water Mark Setback variance for the pool, pool deck, and cabanas.

2. 5 RAINBOW DEVELOPMENT Block 12C Parcel 477 (F15-0283) (P15-1124) (\$5,000) (CS)

Application for a freestanding sign.

Appearance at 1:30

FACTS

<i>Location</i>	BP486 to Service a Subdivision, West Bay Beach South
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	8,276 sq. ft.
<i>Current Use</i>	Right-of-Way
<i>Proposed Use</i>	Sign

BACKGROUND

CPA/04/06 – February 3, 2016 – The application was adjourned in order to invite the applicant to appear before the Authority.

Recommendation: Discuss the application, **for the following reasons:**

1. Compliance to the Sign Guidelines.
2. NRA's comments.

AGENCY COMMENTS

National Roads Authority:

“As per your memo dated December 25th, 2015 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

This section of road will be made public pursuant to Section 5 of the Roads Law (2005 Revision) via PCM 313. The NRA is awaiting approval of the gazette scheme by Cabinet.

If the applicant wishes to put a sign on the proposed roundabout they will need to approach the Ministry of PLAH&I to enter into a Landscaping Contract. This contract will allow the applicant four (4) small signs, but will also require the applicant to meet the landscaping requirements put forward by the NRA to the governments satisfaction.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a freestanding 70 sq. ft. sign to be located within what will become a public right-of-way.

Zoning

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

Specific Issues

a) Compliance to the Sign Guidelines

Section 6 of the Sign Guidelines (2014 Rev.) specifically states signs are not permitted within a public right-of-way. The only signs that may be permitted within a right-of-way are those required by public bodies.

Section 5.B. outlines guidelines for subdivision signs: “One freestanding sign not to exceed 32 sq. ft. shall be permitted for each separate road frontage and/or each means of ingress/egress.”

The proposed sign is 70 sq. ft., which exceeds the maximum allowed.

The Department notes the subdivision does have LPP frontage on the Esterley Tibbetts Highway, however it does not have direct access to the right-of-way. The parcels immediately adjacent to the proposed roundabout are designated for houses.

SUPPLEMENTARY ANALYSIS

The application has not changed as the applicant was requested to appear before the Authority to discuss concerns with the application.

2.0 APPLICATIONS

REGULAR AGENDA (Items 2. 6 TO 2. 18)

2. 6 TOMMY SOFIELD Block 19A Parcel 9 (F07-0415) (P16-0108) (BES)

Application to modify planning permission to extend the time limit of that permission.

FACTS

Location

Lincoln Drive, George Town

Zoning

HI

BACKGROUND

December 16, 2015 (**CPA/26/15; Item 2.12**) - CPA grant planning permission for two (2) years only, subject to the following conditions:

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

- 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.

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

- 3) The applicant shall erect a 6' chain link fence with green mesh screening around the perimeter of the property.

Recommendation: Discuss the applicant's letter requesting an extension to the time limit of planning permission.

LETTER FROM APPLICANT

“Further to the application submitted to Modify Planning Permission to decrease floor area of an approved Temporary Storage Facility, we would like to request for an extension of validity of Planning Permission to Ten (10) Years, instead of only two (2) years as noted in the minutes of CPA26/ 15; Item 2.12. We would appreciate your consideration for this extension request on the following basis:

(1) Our original application requested for a total of 10 Years, as this is the total lease period agreed by the client to the owner of the Land. For your further reference, we have attached a copy of this lease agreement, which states the current lease is valid for 5 years and can be renewed with the same terms and conditions for another 5 years;

(2) As there were no separate provisions in the Development and Planning Law regarding Temporary Structure, we have been advised by the Department that we will have to pay full Building Permit & Infrastructure Fund Fees typical of a Permanent Structure. The subject parcel is located in Area A in both Fee Maps, which is, as you can imagine, a huge amount of Government Fees for something that is required to be removed once Planning Permission expires. This is one of the reasons why we are actually applying for a Decrease in Floor Area, as the total Estimated Permit & IF Fees for the current floor area is KYD 12,416.00; and

(3) In relation to item 2, we have also been advised by the Department that in the event client wants to continue occupying the Land once Planning Permission expires, similar fees (Planning, Permit & Infrastructure Fund Fee) will have to be paid again.”

PLANNING DEPARTMENT ANALYSIS

The applicant is requesting to modify planning to extend permission granted for 2-years to 10-years as noted in the applicant’s letter.

2. 7 TOMMY SOFIELD Block 19A Parcel 9 (F07-0415) (P16-0080) (\$64,000) (BES)

Application to modify planning permission.

FACTS

<i>Location</i>	Lincoln Drive, George Town
<i>Zoning</i>	HI
<i>Building Size</i>	2,294 sq. ft.

BACKGROUND

December 16, 2015 (**CPA/26/15; Item 2.12**) - CPA granted planning permission for two (2) years only, subject to the following conditions:

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

- 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.

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

- 3) The applicant shall erect a 6' chain link fence with green mesh screening around the perimeter of the property.

Recommendation: Modify planning permission.

PLANNING DEPARTMENT ANALYSIS

The applicant is requesting to modify planning permission to remove three containers and to relocate the remaining containers further away from the boundary (10' 1" vs 9'). The Department has no concerns with the proposal.

2. 8 KATRINA JENNI EBANKS Block 27D Parcel 442 (F15-0149) (P15-0603) (P14-0029) (\$1,000) (CS)

Application for a two (2) lot residential subdivision.

FACTS

<i>Location</i>	Hirst Road, Savannah
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	21,183 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Subdivision
<i>Number of Lots</i>	2

Recommendation: Discuss the application, **for the following reason:**

1. NRA's request for a 30' wide road parcel.

AGENCY COMMENTS

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

Water Authority

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

Water Supply:

- *Please be advised that all proposed lots are adjacent to the Water Authority’s piped water supply line in East-West Arterial. The developer shall contact the Water Authority’s Engineering Services at 949-2837, without delay, to be advised of the site-specific requirements for connection.*

Wastewater Treatment:

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

National Roads Authority

“As per your memo dated November 16th, 2015 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Modification of Approved Access Management Plan for 27D442 (formerly 28C178)

As per the NRA Boards approval dated September 11th, 2015 to modify the approved Access Management Plan for the East-West Arterial corridor in the vicinity of 28C1 as it relates to 27D442 (formerly 28C178) it was requested that the applicant provide details of the driveway and the associated widening of the hard shoulder to decelerate into the subject property. Please see enclosed letter.

When the applicant is ready to construct the access driveway into said property, please have them provide the NRA with the details for review and approval.

Infrastructure Issues

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

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

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

PLANNING DEPARTMENT ANALYSIS

General

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

Zoning

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

Specific Issues

a) Access

The applicant was originally proposing access to the E-W by-pass road, but has now changed the proposal and access will be via an existing 30' vehicular easement leading to Hirst Road. The NRA recommends that there be a 30' road parcel instead on just an easement. The applicant's agent's response to NRA's comments are as follows:

“We can guarantee with almost 100% certainty that my client will not want to provide a separate 30' road parcel, which will in effect be to service one parcel from an existing easement. This seems an excessive request.

Therefore please schedule this for the next CPA meeting, noting that:

- We previously created 27D 442 to 445 without having to create a road parcels.*
- Creating a road parcel impinges on the developable area and setbacks.*
- A private road parcel still requires an Easement over it to make it of any use*

- Any Easements and Road parcels created now will ultimately become redundant when the By-Pass becomes a Public Road and the NRA Access Management Point can be utilized.”

The Department is of the view that a road parcel is not needed in this instance, as there is very little development potential that could utilize the existing easement. As the applicant’s agent notes, the Authority recently approved a two lot subdivision on the same easement without requiring there to be a road parcel. Further, the applicant does not own the lands over which NRA is recommending there be a road parcel, so it could prove a very difficult task to secure a road parcel as it would require subdividing someone else’s land.

2. 9 KEMPA KAI LTD. Block 33M Parcel 28 (F15-0262) (P15-1080) (P15-1081) (P15-1083) (P15-1084) (\$3 million) (KA)

Application for a house, separate guest suite, wall, pool, cabana and LPG tank.

FACTS

<i>Location</i>	Water Cay Road, North Side
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.56 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	House
<i>Building Size</i>	7,319 sq. ft.
<i>Building Coverage</i>	19%
<i>Number of Units</i>	1

Recommendation: Discuss the application, for the following reasons:

1. High Water mark setback
2. Side setbacks.
3. Height of wall

LETTER FROM APPLICANT

“With reference to our client’s application for planning permission we would be grateful for the Central Planning Authority’s favourable consideration to vary the following aspects :

- *Setback from the HWM (swim pool): The house is setback over 90 feet from the HWM and is between 15ft to 20ft from the side boundaries being more than the minimum for a two storey beach home. The single storey guest suite*

is also in excess of the minimum setbacks. The swimming pool at its closest is 50ft from the HWM, being consistent with other pools in this neighbourhood of Cayman Kai.

- *Setback from HWM (cabana): A four posted beach cabana will have a thatched roof and is set approx. 35ft from the HWM. Being a beach cabana it is designed and built in a traditionally native style with wood and silver thatch palm leaves.*
- *Setback from side boundaries: On the east and west sides of the property the applicant would like to locate air conditioning equipment within the 10ft side boundary setbacks, as shown in the site plan drawings A-101.*
- *Roadside wall: The applicant who is a media personality would like to build a wall/fence up to 8ft in height along the roadside and part of the side boundaries to help assure privacy. The exterior side of the roadside wall will be heavily landscaped to help provide privacy and to soften the appearance of the walling.*

Notifications have been sent to the adjacent neighbours regarding this variance request.

Our client requests the Central Planning Authority's favourable consideration and approval."

ADDITIONAL VARIANCE LETTER

"This letter replaces our client's 7th December 2015 variance request letter, having been informed by the Planning Department that it is now necessary to provide sufficient reasons and exceptional circumstances to support a variance request.

On behalf of our client, we would be grateful for the Central Planning Authority's favourable consideration to vary the following aspects of the submission:

- *The exceptional circumstances which exist for this application concern the constraints of property size and shape and location of the property in the Cayman Kai area.*
- *The subject parcel narrows by 34 ft from the roadside to beachfront, constraining the developability of the resulting pie shaped land.*
- *Like many other waterfronting properties in the Cayman Kai area the shape and depth of waterfronting properties barely allow for a house and a swimming pool between the water and the road. In many past applications submitted by this firm, this challenge has been acknowledged along with a desire to maintain a consistent and respectful building frontage alignment along the shoreline.*
- *In this instance the house has been setback over 90 feet from the HWM whilst side setbacks are between 15 to 20ft from the side boundaries, both sets of setbacks being in excess of the minimum under the law. The proposed house respects the location orientation and sightlines of properties to either side*

and, as such, does not infringe upon the privacy or enjoyment experienced by existing home owners.

- The architecture of the proposed residence and outbuildings, along with the site use, level of landscaping and preservation of existing natural assets are respectful of the scale and character of the neighbourhood.*
- The proposals are wholly conducive to the Cayman Kai area and to the culture of the Cayman Islands*
- The setback variances being requested are not for the buildings being proposed but only for the swimming pool, service equipment and a wall on the road facing boundaries.*
- The neighbouring property owners have been dully notified of the setback variances. No objections have been received.*
- Setback from the HWM (swim pool): The side setbacks for the swimming pool are between 15ft to 20ft from the side boundaries and are therefore more than the minimum allowable under the law whilst the southern end of the pool is 50ft from the HWM which is consistent with other pools in Cayman Kai for which the CPA has granted variances in the past.*
- Pool setbacks in the Cayman Kai area are consistently 50ft or more. The 75ft minimum is rarely feasible for properties in Cayman Kai due to depth/land size constraints.*
- The house is the residence of a media personality and therefore deserving of an exceptional pool, however the Authority will note that the generally acknowledged setback of 50ft is respected in this instance.*
- Setback from HWM (cabana): The four posted “beach cabana” will have a thatched roof and is set approx. 35ft from the HWM. Being a beach cabana it is designed and built in a traditionally native style with wood posts and roofed with silver thatch palm leaves. The floor of the beach cabana is beach sand. The beach cabana will provide a naturally shaded place amongst the palm trees on the beach for the homeowner and his guests.*
- Setback from side boundaries: On the east and west sides of the property the applicant proposes to locate air conditioning equipment within the 10ft side boundary setbacks, as shown in the site plan drawings A-101 as opposed to lining up half a dozen or more condensers along the side of the building. Set in isolation and grouped in clusters the units are quieter and less visually intrusive to neighbours or the house users when set away from the buildings. Fresh air can better circulate around AC condensers when set away from buildings. They will also be shrouded and enclosed in landscape and natural features. When lined up along the walls of a building, the hard surface of exterior walls tend to increase the volume of the units and, aside from being unsightly, they become more of a nuisance to neighbours. The neighbouring property owners have been dully notified of the setback variances and have not objected*

- *Roadside wall : The applicant who is a media personality would like to build a wall/fence up to 8ft in height along the roadside and part of the side boundaries to help assure privacy and a level of security appropriate to and respectful of lifestyle. The walls on both sides, noting the land availability will be bermed and shrouded in landscaping so any barren appearance of a high wall will be completely obscured and buffered. Notifications have been sent to the adjacent neighbours regarding this variance request and no objections have been received.*

Our client requests the Central Planning Authority's favourable consideration and approval of the above variance requests.

If you have any queries or require further information prior to reviewing this application please do not hesitate to contact the writer."

PLANNING DEPARTMENT ANALYSIS

General

The application for house, separate guest suite, wall, pool, cabana and LPG tank. The site is located on Water Cay Road, North Side.

Zoning

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

Specific Issues

a) High Water Mark Setbacks

The minimum required setback within this area is 75' from the High Water Mark. The proposed pool, deck and cabana would be within the setback with the cabana only 33' from the high water mark and the deck 39' from the high water mark and the pool 50' from the high water mark. The Authority should assess if there is sufficient reason and an exceptional circumstance to warrant granting a variance per Regulation 8(13)(b). The applicant has submitted a letter detailing their reasons for granting the variance.

b) Wall Height

The proposed wall measures 9'-1" on the exterior side and would front the road and side boundaries. The Authority has typically permitted a maximum height of 5' within a residential area.

c) Side Setbacks

A total of eight (8) air conditioning units are proposed. The two (2) units on the east side would be within the 10' setbacks and three (3) of the units on the west side would be within the 10' setback. They would be hidden behind the proposed wall. The adjacent landowners were notified and no comments were received.

2. 10 CAYMAN SHORES DEV. CO LTD Block 13C Parcel 13 Rem 1 (F16-0011) (P16-0035) (\$2,000) (CS)

Application for two (2) freestanding signs.

FACTS

<i>Location</i>	Esterley Tibbetts Highway
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	27 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Signs

Recommendation: Discuss the application, **for the following reason:**

1. Compliance to the Sign Guidelines.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for two (2) double-sided 24 sq. ft. freestanding signs to be placed for 12 months.

Zoning

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

Specific Issues

a) Compliance to the Sign Guidelines

In areas zoned for residential use, freestanding signs are permitted to identify subdivisions and apartment developments (Section 5.1). These signs will refer to road improvements underway to the Esterley Tibbetts Highway.

Section 6 outlines prohibited signs that include billboards, signs which do not relate to the occupants or activities occurring on the site, and signs located within the public right-of-way.

The Department notes the applicant is locating the signs within their property along the Esterley Tibbetts Highway. Therefore, they are technically located outside a public right-of-way, yet these lands are vacant. The Department asks the Authority to consider whether these signs relate to the activities occurring on the site and whether these signs can be considered billboards.

Signage has been a frequent issue along this corridor with illegal signs being placed regularly. Furthermore, the Board has often refused requests for

signage along an area where there is little development and to which signs are promoting general businesses that are not located near the corridor.

2. 11 BEUAFORT INVIESTMENTS Block 14BG Parcel 100 (FA85-0143) (P16-0013) (\$8,000) (CS)

Application for a free standing sign.

FACTS

<i>Location</i>	Zephyr House, Mary Street, George Town
<i>Zoning</i>	G COM
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	14,069 sq. ft.
<i>Current Use</i>	Commercial
<i>Proposed Use</i>	Sign

BACKGROUND

An office building exists on the site.

Recommendation: Discuss the application, **for the following reason:**

1. Setback from road edge (10' vs. 12').

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a double-sided free standing sign. The sign will list the names of the three (3) office buildings and its tenants.

Zoning

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

Specific Issues

d) Compliance to Sign Guidelines

The applicant is proposing a 25 sq. ft. double-sided freestanding sign. The structure will be approximately 5' tall and 5' wide which complies with Section 5.2 of the Sign Guidelines.

Section 7 further states "all signs and sign structures must be erected and attached totally on or within the site or property to which they refer, at least 12' behind any applicable right-of-way."

The proposed freestanding sign will be setback approximately 10' from the edge of pavement on Fort Street versus the recommended 12'. The Department notes the building itself is setback 16' from the road edge, so there are some limitations on where to place the sign.

2. 12 BEATRICE NAOMI FAZIO Block 2C Parcel 20 (FA82-0218) (P16-0037) (\$3,492) (CS)

Application for two (2) lot raw land strata subdivision.

FACTS

<i>Location</i>	Northwest Point Road, West Bay
<i>Parcel Size</i>	17,424 sq. ft.
<i>Number of Lots</i>	2

BACKGROUND

Two (2) detached houses exist on the site.

Recommendation: Discuss the application, for the following reason:

- 1. Lot size and width variance.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for two (2) raw land strata lots.

Zoning

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

Specific Issues

a) Minimum Lot Size and Lot Width

There are two (2) existing detached houses on the site. The applicant wishes to allow separate ownership by creating a strata, however to do so, there needs to be at least four (4) strata lots. The applicant wishes to designate two (2) parking areas as individual strata lots to accomplish this.

The Development & Planning Regulations (2015 Rev.) stipulates that strata lots fit under the same definition as freehold lots and therefore shall comply with minimum lot size and lot width requirements stated in the particular zone.

The proposal does not meet either requirement. However, given the intent of the application is to create a strata for an existing development, the Department has no concerns regarding the request.

2. 13 HELENA ZENKINA & SIMON ASCOTT Block 57A Parcel 106 (F15-0187) (P15-1086) (\$10,000) (MW)

Application is seeking a setback variance from the road for the proposed septic tank and carport.

FACTS

<i>Location</i>	Old Robin Road, North Side
<i>Zoning</i>	BR/R
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.27 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	House
<i>Building Size</i>	4,173 sq. ft.
<i>Building Coverage</i>	19.2%
<i>Total Site Coverage</i>	19.2%
<i>Proposed Parking</i>	1
<i>Required Parking</i>	1
<i>Number of Units</i>	1

Recommendation: Discuss the application, **for the following reason:**

1. Setback variance (21'-0" and 23'-10 vs. 25'-0").

LETTER FROM APPLICANT

"We write to request setback variances under Section 8. (11) of the Development and Planning Regulations.

Under sub-section (f), the CPA may consider that given the size of the parcels and the nature of the existing development in the area, the Beach Resort/Residential zone has proven not to be a practical designation and perhaps a Single Family Residential would have been more appropriate. In order not to penalize property owners the front setback could be 20' instead of the 25' currently required.

This is further demonstrated by the proposed site coverage; even at the low density of 19% it is not possible to meet the front setback under this zoning. Therefore, we are requesting a 21' setback from the front boundary for the septic tank and 23'-10" for the carport.

We trust that the Central Planning Authority will grant this request but in the meantime please contact me if you have any questions or require additional information."

PLANNING DEPARTMENT ANALYSIS

Zoning

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

Specific Issue

a) Setbacks

The applicant is seeking a setback variance from the road for the proposed septic tank and carport; however, neither of the proposed meets the required 25’ setback; with the septic tank as close as 21'-0" and the carport 23'-10. The applicant has notified the adjacent parcel owners and the Department is not in receipt of any objections to the proposal. The Authority needs to determine if the applicant has demonstrated that there is sufficient reason and exceptional circumstance to allow the lesser setback.

2. 14 CAYMAN THERAPLAY Block 14C Parcel 338 (F04-0098) (P16-0059) (\$1,000) (KA)

Application for change-of-use from an office to a health care office.

FACTS

<i>Location</i>	Plaza Venezia, George Town
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	1.725 acres
<i>Current Use</i>	Office
<i>Proposed Use</i>	Healthcare Office
<i>Building Size</i>	1,500 sq. ft.

Recommendation: Grant planning permission

LETTER FROM APPLICANT

“I am completing a change of use application for Unit # 9, Block B, in Plaza Venezia. The previous tenants, FM Management Services, occupied the space as an office. I have a requested a change from office to a healthcare office. The services I will be providing are play-based, therapy treatment for children with special needs. I do not require or use any specialized medical instruments. All of my treatment is completed with the use of toys. The types of skills i work on are coordinateion, strength, fine motor skills, visual perception and sensory integration. Please feel free to contact me if you require further information about the type of services I will be providing.”

I also want to thank Mr. Jon Levien for spending so much time guiding me through this process. He has been more than helpful and his assistance has made this process feel less overwhelming. I truly appreciate all the efforts government makes to help the members of the community go through these processes.”

PLANNING DEPARTMENT ANALYSIS

General

The application is for change-of-use from an office to a health care office. The site is located in Plaza Venezia, George Town.

Zoning

The property is zoned General Commercial and Light Industrial.

The Department has no concerns with the proposed change of use to a healthcare facility. The fitout of the office unit was previously approved by Building Control in 2008, and the applicant is not proposing any changes.

2. 15 DRAGON BAY LTD Block 17A Parcel 262 (FAA85-0240) (P16-0050) (P12-0173) (\$1.2 million) (CS)

Application to modify planning permission for a reverse osmosis plant.

FACTS

<i>Location</i>	North Sound Golf Club, Safehaven, West Bay Beach North
<i>Zoning</i>	H/T
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	279 acres
<i>Current Use</i>	Golf Course
<i>Proposed Use</i>	Reverse Osmosis Facility
<i>Building Size</i>	1,600 sq. ft.
<i>Building Coverage</i>	1%

BACKGROUND

September 26, 2012 (**CPA/21/12; Item 2.6**) - The Authority granted planning permission for a reverse osmosis plant.

Recommendation: Modify planning permission.

AGENCY COMMENTS

Comments from the Water Authority are noted below.

Water Authority

“Please be advised that this application in its earlier form was reviewed by the Water Authority and that the requirements provided by the Water Authority in its memorandum of 29th August 2012 (attached) remain the same.

The developer is already working closely with the Authority to address these requirements.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting to modify planning permission for a reverse osmosis plant.

Zoning

The property is zoned Hotel Tourism. The original approval included two (2) RC equipment pads and three (3) 8’ x 40’ containers for the RO plant. The modification will simply eliminate one tank and relocate the other equipment to a different location on the site, closer to the existing golf course maintenance building. The Department has no concerns with the application.

2. 16 NATIONAL HOUSING DEV. TRUST Block 1C Parcel 151 - 155 (F16-0013) (P16-0040) (\$17,700) (CS)

Application for a ten (10) lot subdivision.

FACTS

<i>Location</i>	Rocky Pond Drive, West Bay
<i>Zoning</i>	HDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	3.1 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Road Parcels
<i>Number of Lots</i>	10

BACKGROUND

There is no planning history for these parcels.

Recommendation: Grant planning permission.

AGENCY COMMENTS

Comments from the Water Authority are noted below.

Water Authority

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

Water Supply:

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

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

Wastewater Treatment:

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

LETTER FROM APPLICANT

“Lot 2, 4, 6, 8 and 10 will be transferred from the respective land owners to Crown. These parcels will then be legally part of the road.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a two (10) lot subdivision.

Zoning

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

Specific Issues

a) Minimum Lot Size

Rocky Pond Drive, a road that was constructed as part of a NHDT subdivision, crosses over Parcels 151-155. The applicant wishes to subdivide the portions of the affected parcels and transfer them to Crown in order to combine these pieces into the subdivision road parcel.

The remainder parcels will still meet minimum lot size requirements and none of the parcels will be reduced in width.

The Department has no concerns regarding the application.

2. 17 PETIT PARIS Block 12D Parcel 95 (F03-0517) (P16-0017) (\$100,000) (CS)

Application for a change-of-use from retail to restaurant.

FACTS

<i>Location</i>	Block 6, Camana Bay
<i>Zoning</i>	G COM
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	200 acres
<i>Current Use</i>	Retail
<i>Proposed Use</i>	Restaurant
<i>Building Size</i>	1,023 sq. ft.
<i>Required Parking</i>	5
<i>Number of Units</i>	1

BACKGROUND

The Camana Bay town center exists in this site.

Recommendation: Grant planning permission.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a change-of-use of a retail space to a restaurant.

Zoning

The site is located within Transect 6: Urban Centre of the Camana Bay PAD. The proposed change-of-use is allowed in the transect. However, the Department wishes to discuss the following.

Parking

As the parking requirement for a restaurant is one space per 200 sq. ft, 1 additional parking space for daytime use and 2 spaces for evening/weekend use are required for the change-of-use request.

The Camana Bay PAD has a shared parking analysis scheme. Per the most current planning permission granted for the Block 5 South commercial building (CPA/23/15; Item 2.9), there were 81 surplus parking spaces for day use and 1403 surplus for evening/weekend use. If this proposal is approved, there will remain 80 surplus spaces for day use and 1401 for evening/weekend use. Therefore, the Department has no concerns regarding the application.

**2. 18 CAYMAN AIRWAYS Block 20C Parcel 78 (FD83-0256) (P15-1134)
(\$145,000) (CS)**

Application for a second floor addition.

FACTS

<i>Location</i>	Customs Compound, Owen Roberts Drive
<i>Zoning</i>	AIRPORT
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	343 acres
<i>Current Use</i>	Airplane Hanger
<i>Proposed Use</i>	Airplane Hangar
<i>Building Size</i>	765 sq. ft.
<i>Existing Parking</i>	25
<i>Required Parking</i>	6

BACKGROUND

An airplane hangar exists at this location.

Recommendation: Grant planning permission.

AGENCY COMMENTS

Comments from the Water Authority are noted below.

Water Authority

“Water / Wastewater:

The plans do not indicate any water source or sanitary fixtures; if this in fact the case, the Authority has no requirements for this proposal.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission to create a 765 sq. ft. mezzanine within an existing airplane hangar.

Zoning

The property is zoned Airport Environs. The Department has no concerns regarding the proposal as the addition does not increase building height, encroach setbacks and there is ample parking on-site.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

5.1 EDUARDO E. SANCHEZ Block 25B Parcel 265 (CE16-0012) (JM)

Ruinous condition of the building.

FACTS

<i>Location</i>	Prospect Drive
<i>Zoning</i>	LDR
<i>Parcel Size</i>	0.25 acres
<i>Current Use</i>	As noted

BACKGROUND

February 2, 2016 - A check of the planning support system shows no history for this site.

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

PLANNING DEPARTMENT ANALYSIS

Inspection of site shows that the building is in a ruinous condition (no roof, lack of maintenance, etc.).

PHOTO EVIDENCE

See attached photos in the file.

5.2 EDUARDO E. SANCHEZ Block 25B Parcel 174 (CE16-0013) (JM)

Ruinous condition of the building.

FACTS

<i>Location</i>	Prospect Drive
<i>Zoning</i>	LDR
<i>Parcel Size</i>	0.25 acres
<i>Current Use</i>	As noted

BACKGROUND

February 2, 2016 - A check of the planning support system shows no history for this site.

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

PLANNING DEPARTMENT ANALYSIS

Inspection of site shows that the building is in a ruinous condition (no roof, lack of maintenance, etc.).

PHOTO EVIDENCE

See attached photos in the file.

5.3 SANTOS & JOAN CHRISTIAN Block 24E Parcel 366 (CE16-0014) (JM)

Deposit of derelict vehicles and spoil.

FACTS

<i>Location</i>	Mahoe Street
<i>Zoning</i>	LDR
<i>Parcel Size</i>	0.2718 acres
<i>Current Use</i>	As noted

BACKGROUND

February 2, 2016 - A check of the planning support system shows no history for this site.

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

PLANNING DEPARTMENT ANALYSIS

Inspection of site shows that the land is being used to store derelict vehicles and spoil.

PHOTO EVIDENCE

See attached photos in the file.

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

Ruinous condition of the building

FACTS

<i>Location</i>	Victory Avenue
<i>Zoning</i>	LDR
<i>Parcel Size</i>	0.29 acres
<i>Current Use</i>	As noted

BACKGROUND

February 3, 2016 - A check of the planning support system shows that approval was given for a house.

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

PLANNING DEPARTMENT ANALYSIS

Inspection of site shows that the building is in a ruinous condition.

PHOTO EVIDENCE

See attached photos in the file.

5.5 ERICH & IRIS BOSCH Block 23C Parcel 110 (CE16-0015) (JM)

Occupation of land for the purpose of vehicle repair

FACTS

<i>Location</i>	Victory Avenue
<i>Zoning</i>	LDR
<i>Parcel Size</i>	0.33 acres
<i>Current Use</i>	As noted

BACKGROUND

February 2, 2016 - A check of the planning support system shows that an application was submitted for a house.

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

PLANNING DEPARTMENT ANALYSIS

Inspection of site shows that the land is being used to store and repair vehicles.

PHOTO EVIDENCE

See attached photos in the file.

5.6 EDWARD S. MCLAUGHLIN Block 24E Parcel 391 (CE16-0016) (JM)

Dilapidated building and deposit of derelict vehicles.

FACTS

<i>Location</i>	Siberia Avenue
<i>Zoning</i>	LDR
<i>Parcel Size</i>	1.210 acres
<i>Current Use</i>	As noted

BACKGROUND

February 3, 2016 - A check of the planning support system shows that an application was submitted for apartments.

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

PLANNING DEPARTMENT ANALYSIS

Inspection of site shows that the land is being used for the deposit of derelict vehicles. There is also a shed on site that has become dilapidated.

PHOTO EVIDENCE

See attached photos in the file.

5.7 ALBA & DERICK TIBBETTS Block 25B Parcel 429 (CE16-0018) (JM)

Deposit of derelict vehicles.

FACTS

<i>Location</i>	Mangrove Avenue
<i>Zoning</i>	LDR
<i>Parcel Size</i>	0.2289 acres
<i>Current Use</i>	As noted

BACKGROUND

February 3, 2016 - A check of the planning support system shows no history for this site.

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

PLANNING DEPARTMENT ANALYSIS

Inspection of site shows that the land is being used for the storage of derelict vehicles.

PHOTO EVIDENCE

See attached photos in the file.

5.8 ANDREW MCGREGOR YATES Block 15E Parcel 33 (CE16-0019) (JM)

Ruinous condition of the building

FACTS

<i>Location</i>	Walkers Road
<i>Zoning</i>	LDR
<i>Parcel Size</i>	0.30 acres
<i>Current Use</i>	As noted

BACKGROUND

February 3, 2016 - A check of the planning support system shows no history for this site.

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

PLANNING DEPARTMENT ANALYSIS

Inspection of site shows that the building is in a ruinous condition.

PHOTO EVIDENCE

See attached photos in the file.

5.9 CROWN Block 25B Parcel 470 (CE16-0020) (JM)

Deposit of derelict vehicles.

FACTS

<i>Location</i>	Mangrove Avenue
<i>Zoning</i>	LDR
<i>Parcel Size</i>	0.2297 acres
<i>Current Use</i>	As noted

BACKGROUND

February 3, 2016 - A check of the planning support system shows no history for this site.

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

PLANNING DEPARTMENT ANALYSIS

Inspection of site shows that the land is being used for the storage of derelict vehicles.

PHOTO EVIDENCE

See attached photos in the file.

5.10 ORRETT CONNOR & LEONNA SAINTVIL Block 20D Parcel 172 (CE16-0021) (JM)

Deposit of refuse and derelict vehicles.

FACTS

Location Linford Pierson Highway

Zoning **LDR**

Parcel Size 12.48 acres

Current Use As noted

BACKGROUND

February 4, 2016 - A check of the planning support system shows no history for this site.

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

PLANNING DEPARTMENT ANALYSIS

Inspection of site shows that the land is being used for the deposit of refuse and derelict vehicles.

PHOTO EVIDENCE

See attached photos in the file.

6.0 CPA MEMBERS INFORMATION/DISCUSSIONS