

Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on February 16, 2021 at **10:00am, in Conference Room 1038, 1st Floor, Government Administration Building, Elgin Avenue.**

04th Meeting of the Year

CPA/04/21

Mr. A. L. Thompson (Chairman)

Mr. Robert Watler Jr. (Deputy Chairman)

Mr. Kris Bergstrom

Mr. Peterkin Berry

Mr. Edgar Ashton Bodden

Mr. Roland Bodden

Mr. Ray Hydes

Mr. Trent McCoy

Mr. Jaron Leslie

Ms. Christina McTaggart-Pineda

Mr. Selvin Richardson

Mr. Fred Whittaker

Mr. Haroon Pandohie (Executive Secretary)

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

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

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2.0 APPLICATIONS
APPEARANCES (Items 2.1 to 2.5)

2.1 MINI WAREHOUSES TWO Ltd (John Doak Architecture) Block 12C Parcel 213 (P20-0887) (\$750,000) (JP)

Application for change of use from retail to warehousing.

Appearance at 10:30

FACTS

<i>Location</i>	West Bay Road, West Bay Beach South
<i>Zoning</i>	NC
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	1.068 ac. (46,522.08 sq. ft.)
<i>Parcel size required</i>	n/a
<i>Current use</i>	Commercial and warehousing
<i>Required parking</i>	34
<i>Proposed parking</i>	26

BACKGROUND

November 25, 2015 (CPA/24/15; item 2.1) –application for a 3 storey storage warehouse building was approved by CPA (P15-0710)

A single storey and three storey building exists on site

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

- 1) Suitability
- 2) Parking (26 v 34)

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment:

The development shall be connected to the West Bay Beach Sewerage System (WBBSS).

- *The developer shall notify the Water Authority's Engineering Services at 949-2837 ext. 3000 as soon as possible to ensure that:*
- *the site-specific connection requirements are relayed to the developer,*
- *any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the developer would be held responsible), and*
- *the Authority can make arrangements necessary for connection such as ordering materials, scheduling, pipe installation, etc.*
- *The Authority will not be responsible for delays due to insufficient notice from the developer.*
- *The developer shall be responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The site's wastewater infrastructure shall be designed and installed to the Authority's specifications. Copies of the Authority's specifications are available at the Water Authority's office on Red Gate Road, or the web:*
http://www.waterauthority.ky/upimages/pagebox/Guidelines-Sewer_1425464500_1426308023.pdf
- *The developer shall submit plans for the infrastructure to the Authority for approval.*
- *The Authority shall make the final connection to the WBBSS, the cost of which shall be borne by the developer.*

Existing septic tank shall be decommissioned

The Site Plan indicates the presence of an existing septic tank located on the North side of the proposed self-storage building. As the development is located within the WBBSS service area, septic tanks are not permitted. The existing septic tank shall be decommissioned as per the Water Authority's Best management practices with the flows re-directed to the WBBSS.

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

Water Supply:

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

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

National Roads Authority

The NRA has no objections or concerns regarding the above change of use.

Department of Environmental Health

No objections to the proposed

Fire Department

Stamped approved drawings uploaded.

Department of Environment (NCC)

Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment confirms that we have no comments.

APPLICANT'S LETTER

See appendix A

OBJECTION LETTER

See appendix B

PLANNING DEPARTMENT ANALYSIS

General

The application site occupies a corner lot with West Bay Road forming the western boundary and Canal Point Drive, which enables access to the site, running to the south. A vacant lot is located to the east and commercial buildings are sited to the north.

The application seeks Planning Permission for a change of use of a portion of the existing commercial premises into additional warehousing/storage facilities associated with Mini warehouse 2.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) Neighbourhood Commercial Zoning

For the CPA's benefit the following Regulations and Development Plan excerpt are relevant in the determination of this planning application:

Regulation 2

Defines a warehouse as "any building designed or adapted for the storage of goods other than goods held for sale by retail".

Regulation 13(1)(a)

Sets out that General Commercial zones are:

"in which the primary use is commercial, including, but not limited to, use for —

- (i) banks and other financial institutions;
- (ii) shops for the selling of groceries, books, souvenirs, and pharmaceutical goods

- and for the selling or repair of jewellery, furniture, hardware, wearing apparel, and radio, television and electrical goods;
- (iii) restaurants, bars and other catering facilities;
 - (iv) chambers, rooms and offices where professional services are provided including legal, accountancy and real estate offices; (iv) the premises of cobblers and seamstresses;
 - (v) supermarkets;
 - (vi) petrol stations;
 - (vii) motor vehicle, motor cycle and cycle sale rooms and rental offices;
 - (viii) professional premises used by doctors, dentists and other health care providers and medical laboratories;
 - (ix) parking facilities provided on a commercial basis; and
 - (x) recreational facilities including theatres, night clubs, miniature golf links, bowling alleys, dance halls and amusement arcades;”

Regulation 13(1)(b)

Defines the Neighbourhood Commercial zone as:

“zones in which the primary use is a less intense form of development of that permitted in a General Commercial zone and which cater principally for the needs of persons resident in, or in the vicinity of, the zone”

The Development Plan 1997 3.02b

Defines Neighbourhood Commercial as: “commercial nodes outside of central George Town and provide for a less intense commercial use, with limits on building heights and site coverage. Neighbourhood Commercial shall include shops, and businesses that service the needs of the community. Smaller scale professional buildings as well as grocery stores are typical uses. This zone shall also allow mixed use of commercial and residential”

The principle (suitability) of change of use centres on whether the scheme meets the needs of persons resident in, or in the vicinity of, the zone as required by Regulation 13(1)(b) and the acceptability of warehousing provision within a commercial zone.

Warehouse vs Commercial

The Department of Planning would typically deem the proposed storage units as warehousing considering goods shall be stored and not sold for retail purposes. It is noted that the proposed change of use seeks to expand existing warehousing provisions. Members are reminded of significant storage facilities recently approved at Governors Village (CPA/20/20; Item 2.1 P20-0774), where it was determined in that instance the proposed self-storage was a commercial use and not a light industrial use.

Appeal decision

August 2006 the Planning Appeals Tribunal determined an appeal relating to a

14,000sf storage facility on parcels 11D 14, 15 and 16 located 2500' to the north-east of the current application site.

The appeal examined a previous CPA decision to permit storage of 'personal effects' within a, then, neighbourhood commercial zone.

The Appeal Tribunal found that 'the provisions of the Development Plan appeared to demonstrate that the type of use contemplated in the application for planning permission was a light industrial which was either (a) not permitted at all in a neighbourhood commercial as opposed to industrial development zone or (b) even if permissible, would only be permissible to serve the needs of the residents of the community'.

The Planning Appeals Tribunal allowed the appeal and referred the matter back to the Central Planning Authority for further determination commenting:

"The Tribunal was satisfied that on either possible analysis the [CPA] decision was one which was failed to take into account matters which it ought to have taken into account and which was so unreasonable in the absence of any identifiable basis for the decision that no reasonable tribunal could have arrived at it."

Concluding:

"..unless there is some compelling demonstration that (1) the "storage" or "warehousing" use can be permitted in a neighbourhood commercial zone and (2) that this particular development passes the "needs of the community" test, it is unlikely, in the Tribunal's opinion, that a reasonable authority or tribunal would ever permit it."

Members are invited to reflect upon the aforementioned Regulations, Development Plan and Appeal decision as part of their deliberations.

Community need

Per Regulation 13(1)(b) noted above, members are invited to consider whether an adequate Community Need Assessment has been undertaken to justify the provision of further warehouse/storage facilities in the neighbourhood Commercial zone. It should be noted that in the case of the recent Governors Village application, the Authority accepted the applicant's argument that the self-storage served the needs of the community.

2) Parking (26 v 34)

The current parking provision for the existing warehousing and retail units is 26 spaces whereas the required number of parking spaces per the Regulations is 50.

The proposed change of use from retail to warehousing together with the remaining retail and warehousing results in a parking requirement of 34 spaces.

Whilst there is still a shortfall of 8 spaces this is better than current situation which has a shortfall of 24 spaces.

Members invited to consider the acceptability of the parking provision in light of the existing situation.

2.2 DALTON DUNKLEY (Triple J Construction) Block 59B Parcel 49 (P20-0881) (\$600,000) (MW)

Application for a duplex.

Appearance at 11:00

FACTS

<i>Location</i>	Eagle St., North Side
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.23 ac. (10,018.8 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3,684 sq. ft.
<i>Total building site coverage</i>	23.7%
<i>Required parking</i>	2
<i>Proposed parking</i>	2

BACKGROUND

July 21, 2017 – House 705 sq. ft. - the application was considered and it was resolved to grant planning permission.

December 09, 2020 – Duplex 3,684 sq. ft. – the application was considered and it was resolved to adjourn the application.

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

- 1) Lot Size (10,018.8 sq. ft. vs 12,500 sq. ft.)

APPLICANT'S LETTER

With respect to our submission for a duplex building on 59B 49 located on the corner of Eagle Street and Constantine Street in Frank Sound, North Side. We hereby request variances as follows:

1. *Lot Size Variance for Proposed Duplex development on a parcel that is less than the required 12,500 sq. ft. lot size required for a duplex. The subject parcel is*

10018 sq. ft., which is 2482 sq. ft. below the minimum lot size required.

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.

Additionally, please also take into consideration that :-

- 1. The development will appear to be a single-family residence with a 3155 sf main house primarily and a 529 sf 1 bedroom dwelling attached and integrated into design.*
- 2. The owners are parents to 6 children, one of which is a young adult for whom the 1 bedroom dwelling will be available to reside within.*
- 3. The development meets the boundary setbacks, site coverage and building height requirements*

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

Please do not hesitate to contact me for any further information

PLANNING DEPARTMENT ANALYSIS

General

The application is for a duplex (3,684 sq. ft.) with a lot size variance to be located on the corner of Eagle St. & Constantine St., North Side.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Size

Regulation 9(8)(e) states “*the minimum lot size for each duplex shall be 12,500 sq. ft.*”. The proposed lot is currently 10,018.8 sq. ft., a difference of 2,481.2 sq. ft.

The adjoining parcels were notified and no objections were received.

The Authority should assess if there is sufficient reason and an exceptional circumstance that exists in accordance with Section 8(13) to warrant granting a lot size variance.

SUPPLEMENTAL ANALYSIS

The application was seen on December 09, 2020 and it was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the deficient lot size. There have been no changes to the plans.

2.3 SHORELINE DEVELOPMENT COMPANY LTD (DECCO Ltd) Block 11B Parcel 70, 91 and 94 (P20-1094) (\$80m) (JP)

Application for a 10 storey hotel including pool, restaurant, bar, function facilities, two generators and a fuel tank.

Appearance at 11:30

FACTS

<i>Location</i>	West Bay Road, West Bay Beach North
<i>Zoning</i>	HT
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	7.1177 ac. (310,047.012 sq. ft.)
<i>Parcel size required</i>	0.5 ac (21,780 sq. ft.)
<i>Current use</i>	Vacant
<i>Proposed building size</i>	371,348 sq. ft.
<i>Total building site coverage</i>	30%
<i>Allowable hotel rooms</i>	462
<i>Proposed hotel rooms</i>	282
<i>Required parking</i>	278
<i>Proposed parking</i>	255

BACKGROUND

February 3, 2021 (CPA/03/21; item 5.5) – CPA determined the absence of comments from the Department of Environment/NCC should not prevent the application from being determined.

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

- 1) Parking (278 v 256)

AGENCY COMMENTS

Comments from the Water Authority, National Roads Authority, Department of Environmental Health, Petroleum Inspectorate, Cayman Islands Aviation Authority (CIAA), Fire Department and Department of Environment are noted below.

Water Authority

Wastewater Treatment

The development shall be connected to the West Bay Beach Sewerage System (WBBSS).

The developer shall notify the Water Authority's Engineering Services at 949-2837 ext. 3000 as soon as possible to ensure that:

- *The site-specific connection requirements are relayed to the developer,*
- *Any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the developer would be held responsible), and*
- *The Authority can make arrangements necessary for connection such as ordering materials, scheduling, pipe installation, etc. The Authority will not be responsible for delays due to insufficient notice from the developer.*
- *The developer shall be responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The site's wastewater infrastructure shall be designed and installed to the Authority's specifications. Copies of the Authority's specifications are available at the Water Authority's office on Red Gate Road, or the web:*

http://www.waterauthority.ky/upimages/pagebox/Guidelines-Sewer_1425464500_1426308023.pdf

- *The developer shall submit plans for the infrastructure to the Authority for approval.*
- *The Authority shall make the final connection to the WBBSS, the cost of which shall be borne by the developer.*

Grease Interceptors

Grease Interceptors with a minimum combined capacity of 8,000 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 WBBSS.

2 x 2,000 (US) gallon grease interceptors installed in-series is required to serve the 3-meal Restaurant and Pool Bar. 2 x 2,000 (US) gallon grease interceptors installed in-series is required for the Rooftop Bar.

Geothermal Cooling System

Proposals for geothermal cooling systems require that the developer first complete a Geothermal Installation Notification Form which provides outline information on the scale and type of system proposed. This information is needed to determine requirements

under sections 22 and 34 of the Water Authority Law (2011 Revision) for groundwater abstraction licences and discharge permits, respectively.

Elevator Installation

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

Generator and Fuel Storage Tank(s) Installation

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

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

Lint Interceptor Required at institutional laundries

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

Water Supply:

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

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

National Roads Authority

Road Capacity Issues

The traffic demand to be generated by the above proposed hotel development comprising of 282 hotel rooms has been assessed in accordance with ITE Code 310 – Hotel. The anticipated traffic to be added onto West Bay Road and the Esterley Tibbetts Highway 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>
2515	189	110	79	197	97	101

Based on these estimates, the impact of the proposed development onto West Bay Road and the Esterley Tibbetts Highway 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 and the Esterley Tibbetts Highway, 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 the Public 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 Environmental Health

DEH has no objections to the proposed in principle with the condition that the following is submitted for review and approval:

- 1. Floor plans for all restaurants, pool bars, lounges.*
- 2. Approved BCU commercial hood details for the kitchens*
- 3. Specifications for all kitchen equipment.*
- 4. Specifications for the hot water heater.*
- 5. Details for the solid waste facility.*
- 6. A swimming pool application must be submitted for review and approval prior to constructing the pool(s).*

Petroleum Inspectorate

The Office has reviewed the proposed captioned project in accordance with the Dangerous Substances Law, (2017 Revision), The Fuels Market Regulation Law, 2017, and the Utility Regulation and Competition Law (as revised) and provide its comments as below. Due to the statutory provisions in the Law, and in an effort to ensure public safety, economic efficiency, environmental sustainability, and innovation in the fuel sector, our comments are broadly categorised as Mandatory (legal) or Advisory in nature.

Mandatory Comments:

- I. The three (3) x 1000 Gallons Propane Tank and the unspecified capacity underground diesel tanks are to be installed in accordance with NFPA 58 and 30 requirements respectively, in addition to OEM installation specifications.*

- II. *Consideration should be given to resize the propane tanks to 2000-gallon individual capacity thereby reducing the number of tanks to be installed.*
- III. *Setback and proposed locations are acceptable.*
- IV. *Underground lines shall be flexible and non-metallic constructions.*
- V. *Fuel Tank shall be double wall with active monitoring of the interstitial space.*
- VI. *Fuel shall be fitted with Stage 1 Vapor recovery system.*
- VII. *Propane tanks shall be installed on concrete slabs and anchored in place by incorporating stainless steel (PVC coated/cladded) straps.*
- VIII. *All equipment documents and specification to be provided at BCU stage and OfReg will confirm technical requirements at that (BCU) stage.*
- IX. *No installation relating to the fuelling equipment shall commence prior to OfReg's detailed BCU review.*

Advisory Comments: I. N/A.

We have no objections to this project moving forward subject to the conditions set out under the comments above.

Cayman Islands Aviation Authority (CIAA)

No Objection based on current specifications. Any crane heights during construction will require extra approval from the CIAA.

Fire Department

Stamped approved plans.

Department of Tourism

No comments received.

Department of Environment (NCC)

See Appendix E

PLANNING DEPARTMENT ANALYSIS

General

Application for a hotel with ancillary features.

Zoning

The property is zoned Hotel/Tourism.

Specific Issues

1) H/T zoning provisions

The scheme proposes a hotel and associated facilities located on land within the Hotel/Tourism zone 1 as identified in Schedule 4 of the Development and Planning

Regulations (2020 Revision). Regulation 8 stipulates parking standards and Regulation 10(1) permits hotels subject to compliance with criteria a) to g).

To aid CPA’s consideration of the application the following can be confirmed:

- Maximum number of bedrooms permissible for the identified lot is 462. The application proposes 282 bedrooms.
- The proposed development generates a demand of 278 parking spaces. The application proposes a total of 256 parking spaces, however, one is inadequate in length.
- No apartments are proposed.
- Minimum lot size is half an acre. The application site is 7.1177 acres.
- Minimum lot width is 100’. The application site measures 267’ in width.
- Residential development is not proposed.
- Maximum site coverage of 40%. The application pack provides for 30%.
- Minimum side setbacks of 20’ are met subject to lots being combined.
- Minimum rear and road setbacks of 25’ are met.

Members are invited to reflect upon the above information to aid their consideration on the acceptability of a hotel in this location.

2) Parking (278 v 255)

Regulation 8(1) requires the following parking provision per use:

- Restaurants and bars 1/200 sq ft;
- Commercial development 1/300 sq ft;
- 1 space per 2 guest rooms

The Department of Planning has assessed the uses and floor areas in order to determine the anticipated parking demand. The following table demonstrates the breakdown:

Ratio	Floor area (sq ft)	Use	Parking required
1/300 sq ft	2180	Retail	8
1/200 sq ft	9765	Restaurant/lounge	49
1/200 sq ft	9341	Banquet/meeting and board rooms	47
1 per 2 rooms	282 rooms	Guest rooms	141
1/200 sq ft	6543	Roof top bar	33
Total			278

The submitted plans identify **255** parking spaces of suitable length and width. Space

17 has been omitted due to insufficient length for adequate manoeuvring into and out of a parallel parking space.

The proposed scheme would result in a parking **deficit of 23 spaces**.

Various discussions have taken place between the applicant and Department to provide clarification on calculations with agreement/acceptance on the majority of issues raised.

The Central Planning Authority is invited to note differences in parking demand is due to the applicant not including:

- a) the kitchen for the main restaurant which will be open to guests and public;
- b) the covered terrace associated with the restaurant which will also be open to guests and public;
- c) the lounge associated with the main restaurant which forms part of the same space. A separate lounge for arriving and departing guests is provided at the hotel entrance.

Members are reminded at the operational stage the restaurant and rooftop bar would be used by guests and members of the public consequently adequate parking must be provided for all users attracted to the site together with staff parking.

In line with previous decisions for hotels on Grand Cayman, members are invited to ensure parking provision is commensurate to the proposed use.

The north parking lot contains adequate adjacent land to meet and exceed the required number of parking spaces, however, the application does not include parking on this area.

2.4 SAMANTHA JANE GRUNDY Block 22D Parcel 131 (P20-0701) (\$300, 000) (AS)

Application for three apartments and a dock.

Appearance at 2:00

FACTS

<i>Location</i>	Woodstock Rd
<i>Zoning</i>	LDR
<i>Notification result</i>	Objection
<i>Parcel Size Proposed</i>	.58 acres (25,264 sq. ft.)
<i>Parcel Size Required</i>	25,000 sq ft
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Residential
<i>Building size</i>	2,773 sq ft
<i>Building Coverage</i>	6.8%
<i>Allowable Units</i>	8 units (15 units per acre)

<i>Proposed Units</i>	3
<i>Proposed Parking</i>	6
<i>Required Parking</i>	5 (1.5 spaces per unit)

BACKGROUND

December 9, 2020 (**CPA/21/20; item 2.10**) – the application was adjourned to require re-notification to clearly advise owners the application was for 3 apartments and to invite in the applicant to discuss concerns regarding the site layout

Recommendation: Discuss the application for the following reasons:

- 1) suitability
- 2) site design
- 3) objection

OBJECTION

As the registered proprietors of Block 22D Parcels 171, 172, 173 and 175, we are writing to object to the above planning application on the following grounds:

1. *The proposed development is not consistent with the character of the neighbourhood which is comprised of single-family dwelling houses on Woodstock Road and Spinnaker Road which is a quiet residential area consisting of family homes. A multiple occupancy building is not consistent with any other property on Woodstock Road. The area is zoned low density residential. Although the permitted density requirements may be met, apartments are permitted only in suitable locations. It is submitted that the site is not a suitable location for apartments per Regulation 9(8) of the Development and Planning Regulations (2018) Revision.*
2. *Woodstock and Spinnaker roads are in a state of disrepair that cannot support the traffic from the existing single-family dwelling houses and those currently under construction, let alone apartment developments with the additional number of cars they will involve; Woodstock Road is a narrow and quiet road.*
3. *The presence of the apartments is likely to give a transient feel to the neighbourhood which would negatively affect the close and stable community the residents currently enjoy.*
4. *The section of Woodstock Road that gives direct access to Block 22D Parcel 131 floods with rain, and it can take up to 7 days to drain. We note that Department of Environment requires that ‘any stockpiled materials should be kept away from the canal edge to reduce the possibility of rainwater runoff washing material into the canal’. The drainage infrastructure is insufficient and would result in increased flooding of*

Woodstock Road during rain and lead to further deterioration of the condition of the road

- 5. The intersection between Selkirk Drive and Shamrock Road that provides access to the area has become very dangerous with vehicles from Selkirk Drive turning into fast moving traffic on Shamrock Road; increased traffic volume from apartment developments would exacerbate the situation*

The proposed construction of apartments would be completely out of character with the neighbourhood and set a precedent for the development of apartments in the area which currently enjoys a special character of individual family homes in a quiet and natural setting. It would also put further pressure on the local road infrastructure.

AGENCY COMMENTS

Comments from the National Conservation Council, Water Authority, Fire Service and Department of Environmental Health are noted below.

National Conservation Council

“The application site is man-modified and of limited ecological value. However, best management practices should be adhered to during construction to prevent any impacts to the canal; these include but are not limited to:

- Any stockpiled materials should be kept away from the canal edge to reduce the possibility of rainwater runoff washing material into the canal;*
- The dock construction area shall be fully enclosed with silt screens with a 4-ft minimum skirt depth to contain any sedimentation or debris arising from construction of the dock as depicted by the submitted site plan;*
- The silt screens shall remain in place until the water contained inside the screens has cleared to the same appearance as the water immediately outside of the screens.*

It is also recommended to incorporate native vegetation into the landscaping scheme as native vegetation is not only more ecologically valuable but also more sustainable as it is best suited to the climate and habitat conditions, resulting in vegetation that requires less maintenance, which makes it a cost-effective choice.”

Water Authority

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

Wastewater Treatment & Disposal

- The developer shall provide a septic tank(s) with a capacity of at least (1,250) US gallons for the proposed, based on the following calculations:*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Main Residence	1 x 3-Bedroom unit	300gpd/3-Bedroom unit		300gpd
		300gpd		
Guest House 1	1 x 1-Bedroom unit	150gpd/1-Bedroom unit	150gpd	150gpd
Guest House 2	1 x 1-Bedroom unit	150gpd/1-Bedroom unit	150gpd	150gpd
TOTAL		600gpd		

- *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 4'5" above MSL or 5'8" if installed less than 100ft from the canal. 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.

Fire Service

The Fire Service has marked the fire vehicle access drawing approved.

Department of Environmental Health

"The department has no objection to the proposed in principle.

a. This development requires (4) 33 gallon bins."

Specific Issues

1. Suitability

Pursuant to Regulation 9(8), *detached and semi-detached houses, duplexes and, in suitable locations, guest houses and apartments are permissible.*

The surrounding land uses in the immediate area is dwelling houses and vacant properties. From a planning perspective, a duplex would be more suitable for the area based on the surrounding land uses as noted on the Cayman Land Info Map.

2. Revised Site Plan

A revised site plan should be submitted depicting the following:

- i. The garbage enclosure must be setback a minimum of 6-ft from the property lines in accordance with Regulation 8(7) of the Development and Planning Regulations (2020);
- ii. The enter/exit points are to be a minimum of 22-ft wide;
- iii. The applicant shall construct a six-foot wide concrete sidewalk along the front property line, and a 4 feet minimum in width landscape strip along the inside edge of the sidewalk;

- iv. The parking lot and driveway aisles surfaced with asphaltic concrete or equivalent and tire stops provided for each parking space which must be striped.
- v. Each parking space shall be striped and directional traffic arrows painted upon the pavement near the edge of the roadway indicating enter/exit.

SUPPLEMENTARY ANALYSIS

The applicant re-notified the adjacent land owners clearly advising that the application was for 3 apartments. Objections were received.

The applicant has chosen not to revise the drawings per the Authority concerns with the site layout.

2.5 ERGUN BEKSOY (Whittaker and Watler) Block 22D Parcel 141REM12 and 320 (P20-0800) (\$5m) (JP)

Subdivision application to create 5 apartments lots, 1 neighbourhood commercial lot, 74 residential lots, 3 LPPs and 10 road lots.

Appearance at 2:30

FACTS

<i>Location</i>	Shamrock Road, Prospect
<i>Zoning</i>	NC/LDR
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	53.04 ac. (2,310,205.9 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant

BACKGROUND

October 9, 2019 (**P19-0287**) – an application for a two lot subdivision was administratively approved.

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

- 1) Suitability
- 2) Neighbourhood commercial lot
- 3) Access points onto Shamrock Road
- 4) Internal subdivision road junctions
- 5) Provision for schools
- 6) Objectors

AGENCY COMMENTS

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

Water Authority

Water Supply

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

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

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

Requirement for Canal Permit as per Water Authority Law

The Water Authority is charged under the Water Authority Law to protect groundwater. Section 34 (1) of the Water Authority Law (2018 Revision) requires that anyone who undertakes the construction, replacement or alteration of canals is required to obtain a permit from the Authority, subject to such terms and conditions as it deems fit. Section 2 (1) the Water Authority Law (2018 Revision) defines canals as any channel works which provide sea water direct access to inland areas which would not normally be in direct contact with the sea.

A canal permit will be considered by the Authority upon receipt of a completed canal permit application form, the application fee and required submittals. The application form may be downloaded from the Water Authority website:

http://www.waterauthority.ky/upimages/pagebox/CanalWorksApplicationRevNOV2018_1541708130.pdf

Please be advised that submitting a canal permit application to the Authority does not guarantee that the permit will be issued. If a canal permit is issued the Authority may require modifications of plans and/or impose specific conditions to protect surface and groundwater and to ensure that the applicant complies with the conditions of the permit.

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.*

National Roads Authority

As per your memo dated October 26th 2020 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Proposed Road

The applicant's agent has met with the Ministry of Works and the NRA on a proposed access road through this development. The applicant has restructured their development to accommodate this access road, thereby, providing some much needed internal connectivity between developments as well as reducing the need to access Shamrock Road at this juncture. The forty (40) ft. wide road will connect from Bimini Drive through and up to Island Drive over Dukes Way. The applicant has uploaded the revised plan to OPS.

Road Capacity Issues

The traffic demand to be generated by the above proposed development of,

- *Apartments - 9 acres over 5 individual locations;*
- *Neighbourhood Commercial – 4 acres; and*
- *Single Family Homes - 74 individual lots.*

<i>Zone</i>	<i>Land Use</i>	<i>Planning Regulation</i>	<i>Proposed Development</i>	<i>Development per Zoning Regulations</i>
<i>LDR</i>	<i>Apartments</i>	<i>25 units /acre</i>	<i>9.29 acres</i>	<i>233 units</i>
<i>LDR</i>	<i>Single Family</i>	<i>N/A</i>	<i>74 lots</i>	<i>N/A</i>
<i>NC</i>	<i>Neighbourhood Commercial</i>	<i>75% coverage</i>	<i>4.17 acres</i>	<i>3 acres</i>

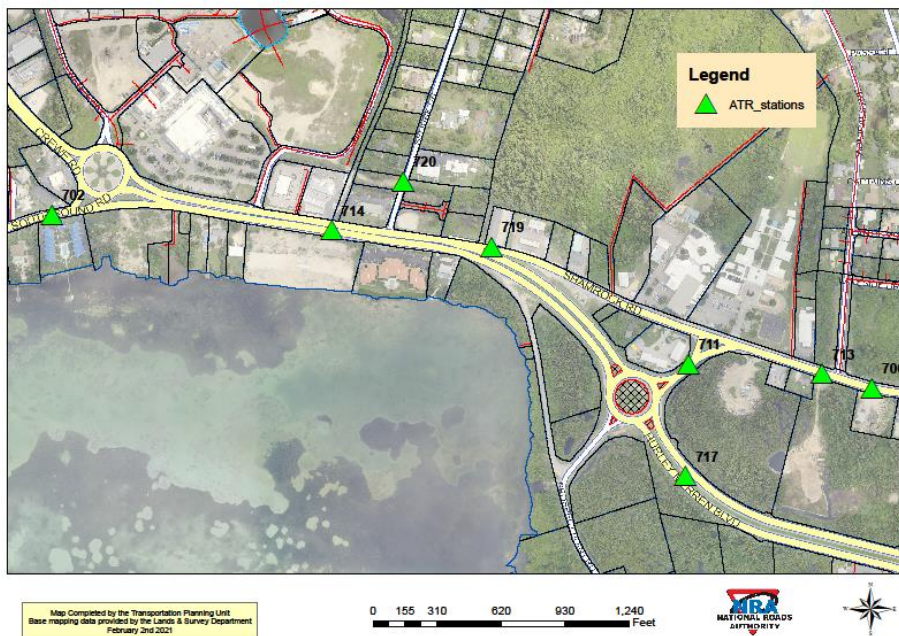
The anticipated traffic to be added onto the surrounding road system is as follows:

ITE Code	Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak In	AM Peak Out	PM Peak Hour Total Traffic	PM Peak In	PM Peak Out	Pass-By Traffic
Apartments – 220	1549	119	24	95	144	94	51	N/A
Single Family - 210	704	56	14	42	74	47	27	N/A
Shopping Centre – 820	5594	126	51	32	486	154	167	165

The Average Daily Traffic count in the general vicinity of the proposed development of Block 22D Parcel 141 Rem 12 at ATR location 714, please see diagram below, was approximately 40,935 vehicles in 2018, the volume then splits to about 25% on Shamrock Road and 75% onto Hurley Merren Blvd.

With the proposed internal road and the imminent widening of Shamrock Road, that is now taking place, the overall impact of the proposed development onto the surrounding road network, should be fair to moderate.

ATR Locations



Stormwater Management Issues

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

The applicant shall demonstrate that the Stormwater Management system can be designed to include storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties that are lower, and nearby public roadways are not subject to stormwater runoff from this site.

Infrastructure Issues

The NRA does suggest, as was done by the applicant's agent, a one-way in only will be needed on Princess Street and two-way in/out on the proposed Petra Way. Truncations will need to be provided at the Petra Way intersection, therefore, the applicant should liaise with the affected landowners.

The NRA advises the CPA to require the developer to provide for signage (stop signs, etc.), street lighting and any other traffic calming measures on the proposed roads of the subdivision. Once the roadway has been taken over as a public road, the NRA can then assume that responsibility. This site will need a stop sign with stop bars at the junction of Shamrock Road.

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

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

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

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

Department of Environment (NCC)

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

The application site is partially seasonally flooded mangroves and tidally flooded mangroves and partially man-modified. The proposed development will result in the loss of mangroves and their ecological function. Any mangroves in the buffer should be retained. The LPP could also remain as mangroves and could be adapted for public amenity as well (walking trails or boardwalks, for example).

The Department does not support the extension of the canal. The canal system in this area was never properly engineered and was developed in a piecemeal way. As such, the Department often receives complaints regarding poor water quality in this area. The

proposed canal extension is very far inland, and designed as a dead-end with no flushing or circulation.

The plans do not show a proposed canal depth, however if the Central Planning Authority is minded to approve the application, we recommend that the canal is constructed to a depth of 8 feet, as this will allow light penetration to the bottom of the canal. Light penetration can allow seagrass to grow, which provides filtration and can encourage other natural marine flora and fauna which contribute to better water quality.

If the Central Planning Authority is minded to approve the application, best management practices should be adhered to during construction to prevent any impacts to the canal; these include but are not limited to:

- Any stockpiled materials should be kept away from the canal edge to reduce the possibility of rainwater runoff washing material into the canal.*
- The interior of the canal extension should be constructed first, with a plug left in situ at the canal opening between the existing canal and the proposed canal. Once the canal excavation is complete and a silt screen has been installed to mitigate turbidity, the plug can then be removed to complete the excavation works as this minimizes the impacts of turbidity and sedimentation.*
- The canal construction area shall be fully enclosed with silt screens with a 4-ft minimum skirt depth to contain any sedimentation or debris arising from construction of the dock as depicted by the submitted site plan.*
- The silt screens shall remain in place until the water contained inside the screens has cleared to the same appearance as the water immediately outside of the screens.*

OBJECTIONS

See appendix C

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in the Prospect area off Shamrock Road which forms the southern boundary.

Zoning

The property is zoned Low Density Residential and Neighbourhood Commercial.

Specific Issues

1) Suitability

Regulation 9(8) permits apartments in suitable locations. The application proposes 5 apartment lots in the LDR zone. Members are invited to consider the acceptability of such.

2) Neighbourhood commercial lot

The application site is split zoned with Neighbourhood Commercial to the south and

Low Density Residential to the north.

The proposed neighbourhood commercial lot is 4.17 acres, but approximately 1.72 acres of the lot is in the LDR zone, not the NC zone.

Regulation 9(3) permits commercial uses in residential zones subject to adequate notification, however, this requirement relates specifically to development applications. For this subdivision proposal, members should be mindful that the proposed neighbourhood commercial lot exceeds that permitted by the current zoning.

3) Access points onto Shamrock Road

The proposed western access point is one way entry into the subdivision which is consider substandard for a subdivision of this scale. The plan shows the eastern entry/exit with truncations over 23C 4 and 176, but those parcels are in separate ownership. Finally, the plan shows the paved road with a width of 22' instead of 24'.

4) Internal subdivision road junctions

Jana Way and Melodi Way junctions onto Ferdinand Way are poorly designed with 45 degree turns immediately after 90 degree entrances. Additionally, the junction at Jana Way, Duke Way and Sophie Way could lead to traffic conflicts.

5) Provision for schools

In subdivision, Regulation 30 requires that provision be made for one primary school on 3 acres for every 400 families and one secondary school on 7 acres for every 2000 families.

The application is silent regarding this provision.

Members are invited to consider this requirement.

2.0 APPLICATIONS
REGULAR AGENDA (Items 2.6 to 2.16)

2.6 RAY GRAHAM (Duro Architecture and Design) Block 22D Parcel 154 (P20-0928) (\$400,000) (MW)

Application for (4) unit apartment complex.

FACTS

<i>Location</i>	Abbey Way, George Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.76 ac. (33,105.6 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	7,258 sq. ft.
<i>Total building site coverage</i>	10.1%
<i>Allowable units</i>	11 units
<i>Proposed units</i>	4 units
<i>Allowable bedrooms</i>	18 bedrooms
<i>Proposed bedrooms</i>	10 bedrooms
<i>Required parking</i>	6 spaces
<i>Proposed parking</i>	8 spaces

BACKGROUND

January 21, 2015 – Land Clearing by Mechanical Means (approved).

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

- 1) Suitability
- 2) Garbage enclosure setback (0' vs 6')

AGENCY COMMENTS

Comments from the Water Authority, National Roads Authority, Department of Environmental Health and Department of Environment (NCC) 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 **(1,750) US gallons** for the proposed, based on the following calculations:*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Apartment Building – Phase 1	2 x 2-Bed Units 2 x 3-Bed Units	225gpd/2-Bed Unit 300gpd/3-Bed Unit	1,050gpd	1,050gpd
TOTAL				1,050gpd

- *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 4’5” above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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

1. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).*
 - *All dimensions and materials shall be provided for any site-built tanks.*
 - *Manhole extensions are permitted up to a maximum of 24” below finished grade.*
 - *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*

- *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)*
- *The Water Authorities updated 2020 effluent disposal well specifications.*
- *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.

If there are questions or concerns regarding the above, please email them to: development.control@waterauthority.ky

National Roads Authority

None received at this time.

Department of Environmental Health

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

1. *DEH has no objections to the proposed.*
2. *This development requires (4) 33 gallon bins.*

Department of Environment (NCC)

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

The site is man-modified and of low ecological. The Lands and Survey historical aerial imagery indicates that the site was previously partially excavated and is low lying. An

appropriate Stormwater Management Plan should be developed for the site and should include any potential future phases of development.

Please do not hesitate to contact the Department should you require further assistance.

Fire Department

Please depict Existing or proposed Fire Hydrant / Fire well. Gate Require a s.o.s sensor (11-Nov-20)

PLANNING DEPARTMENT ANALYSIS

General

The application is for a (4) Unit Apartment complex to be located on Abbey Way, George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

Section (8) states the following development is permitted in a Low Density Residential Zone.

- (a) Detached & semi-detached houses.
- (b) Duplexes
- (c) In locations considered as suitable by the Authority guest houses and apartments.

An overview of the proposed site shows the surrounding area to be primarily residential homes and vacant parcels with apartments within the nearby vicinity.

- 22D168 :- The Villas at Red Bay (Appvd 20-9-2006 & 14-5-2008)
- 22D153:- Duplex (Appvd 18-7-2007)
- 22D12:- Duplex (Appvd 15-10-1998)
- 22D298:- Apartment Complex 12 Units (Appvd 29-7-2017)

2) Garbage enclosure setback

Regulation 8(7) requires garbage enclosures to be setback 6' from adjacent properties. The applicant is proposing a 0' setback, but there is space to comply with the 6' setback and still be in line with the two adjacent parking spaces.

2.7 PATRICK JONES (Mega Systems Ltd.) Block 49A Parcel 96 (P20-1154) (\$375,000) (MW)

Application for a house with detached garage which includes a one bedroom unit.

FACTS

<i>Location</i>	Juberry Link., North Side
<i>Zoning</i>	Medium Density Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.2346 ac. (10,219.176 sq. ft.)
<i>Parcel size required</i>	15,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3,030.84 sq. ft.
<i>Total building site coverage</i>	24.42%
<i>Required parking</i>	2
<i>Proposed parking</i>	2

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

- 1) Lot Size (10,219.176 sq. ft. vs 15,000 sq. ft.)

AGENCY COMMENTS

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

Department of Environment (NCC)

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

The application site lies to the west of Malportas Pond and is comprised of a mix of primary habitat (dry shrubland and forest) with man-modified portions on the eastern side of the parcel, as shown in Figure 1. 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.

Although we have no objection to the proposed residence, we encourage the applicant to only clear the development footprint, leaving the vegetation within the side and rear setbacks and to retain as much mature native vegetation as possible. Native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a cost-effective and sustainable choice for landscaping. Stormwater drainage for the property should also be suitably disposed of within the property itself so as not to cause

flooding of the surrounding areas, and no drainage water should be directed into or across the road towards Malportas Pond.

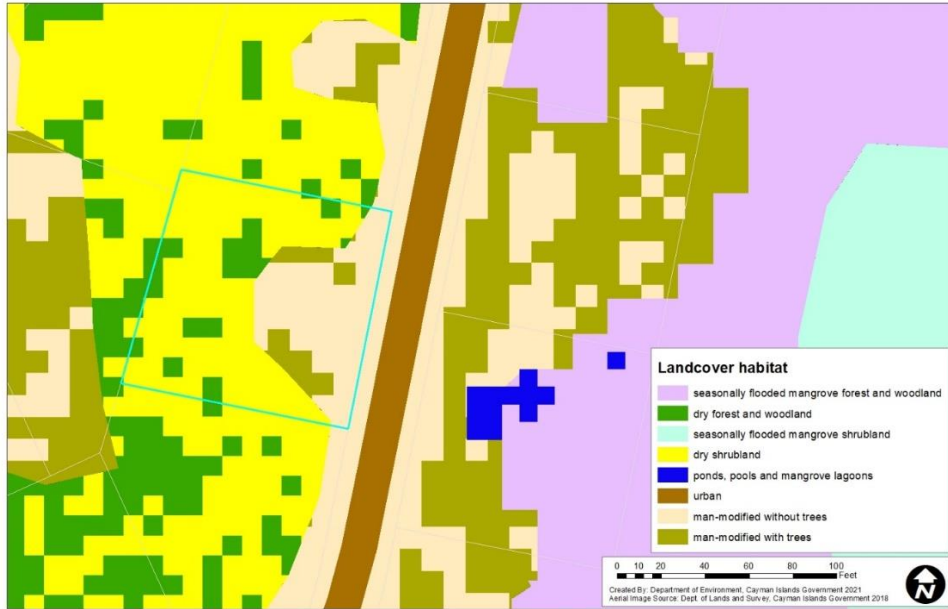


Figure 1: A terrestrial habitat map extract showing the subject parcel (outlined in blue) and the nearby land cover habitat types (DOE, 2021)

Please do not hesitate to contact the Department should you require further assistance.

APPLICANT'S LETTER

We would like to respectfully request a Lot Size Variance on the above application as pursuant to Section 8(13) of the Development and Planning Regulations (2020 Revision).

Project Name: PATRICK JONES RESIDENCE

*Description: 1,960.36 SQ. FT. 1-STORY TWO (2) BEDROOM HOUSE/
1,070.48 SQ. FT. 2-STORY GARAGE W/ ONE BEDROOM LOFT.*

Lot Size: 10,219.18 sq. ft. (0.23 Acre)

Proposed building Footprint:

Main House : 1,911.94 sq. ft. (18.71%)

Outhouse: 535.24 sq. ft. (05.24%)

Total Site Coverage: 23.95%

We look forward to your kind consideration on this matter

PLANNING DEPARTMENT ANALYSIS

General

The application is for a Two Bedroom House with Two Story Detached Garage & One Bedroom Unit with Lot Size Variance on Juberry Link, North Side.

Zoning

The property is zoned Low Density Residential.

Specific Issue

1) Lot Size

Regulation 9(7)(d) states “*the minimum lot size for each detached and semi-detached house is 7,500 sq. ft.*”. As the detached garage includes a dwelling unit, there are two residences proposed on the site and a minimum lot size of 15,000 sq. ft. will be required. The proposed lot is currently 10,219.176 sq. ft. a difference of 4,780.824 sq. ft.

The applicant provided a letter regarding the lot size variance, but it includes no rationale demonstrating that there is sufficient reason and exceptional circumstance per Regulation 8(13) to warrant granting a lot size variance.

2.8 AMY SMITH (TSC Architecture) Block 27C Parcel 300 (P20-1140) (\$100,000) (MW)

Application for a change of use from a house to a duplex.

FACTS

<i>Location</i>	Mervin St., Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.2178 ac. (9,491.6 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Existing Residence
<i>Proposed building size</i>	3,981.465 sq. ft.
<i>Total building site coverage</i>	20.5%
<i>Required parking</i>	2
<i>Proposed parking</i>	2

BACKGROUND

January 25, 1995 – House - the application was considered and it was resolved to grant planning permission.

April 26, 2005 – House Re-construction – the application was considered and it was resolved to grant planning permission.

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

- 1) Lot Size (9,491.6 sq. ft. vs 12,500 sq. ft.)
- 2) Driveway Design

AGENCY COMMENTS

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

Department of Environment (NCC)

Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment confirms that we have no objection to the proposed modification at this time as the site is man-modified and of limited ecological value. However, the applicant should be advised to stockpile construction materials away from the canal edge to prevent run-off and debris from entering the marine environment.

Please do not hesitate to contact the Department should you require further assistance.

APPLICANT LETTER

This letter is written on behalf of Amy Smith who recently applied to the department for a modification; comprising of 581 sq. ft. and in doing so the house classification will change to a Duplex. It is further noted that the applicant does not meet the required lot size therefore she is applying for a lot size variance. Registered mail was sent out to the adjacent property owners, of Block 27C, Parcels, 125, 301 and 192. The applicant's reasoning; they want to utilize the property to introduce an income producing unit.

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

Should there be further information required please feel free to contact the undersigned.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a change of use from a house to a duplex to be located on the corner of Mervin St., Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Size

Regulation 9(8)(e) states “the minimum lot size for each duplex shall be 12,500 sq. ft.”. The proposed lot is currently 9,491.6 sq. ft. a difference of 3,008.4 sq. ft. The applicant has provided a letter in support of the requested variance and the Authority must determine if the applicant has demonstrated that there is sufficient reason and exceptional circumstance to warrant allowing the variance.

2) Driveway Design

The applicant has proposed two parking spaces which meet the requirement for the proposed change of use to a duplex, however the Department questions whether the proposed driveway is acceptable. The applicant has shown a reversing area in front of the existing building however the distance shown between the parking spaces and structure is only 14’-11” which is 7’-1” less than the normal required 22’-0”.

2.9 JOYCE MARTINEZ (Cayman Survey Associates Ltd) Block 27D Parcel 128 (P20-0915) (BES)

Application for a 2 lot subdivision.

FACTS

<i>Location</i>	Farrell Road, Savannah
<i>Zoning</i>	LDR
<i>Notice results</i>	No Objectors
<i>Parcel Size</i>	0.47 ac (20,473.2 sq. ft.)
<i>Proposed Use</i>	Residential

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

- 1) Suitability of proposed access easement.

AGENCY COMMENTS

Comments from the Water Authority and NRA are noted below.

Water Authority

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

Water Supply:

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

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

- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The 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.

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.*

NRA

No comments were received from the agency

PLANNING DEPARTMENT ANALYSIS

General

The application is for 2 lot subdivision located at the above-captioned property. The site located on Farrell Road, Savannah.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Access to Lot "A"

The proposed access is 2, 8' reciprocal easements located over parcel 127 and lot "B". It should be pointed out that parcel 127 is also owned by the applicant. The location of the access, being at the corner of the lot is somewhat awkward in that it encumbers existing parcel 127 and the Authority should determine the design is acceptable.

2.10 TOEPAZ LTD (OA & D Architects) Block 73A Parcel 16 (P20-0625) (BES)

Application for crop farm and restroom.

FACTS

<i>Location</i>	Sunnyfield Road, Colliers
<i>Zoning</i>	AR
<i>Notice requirement results</i>	No Objectors
<i>Parcel size</i>	10.7 ac. (466,096 sq ft)
<i>Proposed use</i>	crop farm
<i>Building size</i>	59 sq. ft.
<i>Building coverage</i>	0.013%

BACKGROUND

Nov. 11, 2020 (**CPA/19/20; Item 2.7**) - CPA adjourned the application for the following reason:

1) The Authority does not support the clearing of the entire site at one time. As such, the applicant is required to submit a farm phasing plan that shows the farm being developed in smaller increments.

October 31, 2018 (**CPA/24/18; item 2.4**) – permission refused for commercial chicken farm

March 22, 2019 - The Planning Appeals Tribunal resolved to remit the application to the Central Planning Authority for a rehearing as there was a breach of natural justice in that inadmissible letters of objection were considered by the Authority

July 13, 2019 (**CPA/16/19; item 2.1**) – permission refused for commercial chicken farm.

Recommendation: Discuss the applicant’s new submission per the CPA’s request.

AGENCY COMMENTS

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

Department of Environment/NCC

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

Separately to this planning application, the DoE has received an application for land clearing from the Department of Agriculture as the Applicant has applied for the Department of Agriculture to clear the land on their behalf.

The DoE does not support this application, because the DoE does not support the clearing of this site. In line with our comments on the previous applications for a chicken farm, the subject parcel's primary land cover is undisturbed dry forest/shrubland inhabited by Grand Cayman Blue Iguanas, a species protected under Schedule 1, Part 1 of the National Conservation Law. The site is pristine xerophytic shrubland and good blue iguana habitat. It is unlikely to support highly productive agriculture, as the majority of the site is karst (limestone rock) and only a small part has soil. If the site is to be used for agriculture, then only the small portion with soil should be cleared.

If the Central Planning Authority is minded to approve this development, a survey of the iguana population needs to be conducted before any mechanical clearing is carried out. A preliminary site visit was undertaken on May 17, 2019, however the site must be resurveyed prior to clearing as blue iguanas are mobile. The existing trails will be utilised as far as possible, however new trails may need to be cut by hand. Once the DoE has been able to establish the presence of iguanas then mitigation measures, if required, can be designed and implemented. These will probably involve trapping and temporary holding of iguanas immediately prior to land clearing, and/or hand clearing around identified retreats so that heavy equipment can avoid burying iguanas in their rock holes. Blue Iguanas are also known to use the well on side of road during the dry season, the well should not be impacted and should be preserved in its current state.

The Department is responding to the consultation from the Department of Agriculture regarding the land clearing separately.

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 (750) US gallons for the proposed restroom.*
- 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 6'5" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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

- 1. If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).*
- 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 outside the area served by public water supply. The developer will be required to utilize an alternate water source (e.g., cistern or well).

Water Resources Protection

Under section 22 of the Water Authority Law (2011 Revision) the use of groundwater for irrigation requires a ground water abstraction license from the Water Authority. Application for a groundwater abstraction license can be found via the following link to the Water Authority's web site:

http://www.waterauthority.ky/upimages/forms/FILLABLEGroundwaterAbstractionApplication_1441300705.pdf

Under section 19 of the Water Authority Law (2011 Revision), the Water Authority is responsible for the protection of groundwater.

In order to protect groundwater resources, the Water Authority will determine specific conditions for the groundwater abstraction license, such as maximum abstraction rate and well design. In addition, the license will include specific requirements to protect groundwater from contamination by agrochemicals (pesticides and fertilizers). As part of the application process to obtain a groundwater abstraction license the developer is required to provide details on the use of agrochemicals including application rates, storage and disposal methods, mixing procedures and application equipment and techniques for the use of pesticides and fertilizers.

Depending on the size and location of a proposed agricultural operation, the Authority may require the developer to conduct, as part of the licensing and permitting process, a site-specific hydrogeological study to assess the feasibility, impacts and mitigation of the proposed operation.

PLANNING DEPARTMENT ANALYSIS

General

The application is for crop farm and restroom (59-sq ft) to be located on Sunnyfield Road, Colliers.

Zoning

The property is zoned Agricultural/Residential.

Specific Issues

1) DoE Comments

DoE has a concern that if planning permission is granted and land clearing occurs the Blue Iguanas which is protected under Schedule 1, Part 1 of the National Conservation Law could be impacted.

Additionally, DoE has indicated that the applicant has applied to the Department of Agriculture for land clearing on their behalf.

SUPPLEMENTARY ANALYSIS

As requested by the CPA, the applicant has submitted a farm phasing plan that shows the farm being developed in smaller increments as noted below.

Applicant's Letter, Attachment and Photos

We write to provide the information requested in a letter from the Central Planning Authority dated 23 November 2020. We were requested to submit a phasing plan that shows the farm being developed in smaller increments.

Our response is as follows:

The site is approximately 10 acres in size and can be bifurcated into the following zones for farming purposes:

- a) an area with good soil which covers approximately 40% of the site;*
- b) rocky areas which cover approximately 30% to 40% of the site; and*
- c) mixture of rock and soil, which covers 20% to 30% of the site.*

The farm will therefore organically grow over the next five years in three phases as follows:

- a) Phase one being the development of the area with good soil to plant fruit trees and other crops. A restroom, small cabana and seedling nursery will be constructed in this phase. This phase is expected to last two (2) years.*
- b) Phase two, which will relate to the construction of a shadehouse in the rocky area. Only the footprint of the shadehouse will be developed on. This phase is planned for years three (3) to four (4).*
- c) Phase three, which relates to the expansion of fruit tree and crop farming into the areas with a mixture of rock and soil for years four (4) to five (5).*

In addition, the areas in the front towards the Sunnyfield road and the side boundaries

will be left with approximately ten (10) feet of bush to provide a tree/shrub buffer. In addition, the majority of mature trees on the site will not be cleared so they can be utilized to shade crops during the hot summer months and to act as a natural trellis for passion fruit vines.

The Applicant does not intend to sell any produce from the farm premises. Produce will be delivered to customers. Visits to the farm by potential customers will be very limited and discouraged so as to minimize risk of transmission of crop diseases. The farm is being developed as a production site and not a market place.

We would also like to provide the following clarification to the CPA:

1) The site is not raw undeveloped land. The site is an existing farm that is now overgrown as a result of not being used for a number of years. When the Applicant acquired the farm in 2018, the previous owner had farmed fruit trees on the site and the following infrastructure was on the site:

a). The southern (facing Sunnyfield road), western and eastern boundaries of the farm were fenced, the fencing is now dilapidated.

b). The entrances to the farm from Sunnyfield road were gated and have entrance pillars to hold gates. The gates have since been stolen.

c) A fully equipped well with a pump on the front of the property (this well is separate from the natural well that DOE has requested we do not use).

d) Irrigation pipes on the site. The pipes ran from the front to the back of the property as they were used to water fruit trees throughout the site.

We therefore request that the CPA not treat our rehabilitation of this site, as a new development of raw land, but a continuation of its existing use.

2) The current application before the CPA is for the development of restroom facilities and related infrastructure, contrary to the subject of the CPA letter dated 23 November 2020, which appears to suggest the application was for permission for a crop farm and a restroom. We did not apply to the CPA for permission to plant crops on the site as crop farming is exempt from the requirement to obtain planning permission by section 13 (3) (d) of the Development and Planning Law (now an "Act").

We respectfully request the approval of our application to build a restroom and please do not hesitate to contact us should you have any questions.

See appendix "D"

Photos

1. *Water well pump after it was destroyed by fire when a CUC power line fell into the property.*



2. Entrance to the farm



3. Remaining Fence Posts for property boundary along Sunnyfield Road.





Second entrance



Piping







**2.11 JOHN HURLSTON (Architectural Designs and Cayman Contemporary Style)
Block 25B Parcel 275 (P21-0045) (\$520,000) (JP)**

Application for modification to remove condition 1.

FACTS

<i>Location</i>	Mahogany Way, Prospect
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.2292 ac. (9,984 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	2532.8 sq. ft.
<i>Total building site coverage</i>	25.4%
<i>Allowable units</i>	3
<i>Proposed units</i>	4
<i>Allowable bedrooms</i>	5

<i>Proposed bedrooms</i>	8
<i>Required parking</i>	6
<i>Proposed parking</i>	6

BACKGROUND

October 28, 2020 (**CPA/18/20; Item 2.3**) – Agent requested an appearance with CPA following the 2nd September adjournment where CPA sought revised drawings detailing a maximum of 3 apartments. Members resolved to grant Planning Permission subject to the inclusion of condition 1 which states:

- 1) The applicant shall submit revised plans showing:
 - a) a maximum of three (3) apartment units; and
 - b) compliance with all minimum required setbacks.

And the reasons for the decision:

- 1) Per Regulation 9(8) of the Development and Planning Regulations (2020 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) Given the conditions of approval requiring compliance with unit density and setbacks, then with the exception of the lot size and number of bedrooms, which are addressed below, the application complies with the Development and Planning Regulations (2020 Revision).
- 3) The proposed application does not comply with the maximum allowable number of bedrooms and the minimum required lot size per Regulations 9(8)(c) and (f) of the Development and Planning Regulations (2020 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the additional bedrooms and lesser lot size as follows:
 - a) The characteristics of the proposed development are consistent with the character of the surrounding area; and
 - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.

No revised plans received to date.

September 2, 2020 (CPA/14/20; Item 2.7) – Members considered the application and adjourned determination to enable the submission of revised plans showing a maximum of three (3) apartments and compliance with all minimum required setbacks.

Recommendation: Discuss the application, for the following reasons:

1) Reasons provided on CPA decision CPA/18/20; Item 2.3

APPLICANT'S LETTER

On behalf of our client, we wish to apply for the removal of condition #1 , from the approval of apartments on Block:25B Parcel:275. This condition is that the building has a maximum of 3 apartments and meet all set back requirements

The proposed apartments consist of 4 units and 4 bedrooms w/ lofts . where the allowable is 3.45 units and 5.5 bedrooms (as the lot size is 0.23 acre), which we have provided the required parking spaces for.

Our left & rear set backs are 5' shorter than the required. Mainly due to the odd shape of this property. But we were still capable of being less than our 30% site coverage (27%).

In reference to section 8(13) of the Development and Planning Regulations. Our proposal characteristics are consistent with that of the surrounding area. Actual approved project with very similar variances are #1.(22D 230 - 5 apartments on 0.29 with an allowable of 4.35), #2.(24E 618 - 8 apartments on 0.5 with an allowable of 7.5) and #3.(25B 474 -4x2 story apartments with side set back of less than 10'). These are all in the Prospect area .

Also please take in consideration that we had no one objecting to this project, which is clearly an enchancement of the area.

We feel, base on the additional information given to the CPA, that condition #1 can be taken out.

PLANNING DEPARTMENT ANALYSIS

General

An application to modify condition 1 of CPA decision CPA/18/20; Item 2.3

Zoning

The property is zoned Low Density Residential.

2.12 IAN O’CONNOR (GMJ Home Plans Ltd) Block 38B Parcel 606 (P21-0019) (\$25k) (JP)

Application for 6’ high vinyl fence.

FACTS

<i>Location</i>	Fern Rock Drive, Lower Valley
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors

BACKGROUND

October 2nd, 2018 (**P18-0929**) – application for a house approved administratively
August 27th, 2020 (**P20-0661**) – application for an addition and pool approved administratively

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

- 1) Height of fence (6’ v 4’)
- 2) Location of fence

AGENCY COMMENTS

Comments from the National Roads Authority are noted below.

National Roads Authority

No comments received.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in the Lower Valley area served by Fern Rock Drive which forms the western boundary and Peseta Drive located to the east. Vacant lots are sited to the north and south.

The application seeks Planning Permission for the installation of a 6’ high vinyl fence along the shared property lines and adjacent to Peseta Drive.

Zoning

The property is zoned Low Density Residential.

Specific Issue

1) Height of fence (6’ v 4’)

Section 4.3.1 of the Fence and Wall Guidelines seeks to limit the height of a solid

fence to 4' in height.

The application seeks Planning Permission for 6' high along shared property boundaries and adjacent to the roadside boundary with Peseta Drive.

Members are invited to consider the acceptability of such.

2) Location

The Authority has recently required fences to be setback a minimum of 4 ft from a roadside lot line. The application seeks Planning Permission for the eastern fence to be installed on the roadside boundary with Peseta Drive.

Members are invited to consider the acceptability of such.

2.13 PAUL KEEBLE (Tropical Architectural Group Ltd) Block 15E Parcel 108 (P20-1124) (\$58,000.00) (BES)

Application to modify planning permission to increase the pool equipment enclosure.

FACTS

<i>Location</i>	South Sound Road
<i>Zoning</i>	BRR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.97 ac. (42,253.2sq. ft.)
<i>Proposed building size</i>	91 sq. ft.
<i>Total building site coverage</i>	21.2%

BACKGROUND

September 2, 2020 (CPA/14/20; Item 2.3) CPA granted planning permission for swimming pool with equipment room and LPG Tank with conditions

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

- 1) Side setback (10.5' vs. 20')

AGENCY COMMENTS

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

Department of Environment (NCC)

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

The Department did not support the application for a pool. However, we note that it was approved on 2 September 2020 (CPA/14/20; Item 2.3). This application is landward of the existing structure and therefore we have no further comments.

However, the beach is a sea turtle nesting beach. The previous application (P20-0264) included conditions related to turtles which should be placed on this application as well.

These conditions were:

- *If the structure has any exterior lighting, the applicant shall submit a plan for turtle friendly lighting which minimizes impacts on sea turtles and is prepared in accordance with the Department of Environment's guidelines and approved by the Central Planning Authority.*
- *The applicant shall obtain written approval from the Department of Environment that there are no turtle nests on site that will be negatively impacted by the commencement of works.*
- *Construction materials shall be sited as far back from the beach as possible to maximise nesting habitat and any materials on the beach during turtle nesting season (May to November) shall be fully enclosed in fencing embedded at least 2 feet into the sand.*
- *Any sand excavated as part of the construction works shall remain on site and be returned to this beach system.*
- *No construction work, vehicle access, storage of equipment/materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.*

APPLICANT'S LETTER

Further to the application submitted in relation to the above referenced Project, we hereby request for a setback variance to a site plan which requires a minimum of 75 ft setback from the highwater mark per Planning Regulation 8 (10)(f) and a minimum of 20 ft side setback for a Beach Resort/Residential zone per Planning Regulation 15(4)(b)(i).

We would appreciate your consideration for this variance request on the following basis:

(1) Under Regulation 8 (13)(b)(i), the characteristics of the proposed development are consistent with the character of the surrounding area: The previously approved swimming pool and LPG tank will remain on the same location, only the pool equipment location and its size will have to be adjusted in order to accommodate the capacity of the swimming pool. The new pool equipment enclosure location will still be at least 10'-6" away from the nearest boundary. We hope that the CPA board will find this request acceptable since there is no other place, we can fit them on site than its current proposed location.

PLANNING DEPARTMENT ANALYSIS

General

The application is to modify planning permission to increase the pool equipment enclosure from 30.31 sq ft to 91-sq ft at the above-captioned property. The site is located on South Sound Road.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Side Setback

When the pool equipment room was first approved, the Authority allowed a side setback of 15’ vs the required 20’. The applicant is now proposing to shift the room further away from the sea and as the parcel tapers at the new location, the new side setback will be 10’-6”. The Authority needs to determine if this setback is acceptable per Regulation 15(4)(b)(i) of the Development and Planning Regulations (2020 Revision).

2.14 JAMES MILLER (Northern Construction) Block 58A Parcel 47(P21-0055) (BES)

Application to modify condition 3) of CPA/07/07; item 2.16 to allow a gravel surface instead of asphalt.

FACTS

<i>Location</i>	Frank Sound Road
<i>Zoning</i>	AR
<i>Parcel size proposed</i>	0.3 ac. (13,068sq. ft.)

BACKGROUND

March 7, 2007 (CPA/07/07; Item 2.16) - CPA granted planning permission for a duplex. Building Permit issued on May 16, 2007.

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

1. Change of pavement from asphalt to gravel surface - condition 3) of (CPA07/07; Item 2.16).

APPLICANT’S LETTER

Letter 1

We are proposing to change the driveway from asphalt to a gravel driveway. Everything else will remain the same.

Letter 2

I write this letter on behalf of Mr James Hall Miller block 58a47, permit # B07 0343.

MR James Miller is building a duplex in the District of North Side frank sound. And is asking that the planning dept would issue him his ceo for unit 1. His Ceo was refused because he did not have the parking lot completed at the time.

When Mr Miller went to borrow the money from the bank he did not have in his budget money to do the parking for the first phase.

He is now in the stage to go back to the bank for financial assistance. But before the bank would lend him anymore money. They are requesting that he have the Ceo for unit 1.

It is in the second phase of completing unit 2 that he will do the parking lot, and is asking your self and the board to consider this request.

He is hopeful that your self and the board would understand the situation.

If you have any further questions please don't hesitate to get in contact with his contractor.

PLANNING DEPARTMENT ANALYSIS

General

The application is to modify condition 3) of CPA/07/07; Item 2.16 to allow the parking lot pavement from asphalt to gravel surface at the above-captioned property. The site is located on Frank Sound Road.

Zoning

The property is zoned Agricultural Residential.

Specific Issue

1) Change of Parking Lot Pavement

The applicant is requesting to modify condition 3) to allow the parking lot to be surfaced with gravel instead of asphalt. From a planning perspective, the Department has no concerns regarding the change of parking lot pavement to gravel surface.

2.15 LAURA BUTZ (TRIO) Block 14E Parcel 90 (P20-0988) (\$1M) (JP)

Application for duplex, swimming pool, wall.

FACTS

<i>Location</i>	Melmac, George Town
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.31 ac. (13,385 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	4664 sq. ft.
<i>Total building site coverage</i>	20%
<i>Required parking</i>	2
<i>Proposed parking</i>	4

BACKGROUND

Sister application for adjacent site 14E 91 also being considered by CPA P20-1029

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

- 1) Location of boundary wall

AGENCY COMMENTS

Comments from the National Roads Authority are noted below.

National Roads Authority

The NRA would strongly encourage the CPA to require the applicant to make sure that the sight line at the junction is not impeded and the following NRA requirements are met;

4.6.3 SIGHT DISTANCE:

The minimum intersection sight distances as measured from a point 15 feet back along the centreline of the minor road and three and one half feet (3 1/2') above the road surface shall be one-hundred and fifty feet (150') and, two-hundred and thirty feet (230') for major road speed limits of 25 MPH and 30 MPH respectively, as measured along the near edge of the running carriageway. Vertical stopping sight visibility shall be a minimum of 200', with an observer height of 3.5' and an object height of 6", for design speeds of 25mph and 30mph.

Please also have the applicant set back the wall two (2) to three (3) feet on both

*Windies Lane and Melmac Avenue to allow for a pedestrian foot path.
Finally, the applicant should provide a plan detail of the proposed wall.*

PLANNING DEPARTMENT ANALYSIS

General

The application site occupies a corner lot in the George Town area with Windies Lane running to the north and Melmac Avenue forming the western boundary. A vacant lot (subject to a sister application) is located to the south and an existing dwelling is sited to the east.

The application seeks Planning Permission for a duplex, pool and wall.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Location of wall

The Central Planning Authority generally require walls to be set back 4' from the roadside boundary.

The proposal seeks Planning Permission for the construction of a 3' 6" high rendered block wall located on the boundary.

Members are invited to consider whether the proposal is acceptable in light of previous decisions and having regard to NRA comments.

2.16 LAURA BUTZ (TRIO) Block 14E Parcel 91 (P20-1029) (\$1M) (JP)

Application for duplex, swimming pool, wall.

FACTS

<i>Location</i>	Melmac, George Town
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.29 ac. (12812 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	4664 sq. ft.
<i>Total building site coverage</i>	20%
<i>Required parking</i>	2
<i>Proposed parking</i>	4

BACKGROUND

Sister application for adjacent site 14E 90 also being considered by CPA P20-0988

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

- 1) Location of boundary wall

AGENCY COMMENTS

Comments from the National Roads Authority are noted below.

National Roads Authority

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

The NRA requests that the CPA have the applicant set the wall back from the boundary line two (2) to three (3) feet on Melmac Avenue to allow for a pedestrian foot path.

Finally, the applicant should provide a plan detail of the proposed wall.

PLANNING DEPARTMENT ANALYSIS

General

The application site occupies a lot in the George Town area with Melmac Avenue running to the west and existing neighbouring properties sited to the south and east. Vacant lot (subject to a sister application) is located to the north.

The application seeks Planning Permission for a duplex, pool and wall.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Location of wall

The Central Planning Authority generally require walls to be set back 4' from the roadside boundary.

The proposal seeks Planning Permission for the construction of a 3' 6" high rendered block wall located on the boundary.

Members are invited to consider whether the proposal is acceptable in light of previous decisions and having regard to NRA comments.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

5.1 CUC – NATURAL GAS STRATEGY (HP)

Appearance at 1:00

Representatives from CUC will provide a brief on their consideration of natural gas as a transitional fuel in the Cayman Islands energy transition that would result in a cost of fuel that is lower and less volatile than diesel with a significant reduction in emissions.

6.0 CPA MEMBERS INFORMATION/DISCUSSIONS

Appendix 'A'



Dotcom Centre
342 Dorcy Drive
Airport Park
PO Box 10 004
Grand Cayman
KY1-1001
Cayman Islands

ARCHITECTURE

6th January 2021

T: 345 946 3625
F: 345 946 3637
doak@johndoak.com

Central Planning Authority
c/o Planning Department
Government Admin Building
Elgin Avenue
Grand Cayman

Via OPS

Sirs,

Re: GREENERY – 12C 213 – Application for Part Change of Use

With reference to the below 29th October 2020 email received from the Planning Department regarding the above captioned application, we respond as follows in **bold**:

1) Regulation 2 defines a warehouse as:

“any building designed or adapted for the storage of goods other than goods held for sale by retail”

- **The existing buildings on 12C213 comprise a single storey section that houses two retail units (J Michael and Tortuga Rum), both of which have storage space in the rear of the premises.**
- **The existing space used for storage is a significant part of the proposed “change in use” space proposed to become for mini warehouse storage space.**
- **The eastern portion of the building is three storeys tall and entirely comprises mini warehouse space. This eastern section of the building was approved by CPA in 2015 (ref: CPA/24/15-2.1) and permitted by CIG for construction on 16th Jan 2017.**
- **Mini warehouse space is for “the storage of goods” as defined by the regulation 2 and the change in use application is for that purpose.**

2) Regulation 13(1)(a) sets out that General Commercial zones are:

“in which the primary use is commercial, including, but not limited to, use for —

- (i) banks and other financial institutions;
- (ii) shops for the selling of groceries, books, souvenirs, and pharmaceutical goods and for the selling or repair of jewellery, furniture, hardware, wearing apparel, and radio, television and electrical goods;

- (iii) restaurants, bars and other catering facilities; (iv) chambers, rooms and offices where professional services are provided including legal, accountancy and real estate offices;
- (iv) the premises of cobblers and seamstresses;
- (v) supermarkets;
- (vi) petrol stations;
- (vii) motor vehicle, motor cycle and cycle sale rooms and rental offices;
- (viii) professional premises used by doctors, dentists and other health care providers and medical laboratories;
- (ix) parking facilities provided on a commercial basis; and
- (x) recreational facilities including theatres, night clubs, miniature golf links, bowling alleys, dance halls and amusement arcades;”

We submit that this application for a change of use is consistent with Regulation 13(1)(a) and as previously approved for this building by the CPA (ref CPA/24/15-2.1)

3) Regulation 13(1)(b) defines the Neighbourhood Commercial zone as:

“zones in which the primary use is a less intense form of development of that permitted in a General Commercial zone and which **cater principally for the needs of persons resident in, or in the vicinity of, the zone**” (my emphasis)

Per the applicant’s 2015 submission, and noting that in addition to the three storey storage space on 12C 213, the applicant has a two storey storage building at 12C 263 and that in both buildings the storage is close to full capacity and is used by “residents in the vicinity of the Canal Point Road, many of whom own condo apartments and use the space for storage when they are not in residence and at times when a storm requires them to accommodate their outdoor furniture and other goods in a safe/dry place”

4) The Development Plan 1997 3.02b defines Neighbourhood Commercial as:

“commercial nodes outside of central George Town and provide for a less intense commercial use, with limits on building heights and site coverage. Neighbourhood Commercial shall include shops, and **businesses that service the needs of the community**. Smaller scale professional buildings as well as grocery stores are typical uses. This zone shall also allow mixed use of commercial and residential” (my emphasis)

The proposed development constitutes ‘storage and warehousing’ which is considered as ‘light industrial’ use as defined in the Development Plan at 3.06(d) and not recognised as a permitted use in a neighbourhood commercial zone as opposed to industrial development zone or (b) even if permissible, would only be permissible to serve the needs of the residents of the community.

On that basis, the application will need to be supported by an assessment of community need. Fortunately, your client will be able to draw upon the existing facility – I current occupancy rates and identification any other provisions within the vicinity is included within the assessment.

Per earlier responses, the existing storage spaces that are on Canal Point Road provide a “business that services the needs of the community”.

Connection

It appears a connection point is proposed between the two buildings – in the upper section. Can you confirm this please? If correct, I will amend description to reflect this.

The buildings are indeed inter connected, noting the ground level of the three storey building currently provides access to the single storey section, all as approved in 2015.

Parking provision

Current parking provision is 26 spaces where an anticipated demand in excess of 50 spaces is required for the existing situation.

The proposed change of use would reduce the anticipated demand down to 34. I suggest this betterment is put forward in your supporting documents.

Per the 2015 submission to the CPA it was noted that mini warehouse storage is rated at 1:1000 sqft. As you correctly point out the change of use concerns currently commercial/retail space (rated at 1:300) to become mini warehouse storage (1:1000) and therefore is a considerable reduction in demand and the current parking compliment more than compensates for the revised requirement. Please also note that the ground level parking on the eastern side is where most users of the mini warehouse facility would park there cars for the limited time they use the facility.

Notices

Notices are required for a radius of 300'.

Notices have been issued to 619# neighbouring properties. We understand that there is 1# respondent to the notifications and that the application is to be heard in February 2021 at which time the applicant can respond to the CPA.

Yours Sincerely,

JOHN DOAK ARCHITECTURE



John CJ Doak,
CI Cert Hon., ARB, RIAS, RIBA, ICIA

Encls



Box 11637, Grand Cayman KY1-1009
CAYMAN ISLANDS
Tel: (345) 949-7750
Fax: (345) 949-0239
Email: mlniwarehouse2@candw.ky
Website: miniwarehouse2.ky

11th January 2021

Central Planning Authority
c/o Planning Department
Government Admin Building
Elgin Avenue
Grand Cayman

Via OPS

Dear Sirs,

Re: GREENERY – 12C 213 – Application for Part Change of Use

Mini Warehouse Two Ltd writes in response to the objection received from Anne Pike dated 26th November 2020 in regard to the above planning application.

We are not sure that Ms Pike has correctly interpreted the application.

The Greenery is not located “just across the street from Water’s Edge” nor adjacent to the Ritz Carlton nor does it face Coral Stone Club, nor is “the Governor’s residence very near to the proposed buildings”

It is located across from Beachcomber and the Meridian and has been located there from before either were built or more correctly rebuilt following Ivan.

Our application is not to “build warehouse storage space” but for a change of use of the rear section of the Greenery Building from mass storage of the J Michael store into individual storage units accessed from the undercover rear car park of the building. There is absolutely no change in external appearance of the Greenery building as it now exists and has existed for more than 40 years.

There will be no “concrete block storage buildings with their necessary security lighting and foot after foot of fencing and renters transport vehicles”.

The tenant to the road facing front of the building will change from J Michael a budget clothing outlet to Kirk Freeport selling Rolex watches and upmarket fragrances, serving the needs of the

Self-Service Storage
Climate Controlled Storage
Airport Industrial Park
The Greenery West Bay Road
Canal Point West Bay Road

community in this area.

With regard to the need for additional storage in this area, our current facility operates at 97% occupancy with a waiting list.

In the West Bay South area, the population in 2019 was 4,005 and in George Town North the population was 4,986 ie a total of 8,991 persons in the Seven Mile Beach corridor. Within the Self-Storage Industry, the standard supply and demand metrics are 7 square feet of storage supply per capita. Therefore, based on the above the need for self-storage within the Seven Mile Beach corridor is 62,937 sq ft, whereas the current supply is 14,123 sq ft, some 80% short of market demand, and with the addition of the proposed Governors Village with an area of 15,225, the total supply will be 29,348 sq ft still 53% short of projected demand.

Further the Greenery Facility is in the centre of one of the highest concentrations of condominiums on the beach with some 423 units between the Coral Stone Club and the Colonial Club.

We therefore disagree with Ms Pike's objection to our planning application and believe she has not studied the detail of our application and indeed may be confusing our application with that of Governor's Village.

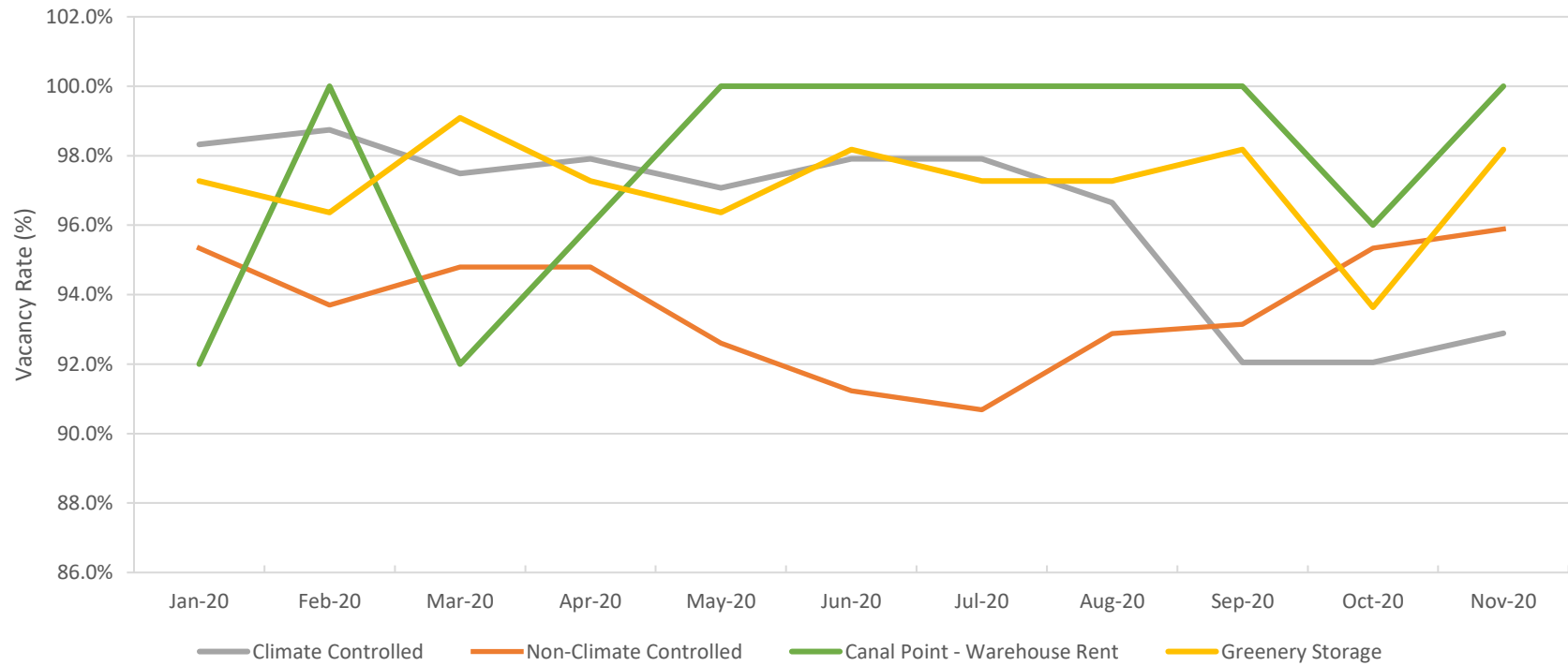
We thank the Authority for inviting our response to this objection.

Your sincerely
MINI WAREHOUSE TWO LIMITED

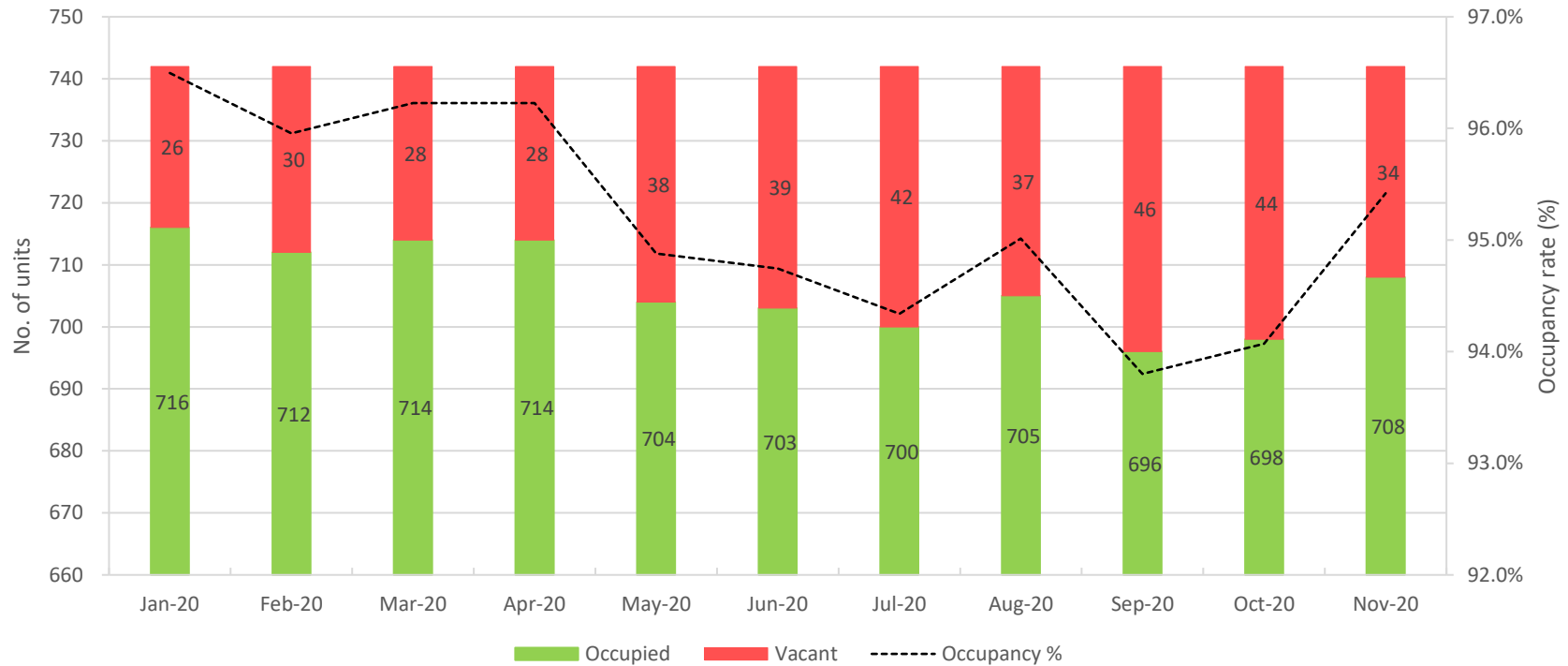
A handwritten signature in black ink, appearing to read 'Martyn Bould', with a horizontal line underneath the name.

MARTYN CW BOULD MBE FRICS
CHAIRMAN

2020 Occupancy % by Type



2020 YTD Occupancy



	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20
Climate Controlled	98.3%	98.7%	97.5%	97.9%	97.1%	97.9%	97.9%	96.7%	92.1%	92.1%	92.9%
Non-Climat Controlled	95.3%	93.7%	94.8%	94.8%	92.6%	91.2%	90.7%	92.9%	93.2%	95.3%	95.9%
Canal Point - Warehouse Rent	92.0%	100.0%	92.0%	96.0%	100.0%	100.0%	100.0%	100.0%	100.0%	96.0%	100.0%
Greenery Storage	97.3%	96.4%	99.1%	97.3%	96.4%	98.2%	97.3%	97.3%	98.2%	93.6%	98.2%
Occupancy %	96.5%	96.0%	96.2%	96.2%	94.9%	94.7%	94.3%	95.0%	93.8%	94.1%	95.4%

Climate Controlled

Occupied	235	236	233	234	232	234	234	231	220	220	222
Vacant	4	3	6	5	7	5	5	8	19	19	17
Total	239	239	239	239	239	239	239	239	239	239	239

Non-Climate Controlled

Occupied	348	342	346	346	338	333	331	339	340	348	350
Vacant	17	23	19	19	27	32	34	26	25	17	15
Total	365	365	365	365	365	365	365	365	365	365	365

Canal Point - Warehouse Rent

Occupied	23	25	23	24	25	25	25	25	25	24	25
Vacant	2	-	2	1	-	-	-	-	-	1	-
Total	25	25	25	25	25	25	25	25	25	25	25

Greenery Storage

Occupied	107	106	109	107	106	108	107	107	108	103	108
Vacant	3	4	1	3	4	2	3	3	2	7	2
Total	110	110	110	110	110	110	110	110	110	110	110

TOTAL

Appendix 'B'

Peacey, Jessica

From: Department of Planning
Sent: Friday, November 27, 2020 10:38 AM
To: Peacey, Jessica
Subject: FW: [EXTERNAL] petition notice

Ron Sanderson

Deputy Director of Planning | Current Planning Department of Planning | Cayman Islands Government | Government Administration Building,
133 Elgin Avenue | PO Box 113, Grand Cayman, Cayman Islands KY1-9000
1 +1 345 244-6504 (Main) +1 345 244- 6501
- ron.sanderson@gov.ky| www.planning.ky

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-----Original Message-----

From: Anne Pike [mailto:a@pike.fm]
Sent: Thursday, November 26, 2020 5:03 PM
To: Department of Planning
Subject: [EXTERNAL] petition notice

Good Afternoon to our Planning Department,

Thank you very much for making me aware of the petition you have received from Mimi Warehouses Two, Ltd. applying to build warehouse storage space just across the street from my home at Water's Edge on West Bay Road. The proposed structure would be adjacent to the beautiful property of the Ritz-Carlton, Grand Cayman, facing another property, Coral Stone Club, also a property that brings quiet beauty to West Bay Road and Seven Mile Beach and the other surrounding Seven Mile Beach properties and low profile businesses that the island can count on as places always trying to put the best face forward to our visitors and an area always striving to be a credit to Seven Mile beach and Grand Cayman.

This proposal will bring no assets to a part of the beach that needs no more hurt than it has already incurred with losses of jobs and business in wake of this devastating year already. On this part of West Bay Road, our main throughfare for tourism, there is no need whatsoever for concrete block storage buildings with their necessary security lighting and foot after foot of fencing and renters' transport vehicles which will be permanently painful everyday for those of us in the neighborhood. For us residents, who are Caymanian citizens living nearby, and even the Governor, whose residence is also very near to the proposed buildings, and who will find ourselves living in sight of the proposed structure that will not only destroy the little natural vegetation we have left surrounding us, but the lights, the fencing,

the transport vehicles, will make anything we might do in the future to maintain or improve the existing properties that make up our neighborhood just wasted effort and make us question what else is going to impact us now.

When visitors can return and are once again touring our island, how can they not question why storage buildings would be allowed to be built next to the Ritz and in an area that strives to be tranquil and to always make the island better. I am respectfully requesting your help in denying the petition because it only takes allowing one such property of this nature to become the "beginning" that changes a whole neighborhood and not for the better. Thank you in advance for assisting me and my neighbors in any way you can to prevent this from happening.

Kind regards,

Kathryn Ann Pike

Appendix 'C'

Peacey, Jessica

From: Department of Planning
Sent: Wednesday, November 25, 2020 9:31 AM
To: Peacey, Jessica
Subject: FW: Letter re: application on Block 22D/320 & 22D/141 REM12
Attachments: Letter to Planning re Ergun Berksoy - 24Nov2020.docx



DEPARTMENT OF PLANNING
Cayman Islands Government

Ron Sanderson

Deputy Director of Planning | Current Planning

**Department of Planning | Cayman Islands Government | Government Administration Building,
133 Elgin Avenue | PO Box 113, Grand Cayman, Cayman Islands KY1-9000**

+1 345 244-6504 (Main) +1 345 244- 6501

ron.sanderson@gov.ky | www.planning.ky

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From: Rugs Oriental [mailto:rugsoriental@candw.ky]
Sent: Tuesday, November 24, 2020 4:35 PM
To: Department of Planning
Cc: Pandohie, Haroon
Subject: Letter re: application on Block 22D/320 & 22D/141 REM12

Dear Sir / Madam,

Please find attached a letter of objection to the planning application for Block 22D/320 & 22D/141 REM12 owned by Ergun Berksoy.

Please could you acknowledge receipt of this email.

Kind Regards,

Diana Quin (925 5987)

Personal Email: dianaelizabethquin@yahoo.co.uk

24TH November 2020

Director of Planning
PO BOX 113
KY1-9000

56, Selkirk Drive, Red Bay
PO Box 10744
KY1-1007

Dear Sir / Madam,

RE: Application for the planning permission on Block 22D/320 & 22D/141 REM 12 owned by Mr. Ergun Berksoy and submitted by W & W Architects , PO Box 1342 GT, KY1-1108 and submitted on 4th November 2020 and posted on 6th November 2020 for the purpose of an 83 Lot Subdivision consisting of: 5 Apartment lots; 64 Residential Lots; 1 Neighbourhood commercial lot; 3 LPP Lots and 10 Road Lots ("The Application")

I am an adjacent landowner, on Block 23B Parcel 96, to the application. My husband, the late Mr. Justice Charles Quin QC and I have owned this property and lived on it for over 35 years. I received the notice of application for planning purposes and visited the planning department to view the plans. Having studied the plans carefully I am now making a formal objection to the application as my right as an adjacent landlord.

1st Formal Objection – Road and Freshwater Pond

My first formal objection is in relation to the position of a 30 foot road which is proposed to run adjacent to my land and join Princess Street and Shamrock Road. This seems to be a proposed new road into the land owned by Mr Berksoy. At present this road appears to be going right through the middle of a permanent freshwater pond which straddles both his and my property. For background, please note that we have never been able to enclose this section of our property because of the presence of the permanent pond. I am very surprised a road could even be proposed there as when viewed from the aerial photographs it shows the boundary going straight through the middle of the pond.

This freshwater pond has been in existence prior to our purchase of our property in 1985 and was pointed out by the previous owner. Following Hurricane Ivan, many of our trees were destroyed, we cleared them from the land and opened up the pond area. The pond and surrounding vegetation are an important ecosystem being one of the rare freshwater habitats remaining in Grand Cayman, especially in the Western half of the island. This pond supports many species of breeding waterfowl including moorhens and green herons as well as a feeding area for all species of waterfowl both resident and migrant. It also supports nesting endemic land birds: yellow warbler, loggerhead Kingbird, Western Indian Woodpecker and more as well as migrants in winter.

Most importantly, the pond has a resident population of the endemic West Indian Whistling Duck, a species listed as **vulnerable** under the International Conservation Classification of endangerment, it is threatened locally in the Cayman Islands and throughout its decreasing range in the Caribbean. We have watched pairs of West Indian Whistling Ducks rear broods of ducklings every year for the last 15 years and would be appalled that these endangered and vulnerable birds would lose yet another safe sanctuary on this island so that a road could be built through it.

There appears to be plenty of land to develop within this proposed development and it should be possible to avoid destroying another special wildlife habitat. I therefore strenuously object to the Application and the plans that call for a road to be built adjacent to our Eastern boundary as it will adversely affect and/or

destroy this freshwater pond and habitat for all types of water birds including vulnerable West Indian Whistling Ducks.

2nd Formal Objection – Scale of Development & Position of Exit Roads:

My second formal objection regards the scale of the development and the adverse effect that it could have to the surrounding established neighbourhoods in its present form.

- a) The proposed area of development is very low lying so I presume it will have to be filled to a high level in order to prevent flooding. This could cause dramatic drain off problems to the adjacent low lying older residential areas of Admirals Landing and Red Bay. I am most concerned about the storm water management plans.

This is also the narrowest part of Grand Cayman and such a huge development will destroy the native vegetation and will make the area more vulnerable to the storm surges experienced during a hurricane, as happened in Hurricanes Gilbert and Ivan, which could contribute to devastating flooding into our areas.

- b) On the plans there are 5 apartment lots and a large commercial neighbourhood planned as a warehouse site. Neither of these seem appropriate to placed in an area zoned as low density residential.
- c) My last major concern is about the roads leading into the development. The private road on the plans running from Princess Street by my boundary to Shamrock Road looks as if it will access onto a dangerous part of Shamrock Road, where the traffic is already very congested, close to a school zone and very fast. This is another reason I'm objecting to the position of this road.

I look forward to hearing from you so that I may attend the Planning Application meeting when it is scheduled.

Yours Faithfully,

Mrs Diana Quin and the Quin Family

Director of Planning
PO BOX 113
KY1-9000

56, Selkirk Drive, Red Bay
PO Box 10744
KY1-1007
2nd February 2021.

RE: Application for the planning permission for an 83 Lot Subdivision on Block 22D/320 & 22D/141 REM 12, owned by Ergun Berksoy (the "Planning Application")

1. On 4th November 2020 (posted on 6 November 2020), W & W Architects submitted the Planning Application (defined above) on behalf of Ergun Berksoy.
2. By letter dated 24 November 2020, I submitted an objection to the Planning Application. This letter is supplemental to my letter of objection dated 24 November 2020 and is enclosed with documentation provided in support of it.
3. The Planning Application seeks permission for:
 - a. 5 apartment lots;
 - b. 64 residential lots;
 - c. 1 neighbourhood commercial lot;
 - d. 3 LPP lots; and
 - e. 10 road lots.

The nature and scale of the proposed development is entirely unsuitable for the area in which it is proposed, will be environmentally devastating and put untenable strain on the current infrastructure in the area.

1st Formal Objection – Road and Freshwater Pond

4. In my letter dated 24 November 2020, I assert two formal categories of objection. My 1st formal objection relates to the impact of the proposed road on a permanent freshwater pond that straddles my property and the property owned by Mr. Berksoy, that is the subject of the Planning Application.
5. I intend to file formal legal submissions in advance of the hearing of the Planning Application but briefly raise two legal issues, that will be elaborated on in those submissions. Firstly, significant setbacks and other restrictions apply to waterfront property, such as the subject property, that

do not appear to have considered in the Application. Secondly, it appears Mr. Berksoy intends to erect a road on that part of the pond that is within the boundary of his property; however, it is not possible to do so without devastating that part of the pond that is on my property. In addition to being an environmental catastrophe, the impact of that construction on that part of the pond that is located on my property is an actionable nuisance and if planning permission for that aspect of the project is granted, I will consider taking separate legal action.

6. Enclosed are the following documents that I intend to refer the tribunal to at the hearing:
 - a. A topographical survey of my boundary;
 - b. An aerial photograph showing the boundary between my property and the property that is the subject of the Planning Application, which runs through the middle of the pond.
 - c. A series of photographs taken over the years showing that the pond is permanent, the bird watching platform, various resident and visiting water birds including two families of the endangered West Indian Whistling Ducks.

I also intend to submit an expert report from an ornithologist prior to the hearing.

2nd Formal Objection – scale of the development & position of exit roads

7. My second formal objection relates to the unsuitability of the property that is the subject of the Planning Application for the project that has been proposed on it.
8. The proposed project will require the removal of the native vegetation, predominantly mangroves, and the filling of the permanent freshwater ponds and wetland areas on the subject property. That vegetation and the wetland areas on the property act as buffers in times of heavy rains and storms, allow the land to absorb these environmental impacts and prevent it being washed away. Removing these natural defenses will make an already very low-lying and vulnerable area more susceptible to severe flooding and erosion, particularly in the event of storm surges. It will also destroy an already vulnerable and steadily diminishing habitat for native wildlife.
9. The stormwater system in this area is ill-equipped to handle the current level of development and will be overwhelmed if this development is allowed to proceed. The Cayman Islands Government will have access to documentation that confirms the size and capacity of this system that I do not have access to. I have requested this information in an FOI request but ask that the Department of Planning make information in respect to the storm water system available to me and the Tribunal in advance of the hearing.

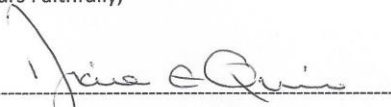
10. The roading in this area is also already extremely over-burdened. The access road in an out of the proposed development is intended to exit onto Shamrock Road at a point that is already so congested that it was necessary for the Government to station police officers at the intersections on both ends of the area, to physically manage the traffic in both the morning and evening busy periods. I am aware that the government has been grappling with how to manage the inadequacy of the roads in this area, which are already unable to adequately manage existing traffic flows. A number of studies and proposals for traffic management in this area have been done but and I have requested this information in an FOI request but ask that the Department of Planning make that information available to me and the Tribunal in advance of the hearing.
11. **Enclosed** is a map showing points in the area of this proposed development where traffic counts have recently been done and a document that provides the corresponding traffic figures.
12. The low-lying nature of the land in the area means that the elevation to which the proposed development will be required to be raised will create a flooding risk to neighbouring areas such as Admirals Landing and Red Bay. With the flooding of developed areas comes areas of standing water and increased mosquito breeding grounds, amongst other issues such as degradation of the man-made elements in those developments.
13. Climate change is affecting all of us already, we have seen it in the ferocity of the recent hurricanes in this region and extreme weather in different parts of the world. Destroying the Island's natural defenses to make way for developments like this, which are undesirable and out of character for the area anyway, is irresponsible. It falls to all of us to do what we can to help reduce this catastrophic climate change, not court it as this development will.
14. It must be the responsibility of every country to ensure that any future development which takes place is done sensitively to preserve the integrity of its land. Preservation of the natural trees which are the lungs, freshwater ponds and mangroves which act as natural buffers to extreme weather are vital for the safety of these islands.
15. The proposed development is too large for this area. If allowed to proceed, it will have a devastating impact on the environment, the local community and the roading in the area.

Postponement of Hearing

16. As mentioned above, I have submitted a request for information that is pertinent to this Planning Application under the FOI. I have not yet received a response to that request, and I do not expect to receive the requested documents until after 16 February, when this application is scheduled to be heard. To allow me to properly present my case before the tribunal, I would be grateful if the hearing of this Planning Application could be postponed until I have received the documents requested under the FOI.
-

17. Thank you for taking the time to consider my points and understand the reasons for my objections.

Yours Faithfully,

A handwritten signature in black ink, appearing to read "Diana Quin", is written over a horizontal dashed line.

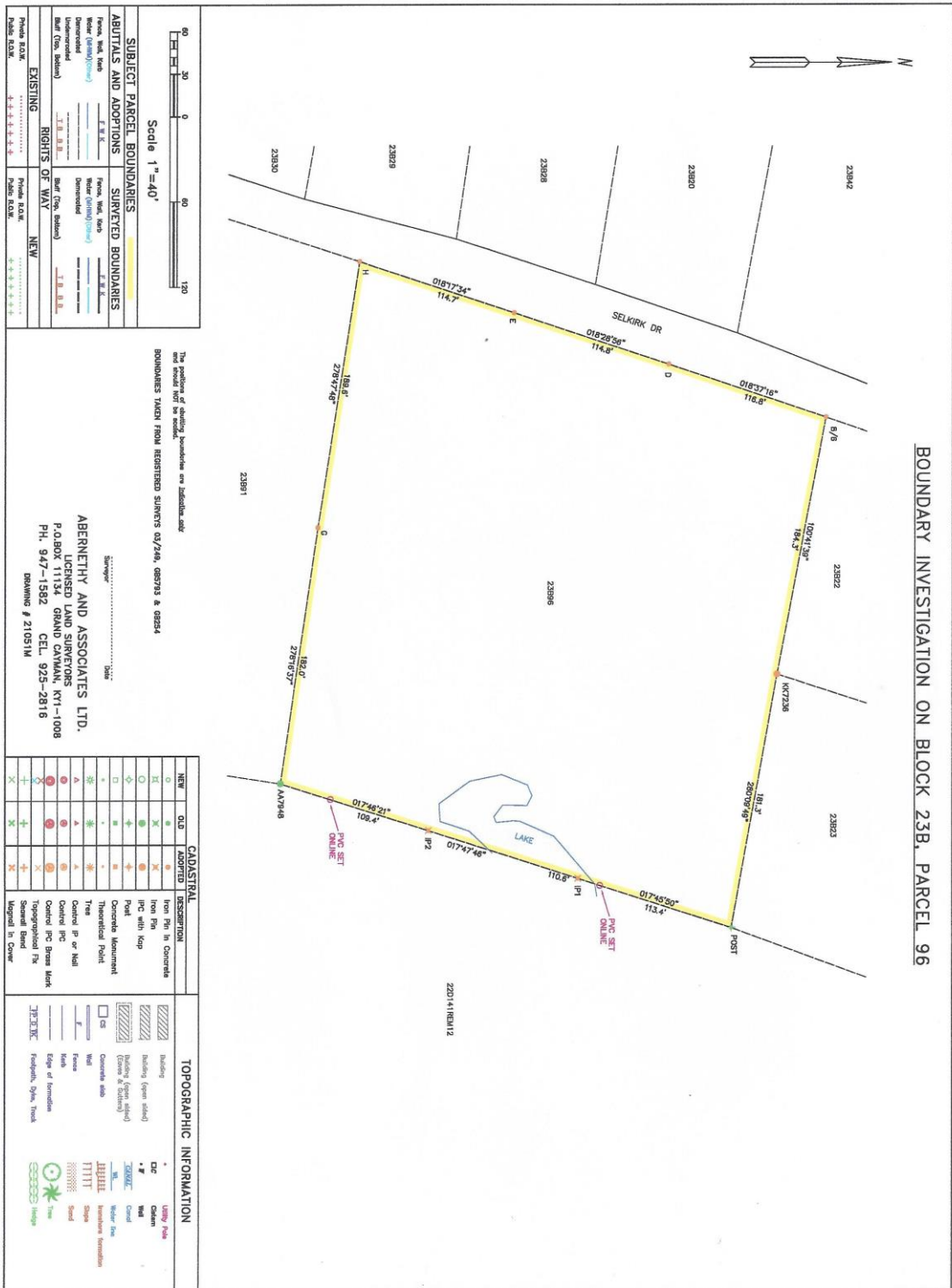
Mrs Diana Quin and the Quin Family

Supporting documents for letter dated 2nd February as follows:

6.
 - a. Topographical Survey of the boundary
 - b. Aerial Photograph showing the boundary
 - c. Series of Photographs showing the pond and resident water birds

11. ATR Traffic Locations
ATR Counts

6. a. Topographical Survey of the boundary



6. b. Aerial Photograph showing the boundary



[Add Map Title]



Legend

2/1/21 10:46 AM
1: 1,128



Notes
[Add Map Notes]



CAYMAN LAND INFO
www.caymanlandinfo.ly

Lands and Survey Department © Cayman Islands Government

1880 0 94.00 1880 Feet







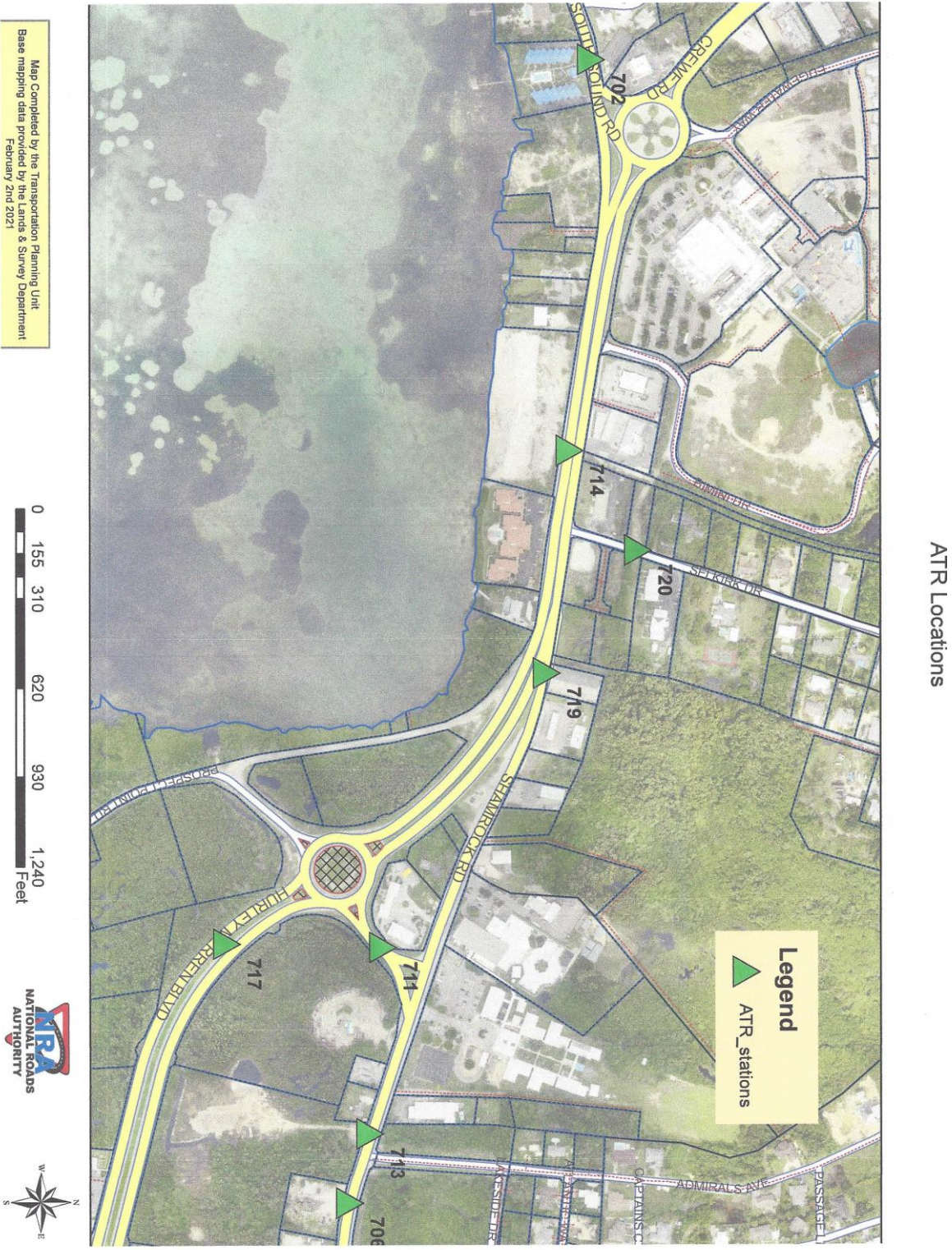








11. ATR Traffic Locations



ATR Locations

ATR Counts Shamrock Rd

Subject: ATR Counts - Shamrock Rd

ATR Code	ATR Location Description	Road Classification (2017)	Winter Weekday ADT2016	Winter Weekday ADT2017	Winter Weekday ADT2018	Speed Data - Avg	Speed Data - 85th Percentile
701	Shamrock Rd - E/O Marina Dr	Collector	6,670	6,735			
702	South Sound Rd. - W/O Shamrock Rd	Sec. Art.	7,625	8,270	8,215	26	33
714	Shamrock Road - W/O Selkirk Drive	Prim. Art.	37,870	39,100	40,395	33	39
716	Shamrock Rd - S/O EWA Tomlinson Roundabout	Sec. Art.	25,270	N/D	21,970	34	39
717	EWA - E/O AutoSpa Roundabout	Prim. Art.	22,950	23,230	24,990	40	46
719	Shamrock Road - EB slip lane at EWA (by Dilbert's Plaza)	Collector	8,140		7,805	29	35
720	Selkirk Drive - north of Shamrock Drive	Collector		2,335			

Director of Planning
PO BOX 113
KY1-9000

78 Selkirk Drive, Red Bay
PO Box 11125
KY1-1008
25TH November 2020.

RE: Application for the planning permission on Block 22D/320 & 22D/141 REM 12 owned by Ergun Berksoy and submitted by W & W Architects , PO Box 1342 GT, KY1-1108 and submitted on 4th November 2020 and posted on 6th November 2020 for the purpose of an 83 Lot Subdivision consisting of

- 5 Apartment lots;
- 64 Residential Lots;
- 1 Neighbourhood commercial lot;
- 3 LPP Lots and
- 10 Road Lots ("The Application")

Dear Sir / Madam,

We are adjacent landowners, on Block 23B Parcel 22 & Parcel 23, to the application.

We have owned our property and lived on it for ~10 years. We received the notice of application for planning purposes and visited the planning department to view the plans. Having reviewed the plans, as well as speaking with a representative at the NRA, we are making a formal objection to the application as our right as an adjacent owner.

First Objection – 10 Road Lots

Our first formal objection is in relation to the position of a 30 foot road which is proposed to run adjacent to our land and join Princess Street to Shamrock Road. This seems to be a proposed new road into the land owned by Mr Berksoy. At present this road appears to be going right through the middle of a permanent freshwater pond which straddles both his and our neighbour's land. When we purchased our land, there was no official indication of a Princess Street continuation being gazetted to happen, or be a Shamrock Road connector & there cut so close to our property.

To add the freshwater pond has been in existence prior to our neighbour's purchasing their property in 1985. The pond and surrounding vegetation are an important ecosystem being one of the rare freshwater habitats remaining in Grand Cayman, especially in the western half of the island. This pond supports many species of waterfowl & bird, which our neighbour is going to describe in their letter to you. Some of the species are listed as vulnerable in the Cayman Islands and the Caribbean.

There is adequate land to develop within the proposed application and therefore it should be possible to avoid destroying a special wildlife habitat in Cayman. I therefore strenuously object to the application and the plans that call for a road to be built adjacent to our eastern boundary as it will adversely affect and possibly destroy this freshwater pond and habitat for all types of water birds.

The proposed area of development is very low lying so will require to be filled to a high level in order to prevent flooding. This could cause dramatic drain off problems to the adjacent low lying older residential areas of Admirals Landing and Red Bay. We are most concerned about the storm water

management plans. Some wells will not suffice. Due to the Grand Harbour development, the opposite side of Selkirk residence flood frequently in heavy rains, this did not occur prior to Grand Harbour being built. We foresee this issue occurring to our properties if the current development application is approved in its current state.

This is also the narrowest part of Grand Cayman and such a huge development will destroy the native vegetation and will make the area more vulnerable to the storm surges experienced during a hurricane, as happened in previous storms, which could contribute to devastating flooding into our areas.

Second Objection – Scale of Development & Position of Exit Roads

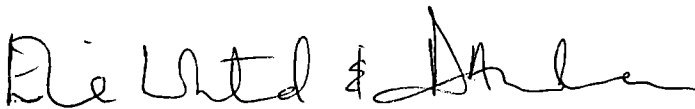
Our second objection regards the scale of the development and the adverse effect it could have to the surrounding established neighbourhoods in its present form.

In the application there 5 apartment lots and a large commercial neighbourhood planned as a warehouse site. Neither of these seem appropriate to be placed in or near an area zoned as low density residential.

The NRA representative that we spoke to also shared our concern about the roads leading into the development. The private road on the plans running from Princess Street by our boundary to Shamrock Road looks as if it will access onto a dangerous part of Shamrock Road, where the traffic is already very congested, and close to a school zone and moving very fast.

We look forward to hearing from you so that we may attend the Planning Application meeting once scheduled.

Kind regards,



Elaine Whitefield & Douglas Anderson

Appendix 'D'

Appendix 'E'

MEMORANDUM

TO: Director of Planning **YOUR REF:** P20-1094
ATTN: Jessica Peacey
FROM: Director of Environment **DATE:** 10 February 2021

SUBJECT: **Hotel Indigo** - 10 storey development including 282 guestrooms, three restaurants, retail spaces and a pool

BLOCK: 11B

PARCEL: 70, 91 & 94

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

The National Conservation Council (NCC) was consulted on the planning application for the proposed 10-storey Hotel Indigo development (P20-1094) on 23 December 2020. Section 41 of the National Conservation Law (NCL) (2013) requires that every Government entity shall comply with the provisions of the NCL and section 41(3) states that *“every entity shall, in accordance with guidance notes issued by the Council, consult with the Council and take into account any views of the Council before taking any action including the grant of any permit or licence and the making of any decision or the giving of any undertaking or approval that would or would be likely to have an adverse effect on the environment generally or on any natural resource”*.

Under the NCL, an entity is defined as any body of the government and includes the Cabinet, any ministry, portfolio, statutory authority, government company or any other body which exercise a public function. This definition would include the Department of Planning and the Central Planning Authority.

Section 43 (1) confirms that in any consultations pursuant to section 41(3) the NCC may, in its discretion and within such times as it may specify, require an environmental impact assessment (EIA). The EIA Directive (2016) prescribes the process for assessing whether a project requires an EIA – this process is called “screening”. The Directive states that all activities listed in Schedule 1 of the Directive will be considered against screening criteria to determine if an EIA is required. Item 10 of Schedule 1 is “Hotel and resort developments”. As the project is for a 10-storey hotel development it clearly falls within Schedule 1. In order to ascertain whether the development should be the subject of an EIA the NCC is required to screen the proposal and issue a Screening Opinion. The preparation of the Screening Opinion has been delegated by the NCC to the DoE (under section 3(13)). The Directive states that:

“The DoE shall issue a screening opinion to the NCC within 3 weeks beginning with the date of receipt of a request for screening, made in accordance with the provisions above. As soon as practical thereafter, the Council shall issue its decision to the originating entity on the requirement for an EIA, pursuant to Section 43(1)”.

The DoE has prepared its Screening Opinion however the NCC has not been re-appointed by Cabinet. The urgent need for re-appointment of Council members has been actively pursued by the DoE since October 2020, but formal appointment of NCC members by Cabinet is still awaited.

The DoE's comments to the CPA on behalf of the NCC under Section 41 of the NCL will need to reflect the outcome of the decision on the Screening Opinion. To do otherwise (i.e. submit comments before the NCC has been able to consider the Screening Opinion) would have the DoE prejudging the decision of the NCC in relation to whether or not an EIA is required for the project, which of course would be acting contrary to the provisions of the EIA Directive and therefore the NCL.

The DoE therefore urgently requests that this planning application is held in abeyance pending the appointment of the NCC to allow for the Screening Opinion and the review of the development application to be issued in accordance with the prevailing legal framework.

To grant planning permission for this development without taking into account the views of the National Conservation Council is contrary to the provisions of section 41(3) and 43 of the NCL. It also sends a clear message about the Central Planning Authority's and Planning Department's attitude towards the environment and the wider principles of sustainable development. Sustainable development seeks to ensure that development is considered in its widest context including assessing economic, social and environmental implications. Given the lack of environmental technical expertise on the Central Planning Authority it is unclear on what basis a decision can be reached which takes into account environmental considerations.