

## **Central Planning Authority**

**Agenda** for a meeting of the Central Planning Authority to be held on March 31, 2021 at **10:00am, in Conference Room 1038, 1<sup>st</sup> Floor, Government Administration Building, Elgin Avenue.**

**07<sup>th</sup> Meeting of the Year**

**CPA/07/21**

**Mr. A. L. Thompson (Chairman)**  
**Mr. Robert Walter 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 LOOKOUT HOLDINGS LTD. (Abernethy & Associates) Block 43A Parcels 54 and 409 Rem2 and Block 37A Parcel 15 (P20-0630) (\$272,257) (BS)**

Application for a 441 lot subdivision with 437 house lots, 1 LPP, and 3 road parcels.

**Appearance at 10:30**

#### **FACTS**

<i>Location</i>	Harvey Stephenson Drive, Bodden Town
<i>Zoning</i>	A/R
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	6,710,099 sq. ft.
<i>Parcel size required</i>	sq. ft.
<i>Current use</i>	Vacant

#### **BACKGROUND**

There is no planning history for this site.

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

- 1) Regulation 21 – allowing LDR lot sizes in A/R zone
- 2) Location of E/W arterial given outstanding EIA (see DOE/NCC comments)
- 3) Relocation of the LPP in the Central Mangroves Wetland area
- 4) Road design – more cross connectivity
- 5) Provision for schools
- 6) Objector concerns

#### **AGENCY COMMENTS**

Comments from Department of Environment/NCC, National Roads Authority, Fire Services and Water Authority are included 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 is partially man-modified with areas of primary habitat (seasonally flooded mangrove forest) as shown in Figure 1. The vegetation in the man-modified areas has regrown somewhat and continues to provide an ecological benefit, such as drainage and habitat for native flora and fauna. The application site is also located immediately south of the Boundary of Central Mangrove Wetlands (see Figure 2). Therefore given the size and location of the subdivision, the Department would like highlight the following concerns.

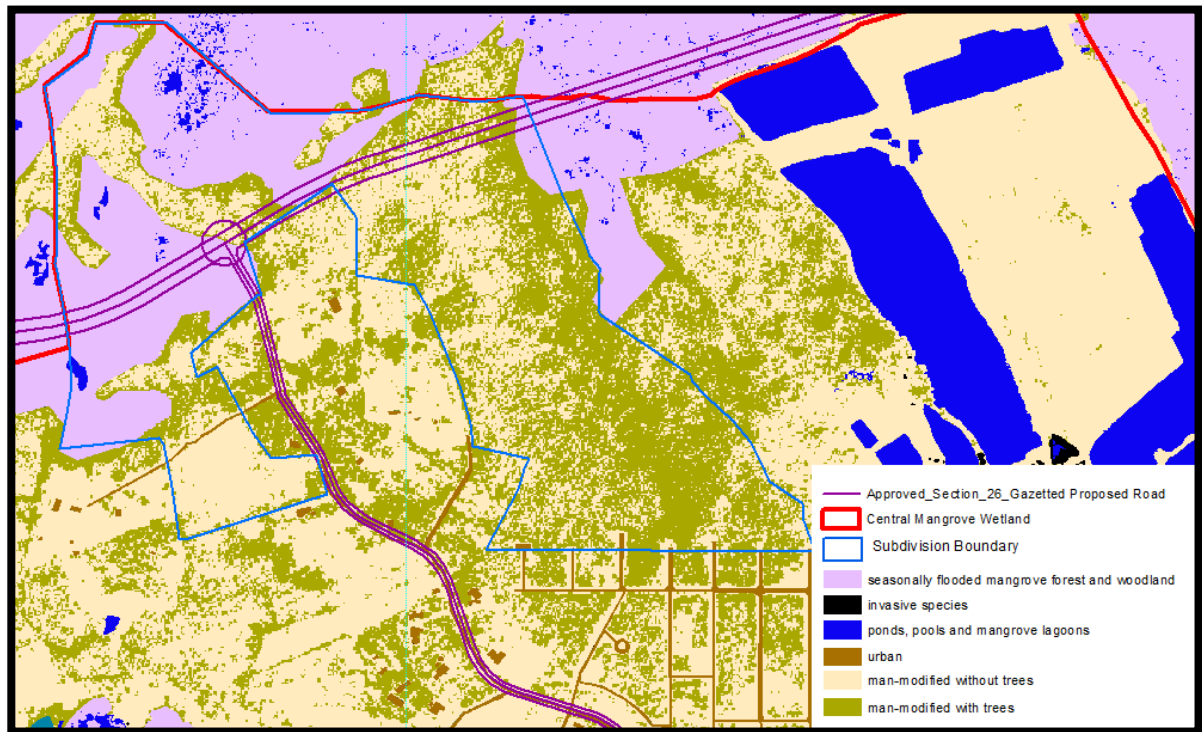
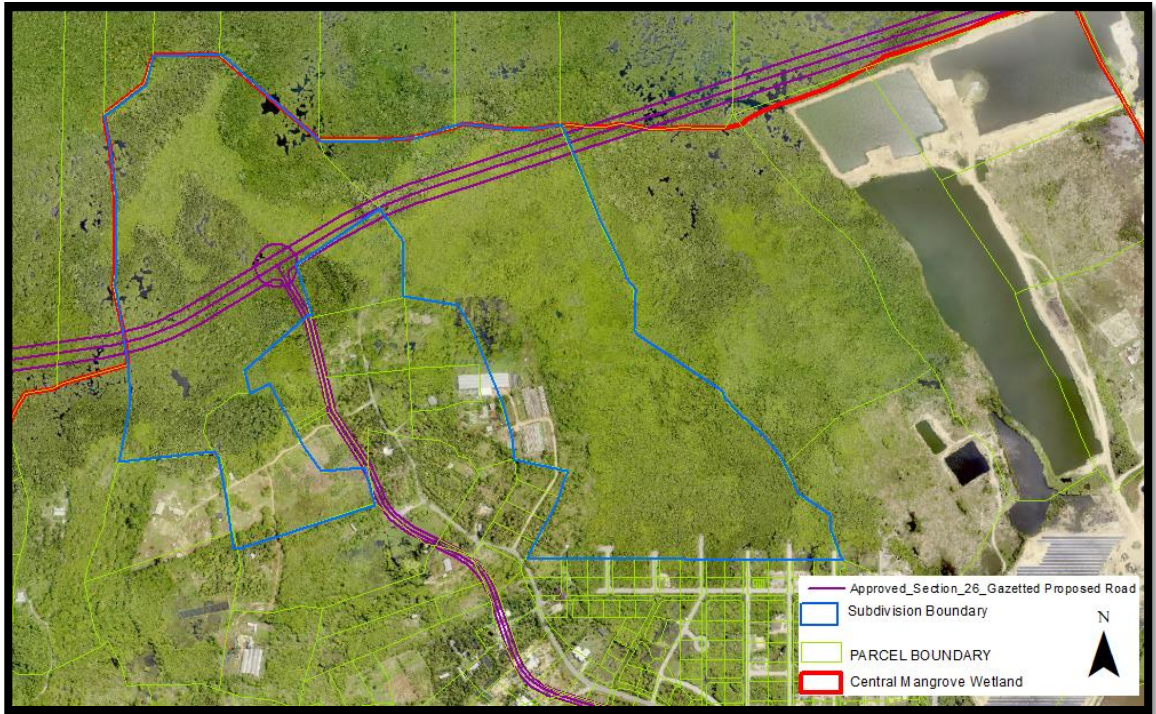


Figure 1: The site (outlined in blue) is mostly man-modified (beige/brown) with some areas of seasonally flooded mangrove forest (pink).



*Figure 2: LIS 2018 aerial imagery showing the application site (outlined in blue) and the proposed East-West Arterial road (purple).*

### ***Scale of Subdivision***

*This subdivision would contain 437 residential lots with one LPP and 3 road lots, and would eventually have an impact on the existing social infrastructure such as schools, clinics, supermarkets and roads (traffic) in the area. The Department is concerned that existing infrastructure will not be able to accommodate a full build-out of the subdivision. The subdivision divides the lands into small residential lots suitable only for single family homes, duplexes or potentially small apartment buildings. There is little provision for a variety of housing and uses. Therefore this should be taken into consideration when reviewing this application. In addition, the Department has concerns in regards to the demand for such a subdivision at this time, as there have been other large scale subdivisions that have been recently granted approval and remain under-developed. There are often adverse effects on the environment now, but yet homes are not constructed for years (sometimes decades).*

*The Development Plan is severely outdated. It does not reflect accurately how the island should be developed moving forward taking into consideration the population size, projected population growth, the environment and climate change. Therefore, without an updated development plan for the islands, there is no vision on how the island should progress in terms of development. This can result in unnecessary fragmentation of pristine habitats and loss of valuable limited resources (such as land and associated ecosystem services). It is recommended that prior to approval of this subdivision, the supply and demand of residential lots should be determined. The current Lookout Gardens Subdivision is approximately 40% built out, which raises the question*



of the need for the proposed subdivision development when more than 50% of the existing subdivision remains undeveloped and within the ownership of the original developer.

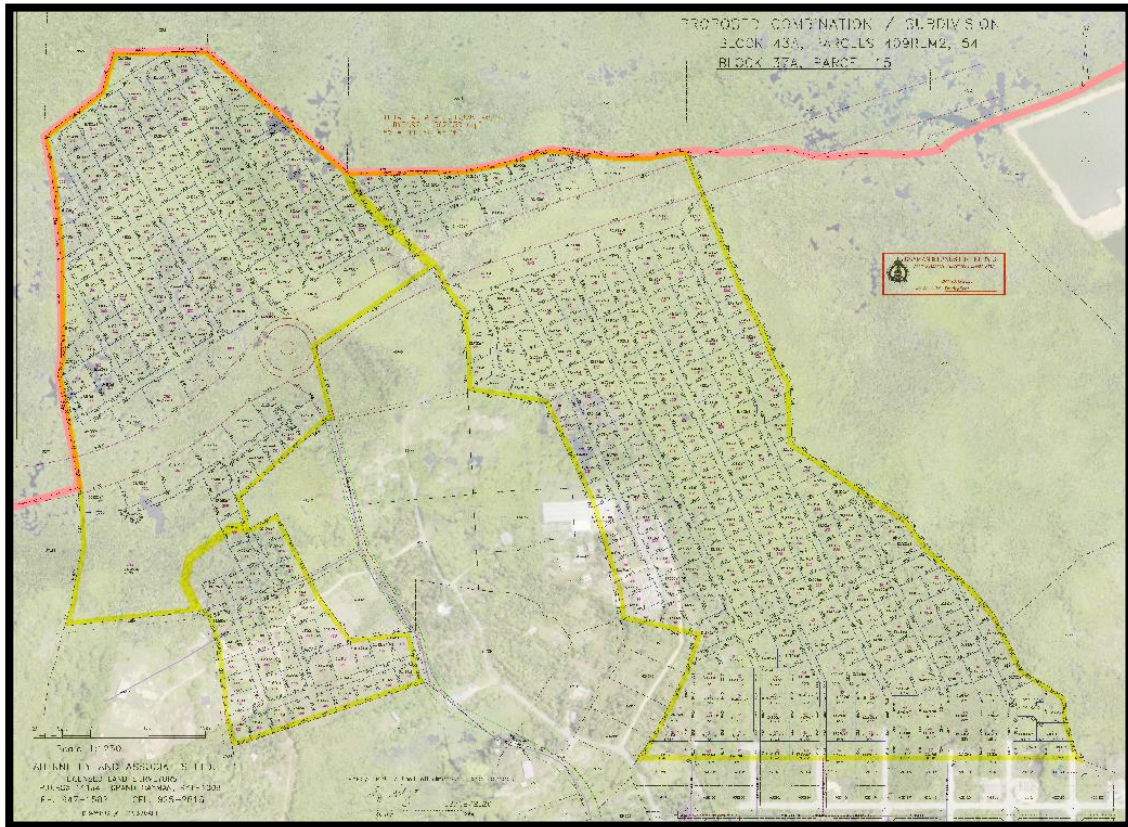


Figure 3: An extract of the Plan over the LIS 2018 aerial image, with the Central Mangrove Wetland boundary (orange red line).

**East-West Arterial Road** It is noted that the subdivision layout incorporates the proposed East-West Arterial road. The East-West Arterial road is currently the subject of an Environmental Impact Assessment (EIA), due to the potential effects on flooding and drainage of nearby communities and the hydrology of the Central Mangrove Wetland. The road has the potential to act as a dam, and deprive the Central Mangrove Wetland of water (affecting its ecology but also the ecosystem services it provides to people) and flood neighbouring communities (such as Lookout Gardens). The EIA will determine the best location to put the road and will determine the design required to maintain a suitable hydrological regime. This may include changing the road layout.

The East-West Arterial from Woodland Drive to Harvey Stephenson Road has been through the EIA screening stage and the EIA scoping stage. The next step in the EIA process is the preparation of the Terms of Reference. However, at the request of the Ministry of Commerce, Planning and Infrastructure (CPI) the scope of the EIA only covers the portion of the road from Woodland Dr to Harvey Stephenson Rd, and not further east. Based on a decision reached at the National Conservation Council's Special General Meeting on 26 October 2016, the section east of Lookout Gardens will require an EIA when the Ministry of CPI/the National Roads Authority



*chooses to pursue that section of the road.*

*The outcome of the EIA could impact the subdivision, and the subdivision may also impact the outcome of the EIA. The applicant may have to redesign parts of the subdivision should the location of the road change. Therefore, in the Department's opinion, it is considered that approving the subdivision application without knowing the outcome of the EIA is premature, and would recommend that the application be held in abeyance until the EIA is finalised. A phased approach could also be undertaken, starting with a phase in the south which is not likely to be directly impacted by the final layout and design of the road.*

### ***Primary Habitat and LPP***

*The application site consists of primary mangrove wetland forest in the north western section and therefore we strongly recommend retention of the primary habitat, especially along the boundary of the Central Mangrove Wetland. We recommend that the LPP is relocated north of the proposed arterial road especially along the northern boundary. Relocating the LPP would keep the area of primary habitat and would create a vegetated buffer adjacent to the Central Mangrove Wetland. The retention of the primary habit would assist in the maintaining some of the drainage capacity of the site for storm water and surface sheet flow runoff. It could also be used as an amenity area with access by a boardwalk, meaning the preservation of ecosystem services.*

### ***Stormwater Management***

*Given that the site was once part of a mangrove wetland, which has now been man-modified, the drainage capacity of the site has diminished, therefore a stormwater management plan should be designed for the entire subdivision and not just the individual lots when they are being developed. The stormwater management plan could incorporate retention of remaining mangrove vegetation on site which could be retained to assist with stormwater runoff and storage along with swales etc. The stormwater management plan should ensure that the site-derived runoff can be handled on site without impacting the surrounding parcels especially any nutrient-loaded runoff from entering the central mangrove wetland.*

### ***Conclusion***

*It is strongly recommended that the application be held in abeyance until the outcome of the EIA for the East-West Arterial road. However, should the CPA be minded to grant planning permission, the following points should be considered:*

- The subdivision should be carried out in phases starting from the southern end and working north. This will allow the development to proceed alongside the EIA process, although if the outcome of the EIA shows that the arterial road would be better suited in a different location, the Applicant would be required to adjust the subdivision layout accordingly.*
- The LPP Lot should be redesigned in a manner that would incorporate as much primary vegetation as possible. The LPP should be relocated north of the proposed East-West Arterial Road, along the boundary of the Central Mangrove Wetland to assist in mitigating any edge effects from the subdivision once built out.*
- A stormwater management plan should be designed and implemented for the entire*

*subdivision to ensure than any stormwater and surface flow runoff can be handled within the subdivision and not negatively impacting the surrounding properties.*

- *Clearing and filling of the application site except for road and utility infrastructure should not be allowed until development of the individual lots is imminent to prevent unnecessary loss of habitat and ecological services if the subdivision does not get completely sold/built out.*

### **Fire Services**

*Subdivision reviewed. fire access roads 30' wide with 360 degree access. fire wells and hydrants will be require as per code and AHJ.*

### **National Roads Authority**

*Comments have not been received to date.*

### **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.*

### **OBJECTIONS**

*The National Trust for the Cayman Islands (NTCI) is writing to register our recommendations for the development of the above-referenced parcel. As an adjacent landowner, the National Trust has concerns regarding the plans and is grateful for the opportunity to register suggestions that*

*we hope will benefit all parties.*

*Parcels 43A 409REM2, 43A54, and 37A15 are in Bodden Town. The proposed East West Arterial Road will cut across the northern part of those parcels. The proposed road runs along the southern boundary of the Central Mangrove Wetland (see attached map). The NTCI strongly suggests that the developer set aside the northern portions of his properties that will be left cut off by the road as undeveloped Land for Public Purpose (LPP) to preserve the mangroves.*

*The Central Mangrove Wetland (CMW) is the largest contiguous mangrove wetland in the Caribbean. Unfortunately, mangroves are one of the Cayman Islands' most undervalued and severely impacted habitats. The CMW is an internationally recognized Important Bird Area (IBA) and a biodiversity hotspot. As well as being a critical ecosystem for wildlife of all kinds, the CMW performs many services for the people of the Cayman Islands. Mangroves are known to provide storm protection, act as a sponge during heavy rainfall events to reduce flooding, keep our ocean clean and clear, recharge the groundwater for nearby farms, maintain rainfall patterns for the western side of Grand Cayman, act as a nursery area for commercially important species of seafood, and sequester large amounts of carbon thereby slowing climate change. This critical ecosystem must be protected.*

*It is clear that the National Roads Authority planned for the new EW Arterial to pass just south of the CMW, avoiding it whenever possible. Therefore the placement of the road seems an obvious marker of where to draw the line between the residential lots planned by the developer on previously disturbed land to the south, and the LPP across the major road to the north that would be left in its natural wetland state.*

*The NTCI therefore asks that the landowner set aside the portion of their property north of the road as their LPP so that it remains undisturbed and continues to perform the services which are so important to the people of the Cayman Islands. This would truly be "land for public purpose" as the entire island benefits from the protection of the CMW. The National Trust's interest in this matter stems from a desire to conserve our unique natural heritage, and we hope these proposed conditions are considered at the highest level by the Development Control Board.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant is requesting planning permission for a for a 441 lot subdivision. The site is located on Harvey Stephenson Drive, Bodden Town.

### **Zoning**

The property is zoned Agricultural/Residential.

### **Specific Issues**

#### **1) Minimum Lot Size**

*Per Regulation 21 of the Development and Planning Regulations (20 Revision), Two houses per acre may be built on agricultural/residential land but if the Authority is satisfied that any such land is not situated over a water lens and is not particularly suited to agriculture, **it may permit any development which complies with the requirements for low density residential areas.***

The lot sizes ranges from 10,070-s/f to 34,560-s/f, whereas the minimum lot size is 21,780-s/f

in A/R zone. Under Regulation 9(8)(d), the minimum lot size is 10,000-s/f which lot sizes could comply with LDR zones if the Authority addresses the two criteria in Regulation 21.

## **2) Land for Public Purpose**

Regulation 28 outlines the instances when the Authority may request an area designated for Land for Public Purpose within a subdivision. The Authority may ask for up to 5% of the gross area to be dedicated as LPP (335,504.9-sq ft). The applicant is proposing (309,760) sq ft LPP lot and By-pass Road (507,053-sq ft). It should be pointed that a 4-ft wide landscape buffer is provided along the lots fronting of the By-pass Roads.

DoE has suggested that the LPP Lot should be redesigned in a manner that would incorporate as much primary vegetation as possible. The LPP should be relocated north of the proposed East-West Arterial Road, along the boundary of the Central Mangrove Wetland to assist in mitigating any edge effects from the subdivision once built out.

The Authority is to determine whether to LPP lot should be relocated in the Central Mangrove Wetland area.

## **3) Road design**

In the easterly portion of the subdivision, there are 3 very long roads, approximately 1750' in length. Regulation 25(b) states that roads without through access should not typically exceed 800' in length. The Authority should determine if an additional east/west connector should be provided midway along these roads.

## **4) Provision for schools**

Regulation 30 requires 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.

**2.2 RSI PROPERTIES (Paradise Drafting Ltd.) Block 23C Parcels 208, 209, 210, 211 and 221 (P20-1014) (\$2,800,000) (BS)**

Application for 2 warehouse buildings and 8' gate/chain link fence.

**Appearance at 11:00**

**FACTS**

<i>Location</i>	Shamrock Rd
<i>Zoning</i>	<b>N.COM</b>
<i>Notification result</i>	Objector
<i>Parcel Sizes</i>	approx. 2 acres
<i>Proposed Use</i>	warehouse
<i>Building Size</i>	14,750 sq. ft.
<i>Footprint</i>	14,750 sq .ft.
<i>Building Coverage</i>	17%
<i>Proposed Parking</i>	19
<i>Required Parking</i>	15

**BACKGROUND**

No planning history for the file

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

- 1) Zoning
- 2) Access
- 3) Subdivision design
- 4) Fence height
- 5) Objector's concerns

**AGENCY COMMENTS**

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

**DEH**

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

1. *One (1) 8 cu yd. container serviced twice weekly is recommended. When the planed future warehouses are built an additional garbage enclosure should be added.*



2. *The sidewalk ramp located at entrance of the site could pose a potential hindrance to the DEH vehicles accessing the enclosure; it is recommended that it be reduced.*

## **WAC**

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

### **Wastewater Treatment & Disposal**

- *The developer shall provide a **septic tank(s)** with a capacity of at least **(1,000) US gallons** for the proposed building A.*
- *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.*
- ***In the absence of detail on prospective retail tenants, the requirements set out are based on basic retail/office use; i.e., low-water use tenants. Any change-of-use to allow for a high-water use tenant; e.g., food service, or hairdresser, will require an upgrade of the wastewater treatment system.** Required upgrades depend on the type of tenant and may include the installation of an in-the-ground grease interceptor and/or an increase in the capacity and/or type of treatment system installed.*
- ***Given that after-the-fact upgrades can be disruptive and costly, the developer is advised to build in the flexibility for their range of desired tenants at this stage. Contact [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky) to discuss requirements to accommodate potential high-water use tenants.***

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

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

- building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
6. *The Water Authorities updated 2020 effluent disposal well specifications.*
  7. *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

### *Water Supply*

*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**

*Revised site plan is requested for Siren-Operated Sensor (SOS) gate system and fire hydrant. The Department of Planning has requested the applicant to liaise with the Fire Service and upload in OPS a revised site plan*

### **DoE/NCC**

*Awaiting comments*

### **NRA**

*Awaiting comments*

### **OBJECTOR'S LETTER**

*We the undersigned owners of the Block 25B Parcel 501 strongly oppose the proposal to construct warehouses on the parcels 208-211 Block 23C.*

*We would like to bring to the attention of Planning that current zoning for the above mentioned parcels is Neighbourhood Commercial and the proposal to build warehouses requires Light Industrial or Heavy Industrial zoning. Construction of warehouses at this location will create noise, traffic and air pollution and will lower the quality of living standards of the adjacent residential area located just across the road from the proposed project. Additionally the creation of the industrial area that close to the residential community will lower the property values of the entire subject area.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for warehouses at the above-captioned property. The site is located opposite

### **Zoning**

The property is zoned Neighbourhood Commercial.

### **Specific Issues**

#### **1) Zoning**

The site is zoned Neighbourhood Commercial. As indicated on the site plan, building “A” would house 15-warehouse storage units and building “B” 68-warehouse storage units respectively. Per Regulation 13(6) of the Development and Planning Regulations (2020 Revision), (6), *Uses other than commercial uses may be permitted in a Commercial zone if that can be done without changing the primary commercial use of that zone.* The surrounding area is mixed with industrial (23C72), (23C32 warehouse addition to Cayman Brewery on March 21, 2007 (CPA/09/07; Item 2.4), and 25B330, commercial, institutional and vacant property.

It must be noted that typically, warehousing would be located in an industrial zone, but depending on circumstances can be appropriate in other zones. The NC zone is fairly silent on the types of permitted uses other than they should be less intense than those uses found in the General Commercial zone and they should cater principally to persons in the vicinity.

The CPA is to determine whether or not the site is appropriate for industrial use per regulation 13(6).

#### **2) Access**

The underlying subdivision was approved with one access point onto Shamrock which would serve all of the internal lots. The applicant is proposing to not use the approved access and instead, introduce two new access points further north which would be on the inside of a curve on Shamrock. This access scenario is not desirable and will lead to traffic conflicts on Shamrock.

#### **3) Subdivision design**

The applicant’s proposal will require the combination of 4 subdivision parcels plus a portion of the subdivision road parcel. The latter aspect will require either a modification of planning permission for the underlying subdivision or a reparation.

#### **4) Fence height**

The applicant is proposing a 8-ft chain link fence along the sides and rear of the property. The Authority needs to determine if the 8’ height is appropriate for this area.

**2.3 K & B LTD (Tropical Architectural Group Ltd) Block 28D Parcel 256 (P20-1132) (\$1,327,800) (BS)**

Application for 8-apartments and strata lot subdivision.

**Appearance at 11:30**

**FACTS**

<i>Location</i>	Gloria May Dr. and Sandy Ground Dr., Savannah
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	0.5772 ac or (25,142.8 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	8,852 sq. ft.
<i>Total building site coverage</i>	19.6%
<i>Allowable units</i>	8
<i>Proposed units</i>	8
<i>Allowable bedrooms</i>	13
<i>Proposed bedrooms</i>	12
<i>Required parking</i>	12
<i>Proposed parking</i>	22

**BACKGROUND**

House granted planning permission on March 7, 1992.

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

- 1) Suitability
- 2) Setback (15'-2" vs. 20')
- 3) Objector's concerns

**AGENCY COMMENTS**

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

**Water Authority**

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

**Wastewater Treatment & Disposal**

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

<b>BUILDING</b>	<b>UNITS/ BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>	<b>GPD</b>
<i>Building 1</i>	<i>2 x 1-Bed units</i>	<i>150gpd/1- Bed unit</i>	<i>750gpd</i>	<i>750gpd</i>
	<i>2 x 2-Bed units</i>	<i>225gpd/2- Bed unit</i>		
<i>Building 2</i>	<i>2 x 1-Bed units</i>	<i>150gpd/1- Bed unit</i>	<i>750gpd</i>	<i>750gpd</i>
	<i>2 x 2-Bed units</i>	<i>225gpd/2- Bed unit</i>		
<b>TOTAL</b>				<b>1,500gpd</b>

- *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 5’3” above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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

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



*septic tanks proposed to be located within traffic areas.*

5. *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
6. *The Water Authorities updated 2020 effluent disposal well specifications.*
7. *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

### **Water Supply**

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

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

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

### **National Roads Authority**

No agency comments were submitted.

### **Fire Service**

The CFO approved the site layout.

### **Department of Environmental Health**

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

1. *DEH has no objections to the proposed in principle.*
2. *This development requires (8) 33 gallon garbage bins with an enclosure that meets DEH requirements.*
  - a. *The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.*
  - b. *The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

## **NCC/DoE**

*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.*

*We have no objection to the proposed apartments at this time as the site is man-modified and of limited ecological value. We recommend the applicant plants and incorporates native vegetation in the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands, resulting in vegetation that requires less maintenance which makes it a very cost-effective choice.*

## **OBJECTION**

*We are writing in respect of the proposed development in our neighborhood. We currently enjoy a very peaceful and quiet life which we would like to have for years to come.*

*Therefore, we object to the proposed development as this area is zoned Low Density Residential. There are ONLY single family homes and that was always how it was intended to be. That is the main reason we all choose to buy properties to live in this area. The proposed development is not in accordance with Low Density Residential zoning.*

*This development will bring unwanted traffic and additional noise to our area, which will affect our lives therefore all of the persons signing this letter object to this development.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for 8-apartments and strata lot subdivision at the above-captioned property. The site is located on Gloria May Dr. and Sandy Ground Drive, Savannah.

The proposal would consist of two building blocks 4-apartments with 6-bedroom in each building.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

The surrounding land uses in the area are dwelling houses and vacant properties. Under Regulation 9(8) of the Development and Planning Regulations (2020 Revision), in suitable locations, guest houses and apartments are permissible.

#### **2) Front setback**

The setback from Sandy Ground Drive is 15'-2", whereas the minimum required setback is 20' per Regulation 9(8)(i) of the Development and Planning Regulations (2020 Revision).

**2.4 LIV CAYMAN LTD (Trio Design) Block 56C Parcel 5 (P20-0353) (\$2.5M) (BS)**

Application for a cottage colony - 8 cottages, 8 pools, back-of-house facility, and care-takers quarters.

**Appearance at 1:30**

**FACTS**

<i>Location</i>	Bodden Town Road near to Frank Sound Junction
<i>Zoning</i>	<b>HT</b>
<i>Notice results</i>	No Objectors
<i>Parcel Size</i>	1.72 ac (74,923.2sq. ft.)
<i>Current Use</i>	Existing house
<i>Proposed Use</i>	Cottage colony
<i>Building Size</i>	11,484 sq. ft.
<i>Building Site Coverage</i>	16%
<i>Allowable cottages</i>	14
<i>Proposed cottages</i>	8
<i>Allowable bedrooms</i>	16
<i>Proposed bedrooms</i>	12
<i>Required Parking</i>	13 (12 for cottages + 1 for house)
<i>Proposed Parking</i>	11

**BACKGROUND**

January 20, 2021 (**CPA/02/21; Item 2.2**) – It was resolved to adjourn the application for the following reason:

1) The applicant is required to submit revised plans showing all structures with a minimum 100’ high water mark setback.

December 16, 2020 (**CPA/22/20; Item 2.11**): It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns with the deficient high water mark setback.

July 17, 2019 (**CPA/15/19; Item 2.5**) – CPA granted planning for concrete wall and gates, two (2) beach huts, swimming pool, summer kitchen, pump room and trellises and modification to site parking layout, subject to the following conditions:

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

1) The applicant shall submit revised plans showing:

a) The beach huts with a minimum setback of 75’ from the high water mark

- b) The sidewalk with a minimum width of 6'
  - c) The wall with a maximum height of 6'
- 2) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.

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

- 1) HWM setback

### **AGENCY COMMENTS**

Comments from the Department of Environment/NCC, Department of Tourism, National Roads Authority, Water Authority, Fire Services, and Department of Environmental Health 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.*

*We note that the previous planning application for the proposed property on this site was granted planning permission on 18 December 2019, with none of the recommended DoE/NCC conditions included. These conditions were recommended in order to minimize the impacts of the development on turtle nesting activity, both during and post-construction as turtles are a species protected under Schedule 1 part 1 of the National Conservation Law. Whilst we understand that the works which are the subject of the current application relate to modifications to the landward side of the proposed development, we would implore the applicant to take on board those recommendations outlined previously to minimize any negative impacts on the endangered turtle nesting population. For convenience these recommendations were:*

- 1) *Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests in nesting season (1 May to 30 November).*
- 2) *The applicant shall prepare and submit a plan to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. All lighting shall be installed in accordance with the plan, to be approved by the DoE. Guidance on developing a lighting plan can be found in the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018).*

#### **Department of Tourism**

No comments received from the agency

#### **National Roads Authority**

*As per your memo dated June 6<sup>th</sup>, 2020 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

**Road Capacity Issues**

The traffic demand to be generated by a residential development of a nine (9) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Bodden Town Road is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak 16% In	AM Peak 84% Out	PM Peak Hour Total Traffic	PM Peak 67% In	PM Peak 33% Out
60	5	1	4	6	4	2

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

**Access and Traffic Management Issues**

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

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

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

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

**Stormwater Management Issues**

The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and 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 Bodden Town 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. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.

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

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

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

### **Water Authority**

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

#### **Wastewater Treatment and Disposal**

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

- The proposed development **requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification** that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed system shall have a treatment capacity of at least 2,825 US gallons per day (gpd), based on the following calculations:**

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>	<b>GPD</b>
Existing House	3 Bed + Den	375gpd	375	375
-	Outdoor W/C & Shower	200gpd	200	200
Cottages 1,2,4 & 6	4 x 1-Bed Units	150gpd/1-Bed Unit	600	600
Cottages 3,5,7 & 8	4 x 2-Bed Units	225gpd/2-Bed Unit	900	900
Back of House	1-Bed Caretakers Quarters	150gpd/1-Bed Unit	150	150
-	Laundry - 2 Washers	200gpd/Washer	400	400
-	Lunch Room	100gpd	100	100

Pool & BBQ Area	W/C and Outdoor Shower	100gpd	100	100
			<b>TOTAL</b>	<b>2,825</b>

***Treated effluent from the ATU 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 ATU must enter the disposal well at a minimum invert level of 4'7" above MSL or 5'10" if constructed less than 100ft from the sea. 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.***

**Existing septic tank shall be decommissioned**

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

*[http://www.waterauthority.ky/upimages/download/BMPs\\_abandoned\\_WW\\_systems1\\_142322078\\_2.pdf](http://www.waterauthority.ky/upimages/download/BMPs_abandoned_WW_systems1_142322078_2.pdf)*

**Lint Interceptor Required at commercial, institutional, coin-op 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](mailto:development.control@waterauthority.ky)*

**Water Supply:**

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

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

*The Authority will not be held responsible for delays and/or additional costs incurred by the*

*developer due to the developer's failure to provide sufficient notice to the Authority.*

### **Fire Services**

The site layout has been approved on Nov. 27, 2020 per the site plan indicating the fire lane on the eastern boundary side.

### **Department of Environmental Health**

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

- 1. The property requires an 8yd3 container with servicing a once per week.*
- 2. A swimming pool application must be submitted for review and approval prior to constructing the pool.*

### **APPLICANT LETTER**

#### ***Letter 1***

*I am writing on behalf of my client LIVCAYMAN LTD. for whom I am applying to the Central Planning Authority for permission to build a BEACH CLUB COLONY consisting of 8 cottages: (4) 1 Bedroom (4) 2 Bedroom 56C / 5.*

*I am seeking a rear set back exemption under:*

*Regulation 8. (11) (b) (d) (e)*

*Regulation 8. (13)*

*Regulation 10. (1) (h)*

*The existing home on this property was the first built on the 56C Block and it is setback approximately 236' from the existing HWM which has undoubtedly changed since the construction. Subsequent residences have since been built on 56C 4 / 56C 110 & 56C 1 all of which have a setback ranging 74' to 86' from the HWM.*

*The proposed Cottages are to be built out of wood and placed on stilts with a distinctive Caymanian aesthetic. Bearing in mind the zoning of the area allows for the construction of Hotels it would well be in my clients right to propose a multi-level block which is completely out of character with the surrounding land use and not the kind of development desired.*

#### **Letter 2**

*I am writing on behalf of my client LIVCAYMAN LTD. for whom I am applying to the Central Planning Authority for permission to build a BEACH CLUB COLONY consisting of 8 cottages: (4) 1 Bedroom (4) 2 Bedroom 56C / 5.*

*I am seeking a rear set back exemption under: Regulation 8. (11) (b) (d) (e)*

*Regulation 8. (13)*

*Regulation 10. (1) (h)*

*The existing home on this property was the first built on the 56C Block and it is setback approximately 236' from the existing HWM which has undoubtedly changed since the construction. Subsequent residences have since been built on 56C 4 / 56C 110 & 56C 1 all of which have a setback ranging 74' to 86' from the HWM.*

*The proposed Cottages are to be built out of wood and placed on stilts (4'-0" to 7'-0" off the ground providing a wash through in the event of storm surges) with a distinctive Caymanian esthetic. Bearing in mind the zoning of the area allows for the construction of Hotels it would well be in my clients right to propose a multi-level block which is completely out of character with the surrounding land use and not the kind of development desired.*

*Permission was granted on the 17th of July 2019, for (2) Cabanas @ 75' from the H.W.M. my client has since chosen not to construct the Cabanas but instead apply to place (4) Cottages each with a private plunge pool on the 75' Setback line.*

*At the CPA meeting dated 20th January 2021 the recommendation was made by the board to move the (4) proposed Cottages back from 75' to 100' from the H.W.M. this was to bring them inline with the House on the adjacent parcel 56C / 4. The house sits approx. 95' from the H.W.M, in attempting to match the cottages with that line we lost (1). As our intention is (8) well below the (11) allowed for this type of development and site. We are proposing placing the (4) Cottages, in question, on the 95' Setback line and requesting this variance for the Deck & Plunge Pools.*

*This proposal will still see the Decks & Pools falling behind the line of the adjacent parcels existing Pool & Cabana. The elevation of the proposed Cottages are equal to that of the existing 2 story residence on the adjacent Parcel.*

*Thanks for your kind consideration in this matter and if you require any further information or explanations please do not hesitate to contact me.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant is seeking planning permission for a cottage colony – 8 cottages, 8 pools, back of house facility and caretaker's quarters at the above-captioned property. The property is located on Bodden Town Road, three (3) lots West of Frank Sound public dock or approximate 619-feet from the dock.

### **Zoning**

The property is zoned Hotel Tourism.

### **Specific Issues**

#### **1) HWM Setback Variance**

The proposed High-Water-Mark setback is 75-feet, whereas the minimum required HWM setback is 130-ft in H/T zone per Regulation 8(10)(e) of the Development and Planning Regulations (2020 Revision).

In the previous application (CPA/15/19; Item 2.5), the CPA was of the view that there are existing developments on adjacent properties with similar setbacks from the HWM. As a

result, the beach huts setbacks were consistent with the established development character of the area, and it would not detract from the ability of adjacent landowners from enjoying the amenity of their lands. For the Authority's information, the CPA can allow a lesser setback from the HWM pursuant Regulation 8(11) of the Development and Planning Regulations (2020 Revision).

## **2) Parking Lot Pavement**

The applicant is proposing to use chip and spray, whereas the Authority would typically require asphalt for this type of development.

## **3) Parking Spaces**

The applicant is proposing eleven (11) parking spaces, whereas thirteen (13) parking spaces are required - two additional parking spaces can be provided on the site plan.

### **SUPPLEMENTARY ANALYSIS**

The Authority adjourned the application on January 20, 2021 (CPA/02/21; item 2.2) and required the applicant to submit revised plans showing all structures with a minimum 100' HWM setback. An excerpt from the minutes of that meeting is provided as follows:

*At 11:30am, Aston Ebanks and Greg Bateson appeared on behalf of the applicant. Summary notes are provided as follows:*

- *The required HWM setback in the H/T zone is 130' and the applicant is proposing a little over 75'*
- *The Authority noted that they are inclined to require the structures to be setback such that they are in line with the house to the east*
- *Mr. Bateson replied they could do that*
- *Mr. Ebanks noted that they were previously approved for two beach huts with a 75' HWM setback. The Authority explained that was quite different as those were open sided cabanas whereas as the new development is for 3 storey houses*
- *The Authority noted that a 100' HWM setback or as close to that as possible would be desirable*
- *Mr. Bateson noted that they can work with that requirement. He also noted that the parking area has been changed from chip and spray to asphalt.*

The applicant has now submitted a revised site plan indicating the pool setback 78'-11" and the buildings setback 85' from the HWM. The applicant has been invited to appear before the Authority to explain why they cannot comply with the Authority's request to provide a 100' HWM setback.

The Authority is reminded that although the land is zoned H/T, the shoreline frontage is 199.9' (from survey) and not 200' therefore the Authority cannot require a 6' public access to the sea.



**2.5 ARBORETUM SERVICES LTD. (DECCO Ltd.) Block 50A Parcels 3 (P21-0080) (\$134,400) (MW)**

Application for 3,025 sq. ft. recreational day-time use helipad

**Appearance at 2:00**

**FACTS**

<i>Location</i>	Off Hutland Rd., North Side
<i>Zoning</i>	<b>Agricultural Residential</b>
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	0.8743 ac. (38,084.508 sq. ft.)
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3,025 sq. ft.
<i>Total building site coverage</i>	0.03%
<i>Proposed parking</i>	2 spaces

**BACKGROUND**

N/A

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

- 1) Zoning
- 2) Objectors Concerns

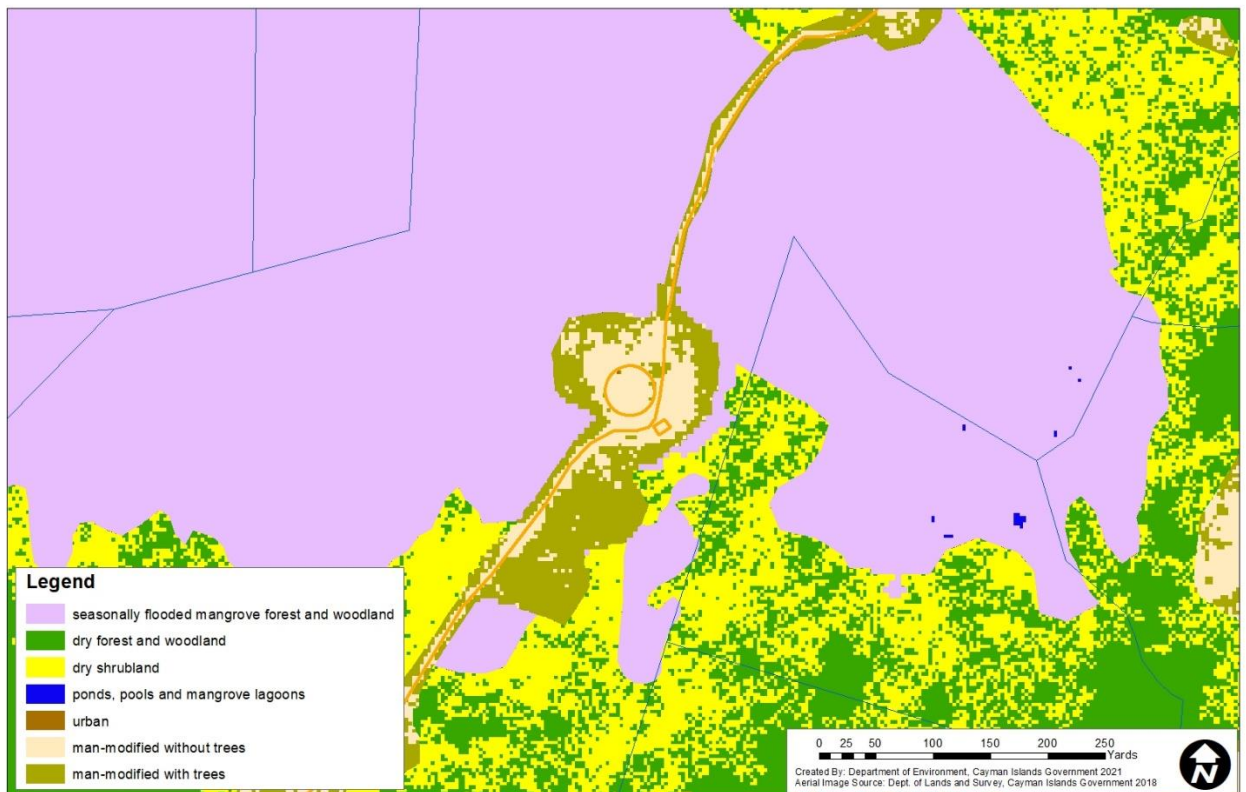
**AGENCY COMMENTS**

Comments from the Department of Environment (NCC), Fire Department, Cayman Islands Airport Authority (CIAA), Civil Aviation Authority of the Cayman Islands (CAACI) and are noted below.

**DOE/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.*

*Although the helipad is proposed in an area that is considered to be of ecological importance, with Malportas Pond to the north and the Mastic Trail to the east, the distance between these and the helipad is generally considered to be enough of a buffer to mitigate many of the significant concerns of disturbance to the ecology of the area. The alignment of the flight path from east to west means that the concentration of bird life surrounding Malportas Pond is less likely to be impacted in particular. In regards to the direct impact to the immediate area of the helipad itself, the footprint of it and the proposed parking are located in an area of previously cleared man-modified (as shown in figure 1 below) meaning that its impact is of limited ecological concern. For the most part the potential concerns regarding this proposal relate to the nuisance to surrounding land uses and residences rather than environmental concerns.*



*Figure 1: A habitat landcover map showing the area of the proposed helipad (orange)*  
Please do not hesitate to contact the Department should you require further assistance.

## **Fire Department**

Approved for Planning Permit Only 4 Mar 21

## **CIAA**

*The CIAA would need to understand the operations of this helipad as it will be controlled by the ATC at Cayman airport. The design of the FATO would need independent approval from the CAACI*

## **CAACI**

*Many thanks for sight of the outline plans for the proposed private helipad in North Side.*

*As this will not be a certified facility the CAACI has no comment to make at this time other than to note the proposed site and its flightpaths appear to lay within the Owen Roberts International Airport Control Zone. If this application is to proceed to Planning, the Cayman Islands Airports.*

## **APPLICANT'S LETTER**

*Please accept the application for approval of a private helipad at block and parcel 50A3 in North Side. The project proposes a privately used and operated facility with no plumbing or electrical requirements.*

*The helipad will be used for private, day-time only flights and will not be used for commercial purposes. The helipad location was chosen for the natural higher elevation in that area, which will improve flight path clearances. In addition, the helipad has been positioned to avoid areas with Dry Forest growth.*

*The Helipad landing surface has not yet been decided as we are currently in the middle of a cost comparison exercise. The surface will either be a 6" reinforced concrete pad (proposed by APEC Engineering) or the surface will be a high-density plastic, Macrotrac brand modular system (similar to what is installed at the Camana Bay Heliport).*

*Please reach out to me directly with any questions or concerns.*

## **Applicant response letter to objectors**

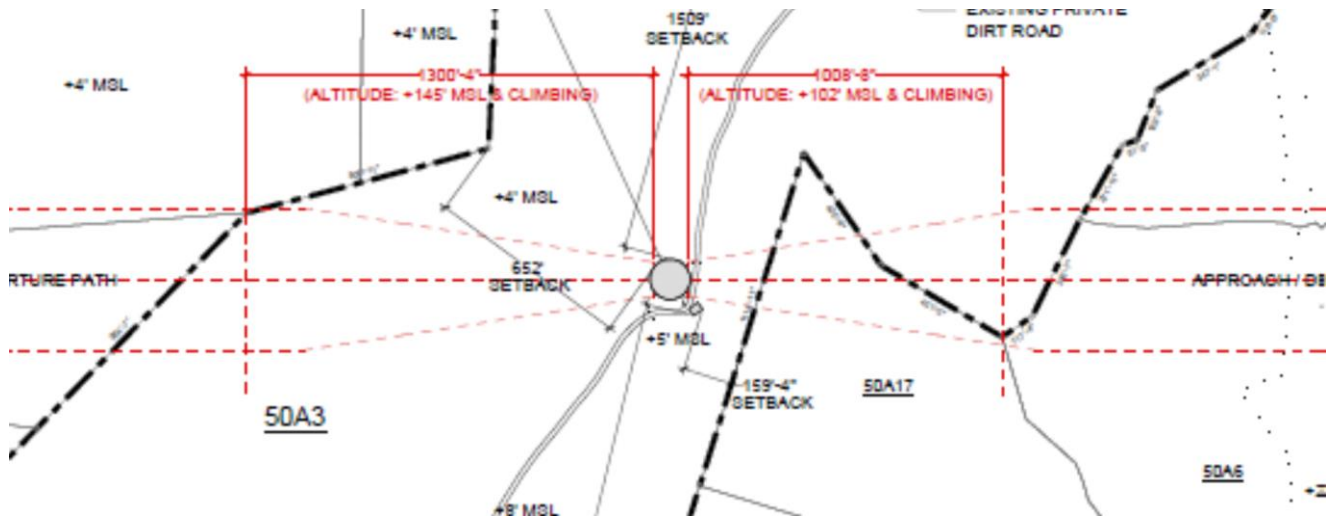
*Response to Formal Objections pertaining to Planning Application P21-0080 for a daytime use helipad on Parcel 50A3.*

### *Item 1*

*The helipad is proposed for private daytime use only. The approach and departure paths are oriented east/west due to prevailing wind patterns. Small aircraft and helicopters regularly operate over and around the Cayman Islands within the Cayman Islands Airport Authority (CIAA) controlled airspace in accordance with all aviation rules and regulations. Aircrafts pass over the entirety of Grand Cayman, traversing across parcel boundaries, making the occurrence common and precedented. The helipad will have no effect on the traditional use of adjacent land nor on the future developability of the adjacent land.*

*The approach and departure zones are illustrated both in plan view as well as cross-section. Overlaying the information from the cross-section onto the plan view illustrates*

that, due to the large parcel sizes, the helicopter will be in excess of 100' in altitude prior to reaching a non-Dart parcel boundary.



### Item 2

The operator shall comply with the Air Navigation (Overseas Territories) Order and any other laws, rules and regulations in relation to the operation and maintenance of the aerodrome, including all health and safety requirements. As previously stated, small aircraft and helicopters regularly operate over and around the Cayman Islands within the Cayman Islands Airport Authority (CIAA) controlled airspace in accordance with all aviation rules and regulations. Accordingly, it is not necessary for an indemnity to be provided to adjoining land-owners.

Due to the large parcel size, the helipad will allow for one of the safest operation zones of any helipad on island. Firefighting equipment is provided at the helipad location as required by IACO regulations.

The helipad is composed of a modular, fire-rated, UV-resistant, high-impact polypropylene material designed for use as a helipad (Macro-Trac rated at 36,000 lbs/Sq. Ft.). This is the same helipad material used at Camana Bay, performs very well and is removable. The AW139 helicopter itself is one of the safest helicopters on the market and is powered by two Pratt & Whitney PT6C-67C turboshaft engines. The dual engines provide redundancy, ensuring safe flight with one engine inoperative (OEI) at maximum take-off weight. This makes the AW139 a Category A (Class 1) helicopter, which means, it is a helicopter with performance such that, in the case of an engine failure, it is able to safely continue its flight to an appropriate landing area.

### Item 3

The adjacent lands are currently zoned Agriculture/Residential and it would be especially difficult to assess any potential impact to land zoned as such and with limited

development opportunities. Current zoning for these lands is limited to agriculture or residential with maximum height of 3 storeys/40'.

The Central Planning Authority (CPA) is charged to consider land use and development of land against criteria set out in the Development and Planning Regulations. The Law and Regulations do not state CPA should consider impact to land values.

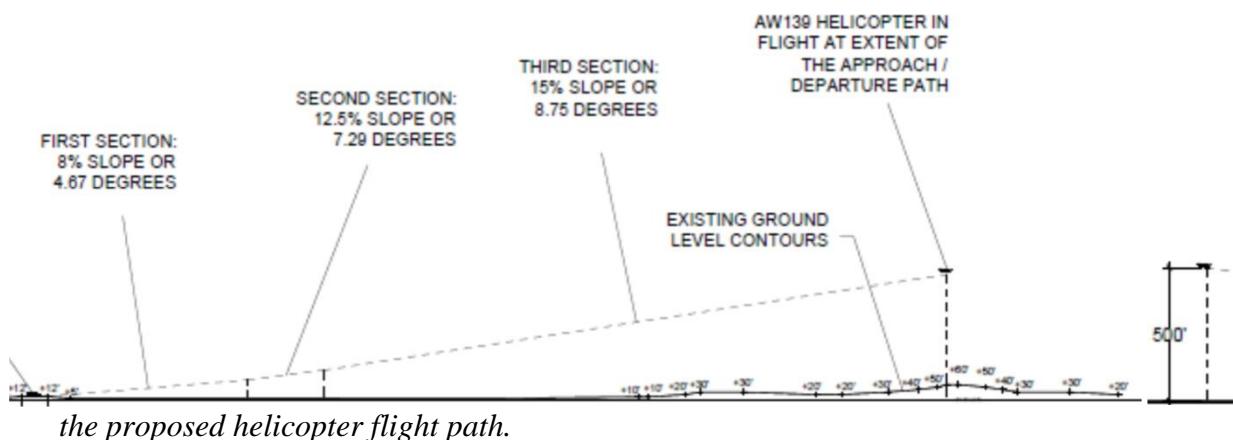
Even if this were to change, the helipad will not have any negative impact on the future developability of adjacent lands. The large parcel on which the helipad is located provides ample space for operations well in excess of any other helipad in Grand Cayman. Other helipads in Cayman operate in urban environments which include high rise buildings.

#### Item 4

Helipads are typically used to access remote locations (often times unreachable via vehicles). There are no regulations stipulating that an access road is required. However, in this instance, there is an existing marl road that is traversable by vehicle to access the helipad site.

#### Item 5

The adjacent land elevations are not of any concern in relation to the proposed location or safe operation of the helipad. The existing site grade for the proposed helipad is approximately 12' above MSL. The land elevation does start rising to the east, where the first elevation changes occur approximately 2,000' east of the helipad. At this distance, the helicopter will be flying at an altitude of at least 400-500 feet and would pose no greater threat than any other helicopter (i.e. RCIPS or other) or the MRCU plane conducting their standard operations. The below cross-section illustrates the existing land elevations and



#### Item 6

*The helipad is proposed for private, daytime use only. With the conditions in respect to daytime hours of operation, the type of aircraft and infrequent daytime flights there will not be a material adverse effect on the right for peaceful enjoyment of adjacent landowner's land. The siting of the helipad was purposefully placed on a large parcel to pose little disturbance to adjacent properties. The lands below and in near vicinity of the flight paths are undisturbed land with no constructed accesses or structures. Through review of historic aerial photographs, it does not appear that these lands are being utilized for any purpose.*

*The flight crew has significant experience operating the Helicopter in Cayman's skies. The same helicopter departs from Camana Bay (across from an active and thriving town center) without disruption to the town centre occupants.*

#### Item 7

*Prior to the installation of the mountain bike paths, the applicant consulted with Department of Planning and Department of Environment to determine what permissions may be required. Through appropriate consultation, It was determined that Planning permission would not be required as the trails did not constitute "development" and were to be cleared by hand and be of minimal width (average 4.5'). DOE provided assistance with ensuring no critical plant species would be disturbed or removed. As Planning permission was not required for the path installation, notification of adjacent properties was not required.*

### **OBJECTIONS**

#### **Letter #1**

*We spoke this afternoon re our grave concern over the proposed Helipad on 50A3 North Side. Ms Emily Sleep - Estate Manager for Dart has been in contact and I've shared our concerns on this and other matters such as the construction of a mountain bike track on other Dart properties of 49A28/29. None of which any planning notifications or discussion before hand was presented. Dart is also in the process of acquiring 50A8 which has a right of way over 50A3 and has asked to "build out" the 6' traditional foot path with a team of ten men to which I have indicated I don't agree. However that is a separate matter I'd like to discuss with planning.*

*Our objections to the grant of planning permission for the helipad on 50A3 will follow these six primary routes:-*

- 1. The proposed approach/departure path crosses over the northern boundaries of parcels 50A19/6/23. This is an unprecedented occurrence for private property owners in the area who have for generations ensured the use of these parcels are in-line with traditional use and protection for the future viability or occupation/development by their owners.*
- 2. There are ROWs underneath this proposed flight path that we as owners can't*

*assume liability if an aircraft accident should occur. It is well documented that helicopter accidents most often occur in approach and departure hence a health & safety issue to both the landowners and those who frequent the ROWs*

- 3. Impact on the value of the land would be negative due to noise, vibration and atmospheric issues/disruptions such as fly objects and general damage to vegetation a known fact caused by low flying helicopters on approach/departure. Live stock most certainly would not be able to return to these traditional grazing areas if we choose to resume that recent usage. Likewise consideration has to be given to the future value potential of volumetric parcels for development over these parcels.*
- 4. Emergency Safety access from Hutland Rd is limited as there are no 30' paved road access to 50A3 or 50A19/6/23 the above mentioned - in the event emergency services would need to respond to an accident with the proposed direct approach/departure paths.*
- 5. Elevations - parcels 50A19 and 50A23 contain the highest natural pikes on Grand Cayman averaging 50/60 ft above sea level. A helicopter departing due east increases the safety concerns in terms of clearance of the terrain should any mechanical issues develop in the first mins of approach or departure.*
- 6. Right for peaceful enjoyment of private property - with a helipad in such near proximity and a direct low altitude flight path overhead would be completely disrupted resulting in a total lost of this statutory right by the landowners affected.*

*My basic comprehension of and case judgement relating to such matters <http://cir.judicial.ky/Judgements/Cayman-Islands-Law-Reports/Cases/CILR20141012.aspx>*

*puts the issue of objection/refusal with the planning department hence my request to please accept this as an early indication of our grave concern and objection before formal notification and allow us due time to research and support the six areas of objection stated above but not limited to.*

*Thanking you in advance for your consideration,*

## **Letter #2 (The Below Letter was signed by several objectors)**

*Please accept this letter as formal objection to the construction and use of a*

### **Helipad on 50A3 by Arboretum Services Ltd.**

*It is my suggestion that before this matter is considered further the government agencies tasked with public safety, aviation and land use are consulted such as Land & Survey, Cayman Civil Aviation, NRA, Fire Department and Rescue and Police.*

*We are requesting that an informative meeting should be convened to discuss with the North Side community the impact such habitual helicopter use will have on the noise levels, property value and usability as well as other disruptions this will cause to the other landowner's rights to occupy their property within liveable noise levels.*

*It has also come to my attention that another landowner who recently acquired property in the area is also considering the use of a helicopter in the same area. Certainly, common sense dictates this will impact all the residents of peaceful North Side as a community.*

*The current Member of Parliament Mr. Ezzard Miller has agreed to host such an informative meeting within the next two weeks with the Government agencies and the Landowners.*



*Below is a summary of the specific points supporting our objections*

- 1. 1. The proposed approach/departure path crosses directly over the southern/northern boundaries of parcels 50A1/2/19/6/23/45A12. This is an unprecedented occurrence for private property owners in the area who have for generations ensured the use of these parcels are in-line with traditional use and protection for the future viability or occupation/development by their owners.*
- 2. There are Right-of -ways (ROWs) underneath this proposed flight path that we as owners can't assume liability if an aircraft accident should occur. It is well documented that helicopter accidents most often occur on approach and departure hence a health & safety issue to both the landowners and those who frequent the ROWs. The late Director of Lands & Survey Terry Fenton and another experienced surveyor familiar with the area support this view of the ROWs. "These old ROW's were Registered at Land Adjudication and in the words of a previous Registrar are "effectively Public", because there are no specific beneficiaries listed on the Land Register. Also, there is no specific data as to where the Row's are on the ground, with their routes (the red dots on the Registry Map) probably taken from the 1970's aerial photography. As you can see the ROW's affecting your parcel have a specified width of 6' "*

*This supports the fact that we as affected landowners can't and will not accept liability should an incident occur and injure or kill any member of the public who might at the time be using the ROWs.*

*Should the CPA decide to approve this application a minimum requirement should be to indemnify the affected landowners from any liability caused by the use of the helicopter/pad over their parcels.*

- 3. Impact on the value of the land would be negative due to noise, vibration and atmospheric issues/disruptions such as flying objects/dust and general damage to vegetation - a known consequence of low flying helicopters on approach/departure. Live stock most certainly would not be able to return to these traditional grazing areas if we choose to resume that recent usage. Likewise consideration has to be given to the future value potential of parcel development and the application of volumetric parcels for development over these parcels.*

*Should the CPA decide to approve and dismiss affected landowners objections the minimum condition should be to compensate the affected landowners for damage/fall in value of their parcels. Requiring a usage licence by the operators as normal in other jurisdictions.*

- 4. Emergency Safety access from Hutland Rd. is limited as there is no 30' paved road access to 50A3 or 50A19/6/23 the above mentioned - in the event emergency services would need to respond to an accident with the proposed direct approach/departure paths over ROWs.*

*At the minimum if the CPA should approve the application and dismiss the objections by landowners the minimum condition/requirement should be a 30' access to both 50A3/19/6/23 and all the parcels contain in the approach/departure flight path.*

- 5. Elevations - parcels 50A19 and 50A23 contain the highest natural pikes on Grand Cayman averaging 50/60 ft above sea level. A helicopter departing due east increases the safety concerns in terms of clearance of the terrain should any mechanical issues develop in the first mins of departure and the final minutes of approach.. Again there is limited access for any incident response by emergency services.*

*This further supports the minimum conditions of a 30' road access to all parcels concerned/affected by the flight path as suggested in 4 above.*

- 6. Right for peaceful enjoyment of private property - with a helipad in such near proximity and a direct low altitude flight path overhead would be completely disruptive resulting in a total loss of this statutory right by the landowners affected.*

*The CPA has a statutory obligation to uphold the right to peaceful enjoyment by affected landowners.*

- 7. It is understood from Emily Sleep of Estate Management at DART that the reason is to transport Mr. DART to ride his bike along a mountain bike path constructed without consulting neighbouring landowners on parcels 50A3, 49A28/29. Surly riding a bike doesn't require the disturbance of an entire community and helicopter access.*

*I ask for an opportunity to voice our concerns on this matter before the CPA considering the opinions and feedback provided from the various government agencies and departments charged with ensuring public safety and land owner peaceful occupation of their property. Including the impact of such activity on the value of their parcels.*

*Thanking you in advance*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a proposed 3,025 sq. ft. Recreational Day-Time Use Helipad to be located off Hutland Rd., North Side.

### **Zoning**

The property is zoned Agricultural Residential.

### **Specific Issues**

#### **1) Zoning**

Regulation 21 states *“Two houses per acre may be built on agricultural / residential land but if the Authority is satisfied that any such land is not situated over a water*

*lens and is not particularly suited to agriculture, it may permit any development which complies with the requirements for low density residential areas.”*

As noted above, should the Authority determine that the land is not situated over a water lens and is not particularly suited to agriculture then the Authority could view the proposal as any other similar feature that could be allowed in the low density residential zone. In this instance, the location of the heli-pad is not situated over a water lens. Additionally, the Agriculture Classes map layer from The Development Plan 1997 specifies 6 classifications for land based on its suitability for agriculture with 1 being the best and 6 being the worst. In this instance, the land where the heli-pad would be situated is in class 6, the worst.

**2.0 APPLICATIONS**  
**REGULAR AGENDA (Items 2.6 to 2.20)**

**2.6 ROGER MANDERSON JR. (GMJ Home Plans Ltd.) Block 5B Parcel 265 (P20-1118) (\$260,000) (BS)**

Application for 4-apartments.

**FACTS**

<i>Location</i>	Balsam CL, West Bay
<i>Zoning</i>	<b>HDR</b>
<i>Notification result</i>	No Objectors
<i>Parcel Size proposed</i>	0.3118 ac. (13,582 sq. ft.)
<i>Parcel Size required</i>	5,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed building Size</i>	1,730sq. ft.
<i>Total building site coverage</i>	12.7%
<i>Allowable units</i>	7
<i>Proposed units</i>	4
<i>Allowable bedrooms</i>	13
<i>Proposed bedrooms</i>	4
<i>Required Parking</i>	6
<i>Proposed Parking</i>	6

**BACKGROUND**

No planning history on the file.

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

- 1) Suitability
- 2) Access road width
- 3) Lot width
- 4) Side setback (9'-4" vs. 10'-0")

**AGENCY COMMENTS**

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

**DEH**

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

- 1. DEH has no objections to the proposed in principle.*
- 2. This development require six (4) 33 gallon garbage bins and an enclosure built to the department’s requirements.*
  - a. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.*
  - b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

**WAC**

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

**Wastewater Treatment & Disposal**

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

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>	<b>GPD</b>
Apartment Building	4 x 1-Bed Units	150gpd/1-Bed Units	600gpd	600gpd
<b>TOTAL</b>				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. The minimum invert level is that required to maintain an air gap between the invert level and the water*

*level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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

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

### **Water Supply**

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

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

### **Fire Service**

The CFO approved the site layout.

### **DoE/NCC**

#### **Awaiting comments**

#### **NRA**

*No comments from the agency were submitted.*

## **APPLICANT'S LETTER**

*We write on behalf of our client, Mr. Roger Manderson Jr, with regards to the following*

- A lot width variance - the existing lot width is 32J ft which is 7.0 ft less than required IDO ft in HDR zone.*
- A side setback variance - to allow the structure to remain as proposed with side setback on the right which would be less than the required 10 ft for single storey development.*

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

- 1. Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail;*
- 2. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, the neighborhood, or to the public welfare;*
- 3. The irregular shape of lot limited the area with setbacks and thus contributed to setback encroachment.*
- 4. The applicant resides on parcel 5B2B4 (the side nearest to the setback encroachment) and feels that the 8-inch (2sqft) breach will not affect him in any way.*
- 5. The application complies with all other relevant planning requirements.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant is for 4-apartments at the above-caption property. The site is located on Balsam CL, West Bay.

### **Zoning**

The property is zoned High Density Residential.

### **Specific Issues**

#### **1) Suitability**

Per Regulation 9(6) of the Development and Planning Regulations (2020 Revision), apartments are permissible in suitable locations. The surrounding land uses in the area are mixed with institutional, apartments, single-family residential, commercial, and vacant properties.

Based on the above surrounding land uses in the area, the Authority is to determine if the proposed apartments are suitable for this site.

#### **2) Access Road**

The applicant has a 17' vehicular right of way over 5B266 as indicated on the Registry Map. For two-way traffic flow, the access road should be 22' wide minimum. The CPA is to ascertain if the road width is adequate for apartments.

**3) Lot Width**

The proposed lot width is 92.1’ or 7.9’ less than the required 100’ per regulation 9(6)(f) of the Development and Planning Regulations (2020 Revision).

**4) Side Setback**

The proposed side setback is 9’-4”, whereas the minimum required setback is 10’-0” per regulation 9(6)(i) of the Development and Planning Regulations (2020 Revision).

**2.7 MONIQUE MCLAUGHLIN (Abernethy & Associates Ltd) Block 61A Parcel 42REM1 (P20-0754) (\$6,230) (BS)**

Application for two-lot subdivision.

**FACTS**

<i>Location:</i>	Off Old Robin Road. North Side
<i>Zoning:</i>	<b>A/R</b>
<i>Notice results:</i>	No objection
<i>Lot Size:</i>	3.58 acre (152,200 sq ft) approx.
<i>Required Lot Size</i>	½ acre (21,780 sq ft)

**BACKGROUND**

No previous planning history

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

- 1) Subdivision Infrastructure (water supply and road width over 61A6)

**AGENCY COMMENTS**

Comments from the Department of Environment/NCC, National Roads Authority, and Water Authority 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 subject parcel is predominantly primary dry forest and shrubland habitat. Dry forest and shrubland is becoming rarer as development increases across the Cayman Islands and is high in ecological value, providing a biodiverse habitat for native wildlife including endemic flora and fauna. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. We therefore do not object to the principle of the proposed subdivision but would not support the wholesale clearing of this site.*



*We strongly recommend that any future development on the resulting lots should only clear the building footprint and retain as much native vegetation as possible and incorporate it into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a very cost-effective choice. Any future clearing or development should be the subject of a separate consultation with the National Conservation Council.*

## **NRA**

*As per your memo September 14<sup>th</sup>, 2020 the NRA has reviewed the above-mentioned planning proposal.*

### ***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 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 Old Robin 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 NRA request that the CPA as per condition of approval require the applicant to have a formal road parcel over 61A /6.*

*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 centreline 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.*

## **WAC**

*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.*

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

### **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.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant is requesting planning permission to subdivide the above captioned property into two lots located off Old Robin Road, North Side.

**Zoning**

The property is zoned Agricultural/Residential

**Specific Issues**

**1) Access**

The registered legal access to the site is a 12’ vehicular easement over 61A 6. The applicant is providing a 30’ wide subdivision road to service the two proposed lots. The Authority needs to determine if the existing 12’ easement is sufficient to accommodate the future development of the two proposed lots.

**2) Subdivision Infrastructure**

The existing access road to the subject property is a marl road and the Authority needs to determine if this is sufficient or if the exiting road should be upgraded with asphalt. The Water Authority’s water supply pipe ends at 61A121 and this would need to be extended in order to serve the two proposed lots.

**2.8 THE ESTATES MANAGEMENT COMPANY (Paradise Drafting Ltd.) Block 22E Parcels 463 & 534 (P21-0025) (\$90,000) (MW)**

Application for 6’ high gate and wall with 6’-8” columns & 2 signs.

**FACTS**

<i>Location</i>	Grand Estates Quay., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.8743 ac. (38,084.508 sq. ft.)
<i>Parcel size required</i>	-
<i>Current use</i>	Existing Subdivision

**BACKGROUND**

N/A

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

- 1) Fence height (6’-0”/6’-8” vs 4’-0”)

**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 comments at this time.*

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

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for a proposed 6’ high gate and wall with 6’-8” columns and 2 signs to be located on Grand Estates Quay, George Town. The gate and fence are intended to create a gated community.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

**1) Fence Height**

The CPA fence guideline 4.3.1 stipulates that *“In residential and tourism-related zones, no part of a solid wall or fence should exceed 48 inches in height”*- The proposed concrete wall & metal gate would be 6’ in height with the proposed columns at 6’-8” a difference of 2’-0” & 2’-8” respectively.

**2) Notification process**

The applicant has submitted a letter from an individual on letter head for Grand Estates Quay to the owner of the subdivision asking for their consent to the gate application, which was received. The Authority needs to determine if the letter, see below, is sufficient versus individual notices being sent to the land owners within the subdivision.

*Good afternoon [REDACTED]*

*Happy New Year!*

*Further to our meeting in late last year, we are looking to seek planning approval for the installation of the gate at the beginning of the road. As discussed, we verbally agreed to the location of the gate on the boundary of the road. I am attaching a copy of the drawings for your review. This email is to clarify that you have no objections to the Management Company of Grand Estate Quay installing the gate at this location. We have been asked to confirm with you via email that you have no objection to the building and installation of the gate. I have been advised that a reply by email of no objection will suffice. Should you have any queries please do not hesitate to contact me.*

*With kind regards [REDACTED] on behalf of Grand Estate Quay*

**2.9 DILLON CLAASSENS (AD Architecture Ltd.) Block 74A Parcel 34 (P20-1072) (BES)**

Application for modification to increase the building height and change pool layout.

**FACTS**

<i>Location</i>	Austin Conolly Drive
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	1.66 AC
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Apartments

**BACKGROUND**

April 29, 2020 (CPA/07/20; Item 5.5) - CPA granted planning for apartments and pool with conditions.

March 4, 2020 (CPA05/20; Item 2.2) – CPA adjourned the application and request the applicant to submit revised drawings showing a development scheme that better fits the property and includes a properly functioning parking area.

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

- 1) Building height (47’-10” vs. 40’)

**APPLICANT’S LETTER**

*We would like to request for your good office to grant us an approval for the above-mentioned subject.*

*The building height adjustment was due to redesigning of the structure of the building due to existing site level. The design is to extend the footing/foundation and columns of the building to existing grade line that will serve as a retaining wall and will save us more on the cost of filling the land which we can use to beautify the building instead.*

*We are looking forward to your favorable consideration and please do not hesitate to contact me on 926-4492 should you have any other questions.*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The applicant is requesting planning permission to modify planning permission to increase the building height and change the pool layout. The site is located on Austin Conolly Drive.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

**1) Building height**

The original elevation plans showed the site level closer to the finished floor levels. The applicant has now realized that the site level drop away more noticeably from the road than previously thought. The applicant prefers not to fill the site and rather wishes to extend the foundations to the existing site level. As a result, the building height on the sea side increases from 40’ to 47’-10”, which exceeds the maximum allowable building height in LDR zone of 40’ per regulation 8(2)(b). The Authority is to determine whether a building height variance is warranted.

**2.10 CHERYL WILLIAMS (Bennetts Design Concepts) Block 28B Parcel 232H3 (P20-0913) (\$185,000) (MW)**

Application for an addition to create a duplex.

**FACTS**

<i>Location</i>	Off Doubletree Ln., Bodden Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.1673 ac. (7,287.588 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Existing Residence (1,250 sq. ft.)
<i>Proposed building size</i>	693 sq. ft. (Total= 1,943 sq. ft.)
<i>Total building site coverage</i>	26.7%

**BACKGROUND**

August 18, 2010 – Five Houses – the application was considered and it was resolved to grant planning permission (CPA/19/10; Item 2.5)

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

- 1) Lot Size 7,287.588 sq. ft. vs 12,500 sq. ft.

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for an addition to create a duplex with lot size variance to be located off Doubletree Ln., 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 is 12,500 square feet*”. The proposed existing lot size would be 7,287.588 sq. ft. a difference of 5,212.412 sq. ft. respectively.

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.

**2.11 ARMANDO & LILIAN EBANKS (Whittaker & Watler) Block 23C Parcel 39 (P20-1172) (\$1,815,632) (MW)**

Application for 8 apartments.

**FACTS**

<i>Location</i>	Hurley Merren Blvd., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	1.86 ac. (81,021.6 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	12,968.80 sq. ft.
<i>Total building site coverage</i>	7.96%
<i>Allowable units</i>	27 units
<i>Proposed units</i>	8 units
<i>Allowable bedrooms</i>	44 bedrooms
<i>Proposed bedrooms</i>	16 bedrooms
<i>Required parking</i>	12 spaces
<i>Proposed parking</i>	23 spaces

**BACKGROUND**

August 22, 1983 – Sand Removal (Applied 08-22-1983)

December 4, 1990 – Proposed Apartments (Approved)

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

- 1) Suitability
- 2) Visual appeal of the side elevations

**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 **(2,500) US gallons** for the proposed, based on the following calculations:*

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>	<b>GPD</b>
<i>Building 1</i>	<i>4 x 2-Bed Units</i>	<i>225gpd/2-Bed Unit</i>	<i>900gpd</i>	<i>900gpd</i>
<i>Building 2</i>	<i>4 x 2-Bed Units</i>	<i>225gpd/2-Bed Unit</i>	<i>900gpd</i>	<i>900gpd</i>
<b>TOTAL</b>				<b>1,800gpd</b>

- *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 4’7” above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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



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

### **Water Supply**

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

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

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

*If there are questions or concerns regarding the above, please email them to: [development.control@waterauthority.ky](mailto: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. *The department has no objections to the proposed in principle.*
2. *This development requires (1) 8 cubic yard container with once per week servicing.*  
*February 1 2021*

**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 comprised of seasonally flooded mangrove forest woodland and lagoons, with some small areas of secondary vegetation, as shown in figures 1 & 2. The application site is also part of a wider mangrove wetland basin that has continued to be impacted by development. Mangrove such as those found on this site are classed as being protected species in Part 2 of Schedule 1 of the National Conservation Law 2013 (NCL). Within the Cayman Islands, mangrove loss has been so extensive over recent decades that it triggers local Red-Listing criteria. In 2008 the Cayman Islands national IUCN Red List status of Black Mangrove was assessed as Endangered, White Mangrove and Buttonwood both as Vulnerable, and Red Mangrove as Near-Threatened.*

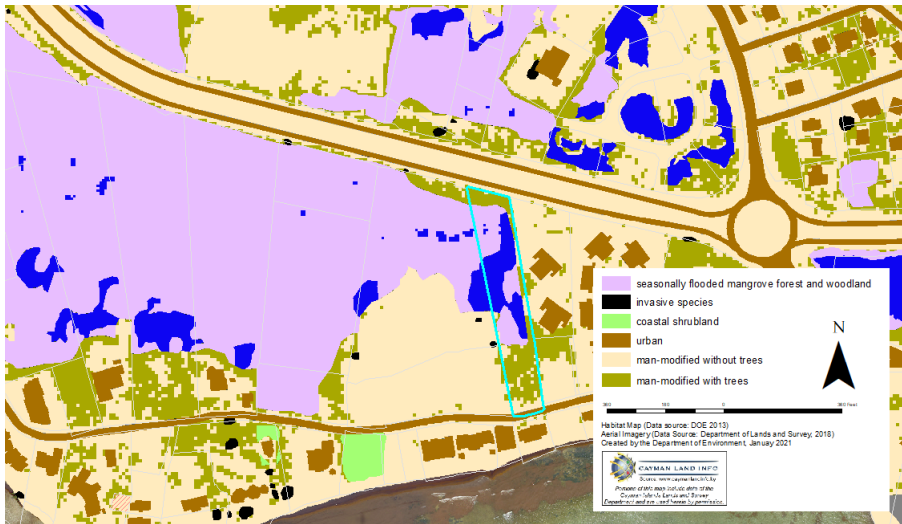


Figure 1: DOE’s 2013 Habitat Map showing application site (outlined in blue)



Figure 2: LIS 2018 Aerial Imagery of the application site (outlined in blue)

**Unauthorised Clearing**

*The DOE responded to reports of heavy equipment working on site on 21 January 2021 and mangrove habitat being cleared (See Figure 3). The Department of Planning confirmed that permission had not been granted for these works. The DoE issued a Cease & Desist Order to the applicant under section 33 of the National Conservation Law (NCL). It was also noted during the investigation that there were mangroves further within the parcel that had been cleared on another occasion (See Figure 4). Drone imagery of the site taken on 28 January 2021 (figure 5) illustrates the extent of clearing that has taken place to the southern end of the site (which was not the subject of the Cease & Desist Order).*



Figure 3: Photo of heavy equipment on site (Source: DOE, 21 January, 2021)





Figure 4: Photo of cleared mangrove vegetation within the application site (Source: DOE 21 January, 2021)

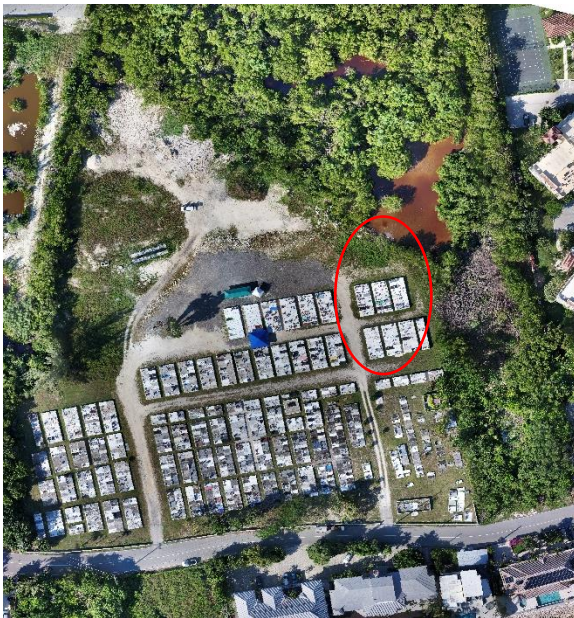


Figure 5: DOE drone imagery taken 28 Jan 2021 showing the impacted area (outlined in red) on the application site

### **Comments**

*Mangrove wetlands are one of the most productive terrestrial ecosystems as they are extremely biodiverse and provide habitat and food for an immense variety of species. They also function as natural sponges that trap and slowly release surface water. Inland wetlands in urban areas are particularly valuable, counteracting the greatly increased rate and volume of surface-water runoff from areas of hard-standing and buildings. Trees, root mats and other wetland vegetation also slow the flow of storm waters helping to distribute them more slowly. This combined water storage and attenuation of water movement lowers flood heights and reduces flood risks. In addition, inland wetlands improve water quality filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants. Mangrove wetlands are also extremely effective at sequestering carbon from the atmosphere and serve as carbon sinks. The large scale*

*removal of significant tracts of mangrove habitat reduces the island's natural carbon sequestration, as well as releasing greenhouse gases as a by-product of deforestation and de-mucking of peat substrate.*

*The Department is concerned about the ongoing trend of conducting site clearing or ground preparation works in advance of planning permission being granted for developments. It is important that mangroves remain intact until the appropriate permission has been granted and/or development is imminent. This will help to ensure that the ecological functions provided by the mangrove community can continue until the necessary permission(s) have been granted.*



Figure 6: Site Plan extract overlaid onto LIS 2018 Aerial Imagery to show the location of the proposed

*In conclusion, if the CPA is minded to grant permission the following is recommended.*

- *Given that the southern portion of the development has man-modified areas albeit with secondary growth vegetation, the applicant should be encouraged to shift the development to southern half of the parcel in order to retain the ecological and drainage benefits of the primary habitat and mangrove lagoons in the northern section (see figure 6).*
- *It is recommended that the applicant only clear and fill the development footprint and retain existing native vegetation where possible and incorporate it into the landscaping scheme.*

- *If the development is to remain at the proposed location, it is important to note that the mangrove lagoon on site expands across onto the adjacent parcel to the west. Therefore the property should be filled in a manner where the fill material does not encroach on the adjacent parcel.*
- *The site is currently acting as part of a natural catchment area for the surrounding area, therefore a stormwater management plan should be designed to ensure that the water being displaced by the development does not impact the surrounding area, and that all site derived runoff can be handle on site without impacting adjacent properties.*

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a 2 building; 8 unit apartment complex to be located on Hurley Merren Blvd., 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.

- 23C 99REM1 :- Lantern Point Apartments (Approved 03-21-2007)(CPA/09/07; Item 2.25
- 23C 201: Lantern Point II
- 23C 228:- McLean House Apartments

The Authority should assess if the proposed location is suitable for the proposed development per Regulation 9 of the Development and Planning Regulations (2021 Revision).

#### **2) Side elevations**

There is very little architectural detail on the side elevations and the Authority should determine if they are acceptable or if aesthetic improvements are required.

**2.12 CHRISTOPHER GREENE (GMJ Home Plans Ltd) Block 39E Parcel 25 (P20-0838) (\$32,400) (BES)**

Application for a balcony addition and a cabana.

**FACTS**

<i>Location</i>	Rum Point Rd., North Side
<i>Zoning</i>	<b>LDR</b>
<i>Parcel Size Proposed</i>	0.79 ac. (34,412.4 sq. ft.)
<i>Parcel Size Required</i>	10,000 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	Same as above
<i>Building Site Coverage</i>	7.1%

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

- 1) Setback from the shoreline property line (46'-11").

**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 is man-modified but located on a turtle nesting beach. The Department has no objections to the proposed cabana as it is set back from the nesting beach and located no further seaward than the 75' setback required. The applicant's site plan does not indicate the use of lighting for the cabana, and the Department of Environment recommends keeping the cabana unlit. Should the applicant wish to light the cabana, we would ask them to consider using turtle friendly lighting and they are encouraged to reach out to the DoE for additional information.*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for a balcony addition (216 sq ft) and cabana (184 sq ft) at the above-captioned property. The site is located on Rum Point, North Side

**Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

**1) HMW Setback**

As indicated on the site plan, the cabana would be setback 75’ from the HWM and 46’-11” from the shoreline property line respectively. Per Regulation 8(10)(b), the minimum setback from the HWM is 75’ where the shoreline is beach.

**2.13 BICKFORD THOMAS PROPERTIES LTD. (MJM Design Studio) Block 33B Parcel 22 (P20-0186) (\$115,000) (MW)**

Application to modify planning permission to revise the floor plan and elevation of approved residence and to add additional floor area, a 500 gallon underground lpg tank and a generator.

**FACTS**

<i>Location</i>	Sand Point Rd., North Side
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.54 ac. (23,522.4 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Residence under construction.
<i>Proposed building size</i>	8,545.49 sq. ft.
<i>Total building site coverage</i>	19.42%
<i>Required parking</i>	1
<i>Proposed parking</i>	2

**BACKGROUND**

January 20, 2018 - House, 8,423.07 sq. ft., Pool & Garden Wall - the application was considered and it was resolved to grant planning permission (CPA/01/18; Item 2.11)

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

- 1) Front setback (10’-0” vs 20’-0”)

**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.*

*Sheet flow erosion or the upland wash-off of sand is a frequent issue in this area. Therefore we recommend that the applicant retain and plant as much native vegetation as possible incorporating it into the landscaping scheme in order to stabilize the beach and prevent the sand from being washed off-site. Planting additional native beach vegetation, particularly along the coastline will also help to retain sand on site. The planting of native beach vegetation is in the applicant's best interest as it is best suited for the habitat conditions of the Cayman Islands, resulting in vegetation that requires less maintenance, and is therefore a very cost effective choice.*

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

### **APPLICANT'S LETTER**

*With respect to our March 20 2020 submission for a planning modification application for. We hereby request variances as follows:*

- 1. Setback Variance for Proposed underground gas tank to be located 10' from the front (road) boundary line*

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

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

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

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for a modification to floorplan and elevation of approved residence under construction, additional floor area 122 sq. ft., add 500 gallon underground LPG storage tank (roadside setback variance) & 48KW generator to be located on Sand Point Rd., North Side.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

**1) Front Setback**

Regulation 9(8)(i) states “*the minimum front and rear setbacks are 20 feet*”. The proposed 500 gallon underground LPG storage tank would be 10’-0” from the fronting road boundary, a difference of 10’-0”.

The adjoining parcels were notified and no objections were received.

The Authority should assess under Section 8(13) if there are exceptional circumstances and sufficient reasons to grant the roadside setback variance.

**2.14 LENA FAY GRIFFITHS (Craftman’s Touch) Block 25C Parcel 479 (P20-1151) (\$90,000) (MW)**

Application for an addition to create a duplex.

**FACTS**

<i>Location</i>	Canyon Dawn Dr & Trumpet Link., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.3147 ac. (13,708.332 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Existing Residence (798 sq. ft.)
<i>Proposed building size</i>	1,390.49 sq. ft.
<i>Total building site coverage</i>	10.14%

**BACKGROUND**

N/A

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

- 1) Side Setback (5’-8” to step & 8’-1” to building vs 10’)

## **APPLICANT'S LETTER**

*With respect to our submission for an addition to block 25C parcel 479 located on Canyon Dawn Drive, Bodden Town. We hereby request variances as follows:*

- 1. Setback Variance for Proposed addition to be located 8'-3" from the side boundaries shared with parcels 478.*

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

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

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for an Addition to Create a Duplex; 592.49 sq. ft. with side setback variance to be located on the corner of Canyon Dawn Dr & Trumpet Link., George Town.

### **Zoning**

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

### **Specific Issues**

#### **1) Side Setback**

Regulation 9(8)(j) states "*the minimum side setback for a building of one storey is 10 feet*". The proposed addition would be 5'-8" (steps) & 8'-1"(addition) from the side boundary a difference of 4'-4" & 1'-11" respectively.

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 side setback variance.

**2.15 DAVID DINNER (Paradise Drafting Ltd.) Block 24E Parcel 573 (P21-0048) (\$100,000) (MW)**

Application for a guest suite to be added above the existing garage.

**FACTS**

<i>Location</i>	Patricks Ave., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.5347 ac. (23,291.532 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft. (two dwellings)
<i>Current use</i>	Existing Residence & Detached Garage (5,159 sq. ft.)
<i>Proposed building size</i>	983 sq. ft.
<i>Total building site coverage</i>	14.1%

**BACKGROUND**

September 26, 2006 – Four Bedroom House with Detached Double Carport with Storage, Dock & Pool- the application was considered and it was resolved to grant planning permission.

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

- 1) Canal setback (6'-8" to balcony vs 20')
- 2) Side setback (10'-1" to stairs vs 15')

**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 is man-modified and is of low ecological value. It is recommended that construction materials should be stockpiled away from the canal's edge to prevent run-off into the marine environment.*

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

## **APPLICANT'S LETTER**

*We are writing on behalf of our client who kindly requests setback variances be considered for this project.*

*Our client kindly requests a side yard setback variance of 13'-7" be granted from the required 15'-0" per Regulation 9 (8) (j) of the Development and Planning Regulations (2017 Revision).*

*Our client also kindly requests a rear canal setback variance of 6'-8" be granted from the required 20'-0" per regulation 8 (ea) of the Development and Planning Regulations (2017 Revision).*

*Our client requests these variance be considered in light of the fact that the existing 1-story building was already granted a canal setback variance when originally applied for.*

*Both variances in our opinion will not be materially detrimental to the adjacent neighbours.*

*Please feel free to contact the undersigned with any questions or comments. We look forward to your favorable review of this request and hopeful approval.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a second floor guest suite addition to existing g to be located on Patricks Ave., George Town.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Canal setback**

Regulation 8(10)(ea) states "*in areas where the shoreline is a canal, all structures and buildings, including ancillary buildings, walls and structures, shall be setback a minimum of twenty feet from the physical edge of the canal*". The proposed second floor balcony would be 6'-8" from the boat slip which forms part of the canal, a difference of 13'-4".

#### **2) Side Setback**

Regulation 9(8)(j) states "*the minimum side setback is 15 feet for a building of more than one storey*", the proposed stairs would encroach the side boundary at 10'-1" a difference of 4'-11".

**2.16 T & E HELVESTOR (TSC Architectural Designs) Block 9A Parcel 796 (P21-0150) (\$122,490) (JP)**

Application for a duplex.

**FACTS**

<i>Location</i>	Adonis Drive, West Bay
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2563 ac. (11,164.43 sq. ft.)
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1405 sq. ft.
<i>Total building site coverage</i>	12.58%
<i>Required parking</i>	2
<i>Proposed parking</i>	4

**BACKGROUND**

No Planning history

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

- 1) Lot size variance (11,164.43 sf v 12,500 sf)

**APPLICANT’S LETTER**

*I refer to the land located at Block 9A Parcel 796 on Adonis Drive, West Bay, Grand Cayman, Cayman Islands (“Land”).*

*Myself and my wife purchased this Land of August 2020 and recently after discovered that someone cleared down some of our Land and laid down aggregate to make another road, based on Entry 8 of the attached land register. There is an easement of a 30-ft V.R.O.W. over the Land in favor of Block 9A Parcel 11, which was listed in the land register since 2012, however this easement was not actioned whilst under the previous ownership of Ericka Webster.*

*We paid the full sale price for this house lot; however we were deceived and unknowledgeable about this additional easement which resulted to us losing more land and the value of our Land. We have visited the Cayman Islands Lands Registry and Lands & Survey departments numerous times to discuss the total cost of the current road access that was built using our Land (Adonis Drive and Bella Close), however it was not mentioned once by the government departments that there was an additional easement to be actioned in the Land nor did it occur to these departments that the Land records and*

*registry map should have been updated internally to show the decrease of Land due to this easement.*

*We have discussed our preferred house plans with our architect and it was advised that we are unable to build a duplex on our partial lot of land because the Cayman Islands Planning Department does not permit duplexes to be built on land less than 12,500 square feet. However due to this unfortunate circumstance, we are seeking the Planning Board's permission and consideration to grant the approval of the house plans of the proposed construction duly drawn by the authorized architect which is enclosed for your reference. In addition, we hope the Planning Board will also grant a 5 feet variance from the Land's boundary markers.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located within a developing subdivision and occupies a corner lot with Adonis Drive forming the eastern boundary and Bella Close running to the south. Land to the north is vacant and a neighbouring property forms the western boundary.

The application seeks Planning Permission for the construction of a duplex.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Lot size variance (11,164.43 sf v 12,500 sf)**

Regulation 9(8)(e) requires a minimum lot size of 12,500 sf for duplexes.

The application site measures 11,164.43 sf.

Members are invited to consider the content of the variance letter and determine whether adequate justification has been provided to vary application of the Regulations.

**2.17 ROBERT KROLICK (GMJ Home Plans Ltd) Block 12C Parcel 40 (P21-0112) (\$50,000) (JP)**

Application for pool.

**FACTS**

<i>Location</i>	Jennifer Drive, Snug Harbour
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2476 ac. (10,785.46 sq. ft.)
<i>Current use</i>	Residential

**BACKGROUND**

March 13, 1973 (P73-000849) – application for a house approved

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

- 1) Rear setback variance (9' (pool) and 0' (pool deck) v 20')
- 2) Side setback variance (9' (pool) and 6' (pool deck) v 10')

**APPLICANT'S LETTER**

*We write on behalf of our client, Bob Krolick with regards to the following variance:*

- *A rear setback variance- to allow the pool to be built with a setback of 10'0" (6'0" for pool deck) which is less than the required 20ft from the property line.*
- *A side setback variance- to allow the pool deck to be built with a setback of 6'0" which is less than the required 10ft from the property line.*

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

1. *Per section 8(13)(d) of the Planning Regulations, the adjacent property owners have been notified;*
2. *Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare;*
3. *The location of the pool is the most suitable area of the parcel. It will offer the most efficient use and safest environment possible for the applicant.*
4. *The application complies with all other relevant planning requirements.*

*We look forward to your favourable response to this variance request. Should you have any queries, please do not hesitate to contact us.*



## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is constrained to the west by Esterley Tibbetts highway and vacant land to the north. Neighbouring properties form the east and south boundaries. Jennifer Drive, which serves the site, is to the east.

The application seeks Planning Permission for the installation of a swimming pool.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Rear setback variance**

Regulation 9(8)(i) requires 20' rear setback.

The application seeks a variance for the pool to be sited 9' from the rear boundary and the pool deck to meet the rear boundary.

Members are invited to consider the content of the variance letter.

#### **2) Side setback variance**

Regulation 9(8)(j) requires side setbacks of 10'. The pool would be sited 9' from the side boundary and the pool deck 6'.

Members are invited to consider the content of the variance letter.

### **2.18 O & F THANE (GMJ Home Plans Ltd) Block 32B Parcel 483 (P21-0109) (\$75,000) (JP)**

Application for a porch addition and shed.

### **FACTS**

<i>Location</i>	Brookshire Way, Lower Valley
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2575 ac. (11,216.7 sq. ft.)
<i>Current use</i>	Residential
<i>Proposed building size</i>	1813 sq. ft.
<i>Total building site coverage</i>	11.61%

### **BACKGROUND**

August 19, 2019 (**Administrative Approval**) – application for a house approved (P19-0834)

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

- 1) Rear setback variance (11' 4" v 20')

### **APPLICANT'S LETTER**

*We write on behalf of our client, Faith & Orrett Thane with regards to the following variance;*

- *A rear setback variance- to allow the proposed structure to be built with a setback of 11'4" which is less than the required 20ft from the property line.*

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

1. *Per section 8(13)(d) of the Planning Regulations, the adjacent property owners have been notified;*
2. *Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare;*
3. *The application complies with all other relevant planning requirements.*

*We look forward to your favourable response to this variance request. Should you have any queries, please do not hesitate to contact us.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application site is located in a newly established subdivision within Lower Valley off Shamrock Road. The site is served by the subdivision road to the north and neighbouring properties forming the remaining boundaries.

The application seeks Planning Permission for an addition to the main house and construction of a shed within the lot.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) Rear setback variance**

Regulation 9(8)(i) requires a minimum setback of 20'. The proposed shed is sited 11' 4" from the rear boundary.

Members are invited to consider the variance letter in determining whether adequate justification has been provided to permit a variance.

**2.19 ROBERT CAMERON (MJM Design Studio) Block 17A Parcel 321 (P21-0160) (\$150,000) (MW)**

Application for to add an elevator, roof top terrace and deck to an existing house.

**FACTS**

<i>Location</i>	Crystal Harbour, West Bay
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.2869 ac. (12,497.364 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Existing Residence (5,000 sq. ft.)
<i>Proposed building size</i>	311 sq. ft.
<i>Total building site coverage</i>	25.46%

**BACKGROUND**

May 25, 2018 – Five Bedroom House with Pool & Dock - the application was considered and it was resolved to grant planning permission.

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

- 1) Rear Setback ( 14'-4" for ramp extension 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 (DoE) offers the following comments for your consideration.*

*Any stockpiled materials should be kept away from the canal edge to reduce the possibility of rainwater runoff washing material into the canal.*

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

## **APPLICANT'S LETTER**

*With respect to our submission for a proposed covered pool deck extension and elevator at the above referenced location. We hereby request a variance for rear setback from the canal from 20' to 14' to match the existing pool deck.*

*In making 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 structure will not be materially detrimental to persons residing in the vicinity, to the adjacent properties, or to the neighboring public welfare.*
- (iii) Letters of consent from all adjacent property owners have been submitted for CPA consideration*

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application to add an elevator, roof top terrace and deck to an existing house located in Crystal Harbour, West Bay.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Canal setback**

Regulation 8(10)(ea) states *"in areas where the shoreline is a canal, all structures and buildings, including ancillary buildings, walls and structures, shall be setback a minimum of twenty feet from the physical edge of the canal"*. The proposed deck / ramp addition would be 14'-4" from the canal boundary a difference of 5'-8".

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 rear setback variance.

**2.20 NATIONAL HOUSE BAKERY (CAYMAN) LTD (Andrew Gibb) Block 14C Parcel 338 (P21-0089) (\$320,000) (JP)**

Application for change of use from retail to restaurant.

**FACTS**

<i>Location</i>	Plaza Venezia, North Sound Road, George Town
<i>Zoning</i>	<b>LI/NC</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	1.725 ac. (75,141 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Retail
<i>Required parking</i>	93
<i>Proposed parking</i>	100

**BACKGROUND**

April 7<sup>th</sup>, 2004 (CPA/07/04; item 2.5) – application for 22 commercial units approved

**Recommendation:** Grant planning permission.

**AGENCY COMMENTS**

Comments from the Water Authority, National Roads Authority, Department of Environmental Health are noted below.

**Water Authority**

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

**Wastewater Treatment:**

*The existing development is served by an onsite aerobic wastewater treatment system with a design treatment capacity of 9,000 gpd.*

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

**Accommodation of Additional Wastewater Flows:**

*To verify that the wastewater treatment systems’ current condition and operation can accommodate flows from the proposed restaurant, **the system shall be serviced by a Registered Service Provider (list attached), per Water Authority’s Standard Service Report.** Registered Service Providers submit Standard Service Reports to the client and the Water Authority via our online tracking system. The required service should be*

*scheduled without delay. Receipt of the Standard Service Report and subsequent sampling of the system by the Water Authority to ensure compliance with regulatory limits are conditions for approval of Certificate of Occupancy.*

**Grease Interceptor Required**

*A grease interceptor with a minimum capacity of 1,500 US gallons is required to pre-treat flows from kitchen fixtures and equipment with grease-laden waste; e.g., pot sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the ATU.*

**National Roads Authority**

No comments received

**Department of Environmental Health**

*This application is not recommended for approval for the following reasons:*

- a. Detailed floor plan and a schedule must be submit showing all equipment.*
- b. The specifications for the hot water heater must also be provided.*
- c. The applicant must also submit the approved mechanical hood details from BCU.*
- d. The restrooms must not open directly in to the dining area.*

**APPLICANT'S LETTER**

*We hereby make application to the Central Planning Authority for planning consent grant for a Bakery and Restaurant facility as a fit-out to existing premises Units B1, B2 and B3, Block B, 'Plaza Venezia' commercial mall, parcel 14C338 George Town District, Grand Cayman.*

*The proposed fitout premises is a sit-down restaurant and related kitchen and food preparation areas plus a takeout shop with patisserie (baked goods and breads. The parcel is zoned General Commercial, and the commercial and retail plaza is an existing development.*

*The scope under this planning consent application is for 'change-of-use' from existing retail /commercial (old CIBC FCIB premises), to restaurant and food retail where applicable and according to the table below:*

**ESSENTIAL PLANNING DATA:**

*Block 14C Parcel 338 area 1.725 ac*

*Existing TOTAL commercial area 25,601 sq ft*

*Existing TOTAL building coverage 28,314 sq ft*

*Block A 10,018 sq ft*

*Block B 18,296 sq ft*

*Parking total provided: 100 bays, (handicap 4 bays)*

**CHANGE-OF-USE**

*Existing 'Retail' proposed change of use to 'Restaurant': 3,328 sq ft total*

*Unit B1 (14C338 H8) Unit area: 1,462 sq ft change of use: 1,390 sq ft*

*Unit B2 (14C338 H9) Unit area: 1,233 sq ft change of use: 705 sq ft*

*Unit B3 (14C338 H10) Unit area: 1,233 sq ft change of use: 1,233 sq ft*

*The existing premises has sufficient capacity to provide for the additional parking required under this change-of-use proposal. The parking provision can be summarised as follows: Parking provision is 1 bay /300 sq ft retail /commercial: 17,325 sq ft = 58 parking bays Parking provision is 1 bay/200 sq ft restaurant (+ kitchen etc) 8,276 sq ft = 42 parking bays Units B1, B2 and B3 change-of-use (restaurant) = 4 additional parking bays provided.*

#### **REVIEW BY DEPARTMENT ENVIRONMENTAL HEALTH:**

*Anticipating that all equipment specifications and placement in the proposed kitchen area will need to be submitted to the Department of Environmental Health for their review in due course, it is applicant's intention to obtain planning consent for change of use of the existing premises to restaurant prior to undertaking the rather arduous and expensive task of designing and specifying kitchen equipment as part of an integrated electrical, mechanical, plumbing /drainage and fire suppression exercise.*

*It is thus applicant's intention upon receipt of relevant planning consent, to integrate such equipment specifications with the fit-out permit application documentation, and when application is made for the permit, full kitchen equipment and range extract hood installation specifications be submitted to the Department for their review, comments and approval in due course. In this manner, more effective coordination may be achieved at a lower cost to applicant.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application site is split between neighbourhood commercial and light industrial zones. North Sound Road forms the western boundary with random storage of items on land sited to the north and east. Existing buildings are located to the south.

The units are located across the northern boundary of the site.

#### **Zoning**

The property is zoned NC/LI.

### **3.0 DEVELOPMENT PLAN MATTERS**

#### **3.1 CLYDE AND MICHELE SMITH Block 1D Parcel 160 (RZ20-0006) (RM)**

Application for Amendment to Development Plan 1997 from High Density Residential to Light Industrial.

**Appearance at 1:00**

#### **FACTS**

<b><i>Location:</i></b>	Miss Daisy Lane / Hell Road, West Bay
<b><i>Parcel:</i></b>	1D160
<b><i>Current Zoning:</i></b>	High Density Residential
<b><i>Proposed Zoning:</i></b>	Light Industrial
<b><i>Ownership:</i></b>	Private
<b><i>Total Parcel Size:</i></b>	3.50 acres
<b><i>Subject Zoning Area:</i></b>	3.50 acres

#### **DEPARTMENT OF PLANNING RECOMMENDATION**

The Department of Planning recommends that the Central Planning Authority discuss the application to consider the matter of suitability.

#### **BACKGROUND**

February 3<sup>rd</sup> 2021 (CPA/03/21; item 3.2) – it was resolved to adjourn the application and re-schedule it to be heard by the Authority at a later date which would give members further opportunity to review the application.

#### **DEPARTMENT OF PLANNING ANALYSIS**

The applicant is seeking an amendment to the Development Plan from High Density Residential to Light Industrial. The applicant has identified the subject parcel as being located within a ‘mixed use’ neighbourhood on account of the range of activities currently operating nearby, and the applicant suggests that there is no land suitably zoned for light industrial activities. The details are outlined in the applicant’s letter below:

*“...the 14 different activities operating within the area has contributed to the area being developed as a “mixed use” neighbourhood. There are also two churches in close proximity. Therefore, area residents and others can live, eat, attend school, church, purchase fuels, have vehicles repaired, buy fresh meats, vegetables, fruits, groceries, collect/send mail, enjoy entertainment, visit an elderly one in the senior citizens home or a loved one at Hope Foundation, purchase souvenirs, and visit Hell.*



*This all happens on/off Hell Road between Town Hall Road and Watercourse Road (less than ½ mile). However, residents or non-residents cannot find any land suitably zoned for activities such as warehousing, tire repairs, vehicle repairs (mechanical and body), light manufacturing (furniture, food products, consumer electronics, etc.), small engine repairs, etc., etc. This inability has stifled entrepreneurship and prevented centres of local employment from developing. The rezoning of the subject parcel to Light Industrial could address both of these issues.*

*The applicants are applying to rezone the site from HDR to Light Industrial (LI). Their reasons for applying to rezone the parcel are:*

- (i). A residential project would most likely fail due to the stigma associated with “logwoods”*
- (ii). There is no land zoned Light Industrial in West Bay*
- (iii). Rezoning the site LI the applicants would create an employment hub in the district,*
- (iv). Rezoning the site LI would provide a venue for entrepreneurship, and*
- (v). To construct buildings for individuals and entities to conduct light industrial activities.*

*The creation of a LI zone in West Bay and the other districts is long overdue as it was discussed in 2002/03 during a Development Plan Review process. Also, there are not many parcels this size and located on a main road in West Bay that could be rezoned to LI. We therefore submit that it is imperative and urgent to act on this proposal because not only do we need a LI zone within the district, but this LI zone will also create an employment hub and provide a venue for entrepreneurship.*

*The applicant will retain ownership of the site and the buildings thereon thus be able to ensure that future developments do “...not cause detriment to the amenity of that area including detriment by reason of noise, vibration, smell, fumes, electrical interference, smoke, soot, ash, dust or grit;” and that they are reasonably integrated into the surroundings. In this manner the applicants will retain management control of the site.*

*We trust that the Department, other relevant agencies, and the Authority all concur with the need to create a Light Industrial zone within the district of West Bay, and by extension support this application. We believe that we have demonstrated that the site is a suitable candidate for this type of zoning due to its location, surrounding land uses, and how possible future impacts will be mitigated. However, if you require any additional information, documentation or have questions please advise and we will address them post haste.*

**Site details:**

The subject property consists of a large (3.50 ac) parcel located to the east of Miss Daisy Lane in West Bay. The parcel has a small frontage (approximately 59ft) onto Hell Road.

The parcel is occupied by two small residential buildings, situated in close proximity to the western boundary. The majority of the parcel however is vacant and occupied by mature vegetation. The topography of the land is relatively even at around 5ft above sea level.

### **Character and Land Uses of Surrounding Area**

In total there are 5 different land use zoning categories within a 1,000ft radius of the subject property. The subject parcel itself is located within a large area zoned High Density Residential while to the south, across Hell Road, is a large area which is zoned Low Density Residential. A short distance to the east of the subject property are a number of Neighbourhood Commercial zoned parcels while further to the south and east are areas zoned Public Open Space and Institutional.

As noted in the applicant's cover letter, the subject parcel is located in close proximity to a range of commercial, civic, and residential uses. The areas to the north and west of the subject property are largely occupied by residential land uses with a combination of single-family and multi-family units. Hell Road however, to the south of the subject property, has a variety of commercial and tourism premises, including those associated with the Hell tourism attraction, and a gas station. Also located nearby are the Sir John A Cumber Primary School, to the east, and a Heavy Equipment compound, to the north.

Figure 1 displays the proposed rezoned area as requested by the applicant and the surrounding land-use context.

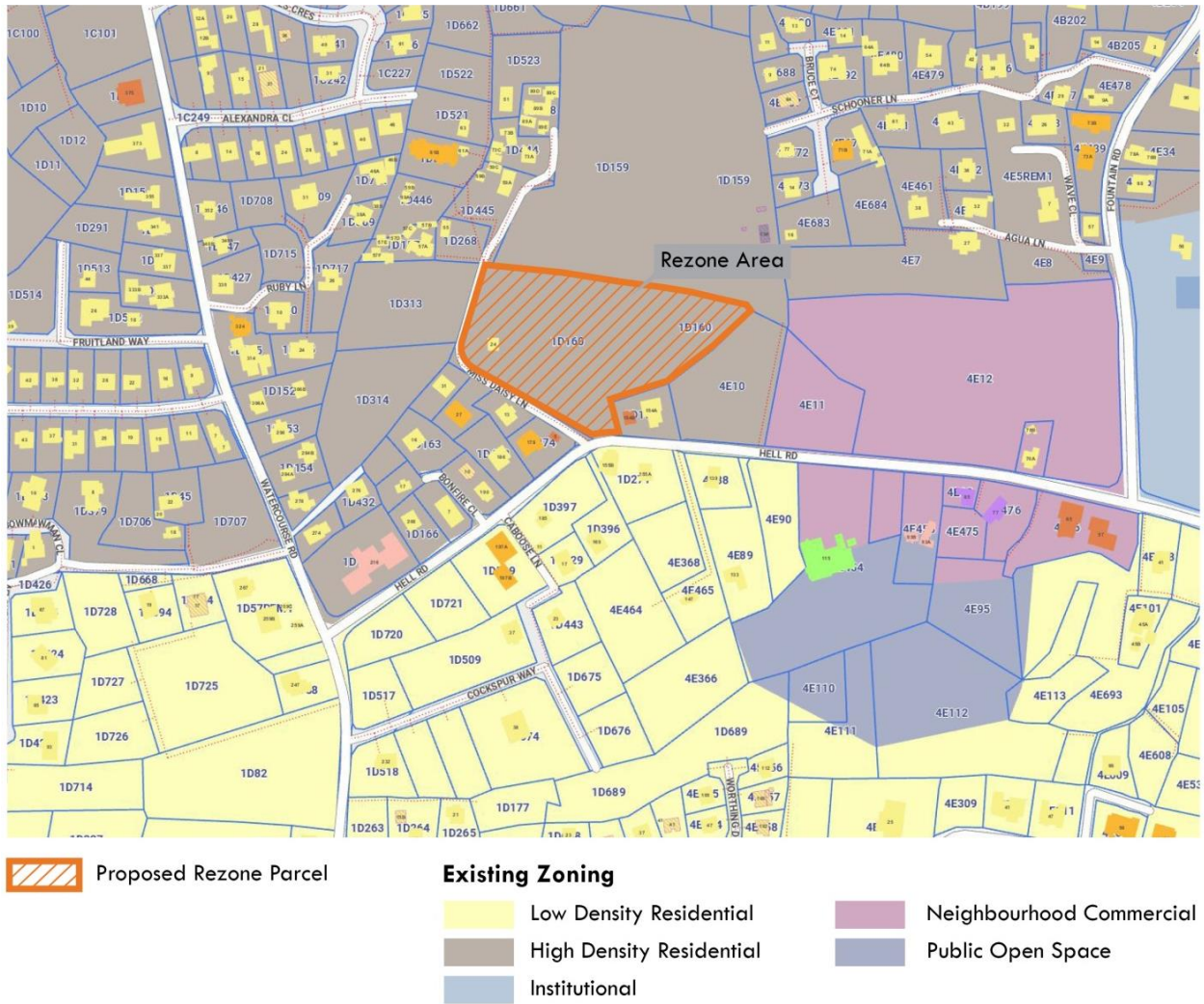


Figure 1: Zoning and location map (Source: [www.caymanlandinfo.ky](http://www.caymanlandinfo.ky))

In Grand Cayman just 302.8 acres (or 0.63% of Grand Cayman as a whole) is currently zoned for Light Industrial uses, and these areas are all located in the district of George Town, within the ‘industrial park’ to the north of Owen Roberts International Airport. Rezoning the subject parcel to Light Industrial could therefore be considered “spot zoning” since it would not adjoin to any existing Light Industrial land in the locality.

The primary consideration for this rezone application is the suitability of Light Industrial in this location, based on surrounding land use zoning. There is a concern that future light industrial development on this site could be undesirable to neighbouring residents based on what is permitted in terms of use, scale and bulk. The Authority is asked to consider therefore whether Light Industrial uses in this location would be undesirable, or in fact would provide a transition between the nearby Neighbourhood Commercial zoned parcels and the adjacent Residential zones.

### **Supplemental Comments**

- There are no environmental concerns that detract from a change in zoning.
- A change in zoning to Light Industrial could assist in providing local employment and reinforcing the mixed-use nature of West Bay.
- Pursuant to Section 12(4) of the Development and Planning Regulations (2020 Revision), light industrial development is permissible in this location under the existing High Density Residential zoning, provided that it is not offensive and does not adversely affect the area.
- Any form of future development or redevelopment on this site would require Planning permission, which would include considerations with respect to the Development and Planning Legislation and effects on neighbouring areas.

### **AGENCY COMMENTS**

#### **Department of Environmental Health**

*“DEH has no objections the rezone in principle.*

*Any built development must be submitted to DEH for review and approval”.*

#### **Cayman Islands Fire Service**

*“The fire Department have no objection at this time.”*

#### **National Roads Authority**

Comments requested on 14 October 2020 – None received

#### **Water Authority**

*“Please be advised that the Water Authority has no objection to the proposed rezone.*

*Requirements for water and wastewater will be determined when built development of the parcel is proposed.”*

**Department of Environment**

*“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.*

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

**4.0 PLANNING APPEAL MATTERS**

**5.0 MATTERS FROM THE DIRECTOR OF PLANNING**

**6.0 CPA MEMBERS INFORMATION/DISCUSSIONS**