

Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on **May 24, 2023 at 10:00am in Conference Room 1038, 1st Floor, Government Administration Building, and Elgin Avenue.**

12th Meeting of the Year

CPA/12/23

Mr. Ian Pairaudeau (Chair)

Mr. Handel Whittaker (Deputy Chair)

Mr. Joshua Bernard

Mr. Gillard McLaughlin

Mr. Charles Russell Jr.

Mr. Peterkin Berry

Mr. Peter Campbell

Mr. Kenneth Ebanks

Ms. Danette McLaughlin

Ms. Shakina Bush

Ms. Christine Maltman, MCIP, AICP

Ms. Celecia Bancroft

Mr. Ashton Bodden

Mr. Haroon Pandohie (Executive Secretary)

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

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

List of Applications Presented at CPA/12/23

- 2.1 CAYMAN ENTERPRISE CITY (Design Cayman Ltd) Block 21B Parcel 134 (P22-1154) (\$230,000,000) (MW) 5
- 2.2 SHAMROCK GROUP INVESTMENT LTD Block 32C Parcel 213 (P22-1145) (\$3,200,000) (AS) 14
- 2.3 MICHAEL TAYLOR (Dwayne Construction Ltd) Block 48E Parcel 110 (P22-1106) (\$1.5 million) (NP) 24
- 2.4 FLOURISH INVESTMENTS (Cayman Survey Associates) Block 12C Parcel 524 (P23-0199) (\$4,400) (NP) 32
- 2.5 HIGH ROCK 67 LTD. (Abernethy & Associates) Block 67A Parcel 44 (P22-1133) (\$113,103) (NP) 35
- 2.6 GRETA'S GROTTO LTD. (APEC Consulting Engineers Ltd.) Block 20C Parcels 176 (P23-0037) (\$500,000) (MW) 43
- 2.7 FOUNELLI INVESTMENTS (CCS Design) Block 13D Parcel 345 (P21-0926) (\$2.0 million) (NP) 52
- 2.8 PAINT PROS LTD. (W & W Architects) Block 19E Parcel 103 (P23-0072) (\$3.3 million) (NP) 58
- 2.9 WRENDON TIMOTHY (LSG Designs) Block 43A Parcel 324 (P23-0203) (\$780,000) (NP) 62
- 2.10 DMS PROPERTIES LTD. (EKT Architecture) Block 13D Parcel 359 (P22-1136) (\$3,000,000) (MW) 66
- 2.11 PALM SUNSHINE (ARCO) Block 12C Parcel 443 (P23-0133) (\$1.5 million) (NP) 73
- 2.12 SDG GROUP LTD. (AD Architecture Ltd.) Block 37E Parcel 164 & 165 (P23-0103) (\$2,285,000) (MW) 74
- 2.13 PREMIUM INDUSTRIES (CAYMAN) LIMITED (Tony Lattie) Block 9A Parcel 891 (P21-1360) (\$1,600,000) (MW) 81
- 2.14 YARL TOWERS LTD Block 14E Parcel 101 (P22-1077) (\$800,000) (AS) 87
- 2.15 AUBURN BAY (Tropical Architectural Group Ltd.) Block 22D Parcel 182REM4 (P23-0006) (\$50,000) (MW) 91
- 2.16 ALANA BANKS-MILLER (Caribbean Design Group) Block 32E Parcels 107 (P22-1165) (\$8,300) (MW) 97
- 2.17 EUTON WRIGHT (BARBARA BODDEN) Block 4B Parcels 520 (P23-0315) (\$5,000) (MW) 98
- 2.18 KIRK MARINE (New Perspective Design & Construction Ltd.) Block 14BJ Parcel 24 (P23-0137) (\$492,768) (MW) 100
- 2.19 JULIE OHARE & LEE TRICKET (Oasis Pool & Spa) Block 33E Parcel 18 (P23-0116) (\$75,000) (EJ) 105
- 2.20 SOUTHGATE LTD. (Abernethy & Associates) Block 20C Parcel 113 (P23-0198) (\$2,674) (NP) 108
- 2.21 CHAYMAYRANE PRIMRIOSE WILLIAMS (Shedwerx) Block 4B Parcel 383 (P23-0255) (\$5,000) (NP) 110

2.22 OWEN ROBERTS INTERNATIONAL AIRPORT (AMR Engineers) Block 20C Parcel 78 (P23-0245) (\$240,000) (NP) 111

2.23 LG CONTRACTING – Ritz Deckhouse Strata (Declan O’Brien) Block 12C Parcel 4513H10 (P23-0306) (\$71,500) (NP) 112

2.24 MONTESSORI WEST (TAG) Block 4C Parcel 29 (P23-0220) (\$15,000) (NP) 112

2.25 CAYMAN ENTERPRISE CITY (Design (Cayman) Ltd.) Block 21B Parcel 134 (P23-0184) (\$17,410) (MW) 113

APPLICANTS ATTENDING THE AUTHORITY’S MEETING

Applicant Name	Time	Item	Page
CEC PAD Modification	10:30	2.1	5
Shamrock Group Investment Ltd	1:00	2.2	14
Michael Taylor	1:30	2.3	24
Flourish Investments	2:00	2.4	32

1.1 Confirmation of Minutes CPA/10/23 held on 10th May 2023.

1.2 Declarations of Conflicts/Interests

Item	Member

2.0 APPLICATIONS
APPEARANCES (Items 2.1 to Item 2.4)

2.1 CAYMAN ENTERPRISE CITY (Design Cayman Ltd) Block 21B Parcel 134 (P22-1154) (\$230,000,000) (MW)

Application to modify planning permission for an approved Planned Area Development (PAD).

Appearance at 10:30

FACTS

<i>Location</i>	Off Fairbanks Rd., George Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	Objections
<i>Parcel size proposed</i>	75.5 ac. (3,288,780 sq. ft.)
<i>Current use</i>	Approved buildings (under construction)

BACKGROUND

December 9, 2015 – Planned Area Development – the application was considered and it was resolved to grant planning permission.

July 6, 2016 – Five (5) Lot subdivision – the application was considered and it was resolved to grant planning permission.

May 23, 2017 – Modify CPA Conditions – the application was considered and it resolved to grant planning permission.

April 18, 2018 – Two (2) Commercial Office Buildings and Two (2) Generators – the application was considered and it was resolved to grant planning permission.

November 23, 2018- Revise Site Layout and Building Design, Reduce Parking (Phasing)-the application was considered and it was resolved to grant planning permission.

September 16, 2020 – Modification to Office Building (Increase Floor Area, Revise Elevations & Add Parking)- the application was considered and it was resolved to grant planning permission.

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

- 1) PAD Modifications
- 2) Concerns of the Objectors

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment:

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

Water Supply:

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

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

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

National Roads Authority

No comments received at this time.

Department of Environmental Health

DEH has no objections to the proposed in principle. All planned development for the site must be submitted to DEH for review and approval.

Department of Environment

See Appendix A

Fire Department

Please note fire have no comments at this time for proposed layout and in the future phase please ensure provide fire access drawing for compliance and review. The Cayman Islands Fire Service adheres to the 1995 Fire Brigade Law, the 1997 Fire Code, the 1994 Standard Fire Prevention Code and all relevant NFPA Codes.

APPLICANT'S LETTERS

See Appendix B

OBJECTIONS

Letter #1

As local property owners within the notification zone of the Cayman Enterprise City development, we are writing to object to the planning application above. Our grounds for objecting are outlined below:

1. Significant change in concept and land use

The development plan submitted with this application bears little resemblance to the original masterplan approved as part of the PAD application in December 2015. The original plans were designed to provide office space for businesses in the Special Economic Zone on a sustainably-designed campus with the provision of a small number of residential options.

In the latest iteration, the development is predominantly a residential subdivision with the mixed-use component scaled back. By the developer's own admission, the proposed density and building heights of the residential developments are out of character with surrounding neighbourhoods. The Pirate Cove Estates and the majority of homes in South Sound are low-density, single family homes, as acknowledged by the Department of Planning when responding to comments during the [Plan Cayman consultation process](#). The Planning Appeals Tribunal has previously rejected higher density developments in this area to uphold the residential character of the area.

Furthermore, the PAD allows for building heights 'at current permitted levels' - with a multi-decade build-out, these limitations could subsequently rise above the five storeys permitted today, especially given the motion accepted in Parliament in December to consider increasing building heights.

The PAD has already been subject to multiple modifications since the original application. The extent of modifications requested on this occasion should merit a complete review of the development, including an environmental impact assessment.

2. Environmental impact

As stated by the Department of Environment in their comments on the original PAD application in December 2015, environmental concerns relate to

- 1) the ongoing drainage and flooding issues in South Sound and seeking to ensure that the development does not contribute to these problems*
- 2) the loss of primary mangrove wetland habitat, in terms of ecological functions and carbon sequestration.*

The DoE opposed removal of 50+ acres of mangroves from the South Sound basin in 2015. Over the past 7 years, development in South Sound has increased significantly, with the completion of Vela, the Bahia development now under construction and further developments by Baraud and at Q, Karma Seaview and Solana in the pipeline.

The loss of biodiversity and the threat of climate change suggest it is more critical than ever to preserve what little mangroves are left in South Sound. An EIA would seem appropriate to ensure relevant mitigation, both in design and construction methods, is agreed as a condition of approval.

Where the initial masterplan attempted to incorporate the natural environment into its designs, with lakes and green space that would attract wildlife and be used for recreation, the new masterplan has removed the lakes and reduced open spaces to the bare minimum, providing a poor substitute for the loss of natural environment.

3. Stormwater management

Of great concern is the developer's note that stormwater management plans will be submitted piecemeal rather than for the PAD as a whole. This is contrary to the recommendation made by the Department of Environment, Water Authority and National Roads Authority in a memo dated January 2015 that a stormwater plan should be established for the entire South Sound basin (Ref: [South Sound Drainage Basin](#)).

With climate change expected to produce a greater number of extreme storms and more flooding events in Grand Cayman, and with no national climate policy, area stormwater management plans are essential.

Stormwater management was the basis for several objections by neighbours at the time the original application. Our concern remains that ineffective stormwater management puts surrounding properties at risk of flooding, especially those at lower elevations that the new development.

The lakes in the original masterplan were presented as integral to stormwater management; however these have now been removed.

A stormwater management plan should be developed for the entire PAD area, and should not be left for individual planning applicants for smaller developments or single family homes within the PAD.

We would advocate that all the technical and scientific documentation originally required for the PAD should be reinstated as a condition of approval, including a comprehensive stormwater management plan, traffic demand accommodation analysis, waste water management system plan, engineering, biological and hydrological analysis of wetland filtration.

4. Sewage disposal system

We are opposed to the developer's request to remove the condition that states "there will be no use of septic tanks within the PAD." Heavy rains and flooding can cause major problems with septic systems and possible

sewage contamination. Multiple small residential aerobic tanks in this scale of development would be a real concern.

5. Access

We reiterate our objection to the access roads proposed from the development to South Sound road via Mary Read Crescent and Anne Bonny Crescent. These narrow, chip and spray neighbourhood roads are entirely unsuitable to high volumes of traffic from a large multi-use commercial/residential development.

Although the developer has previously stated these roads will be used for emergency access only and will be kept padlocked, the history of incremental modifications to the PAD are cause for concern that these emergency access points could be used more widely over time.

The primary access point is to the north of the development, connecting to Fairbanks Road. The masterplan indicates a number of roads intersecting the development, some of which have been gazetted, some have not. There is no indication as to the timeline or funding for these roads, many of which would be required to unlock the southern parcels of land within the PAD area.

We would also note that the developer has previously proposed an alternative

“emergency access” adjacent to the Cayman Islands Tennis Club. It is clear that connecting the development to South Sound road is a priority for the developer, whether to provide emergency access or to promote the sale of residential properties as located in “South Sound”.

With a lack of public transport in South Sound, and traffic congestion already as issue on South Sound Road, it is not clear what efforts the developer is making to reduce the impact of car ownership with the PAD and how they would connect to public transport services outside the PAD, given they anticipate 6,000 daily occupants on the CEC campus alone.

6. PAD extension

We object to the developer’s request to add another 5 acres to the PAD area. There is no documentation to establish the need for a large residential development of this nature, let alone add a further five acres. The parcel’s location adjacent to the Cayman Islands Tennis Club further suggests the developers desire to connect the development with South Sound.

In conclusion, we believe the development plan in its current format will cause environmental and social damage to South Sound. While we were broadly in favour of CEC’s initial proposal for a mixed-use campus to accommodate Special Economic Zone businesses, we oppose the widescale, high-density residential development now proposed.

Letter #2

I am writing to state my objection to the above noted development going before the committee. I am a resident of the neighboring Vela development and have grave concerns over the impact this project will have.

My main concerns are regarding potential flooding and the height of some of the buildings proposed, anything over 3 storeys is simply not in keeping with the area. This is a residential neighborhood and any commercial development should respect that.

Letter #3

I [REDACTED] agree with the grounds brought forth in the attached objection and would like to join the objection points made by Pirates Cove Estates Residents' Association Ltd.

Further to these points I am of the understanding that Charles Kirkconnell has been privately seeking to gain a vehicular ROW through Parcels: 21B 30 and/or 21B 19 with access to South Sound Road via Anne Bonney Crescent. He has also approached our family seeking a similar vehicular ROW over Parcel 21B 129 to access South Sound Road via Anne Bonney Crescent, which we have denied. These small local community roads were not designed to handle the large volume of traffic that will be generated by the proposed residential developments on Parcels 21B 135 and 15C 29. Furthermore, the CPA previously denied any vehicular ROW to South Sound via Anne Bonney Crescent, and I feel this denial should remain intact in all forms.

I fear that the emergency access being sought over the land that is occupied by the Cayman Islands Tennis club and/or the Cayman Islands Squash Club will be altered in the future to a full vehicular Access. There is no reason to have emergency access through South Sound when the planned bypass roads to the north will give the most direct access to all George Town hospitals and the Cayman Islands Fire Service (all located North of the respective properties).

The removal of the lakes and the change of use will no doubt increase the threat of flooding to my lots 21E 97 and 21E 98. This area has always been prone to flooding and the proposed increase in development density to 21B 135 and 15C 29 will only make this threat greater.

Letter #4

As the elected representatives of all the 168 units of Vela Strata Phases 1-3 (collectively referred herein as "Vela"), we hereby file a joint objection against the Cayman Enterprise City ("CEC") application to the Central Planning Authority based on the following:

Collective Objections from Vela:

1. Inconsistent or lack of notification to Vela homeowners: *as of the date of this letter, only a handful of Vela homeowners have received a formal notification about this project and/or the amendments to this project. Vela homeowners have not been provided with adequate notification, awareness, and time to fully consider the plan and its potential impacts. We would request that CEC holds a public meeting to explain their plans, especially given the lack of a stormwater management plan.*

2. Drainage and flooding concerns: *Currently the areas along western parts of the Vela community struggle with storm drainage and flooding-related issues. Following a rainstorm, the roadway and parking spaces on the western side of Vela are often*

flooded for several days. The drainage wells in the roadways have been continuously drilled ever-deeper (to no avail) to try and find a solution to this issue. Vela is concerned with the close proximity of the buildings in CEC Project to Vela property line (specifically Mix Phase 2.3, 3.1 and 3.2), the removal of about 50 acres of mangrove habitat, the removal of lakes and natural wetlands, and the potential negative impact this may have on the Vela community's current drainage and flooding situation. It is our understanding that no project is allowed to overflow into a neighboring piece of land. As such, CEC must handle their own drainage properly. Vela recognizes this is a liability for CEC and if CEC builds anything next to Vela property, we need to be 100% sure it doesn't flood onto Vela land.

***3. Building Heights:** Vela homeowners are concerned with the height of the buildings adjacent to the western side of Vela, which also appear to be closer in proximity to Vela than previously planned. We request that the CPA assess the suitability of having an enormous parking structure in such close proximity to the residential Vela community. We request that CEC creates adequate easements from the Vela property line with natural landscaping such as trees/mangroves to conceal the CEC buildings from Vela residents. Also, please consider limiting these neighboring structures to 3 stories, which is in line with the rest of the surrounding buildings in the South Sound neighborhood.*

Letter #5

I understand that you are the contact for any objections in relation to the requested amendments to the above project.

We are the owners of 144 Vela in phase 3, adjacent to the proposed project, block and parcel 21B 123 H32.

We would like to raise a general objection to the amendments but in particular in relation to the proposed increase in heights from 3 to 5 stories and the request to remove the conditions around storm water drainage that could potentially cause spill over to our properties.

Letter #6

I have been forwarded the attached planning notice dated 21 December 2022. I have not checked my PO Box over Christmas but the plans do not appear to be loaded to the Planning Portal and not many residents are focused on such matters during the busy Christmas period. Kindly confirm if you will be adding the plans to the planning site and extending the notice period?

As an affected land owner please note my objection. My objection is based on and in support of previous concerns and recommendations from the Department of Environment, National Roads Authority and Water Authority regarding the loss of the South Sound wetland habitat, lack of an overall stormwater management plan for the area, lack of a geotechnical survey to address concerns about hydrology and sinkholes plus lack of transparency regarding a supportive transportation access model. This would appear to be a threatening and contentious proposal without the required infrastructure as a condition of any approval. The concerns highlighted over the years clearly show that there is significant water abatement needed.

Respectfully, could the developer be encouraged to hold a town hall meeting to present the plans to the community so that there is a public Q&A prior to a planning meeting being scheduled.

Attachments:

- • *Original CEC master pad concept*
- • *24 Oct 2012 Water Authority notes on Water Discharge*
- • *30 Jan 2015 DOE, WA, NRA South Sound Drainage Basin*
- • *18 Nov 2015 CEC PAD review*

PLANNING DEPARTMENT ANALYSIS

General

The application is for a Modification to Planned Area Development (PAD) for Cayman Enterprise City, to be located off Fairbanks Rd., George Town. The site is located in South Sound, between the Fairbanks Prison to the north and Cayman Tennis Club to the south. The PAD approved the following five uses on the site;

- a) Residential
- b) Commercial
- c) Institutional
- d) Hotel
- e) Open Space

Zoning

The property is zoned Low Density Residential, but subject to the CEC PAD development standards.

Specific Issues

1) Modifications to Planned Area Development (PAD)

The applicant has submitted plans regarding a proposed modification to the current approved Planned Area Development (PAD). The modification will encompass the following:

- Increase in PAD area: Addition of 4.63 acres which will increase the PAD area to a total of 75.50 acres.
- Remove the Lakes from the Plan: the applicant has proposed to remove any reference to the lakes, including the Lake 1 and the Lake 2 (referenced in the Development Statement) which was to be excavated to provide the fill for the site. The applicant has addressed the full details in the applicant letter.
- Master plan concept changes: Redistribution of buildings, revised development statement to add a 30,000 sq. ft. (500 student) educational facility and add in the mixed-use commercial zone, relocate the designated Hotel /Tourism zone (building area) to the Mixed-Use zone, new Mixed-Use concept, expanded Residential zones, relocate the serviced apartment buildings to the new proposed Residential Apartment/Townhouse zone, update

the Phasing Schedule and the PAD Stormwater Management Plan in accordance to the new proposed master-plan plan.

2) Analysis of proposed amendments

The applicant has proposed changes to the conditions in the decision letter for CPA/25/15; item 2.1 – which granted permission for a Planned Area Development. The applicant has proposed changes which are laid out in the applicant letter attached.

The authority should consider the following impacts of these changes.

A. Condition 1) b)

This condition states *“as phases are developed, any temporary parking areas will be surfaced with asphalt and will contain tire stops and suitable landscaping.”*

The applicant is requesting to modify the condition for several reasons outlined in the applicant letter with the proposed following amendment wording. *“As phases are developed, any temporary parking areas will be surfaced with asphalt cement and contain fire stops and suitable landscaping except for temporary parking over an area on the masterplan where a building or parking garage is designated. These areas can utilize a chip and spray asphalt emulsion method, in lieu of asphalt cement, for a maximum of 5 years from building occupancy, and thereafter if a building is not constructed over the temporary parking lot, it shall be paved with asphalt cement in accordance with NRA standards”*

B. Condition 1) d)

This condition states *“there will be no use of septic tanks within the PAD.”* The applicant has proposed that this condition be deleted for the residential zones as the lakes have been removed on the new revised master plan.

C. Condition 1) e)

This condition states *“in the CEC Matrix and wherever else applicable in the statement, there shall be no reference to secondary uses in the residential phases. In the other phases, there must be reference to secondary uses not to exceed 25% of the gross building floor area.”* The applicant has proposed that Commercial / Institutional Zone be renamed as the Mixed-Use Zone for clarity, and Commercial, Institutional, Residential and Hotel / Tourism uses be listed as Primary Uses in the Mixed-Use zone.

D. Condition 1) j)

This condition states *“show the swale next to 15D 88 as being constructed with concrete or similar material.”* The applicant is of the opinion that this condition can be deleted as the conditions in the modification dated on June 2017, provide a better solution.

2.2 SHAMROCK GROUP INVESTMENT LTD Block 32C Parcel 213 (P22-1145) (\$3,200,000) (AS)

Application for 16 apartments, gym, pool, wall and tennis court.

FACTS

<i>Location</i>	Shamrock Road, Explore Way & Discover Drive
<i>Zoning</i>	LDR
<i>Notification result</i>	Objections
<i>Parcel Size</i>	1.087 AC (47,349.72 sq ft)
<i>Parcel size required</i>	25,000 sq ft
<i>Current Use</i>	vacant
<i>Footprint</i>	6,800 sq ft
<i>Building Area</i>	13,200
<i>Site Coverage</i>	14.36%
<i>No. of Units Allowed</i>	16
<i>No of Units Proposed:</i>	16
<i>No of Bedrooms Allowed:</i>	26
<i>No of Bedrooms Proposed:</i>	32
<i>Parking Required</i>	24
<i>Parking Proposed:</i>	24

BACKGROUND

NA

Recommendation: Discuss the application for the following reasons:

- 1) Suitability
- 2) Bedroom density (32 vs 26)
- 3) Concerns of the objectors

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment and Disposal

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

- *The proposed development **requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification** that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed system shall have a treatment capacity of at least 3,600 US gallons per day (gpd)**, based on the following calculations.*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG
Building A	4 x 2-Bed Units	225gpd/2-Bed	900
Building B	4 x 2-Bed Units		900
Building C	4 x 2-Bed Units		900
Building D	4 x 2-Bed Units		900
Gym	400 sq. ft.	0	0
TOTAL			3,600

- ***Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 6".** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- ***To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 5'1" 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.*

Stormwater Management

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

Water Supply:

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

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

The Fire Service has marked the site plan “Approved” for planning permit only.

National Roads Authority

General Issues

1. Entrance and exit curves shall be no less than fifteen (15) feet in radius.
2. Entrances shall be between twenty-two (22) and twenty-four (24) feet wide. (exclusive of the side gates)
3. A six (6) foot sidewalk shall be constructed on Explore Way, Discover Drive and Shamrock Road within the property boundary, to [NRA specifications](#).

Please have the applicant to comply with these requirements prior to granting planning permission.

Road Capacity Issues

The traffic demand to be generated by a residential development of sixteen (16) multi-family units has been assessed in accordance with ITE Code 220 – Apartments. Thus, the assumed average trip rates per dwelling unit provided by the ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added to Explore Way is as follows:

Expected Daily Trips	AM Peak Hour Total Traffic	AM Peak 20% In	AM Peak 80% Out	PM Peak Hour Total Traffic	PM Peak 65% In	PM Peak 35% Out
106	8	2	6	10	6	4

Based on these estimates, the impact of the proposed development on Explore Way is considered to be minimal.

Access and Traffic Management Issues

One-way driveway aisles with diagonal parking shall be between twelve (12) to sixteen (16) ft. wide. Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.

Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is

not reduced below the sixteen-foot (16') minimum.

Stormwater Management Issues

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

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

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

"any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of

such canal, conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;

Department of Environment

The application site is man-modified, with some regrowth of mature vegetation. We recommend that the applicant considers the use of porous or permeable surfaces in areas of hard standing such as the parking areas.

Best management practices should be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

We also recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and the amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

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

- 1. If the construction uses insulating concrete forms (ICF) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas.*

Department of Environmental Health

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

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

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

APPLICANT'S LETTER

Letter #1

We are seeking Planning approval for a proposed development of 16 townhomes on Block and Parcel No. 32C 213, zoned LDR.

We seek a variance for the number of bedrooms. In the proposed development of 16 townhomes, we wish to offer 32 bedrooms, whereas the size of the site permits 26. The additional 6 bedrooms would align with the Development and Planning Regulations insofar that:

- i. *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;*
- ii. *the characteristics of the proposed development are consistent with the character of the surrounding area; and*
- iii. *the proposed development emplaced on a main artery such as Shamrock Road helps alleviate the lack of housing in Cayman.*

Enclosed herewith are the site plan, floor plan, elevation plan and 3D renderings. We reserve the right to provide the landscape plan and the stormwater management plan at a later time. If you require additional information or further clarification, please don't hesitate to contact the undersigned.

Letter #2

We are writing in response to the letters of objection, dated February 2 and February 7, 2023 respectively, received following the notification of an application for planning permission on Block 32C Parcel 213 (hereinafter, the "Letters of Objection").

We have provided below a synopsis of the facts as well as a response to the concerns brought forward in the Letters of Objection. Along with the reasoning detailed below, we would be pleased to provide additional arguments before the Central Planning Authority.

In view of the arguments detailed below, we are seeking Planning approval for a proposed development of 16 townhomes and related amenities on Block and Parcel No. 32C 213, zoned LDR.

Facts

Shamrock Group Investment Ltd. (hereinafter, the "Applicant") submitted the application P22-1145 to the CPA on or about November 29, 2022. The Applicant acquired the Block and Parcel on or about October 28, 2022. As shown in the copy of the Land Register, attached as Appendix A, Block and Parcel No. 32C 213 is free and clear without any incumbrances of any nature.

Only an appurtenance exists in favour of the subject property, as detailed in Instrument No. 7194/90, attached hereto as Appendix B. This instrument creates a right of way over the adjoining roads Discover Dr. and Explore Way.

The Block and Parcel No. 32C 213 is zoned Low Density Residential – LDR – and has an area of 1.087 acres. Therefore, in accordance with the CPA Regulations, it is permitted to build up to 16 units, as was requested by the Applicant in its application P22-1145.

The Hibiscus Gardens Sub-Division

The Letters of Objection incorrectly state that the subject property, Block and Parcel No. 32C 213, forms part of the Hibiscus Gardens Sub-division. In fact, Block 32C Parcel 213 is not within the Hibiscus Gardens Sub-division or any other sub-division. As such, the Applicant is not subject to any restrictive covenants of the Hibiscus Gardens.

In fact, both the Land Register and the Instrument No. 7194/90, attached hereto, clearly indicate there are no incumbrances or restrictions for the subject property.

Moreover, we note that the Letters of Objection include a copy of a letter dated December 2, 2021 sent to the Cayman Islands Government, Lands and Survey Department where a request was made to register the restrictive covenants of the Hibiscus Gardens against certain lots. While we are not privy to any further correspondence between the parties following receipt of that written request, it is reasonable to conclude that such request was either denied or that it did not apply to Block and Parcel No. 32C 213. Given the time that had elapsed between the date of that letter and the date of purchase of the subject property by the Applicant, the land register could have been updated if the subject property was intended to form part of any sub-division.

Based on the foregoing, it is evident that Block and Parcel No. 32C 213 does not form part of the Hibiscus Gardens Sub-division nor is it subject to any restrictive covenants. As such, the CPA Regulations must apply exclusively.

Previous Owner of Parcel 213

The Letters of Objection incorrectly claim that the previous owner of Block and Parcel No. 32C 213 purchased the property on the understanding and knowledge derived from the restrictive covenants. Although it is made apparent that there are no incumbrances registered against Block and Parcel No. 32C 213, it is a fallacy to state that the previous owner had such knowledge. In fact, pursuant to the due diligence enquiries conducted at the time of sale, the previous owner specifically stated that the subject property is not subject to any covenants. As further detailed in the Enquiries document, attached hereto as Appendix C, the previous owners specifically stated that they are not aware of any overriding interests affecting the property and that they purchased the property without covenants and none are registered on the title.

Again, it is evident that Block and Parcel No. 32C 213 does not form part of the Hibiscus Gardens Subdivision.

Peaceful Nature of the Area

We understand the concerns highlighted in the Letters of Objection to keep the neighborhood peaceful and quiet. However, the proposed development does not deviate from such a standard. As referenced above, the planning permission sought is for 16 units, as would be generally permitted for a lot of this size. As such, it is reasonable to expect that the proposed development would align with the objectives of all residential areas, to maintain a peaceful and quiet environment, safe for all who reside in the neighborhood.

Moreover, the inclusion of a children's play area as part of the proposed development speaks to the intentions of the development, to create a family-focused environment.

With that said, we would be open to providing an access point on Shamrock Road directly, instead of Explore Way, should the CPA and this Board be supportive of such a change. This would eliminate all vehicular traffic on Discover Dr. and Explore Way. Attached hereto in Appendix D is a preliminary sketch of the site plan showing the viability of an entrance on Shamrock Rd.

We believe this would be a reasonable accommodation that would satisfy the concerns brought forward in the Letters of Objection, subject to the Board's comments.

Adequate Notice The Letters of Objection incorrectly assume that inadequate notice was provided to property owners in the vicinity. As required by the CPA regulations, the Applicant sent notices by registered mail and uploaded the corresponding proofs

onto the OPS platform for verification. As such, we deny the allegation that an adequate or proper notice of the proposed development was not provided.

The Need for Housing

The Applicant is seeking planning approval to help remedy a significant gap in the Cayman housing market. With the rise in the average price of houses, the steady decline in the properties available for sale, and the sharp increase in population, the Cayman Islands is faced with a housing crisis of grand proportions. To help remedy this issue, the Government has set out policy objectives which rely on the active participation of, among others, private developers. Nevertheless, the statistics continue to show an insufficient supply of new residential construction to meet the demand. The proposed development would cater to this need and align with the government's policy objectives.

Moreover, the increase in the cost of living, coupled with other socio-economic factors, have made affordability of homes for young Caymanians and first-time home buyers increasingly difficult. The need for quality affordable housing is therefore a crucial objective of the Government and an important need for the community.

We believe the proposed development on Block 32C Parcel 213 will be greatly beneficial to the community and help alleviate concerns that exist in the housing market.

Additional Remarks *While we can sympathize with the concerns brought forward in the Letters of Objection, they are factually inaccurate and they do not show that the proposal will be materially detrimental to persons residing in the vicinity, to the neighborhood or to the public welfare. In fact, we would contend that the proposed development will do just the opposite – it will further cement the neighborhood as a peaceful and quiet locality with a focus on safety for persons residing therein. It will bring new quality housing in an area that is in need for new housing. And, it will benefit owners of adjoining properties given the substantial investments made in that area.*

We humbly request the Board to grant the application for the proposed development on Block and Parcel No. 32C 213 for the 16 townhomes and related amenities.

OBJECTIONS

Letter #1

This letter should be read in conjunction with the separate and accompanying letter dated 2 February 2023 — in the latter, property owners in the Hibiscus Gardens sub-division document their objection to a proposed development of Block 32C, Parcel 213.

We have learned from one property owner within the Hibiscus Gardens sub-division that she received a letter dated December 2022 that notified of the proposed development of Block 32C, Parcel 213. Upon checking with the other property owners within the sub-division, it is evident that such a December 2022 letter was not received by all the property owners in the sub-division that should have received it.

It is therefore reasonable to conclude that adequate/proper notice of the proposed development of Block 32C Parcel 213 was not provided to all affected property owners in the sub-division.

Additionally, the December 2022 letter purports that the owner of Block 32 C, Parcel 213 is Charmaine and Christopher Phillips but the name of applicant stated on the same letter was Shamrock Group Investment Ltd. In contrast, the January 2023 letter

states that the owner of Block 32 C, Parcel 213 is Shamrock Group Investment Ltd and, the name of the applicant seeking approval for the proposed development is Shamrock Group Investment Ltd. The differences between the December 2022 and January 2023 letters add to the uncertainty surrounding whether adequate/proper notice of the proposed development of Block 32C Parcel 213 was provided to all affected property owners in the sub-division.

We the undersigned, and other property owners within the sub-division, would like to be notified of the hearing date at which the proposed development of Block 32C, Parcel 213 is to be considered and, many property owners will attend such a hearing and would wish to present oral objections to supplement the written objections documented in the accompanying 2 February 2023 letter.

Letter #2

We, the undersigned, write to object to the proposed development of Block 32C Parcel 213 (Lower Valley, Bodden Town) which would entail 16 town-homes, a gym, a pool and a tennis court being established on the said property.

Block 32C Parcel 213 is in the Hibiscus Gardens subdivision. Restrictive covenants exist for the parcels in the Hibiscus Gardens sub-division and a copy of those restrictive covenants accompany this letter. The lots originally carried letters which were subsequently converted to parcel numbers.

Article 2 of the restrictive covenants states that no structure shall be erected, altered, placed or permitted to remain on any lot in the subdivision except for a single family dwelling for the occupancy of one family. Clearly, the establishment of 16 town-homes on parcel 213 will violate the covenants that apply to parcels in the Hibiscus Gardens sub-division and accordingly, the development should be disallowed. All existing parcel owners in the sub-division – including the previous owner of parcel 213 purchased their property on the understanding and knowledge derived from the restrictive covenants, that land in the sub-division was for the purpose of establishing single private dwellings for the occupancy of one family. The proposed development on parcel 213 does not comply with this covenant and approval for the development should, therefore, be denied. Every developed parcel of land in the subdivision carries one single family house. Currently, we have fifteen (15) established single family houses and one single family house under construction. We have worked hard at preserving our sub-division and have established neighbourhood watch. We have signs against any form of speeding posted as our small children and elderly frequently ride their bikes, go for walks and also walk their dogs. This peace and harmony cannot be disturbed in any way and allowing this development will adversely affect our neighbourhood with increased traffic and people.

To further strengthen the above position, Article 21, of the restrictive covenants states that by purchasing land in the sub-division, purchasers agree to support the covenants and agree to enter into such further agreements as may be reasonably necessary for the furtherance of the objectives contained in the covenants. The proposed development of parcel 213 should not be permitted since it does not support the covenants that apply to the sub-division.

Moreover, on 2nd December 2021, the daughter (Mrs. Catherine Frazier), of the original owner and developer of the sub-division (Mr. Dalkeith R Bodden), wrote to the Lands and Survey Department, to the effect that the restrictive covenants were

applicable to all parcels of land within the sub-division and this includes parcel 213. This 2 December 2021 letter accompanies this letter of objection.

We, the undersigned owners in the sub-division, made the decision to purchase our property herein on the knowledge that this would be a very quiet and peaceful place to reside and our investments herein were substantial to ensure such quality of life. It is grossly unfair if the development were granted approval because the increased activity and traffic in the sub-division associated with a 16 town-home development, would destroy such tranquillity.

Given the preceding strong position that support a rejection of the approval sought to develop parcel 213, we, the undersigned, consider that the proposed development of parcel 213 does not have a basis to proceed.

Letter #3

My father, the late Dalkeith R. Bodden, was the owner of the entire property known as Hibiscus Gardens Subdivision in Lower Vally, Grand Cayman.

In the 1990's, he requested his cousin, the late Sibert ("Bert") Watler who owned Hibiscus Reality, to develop the property into an upscale residential subdivision with covenants for each lot. Included in the covenant, it stated each lot sold was for the purpose of a single family home only.

It has come to my attention that unfortunately, Hibiscus Reality overlooked registering covenants for some of the lots. This was never my fathers intention. Shortly after the development was completed, my father was stricken with cancer and passed away in Sept 2001. I was unaware of the ommission of covenants for some lots, until very recently.

I have inherited block/parcels 32C/237, 226, 230, and 216 from my father and wish to clarify that every single parcel of land sold within the Hibiscus Gardens Subdivision should have had the same covenant.

Attached please find copy of the Covenants. Please rectify the situation by registering the restrictive agreements/Covenants over all parcels in the sub-division that do not have such restrictive agreements/Covenants regestered over them, so as to fulfill my late father's wishes.

(see Appendix C for the covenant schedule)

PLANNING DEPARTMENT ANALYSIS

General

The application is for 16 apartments, a pool, tennis court and gym for on a parcel at the corner of Shamrock Road, Discover Drive and Explore Way. Access to the development will be from Explore Way. Each apartment building will be two storeys. Each unit will have 2 bedrooms for a total of 32 bedrooms.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

Regulation 9(8) will allow for apartments in locations deemed suitable by the Authority. A review of available records show the area to be a mixture of houses,

duplexes and vacant lots. There does not appear to be any apartments in the immediate or nearby surrounding area.

2) Bedroom density

Regulation 9(8)(c) allows a density of 15 apartments per acre and 24 bedrooms per acre. Given the subject lot size, a maximum of 16 apartments and 26 bedrooms are permissible. The applicants is proposing 16 and 32, respectively.

2.3 MICHAEL TAYLOR (Dwayne Construction Ltd) Block 48E Parcel 110 (P22-1106) (\$1.5 million) (NP)

Application for 3 townhouses.

Appearance at 1:30

FACTS

<i>Location</i>	Claries Avenue in Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No objections
<i>Parcel size</i>	13,068 sq ft
<i>Parcel size required</i>	25,000 sq ft
<i>Current use</i>	Vacant
<i>Proposed use</i>	3 Townhouses
<i>Building Footprint</i>	4,000 sq ft
<i>Building Area</i>	7,500 sq ft
<i>Units Permitted</i>	4
<i>Units Proposed</i>	3
<i>Bedrooms Permitted</i>	7
<i>Bedrooms Proposed</i>	9
<i>Parking Required</i>	5
<i>Parking Proposed</i>	6

BACKGROUND

March 29, 2023 (**CPA/08/23; item 2.5**) – the application was adjourned and the applicant was invited to appear before the Authority to discuss DOE’s comments and concerns regarding suitability, lot size, number of bedrooms and the lack of road and water infrastructure.

Recommendation: Discuss planning permission for the following reasons:

- 1) Suitability
- 2) Lot Size (13,068 vs 25,000)
- 3) Number of Bedrooms (9 vs 7)
- 4) NRA Comments

AGENCY COMMENTS

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

Department of Environment

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

The application site is heavily man-modified, having historically been cleared and filled. The site is within the Meagre Bay Pond Protected Area. A Protected Area Management Plan was approved by Cabinet on 15 February 2022 for Meagre Bay Pond. A copy of the Management Plan can be downloaded from the National Conservation Council's website at: www.conservation.ky/existing-protected-areas/. Although the site is located in the Protected Area, it falls within the Residential Zone which is established as a management zone within the Management Plan. The zone is shown in the map below (Figure 1).

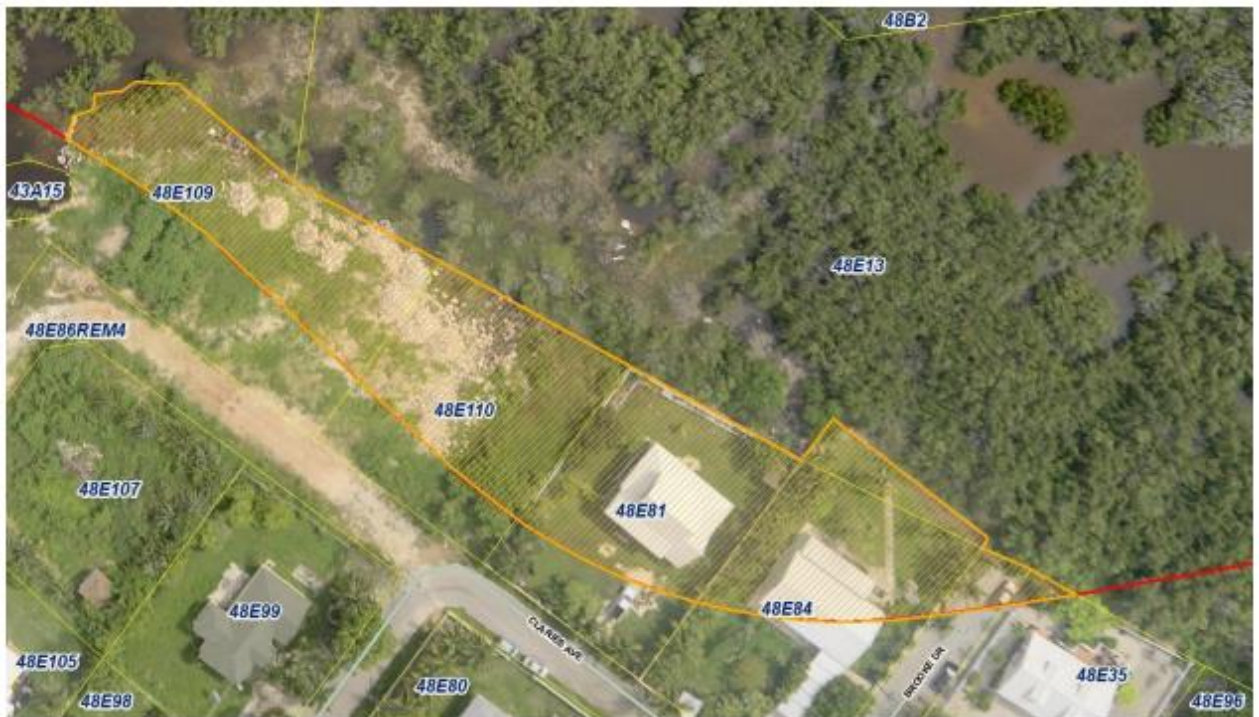


Figure 1: Extract from Meagre Bay Pond Protected Area Management Plan showing the application site (Block 48E Parcel 110) within the residential zone. (Meagre Bay Pond Protected Area Management Plan available from: www.conservation.ky)

The purpose of this zone is to rationalise past mistakes made in the approval of a subdivision which extended into the former Animal Sanctuary (now a Protected Area under the National Conservation Act).

We highlight that under the Protected Area Management Plan for Meagre Bay Pond (2022), the following Directives apply to landowners and residents within the Residential Zone of the Meagre Bay Protected Area:

- *No expansion of habitat modification for human uses in the Protected Area is allowed beyond the Residential Zone boundaries as defined in this Management Plan.*
- *The only active land use change permitted within the Residential Zone is for residential housing.*
- *Home owners and occupants in the Residential Zone may not dispose of any effluents, garbage, yard waste or any other waste materials into the adjacent Protected Zone.*
- *Home owners and occupants in the Residential Zone may not allow pet dogs, cats or other domesticated animals to roam into the Protected Zone.*
- *Within the Residential Zone and subject to any other law and other directives for this zone, the provisions of Section 32 (b – f) of the National Conservation Act are not enforced.*

These Directives must be adhered to. Failure to adhere to the Directives set in the Meagre Bay Pond Protected Area Management Plan constitutes an offence under the NCA.

Best management practices should also be adhered to during construction to reduce impacts on the environment. If the Development Control Board or Planning Department is minded to grant planning permission for the proposed addition, we recommend the inclusion of the following condition in the approval:

1. *If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent marine environment.*

In addition, we recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services. The inclusion of native species is especially important given that the site is within a Protected Area. The DoE would also encourage the applicant to consider the use of porous surfaces in the car park to allow rainwater infiltration and help to manage the impacts of stormwater run-off.

Water Authority Cayman

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

Wastewater Treatment & Disposal

- The developer shall provide a **septic tank(s)** with a capacity of at least 1,500 US gallons for the proposed, based on the following calculations:

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
Proposed Townhouse	3 x 3-Bed Units	300gpd/3-Bed	900
TOTAL			900

- The septic tank shall be constructed in strict accordance with the Authority’s standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.
- **Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards. The minimum well casing diameter for this development shall be 4”.** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.
- **To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4’5” 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). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.
 2. All dimensions and materials shall be provided for any site-built tanks.
 3. Manhole extensions are permitted up to a maximum of 24” below finished grade.
 4. Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.
 5. A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)
 6. The Water Authorities updated 2020 effluent disposal well specifications.
 7. A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.

Traffic Rated Tank and Covers

The drawings indicate the septic tank is proposed to be located within a traffic area. **Therefore, a traffic rated tank and covers are required.** The Water Authority requires that manhole covers be traffic rated heavy duty to meet AASHTO H-20 loadings of 16,000lb wheel loads and sealed with a gasket or O-ring. Covers and frames shall be manufactured from ductile iron or gray iron complying with the requirements of ASTM A-48 Class 35.

Water Supply

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

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

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

Department of Environmental Health

Solid Waste Facility:

- 1) This development require 4 (33) gallon bins and an enclosure built to the department’s requirements.
 - a. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.
 - b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.

Table 1: Minimum Enclosure Dimensions

Number of Containers	Minimum Dimensions (feet)		
	Width	Length	Height
4	5.00	5.00	2.50

National Roads Authority

As per your email of January 17th, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issues

As per the topographic details shown in the survey provided, the proposed driveway is located on an unfinished section of road. The applicant will need to construct the road to meet minimal NRA specification for subdivision roads (including the drainage conveyance requirement) up to the subject parcel. Please see sections 8 and 10 of the

Design and Construction Specifications for Subdivision Roads & Property Development. Please have applicant comply with this requirement before the issuance of any building permits.

A six (6) foot sidewalk shall be constructed on Claries Avenue, within the property boundary, to NRA standards. Please see our [Details of Concrete Curbs and Sidewalks](#).

*Entrance and exit curves shall be no less than fifteen (15) feet in radius. Entrances shall be **between twenty-two (22) feet and thirty (30) feet wide**. Please have applicant rearrange the driveway/parking accordingly.*

Road Capacity Issues

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

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak 20% In	AM Peak 80% Out	PM Peak Hour Total Traffic	PM Peak 65% In	PM Peak 35% Out
20	2	0	2	2	1	1

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

Access and Traffic Management Issues

One-way driveway aisles with diagonal parking shall be a between twelve (12) and sixteen (16) ft. wide. Two-way driveway aisles shall be between twenty-two (22) ft. and thirty (30) ft. wide.

Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is not reduced below the sixteen (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 Claries Avenue. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curb%20Details.pdf>)*

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

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

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

Fire Department

The Fire Department has requested that a fire well be added to the site plan.

APPLICANT'S LETTER

We are applying bedroom variance to construct Michael Taylor town houses on Block 48E Parcel 110 which have a square footage of 7950, and (9) bedroom density.

we have 2 more bedrooms that is over density requirement and also applying for lot size variance to meet the requirement of 25000 S.F. we currently have 13100 S.F. The design is compliant with all other requirements

The applicant is Caymanian Developer hoping to construct apartments to help with the demanded housing in that area.

Our checks of Apartments in the area with similar issues, indicate that these apartments would not change the aesthetic of the area.

With respect Section 8(13) of The Development and Planning Regulations (2018 Revision).

(i) The characteristics of the proposed development are consistent with the character of the surrounding area.

(iii) 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.

We trust that the Department will grant the requested variances for this development.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Claries Avenue in Bodden Town.

The proposal is for three three-bedroom townhouses with 6 parking spaces.

Adjacent landowners were notified by Registered Mail and no objections have been received.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

There do not appear to be other apartments or townhouses in this area of Bodden Town. There is a duplex on 48E 105.

2) Lot Size

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

The application is for townhouses on a parcel with 13,068 square feet.

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

3) Number of Bedrooms

Regulation 9(8)(c) permits a maximum of 24 townhouses per acre in the LDR zone.

This parcel, with 0.3 acres, is permitted a maximum 7 bedrooms according to the Regulations and the applicant is proposing a total of 9 bedrooms.

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

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans.

2.4 FLOURISH INVESTMENTS (Cayman Survey Associates) Block 12C Parcel 524 (P23-0199) (\$4,400) (NP)

Application for a 3 lot subdivision

Appearance at 2:00

FACTS

<i>Location</i>	Esterley Tibbetts Highway, north of Canal Point Road
<i>Zoning</i>	Hotel Tourism & Mangrove Buffer
<i>Notification Results</i>	Objector
<i>Parcel sizes proposes</i>	1.73 ac, 24.4 ac, & 0.31 ac
<i>Parcel size required</i>	10,000 sq. ft. for dwellings 0.5 acres for hotels & apartments
<i>Parcel width required</i>	80 feet for dwellings 100 feet for hotels & apartments
<i>Current use</i>	Vacant

Recommendation: Discuss the application for the following reasons:

- 1) determine if LPP is required
- 2) Objector's letter

AGENCY COMMENTS

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

Department of Environment

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

*The application site consists entirely of primary habitat classified as tidally flooded mangrove forest and woodland. Mangroves are protected under Schedule 1, Part 2 of the National Conservation Act (2013) with an adopted Conservation Plan. **It is an offence to remove mangroves unless permission is explicitly sought to remove them either through planning permission or a National Conservation Council Section 20 permit.***

Mangrove forests are a critical part of our natural environment, providing several ecosystem services which include assisting to mitigate the effects of climate change. As

one of the most productive terrestrial ecosystems, mangrove wetlands 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 hardstanding and buildings. Trees, root mats and other wetland vegetation also slow the speed and distribution of storm waters. This combined water storage and braking action lowers flood heights and reduces erosion. In addition, inland wetlands improve water quality by filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants.

Another important function of mangrove wetlands is that they are 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 potential and the removal of mature vegetation and de-mucking of the site has the potential to release captured carbon back into the atmosphere.

We note that land clearing does not form a part of this subdivision proposal. Land clearing should be reserved until the development of the resulting subdivided lots is imminent through the granting of planning permission for development on each particular lot. This allows the primary habitat to continue to provide its ecosystem functions and allows the individual lot owners to retain as much native vegetation as possible to incorporate into their landscaping. 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. Wetland vegetation in particular is useful for managing on-site stormwater management and drainage.

As mangroves are protected under the National Conservation Act (2013), all mangrove vegetation shall be retained in accordance with the National Conservation Council's Species Conservation Plan for Mangroves (2020).

Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposed subdivision, the following should be included as conditions of approval:

- 1. All mangrove vegetation shall be retained in accordance with the National Conservation Council's Species Conservation Plan for Mangroves (2020).*
- 2. There shall be no land clearing, excavation, filling or development of the resultant subdivided parcels without planning permission for such works being granted.*
- 3. Any future development, clearing, filling or excavation of the resultant subdivided parcels shall be the subject of a separate consultation with the Central Planning Authority and National Conservation Council.*

Water Authority Cayman

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

Wastewater Treatment

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

Water Supply

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

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

National Roads Authority

As per your memo March 23rd 2023 the NRA has reviewed the above-mentioned planning proposal.

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

OBJECTION LETTER

We would like to lodge our objection to 3 Lot Subdivision on Block 12C524. We want to know the overall plans with full disclosure and the reason they are putting the subdivision. Please let us know if you need any further information

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located between West Bay Road and the North Sound, just north of Canal Point Road.

The property is currently vacant and the proposal is to create two new lots and a road parcel. The proposed road parcel is 0.31 acres and the other two parcels are 1.73 acres and 24.4 acres.

Zoning

The property is zoned Hotel Tourism and Mangrove Buffer.

Specific Issues

1) Land for Public Purposes (LPP)

Regulation 28(1) states that according to the size of the subdivision, the Authority may require the applicant to set aside 5% of the gross area of the land being developed for public purposes.

The Authority should discuss if LPP is required in this instance.

2) Objector's letter

The Authority is reminded of regulation 8(12E) which states that within 21 days of proof of notification, an adjacent owner may lodge an objection with the Authority, stating that person's grounds. The Authority is directed to the objector's letter to determine if it satisfies the requirement of 8(12E).

2.0 APPLICATIONS
(Items 2.5 to 2.25)

2.5 HIGH ROCK 67 LTD. (Abernethy & Associates) Block 67A Parcel 44 (P22-1133) (\$113,103) (NP)

Application for a 138 lot subdivision.

FACTS

<i>Location</i>	High Rock Drive, East End
<i>Zoning</i>	AG/RES
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	39 acres
<i>Parcel size required</i>	10,000 sq. ft. for dwellings 25,000 sq. ft. for apartments
<i>Parcel width required</i>	80 feet for dwellings 100 feet for apartments
<i>Proposed lot sizes</i>	10,010 sq. ft. to 15, 610 sq. ft.
<i>Proposed Lot Width</i>	70 feet and above
<i>Current use</i>	Vacant

Recommendation: Discuss the application for the following reasons:

- 1) A/R zoning
- 2) Lot Width (under width lots vs 80')
- 3) Road Connections to the East & South.
- 4) Proposed LPP area (4.97 % vs 5 % required)
- 5) Triangular Shaped Parcels
- 6) NRA Comments

AGENCY COMMENTS

Agency comments received to date are provided below.

Department of Environment

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

Legal Status & Benefits of Mangroves

The entire 39-acre application site is primary habitat classified as seasonally flooded mangrove forests and woodland on the DoE's habitat mapping layer. The applicant is

*reminded that mangroves are Schedule 1, Part 2 Protected Species under the National Conservation Act (NCA) with an adopted Conservation Plan. **It is an offence to remove mangroves unless permission is explicitly sought to remove them either through the granting and implementation of planning permission or a National Conservation Council Section 20 permit.** The Mangrove Species Conservation Plan can be downloaded at the following link: <https://conservation.ky/wp-content/uploads/2021/01/Species-Conservation-Plan-for-Mangroves-FINAL.pdf>.*

Mangrove forests are a critical part of our natural environment. They provide ecosystem services (benefits to humans) such as flood control and carbon sequestration, assisting to mitigate the effects of climate change. They function as natural sponges that trap and slowly release surface water. As one of the most productive terrestrial ecosystems, mangrove wetlands are extremely biodiverse and provide habitat and food for an immense variety of species. Inland wetlands in urban areas are valuable to the surrounding development, counteracting the greatly increased rate and volume of surface-water runoff from areas of hardstanding and buildings. Trees, root mats, and other wetland vegetation also slow the speed and distribution of stormwater. This combined water storage and braking action lowers flood heights and reduces erosion. In addition, inland wetlands improve water quality by filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants.

Mangroves provide natural infrastructure protection by preventing erosion and absorbing storm surge impacts during extreme weather events such as hurricanes. They are also an important natural asset for the Cayman Islands and form part of Cayman's Natural Capital Accounts. Mangrove wetlands are 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 potential and the removal of mature vegetation and de-mucking of mangrove sites releases captured carbon into the atmosphere. The removal of mangrove habitats reduces the extent and value of this natural asset and removes the ecological services the habitat currently provides.



Figure 1: Aerial image showing the subject parcel highlighted in red. Note that the parcel consists entirely of seasonally flooded mangrove forests and woodland (Source: Cayman Land Info, 2018).

The Urbanisation of Areas Zoned as Agricultural/Residential

The DoE notes that the current subdivision proposal would introduce a density of development that is new for this area. The subject parcel is currently zoned for Agriculture/Residential and located over the East End freshwater lens. The application site is approximately 39 acres. Under the Development and Planning Regulations (2022), the maximum number of houses per acre in the Agriculture/Residential zone is two (2). Therefore, using this parameter from the Development and Planning Regs, the subject parcel would have the capacity for 78 houses, however, the current proposal is for 137 residential lots. This level of development will have corresponding impacts on the environment.

With the proposed conversion of wetland habitat and increased urbanisation, drainage must be properly assessed. The clearing and filling of this site could result in flooding in the surrounding area as it will reduce the site’s natural capacity to retain stormwater. A stormwater management plan should be provided for the area, as a part of the application, to ensure that the water potentially being displaced by the development of the land will not impact the wider area.

We also recommend that the applicant incorporates Sustainable Drainage Systems (SuDS) into the stormwater management plan for the site to mitigate against the inundation of the surrounding area. SuDs are drainage solutions that provide an alternative to the direct channelling of surface water through pipes and deep wells. By

mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity and reducing the transport of pollution to the water environment.

Source of Fill Impacts

Should the CPA be minded to approve the application, it is important to note that the site will require a significant amount of fill. The source and quantity of fill should be identified by the applicant prior to the commencement of any site works to determine whether the proposal is feasible. This will help to avoid a situation where the mangroves are destroyed but the proposed subdivision cannot be filled or future proposals for development cannot be completed.

DoE Recommendations & Conditions

Land clearing should be reserved until the development of the resultant subdivided lots is imminent through the granting of planning permission for development on each particular lot. This allows the primary habitat to continue to provide its ecosystem functions. Given the scale of this development, and that there has not been a demonstrated need for this level of residential subdivision lots in this area of East End, it is especially important not to prematurely clear the lots.

Leaving the native vegetation intact on the residential lots will also allow the individual lot owners to retain as much native vegetation as possible to incorporate into 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. Wetland vegetation in particular is useful for managing on-site stormwater management and drainage.

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

- 1. There shall be no land clearing, excavation, filling, or development of the resultant residential lots without planning permission for such works being granted.*

Water Authority Cayman

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

Wastewater Treatment:

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

Stormwater Management

*This development is located over the **East End fresh water lens** or within the 500m buffer zone of the lens. In order to protect the fresh water lens, the Water Authority requests that stormwater drainage wells are drilled to a maximum depth of **80ft.** instead of the standard depth of 100ft as required by the NRA.*

Water Supply:

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

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

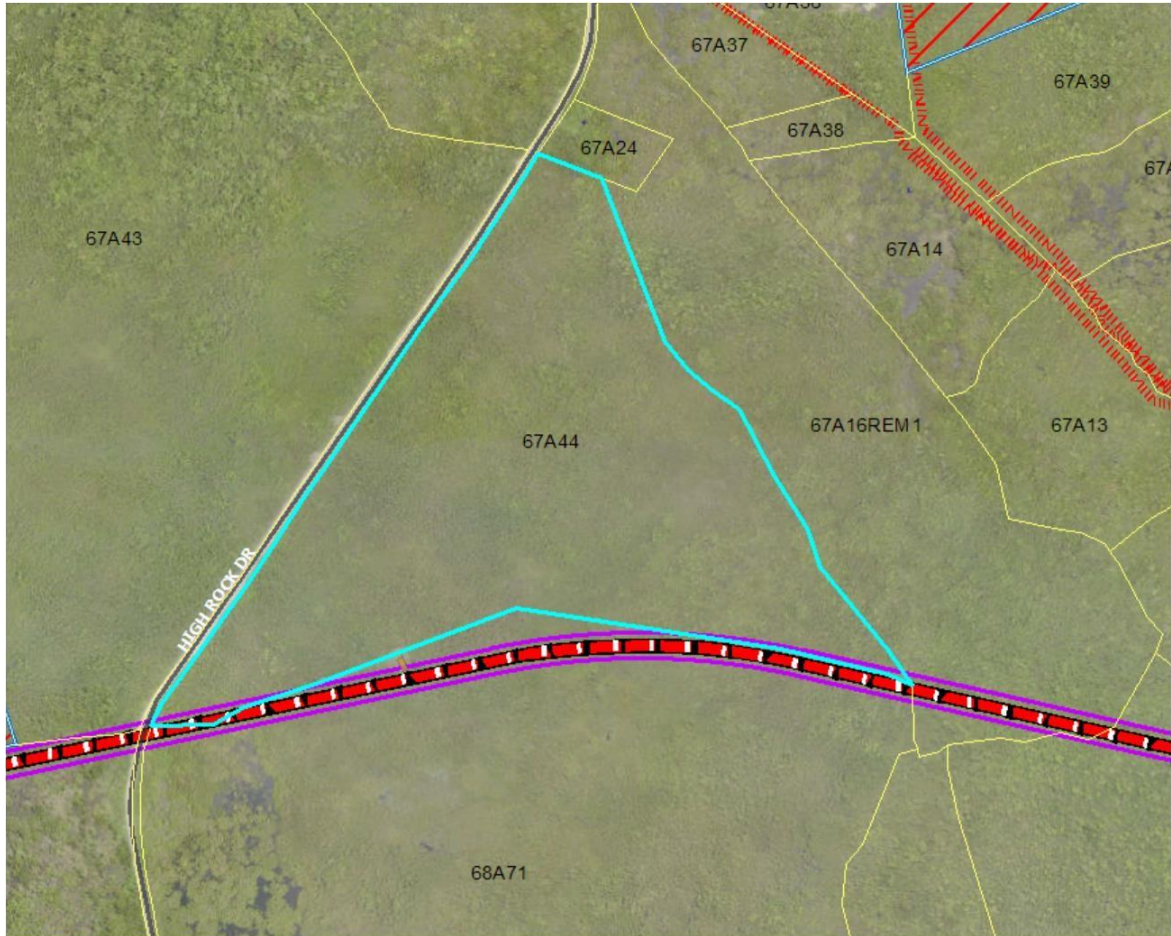
The Authority shall not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.

National Roads Authority

As per your email of December 28th, 2022, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issues:

Please note that an eighty (80)ft minor arterial road off of the East West Arterial approved under Section 26 (4)(a) of the Roads Law on May 3rd, 2005 partially traverses and abuts the southern boundary of the subject lands as depicted on the following schematic map. The applicant's agent can liaise with the NRA for the road alignment



High Rock Drive is classified as a Collector road and has a posted speed limit of 30 miles per hour. The subject parcel has about 2100 feet of frontage onto High Rock Drive. Attributes and characteristics of “Collector” roadways are that they

- (a) provide access to primary arterial roads and secondary arterial roads;*
- and*
- (b) permit convenient circulation of traffic within residential neighbourhoods and commercial and industrial areas.*

On that basis, the NRA advises the Central Planning Authority that the proposed subdivision should not have any house lot with direct access onto High Rock Drive – access should be from an internal roadway of the subdivision.

Given the number of house lots proposed for the subject lands, a northbound turning lane with storage for four (4) vehicles and appropriate taper should be provided – the land area for such geometric requirement should come from the subject lands.

Please have applicant redesign the sub-division to comply with the access and geometric standards of the Design and Construction Specifications for Subdivision Roads & Property Development, available [here](#).

Department of Agriculture

Comments yet to be received.

APPLICANT'S VARIANCE LETTER

I am writing to request your approval for smaller house lots for a proposed subdivision located in High Rock Road. The proposed development would be situated on a large parcel of land and is intended to provide low density residential lots/housing options for residents.

The current zoning regulations for the area only permit house lots to be a minimum of 80 feet wide. However, we propose that the lots be reduced to 70 feet wide. This small reduction in size will allow us to include more units in the development, increasing the overall affordability of the lots. Additionally, the smaller lots will be more manageable for first-time homeowners and families with limited means.

We understand that any development must be consistent with the overall goals and guidelines of the Cayman Island Planning Board. That is why we have designed the development to include ample green space and infrastructure that will support the needs of the residents.

Furthermore, the smaller house lots will have a minimal impact on the environment and local infrastructure. The design of the subdivision has been planned with great care and attention to detail, and all necessary measures will be taken to ensure that the development is sustainable and in compliance with all relevant regulations.

I understand that the Central Planning Authority has the responsibility to ensure that all developments in the Cayman Islands are in the best interest of the community as a whole. I believe that the proposed smaller house lots will benefit both the community and the individuals looking to buy or build a home in High Rock.

In conclusion, we are asking for a variance on smaller residential lots. We believe this can be a viable solution for increasing the availability of housing, providing more housing options, and supporting sustainable development. I hope this information will be helpful in considering the proposal.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in East End, on the east side of High Rock Drive.

The property is currently vacant and the proposal is to create 136 new residential lots, one parcel (77,740 square feet) as Lands for Public Purposes, and one road parcel.

Proposed residential lot sizes range from 10,010 square feet to 15,610 square feet.

Zoning

The property is zoned Agricultural/Residential.

Specific Issues

1) A/R zoning

It appears that the northern portion of the subject parcel is located within the East End Water Lens. In this regard, Section 21 of the Regulations state the following:

“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 Department is of the opinion that proposed lots 23 and 24 as well as 89 to 92 are situated over a water lens and should not be permitted to comply with the Low Density Residential requirements. The Department of Agriculture has not yet provided comments on the application, but it is noted that the Agricultural Classes map shows the land to be of what appears to be moderate agricultural value.

2) Lot Width

The vast majority of the proposed lots have a minimum width of 70 feet.

Regulation 9(8)(g) from the Low Density Residential zone requires a minimum lot width of 80 feet.

Once again referring to Regulation 21 noted above in item 1, the Department is of the opinion that the Authority does not have the ability to vary the minimum lot width in an agricultural/residential zone.

3) Road Connection to the East

Should the Authority be mindful to grant planning permission, the Department would recommend future road link blocks to lands located to the east and south be included in the proposed plan of subdivision. This would help ensure good traffic patterns should the abutting lands develop with residential uses in the future. It is noted that there is ample room to comply with this recommendation.

4) LPP Area

The subject parcel consists of 39 acres or 1,698,840 square feet.

Regulation 28(1) permits the Authority to set aside a maximum 5 percent of the gross area of land as Lands for Public Purposes.

Based upon the subject lot area, a minimum 84,942 square feet is required.

The applicant is proposing an LPP block of 77,740 square feet (4.6 %).

There is a difference of 0.4 % that the Authority should consider as part of the deliberations.

5) Triangular Shaped Parcels

The proposal includes several parcels that are triangular in shape (43,44,69,58,59) and the Department is not able to confirm whether the subject lots will be able to provide a building envelope when setbacks are applied.

The Authority should discuss this matter.

6) NRA Comments

The NRA has noted that High Rock Road is a collector road and that lots should not have access driveways onto the road. The Planning Department concurs with this recommendation.

In addition, the NRA has recommended that turning lanes be provided at both entrance points to the subdivision. The Planning Department concurs with this recommendation.

The Authority should discuss both aspects of the NRA recommendation noted above.

2.6 GRETA'S GROTTO LTD. (APEC Consulting Engineers Ltd.) Block 20C Parcels 176 (P23-0037) (\$500,000) (MW)

Application for the excavation of a 100' canal linking the existing pond to proposed channel & construction of a temporary haul road.

FACTS

<i>Location</i>	Off Will Wallace Way, George Town
<i>Zoning</i>	Mangrove Buffer
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	2.07 ac. (90,169.2 sq. ft.)
<i>Parcel size required</i>	-
<i>Current use</i>	Vacant

BACKGROUND

N/A

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

- 1) Mangrove Buffer
- 2) Canal Design
- 3) ROW Access road
- 4) Agency comments

AGENCY COMMENTS

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

Water Authority

The Water Authority previously disapproved this submission on March 7th 2023 (WAC Ref: 5443) due to unmet requirements regarding the canal depth and stormwater management provisions. The Authority acknowledges that the developer has since provided the additional information requested in the original memorandum.

In consideration of the additional information, the Water Authority confirms that:

1. ***It has no objection to the proposed canal to connect the existing excavated lake to the sea.*** This is based on the survey of the lake, which confirmed that the depth is in the 12 - 14ft. depth range instead of 20ft. depth.
2. ***It has no objection to the proposed maximum canal depth of 14ft. and canal construction per Detail 1 of drawing C200 (Site Plan to North Sound).***
3. ***In respect of development around the existing lake, the Water Authority's requirements are:***
 - a. ***For any area that is developed adjacent to the existing lake, the lake and shoreline needs to be finished per condition 14.6 of Quarry Permit QP92-20C134REM2: The excavation shall be carried out in a manner that prevents direct discharge of stormwater into the excavation. To minimize, slow and filter stormwater flow into the excavation, the shoreline shall be graded to include a perimeter berm around the excavation and a shallow sloped shelf extending into the lake for the establishment of native wetland plants.***
 - b. ***For any area around the existing lake that will not be developed and where mangroves remain in their current natural conditions, the requirement in condition 3 a does not apply.***

In the event the proposed development is approved by the CPA, the developer is required to apply to the Water Authority for a Canal Permit per details of the memorandum of March 7th 2023. Requirements in 3a. and 3b. will be incorporated in the Canal Permit.

Requirement for Canal Permit per Water Authority Law

The Water Authority is charged under the Water Authority Act to protect groundwater. Section 34 (1) of Water Authority Act (2022 Revision) requires that anyone who undertakes quarrying obtains a permit from the Authority, subject to such terms and conditions as it deems fit. Regulation 22 (1) of the Water Authority Regulations (2022 Revision) states that a permit to quarry shall be required whenever it is intended to remove any geological stratum from its natural environment and export it to another location, whether for sale or not.

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

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

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

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

Department of Environment

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

The application site consists of primary tidally flooded mangroves and secondary growth and incorporates part of the Mangrove Buffer Zone as shown in Figure 1.

Mangroves are a Part 2, Schedule 1 Protected Species under the National Conservation Act with an adopted Conservation Plan. Mangrove forests are a critical part of our natural environment, providing ecosystem services including mitigating the effects of climate change. As one of the most productive coastal habitats, mangrove wetlands are extremely biodiverse and provide habitat and food for an immense variety of species. Mangrove wetlands are 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 potential. The removal of mature vegetation and de-mucking of the site has the potential to release stored carbon back into the atmosphere. Therefore, mangroves are an important natural asset. They also form part of Cayman's Natural Capital Accounts) and the removal of these mangroves reduces this asset and their ecological services.

Figure 2 shows the site proposed to be excavated as part of this planning application. Figure 3 shows the habitat at the site.

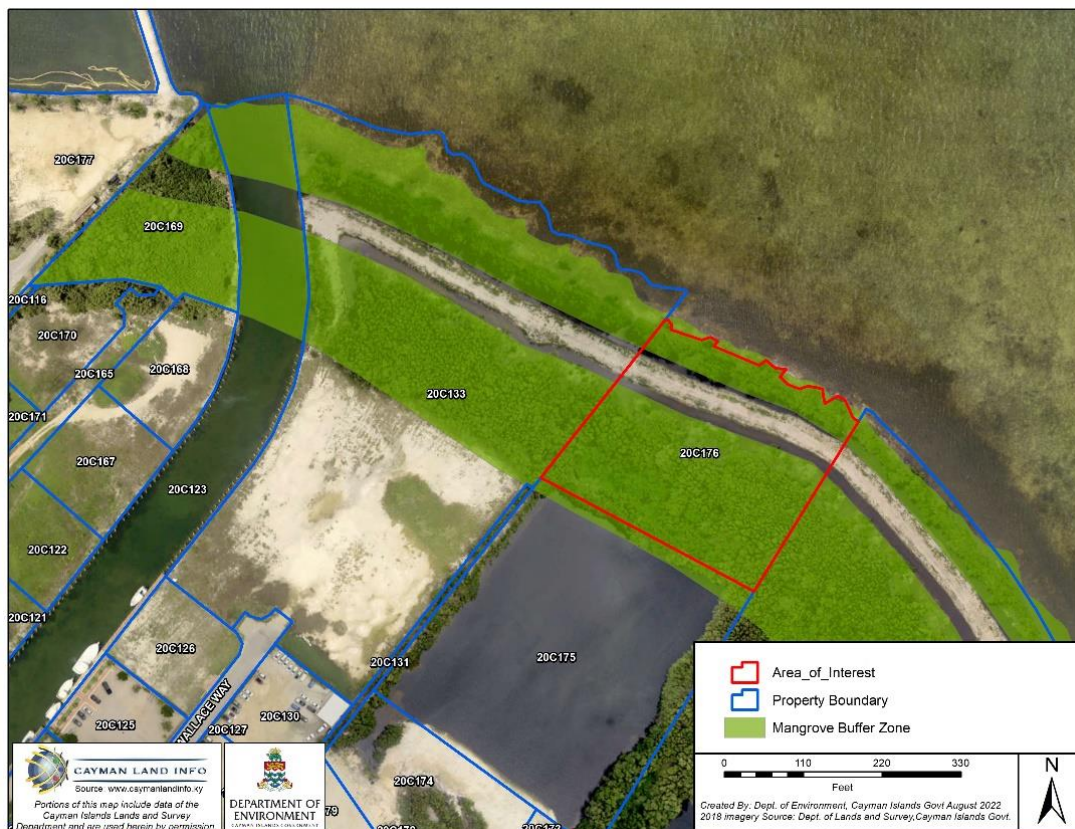


Figure 1: Aerial imagery showing the application site outlined in red, with the Mangrove Buffer Zone highlighted in green (Source: LIS, 2018)



Figure 2: The aerial imagery of the site showing the application site (outlined in red) (Source: LIS, 2018).

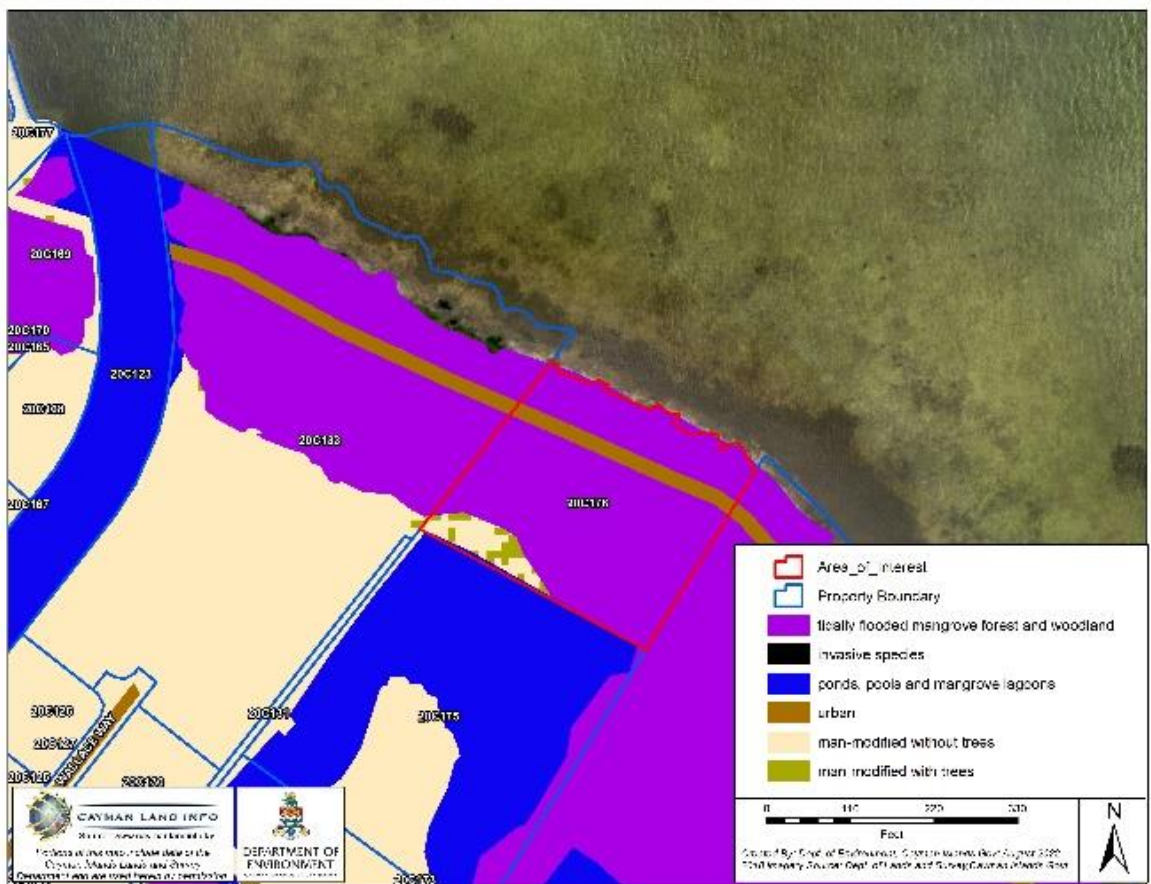


Figure 3: The site is predominantly tidally flooded mangrove forest and woodland (Source: DoE, 2013).

It is noted from the cover letter that the application is submitted in the interest of Greta's Grotto Senior Living Facility. The stated purpose of the facility is to obtain large quantities of fill for a proposed development site in West Bay (Block 8A Parcel 86 and 96). The proposed source of fill/navigational channel is the subject of a Coastal Works Permit application which has not yet been determined by Cabinet. There are no plans presented for any future development that would use the navigational channel and inland canal. The planning application does not contain any commercial development such as a marina, dock or commercial buildings etc. The proposed haul road is described as only temporary and there is no space for a commercial development on this parcel as the site is either Mangrove Buffer Zone or already excavated to form an inland pond. Therefore, it seems likely that any future development would require either filling in part of the lake, developing within Mangrove Buffer Zone (contrary to its purpose) or the purchase/lease of adjacent properties.

Therefore, this application should be considered a quarry application rather than any type of commercial development, and based on the accompanying information, the purpose is for accessing cheaper fill from the marine environment in addition to creating a navigational channel.

The proposed canal is located within a Mangrove Buffer Zone as designated in the 1997 Development Plan. Section 3.08 of the 1997 Development Plan states "red and predominantly red mangroves in the area defined on the map as Mangrove Buffer will be protected from development except in exceptional circumstances."

Section 18(1) of the Development and Planning Regulations (2022) states that "all forms of development shall be prohibited except in exceptional circumstances, and only where equivalent storm protection is provided by some other means and it can be demonstrated to the Authority that the ecological role of the peripheral mangroves will not be substantially adversely affected by the proposed development".

Section 18(4) of the Development and Planning Regulations (2022) states that "an application for access through a Mangrove Buffer Zone may be approved at the discretion of the Authority but only if the Authority is satisfied that –

- (a) It is absolutely necessary to gain safe boating access to and from a development area,*
- (b) There is no other safe and suitable alternative boating access located within a neighboring development area,*
- (c) The width of the access is kept to a practical minimum and does not exceed one hundred feet,*
- (d) Any dredging complies with the conditions of approval from the responsible authority, and*
- (e) All requisite approvals, licences and permissions for any work relating to the sea bed have already been granted by the Cabinet and other responsible authorities."*

Section 18(4)(e) has not been met, because Cabinet has not granted approval for the works to the seabed.

Given that there is no development being proposed on the site, just the canal to an inland lake, it does not seem absolutely necessary to gain safe boating access to an area with no development. There is a safe alternative for boating access from the parcel to the west at Block 20C Parcel 123. The applicant can negotiate access across Block 20C Parcel 133 and create an inland canal, which does not require going through the Mangrove Buffer Zone (Figure 4). This will allow the mangrove buffer to continue to provide ecological services and benefits including storm protection.

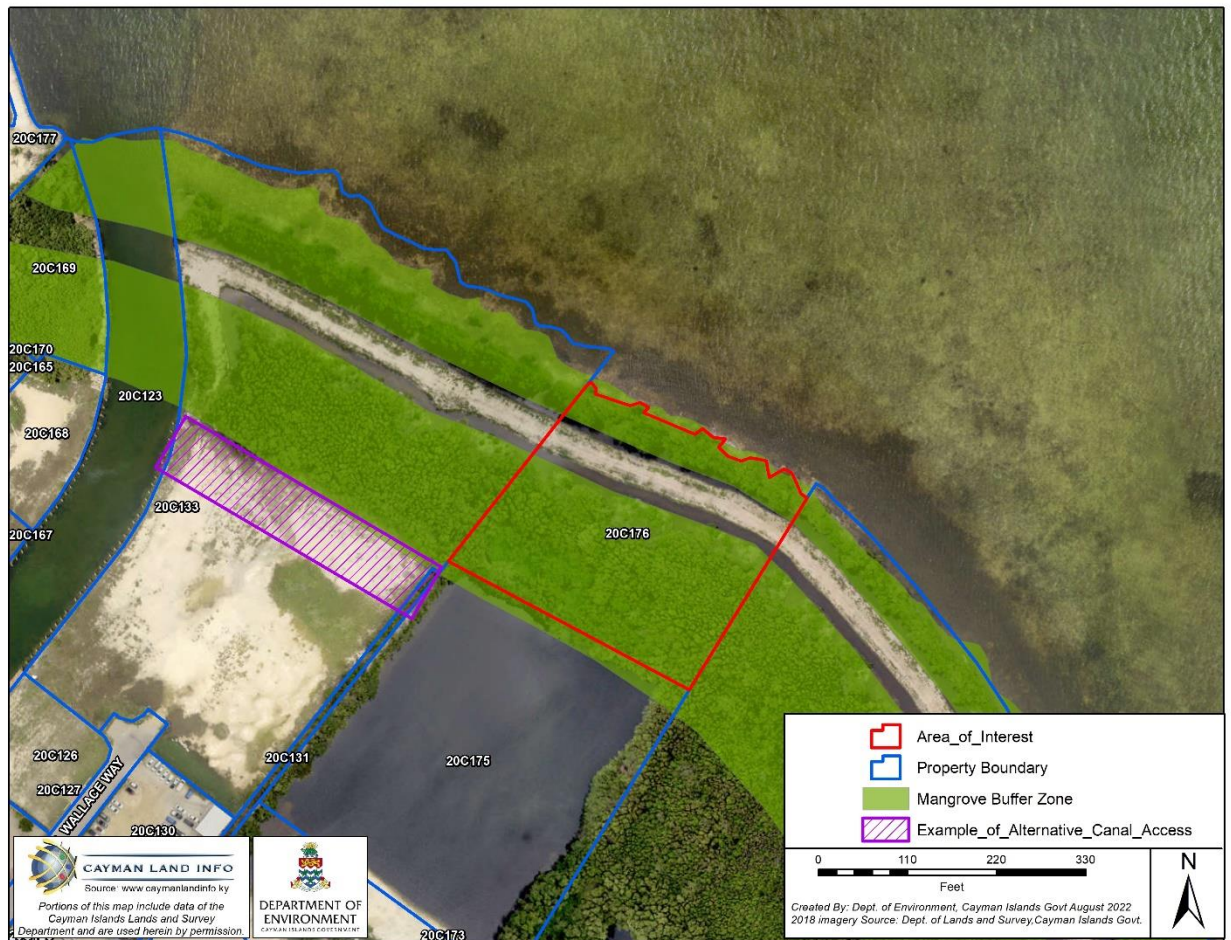


Figure 4: LIS 2018 showing an example of an alternative canal route in purple to link the lake to North Sound for boating access while preserving the mangrove buffer.

In addition to the loss of mangroves and their ecological services, the Department also has concerns about connecting the existing lake to the North Sound. When the connection is made between the existing excavated pond and the North Sound, there will be water quality impacts from the mixing of the stagnant water in the existing excavation with the water in the North Sound. The depth of the water in the inland pond, which was excavated around 2008, is unknown, and is not depicted on the application or the drawings. Any fine settled material on the bottom of the lake is likely preventing the reestablishment of marine growth and may cause fish kills and algal blooms. The canal will then be connected to the North Sound impacting those sensitive marine resources. There may be continual resuspension events and/or a long-term impact.

Therefore, opening up the existing man-made lake into the North Sound will contribute to water quality issues due to the discharge of water from the canal and man-made lake.

The excavation of the canal is also expected to have some turbidity impacts not only to North Sound but also to the adjacent properties connected to the site by the existing dykes. From the DoE's previous experience, it is not possible to eliminate the impacts of sediment plumes generated during an excavation project of a similar scale, through the use of silt screens even when installed correctly. This excess turbidity can result in detrimental sediment plumes which can impact surrounding mangroves, seagrass communities and marine organisms that depend on good water quality.

Lastly, given that this is a straight canal leading into a man-made lake with no flushing, it is likely that sargassum influxes will accumulate in the canal and result in poor water quality and odors (Figure 5).

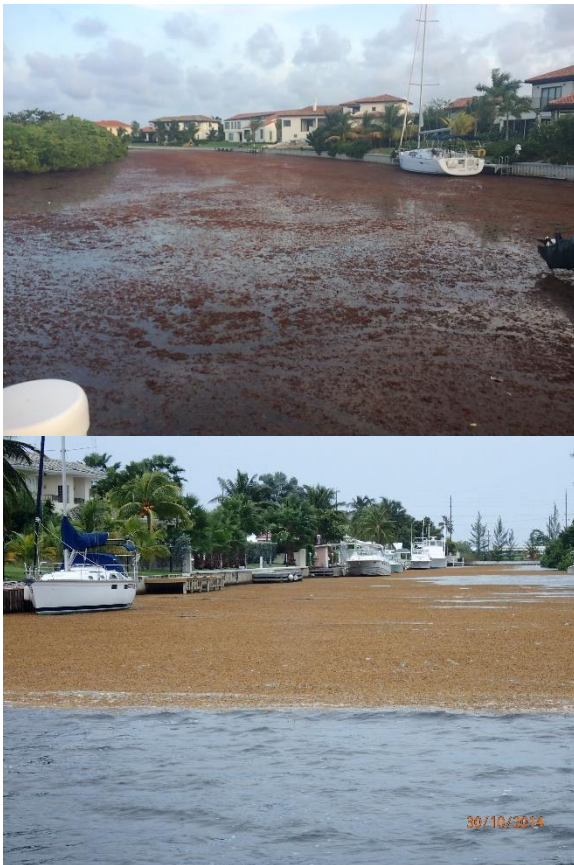


Figure 5: Sargassum influxes accumulate in dead-end canals (Source: Department of Environment, 2014)

*Therefore, the Department **strongly recommends that this application is refused.** The DoE does not support the proposed inland canal given:*

- The unjustifiable rationale that the fill is needed to make an off-site development financially viable;*
- The resultant loss of coastal mangroves and Mangrove Buffer Zone;*
- The potential negative impacts on water quality in the North Sound; and*

- *That Cabinet has not made a decision regarding the seabed as required by Section 18(4)(e) of the Development and Planning Regulations.*

The applicant has straightforward alternatives available to them:

- *The proposed senior living facility (Greta's Grotto) can acquire fill from licensed local quarries. This is the fair system available to all others on the island.*
- *The applicants can find a man-modified site which does not require such quantities of fill.*
- *To achieve navigational access to the man-made lake, the applicant can negotiate an easement across the parcel to the west (Block 20C Parcel 133) and behind the Mangrove Buffer Zone. A similar approach was utilized by HH Ltd (by the Ritz canal) and resulted in greatly reduced environmental effects. In this case, pursuing an easement west to join an existing canal or dredged area would reduce the environmental impact and eliminate both the need for dredging within the North Sound and unnecessary impacts to the Mangrove Buffer Zone.*

Mosquito Research and Control Unit (MRCU)

No objections, as long as there is no stagnant water or sinkholes left behind to allow water settlement for mosquito breeding.

APPLICANT'S LETTER

The application which follows is submitted in the interest of Greta's Grotto Senior Living facility (the 'Facility') as presented during the July 5th Caucus meeting (see presentation attached). The proposed site for the Facility is located on 6.2 acres in West Bay near Pappagallo (the "Site").

The Site is an idyllic location, close to the sea, providing year-round coastal breezes for Older Person residents and conveniently located near the proposed Aster MedCity hospital. Geotechnical reports have forecasted that 26,728CY of fill is required to raise the Site to the proposed minimum elevations. The proposed Coastal Works Permit allows the Facility to be viable.

It is imperative for the safety of its Older Person residents, that Facility be elevated to at least 12 ft. above mean sea level, to protect its residents from life-threatening evacuation during extreme weather events such as higher storm surges created by more intense hurricanes, and long-term sea level rise directly linked to climate change. Proper elevation, fill, and infrastructure hold critical importance in safeguarding human life and mitigating the effects of these natural vulnerabilities.

We have evaluated numerous sites and any of the development sites assessed for the Facility all require large quantities of fill. The Site represents the best-balanced option to build the Facility with minimal environmental impact.

We thank you for your consideration. With your support, the Facility will be realized and become the first-of-its kind in the Cayman Islands and the Caribbean Region. Built for Caymanians by Caymanians.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an excavation of a 100' canal linking existing pond to proposed channel & construction of a temporary haul road to be located off Will Wallace Way, George Town.

Zoning

The property is zoned Mangrove Buffer.

Specific Issues

1) Mangrove Buffer

Regulation 18 of The Development and Planning Regulations (2022 Revisions) states:-

(1) In considering any matter relating to a Mangrove Buffer zone the Authority shall have regard to the ecological functions performed by the mangroves including —

(a) service as a nursery and natural habitat for marine life, birds, insects, reptiles and crustaceans;

(b) filtration of overland run-off to the sea and ground water aquifer recharge;

(c) export of organic particulate and soluble organic matter to coastal areas; and

(d) coastal protection, and the protection of the Islands against storms and hurricanes.

(2) All forms of development shall be prohibited in a Mangrove Buffer zone except in exceptional circumstances, and only where equivalent storm protection is provided by some other means and it can be demonstrated to the Authority that the ecological role of the peripheral mangroves will not be substantially adversely affected by the proposed development.

(3) The width of any Mangrove Buffer zone in any area shall be shown on the zoning maps.

(4) An application for access through a Mangrove Buffer zone may be approved at the discretion of the Authority, but only if the Authority is satisfied that —

(a) it is absolutely necessary to gain safe boating access to and from a development area;

(b) there is no other safe and suitable alternative boating access located within a neighbouring development area;

(c) the width of the access is kept to a practical minimum and does not exceed one hundred feet;

(d) any dredging complies with the conditions of approval from the responsible authority; and

(e) all requisite approvals, licences and permissions for any work relating to the sea bed have already been granted by the Cabinet and other responsible authorities.

(5) All development permitted within an area abutting a Mangrove Buffer zone shall be setback a minimum distance of fifteen feet from the inland boundary of a Mangrove

Buffer zone, unless, in the opinion of the Authority, it is not feasible to achieve this standard, in which case the minimum setback shall be at the discretion of the Authority.

(6) Red mangroves in a Mangrove Buffer zone will be protected from damage or destruction by any development except when the Authority decides, in its discretion, that exceptional circumstances exist which justify it.

The Authority should take into consideration the stipulations listed above of Regulation 18 when considering the 100' wide clearing of the mangrove buffer for the proposed canal.

2) Canal Design

Regulation 33 states “*canals shall not be straight and, at the point of entrance from the sea, so designed as to provide adequate protection from storm surges and, wherever possible, to meander through the area with an inlet to provide circulation of water.*” The proposed design shows a 100' wide by approximately 287' long straight run canal which contradicts what is required under Regulation 33.

3) ROW access road

The proposed parcel currently has a 30' wide vehicular right of way traversing over the property along the coastal section which extends from the airport lands to the south, if the proposed canal is approved the existing R.O.W would be split in half, however access can be obtained to the adjoining parcel 20C133 via the existing access road “Will Wallace Way.”

2.7 FOURNELLI INVESTMENTS (CCS Design) Block 13D Parcel 345 (P21-0926) (\$2.0 million) (NP)

Application for a retail plaza & 13 signs.

FACTS

<i>Location</i>	Greenwood Drive in George Town
<i>Zoning</i>	Heavy Industrial
<i>Notification Results</i>	It should be noted that the applicant was required to re-notify because of the changes to the proposed access location and site layout and no objections were received.
<i>Parcel size</i>	34,743.5 sq. ft.
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Vacant
<i>Building Footprint</i>	6,887.5 sq. ft.
<i>Building Area</i>	13,647.2 sq. ft.
<i>Site Coverage</i>	72.0% (parking & buildings)
<i>Parking Required</i>	45
<i>Parking Proposed</i>	46

BACKGROUND

October 27, 2021 (CPA/22/21; Item 2.7) – The Authority resolved to adjourn the application in order for the applicant to obtain approval from the NRA for access to Esterley Tibbetts Highway.

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

- 1) Proposed Use in a Heavy Industrial Zone
- 2) Setback Variance along Greenwood Drive (16' vs 20')
- 3) Sidewalk along Greenwood Drive
- 4) Size & Number of Signs
- 5) Parking & Future Restaurant Uses

AGENCY COMMENTS

Agency comments provided to date are listed below.

Department of Environmental Health

The revised solid waste enclosure meets DEH requirements. DEH has no objections to the proposal.

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

Table 1: Specifications for Onsite Solid Waste Enclosures

Container size 8 yd³

Width 10 ft

Depth 10 ft

Height 5.5 ft

Slab Thickness 0.5 ft

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

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

The estimated waste generation was based on commercial/retail stores. Any deviations from the occupancy classification will require additional review by DEH to determine any changes to the waste generation.

Fire Department

The Fire Department has stamp approved the drawings.

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 2,047 US gallons per day (gpd), based on the following calculations.**

BUILDING SQ. FT.	CALCULATION	GPD/BLDG	GPD
Floor Area: 13,647.16 sq. ft.	Total sq. ft. x 0.15 (retail factor) 13,647.16 x 0.15	2,047gpd	2,047gpd
TOTAL			2,047GPD

- **Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.**
- **To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4’5” 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.**

Potential High-Water Use

- **The plans submitted do not indicate the types of tenants to be included; therefore, the above requirements are based on low-water-use tenants; i.e., those where wastewater generation is limited to employee restrooms/breakrooms. The developer is advised that if high-water-use tenants; e.g., food service, laundry, etc., are anticipated, provision should be made at this stage by providing details so that the requirements can be adjusted accordingly. Any future change-of-use applications to allow for a high-water-use will require an upgrade of the wastewater treatment system which, depending on the use, may include in-the-ground interceptors for grease or oil-grit or lint, and depending on the volume, an upgrade to an Aerobic Treatment Unit.**

Elevator Installation

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

Water Supply:

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

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

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

Department of Environment

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

The application site is man-modified and of limited ecological value. The Department recommends that wherever possible sustainable design features such as renewable energy installations are included in large-scale and/or commercial proposals, especially given the target that 70% of energy generation be renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). For example, photovoltaic solar panels could be installed on suitable roof space or over the proposed parking spaces. The applicant may also wish to consider the use of porous surfaces in the areas of hardstanding e.g. car parks, to allow rainwater infiltration and therefore help to manage the impacts of stormwater run-off.

We also recommend the applicant plants and incorporates native vegetation (including shade trees) in the development's landscaping scheme. Native vegetation is not only more ecologically valuable but also more sustainable as it is best suited to the climate and habitat conditions of the Cayman Islands, resulting in vegetation that requires less maintenance making it a cost-effective choice.

National Roads Authority

As per your memo dated March 15th 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Background

Subsequent to the applicant's application for planning permission for a proposed retail plaza and the CPA's deferral on November 2nd 2021 pending approval by the NRA for access to the Esterley Tibbetts Highway from the subject lands, the applicant (Fournelli Investments), and the National Roads Authority and the PAHI Ministry have negotiated the following agreement in order to facilitate an acceptable means of ingress and egress onto the ETH:

- A 10 foot strip from Greenwood Drive (Block 13D Parcel 240 REM9) known as “Greenwood Strip” and about 0.0840 ac will be subdivided and acquired by Fournelli Investments – (Fixed Boundary Plan 04/691 by Abernathy submitted to the Lands & Survey Department on February 20th 2023);
- NRA will proceed with the acquisition and declaration of Greenwood Drive as a public road – refer to attached Boundary Plan 620 and Prescribed Composite Map 330;
- NRA and CIG agrees to close of the public road south of the subject lands and vest it to Block 13D Parcel 345 – refer to attached Boundary Plan 665.
- In return, the applicant will prepare a site plan with a driveway onto the ETH which satisfies the necessary sightline requirement of 360 feet, and provide a deceleration lane to the satisfaction of the NRA.

General Issue

The site plan submitted to the Planning Department reflects the described agreement above developed between all parties involved.

The NRA is satisfied with the adjustments made by the applicant to lengthen the storage lane by 20 feet and the taper lane by 80 feet as requested in the March 7th 2023 comments to Planning.

All other issues/concerns per the March 7th 2023 comments are still applicable.

APPLICANTS LETTER

My client, Fournelli Investments, has applied for Planning Permission to construct a Shopping Complex on 13D, 345.

This site has had various applications over some years and has been contentious with access difficulties from Esterly Tibbets Highway with the NRA. These difficulties have now been resolved with access to Greenwood Drive at the northern corner of the site.

The site is triangular and surrounded by roads. To maximize public safety and satisfy the required public car parking requirements/ car turning lanes they wish to locate the building with a 16 foot setback from Greenwood Drive in lieu of the standard 20 feet road setback.

This variance, if granted, would also allow for soft landscaping all along the boundary with the Esterly Tibbitts highway.

We do not believe that this building location would impact any other developments.

We trust this request will be looked on favourably.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in George Town, between Greenwood Drive and the Esterley Tibbetts Highway (ETH).

The property is presently vacant.

The proposed site plan has undergone substantial site plan changes since the CPA last saw this application in October of 2021. For instance, the building has shifted to the south and the location of the solid waste enclosure and septic system has been altered. In addition, a deceleration and acceleration lane have been included abutting the Esterley Tibbetts Highway on the revised site plan. Finally, the site plan includes an “original” boundary along Greenwood Drive and a “proposed” property boundary. This new boundary is a result of negotiations between the NRA and the landowners. In this regard, the Authority may wish to wait until the transfer between the Crown and applicant has been finalized.

Zoning

The property is zoned Heavy Industrial.

Specific Issues

1) Proposed Use

Regulation 12(1) states that Industrial Development is permissible within Heavy and Light Industrial zones provided that:

- a) It is not detrimental to the surrounding area;
- b) It provides centres of local employment;
- c) Access to industrial areas is ensured; and
- d) This regulation is complied with fully.

Section 2 of the Regulations defines “heavy industry as any industry other than light or cottage industries”.

Regulation 12(6) notes that in a Heavy Industrial zone, heavy industrial development may be permitted as a principal use, and, for the purposes of this regulation, heavy industrial uses shall include but not be limited to power generation, fuel refining and storage, solid waste disposal and recycling, quarrying and mining, and mechanised and other forms of manufacture.

These uses would typically be considered commercial uses, which would not appear to be permitted within the Heavy Industrial zone. In this regard, Section 15(3) of the Regulations indicate that any other form of development is permissible in an Industrial zone if it does not change the primary use of the zone for industrial purposes.

In this regard, it should be noted that there is a limited supply of vacant heavy industrial zoned lands on the island. In fact the only lands zoned Heavy Industrial on the island are in the vicinity of the subject parcel and north to the Government landfill site. It is the Department’s opinion that such lands should be preserved for the industrial uses envisaged by the Regulations.

Indeed the National Planning Framework contains a goal which partially states “ensure (an) adequate long-term supply of industrial land within existing industrial zones”. The National Planning Framework goes on to state as an objective that “encourage industrial uses to locate in industrial areas and restrict the infringement of retail, office, and residential land uses into these areas.”

The Authority should carefully consider whether the proposed commercial uses are appropriate for lands zoned Heavy Industrial.

2) Setback Variance along Greenwood Drive

Regulation 8(8)(b) states that in an Industrial zone the setback from the road shall be 20 feet.

The proposed building is to be setback 16 feet from the new road boundary and the septic is located 5 feet from the new road boundary.

The applicant has submitted a variance letter and the Authority should consider whether a setback variance is warranted in this instance.

3) Sidewalk along Greenwood Drive

Greenwood Drive forms the northern boundary of the subject parcel.

The Authority should discuss whether a six foot wide sidewalk is required along this street frontage.

4) Size and Number of Proposed Signs

The proposal includes an application for thirteen signs.

The main plaza sign would be 5 feet by 23'4", or 116.25 square feet of total area.

The remaining 12 store signs would be an identical 16 feet by 2 feet, or 32 square feet in area.

It should be noted that the applicant has **not** applied for the 14 mini-signs that are located on the central tower and depicted on the submitted rendering.

The Authority should discuss the proposed area of the central plaza sign.

The Authority should also discuss the proposed area (32 square feet) of individual store signs proposed for this development. It is noted that the area exceeds the 50% of tenant linear frontage.

5) Parking & Future Restaurant Uses

For the information of the Authority and the applicant, the parking calculation was undertaken on the commercial rate of one space per 300 square foot basis (Regulation 8(1)(iv)). The proposal includes 46 parking spaces, one space above the minimum 45 parking spaces on this basis.

Future restaurant uses will be assessed at a one space per 200 square foot basis (Regulation 8(1)(iii)) and it is noted that there will be insufficient parking to support a restaurant. As a result, individual change of use applications from retail to a restaurant will have to be assessed by the Authority on a case by case basis in the future.

2.8 PAINT PROS LTD. (W & W Architects) Block 19E Parcel 103 (P23-0072) (\$3.3 million) (NP)

Application for warehouses.

FACTS

<i>Location</i>	Barnes Drive in George Town
<i>Zoning</i>	Heavy Industrial
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	3.271 acres
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Vacant
<i>Proposed use</i>	Warehouses
<i>Building Footprint</i>	21,795 sq. ft.
<i>Building Area</i>	21,795 sq. ft.
<i>Site Coverage</i>	34.5% (building and parking)
<i>Parking Required</i>	22
<i>Parking Proposed</i>	50

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

- 1) Proposed warehouse use in a Heavy Industrial Zone.

AGENCY COMMENTS

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

Water Authority Cayman

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

Wastewater Treatment and Disposal

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

*The proposed development **requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification** that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed system shall have a treatment capacity of at least 3,150 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG
<i>Building A</i>	<i>7 x Toilets</i>	<i>150gpd/Toilet</i>	<i>1,050</i>
<i>Building B</i>	<i>7 x Toilets</i>		<i>1,050</i>
<i>Building C</i>	<i>7 x Toilets</i>		<i>1,050</i>
TOTAL			3,150

- *Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 6". Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'5" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

Decommission Existing Septic Tank

The existing septic tank shall be decommissioned as per the Water Authority's Best Management Practices (BMP's):

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

Potential High-Water Use

The plans submitted do not indicate the types of tenants to be included. Therefore, the above requirements are based on low-water-use tenants; i.e., those where wastewater generation is limited to employee restrooms/breakrooms. Should high-water-use tenants; e.g., food service, laundry, etc., be anticipated at this stage, details should be provided to the Water Authority thereby allowing requirements to be adjusted accordingly. Any future change-of-use applications which indicate an increase in water use will require an upgrade of wastewater treatment infrastructure which may include in-the-ground interceptors (for grease or oil-grit or lint) and/or an upgrade to an Aerobic Treatment Unit.

The developer is advised to contact development.control@waterauthority.ky to discuss requirements to accommodate potential high-water use tenants.

Water Supply

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

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

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

Fire Department

The Fire Department has stamp approved the drawings.

Department of Environment

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

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

We recommend that the applicant incorporates Sustainable Drainage Systems (SuDS) into the stormwater management plan for the site. SuDS are drainage solutions that provide an alternative to the direct channeling of surface water through pipes and deep wells. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity, and reducing the transport of pollution to the water environment. Measures could include permeable and sustainable materials within the parking area.

We also recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

Lastly, we recommend that, wherever possible, sustainable design and energy efficiency features are included in projects such as this one. We especially encourage renewable energy installations given that the Cayman Islands has a target of 70% of energy generation being renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). Photovoltaic solar panels in particular could be installed on suitable roof space or over the proposed parking spaces.

Department of Environmental Health

Solid Waste Facility:

This development requires (2) 8 cubic yard container with twice per week servicing.

Table 1: Specifications for Onsite Solid Waste Enclosures

<i>Container size (yd³)</i>	<i>Width (ft)</i>	<i>Depth (ft)</i>	<i>Height (ft)</i>	<i>Slab Thickness (ft)</i>	<i>Requirements</i>
8	10	10	5.5	0.5	<i>Water (hose bib), drain, Effluent Disposal well; guard rails</i>

NOTE:

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

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in George Town, on Barnes Drive.

The property is currently vacant.

Zoning

The property is zoned Heavy Industrial.

Specific Issues

1) Proposed Use

Regulation 12(1) states that industrial development is permissible in any Heavy or Light Industrial zone.

Regulation 2 defines "industry" as the use of land for the carrying on of any industry or industrial use.

The proposed use of the property is warehouses. The Planning Department would question whether a warehouse use is considered a Heavy Industry.

In addition to the above, the Department notes that there is a limited amount of Heavy Industrial land on Grand Cayman. In this regard, it should be noted that lands zoned Heavy Industrial should be preserved for heavy industrial uses.

In this instance the proposed use is for a 11,857 square foot warehouse building that is listed as tile storage. Typically warehouse developments similar to the one proposed are most appropriate in a Light Industrial zone.

The Authority should discuss whether the proposed warehouse use is appropriate for the Heavy Industrial zone.

2.9 WRENDON TIMOTHY (LSG Designs) Block 43A Parcel 324 (P23-0203) (\$780,000) (NP)

Application for 3 townhouses.

FACTS

<i>Location</i>	Passion Circle in Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No objections
<i>Parcel size</i>	19,998.4 sq ft
<i>Parcel size required</i>	25,000 sq ft
<i>Current use</i>	Vacant
<i>Proposed use</i>	3 Townhouses
<i>Building Footprint</i>	4,267 sq ft
<i>Building Area</i>	4,267 sq ft
<i>Units Permitted</i>	6
<i>Units Proposed</i>	3
<i>Bedrooms Permitted</i>	11
<i>Bedrooms Proposed</i>	9
<i>Parking Required</i>	5
<i>Parking Proposed</i>	9

Recommendation: Discuss planning permission for the following reasons:

- 1) Suitability
- 2) Lot Size (19,998.4 vs 25,000)

AGENCY COMMENTS

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

Department of Environment

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

The site is man-modified and of limited ecological value. Best management practices should be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

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

1. If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the environment.

We also recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

Water Authority Cayman

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

Wastewater Treatment & Disposal

- The developer shall provide a **septic tank(s)** with a capacity of at least 1,500 US gallons for the proposed, based on the following calculations:

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
Proposed Apartments	3 x 3-Bed Units	300gpd/3-Bed	900
TOTAL			900

- The septic tank shall be constructed in strict accordance with the Authority’s standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.
- Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards. The minimum well casing diameter for this development shall be **4”**. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.
- To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4’5” 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:

8. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
9. *All dimensions and materials shall be provided for any site-built tanks.*
10. *Manhole extensions are permitted up to a maximum of 24" below finished grade.*
11. *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
12. *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)*
13. *The Water Authorities updated 2020 effluent disposal well specifications.*
14. *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.

APPLICANT'S LETTER

On behalf of our client, Wrendon Timothy, we are kindly requesting a variation on the minimum lot size requirement for the proposed townhouse, as it relates to Planning Regulation 8(13) and 9.

The minimum lot size requirement would have to be varied as this lot falls short by approximately 5000 square feet.

Regulation 8(13) (b) (iii) and (c) of the Development and Planning Regulations (2021 Revision) gives the board the authority to waive those requirements.

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

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Passion Circle in Bodden Town.

The proposal is for three three-bedroom townhouses with 9 parking spaces.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

There do not appear to be other apartments or townhouses in this area of Bodden Town.

It is noted that the proposed development is single storey and is half the number of units that are permitted in this zone classification.

2) Lot Size

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

The application is for 3 townhouses on a parcel with 19,998.4 square feet.

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

2.10 DMS PROPERTIES LTD. (EKT Architecture) Block 13D Parcel 359 (P22-1136) (\$3,000,000) (MW)

Application for a three-story automotive service & storage centre.

FACTS

<i>Location</i>	Howard St., George Town
<i>Zoning</i>	General Commercial
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.3443 ac. (14,997.708 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	16,021 sq. ft.
<i>Total building site coverage</i>	37.48%
<i>Required parking</i>	7.088
<i>Proposed parking</i>	11

BACKGROUND

December 6, 2006 – Commercial Complex – the application was considered and it was resolved to grant planning permission. (CPA/38/06; Item 2.4)

Recommendation: Discuss the application for the following reasons:

- 1) Zoning
- 2) Roadside Setback (16'-9" (loading dock & steps) vs. 20'-0")
- 3) Garbage Roadside Setback (10'-7 ½" vs. 20'-0")

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment & Disposal

- ***The developer shall provide a septic tank(s) with a capacity of at least 1,500 US gallons for the proposed automotive workshop.***
- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- ***Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 4". Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.***
- ***To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'5" 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). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
2. *All dimensions and materials shall be provided for any site-built tanks.*
3. *Manhole extensions are permitted up to a maximum of 24" below finished grade.*
4. *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
5. *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
6. *The Water Authorities updated 2020 effluent disposal well specifications.*
7. *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

Traffic Rated Tank and Covers

*The drawings indicate the septic tank is proposed to be located within a traffic area. **Therefore, a traffic rated tank and covers are required.** The Water Authority requires that manhole covers be traffic rated heavy duty to meet AASHTO H-20 loadings of 16,000lb wheel loads and sealed with a gasket or O-ring. Covers and frames shall be manufactured from ductile iron or gray iron complying with the requirements of ASTM A-48 Class 35.*

Elevator Installation

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

Water Resource Protection

The site operator and staff shall, at all times, employ Best Management Practices (BMPs) to prevent contamination of water resources by accidental spills of hazardous materials stored / used at the facility. BMPs shall include the following:

- *Vehicle service and other industrial workshops where fuels, greases, oils or solvents are stored and/or handled shall have all floor drains plumbed to an oil/water separator. The outlet of the separator shall be plumbed to a disposal well. Oil/water separators must meet Water Authority standards, per attached guidelines.*
- *Conduct maintenance and repairs on a non-porous surface (concrete, not asphalt or soil). Protect the concrete work area with a sturdy rain canopy that extends two feet beyond the concrete work area. Berm the concrete work area to contain any spills. Use drip pans and oil change catch basins to minimize spills.*
- *Use dry methods (absorbent material such as sand, cat litter, or rags) to clean up any drips or spills that do occur. Collect soiled absorbent materials for delivery to the George Town Landfill for proper disposal. Call 949-8793 before delivering the wastes.*
- *Minimize inventory of fluids and chemicals; stock only what is needed in the near term. Store fluids and chemicals in their original containers; transfer fluids using funnels or drum pumps to minimize spills. Use less toxic or nontoxic solvents for parts cleaning; e.g., terpenes and citric acid or microbial or water-based cleaners.*
- *Collect and store liquid wastes to be recycled in an area protected from the rain. Store wastes in labelled drums with bung closures. Store waste drums within a secondary containment structure designed to contain 110% of the storage capacity. Store lead-acid batteries upright in a single layer, within an acid-resistant secondary containment bin. Limit the amount of wastes stored by regularly delivering them to the George Town Landfill recycling drop-off. Call 949-8793 before delivering the wastes.*

Water Supply

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

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

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

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

National Roads Authority

As per your memo dated February 1st, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by the above proposed development of a Multi-Story Automotive Centre of 16,021 sq. ft. has been assessed in accordance with ITE Code 942 – Automobile Care Centre. The anticipated traffic to be added onto Howard Street is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak In 66%</i>	<i>AM Peak Out 34%</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak In 48%</i>	<i>PM peak Out 52%</i>
385	36	24	12	50	24	26

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

Access and Traffic Management Issues

Two-way driveway aisles shall be a minimum of twenty-two (22 - 24) ft wide.

Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-two (22) ft / twenty-four (24) ft.

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

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

Stormwater Management Issues

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

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

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

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

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

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

Department of Environmental Health

No comments received at this time.

Department of Environment

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

The application site is man-modified and of limited ecological value. Drainage and water quality can be an issue in this area. The DoE recommends that the applicant includes provisions for preventing the pollution of groundwater sources by the proper disposal of fluids and materials coming from the workshop.

Fire Department

Approved for Planning Permit Only 20 Feb 23

APPLICANT'S LETTER

Please be advised that I am applying on behalf of my client (DMS Properties.) for planning approval to develop a three-story automotive service center with vehicle storage above.

I am requesting that the board approve a variance request for the encroachment of 3'-4" into the 20' setback of the northern boundary. The encroachment is of the loading dock and exit steps. The loading dock slab would only be between 42" & 48" above grade thus not creating any visual or physical obstructions.

I would also like to take this opportunity to point out that this proposed development is specifically designed for the high-end vehicle market that requires specialty equipment and service facilities that the typical service center does not offer. It is my client intent to offer secure, climate-controlled storage/ parking for such vehicles. The storage spaces on the upper floors would also negate any overflow of vehicles into the regular parking spaces or road shoulders. This facility will have a minimal impact to the surrounding area as other typical service centers tend to. No automotive body repair service would be provided. You will note from the layout that this proposed facility will be strictly used for an automotive service center.

I trust that this letter satisfies and/ or allay any concerns the board may have, and that the application meets with your approval. Should the board require any clarification or additional information, both my client and I will make ourselves available at the board convenience.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a multi-story automotive service & storage center; 16,021 sq. ft. be located on Howard St., George Town.

Zoning

The property is zoned General Commercial.

Specific Issues

1) Zoning

Section (13)(1)(a) states “*General Commercial zones in which the primary use is commercial, including, but not limited to, use for-*

- (i) *Banks and other financial institutions;*
- (ii) *Shops for the selling of groceries, books, souvenirs, and pharmaceuticals goods and for the selling or repair of jewellery, furniture, hardware, wearing apparel, and radio, television and electrical goods;*
- (iii) *Restaurants, bars and other catering facilities;*
- (iv) *Chambers, rooms and offices where professional services are provided including legal, accountancy and real estate offices;*
- (v) *The premises of cobblers and seamstresses;*
- (vi) *Supermarkets;*
- (vii) *Petrol stations;*
- (viii) *Motor vehicle, motor cycle and cycle sale rooms and rental offices;*
- (ix) *Professional premises used by doctors, dentists and other health care providers and medical laboratories;*
- (x) *Parking facilities provided on a commercial basis; and*
- (xi) *Recreational facilities including theaters, night clubs, miniature golf links, bowling alleys, dance halls and amusement arcades;*

Although the proposed development isn't specifically specified as a permissible use within the respective zone, the applicant has submitted a letter outlining that the proposed is not an actual repair garage but more of a service & storage center for high-end vehicles.

An overview of the proposed site shows the surrounding area to be primarily commercial properties & warehouses, with the closest Automotive garage / car sales (GT Automotive) being approximately 500' away.

2) Roadside Setback

Regulation 8(8)(b) states “*the minimum road setbacks shall be 20' and the minimum side and rear setbacks shall be 6' unless otherwise specified by the Authority.*” The proposed loading dock and stairs to the North will encroach the roadside setback (Ashgo St.) at 16'-9” a difference of 3'-3” respectively.

3) Garbage Enclosure Roadside Setback

The minimum roadside setbacks for developments within a General Commercial zone are 20'-0", however the applicant has proposed that the garbage dumpster be approximately 10'-7 1/2" from the fronting road boundary. The proposed garbage dumpster would have a difference of 9'- 4 1/2" respectively.

2.11 PALM SUNSHINE (ARCO) Block 12C Parcel 443 (P23-0133) (\$1.5 million) (NP)

Application to modify planning permission

FACTS

<i>Location</i>	West Bay Road at Palm Heights Drive
<i>Zoning</i>	Neighbourhood Commercial
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	1.4 ac. (60,984 sq. ft.)
<i>Current use</i>	Commercial
<i>Proposed building size</i>	12,690.14 sq. ft.
<i>Total building site coverage</i>	20.38%
<i>Required parking</i>	39
<i>Proposed parking</i>	39

BACKGROUND

September 15, 2021 (**CPA/19/21; Item 2.3**) – application to modify planning permission to add 2,443.6 square feet and two pools to the proposal as well as revise the site layout and building shapes (P21-0609)

October 28, 2020 (**CPA/18/20; item 2.25**) – application for increase in floor area and 4 additional pools approved (P20-0537)

August 9, 2019 (**Administrative Approval**) – application to modify floor and site plans (P19-0744)

June 13, 2019 (**CPA/11/19; item 2.12**) – the application approved for a wellness garden with gym, pool, storage building, office building and restrooms (P19-0289)

Recommendation: Discuss planning permission for the following reason:

- 1) The use of 7 storage containers as sound attenuation features on the property

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on West Bay Road, immediately south of Palm Heights Drive.

The application seeks to modify planning permission for after the fact changes to the site in the following manner:

- 982 square foot after the fact addition to the outdoor gym (roofed area-no walls)
- after the fact addition of 6 X 40 foot containers and 1 X 20 foot container to the site as sound attenuation features
- after the fact interior changes to buildings A, E, F, and K1
- after the fact revised location of garbage enclosure

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) The use of storage containers as noise attenuation features

The applicant has installed a total of six 40 foot containers and one 20 foot container on the property. The stated use of the containers is as noise attenuation features. In this regard, the containers are sealed and are not able to be utilized for any other use. They are painted white and are labelled as buildings “O” on the site plan.

The Authority should consider whether the existing use of storage containers for noise attenuation is appropriate for the property.

2.12 SDG GROUP LTD. (AD Architecture Ltd.) Block 37E Parcel 164 & 165 (P23-0103) (\$2,285,000) (MW)

Application for 8 apartments.

FACTS

<i>Location</i>	Lily Dawn Cl., Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.5796 ac. (25,247.376 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Existing house to be demolished
<i>Proposed building size</i>	9,140 sq. ft.
<i>Total building site coverage</i>	20.57%
<i>Allowable units</i>	8
<i>Proposed units</i>	8
<i>Allowable bedrooms</i>	13 (13.9)
<i>Proposed bedrooms</i>	14
<i>Required parking</i>	12
<i>Proposed parking</i>	15

BACKGROUND

N/A

Recommendation: Discuss the application, for the following reasons:

- 1) Suitability
- 2) Bedroom density (14 vs. 13.9)

AGENCY COMMENTS

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

Water Authority

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:*

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD</i>
<i>Proposed</i>	<i>4 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>600</i>
<i>Apartments</i>	<i>2 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	<i>450</i>
	<i>2 x 3-Bed Units</i>	<i>300gpd/3-Bed</i>	<i>600</i>
<i>TOTAL</i>			<i>1,650</i>

- *The septic tank shall be constructed in strict accordance with the Authority’s standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- *Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards. The minimum well casing diameter for this development shall be **4”**. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of **5’1”** above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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

1. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
2. *All dimensions and materials shall be provided for any site-built tanks.*
3. *Manhole extensions are permitted up to a maximum of 24” below finished grade.*

4. Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.
5. A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)
6. The Water Authorities updated 2020 effluent disposal well specifications.
7. A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.

At Max for Septic Tank(s)

The developer is advised that the proposed development on this parcel brings it to the maximum size/use allowed for treatment by a septic tank(s). Further development on this parcel, including any change of use which increases the estimated wastewater flows past the maximum allowance for septic tanks, will require that all wastewater generated on the parcel (from proposed and existing structures) shall be treated by an onsite aerobic wastewater treatment system(s).

Stormwater Management

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

Water Supply

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

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

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

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

National Roads Authority

As per your memo dated March 15th, 2022 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issue The NRA has no objections or concerns with the proposed application, however the accessibility of parking space 11 and 6 requires reconsideration as accessibility in and out of the parking lot will be hindered by other users especially with the handicap parking space being in the center.

Road Capacity Issues

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

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

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

Access and Traffic Management Issues

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

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

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

Stormwater Management Issues

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

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

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

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the abovenoted stormwater requirements would cause a road encroachment under Section 16 (g) of The Page 3 of 3 Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as

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

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

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

Department of Environmental Health

Solid Waste Facility:

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

NOTE:

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

Department of Environment

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

The site is man-modified and of limited ecological value. Best management practices should be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

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

- 1. If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the environment.*

We also recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

Fire Department

Approved for Planning Permit Only 17 Mar 23

APPLICANT'S LETTER

In relation to the above-mentioned subject and on behalf of our client, we hereby requesting your good office to grant us an approval for the variance of:

- 1. **Bedroom Density** – The proposed apartment is fitted for the 2 parcels which are parcels 164 and 165. These parcels have a total of 0.5796 acre which is allowed for 8.7 units and 13.9 bedrooms. We are proposing for 8 units and 14 bedrooms. The proposed structure is less of 0.70 for the unit and exceeds a 0.10 for the bedroom. The client is looking to maximized what they can built on site without compromising the characteristic, function and compliance to the law.*

Despite of the above-mentioned request, we are mindful and took considerations of the provisions under the following regulations:

Regulation 8 (13)(b)

- (i) where the characteristics of the proposed development are consistent with the character of the surrounding area:*
- (ii) unusual terrain characteristics limit the site's development potential; or*
- (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public.*

Below is list of items in consideration to the design and in compliance of the structure:

- 1. The structure was designed to perfectly fit on the location without compromising the setbacks on all sides of the property.*
- 2. The site development is in compliance to the requirements and satisfactions of other government agencies.*
- 3. Ample space for vegetation/landscape.*
- 4. Ample parking provided for the number of units.*

We are looking forward for your kind consideration and approval on this matter.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an 8 unit apartment development; 9,140 sq. ft. located on Lily Dawn Cl., Bodden 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 & duplexes and vacant parcels within the nearby vicinity.

- 37E 187:- Duplex
- 37E 272:- Duplex

2) Bedroom Density

Regulations 9(8)(c) states “*the maximum number of apartments is 15 per acre with a maximum of 24 bedrooms*”. The proposed development is proposing a total of 14 bedrooms which is a difference of 0.0896 bedrooms more than the maximum allowable

of 13.9104 bedrooms.

2.13 PREMIUM INDUSTRIES (CAYMAN) LIMITED (Tony Lattie) Block 9A Parcel 891 (P21-1360) (\$1,600,000) (MW)

Application to modify planning permission for the approved apartments as follows:

- revise parking layout
- revise floor layout & elevations
- increase floor area; 8,644.38 sq. ft.
- revise garbage enclosure location
- add (6) building signs; 16.6 sq. ft. (ea)
- add (1) monument sign; 48 sq. ft.

FACTS

<i>Location</i>	Chestnut Dr., West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	1.63 ac. (71,002.8 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	29,402.38 sq. ft.
<i>Total building site coverage</i>	22.5%
<i>Required parking</i>	60
<i>Proposed parking</i>	64

BACKGROUND

September 11, 2019 – 40 apartments & recreational building with swimming pool – the application was considered and it was resolved to grant planning permission. (CPA/19/19; Item 2.7)

August 25, 2021 – 6’ block wall – the application was considered and it was resolved to grant planning permission. (CPA/17/21; Item 2.17)

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

- 1) Roadside setback (18’-4 ¼” (Bldg. 1) / 5’-9” (Rec. bldg.) vs. 20’-0”)
- 2) Parking layout (Rec. building)

AGENCY COMMENTS

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

Water Authority

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 6,300 US gallons per day (gpd), based on the following calculations.**

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG
<i>Building 1</i>	<i>8 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>1,200</i>
<i>Building 2</i>	<i>8 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>1,200</i>
<i>Building 3</i>	<i>8 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>1,200</i>
<i>Building 4</i>	<i>8 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>1,200</i>
<i>Building 5</i>	<i>8 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>1,200</i>
<i>Pool</i>	<i>2 x Toilets</i>	<i>150gpd/Toilet</i>	<i>300</i>
TOTAL			6,300 GPD

- **Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards. The minimum well casing diameter for this development shall be 6’’. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.**
- **To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4’5” above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.**

Water Supply

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

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

If there are questions or concerns regarding the above, please email them to:

development.control@waterauthority.ky

National Roads Authority

As per your email dated June 28th, 2022, the NRA has reviewed the above-mentioned planning proposal.

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

Concerns

Prior to granting planning permission, please have the applicant to demonstrate, that the proposed development does not encroach on Esterley Tibbetts Highway, or on Batabano Road, the delineation of which are available at the Lands and Survey Department as PCM301, and BP012, respectively.

Road Capacity Issues

The traffic demand to be generated by a residential development of forty (40) dwelling units has been assessed in accordance with ITE Code 220 - Apartments. Thus, the assumed average trip rates per dwelling unit provided by the ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added to Batabano Road is as follows:

Expected Daily trips	AM Peak Hour Total Traffic	AM Peak 20% In	AM Peak 80% Out	PM Peak Hour Total Traffic	PM Peak 65% In	PM Peak 35% Out
266	20	4	16	25	16	9

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

Access and Traffic Management Issues

One-way driveway aisles with diagonal parking shall be a minimum of twelve (12) to sixteen (16) ft. wide. Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.

Entrance and exit curves shall be no less than fifteen (15) feet in radius. Entrances shall be between twenty-two (22) and twenty-four (24) feet wide.

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

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

Stormwater Management Issues

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.

- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.

- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Batabano Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.

- Curbing is required for the parking areas to control stormwater runoff.

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

- Sidewalk detail needs to be provided as per NRA specifications.

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

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

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

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

Department of Environmental Health

Solid Waste Facility:

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

Table 1: Specifications for Onsite Solid Waste Enclosures

Container size (yd3)	Width (ft)	Depth (ft)	Height (ft)	Slab Thickness (ft)	Requirements
8	10	10	5.5	0.5	Water (hose bib), drain, Effluent Disposal well; guard rails

NOTE:

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

Swimming Pool:

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

Department of Environment

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

The Department of Environment was consulted on a previous application for this site (P19-0384). We reiterate our previous comments that this site is partially primary habitat undisturbed dry forest and shrubland and partially man-modified. Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human humans. The Applicant should retain as much native vegetation as possible and incorporate it into the landscaping scheme. Native species are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

The DOE also recommends that wherever possible sustainable design features are included in projects such as this one, especially renewable energy installations given the target that 70% of energy generation be renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). Photovoltaic solar panels in particular could be installed on suitable roof space or over the proposed parking spaces and rainwater collection could be used for irrigation.

Fire Department

Approved 25-April-23

APPLICANT'S LETTER

We write on behalf of our client for the above application.

Modification

- 1. Coordination of site layout with fix boundary survey.*
- 2. Revisions to road, rear and side building elevations*
- 3. Revision to interior layout of units*

Approved overall area 20,758 sqft, new proposed overall area 29,402.38 sqft

40 approved Bedrooms (remain as per approved)

40 approved apartment units (remain as per approved))

Parking ratio

Approved 60 parking spaces, proposed 64 spaces

Approved site coverage 16% (proposed 22.49%) allowable 30%

Approved footprint 11,458 sqft (proposed 15,967.6 sqft)

Setback variance

We are requesting a roadside variance of 18'4" vs 20'0" for building #1 & 5'9" vs 7'0" (previous approved setback) for Building #6, with the coordination of the fix boundary survey and with the addition 3'2" a small section of building #1 falls within the **access road** setback approx. 25.17 sqft.

As for building #6 with the coordination of the fix boundary survey pushed the building inwards to the road by 1'1" reducing the previous approved Access road setback from 7'0" to 5'9"

We are seeking a setback variance under **regulation 8(13) (b) & (d)** of 17'4" vs 20'-0", under the following conditions

1. Coordination of the fix boundary survey and the 3'2" addition lead to a small section of **building #1 & #6** falling within the **Access road** setback.

2. Site restriction.

In general the development meets all the other required setbacks and maintains all previous approved conditions, given that this is the only variance being requested of the CPA.

We are proposing that the proposed modification in question is viewed by the CPA members that it maintains all previous approved planning requirements except for the reduce access road variance request.

We thank you for your consideration of this matter and look forward to the decision on the reduce setback request.

Please don't hesitate to contact me with any queries.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a modification to approved apartment development; revise parking layout, revise floor layout & elevations; increase floor area; 8,644.38 sq. ft., revise garbage enclosure location; add (6) building signs; 16.6 sq. ft. (ea.) & (1) monument sign; 48 sq. ft. to be located on Chestnut Dr., West Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Roadside setback

Regulation 9(8)(i) states "the minimum front and rear setbacks are 20'-0". The proposed access stairs for Building 1 will encroach the fronting road setback at 18'-4

¼” & the proposed recreational building would be 5’-9” a difference of 1’-7 ¾” (Bldg #1) & 14’-3” (Rec. building) respectively.

The Board should be reminded the noted 2 buildings were previously approved with the following roadside setbacks (22’-0” bldg. #1 & 7’-0” rec. bldg.)

2) Parking Layout

The applicant has proposed (8) parking spaces at the northern portion of the proposed recreational building, however, 2 of those spaces shown cannot be properly utilized in the event the other 6 spaces are filled the vehicles leaving those 2 spaces would have to reverse into the access road to exit. It would appear that these 2 spaces can be redesigned to fit within the same parking area creating a small reversing area to match the proposed parking area to the south of the rec. building with the proposed septic tank being traffic rated or removed completely as the development would still have 2 more spaces than required.

2.14 YARL TOWERS LTD Block 14E Parcel 101 (P22-1077) (\$800,000) (AS)

Application for a duplex.

FACTS

<i>Location</i>	Melmac Avenue
<i>Zoning</i>	LDR
<i>Notification result</i>	No objections
<i>Current Use</i>	House
<i>Parcel Size</i>	17,424 sq. ft.
<i>Parcel size required</i>	22,500 sq. ft.
<i>Existing footprint</i>	2,928 sq ft
<i>Proposed footprint</i>	2,646 sq ft
<i>Total Size Proposed</i>	4614 sq ft
<i>Site Coverage</i>	31.9%
<i>Required parking</i>	3
<i>Proposed parking</i>	5

Recommendation: Discuss the application for the following reasons:

- 1) Minimum lot size (17,424 sq ft vs 22,500 sq ft)
- 2) Maximum site coverage (31.19% vs 30%)

AGENCY COMMENTS:

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

Department of Environmental Health

“Solid Waste Facility:

1. *This development require 4 (33) gallon bins and an enclosure built to the department’s requirements.*
 - a. *The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.*
 - b. *The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.”*

Table 1: Minimum Enclosure Dimensions

Number of Containers	Minimum Dimensions (feet)		
	Width	Length	Height

4	5.00	5.00	2.50
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Fire Service

The Fire Service has marked the site plan approved for planning permit only.

National Roads Authority

“Road Capacity Issues

The traffic demand to be generated by a residential development of two (2) multi-family units has been assessed in accordance with ITE Code 220 - apartment. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Melmac Avenue is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 20% In</i>	<i>AM Peak 80% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 65% In</i>	<i>PM Peak 35% Out</i>
<i>13</i>	<i>1</i>	<i>0</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>

Based on these estimates, the impact of the proposed development onto Melmac Avenue 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.

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

Stormwater Management Issues

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant*

provide this information prior to the issuance of a building permit.

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

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

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

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

APPLICANT'S LETTER

Further to the submitted application of one two-storey duplex on Block 14E Parcel 101, National Builders requests a variance on the lot size from 25,000 SF to 18,704 SF and on the lot width from 100' to 97.75'.

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

1. *The proposed variance does no harm to either public or private interests and is not injurious to any property or interest. It will not encroach or infringe on any neighbouring property, impose any hardship on any neighbours, or create a situation where any neighbour's quality of life, property value, or peaceful co-existence would be negatively affected. The characteristic of the development is being consistent with the surrounding neighbourhood.*
2. *Per section 8(13)(d) of the Planning Regulations, the adjoining property owners have been notified of the lesser setback associated with the application and they*

have not objected.”

PLANNING DEPARTMENT ANALYSIS

General

The application is for a two (2) storey duplex on a .4 acre parcel at Melmac Avenue. There is an existing house on the parcel.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot size

Pursuant to Section 9 (8) (d) of the Development and Planning Regulations (2022 Revision) the minimum lot size for each detached and semi-detached house is 10,000 sq ft. Section 9 (8) (e) states that the minimum lot size for each duplex is 12,500 sq ft. A duplex and a house require a minimum lot size of 22,500 sq ft. The Land Register shows that Block14E Parcel 101 is .4 acres (17,424 sq ft) in size.

2) Site coverage

Pursuant to Section 9 (8) (h) of the Development and Planning Regulations (2022 Revision) maximum site coverage for houses and duplexes in LDR is 30%. Proposed site coverage is 31.9%.

Although the applicant states in his cover letter that he requests a minimum lot width variance from 100 ft to 97.75 ft, the Development and Planning Regulations (2022 Revision) Section 9 (8) (g) states that the minimum lot width for houses and duplexes in LDR is 80 ft.

2.15 AUBURN BAY (Tropical Architectural Group Ltd.) Block 22D Parcel 182REM4 (P23-0006) (\$50,000) (MW)

Application for a proposed guard house; subdivision sign, 8’ chainlink boundary fence, 4’ iron fence, 7’-6” entrance gates with 8’-3” columns, pickleball/ tennis court, jogging trail & disc golf court.

FACTS

<i>Location</i>	Off Westwood Dr., George Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	1.9752 ac. (25,000 sq. ft.)
<i>Parcel size required</i>	-
<i>Current use</i>	Approved subdivision
<i>Proposed building size</i>	109 sq. ft.
<i>Total building site coverage</i>	0.13%

BACKGROUND

March 15, 2017 – 96 Land Strata Lot Subdivision – the application was considered and it was resolved to grant planning permission. (CPA/06/17; Item 2.1)

September 13, 2017 – Modify planning permission to allow smaller lot sizes – the application was considered and it was resolved to grant planning permission. (CPA/18/17; Item 2.6)

May 22, 2019 – Cabana, Trellis, Swimming Pool, Boardwalk & Dock – the application was considered and it was resolved to grant planning permission. (CPA/11/19; Item 2.14).

October 23, 2019 – 63 Apartments, manager’s office with gym, 4 pools, pool equipment room, 2 cabanas, trellis, 2 tennis courts – the application was considered and it was resolved to grant planning permission. (CPA/22/19; Item 2.8).

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

- 1) Suitability
- 2) Fence Height (8’-0” (Chainlink) /8’-3” & 7’-6” (Gate 1 & 2) vs. 4’-0”)
- 3) Compliance to sign guidelines

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment & Disposal

- *The developer shall provide a **septic tank** with a capacity of at least 1,000 US gallons for the proposed **guard house**.*
- *The septic tank shall be constructed in strict accordance with the Authority’s standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- ***Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards. The minimum well casing diameter for this development shall be 4”.** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- ***To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4’8” above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*
For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:
 1. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a*

- Precast septic tank drawing if you intend to use a Precast Tank). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
- 2. All dimensions and materials shall be provided for any site-built tanks.*
 - 3. Manhole extensions are permitted up to a maximum of 24” below finished grade.*
 - 4. Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
 - 5. A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
 - 6. The Water Authorities updated 2020 effluent disposal well specifications.*
 - 7. A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

Water Supply

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

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

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

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

National Roads Authority

As per your memo dated April 19th, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by the above proposed Auburn Bay Villa – Guard House, Signage, Gate, Fence & LPP development of 1.98 acres has been assessed in accordance with ITE Code 435 – Multipurpose Rec. Facility. The anticipated traffic to be added onto Westwood Road is as follows:

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

Access and Traffic Management Issues

One-way driveway aisles with diagonal parking shall be a minimum of twelve (12) to sixteen (16) 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.

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

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

"any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such canal,

conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;"

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

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

Department of Environment

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

The application site is man modified with some regrowth as shown in Figure 1.



Figure 1: Aerial imagery showing the application site outlined in red (Source: UKHO, 2021)

The application site was previously part of a mangrove wetland and is low-lying, especially in the southern portion of the site. A stormwater management plan should be designed for the site and should consider incorporating Sustainable Drainage Systems (SuDS). SuDS are drainage solutions that provide an alternative to the direct channeling of surface water through pipes and deep wells. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity and reducing the transport of pollution to the water environment. Measures could include permeable and

sustainable materials within the parking area, the biking and jogging trail, pathways etc.

We also recommend that the applicant retains and utilises mature native plants where possible. Native plants, such as buttonwood, are best suited for the conditions of the site, including the temperature and amount of rainfall. As one of the most productive terrestrial ecosystems, mangrove wetlands are extremely biodiverse and provide habitat and food for an immense variety of species. Inland wetlands in urban areas are valuable to the surrounding development, counteracting the greatly increased rate and volume of surface-water runoff from areas of hardstanding and buildings. Trees, root mats, and other wetland vegetation also slow the speed and distribution of stormwater. This combined water storage and braking action lowers flood heights and reduces erosion. In addition, inland wetlands improve water quality by filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants.

In general, native species are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

Fire Department

1994 Standard Fire prevention code -602.6.1 Every building hereafter constructed shall be accessible to fire department apparatus by way of access roadways with all-weather driving surfaces of not less than 20 ft. (6.1 m) of unobstructed width, with adequate roadway turning radius capable of supporting the imposed loads of fire apparatus and having a minimum vertical clearance of 15 ft. .

PLANNING DEPARTMENT ANALYSIS

General

The application is for a proposed guard house; 109 sq. ft., Subdivision signage; 14 sq. ft., 8' chainlink boundary fence, 4' iron fence, 7'-6" entrance gates with 8'-3" columns, pickleball/ tennis court, jogging trail & disc golf court to be located off Westwood Dr., George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

The Department is of the opinion that guard houses with gates are designed as a gated community. Gated communities have been viewed by previous Central Planning Authorities in different ways. Traditionally, gated apartment complexes have been viewed differently from gated subdivisions. Whereas gated apartment complexes have generally been considered acceptable, gated subdivisions have caused concern for some previous CPA's. Subdivisions have Land for Public Purposes which could be blocked by gates and the gates would block the ability of people enjoying a drive around the Island. Some have been approved (e.g. Crystal Harbour) and others refused (e.g.

Patrick’s Island and the Shores).

The Department would suggest that this application could lead the Authority into a general discussion of the merits or demerits of gated communities and determine whether the proposal is suitable in this instance.

2) 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 chain link boundary fence will be 8’-0” in height, it’s shown to extend from the Northern boundary and extend along the Western & Southern property boundary. The applicant has also proposed (2) entrance gates, Gate 1 which will be at the entrance of the development off Westwood Dr. which would have 7’-6” gates and 8’-3” concrete columns. Gate 2 which is proposed at the other entrance of the development to the west will have gates and columns of the same height as gate 1 but will have a guard house; 109 sq. ft. The proposed chain link fence will have a difference of 4’-0” in height, the proposed entrance gates 1 & 2 would be a difference of 3’-6” (gate) & 4’-3” (columns) respectively.

2.16 ALANA BANKS-MILLER (Caribbean Design Group) Block 32E Parcels 107 (P22-1165) (\$8,300) (MW)

Application for an ATF 3’-2” fronting concrete fence with 4’-2” columns.

FACTS

<i>Location</i>	Pedro Villas Ln., Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.2298 ac. (10,010.088 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Existing residence

BACKGROUND

N/A

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

- 1) Fence Road Side Setback (0’ vs 4’)

AGENCY COMMENTS

The Authority received comments from the National Roads Authority.

National Roads Authority

As per your email dated March 15th, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

The NRA has no objections or concerns with the above-mentioned development.

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

APPLICANT'S LETTER

We write on behalf of the applicant(s), Alana Banks-Miller with regards to the following:

It should be noted that road is a private road to Subdivision and it is the wish of our client to have wall as displayed on the site plan. We draw attention to the board of an application recently approved for a similar wall for adjacent property owner on Block 32E 108.

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

Per section 8(13)(d)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare:

The application complies with all other relevant Planning requirements.

We look forward to your favorable response to this variance request. Should you have any questions Questions, please feel free to contact us at 927-3849 or via email at caribbeandesigngroup@gmail.com.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an ATF 3'-2" fronting concrete fence with 4'-2" columns to be located on Pedro Villas Ln., Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Fence Roadside Setback

Regulation 8(18) of The Development and Planning Regulations (2022 Revisions) states " *walls and fences adjacent to a road shall be setback a minimum of 4 feet from the roadside parcel*" - The proposed 3'-2" fronting concrete wall would be setback approximately 0'-0' from the edge of Pedro Villas Ln. which is an existing dead end within the existing subdivision with a difference of 4'-0" respectively.

2.17 EUTON WRIGHT (BARBARA BODDEN) Block 4B Parcels 520 (P23-0315) (\$5,000) (MW)

Application for an ATF 4' fronting concrete fence with 4' 7" columns.

FACTS

<i>Location</i>	Fountain Rd., West Bay
<i>Zoning</i>	High Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.2140 ac. (9,321.84 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Approved Apartments

BACKGROUND

December 12, 2018 – Four Unit Apartment Building – the application was considered and it was resolved to grant planning permission. (CPA/27/18; Item 2.3)

January 27, 2023 – Modification to planning permission – the application was considered and it was resolved to grant planning permission.

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

- 1) Column height (4' 7")
- 2) Column setback

AGENCY COMMENTS

The Authority received comments from the National Roads Authority.

National Roads Authority

As per your email dated May 4th, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

The NRA has no objections or concerns with this development.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an ATF 4'-0" fronting concrete fence with 4' 7" columns to be located on Fountain Rd., West Bay.

Zoning

The property is zoned High 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 boundary fence would be 4'-0" in height however the existing columns are 4' 7".

2) Road setback

Regulation 8(18) requires the wall to be set back 4' from the roadside boundary. While it appears the face of the wall complies, the columns may encroach a few inches into the required setback.

2.18 **KIRK MARINE (New Perspective Design & Construction Ltd.) Block 14BJ Parcel 24 (P23-0137) (\$492,768) (MW)**

Application for ATF change of use from warehouse to retail with 10 signs.

FACTS

<i>Location</i>	Boilers Rd., George Town
<i>Zoning</i>	General Commercial
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	1.19 ac. (51,836.4 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Existing warehouse
<i>Proposed building size</i>	9,929.84 sq. ft.
<i>Total building site coverage</i>	17.65%
<i>Required parking</i>	33
<i>Proposed parking</i>	34

BACKGROUND

February 25, 2003 – Proposed Sign – the application was considered and it was resolved to refuse planning permission. (CPA/09/03; Item 3.01)

January 12, 2005 – Proposed Temporary “Tourist market” – the application was considered and it was resolved to grant planning permission. (CPA/01/05; Item 2.23)

April 6, 2005 – Modification to Tourist market – the application was considered and it was resolved to grant planning permission. (CPA/07/05; Item 2.30)

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

- 1) Suitability

AGENCY COMMENTS

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

Water Authority

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:*

- *The drawings indicate an existing 1,000 US gallon septic tank. Should the developers intention be to retain the existing tank, it will require an inspection (see below).*
- *Should the existing tank be structurally sound and operating as desired, the developer shall be required to install an additional septic tank(s) with a minimum capacity of 1,250 US gallons to meet the total required treatment capacity of 2,250 gallons.*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
Ground Floor	8,977.20 sq. ft.	8,977.20 x 0.15 (retail factor)	1,346.58
TOTAL			1,3456.58

- *The septic tank shall be constructed in strict accordance with the Authority’s standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- *Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards. The minimum well casing diameter for this development shall be 4”. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4’9” above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*
For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:
 1. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
 2. *All dimensions and materials shall be provided for any site-built tanks.*
 3. *Manhole extensions are permitted up to a maximum of 24” below finished grade.*
 4. *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
 5. *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
 6. *The Water Authorities updated 2020 effluent disposal well specifications.*
 7. *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

Change-of-Use with Existing Septic Tank

If the developer proposes to utilize the existing septic tank and/or disposal well, the system shall be inspected and serviced per the Water Authority's Septic Tank Inspection Form.

Septic Tank Inspection Form: <https://bit.ly/2RO8MBB>

*The completed inspection form shall be returned to the Water Authority for review and determination as to whether the existing system meets Water Authority design specifications. Any deficiencies noted will require repair or replacement **prior to final approval for certificate of occupancy.***

Water Supply

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

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

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

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

National Roads Authority

As per your memo dated February 27th, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by the proposed development could not be accurately assessed. However, the impact of the proposed development onto Boiler's Road is considered to be minimal.

Access and Traffic Management Issues

One-way driveway aisles with diagonal parking shall be a minimum of twelve (12) to sixteen (16) 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 Boiler's 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 Boiler's Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)*

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

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

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

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

Department of Environmental Health

- 1. DEH has not objection to the proposed in principle. However, the location of the enclosure is too close to the existing fence.*
- 2. This development will require an eight cubic yard container serviced weekly and an enclosure built to the department’s specifications.*

Table 1: Specifications for Onsite Solid Waste Enclosures

Container size (yd3)	Width (ft)	Depth (ft)	Height (ft)	Slab Thickness (ft)	Requirements
8	10	10	5.5	0.5	Water (hose bib), drain, Effluent Disposal well; guard rails

Department of Environment

This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013). The Department of Environment confirms that we have no comments at this time.

Fire Department

Please depict proposed or existing Fire well. 1994 Standard Fire prevention code - 602.6.1 Every building hereafter constructed shall be accessible to fire department apparatus by way of access roadways with all-weather driving surfaces of not less than 20 ft. (6.1 m) of unobstructed width, with adequate roadway turning radius capable of supporting the imposed loads of fire apparatus and having a minimum vertical clearance of 15 ft.

Please ensure taper entrance for Emergency access.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an ATF Change of Use from Warehouse to Retail; 9,929.84 sq. ft. with 13 signs to be located on Boilers Rd., George Town.

Zoning

The property is zoned General Commercial.

Specific Issues

1) Suitability

Pursuant to Regulation 13 of the Development and Planning Regulations (2022

Revision) the proposed is a permissible use for the zone. The Authority needs to ascertain whether or not that the proposal is suitable for the area. The access road varies between 20' and 21' in width, however an existing commercial plaza was approved (The Meringue Town Corporate Plaza). While the area is principally a mix of residential and commercial in nature, the Department has not received any objection letters from adjoining landowners within a radius of 300 ft. of the subject parcel. The Authority should determine whether the level of intensity of the ATF change of use is appropriate in this commercial area.

- 14BJ 8:- The Meringue Town Corporate Plaza
- 14BJ 22:- Harbour Place
- 14E 255:- Mike's Esso On The Run

2.19 JULIE OHARE & LEE TRICKET (Oasis Pool & Spa) Block 33E Parcel 18 (P23-0116) (\$75,000) (EJ)

Application for swimming pool.

FACTS

<i>Location</i>	Finger Cay Road
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.3201 ac. (13,943 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House & Dock

BACKGROUND

1983 - House granted planning permission.
 01-Oct-99 – Coastal Work permission granted.

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

- 1) High Water Mark setback variance (37'.10" vs 75')
- 2) DOE's comments.

AGENCY COMMENTS

The Authority received comments from the Department of Environment.

Department of Environment

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

The site is man-modified, with the site having been developed for a residential property in the late 1980s / early 1990s (refer to Figure 1).



Figure 1: Existing development on site with the registered parcel boundary highlighted in blue (Aerial Imagery Source: UKHO, 2021).

As shown in Figure 2, we note that both the setbacks of the existing structures on site, and the proposed setback of the pool are much less than the minimum required setbacks from the registered Mean High Water Mark under section 8(10)(b) of the Development and Planning Regulations (2022 Revision). Adherence to these absolute minimum setbacks is important, especially in the context of climate change predictions for the region, including sea level rise and increased intensity of storm events (including storm surge). The DoE would like to reiterate that these setbacks seek to provide protection to properties against these inevitable effects of climate change such as coastal flooding and erosion, by ensuring that hard structures are not located in an area susceptible to these hazards. We do note that this coastline is a man-made coastline and not subject to natural replenishment cycles and coastal processes, which reinforces the need for strict adherence to the minimum setbacks for coastal development. We recommend that the applicant explores other options for the location of the pool that would remove it from the 75'-0" minimum coastal setback (such as the south-west corner of the property, adjacent to Finger Cay Road).

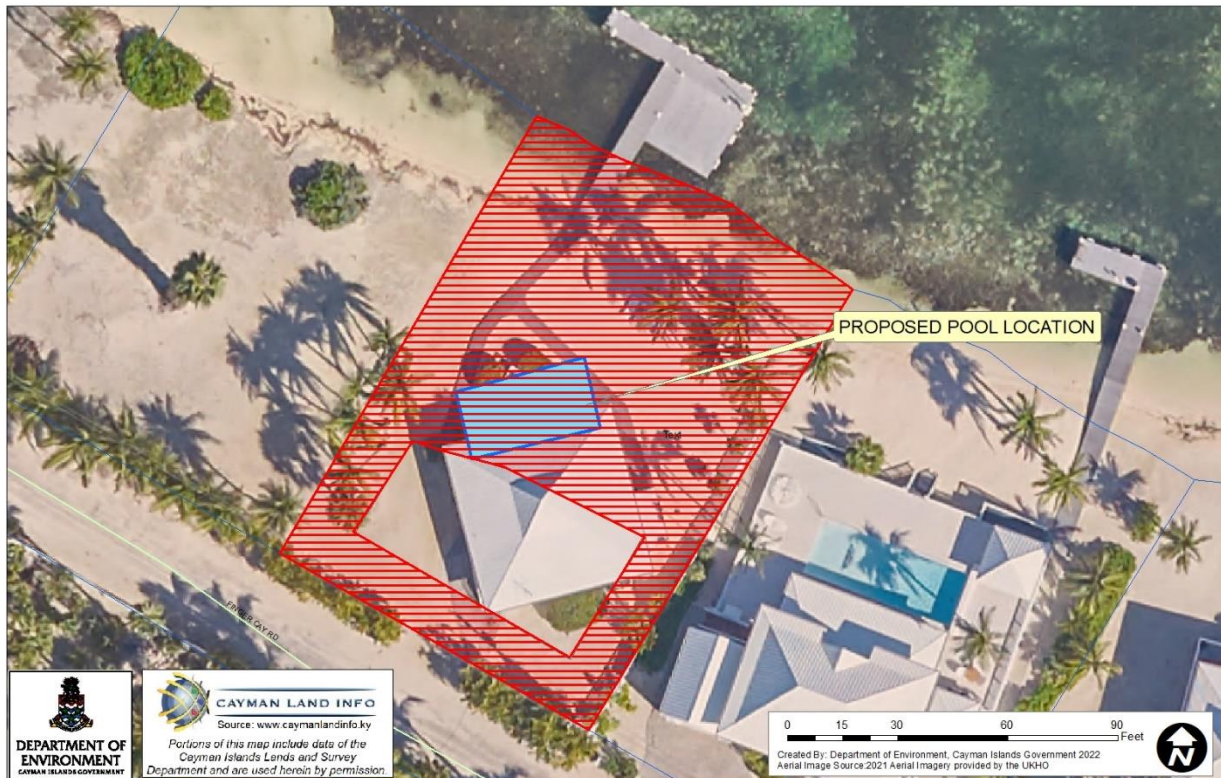


Figure 2: The hatched area shows the portion outside of the setbacks as per the Development and Planning Regulations (2022 Revision), note that the proposed pool construction is located within the coastal setback (Aerial Imagery Source: UKHO, 2021)

Best management practices should be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

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

- 1. All construction materials shall be stockpiled a minimum of 50 feet from the Mean High Water Mark to prevent material entering the marine environment.*
- 2. Any beach quality sand excavated during construction shall be retained on-site and placed along the active beach profile. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move sand off-site, it should be the subject of a separate consultation with the Planning Department and National Conservation Council.*
- 3. If the construction uses insulating concrete forms (ICF) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding area or pollute the adjacent marine environment.*

APPLICANT’S LETTER

We write to request a variance for the construction of a swimming pool and deck at the above-mentioned block and parcel. The pre-existing house placement and shape of the parcel create a hardship that limit the options for pool placement on the lot.

The proposed pool location allows for a typical and functional pool at the rear of the property. The proposed pool location would have a 45’-2” setback varied from the 75’ waterfront beach setback and the corner of the deck setback to 37’-10”.

The characteristics of the proposed development are consistent with the character of the surrounding area.

The proposed new swimming pool will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or the public welfare.

The adjoining property owners have been notified of the application and there have been no objections received.

PLANNING DEPARTMENT ANALYSIS

General

The proposed swimming pool is located on Finger Cay Road.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) HWM setback

The applicant is seeking permission for the swimming pool & deck proposed at 32’.1’ and 37’.10” vs 75’ respectively; therefore, the applicant is seeking a setback variance from the high water mark. The pool/deck would replace an existing wooden deck, but the new deck would be wider and deeper than the existing deck.

2.20 SOUTHGATE LTD. (Abernethy & Associates) Block 20C Parcel 113 (P23-0198) (\$2,674) (NP)

Application for a 2 lot subdivision.

FACTS

<i>Location</i>	Old Joes Way in George Town
<i>Zoning</i>	Light Industrial
<i>Notification Results</i>	No objectors
<i>Proposed Parcel sizes</i>	97,550 sq ft & 10,448 sq ft
<i>Parcel size required</i>	20,000 sq ft
<i>Parcel width required</i>	CPA Discretion
<i>Current use</i>	Vacant

Recommendation: Discuss planning permission for the following reason:

- 1) Proposed lot size (10,448 vs 20,000)

AGENCY COMMENTS

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

Department of Environment

This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013). The Department of Environment confirms that we have no comments at this time.

Water Authority Cayman

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

Wastewater Treatment

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

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.

APPLICANTS LETTER

Enclosed please find the relevant documents relating to a 2-lot subdivision. The existing parcel is divided by Old Joes Way that was gazetted by NRA. We are asking for a variance on the lots size under the Planning Regulation 8(13) (b) (iii) to accommodate this.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located along Owen Roberts Drive at the intersection with Old Joes Drive in George Town.

The property is currently vacant and the proposal is to create two new lots and a road lot.

Zoning

The property is zoned Light Industrial.

Specific Issues

1) Proposed Lot Size (10,448 vs 20,000)

Regulation 8(9) requires that new commercial or industrial parcels shall be a minimum 20,000 square feet of area.

The proposed southern parcel would have 10,448 square feet of area.

The applicant has submitted a variance letter and the Authority should discuss whether a variance to lot size is warranted in this instance.

2.21 CHAYMAYRANE PRIMRIOSE WILLIAMS (Shedwerx) Block 4B Parcel 383 (P23-0255) (\$5,000) (NP)

Application for an after the fact shed.

FACTS

<i>Location</i>	Canary Lane in West Bay
<i>Zoning</i>	High Density Residential
<i>Notification result</i>	Not Applicable
<i>Parcel size proposed</i>	28,314 square feet
<i>Parcel size required</i>	20,000 square feet
<i>Current use</i>	Four Houses & Ancillary Buildings

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

- 1) After the fact nature of the application

PLANNING DEPARTMENT ANALYSIS

General

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

The property contains a total of four existing houses and several outbuildings. There is only a record of one house being approved on the property.

The applicant is seeking after the fact permission for a shed on the property. The area of the shed subject to the application is 148 square feet.

Zoning

The property is zoned High Density Residential.

Specific Issue

1) After the fact Nature of the Application

The Planning Department would note that this is an after the fact application, however it does comply with the relevant zoning provisions.

2.22 OWEN ROBERTS INTERNATIONAL AIRPORT (AMR Engineers) Block 20C Parcel 78 (P23-0245) (\$240,000) (NP)

Application for a weather canopy extension

FACTS

<i>Location</i>	Owen Roberts Airport in George Town
<i>Zoning</i>	Airport Lands
<i>Notification Results</i>	Notices were not required
<i>Current use</i>	Sidewalk
<i>Proposed Use</i>	Weather Canopy Extension
<i>Footprint</i>	2,441 sq ft
<i>Required Parking</i>	Not Applicable

Recommendation: Grant Planning Permission.

AGENCY COMMENTS

Agencies were not circulated in this instance.

PLANNING DEPARTMENT ANALYSIS

General

The proposed weather canopy consists of a 2,441 extension to the existing pedestrian canopy system that exists at the Airport.

Notification was not required as the location of the proposed works is internal to the Airport site and would not impact adjacent landowners.

Zoning

The property is zoned Airport Lands and staff are to apply the zone requirements of the use proposed. In this instance the proposed use is General Commercial and staff have applied the GC zone requirements during the review of the proposal.

2.23 LG CONTRACTING – Ritz Deckhouse Strata (Declan O’Brien) Block 12C Parcel 4513H10 (P23-0306) (\$71,500) (NP)

Application for a services wall.

FACTS

<i>Location</i>	Ritz Carlton Drive in George Town
<i>Zoning</i>	Hotel/Tourism
<i>Current Use</i>	Entrance Features to Deckhouse Development
<i>Proposed Use</i>	Wall for Services
<i>Wall Area</i>	42.0 sq ft

Recommendation: Grant Planning Permission.

PLANNING DEPARTMENT ANALYSIS

General

The proposed wall is located at the entrance to the Ritz Carlton Deckhouse development. The area is currently the site of entrance features and landscaping.

The size of the proposed wall is 7 feet by 6 feet and would contain infrastructure services such as water and electrical meters.

Zoning

The property is zoned Hotel/Tourism.

2.24 MONTESSORI WEST (TAG) Block 4C Parcel 29 (P23-0220) (\$15,000) (NP)

Application for a wall & signs.

FACTS

<i>Location</i>	Capt. Reginald Parsons Drive in West Bay
<i>Zoning</i>	Low Density Residential
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Wall Sign & Hanging Sign
<i>Sign Area</i>	4 sq ft & 15.0 sq ft

BACKGROUND

April 12, 2023 (CPA/09/23; Item 2.3) – The Authority granted planning permission for a new school on the subject property.

Recommendation: Grant Planning Permission.

PLANNING DEPARTMENT ANALYSIS

General

The proposed wall sign would be located at the southeast corner of the property and would read “Montessori West – 123 Capt. Reginald Parsons Drive”. The sign would be 4 square feet in area and the wall would be 18 square feet in area.

The hanging sign would be located on the porte cochere and would also read “Montessori West”. The sign would be 15 square feet in area.

Zoning

The property is zoned Low Density Residential.

2.25 CAYMAN ENTERPRISE CITY (Design (Cayman) Ltd.) Block 21B Parcel 134 (P23-0184) (\$17,410) (MW)

Application for two (2) exterior building signs.

FACTS

<i>Location</i>	Off Fairbanks Rd, George Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	75.5 ac. (3,288,780 sq. ft.)
<i>Parcel size required</i>	-
<i>Current use</i>	Approved buildings (under construction)

BACKGROUND

December 9, 2015 – Planned Area Development – the application was considered and it was resolved to grant planning permission.

July 6, 2016 – Five (5) Lot subdivision – the application was considered and it was resolved to grant planning permission.

May 23, 2017 – Modify CPA Conditions – the application was considered and it resolved to grant planning permission.

April 18, 2018 – Two (2) Commercial Office Buildings and Two (2) Generators – the application was considered and it was resolved to grant planning permission.

November 23, 2018- Revise Site Layout and Building Design, Reduce Parking (Phasing)-the application was considered and it was resolved to grant planning permission.

September 16, 2020 – Modification to Office Building (Increase Floor Area, Revise Elevations & Add Parking)- the application was considered and it was resolved to grant planning permission.

Recommendation: Grant Planning Permission

PLANNING DEPARTMENT ANALYSIS

General

The application is for 2 exterior building signs to be located off Fairbanks Rd., George Town.

Zoning

The property is zoned Low Density Residential.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

6.0 CPA MEMBERS INFORMATION/DISCUSSION

MEMORANDUM

TO: Director of Planning **YOUR REF:** P22-1154
ATTN: Marco Whittaker
FROM: Director of Environment **DATE:** 14 February 2023

**SUBJECT: Cayman Enterprise City
Modification to Planned Area Development (PAD)
Block: 21B Parcel: 134**

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

Site Overview

With the exception of the current Cayman Enterprise City (CEC) office building development footprint, the majority of the Planned Area Development (PAD) site comprises primary habitat, namely, seasonally flooded mangrove forests. The applicant is reminded that mangroves are Schedule 1, Part 2 Protected Species under the National Conservation Act (NCA) with an adopted Conservation Plan. It is an offence to remove mangroves unless permission is explicitly sought to remove them either through the granting and implementation of planning permission or a National Conservation Council Section 20 permit. The Mangrove Species Conservation Plan can be downloaded at the following link: <https://conservation.ky/wp-content/uploads/2021/01/Species-Conservation-Plan-for-Mangroves-FINAL.pdf>.

Summary of DoE Noted Modifications

The DoE notes the modifications to the approved PAD. We have provided comments on the following modifications:

- An increase in the size of the PAD with the addition of 4.63 acres bringing the total PAD area to 75.5 acres;
- The removal of the lakes from the plan;
- Master plan concept changes;
 - The redesign to include underground parking,
 - The expansion of the residential zone in place of the lakes,
- A request to remove the condition prohibiting the use of septic tanks;
- A request for the removal of the requirement for the temporary parking areas to utilise chip and spray asphalt; and
- A request to remove the requirement for the swale to be made of concrete.

DoE High-level Concerns

In the DoE's initial planning review for the CEC PAD (app ref: PAD15-0001; F15-0228), dated 18 November 2015, the Department highlighted 3 major concerns:

1. The ongoing drainage and flooding issues in South Sound and a need to ensure that the development does not contribute to these problems.

2. The loss of primary mangrove wetland habitat, in terms of ecological functions and carbon sequestration.
3. The need to maintain good water quality in the proposed artificially created waterbodies.

With the proposed increase in total area, the density of development and increased areas of hardstanding, the proposed modifications to the PAD only exacerbate these concerns.

1. Drainage & Flooding Concerns

The South Sound mangrove basin is a non-tidal mangrove wetland which is impounded by the beach ridge and South Sound road to the south, and higher elevation, drier land as well as the Linford Pearson highway to the north. The beach ridge and roads are relatively impermeable to seawater and the mangrove swamp is flooded principally by rainwater. Historically, excess rainwater not retained by the extensive mangrove wetland basin gradually percolated through the beach ridge and mangrove coastlines along the length of the South Sound lagoon. Following the construction of South Sound Road and the beginning of developments which reclaimed portions of the mangrove wetland, this percolation of excess rainwater has been reduced substantially and the remaining undeveloped land functions as a water retention basin.

Detailed water level measurements in South Sound have shown that the mean surface water level within the swamp is higher than the mean sea level in South Sound (Davies, J.E. and Giglioli, M.E.C, 1977). During the wet season, impounded rainwater remains within the basin and has limited means of escape. As more and more development is brought forward, the implications of removing the stormwater retention capacity of the basin become increasingly significant and problematic, due to the potential flood risk for properties within the basin. The CEC PAD is only one of a series of developments coming forward in the basin. Several new residential developments and subdivisions have been granted Planning approval in recent years, further development without implementing an effective strategy is likely to exacerbate flooding within the area and water quality issues of the receiving waters i.e. the South Sound lagoon.

The DoE has stressed its concern with the lack of a comprehensive stormwater management strategy for the South Sound drainage basin. As outlined in the attached Memo dated 30 January 2015 (8 years ago now) from the DoE, Water Authority and National Roads Authority, to the then-Ministry of Planning, Lands, Agriculture, Housing and Infrastructure, there are significant concerns regarding the development of this area without an adequate comprehensive stormwater management strategy. The specific recommendation of the Memo was *“to issue an RFP [Request for Proposals] to select a suitably qualified consultant to undertake a hydrological assessment of the South Sound drainage basin and devise a regional stormwater management plan, which will include drainage engineering specifications for the proposed road and future development and Best Management Practices to minimise the impacts of stormwater flooding”*.

The Memo outlined that *“rather than continuing with the current practice of requiring each development to deal with stormwater management in isolation, we believe a basin-wide approach to managing stormwater in this location is urgently required”*. Several existing developments in the basin continue to be inundated with rainwater and flood during the wet season; most notably Randyke Gardens.

Unfortunately, the South Sound drainage basin has become severely fragmented by current and future developments, impacting the overall capacity of the remaining wetland area to accommodate drainage for the whole basin.

The proposed modifications to the PAD will likely increase the amount of hardstanding and decrease the number of permeable areas (the formerly proposed lakes). The potential overall capacity of the PAD to retain stormwater will be decreased by the loss of the lakes.

In lieu of a regional stormwater management plan for the South Sound drainage basin the DoE strongly advocates for the use of Sustainable Drainage Systems (SuDS) in the stormwater management plan for the PAD to mitigate against the inundation of the surrounding area. SuDs are drainage solutions that provide an alternative to the direct channelling of surface water through pipes and deep wells. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity and reducing the transport of pollution to the water environment.

2. Loss of Primary Mangrove Wetland Habitat Concern

Mangrove forests are a critical part of our natural environment, providing several ecosystem services which include assisting to mitigate the effects of climate change. As one of the most productive terrestrial ecosystems, mangrove wetlands 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 hardstanding and buildings. Trees, root mats, and other wetland vegetation also slow the speed and distribution of stormwater. This combined water storage and braking action lowers flood heights and reduces erosion. In addition, inland wetlands improve water quality by filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants.

Mangroves provide natural infrastructure protection by preventing erosion and absorbing storm surge impacts during extreme weather events such as hurricanes. They are also an important natural asset for the Cayman Islands and form part of Cayman's Natural Capital Accounts. Mangrove wetlands are 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 potential and the removal of mature vegetation and de-mucking of mangrove sites releases captured carbon into the atmosphere. The removal of mangrove habitats reduces the extent and value of this natural asset and removes the ecological services the habitat currently provides.

The DoE does not support the permanent loss of over 75 acres of primary mangrove habitat given the ecological function that it serves. While the DoE notes that the PAD has previously been approved, the modifications increase the loss of mangroves by increasing the total site area and by reducing the area that had been set aside for the previously proposed lakes and living wetlands. Whilst the DoE supports the use of native landscaping, as outlined in the Development Statement, there is still a significant ecological loss arising from the project due to the transformation of 75+ acres of primary habitat.

Based on the above, the DoE recommends that the applicant:

- Maximises carbon capture throughout the PAD, setting aside areas of wetland habitat to be reserved as carbon sinks. These areas should be highlighted within the Master Plan as areas to be left in their natural state;
- Incorporates incorporate native vegetation, especially wetland vegetation into the landscaping scheme;
- Maximises self-generation of renewable energy;
- Utilises building materials with the lowest embodied carbon reasonably available; and
- Sets aside funds for carbon offsetting.

Other sustainability measures the applicant and/or the Planning Department or Central Planning Authority may wish to consider would be:

- Aiming for net-zero development;
- Requiring the development and submission of a sustainability plan for the PAD;
- Setting planning obligations to secure carbon offset contributions; and
- Undertaking whole lifecycle carbon assessments for proposed developments which come forward for the PAD.

3. Water Quality of the Waterbodies Concern

The DoE notes the proposed modification which removes the lakes from the PAD. In relation to the water quality concerns, we note the original Planning Condition 2) d) of Planning Decision Letter for Cayman Enterprise City (PAD15-0001; F15-0228) dated 15 December 2015 (CPA/25/15; Item 2.1) which states:

2) Prior to submission of any application for development within any Phase of the PAD, you shall submit appendices to the Development Statement that address the following:

d) You shall submit to the Central Planning Authority for approval an engineering, hydrological and biological analysis of that lake and filtration wetlands. The applicant is directed to liaise with the Department of Environment for guidance in preparing the analysis.

This condition was later modified, in the Planning Decision Letter for Cayman Enterprise City (P17-0349) dated 01 June 2017 (CPA/11/17; Item 2.4) which stated that Condition 2) d) be replaced with the following:

2) On submission of an application for development within the relevant phase of the PAD, the applicant shall submit appendices to the Development Statement that address the following:

d) On submission of an application to excavate either of the lakes, the applicant shall submit to the Central Planning Authority for approval an engineering, hydrological and biological analysis of that lake and filtration wetlands. The applicant is directed to liaise with the Department of Environment for guidance in preparing the analysis.”

We also note that the proposed Stormwater Management Plan (Drawing #C2010 Revision #3) Legend states: “*Storm water from hard standing to be directed to catch basin and outfall to adjacent lakes*”

However, as lakes have been removed from the plan, we highlight that the applicant's current stormwater management plan shows stormwater from the commercial zone being directed into the River Park waterbody.

The DoE is concerned with the water quality of the River Park waterbody which forms a part of this proposal. Although the lakes have been removed, there are still water quality concerns with the introduction of the River Park waterbody. For this reason, we recommend that the previously-included condition regarding the *engineering, hydrological and biological analysis of that lake and filtration wetlands* is retained and reworded to reflect the modified waterbody.

We recommend that a detailed management plan for water quality monitoring and maintenance of all waterbodies is submitted for the Department of Environment's review and approval.

Other Modification Considerations

1. Underground Parking – We note that page 5 of the applicant's cover letter states that the applicant proposes to redesign the Mixed-Use section of the PAD masterplan to include underground parking. The DoE does not believe that underground parking in the converted wetland area given the height of the water table would be feasible. The Department has seen the flooding issues from the Camana Bay/National Gallery underground tunnel and recommends again that a detailed stormwater management plan and that the hydrogeology/hydrology of the area be looked at in detail when engineering the various development components.
2. Concrete Swale – The DoE notes the applicant's request to remove the requirement for the swale to be made of concrete and agrees. The DoE does not object to the removal of the requirement for the swale to be made of concrete and supports the use of more innovative solutions.
3. Temporary Parking Surface – The DoE notes the request for the removal of the requirement for the temporary parking areas to utilise chip and spray asphalt emulsion method in lieu of asphalt cement and support the applicant's request.
4. The Department notes the applicant's request to delete Condition 1) d) of Planning Decision Letter (CPA/25/15; Item 2.1) which states:

“There will be no use of septic tanks within the PAD”

We note the applicant's reasoning for this request is due to the removal of the lakes removed from the PAD and the newly proposed River Park being a lined water feature which can be filtered.

The applicant states in the Cover Letter that they have *“invested substantially in a Sequencing Batch Reactor (SBR) wastewater treatment plant for Phase 1.1 and 1.3 of the Mix-use development, which is designed to provide wastewater treatment for the for a number of buildings (up to 150,000 sq. ft.), this methodology is not well suited for the residential zones, which should be held to the applicable standards set by the Water Authority for the relevant residential type.”* And therefore, they are proposing that this condition is deleted for the residential zones.

We recommend that any deletion of this condition is deferred until engineering, hydrological and biological analysis of the waterbodies is conducted. Although the DoE would prefer for all of the wastewater to be handled by the on-site treatment plant, we trust that the Water Authority will review this request and hold the applicant to the relevant standards.

Director of Environment



MEMORANDUM

To: Chief Officer – Ministry PLAHI

Copy To: Chief Officer – Ministry FSC&E

From: Director – Department of Environment
Director – National Roads Authority
Director – Water Authority Cayman

Date: 30 January 2015

Subject: South Sound Drainage Basin Stormwater Management

Summary and Recommendation

A meeting took place on 10 December 2014 between the Department of Environment, the National Roads Authority and the Water Authority (the Planning Department did not respond to the invitation to attend). The purpose of the meeting was to discuss the impact that planned developments within the South Sound drainage basin, including a four-lane highway, will have on stormwater management in this area.

There was a consensus amongst those in attendance that construction of the proposed road and a number of proposed major developments within the basin will have serious implications for flooding of properties within the basin and South Sound environs if not planned in the context of a regional strategy for stormwater management.

As the agencies do not have a specific mandate, power or resources to effectively resolve this issue, it was agreed to bring this matter to the attention of the ministries of PLAHI and FSCE for consideration. **Our recommendation is to issue an RFP to select a suitably qualified consultant to undertake a hydrological assessment of the South Sound drainage basin and devise a regional stormwater management plan, which will include drainage engineering specifications for the proposed road and future development and Best Management Practices to minimise the impacts of stormwater flooding.**

The Request for Proposals (RFP) for the consultancy can be jointly developed by the NRA, Water Authority, DoE and Planning, to select a consultant to work with our agencies to prepare a regional stormwater management plan. We estimate that the cost of the plan would be in the order of \$200,000 and these funds will have to be requested in the 2015/16 budget currently being prepared.

Background

Proposed and existing developments including new roads in the South Sound drainage basin are shown in Figure 1 and Figure 2.

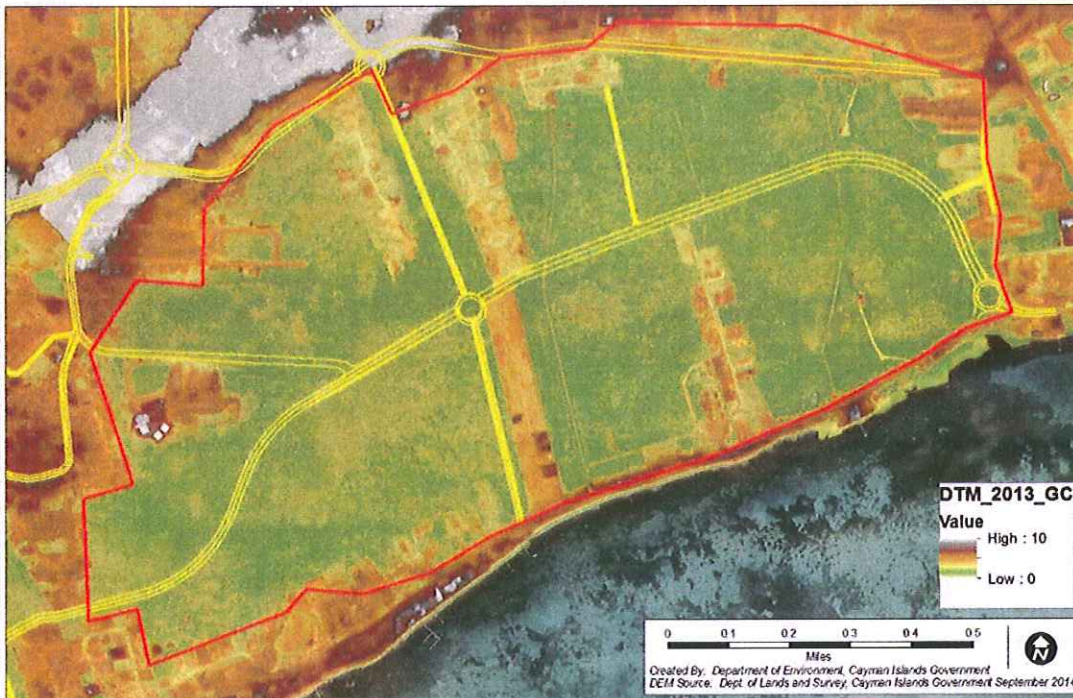


Figure 1: Topography of South Sound drainage basin (outlined in red) and location of proposed road (outlined in yellow)

A number of existing developments in the basin become inundated with rainwater during the wet season; most notably Randyke Gardens. Several new residential subdivisions have been granted CPA approval in the past 3 years and, most recently, the agencies have been contacted by Cayman Enterprise City regarding a 50 acre development in the basin and an application has been received from Exeter Development Ltd for a 30-35 acre general commercial development to the south of Linford Pearson highway (comprising a large anchor grocery/retail outlet, with supporting ancillary retail and commercial development); see Figure 2.

Unless the drainage and flooding issues in the area are addressed in a comprehensive manner, prior to these developments and the road coming forward, the agencies have grave concerns regarding the impacts of seasonal flooding on existing developments and on the quality of the receiving waters; i.e., the South Sound lagoon.

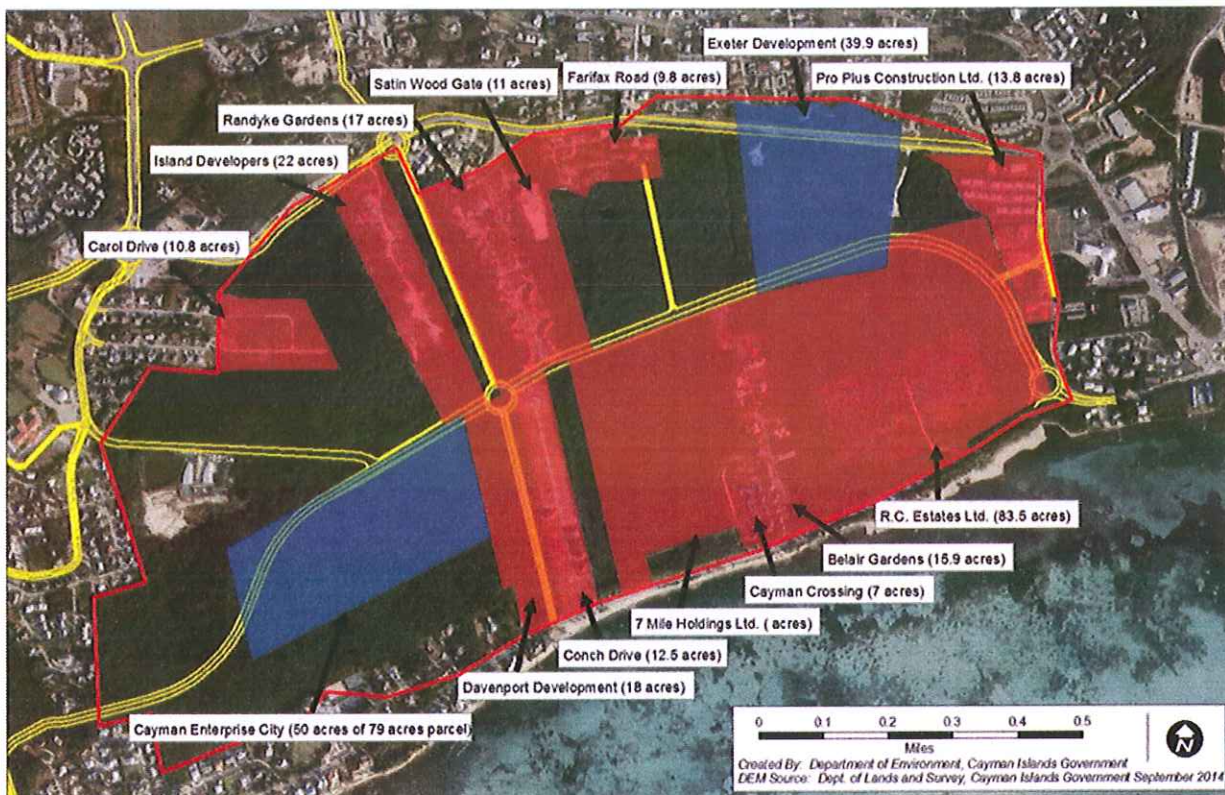


Figure 2: Aerial image showing permitted developments (highlighted in red) and proposed developments (highlighted in blue) within the South Sound drainage basin.

The South Sound mangrove basin is a blocked non-tidal mangrove wetland which is impounded by the beach ridge and South Sound road to the south, and higher elevation, drier land as well as the Linford Pearson highway to the north. The beach ridge and roads are relatively impermeable to sea water and the mangrove swamp is flooded principally by rainwater. Historically, excess rainwater not retained by the extensive mangrove wetland basin gradually percolated through the beach ridge and mangrove coastlines along the length of South Sound lagoon. Following the construction of South Sound Road and the beginning of developments which reclaimed portions of the mangrove wetland, a series of MRCU physical control canals installed in the 1970's helped to alleviate storm waters and, more recently, a series of culverts were installed by PWD/NRA under South Sound road to drain the mangrove basin to the South Sound lagoon. However, the recent filling along the eastern end of the shoreline in South Sound has resulted in many of these culverts being blocked. The one remaining culvert, in close proximity to the Red Bay dock, is normally blocked by the NRA with a sheet of metal placed in front of the culvert; this culvert is made operational when required (see figures 3 & 4). Seasonal flooding of Randyke Gardens and other low-lying developments in the basin has become a normal occurrence and without a regional stormwater management plan, this flooding will get worse.



Fig 3: Closed Culvert in South Sound



Fig 4: Landward End of South Sound Culvert

Detailed water level measurements in South Sound have shown that the mean surface water level within the swamp is higher than the mean sea level in South Sound (Davies, J.E. and Giglioli, M.E.C, 1977). Accordingly, during the wet season, impounded rain water remains within the basin and has limited means of escape. As more and more development is brought forward, the implications of removing the stormwater retention capacity of the basin becomes increasingly significant and problematic, not only from the perspective of flood risk for properties within the basin but also for the health of the South Sound lagoon which forms part of the Cayman Islands Marine Park system and is therefore considered a protected area under the National Conservation Law. The previous system of culverts draining waters into the South



Fig 5: Red tannin stained water flowing into South Sound at the present culvert (2008).

Sound was problematic in that it created concentrated discharge points for fresh and tannin rich waters to enter the Replenishment Zone; this solution did not mimic the natural drainage patterns of the mangrove basin as previously described.

The rapid and concentrated discharge of stagnant storm water presents a number of environmental and aesthetic issues. Most marine communities, including the seagrass flats, patch reefs and fringing reefs of South Sound, are not tolerant to the large shifts in salinity brought on by the introduction of large pulses of freshwater. Additionally mangrove basin storm water contains large amounts of nutrients and is typically low in oxygen due to high biological oxygen demand of mangrove peats which adds to its detrimental impacts to marine communities.

Aesthetically, concentrated mangrove storm water impacts the ordinarily clear waters of South Sound and can result in strong odours due to the presence of hydrogen sulphide.



Fig 6: Red tannin stained water near shore South Sound – note the striking transition between the clear water and the stained near shore water.

Rather than continuing with the current practice of requiring each development to deal with storm water management in isolation, we believe a basin-wide approach to managing storm water in this location is urgently required. In fact this area was prioritised by the former Roads Division of PWD for the development of a storm water management plan about 10 years ago. As new developments are constructed on sites filled to higher elevations than existing properties in the South Sound drainage basin, the older existing properties are going to suffer from increased intensity and duration of flooding, as the retention capacity of storm water will be reduced as the basin is developed. We believe that a more appropriate mechanism in addition to the traditional means of storm water drainage (disposal wells) may be to have a series of retention basins for storm water to drain to for holding and filtration, before being dispersed into the South Sound lagoon in a controlled way. However, in order to engineer a regional solution, a detailed understanding of the hydrology of the basin and the implications of various developments is required.


The NRA, the Water Authority and the Department of Environment are therefore bringing this matter to your attention as we believe that the correct approach to tackling this issue is to instruct a suitably qualified consultant to undertake a hydrological assessment of the South Sound drainage basin and devise a regional stormwater management plan, which will include drainage engineering specifications for the proposed road and future development, and Best Management Practices to minimise the impacts of storm water flooding.

If the approach outlined in this Memorandum is agreeable to your Ministry, the next step would be to formulate a Request for Proposals (RFP) in order to seek consultants who would work with our agencies to prepare a storm water management plan. This RFP can be prepared jointly by the NRA, Water Authority, DoE and Planning. We estimate that the cost of the plan would be in the order of \$200,000 and these funds will have to be requested in the 2015/16 budget currently being prepared.

We look forward to your feedback on this matter at your earliest convenience. Please do not hesitate to contact us should you wish to discuss this further.



Gina Ebanks-Petrie
Director, Department of Environment



Denis Thibeault
Assistant Director, National Roads Authority



Dr Gelia Frederick-van Genderen
Director, Water Authority

Appendix B



December 16, 2022

Central Planning Authority,
c/o The Department of Planning
Cayman Islands Government
P.O. Box 113,
Grand Cayman KY1-9000
Cayman islands

Dear Sirs:

Application (“Application”) for modification of Planned Area Development Approval (“PAD Approval”) relating to Block 15C Parcel 29 and Block 21B, Parcels 134 and 135 (previously Block 15C, Parcels 29 and 354 and Block 21B Parcel 28REM1) (“Property”)

Background

Mailing Address:

P.O. Box CEC-1

Grand Cayman, KY1-9012

Cayman Islands

E: info@CaymanEnterpriseCity.com

www.CaymanEnterpriseCity.com

The application for a Planned Area Development (“PAD”) on Block 21B Parcel 28 Rem 1, Block 15C Parcel 26 and Block 15C Parcel 354 (F15-0228) (PAD15-0001) (KA) was heard at a meeting of the Central Planning Authority held on December 9th, 2015, Ref. CPA/25/15; Item 2.1 was considered and it was resolved to grant planning permission subject to conditions as confirmed in the approval letter dated December 15th, 2015; attached as **CPA Letter 1.1**. The PAD was granted to Cayman Enterprise City (“CEC”) as a part of its long-term plans to create a vibrant city to support the growth of the Special Economic Zone (“SEZ”) and its evolving CEC Community in the Cayman Islands. This approval was then modified on June 1st, 2017, as confirmed at a meeting of the Central Planning Authority held on May 23rd, 2017. This was considered and it was resolved that having regard to the Development Plan and other martial considerations it is expedient to modify planning permission CPA/25/15; item 2.1 subject to conditions; attached as **CPA Letter 1.2**.

The main reason the modification was sought was to transfer the specific technical or scientific documentation to be required at individual phase’s application for planning permission rather than as a requirement of the PAD approval. As the purpose of a PAD is commonly defined as a zoning district intended to provide an alternative to the underlying or conventional zoning and development standards accordance with the conditions set out in the *Development and Planning Regulations, 2022 Revision* (“Regulations”) including but not limited to *Sections 8. (14) and 24. (1-8)* to accommodate a long-term project which would be developed over a long period of time; sometimes over decades. This modification meant that the requirement for comprehensive plans and reports would be provided when the relevant planning permission was sought to develop the related phase of the project. Specifically, the requirement for comprehensive stormwater management plan, traffic demand accommodation analysis, waste water management system plan, and application for excavation of the proposed lakes and the associated engineering, hydrological and biological analysis of the lake and filtration wetlands would only be required at the relevant application for planning permission rather than as a requirement of PAD approval, as this was deemed an application which seeks to modify the suitable; zoning, uses, height allowances, setbacks and other zoning based requirements over the Property.

Furthermore, the PAD site was originally made up of 2 properties, 21B28 Rem1 & 15C29 (attached **Survey 3.2**). The main site 21B28 Rem1 was later subdivided into a five (5) lot Subdivision of Block 21B, Parcel 28 Rem 1 (F15-0228) (P16-0280) (KA) as referenced in the CPA meeting held on July 6th, 2016, CPA/15/16; Item 2.3, attached as **CPA Letter 1.3**. This subdivision divided the PAD’s main site, which was originally owned by the proprietors of Pirates Cove Estates, into five new parcels including the two main CEC sites, 21B134 (19.2 ac) and 21B135 (34 ac) as described on the attached **Survey 3.1**. During the land division

between the owners of the property the final site boundaries were fixed and 21B135 (34 ac) increased in size by 4.63. acres. **We seek to include this added area in this modification application.** In addition, on May 3rd, 2016, CEC incorporated City Development Company Ltd, which is a wholly owned subsidiary of CEC and is the development company for the project.

We have also advanced the project by obtaining planning permission on April 25th, 2018, for Two (2) Commercial Office Buildings and Two (2) Generators on Block 21B Parcels 127 and 354 reference CPA/09/18; Item 2.8 (f17-0278) (P17-1271) (KA). **CPA Letter 1.4.** In accordance the PAD modifications a comprehensive Storm Water Management Plan was developed for this phase. The project has been modified several times with the last modification being granted at the CPA meeting held on October 26th, 2022, Ref. CPA/26/22; Item 2.8 (P22-0762) (MW) as attached **CPA Letter 1.3.** and again on

The site was later granted re-parcellation on May 28th, 2018, combining both CEC and Government Land to accommodate the future Government highway, which now forms the current land parcel layout shown as defined in the attached **Survey 3.1.**

PAD Application to Modify

Regarding this application, we seek to modify the some of the conditions of the original PAD Approval and modify the development statement and plans, in accordance with the new proposed master plan concept. The PAD was approved over 7 years ago, and we have proceeded with the construction of the mixed-use development. However, as time has passed, the design considerations and commercial factors which were relevant at that time have changed to accommodate the evolving requirements of the CEC community. While the approved development statement and plans provided detailed and well thought out considerations including, creating a lake for the excavation of fill, this limited the amount of residential housing types to support over 1 million square feet of Mixed-Use development, which resulted in an unbalanced master plan. This concept master plan did not take into account that the CEC community would require substantial housing types to suit a variety of occupants and the additional educational provisions which would benefit the community.

We seek to modify the PAD approved Development Statement (Attachment 2c) and plans and have prepared a PAD Modification Narrative which will provide the specific details, however the reasoning for the medication are as follows:

1. **Addition of Land;** We seek to add the addition 4.63. acres to the defined PAD area. As noted above, in paragraph 3, the approved plan included an area defined in the development statement and associated plans as 70.87 acres and we propose to increase the area to 75.50 acres as shown on page 3 of the PAD Modification Narrative as the final subdivision was not finalized at the time of the PAD application. This would increase the PAD area by 4.63 acres, however the use would remain relatively the same as LDR zoning, because this land is designated in the new master plan as single-family house lots. *“The development site is derived from the proposed sub-division of the 79-acre Pirates Cove site into site the proposed site division demarcated on the drawings. The site shall be divided first into raw land and the CEC PAD proposed site. The subdivided site is joined to another parcel to the west to create/ complete the CEC master plan site.”*
2. **Remove the Lakes from the Plan;** We seek to amend the layout of the Approved PAD masterplan, which seeks to remove, any reference to the lakes, including the Lake 1(also referenced as “lagoon or living waters” in the Development Statement) and the Lake 2 which formed a part of the residential zone, which was to be excavated to provide the required fill for the site and become the key focal point of the project. While the lake would provide the much-needed fill material for the project, the developers are unwilling to remove the fill material using explosive means which is the only feasible

method of extracting the dense bedrock fill material from the site because explosive blasting would create an adverse disturbance to the surrounding area and cause a nuisance, disruption, and undo risk of damage to neighbouring properties. In addition, if the site were to be blasted, to be of least disturbance while blasting, we would have sought to blast the entire lake area at the same time, allowing us to fill the site. This would have left the site barren (as is common in many local development projects which gain fill material from its site) and devoid of vegetation, rather than clearing and developing the site in the proposed phases over the length of the project build out, leaving the existing vegetation in place as long as practical.

Additionally, the land, which was allocated as the lakes, has been reverted for Residential Use to support the evolving CEC community. We have not eliminated the required open space, social, educational and wellness aspects of the lake by introducing a River Park which seeks to create the same interaction between the waters edge and also provides a buffer from the Mixed-Use development to the Residential Uses. This subject was contemplated in the approved development statement in paragraph 4 on page 7, as follows:

“The CEC project is split into two distinct halves; places where people work to the north and east and places where people reside to the south and west. The master plan design placed the residential parts of the development at the west and south specifically to provide a further buffer transition zone between the LDR properties below. The residential development is intended to be a luxury product and will only enhance the property values in the area.”

3. **Master Plan Concept Changes:** While we seek to modify the master plan concept design, however also we seek to preserve the specific PAD zoning related provisions (as much as practical) set out in the original Development Statement. As time has passed the important to provide a balancing of the uses in the masterplan has become appropriate, and we propose a reallocation of the approved uses into new zones without creating significant material considerations as follows:

- a. We have redistributed some of the higher buildings (those higher than LDR restrictions) more north on the site as shown in the PAD Modification Narrative (Booklet), see modified page 17 for details.
- b. The approved development statement included for a 30,000 sq.ft. (500 student) educational facility, which was envisioned to be situated within the Mixed-Use / Commercial zoning component as a secondary use as contemplated in paragraph 7 on page 6, as follows:

“The Cayman International Academic Park which is mentioned on Page 6 of the PAD document is a part of the overall project and in order to promote collaboration between international academics, local schools, colleges & academies and existing CEC companies this park is intended to be seamlessly woven into the commercial development. It is estimated that up to 30,000 sf will be allocated to accommodate up to 500 students from the Cayman Islands and overseas. This is a part of the ongoing initiative to train & assist young Caymanians to transition from knowledge-based industry focused education into the Special Economic Zone (“SEZ”) workplace. It is envisioned that buildings may have mixed uses; buildings may have a primary use and possible secondary uses.”

Further information regarding the inclusion of the education facility in the mixed-use commercial zone continued in paragraph 7 on page 6, as follows:

“The footprint area for commercial buildings will be approximately 235,000 sf and the total habitable space will be approximately 1,148,188 sf Within the total commercial habitable space



approximately 60,000 sf will be allocated to retail or restaurant and a further 30,000 sf will be dedicated to institutional use. Depending on unforeseen future demand there may be the introduction of residential or hotel uses within the commercial buildings although this would not be expected as the dominant use.”

Over the last 10 years CEC has grown and evolved into a thriving knowledge-based community, and we have attracted global companies to have a physical presence in the Cayman Islands, which has led to the relocation of people and families to our islands. Housing and schooling availability have become a topic of contention and to meet the needs of our growing community further housing and more importantly the reallocation of land for Educational (Institutional) purposes.

We propose to relocate the approved provision of the 500-student educational facility, from the mixed-use zone to the northwest corner of the site which will be primarily dedicated to Institutional (Education) and Residential as a secondary use. (See modified page 16 of the PAD Modification Narrative for a reference)

- c. Furthermore, the removal of the lakes, has also prompted our team to rethink the Hotel / Tourism zoning, which was contemplated in the approved development statement which is defined as firstly, “The **hotel/tourism buildings** will consist of 4no hotel buildings ranging from 3 to 5 stories. All will have under building parking. It is estimated the buildings will provide accommodation for 170 units ranging from hotel rooms/studios to 1-to-3-bedroom units totaling approximately 256 beds. The intended setbacks are, a 10 ft setback to the water, a 10 ft setback to the road and a building-to-building separation of 10 ft (minimum). The footprint area for hotel/tourism buildings will be approximately 37,000 sf. and the total habitable space will be approximately 165,000 sf. the coverage will be approximately 1.3% of the land area.” And secondly, the intent was to create a short to medium term housing product, to allow for safe transition for families and staff to stay while looking for permanent accommodation. “In addition, but still part of the residential portion of the project will be two residential serviced apartment (**medium term accommodation**) buildings. The serviced apartment buildings will be 4 stories and will have under building parking. It is estimated the buildings will provide accommodation 72 units ranging from 1 to 3-bedroom serviced apartment units totaling approximately 152 beds. The intended setbacks are, a ten ft setback to the water, a ten ft setback to the road and a building-to-building separation of ten ft minimum. The footprint area for the serviced apartment buildings will be approximately 24,000 sf and the total habitable space will be approximately 96,000 sf the coverage will be approximately 0.86% of the land area.”

We propose to relocate the designated Hotel / Tourism zone (building area) noted in the first statement, to the Mixed-Use zone, which was always contemplated as a secondary use, retain the specific approved development criteria as set out in the original development statement as noted above.

Additionally, we propose to move the serviced apartment buildings to the new proposed Residential Apartment / Townhouse zone (Phase 3.2 in the new proposed master plan)

- d. As the lakes were the defining feature of the masterplan, and many elements of the design were centered around being over or beside the lake. Areas which required the most redesign included the CEC Urban Boardwalk / Bespoke Island (as defined on page 4 paragraphs 4, 5 and 6, and specific concept imagery on pages 48 & 49), the Hotel/Tourism zone and the Residential Strata Villas. We propose to modify these zones as follows:
 - i. We have proposed a new Mixed-Use concept that creates a new prototype for development considering sections, 13 (8) which allows residential development if the development is not on



the ground floor of the building and does not occupy more than 80% of the gross area”, notwithstanding section 13 (10b) the development forms the part of a mixed use development situated on one parcel of land and the planned development includes a mixture of commercial and residential uses proposed for close interaction. We propose to redesign this section of the masterplan to include underground parking, a ground floor primarily for commercial uses including retail and restaurants, with four (4) floors above dedicated to residential units; five (5) floors in total. (see pages 18, 19, 32 of the Development Statement and the PAD Modification Narrative for a comparison)

- ii. We propose to expand the Residential Zones in lieu of the lakes, in the proposed new PAD master plan. We have layered the site lessening the density of housing types from north to south with the higher density residential units such as townhouses and apartments placed on the northern half of the site, generally, and strata lots with villa communities then single family lots at the south. (see modified page 16 of the PAD Modification Narrative for a comparison)
- iii. Furthermore, the removal of the lakes, has also prompted our team to rethink the Hotel / Tourism zoning, which was contemplated in the approved development statement which is defined as firstly, **“The hotel/tourism buildings will consist of 4no hotel buildings ranging from 3 to 5 stories. All will have under building parking. It is estimated the buildings will provide accommodation for 170 units ranging from hotel rooms/studios to 1-to-3-bedroom units totaling approximately 256 beds. The intended setbacks are, a 10 ft setback to the water, a 10 ft setback to the road and a building-to-building separation of 10 ft (minimum). The footprint area for hotel/tourism buildings will be approximately 37,000 sf. and the total habitable space will be approximately 165,000 sf. the coverage will be approximately 1.3% of the land area.”** And secondly, the intent was to create a short to medium term housing product, to allow for safe transition for families and staff to stay while looking for permanent accommodation. **“In addition, but still part of the residential portion of the project will be two residential serviced apartment (medium term accommodation) buildings. The serviced apartment buildings will be 4 stories and will have under building parking. It is estimated the buildings will provide accommodation 72 units ranging from 1 to 3-bedroom serviced apartment units totaling approximately 152 beds. The intended setbacks are, a ten ft setback to the water, a ten ft setback to the road and a building-to-building separation of ten ft minimum. The footprint area for the serviced apartment buildings will be approximately 24,000 sf and the total habitable space will be approximately 96,000 sf the coverage will be approximately 0.86% of the land area.”**

We propose to relocate the designated Hotel / Tourism zone (building area) noted in the first statement, to the Mixed-Use zone, which was always contemplated as a secondary use, retain the specific approved development criteria as set out in the original development statement as noted above.

Additionally, we propose to move the serviced apartment buildings to the new proposed Residential Apartment / Townhouse zone (Phase 3.2 in the new proposed master plan)

- e. Additionally, while the approved masterplan as described on page 10, 16 and 50, seeks to redefine primary and secondary uses in each zone allowing overlaps of uses, we propose to define the zones by proposed phases (see page 46 of the Development Statement and the PAD Modification Narrative for a comparison)
- f. Finally, we propose to update the Phasing Schedule and the PAD Stormwater Management Plan, in accordance with the proposed new master-plan plan. (see page 42 of the Development Statement and the PAD Modification Narrative for a comparison)

4. Proposed Changes to the Conditions of the Approved PAD; as stated in the CPA letter dated, December 15th, 2015; (attached as CPA Letter 1.1) indicated several conditions which were confirmed within 60 days of the decision. We propose to modify the conditions further as follows:

a. Condition 1) b) states *“As phases are developed, any temporary parking areas will be surfaced with asphalt and contain fire stops and suitable landscaping.”* This is very impractical as CEC has several buildings and parking structures planned as a part of the master plan. However, as the individual phases are developed, the requirement for temporary surface parking is required to accommodate the occupants of the buildings while the remaining buildings are under construction. This is commonplace throughout the Cayman Islands, for example those in use at the Camena Bay and Cricket Square developments. Notwithstanding the above reason, we propose to modify this condition for the following significant reasons:

i. During the geotechnical investigation for Phase 1.1 the buildings (currently under construction), it was discovered that the site conditions favoured a concrete piling system due to the extreme peak site conditions. As a result, we have changed our model to include the potential for a concrete auger piling foundation system for all future buildings (dependent on further testing in later phases). This is relevant because to efficiently pile, the auger works best when the peat remains in place with a temporary construction layer of fill to accommodate the drill rig.

In contrast when filling roads and permanent parking areas, generally, the process has been to remove the vegetation, and then the area is fully demucked and then a layering system starting with the subbase leveling course made up of larger to medium sized boulders (shot rock or Cayman rock), is poured into the hole (area which was demucked), until it is approximately 2' from the surface of the water level, then the base course (usually crusher run) backfills the remaining fill as required above the water line and an asphalt cement is used due to its durability and longevity. However, if the site is filled in this manner, we will be unable to use the concrete piling system as the auger can be damaged or deflected when it hits boulders.

In the areas we plan to construct a building over 2 stories or a parking structure, we may likely require piled foundations and as such, we have introduced a system which installs an engineered geo-grid and geo-textile over the peat layer and placed the base course over this system and then a “chip and spray” asphalt emulsion is used to create our temporary parking lot. This method is designed to be a short-term solution (5 years or less). This method allows for future piling methodology as required.

ii. Secondly, the benefit of the above system is that the fill material utilized in the temporary parking lots can be saved and recycled for reuse in other areas of the site. This methodology creates less waste and the chip and spray asphalt emulsion, can be mixed into the fill material and can be compacted and reused with minimal to no environmental impact. Using asphalt cement as currently required, which is manufactured in the local plant and placed on the base course is problematic to reuse as fill material or recycle as paving. Currently, the NRA required 100% virgin paving materials to create roads and parking lots in accordance to NRA standard. Additionally, due to our sustainable methodology, we prefer to not mix asphalt cement into the recycled fill, for use in other areas of the site.



We propose the following amendment to this condition for the CPA's consideration as follows:

"As phases are developed, any temporary parking areas will be surfaced with asphalt cement and contain fire stops and suitable landscaping except for temporary parking over an area on the masterplan where a building or parking garage is designated. These areas can utilize a chip and spray asphalt emulsion method, in lieu of asphalt cement, for a maximum of 5 years from building occupancy, and thereafter if a building is not constructed over the temporary parking lot, it shall be paved with asphalt cement in accordance with NRA standards"

- b. Condition 1) d) states *"there will be no use of septic tanks within the PAD"*, this condition was created due to the close proximity of all the buildings to the proposed lakes, described as on page 36 of the approved development statement, as follows:

"Enterprise Lagoon will be the epicenter of a dynamic and sustainable urban park 'Living Waters', an outdoor mangrove and wetland botanic park... Living Waters will be a prototype for the regenerative vision of excavated land. The lagoon will present a new type of urban park" The lake was mentioned on numerous pages of the approved development statement (including specific references to pages 04, 36, and 38), and it was stressed that the protecting lake water from pollutants was paramount to its success in becoming a reclaimed wetland. *"The development team will also explore options to reduce the impact of effluent migrating to the lakes."* As referenced in the approved development statement in paragraph 9 on page 44.

However, with the lakes removed from the PAD and the new proposed River Park being a lined water feature which can be filtered, the reasoning for this condition is significantly diminished. While we have invested substantially in a Sequencing Batch Reactor (SBR) wastewater treatment plant for Phase 1.1 and 1.3 of the Mix-use development, which is designed to provide wastewater treatment for the for a number of buildings (up to 150,000 sqft), this methodology is not well suited for the residential zones, which should be held to the applicable standards set by the Water Authority for the relevant residential type.

We propose that this condition be deleted for the residential zones.

- c. Condition 1) e) states *"the CEC Matrix and wherever else applicable in the statement, there shall be no reference to secondary uses in the residential phases. In all other phases there must be reference to secondary uses not to exceed 25% of gross building floor area"*.

While we understand the sentiment that when planning a development having a primary use should be the dominant use and defining the secondary uses to fit inside 25% of the gross area seems reasonable on face value. But Mixed-use Developments are complex, and as there is a growing market demand for walkable, vibrant sustainable communities with convenient proximity to work, and access to activity-oriented destinations. It is not just limited to a multi-story development that incorporates commercial use on the first floor with residential uses on upper floors. The Urban Land Institute's Mixed-Use Development Handbook characterizes mixed-use development as one that

- 1) provides three or more significant revenue-producing uses (such as retail/entertainment, office, residential, hotel, and/or civic/cultural/recreation),
- 2) fosters integration, density, and compatibility of land uses, and
- 3) creates a walkable community with uninterrupted pedestrian connections.

We view the Mixed-Use development as a zoning type that blends multiple uses, such as residential, commercial, cultural, institutional, or entertainment, into one space, which are both physically and functionally integrated. Therefore limiting the zone / buildings to a primary use only and minor secondary uses, is not in line with sentiment of the current Planning Regulations as noted in Section 3 e) of this letter.

We therefore propose that Commercial / Institutional Zone be renamed as the Mixed-Use Zone for clarity, and Commercial, Institutional, Residential and Hotel /Tourism uses be listed as Primary Uses in the Mixed-Use zone.

- d. Condition 1) j) states “show the swale next to 15D88 as being constructed with concrete or similar material” However, further to the later modification of the PAD dated on June 1st, 2017, as confirmed at a meeting of the Central Planning Authority held on May 23rd, 2017, which provided that a comprehensive stormwater plan would be required at the specific Phase design in accordance with the requirements of the NRA and approved by the CPA. While we understand that the CPA were considering the surrounding low-lying properties, we believe a concrete or similar paved swale design could be improved upon by our engineers in any future applications for this specific Phase of the PAD.

Therefore, we believe that this condition can be deleted as the conditions in the modification dated on June 2017, provide a better solution.

We trust that the reasons set out in this letter and modification narrative and revised plans clearly illustrate the modifications CEC are requesting, which will be the catalyst to several immediate projects which will be developed and submitted for planning permission in 2023. We finally feel we have developed the PAD plan in accordance with our original goals and evolved the plan to include our future community needs, having built momentum on the project and look forward to working with the CPA and the Planning Department to build a world class thriving and sustainable master planned development for the betterment of the Cayman Islands.

We thank the CPA for its kind consideration of the proposed modifications and are available to discuss or further clarify any of the reasoning described above.

Yours sincerely,



Cindy O'Hara
BARCH, MRAIC, LEED AP, ICIA Founding Member
Chief Development Officer
Cayman Enterprise City
City Development Company

- cc. **Haroon Pandohie**, Director, Department of Planning
Alex Mena-Hebbert, General Manager, Design (Cayman) Limited
Charles Kirkconnell, CEO, Cayman Enterprise City & City Development Company.
Dale Crighton, CEC PAD Development Partner.



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Cayman Islands

The Chairman,
C/O Executive Secretary,
Central Planning Authority,
Government Administration Building,
Elgin Avenue,
George Town,
Grand Cayman, Cayman Islands.

March 21, 2023

Dear Sir,

RE: Application by Cayman Enterprise City for Modification of Planned Area Development on Block 15C, Parcel 29 and Block 21B, Parcels 134 and 135 (Previously Block 15C, Parcels 29 and 354 and Block 21B Parcel 28REM1.

We are instructed by the Cayman Enterprise City in respect of the captioned application for modification of the Planned Area Development (“PAD”), which PAD was approved by the Central Planning Authority (“CPA”) the 9th December 2015, which approved PAD was amended by modification of the conditions of approval by the CPA on or about 1st June 2017.

Firstly, we would submit that given the specific wording of the Development and Planning Act (2021 Revision), our client currently has vested approval (as amended) for the PAD, and that, consequently, our client is entitled to apply to modify the approved PAD approval pursuant to Section 17 of the DPA, which is what it is seeking to do by way of this application.

It is also submitted that it is not open to any of the persons who have been notified by way of a Section 15 (4) Notice to object to anything other than what is being proposed by way of this modification application, and that, consequently, any objection to any existing, already permitted aspect of the PAD is completely irrelevant to this modification application. Simply put, it is not open to the objectors, many of whom objected to the original PAD application, to regurgitate and repeat the objections they raised against the original application, which were already considered and addressed in the December 2015 CPA decision. We would therefore submit that the only relevant objections would be any objection against the specific proposed modifications of the PAD which comprise part of this application, and nothing else.

Amendment of PAD Modification Application

We are instructed that currently, the proposed modification includes the addition to the PAD

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area of an area of land comprising some 4.63 acres, which is land that was gained by way of a partitioning of the Pirates Cove Estates (“PCE”) land between members of the Kirkconnell family who comprise the beneficiaries of the estates of the original shareholders of PCE. We are instructed that the purpose of the proposed inclusion of this tract of land was simply to make it consistent in terms of proposed land use with the PAD designation on the adjoining land. However, upon further consideration by our client, it has been decided to leave this tract of land, which is currently zoned Low Density Residential, outside of the PAD, since there is no future development contemplated on this area of land that would benefit from it becoming part of the PAD.

We would therefore seek to amend the current modification application to reflect the deletion of any reference to the addition of the 4.63 acres of land to the PAD, and will subject to the directions of the CPA, amend all of the necessary documentation accordingly.

Therefore, that part of the proposed modification application is now being abandoned by our client and any objections regarding that aspect of the proposed modification would from this point on become redundant and would therefore be irrelevant to the amended modification application.

Remaining Proposed Modification Application

In general terms, the deletion of the proposal to add the 4.63 acres from this Modification Application leaves us with some relatively straightforward proposals for alteration of the approved PAD Master Plan, albeit with the somewhat tedious concomitant adjustments of the language of the Planning Statement.

For the sake of simplicity and clarity, it is perhaps best to break down the modification into three components, which will aid in the understanding of what is being proposed by way of the modification application.

1. Proposed Master Plan Changes

In general terms, the following comprises the proposed changes to the PAD Master Plan:

- (a) Deletion of Lakes:** Our client is proposing to forego the excavation of the lakes within the PAD, which were going to be used as a source of fill for the site as well as to create water features within the Master Planned Development. It should be noted that these lakes were not intended to be used, were not approved to be used and would never have been used for drainage of the PAD site or any part of it.

Our client has determined that retaining the land currently approved for

excavation and sourcing fill externally would ensure a more efficient use of the land within the PAD. It also goes without saying that since the excavation of these lakes would have resulted in a protracted period of drilling, blasting and excavation, our client assumed that this would have been something that would have been beneficial to the surrounding residential development, as it would eliminate the potential harm to existing structures in adjacent properties.

The removal of the lakes also eliminates the need to engineer, monitor and maintain water quality of the lakes, which can be a significant undertaking, depending on whether there is potential for lateral flow of ground-based pollutants through porous rock strata, etc. It is therefore hard to understand how anyone could have any valid objection to this proposal.

- (b) Additional Low-Density Development:** Our client is proposing to modify the PAD Master Plan such that the areas currently depicted thereon as lakes to be developed as a low-density residential subdivision, which even accords with the underlying zoning that existed before the PAD was approved.
- (c) Moving Higher Buildings:** It is proposed to relocate some of the zoning for higher buildings into a more northerly position within the PAD area, as depicted on the filed proposed modification plans. It should be noted that the December 2015 CPA decision included 3-storey apartments, townhouses and 5 storey hotel / apartments closer to or directly along the southern boundary, and the new master plan proposes the higher density zones further away from most, if not all, of the objectors.
- (d) Moving Educational Facility:** It is proposed that the site of the proposed 500 student educational facility be moved from its current proposed position within the Mixed-Use Zone to an area on the northwestern corner of the PAD, as depicted on the filed proposed modification plans. There seems to be no objection to this proposed modification.
- (e) Relocating Hotel/Tourism Development:** It is proposed to relocate the Hotel/Tourism building zone to the Mixed-Use Zone, where Hotel/Tourism was always contemplated as a secondary use, as depicted on the filed proposed modification plans.
- (f) Relocation of Serviced Apartment Building:** It is proposed serviced apartment building to an area and to create a new proposed “Residential Apartment/Town House Zone” to accommodate the same. In addition to relocating the apartment development area, the creation of this new zone will add more clarity and definition to both the Master Plan and the Planning Statement.

2. Proposed Changes to Planning Statement

In addition or collateral to the aforementioned proposed changes to the Master Plan, there are a number of consequent changes that are being proposed to the Planning Statement, that is to say, the descriptive verbiage that speaks to what is contemplated in terms of land use, density, construction design, etc., within each zone of the PAD:

- (a) **Proposed Change to Mixed-Use Zoning:** A new type of mixed-use concept is proposed which will allow for development which will include underground parking, a ground floor primarily for commercial uses including retail and restaurants, with four (4) floors above dedicated to residential units, for five (5) floors in total. (ref. pages 06, 18, 19, 48.1-4 & 50 of the Development Statement). It should be noted that the December 2015 CPA decision that page 06 paragraph 11 and numerous points on page 50 of the CEC Matrix provide specific reference to the inclusion of 5 floors and basements.
- (b) **Proposed Re-Definition of Primary and Secondary Uses:** The existing approved Master Plan (page 6, 7, 10, 11, 12, 13, 16 and 50) seeks to redefine primary and secondary uses in each zone allowing overlaps of uses, we propose to redefine the zones in terms of proposed phases (ref. page 48.5 of the Development Statement and the PAD Modification Narrative).
- (c) **Update of Phasing Schedule and PAD Stormwater Management Plan:** The modification application also proposes to update the Phasing Schedule and the PAD Stormwater Management Plan, in accordance with the proposed new Master Plan (ref. page 42, 42.1 & 47 of the proposed Development Statement) and the new SWMP drawings #C210-C300.

3. Proposed Changes to Conditions of PAD Approval

The modification application also seeks to amend a number of the conditions imposed on the PAD approval in December 2015, either as a consequence of or collateral to the proposed modifications to the Master Plan and Planning Statement. These are:

- (a) **Hard Asphalt Surfacing of Temporary Parking Areas:** Condition 1) b) of the December 2015 PAD Approval states: *“As phases are developed, any temporary parking areas will be surfaced with asphalt and contain fire stops and suitable landscaping.”* Just from a common sense perspective, it seems illogical and wasteful to require the paving of temporary parking surfaces with asphalt, especially when such parking spaces will need to be dug up and replaced with a building or structure

in the future. This is also very impractical, as CEC has several buildings and parking structures planned as a part of the master plan buildout and temporary parking will have to be provided for construction workers, and vehicles of all sizes, etc. and it would seem to illogical and would serve no planning purpose whatsoever to require *temporary* parking lots to be surfaced with asphalt with parking stops and landscaping, which at some point would have to be removed. Our client cannot comprehend the planning objective that this condition is designed to achieve, and it certainly would not like to waste money building fancy, landscaped temporary parking areas with parking stops that constrain the use of the parking spaces to a certain size vehicle, etc. Obviously, it would make more sense to utilize a semi-permanent method of paving, such as “chip and spray” to cover a temporary parking area, and then, as the individual phases are developed, the temporary surface parking can be removed and replaced by a permanent asphalt/cement surface, to create a properly designed and landscaped parking lot, since it would obviously be in the best interests of the developer and the PAD so to do. In any event, the creation of temporary parking areas with “chip and spray” paving is commonplace throughout Cayman, for example those used for temporary parking in the development phases of the Camana Bay and Cricket Square developments. Secondly, the benefit of using a chip and spray pavement for temporary parking lots is that the paving and fill material utilized can removed and saved and recycled for reuse in other areas of the site. This methodology creates significantly less waste of fill and the chip and spray asphalt emulsion, as the previously used material can be mixed to create new chip and spray material and then reused to mitigate environmental impact. Using asphalt cement as currently required, which is manufactured in the local plant and placed on the base course is problematic to reuse as fill material or recycle as paving.

We therefore propose the following condition to replace Condition 1) b):

“As phases are developed, any temporary parking area should be suitably filled to support the weight of vehicles and shall be paved utilizing a chip and spray asphalt emulsion method, provided that such temporary parking areas shall only be utilized for a maximum of five (5) years, and thereafter if such parking area shall continue to be utilized, it shall then be paved with asphalt cement in accordance with NRA standards”

(b) Prohibition on Septic Tanks for Entirety of PAD: Condition 1) d) states *“there will be no use of septic tanks within the PAD”* We are aware that this condition was created due to the close proximity of all the buildings to the proposed lakes, and the approved Planning Statement stressed that the protecting lake water from pollutants was paramount to its success in becoming a reclaimed wetland. *“The development team will also explore options to reduce the impact of effluent migrating to the lakes.”*, (ref. paragraph 9 of page 44 of the original Development Statement).

However, with the proposal to not excavate the lakes and the deletion of the same from the PAD Master Plan, together with the new proposed River Park being a lined water feature which can be filtered, the need for this condition is significantly diminished. Whilst our client has invested substantially in a Sequencing Batch Reactor (SBR) wastewater treatment plant for Phase 1.1 and 1.3 of the Mix-use development, which is designed to provide wastewater treatment for the for a number of buildings (up to 150,000 sq. ft.), this methodology is not well suited for the residential zones, which should simply be held to the applicable standards set by the Water Authority for the relevant residential type.

We therefore propose the following condition to replace Condition 1) d): *“There will be no use of septic tanks within the PAD, save for residential development within the residential zones, which shall be required to comply with the standards imposed by the Water Authority for residential development.”*

- (c) Redefining “Primary Use”:** Condition 1) e) states *“the CEC Matrix and wherever else applicable in the statement, there shall be no reference to secondary uses in the residential phases. In all other phases there must be reference to secondary uses not to exceed 25% of gross building floor area”*.

Whilst we think we understand the rationale behind defining “primary use” as the dominant use within any particular zone, by logically restricting any secondary use a lesser gross building floor area, we are not certain that the arbitrary restriction of secondary uses to 25% of the gross area, achieves any useful or meaningful planning purpose generally or specifically within the PAD zone.

We would submit that mixed-use Developments are complex and require flexibility and as such, achieving an appropriate balance of multiple uses working symbiotically is far more important than slavishly adhering to an arbitrary calculus to determine what is the “primary use”. Our client is cognizant that there is a growing market demand for walkable, vibrant sustainable communities with convenient proximity to work, and access to activity-oriented destinations. It is not just limited to a multi-story development that incorporates commercial use on the first floor with residential uses on upper floors. The Urban Land Institute’s Mixed-Use Development Handbook characterizes mixed-use development as one that:

- 1) provides three or more significant revenue-producing uses (such as retail/entertainment, office, residential, hotel, and/or civic/cultural/recreation),*
- 2) fosters integration, density, and compatibility of land uses, and*
- 3) creates a walkable community with uninterrupted pedestrian connections.*

We view the Mixed-Use development as a zoning type that blends multiple uses, such as residential, commercial, cultural, institutional, or entertainment, into one space, which are both physically and functionally integrated. Therefore limiting the zone / buildings to a primary use only and minor secondary uses, is not in line with sentiment of the current Planning Regulations as noted in Section 3 e) of this letter. We therefore propose that Commercial / Institutional Zone be renamed as the

Mixed-Use Zone for clarity, and Commercial, Institutional, Residential and Hotel /Tourism uses be listed as Primary Uses in the Mixed-Use zone.

We therefore propose the following condition to replace Condition 1) e): *“the CEC Matrix and wherever else applicable in the statement, there shall be no reference to secondary uses in the residential phases save the requirement for service or storage buildings.”*

The foregoing is a summary of what is being proposed by way of the Modification application, which has drawn a number of objections, which we will deal with below.

Response to Objections

As regards the objections received, we would submit as follows:

Firstly, as a matter of “housekeeping”, out of the 513 notices within the 500ft notification radius, it is important to note that out of the twenty-four (24) objection letters received, it appears from the notification radius depicted on the official notification “Buffer Map” that that eight (8) of the objection letters are from persons who are outside the notification radius, who would have no legal standing in this application, and therefore their objections cannot and should not be counted or entertained by the CPA.

Consequently, that leaves sixteen (16) relevant objection letters to be considered, which together have raised eight (8) specific issues, which we have been instructed to respond to.

As set out in the various letters of objection, some nineteen (19) of which appear to be at least virtually identical, those concerns, and our client’s responses to the same, in *seriatim*, are as follows:

1. Significant change in concept and land use:

Objectors’ Assertion:

“The development plan submitted with this application bears little resemblance to the original masterplan approved as part of the PAD application in December 2015. The original plans were designed to provide office space for businesses in the Special Economic Zone on a sustainably-designed campus with the provision of a small number of residential options.”

CEC Response:

This is simply not true. In the grand scheme of things appertaining to the PAD Master Plan, this modification application is relatively insignificant, as outlined above. A proper

examination and evaluation of the original PAD approval in comparison to what is being proposed will clearly demonstrate that this assertion is simple absurd.

Objectors' Assertion:

"In the latest iteration, the development is predominantly a residential subdivision with the mixed-use component scaled back. By the developer's own admission, the proposed density and building heights of the residential developments are out of character with surrounding neighbourhoods. The Pirate Cove Estates and the majority of homes in South Sound are low-density, single-family homes, as acknowledged by the Department of Planning when responding to comments during the Plan Cayman consultation process. The Planning Appeals Tribunal has previously rejected higher density developments in this area to uphold the residential character of the area."

Response:

This assertion is also highly inaccurate, in that, the development predicted by the PAD modification **will not** result in predominantly residential development. In any event, it is hard to understand how objectors who are residing in a Low Density Residential ("LDR") zone would criticize the purported proliferation (let alone the proposed expansion) of LDR style development. It should be noted that prior to approval of the PAD in 2015, the original zoning for all of the land now within the PAD was LDR, similar all of the surrounding lands on which the objectors own or reside on. In simple terms, the PAD approval granted in 2015 allowed for a number of additional uses, densities and types, including mixed-use development, hospitality and residential, and the PAD development plan prescribed a strategy of placing the higher density development types to the north of the site and lowering the density of development as it moved south, which was PAD zoned for residential house lots and villas. This approach was contemplated and approved by the CPA when it granted PAD approval in 2015.

It is also submitted that the CEC PAD is designed such that there are two distinct halves: places where people work to the north and east and places where people reside to the south and west. The Master Plan design placed the residential parts of the development at the west and south specifically to provide a further buffer/transition zone between the PAD and the area where the objectors properties are located to the South. This overall design is deliberate, such that residential development inside the PAD is intended to be high end residential development, which we would submit will only enhance all the property values in the area, including the objectors.

It should also be note that the reference to the Planning Appeals Tribunal previously rejecting high density development in the area is simply misplaced and has no relevance, as that was a different type of development, which starkly different considerations (such as physical overdevelopment of the land) and the did not involve PAD zoned land.

Objectors' Assertion:

"Furthermore, the PAD allows for building heights 'at current permitted levels' - with a multi-decade build-out, these limitations could subsequently rise above the five storeys permitted today, especially given the motion accepted in Parliament in December to consider increasing building heights."

Response:

This concern is again misplaced and purely speculative, as the PAD zoning prescribes building heights which currently exists, so it is thereby fixed by the strictures of the now-existing legislation, which prescribes a maximum of five (5) storeys. If the law were to change in the future to allow taller buildings, that would only at best only permit CEC to apply for another modification to the approved PAD and then the CPA would have to consider whether to permit such a modification, just as it is doing now.

Objectors' Assertion:

"The PAD has already been subject to multiple modifications since the original application. The extent of modifications requested on this occasion should merit a complete review of the development, including an environmental impact assessment."

Response:

Again, this assertion is misguided and misleading. Firstly, there has only been one prior modification application, which was granted in 2017, some six (6) years ago, and that was simply to address certain issues with regards to a few disproportionate and/or unworkable conditions which were placed on the original PAD approval. It is therefore false to assert that there have been a number of modifications already. While our client hopes that these changes will be the final modifications to the PAD Master Plan, it should be borne in mind that like any development plan, the PAD Master Plan prescribes a long range development plan that will dictate what and how the area within the PAD is developed in the future and over the coming years, perhaps even decades, and so, with everything long range, there may well be the need to modify the Master Plan from time to time as dictated by changes in legislation, the economy, environmental concerns, etc. Therefore, as this project continues to evolve, circumstances may dictate that further tweaks to the development plan are needed to respond to current events and cater to future planning, as does our existing national Development Plan, which by law is supposed to be reviewed every five (5) years. Furthermore, there is no logical or rational basis for asserting, and it would be completely irrational and disproportionate for the CPA to determine, that the proposed modifications to the PAD merit a complete "review of the development" (whatever that means), including an environmental impact assessment, since the PAD is already approved and by law such permission is vested in perpetuity and especially so since the only thing of environmental significance that is being proposed is the deletion of the two lakes that caused such great environmental consternation and condemnation by some of the objectors back in 2015.

2. Environmental impact

Objectors' Assertion:

"As stated by the Department of Environment in their comments on the original PAD application in December 2015, environmental concerns relate to

- 1) the ongoing drainage and flooding issues in South Sound and seeking to ensure that the development does not contribute to these problems*
- 2) the loss of primary mangrove wetland habitat, in terms of ecological functions and carbon sequestration.*

The DoE opposed removal of 50+ acres of mangroves from the South Sound basin in 2015. Over the past 7 years, development in South Sound has increased significantly, with the completion of Vela, the Bahia development now under construction and further developments by Baraud and at Q, Karma Seaview and Solana in the pipeline.

The loss of biodiversity and the threat of climate change suggest it is more critical than ever to preserve what little mangroves are left in South Sound. An EIA would seem appropriate to ensure relevant mitigation, both in design and construction methods, is agreed as a condition of approval.

Where the initial masterplan attempted to incorporate the natural environment into its designs, with lakes and green space that would attract wildlife and be used for recreation, the new masterplan has removed the lakes and reduced open spaces to the bare minimum, providing a poor substitute for the loss of natural environment."

CEC Response:

It is submitted that the entirety of this objection is irrelevant to the consideration of the current modification application insofar as it relates to the concerns raised by the DOE in 2015 and, concomitantly, to the objections which were made to the original PAD approval. It seems that this assertion is based on wishful thinking on the part of the objectors and their desire to revisit and object once again to a decision which the CPA made in 2015, which simply would not be lawful.

This objection seems to suggest that the concerns regarding mangrove removal which the DOE made in their commentary on the original PAD Master Plan in 2015 is somehow relevant to the proposed deletion of the lakes from the current approved Master Plan, as if the current proposed modification will somehow result in the removal of *more* mangroves than if the applicant went ahead with excavating the lakes. If that is what is being asserted, then that is clearly misguided, if not disingenuous, since clearly, the first thing that would happen if those lakes were excavated would be the removal of any mangroves growing on the surface. In any event, the majority, if not all, of the objectors in 2015 protested the excavation of the lakes, which feature of the Master Plan was ultimately approved by the

CPA and remains in place until this date. It therefore seems to smack of disingenuousness or at least hypocrisy that some of the folks who protested the inclusion of the lakes in 2015 are now protesting their abandonment.

Our client would like it pointed out that in considering the redesign of the CEC Master Plan and in particular the removal of the lakes, it took on board the original comments of the DOE and decided to retain as best as possible the elements of the lake that would have provided habitat for wading birds and refuge for indigenous and seasonal birds which mangrove forests provide, along with substrate for light dependent aquatic plants and animals. It was therefore decided to create in lieu of the lakes a healthy waterbody which could also support social and wellness activities around and on the water in the form of the River Park, which is now a feature of the redesigned Master Plan. CEC does not pretend to believe that it can fully recreate what nature has created, but it desires to create an authentic botanic mangrove wetland park which can be maintained to ensure community safety and water quality, utilizing native landscaping as outlined in the Development Statement.

3. Flooding and Stormwater management, as it relates to the Removal of the Lake.

Objectors' Assertion:

In a letter submitted by objector Mrs. Melanie Carmicheal on the 4th January 2023, she asserted as follows:

“As an affected land owner please note my objection. My objection is based on and in support of previous concerns and recommendations from the Department of Environment, National Roads Authority and Water Authority regarding the loss of the South Sound wetland habitat, lack of an overall stormwater management plan for the area, lack of a geotechnical survey to address concerns about hydrology and sinkholes plus lack of transparency regarding a supportive transportation access model. This would appear to be a threatening and contentious proposal without the required infrastructure as a condition of any approval. The concerns highlighted over the years clearly show that there is significant water abatement needed.”

This objection was further articulated in the template objection letter submitted by some 18 other persons, dated 10th January 2023, as follows:

“Of great concern is the developer's note that stormwater management plans will be submitted piecemeal rather than for the PAD as a whole. This is contrary to the recommendation made by the Department of Environment, Water Authority and National Roads Authority in a memo dated January 2015 that a stormwater plan should be established for the entire South Sound basin (Ref; South Sound Drainage Basin).

With climate change expected to produce a greater number of extreme storms and more flooding events in Grand Cayman, and with no national climate policy, area stormwater management plans are essential.

Stormwater management was the basis for several objections by neighbours at the time the original application. Our concern remains that ineffective stormwater management puts surrounding properties at risk of flooding, especially those at lower elevations than the new development.

The lakes in the original masterplan were presented as integral to stormwater management; however these have now been removed.

A stormwater management plan should be developed for the entire PAD area, and should not be left for individual planning applicants for smaller developments or single family homes within the PAD.

We would advocate that all the technical and scientific documentation originally required for the PAD should be reinstated as a condition of approval, including a comprehensive stormwater management plan, traffic demand accommodation analysis, waste water management system plan, engineering, biological and hydrological analysis of wetland filtration.”

In addition to the concerns articulated above from the shared letter, Mr. Gerald Kirkconnell added further commentary as follows:

“The removal of the lakes and the change of use will no doubt increase the threat of flooding to my lots 21E 97 and 21E 98. This area has always been prone to flooding and the proposed increase in development density to 21B 135 and 15C 29 will only make this threat greater.”

Response:

It is submitted that any assertion that the removal of the lakes - which have not yet been excavated - from the CEC Master Plan will somehow contribute to the flooding of adjacent lands is completely misguided. It must be noted that, as has been the standard practice for all raw land or subdivision developments in recent years, an applicant for permission is prohibited (sometimes by an expressed condition) from utilizing any lake or pond within the development area for drainage. This was a matter which was debated during the original PAD application and CEC is cognizant of this requirement and so it developed its comprehensive Storm Water Management Plan (“SWMP”) with that in mind. Therefore, it is simply misleading to suggest that the removal of the lakes can in any way impair the drainage of the site.

It is also standard practice to design SWMP’s such that in every case, the development site becomes its own self-contained watershed area, so that every drop of rain that falls on that area is collected on and drained into the ground within that area. This was something which was debated in 2015 when flooding concerns were raised back then and this was addressed by the CPA imposing its standard condition requiring a comprehensive SWMP to be designed in accordance with NRA standards and implemented for the PAD.

It should also be noted that the approved CEC PAD SWMP has been carefully considered and prepared in strict accordance with the requirements set out in the Planning Regulations as it relates to PAD approval and in accordance with the standards implemented by the National Roads Authority's "Guidelines for Storm Water Management".

While this plan shows a comprehensive and holistic approach to the entire site, as depicted in the SWMP submitted with the modification application, clearly the implementation of each part of that SWMP would only come with the filling and building out of each phase of physical development.

Therefore, each stage of construction of buildings and hard surfaces (which are what will cause drainage issues) will require compliance with the approved SWMP that applies to that particular area and depending on any issues that may be identified by the CPA in granting approval for any building site, it may require a more granular approach with the specific requirements set out by the NRA in relation to drainage of that site, as may be deemed necessary.

This also allows for the implementation of the most current engineered drainage solutions. So as to demonstrate by way of example, this methodology was used when we obtained planning permission for two (2) office buildings in the first development phase of the project, and we were required to provide a further, more detailed Storm Water Management Plan for CPA review and approval.

The SWMP which was submitted as a part of the PAD application, was and is compliant with the requirements set out in the current laws and a comprehensive plan which outlines the requirements set out at this stage of the project's development.

The content of the template objection letter indicates that there is some confusion on the part of the objectors about the SWMP, due to the fact that a comprehensive SWMP was submitted as a part of this application to modify in accordance with the regulations. It should be noted that one of the conditions of the approved modification to the PAD of May 23rd, 2017, provides: *"The applicant shall submit a comprehensive Stormwater Management plan for that Phase designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority. The applicant should liaise directly with the NRA in submitting the stormwater management plan."* We have and will continue to comply with the requirements set out in the PAD approval letters and in accordance with the NRA requirements.

In any event, the CEC SWMP has been designed to ensure that **NO** storm water migrates beyond the boundaries of the PAD and that all rainfall and storm water will be retained and

disposed within the site in accordance with the approved guidelines. There is nothing unusual about this and is the standard approach for the CPA even when subdivisions are approved.

While our client sympathizes with the flooding problems experienced by some of the objectors, which must a significant nuisance to the existing homes in Vienna Circle, such as Mr. Boyd, who provided pictures of showing how flooding has affected his property in 2015 and continues to affect his property 8 years later. This clearly demonstrates that such flooding is not being caused by the existence of the CEC PAD approval and it should be noted that there has been no adjacent development within the PAD, and such flooding certainly will not be exacerbated by development within the PAD.

However, as it is unreasonable for our project to have stormwater water run of onto other properties, is it not therefore unreasonable for there to be an expectation by the surrounding properties to use our property as a part of their drainage solutions. We also note that our proposed development does not touch the properties on Vienna Circle (save for a single point), Mary Read Crescent or Anne Bonny Crescent, as there are substantial land parcels between our projects. Regardless, it is our responsibility to implement the approved required SWMP as the PAD is being built out, so as to ensure that there will be no run-off from our development into any surrounding properties.

4. Sewage disposal system

Objectors' Assertion:

"We are opposed to the developer's request to remove the condition that states "there will be no use of septic tanks within the PAD." Heavy rains and flooding can cause major problems with septic systems and possible sewage contamination. Multiple small residential aerobic tanks in this scale of development would be a real concern."

Response:

We do not see how this can be a valid concern, since any septic system which is installed in any building will have to go through the usual rigorous and meticulous permitting via the BCU and Water Authority processes, and if found to not be compliant, the building connected to the same would not gain a Certificate of Occupancy. We are certain, given the absence of a public sewage system in the South Sound Area, that every house containing an objector to this application uses a septic tank. Given that the only development within the PAD which is being contemplated for this style of sewage management is LDR style development, it is hard to understand how the objectors can argue that such development within the PAD should be forced to conform to a higher standard than what they are required to conform to.

It should also be borne in mind that the original proposal in 2015 included the challenge of maintaining healthy large waterbodies (the lakes) and with a smaller complement of housing surrounding and in close proximity to these water bodies, this justified utilizing a SBR system as a feasible solution. However, with the removal of the lake and its surrounding residences CEC does not believe that this is feasible, for a number of reasons. In particular, it should be noted that:

- (i) As the relevant residential development will be sold as individual house lots or strata properties, CEC does not wish to, and cannot without being licensed (which is unprecedented) implement a public sewage management system to provide sewerage services as a utility. It should be noted that not even Consolidated Water performs this service within its defined geographical area (West Bay Peninsula) and public sewage management is the Water Authority's exclusive domain in that area.
- (ii) The removal of the lakes removes the risk of laminar flow of effluent from deep wells, and so there is no need for specialized sewerage disposal methods to preserve the water quality of the proposed lakes.
- (iii) The Water Authority, has no objection to this methodology, as the individual housing types when designed and implemented, each shall have its own set of requirements, and wastewater treatment and disposal requirements for the built development are subject to review and approval by the Water Authority.
- (iv) The DoE has noted that while they would prefer for all of the wastewater to be handled by the on-site treatment plant, however, they trust that the Water Authority shall review this request and hold the applicant to the relevant standards.

5. Access

Objectors' Assertion:

"We reiterate our objection to the access roads proposed from the development to South Sound road via Mary Read Crescent and Anne Bonny Crescent. These narrow, chip and spray neighbourhood roads are entirely unsuitable to high volumes of traffic from a large multi-use commercial/residential development."

Although the developer has previously stated these roads will be used for emergency access only and will be kept padlocked, the history of incremental modifications to the PAD are cause for concern that these emergency access points could be used more widely over time.

The primary access point is to the north of the development, connecting to Fairbanks Road. The masterplan indicates a number of roads intersecting the development, some of which have been gazetted, some have not. There is no indication as to the timeline or funding for these roads, many of which would be required to unlock the southern parcels of land within the PAD area.

We would also note that the developer has previously proposed an alternative

"emergency access" adjacent to the Cayman Islands Tennis Club. It is clear that connecting the development to South Sound road is a priority for the developer, whether to provide emergency access or to promote the sale of residential properties as located in "South Sound".

With a lack of public transport in South Sound, and traffic congestion already an issue on South Sound Road, it is not clear what efforts the developer is making to reduce the impact of car ownership within the PAD and how they would connect to public transport services outside the PAD, given they anticipate 6,000 daily occupants on the CEC campus alone."

In addition to the concerns articulated above from the shared letter, Mr. Gerald Kirkconnell added further commentary as follows:

"I Gerald Aston Kirkconnell agree with the grounds brought forth in the attached objection and would like to join the objection points made by Pirates Cove Estates Residents' Association Ltd."

Further to these points I am of the understanding that Charles Kirkconnell has been privately seeking to gain a vehicular ROW through Parcels: 21B 30 and/or 21B 19 with access to South Sound Road via Anne Bonney Crescent. He has also approached our family seeking a similar vehicular ROW over Parcel 21B 129 to access South Sound Road via Anne Bonney Crescent, which we have denied. These small local community roads were not designed to handle the large volume of traffic that will be generated by the proposed residential developments on Parcels 21B 135 and 15C 29. Furthermore, the CPA previously denied any vehicular ROW to South Sound via Anne Bonney Crescent, and I feel this denial should remain intact in all forms.

I fear that the emergency access being sought over the land that is occupied by the Cayman Islands Tennis club and/or the Cayman Islands Squash Club will be altered in the future to a full vehicular Access. There is no reason to have emergency access through South Sound when the planned bypass roads to the north will give the most direct access to all George Town hospitals and the Cayman Islands Fire Service (all located North of the respective properties)."

Response:

This objection is baseless and completely irrelevant. The emergency access as shown on page 12 of the Development Statement, was a part of the original 2015 application and remains unchanged. CEC is not requesting a modification relating to access to the south.

It should be note that the original PAD included an emergency access from the South at the time as a part of discussions from the Fire Department at that time, should they need access from CEC's side to aid the South Sound community should the roads become

inaccessible in a natural disaster. This access point was not approved by the CITC and is simply a line on a drawing submitted as a part of the PAD approval from 2015 which CEC has no intention of utilizing. Consequently, CEC will amend the PAD Development Statement to reflect the removal of any reference to an emergency exit from the South.

In any event, it would seem highly inappropriate for the CPA to consider speculative commentary about something that does not form any part of the modification application, as the same is, in addition to being specious, completely irrelevant.

6. PAD extension

Objectors' Assertion:

"We object to the developer's request to add another 5 acres to the PAD area. There is no documentation to establish the need for a large residential development of this nature, let alone add a further five acres. The parcel's location adjacent to the Cayman Islands Tennis Club further suggests the developers desire to connect the development with South Sound."

Response:

This is no longer relevant, as the applicant has abandoned the proposed addition of the additional 4.63 acres of land.

7. Oppose the widescale, high-density residential development now proposed.

Objectors' Assertion:

"In conclusion, we believe the development plan in its current format will cause environmental and social damage to South Sound. While we were broadly in favour of CEC's initial proposal for a mixed-use campus to accommodate Special Economic Zone businesses, we oppose the widescale, high-density residential development now proposed."

Response:

The assertion that underpins the objection is nonsensical. There is no "widescale, high density residential development" now being proposed. Whilst it is true that the deletion of the lakes from the Master Plan will allow for the proposed additional LDR style development, which is the same style of development which the Legislative Assembly of the Cayman Islands contemplated by the imposition of LDR zoning in 1977, which zoning would permit everything that is being proposed as a replacement for the area which is currently zoned for excavation of the lakes.

The CEC development team considered that it would be reasonable to expand the existing approved residential lots and villa zones, as these zones are the lowest density zones which formed a part of the original PAD approval, in lieu of requesting further expansion of the approved higher density mixed-use zoning.

Additionally, the current PAD approval actually dictates a higher density of development zoning, including 3-storey condominiums and 5-storey hospitality zoning located in close proximity to or on the southern boundaries of the PAD. We are therefore at a loss as to the rationale of this objection, as this modification actually reduces the density nearest to the southern boundary (closer to the objectors) and adds a “buffer zone” of single family house lots, transitioning to villa-style development and then graduating to higher density townhouses, apartments and mixed-use zones as you move north across the PAD. This was actually done in consideration of the previous concerns of the objectors in 2015. Furthermore, we are unsure why the majority of the objectors are purportedly more comfortable with the higher density 5-storey mixed-use development, which includes residential, in lieu of lower density housing options, similar to LDR, given the concerns expressed previously in 2015.

CEC therefore believes that the proposed Master Plan modification is an improvement on the original Master Plan as it is in keeping with our original goals listed in the Development Statement and proposes a similar density to LDR which was the underlying zoning of the property prior to the grant of the PAD in 2015.

8. Building Heights:

In addition to the objections articulated above from the template letter, Jessica and Serge Mbanda provided a further objection regarding the building heights as they relate to the Eastern boundary of the PAD, which is adjacent to Vela, as follows:

“I understand that you are the contact for any objections in relation to the requested amendments to the above project.

We are the owners of 144 Vela in phase 3, adjacent to the proposed project, block and parcel 21B 123 H32.

We would like to raise a general objection to the amendments but in particular in relation to the proposed increase in heights from 3 to 5 stories and the request to remove the conditions around storm water drainage that could potentially cause spill over to our properties.”

In addition to the concerns articulated above, Ms. Victoria Foulds, added further commentary as follows:

"I am writing to state my objection to the above noted development going before the committee. I am a resident of the neighboring Vela development and have grave concerns over the impact this project will have.

My main concerns are regarding potential flooding and the height of some of the buildings proposed, anything over 3 storeys is simply not in keeping with the area. This is a residential neighborhood and any commercial development should respect that."

There was also an objection from the Vela Strata Executive Committee:

"As the elected representatives of all the 168 units of Vela Strata Phases 1-3 (collectively referred herein as "Vela"), we hereby file a joint objection against the Cayman Enterprise City ("CEC") application to the Central Planning Authority based on the following:

Collective Objections from Vela:

- 1. Inconsistent or lack of notification to Vela homeowners: as of the date of this letter, only a handful of Vela homeowners have received a formal notification about this project and/or the amendments to this project. Vela homeowners have not been provided with adequate notification, awareness, and time to fully consider the plan and its potential impacts. We would request that CEC holds a public meeting to explain their plans, especially given the lack of a stormwater management plan.*
- 2. Drainage and flooding concerns: Currently the areas along western parts of the Vela community struggle with storm drainage and flooding-related issues. Following a rainstorm, the roadway and parking spaces on the western side of Vela are often flooded for several days. The drainage wells in the roadways have been continuously drilled ever-deeper (to no avail) to try and find a solution to this issue. Vela is concerned with the close proximity of the buildings in CEC Project to Vela property line (specifically Mix Phase 2.3, 3.1 and 3.2), the removal of about 50 acres of mangrove habitat, the removal of lakes and natural wetlands, and the potential negative impact this may have on the Vela community's current drainage and flooding situation. It is our understanding that no project is allowed to overflow into a neighboring piece of land. As such, CEC must handle their own drainage properly. Vela recognizes this is a liability for CEC and if CEC builds anything next to Vela property, we need to be 100% sure it doesn't flood onto Vela land.*
- 3. Building Heights: Vela homeowners are concerned with the height of the buildings adjacent to the western side of Vela, which also appear to be closer in proximity to Vela than previously planned. We request that the CPA assess the suitability of having an enormous parking structure in such close proximity to the residential Vela community. We request that CEC creates adequate easements from the Vela property line with natural landscaping such as trees/mangroves to conceal the CEC buildings from Vela residents. Also, please consider limiting these neighboring structures to 3 stories, which is in line with the rest of the surrounding buildings in the South Sound neighborhood.*

Response:

The Applicant has served all of the requisite section 15 (4) Notices in accordance with the Development and Planning Regulations, by way of Registered Mail, as prescribed by

Section 40 of the Development and Planning Act, as directed by the Planning Department.

As we have addressed the various concerns about drainage/flooding above in response to the templet objection letter, we do not think it bears repeating here.

In response to the concerns regarding the building heights adjacent to the western side of Vela, please note that we have not requested any modification to the mixed-use development zone in that vicinity of the PAD, and the heights represented on the Master Plan in this area were approved in 2015 as a part of the original PAD application.

Respectfully Submitted,

Sincerely,



J. Samuel Jackson
JacksonLaw

TO: DIRECTOR OF PLANNING
FROM: DESIGN (CAYMAN) ARCHITECTS
DATE: 9 MAY 2023

SUBJECT: CAYMAN ENTERPRISE CITY PAD MODIFICATION APPLICATION
DESIGN CAYMAN ARCHITECTS RESPONSE TO NRA COMMENTS ISSUES MARCH 28, 2023 (REF. RDS/DEV/21B)

Please see attached our responses on behalf of our client Cayman Enterprise City.

NRA Letter Subsection 1, Paragraphs 1 & 2 - Planned Roadway Network Improvements

DCL RESPONSE

We note the upgrades to both LPH & BTW to 6-lanes, and the intended Proposed Agnes Way connector to Fairbanks Road Access via CEC Project with a 4-lanes, loop system by-pass road which we understand is to extend near to South Sound Road and Old Crewe Road intersection and will assist with better dispersion / distribution of traffic assessment in the sector of George Town with the CEC Development in the long term which is scheduled for completion at the end of 2026 which coincides with Phase 1 of CEC's Phase plan.

NRA Letter Subsection 2, paragraph 1– General Issue

DCL RESPONSE

No comment

NRA Letter Subsection 2, paragraph 2– General Issue

DCL RESPONSE

We note the reasoning provided by the NRA and withdraw / delete the connector road and roundabout from the Masterplan drawings and shall resubmit all the Drawings to reflect this change. We have also removed any reference to the lakes on the SWMP drawings as these references were left on the drawings in error.

NRA Letter Subsection 2, paragraph 3– General Issue

DCL RESPONSE

The emergency access as shown on page 12 of the Development Statement, was a part of the original 2015 application and remains unchanged. CEC is not requesting a modification relating to access to the south. CEC will amend the PAD Development Statement to reflect the removal of any reference to an emergency exit from the South.

NRA Letter Subsection 2, paragraph 4– General Issue

DCL RESPONSE

We will continue to provide a comprehensive detailed SWMP for each phase of the Masterplan in accordance with the terms set out in the CPA decision dated June 1, 2017. Ref (F15-0228) (P17-0349) (KA).

NRA Letter Subsection 3, paragraph 1– Development Assumptions

DCL RESPONSE

Clarification, we have reverted to the original PAD area of 70.87 Acres, the Hotel / Tourism accommodation of 165,000 sqft has now been included inside the Mixed-Use Zone (incl. inside 1,148,188 sqft). The educational facility was originally a part of the Mixed-Use Zone and has been relocated to a specific Institutional Zone.

NRA Letter Subsection 4, paragraph 1to3 -Traffic Generation of the Proposed Development

DCL RESPONSE

Clarification, the figures presented in the NRA report are noted as worst case traffic generation for the completed development which is phased over 26+ years. We note that while CEC is the immediate beneficiary of the first phase of the proposed LPH upgrades and South-Sound Bypass system, these will not be the only upgrades to meet the growing demands of traffic over the next 2-3 decades. In accordance with the CPA decision dated June 1, 2017, CEC engaged Apec Consulting Engineers to conduct Traffic Impact Study for Phase 1 (estimated 119,000 sqft) of the masterplan, which concluded that the traffic excluding CEC would grow by 3% per annum. Additionally, the report concluded that from 2017 to 2027, the traffic from the CEC entrance road on Fairbanks would be considered reasonably free flow with the implementation of turning lanes at the junction. CEC will provide further TIA reports as the phases progress.

NRA Letter Subsection 5, paragraph 1to5 -Access and Traffic Management Issues

DCL RESPONSE

We acknowledge the NRA Requirements and shall comply with all NRA road standards.

NRA Letter Subsection 6, paragraph 1-2, points 1-6, - Stormwater Management Issues

DCL RESPONSE

We acknowledge the NRA Requirements and shall comply with all NRA Stormwater Management standards.

END OF DOCUMENT

TO: DIRECTOR OF PLANNING
FROM: DESIGN (CAYMAN) ARCHITECTS
DATE: 17 MAY 2023

SUBJECT: CAYMAN ENTERPRISE CITY PAD MODIFICATION APPLICATION
DESIGN CAYMAN ARCHITECTS REPSONSE TO DOE COMMENTS ISSUES FEBRUARY 14, 2023 (REF: P22-1154)

Please see attached our responses on behalf of our client Cayman Enterprise City.

DOE Letter Section 1, Site Overview

DCL RESPONSE

We acknowledge that mangroves are Schedule 1, Part 2 Protected Species under the National Conservation Act (NCA) with an adopted Conservation Plan. We shall continue to comply with these provisions and only remove mangroves through the granting and implementation of planning permission. It should be noted, however, that it is our position that the existing PAD approval, which pre-dates such adopted Conservation Plan, includes permission to conduct site preparation (including clearing for the infrastructural development) that was approved as part of the PAD development. We have raised this question before with the Department of Planning, and they have confirmed that they agree that the PAD approval includes permission to conduct such works.

DOE Letter Section 2, Summary of DoE Noted Modifications

DCL RESPONSE

CEC confirms the summary of noted modifications but wish to clarify Bullet Point 1 – As noted in our client’s response to the objector concerns, we confirm that we have removed the request to add 4.63 acres to the PAD area. The site area remains as per the original approved area of 70.87 acres.

DOE Letter Section 3, Summary of DoE High-level Concerns, Subsection 1. Drainage & Flooding Concerns

DCL RESPONSE

Firstly, it should be noted that the capture and management of surface rainwater is outside the statutory remit of the DOE.

Notwithstanding this, the DoE has expressed its concern regarding the lack of a comprehensive stormwater management strategy for the entire South Sound drainage basin region, as outlined in the Memo dated 30 January 2015. We fail to understand how either CEC or the CPA could address such a concern, even if the same were valid, in the context of the application to modify the PAD, as such a strategy would necessarily involve hundreds of other parcels of land owned by other persons and would most likely necessitate significant legislative changes. Nonetheless, CEC will continue to endeavor to work with the relevant government agencies including NRA and WAC, along with our own consultants to ensure that our stormwater management plan (“SWMP”) shall integrate into any future SWMP instructed by the Government and shall be developed and submitted at the relevant planned phase of the development.

We note that, strangely, the DOE has expressed concern that *“the proposed modifications to the PAD will likely increase the amount of hardstanding and decrease the number of permeable areas (the formerly proposed lakes). The potential overall capacity of the PAD to retain stormwater will be decreased by the loss of the lakes.”* It is our position that this concern is baseless and without merit, given that the lakes were never intended to be used as part of the SWMP and, in any event, the way a SWMP works is that we will be required to drill wells of sufficient size, spacing and number so as to ensure can that **all** surface rain/stormwater is captured and drained on site. Therefore, it doesn’t matter whether the lakes are removed from the plan and never dug, as we will simply have to adjust the SWMP so that it meets that objective. Curiously, the DOE also expressed concern regarding the proposed lakes when the original PAD approval was sought in 2015, stating then that they were *“concerned regarding the proposed excavation depth of up to 30 feet deep within the water body. In the DoE’s experience, lakes with excavated depths of over 14 feet, and sometimes even shallower water bodies, which do not have an appropriate management strategy (including aeration of the water body), tend to have issues associated with poor water quality, including frequent fish kills, objectionable odours, unsightly algal blooms and water discoloration, which can be a nuisance to surrounding residents.”* We would therefore have thought that the DOE would support the proposed deletion of the lakes from the existing PAD approval.

Simply put, we maintain that our master plan, as comprised in the original PAD approval, has been developed to ensure that NO storm water migrates beyond the property's boundaries, thereby creating a self-contained "watershed" within the PAD area. This means that we will be constrained to ensure that all of the captured rainwater that falls within that watershed is drained on site, otherwise the PAD area will be inundated whenever there is significant rainfall. We therefore intend to implement a SWMP that achieves sufficient drainage in accordance with the approved standards provided by NRA, or better, as it behoves CEC to prevent flooding of its PAD area.

We would also point out that by not excavating the lakes, this will avoid the need for blasting of the bedrock using high explosives to enable excavation of aggregate for fill. We would therefore submit that by avoiding blasting and digging of the large areas comprising the lakes, this would be beneficial to the interests of all surrounding properties and would avoid any potential adverse effect on the environment and properties in the surrounding area, as well as it would eliminate any potential risk of damage to neighbouring properties from the noise and vibration associated with such operations.

DOE Letter Section 3, Summary of DoE High-level Concerns, Subsection 2. Loss of Primary Mangrove Wetland Habitat Concern

DCL RESPONSE

We acknowledge the recommendations set out by the DoE, and accept that if such sustainability measures were to be legislated by the Cayman Islands Government, we, along with all other developers, including the government, would be obliged to create plans that embrace and implement these sustainable measures. While we support and have included and implemented a number of sustainable elements into the project, this application to the CPA is limited to a request to modify our 2015 Masterplan, mainly to include further low-density residential development types in lieu of blasting lakes to harvest fill material. We would therefore submit that the proposed modification of the PAD proposes a more sustainable model of development whilst maximizing the utility of land within the approved PAD area.

DOE Letter Section 3, Summary of DoE High-level Concerns, Subsection 3. Water Quality of the Waterbodies Concern

DCL RESPONSE

We are requesting a modification to remove the lakes, therefore the drainage methodology associated with the lakes has been removed.

On numerous occasions, the original 2015 PAD documentation and masterplan stated that CEC preferred to not discharge stormwater into the lakes, mainly to ensure the quality and health of the waterbody. That being said, the removal of the lakes does not remove the requirement to demonstrate that the SWMP is designed to encompass all storm water runoff produced and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from our site. We understand that it is critical that the development is designed so that post-development stormwater runoff is no worse than pre-development runoff.

The submitted stormwater drawings contain an error in the legend, where it references a lake and we have resubmitted revised drawings which remove these notes from the drawings.

In addition, there is reference to The River Park, which is envisioned to be an outdoor mangrove and wetland botanic park, which features a naturalistic pond and replanting mangrove and other indigenous plants to show the public that a natural wetland style botanic park can thrive in our unique island environment. The park will also feature a lined filtered brackish water pond (approximately 1700' long and 20' wide), which will utilize traditional biological filtration methods such as bog filtration which is a natural wastewater management system employs a lush planting of native plants (in this case mangrove) to remove excess nutrients from water and improve quality. Very little equipment is required to install this low maintenance filtration system. We will engage our consultants to ensure that we design and maintain a salinity which encourages a natural balance while discourages mosquito breeding. We endeavour to recreate a mangrove buffer along the pond and by providing a continuous water flow which is essential to a healthy ecosystem; we hope to encourage wildlife and user interaction via walkways, bridges and paddle boats / kayaks.

While we do not believe that oversight and approval from the DOE is necessary as this proposed man-made water feature is similar to the water features and gardens at the QEII Botanic Park. However, we would welcome the opportunity to work with the DOE's team to help ensure compatibility and natural parameters to ensure the park's success.

DOE Letter Section 4, Other Modification Considerations, subsection 1 Underground parking.

DCL RESPONSE

We confirm that we intend to provide an underground parking design in accordance with the guidelines set in the original 2015 PAD documentation. We also confirm that we are not seeking to modify this concept which was an integral part of the original application.

While we understand and agree with the DOE's assessment of basements which are under the water table, and we have no intention of placing parking below 5' MSL. To clarify, the original PAD Narrative (2015) contains reference to underground basements, similar in design to the Government Administration Building, which has basement parking as defined in the Building Code and not counted as a storey. For reference, page 6 paragraph 12, of the original narrative states "The commercial buildings will range from 1 to 5 storeys and may have under building parking or basement parking in some instances; all buildings shall be within the 65 ft height limit" with specific details provided on page 50 in the master plan matrix along with Page 19 of the same document depicts suggested building sections illustrating basements at a min. of +5' above MSL as the basement floor level.

DOE Letter Section 4, Other Modification Considerations, subsection 2. Concrete Swale

DCL RESPONSE

CEC appreciate the DOE's support of the above modification request.

DOE Letter Section 4, Other Modification Considerations, subsection 3. Temporary Parking Surface

DCL RESPONSE

CEC appreciate the DOE's support of the above modification request.

DOE Letter Section 4, Other Modification Considerations, subsection 4. Residential Use of Septic Tanks.

DCL RESPONSE

CEC appreciate the DOE's support of the above modification request. The DoE has noted that while they would prefer for all the wastewater to be handled by the on-site treatment plant, however, they trust that the Water Authority shall review this request and hold the applicant to the relevant standards, which supports what we are requesting in this modification. The Water Authority has no objection to this methodology.

END OF DOCUMENT

Appendix C

COVENANTS

HIBISCUS GARDENS

LOWER VALLEY BLOCK 32C LOTS - A,B,C,D,E,F,G,H,K,L,M,N,P,
Q,R,S,T,U,Z,AA,X,Y,W,J. PARCELS 9,10 - Which has been
subdivided for low density residential one acre lots.

WHEREAS it is desirable to protect the subdivision defined by the above noted block and parcel numbers by appropriate restrictions as to the use and improvement of the property therein and to make said subdivision and lots more desirable for residential purposes. NOW THEREFORE the subdividor hereby imposes upon all lots within the subdivision and make the same subject to the following restrictions:

ARTICLE 1

All lots shall be known and described as residential lots and shall be used only for residential purposes.

ARTICLE 2

No structure shall be erected, altered, placed or permitted to remain on any lot in the subdivision except a single private dwelling for the occupancy of one family together with servant's quarters and a garage or carport for the sole use of the owners or occupants of the lot.

ARTICLE 3

Any residential structure erected or placed on any of the lots in the subdivision shall contain not less than 2,000 square feet of floor space, exclusive of a garage but inclusive of any porches.

ARTICLE 4

For the protection of all lot owners, architects plans are to be submitted to the subdividor for approval prior to the commencement of the building. It is understood that the subdividor will not unreasonably withhold permission to build and in case of disagreement, the subdividor agrees to submit to arbitration.

ARTICLE 5

In addition to any setbacks which may from time to time be required by law, no building is to be erected within 25 ft. of any road without the prior approval of the subdividor. Nor is any building to be erected within 15 ft. of any other boundary except with the prior approval of the adjoining lot owner. Furthermore no bi-level part of any building shall be erected within 25 ft. of a lot boundary.

ARTICLE 6

No chain link fences may be erected forward of the front elevation of any residence, nor beyond the side elevation facing a side street of a residential structure on a corner lot.

ARTICLE 7

No wash lines shall be erected on any lot unless such wash lines are completely screened from street view and from the view of the adjoining lot owners, and in any event no wash lines may be erected within 10 ft. of the boundary of the lot.

ARTICLE 8

Driveways shall be of sufficient area to accommodate all normal vehicular parking requirements so as to eliminate any need for street vehicular parking.

ARTICLE 9

No swimming pool shall be built within 15 ft. of the boundary of a lot and adequate screening is to be provided by way of bushes, trees, or otherwise to minimize the risk of adjoining lot owners being unreasonably disturbed by noise.

ARTICLE 10

No outbuilding or detached garage erected or placed on any lot shall be at any time used as a residence other than as maid's quarters, either temporarily or permanently; no structure of a temporary character (except during construction) shall be permitted on any lot; no trailer, tent, shack, and no automobile which is inoperable shall be habitually parked or kept on any lot (except in the garage) or on any street. No boat shall be parked on any lot unless it is in the garage or screened completely from street view behind both front and side elevations.

ARTICLE 11

If, when clearing land for construction or during course of construction or at any other time any survey pins or marks are removed then these must be replaced by and at the expense of the lot owner causing such removal. When land is cleared for construction, owners should take care to ensure that trees are not unnecessarily destroyed.

ARTICLE 12

All lots are to be landscaped within six months of the completion or inhabitation of a building on said lot and such landscaping is to be of a standard similar to that existing on other developed lots in the subdivision and on the adjoining subdivisions. It shall be the duty of the owner of each lot in the subdivision to keep the grass on the lot properly cut, hedges and plantings trimmed and to keep the lot free from weeds and trash and maintained in a neat and orderly manner. Should any owner fail to do so then

subdividor may take such action as deemed appropriate in order to make the lot neat and attractive, and the owner shall upon demand reimburse subdividor for the expense incurred in so doing.

ARTICLE 13

No horse, cow, hog, goat or similar animal nor any chickens, geese, ducks or other fowl are to be kept or maintained on said lot or any part thereof. Dogs and cats may be kept as pets but neither shall be kept for commercial or breeding purposes.

ARTICLE 14

No sign for advertising or for any other purposes shall be displayed on any lot or on any building or any structure on any lot except one for advertising the sale or rent thereof, except the subdividor shall have the right to erect signs when advertising the subdivision.

ARTICLE 15

The cost of maintaining roads and communal landscaped areas is to be borne equally by the owners of the lots, on the basis of one share in the costs for each lot owned. All owners shall be bound to contribute to any improvement or maintenance requirement which is felt to be necessary by a majority of other lot owners.

ARTICLE 16

It is the purpose and intent hereof that such restrictions, conditions and covenants shall, during the period of their existence, inure to the benefit and advantage of the owner or owners of any land as now shown on the plans of the subdivision, and the same may be enforced and violations thereof may be restrained by any of such owners, and if any of them, their heirs, successors or assigns shall violate or attempt to violate any of such restrictions, conditions and covenants during the period of their existence, it shall be lawful for any other person or persons owning any other lot in said subdivision to prosecute any proper proceedings at law or in equity against the person or persons violating or attempting to violate any such restrictions, conditions, or covenants, and either to prevent him or them from so doing or to recover damages or other relief for such violation.

ARTICLE 17

The failure or neglect on the part of the party hereto or any owner or owners of lots in the subdivision to demand or insist upon the observance of any of the restrictions, conditions and covenants and to proceed for the restraint of violation thereof shall not be deemed a waiver of such violation or operate as an estoppel to restrain continuance thereof, but any such restrictions, conditions or covenants may be enforced at any time notwithstanding a violation thereof may have been suffered or permitted thereto, nor

shall a waiver of any such restrictions, conditions and covenants in any particular be deemed a waiver of any default thereunder whether of the same or of a different nature.

ARTICLE 18

Invalidation of any of these restrictions, conditions and covenants by judgment or other order shall in no wise affect any of the other restrictions, conditions and covenants, which shall remain in full force and effect.

ARTICLE 19

At such time as all of the building lots have been sold by the subdividor, the rights, remedies and responsibilities of the subdividor shall cease and said rights, remedies and responsibilities shall vest in the lot owners themselves and be determined by majority vote.

ARTICLE 20

These restrictions and covenants may be cancelled, altered or amended at any time and from time to time by the affirmative action of the owner or owners of a majority of the lots in the subdivision, PROVIDED ALWAYS that no such cancellation, alteration or amendment shall have the effect of making an existing building or land usage non-permissible.

ARTICLE 21

By purchasing land in the subdivision, purchasers agree to support the covenants, as amended from time to time and agree to enter into such further agreements with the other lot owners in the subdivision as may be reasonably necessary for the furtherance of the objectives contained in the covenants.