

Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on **July 07, 2021 at 10:00am,**
in Conference Room 1038, 1st Floor, Government Administration Building, Elgin Avenue.

14th Meeting of the Year

CPA/14/21

Mr. A. L. Thompson (Chairman)

Mr. Robert Walter Jr. (Deputy Chairman)

Mr. Kris Bergstrom

Mr. Peterkin Berry

Mr. Edgar Ashton Bodden

Mr. Roland Bodden

Mr. Ray Hydes

Mr. Trent McCoy

Mr. Jaron Leslie

Ms. Christina McTaggart-Pineda

Mr. Selvin Richardson

Mr. Fred Whittaker

Mr. Haroon Pandohie (Executive Secretary)

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

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

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APPLICANTS ATTENDING THE AUTHORITY'S MEETING

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K & B Limited	11:00	2.2	9
CIFA	11:30	2.3	14
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Dean and Sue Woods	1:30	2.5	22
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1. 1 Confirmation of Minutes of CPA/13/21 held on June 23, 2021.

1. 2 Declarations of Conflicts/Interests

ITEM	MEMBER

2.0 APPLICATIONS

APPEARANCES (Items 2.1 to 2.6)

2.1 KEN THOMAS AND MILTON MORRISON (Kariba Architecture and Interiors) Block 20E Parcel 83 Rem3 (P20-0750) (\$250,000) (BES)

Application to modify planning permission for an approved subdivision.

Appearance at 10:30

FACTS

<i>Location</i>	Adjacent to Randyke Gardens
<i>Zoning</i>	LDR
<i>Notification result</i>	No objections
<i>Parcel Size</i>	6.24 ac (271,814.4 sq ft)
<i>Number of Lots</i>	7

BACKGROUND

May 26, 2021 (**CPA11/21; Item 2.15**) – CPA resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the lack of provision for the future east-west by-pass road.

March 17, 2021 (**CPA/06/21; Item 2.9**) – CPA adjourned the application for the following reason:

- 1) The applicant is required to submit a revised plan showing an 80' wide parcel of land at the south end of the site reserved for a future road corridor per the comments from the National Roads Authority.

Dec. 14, 2011 (**CPA/26/11; Item 2.2**) – CPA granted planning permission for a thirty one (31) lot subdivision.

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

- 1) The revised subdivision plan and applicant's letter.

AGENCY COMMENTS

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

DOE/NCC

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

The application site was the subject of a previous planning application for a 31 lot subdivision to include 24 duplexes lots 5 apartment lots 1 road parcel and 1 LPP parcel, which got approval in December 2011, (Planning Reference CPA/26/11 Item 2.2). Nonetheless, the Department reiterates that the application site lies within the mangrove basin of South Sound and is highly susceptible to flooding. The mangrove basin's water quality may also degrade if stormwater runoff from the developed subdivision is allowed to flow into this area untreated. It is therefore strongly recommended that a stormwater management plan is designed and implemented on-site to adequately address drainage. The stormwater management plan should ensure any site derived runoff is managed on the site itself to ensure that it does not impact surrounding properties and the remaining wetland basin. Strategically placed landscaping along with vegetated swales will promote infiltration and treatment for stormwater runoff before entering the mangrove basin as the vegetation acts as a biological buffer which will filter any sediment and runoff.

NRA

As per your memo dated September 17th, 2020 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Section 26 Proposed Road Corridor



The subject lands are affected by the proposed Section 26 planned road corridor known as the South Sound By-Pass. The intended width of the road corridor is 100 feet.

The construction of the road corridor is currently anticipated for the medium-term horizon (5-10 years). The alignment of that planned road corridor along the southern section of the subject property will require the applicant to preserve

about 80 feet from their existing property boundary. On that basis, the NRA asks that the applicant submits a revised site plan that respects the proposed road corridor for the South Sound By-pass and that it sets any proposed buildings at least 20 feet, and preferably 30 feet, away from the planned road corridor.

Infrastructure Issues

The NRA advises the CPA to require the developer to provide for traffic calming features, such as speed tables and a NRA approved cul-de-sac at end of the road. Once the roadway has been taken over as a public road, the NRA can then assume that responsibility.

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

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

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

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

Stormwater Management Issues

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

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

WAC

The Water Authority was not originally included during the plan review stage to calculate the estimated wastewater flows and to submit comments to OPS on the proposed multi-residential development.

The Water Authority's requirements for the 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 15,600 US gallons per day (gpd), based on the following calculations.***

DEVELOPMENT	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Casa Bella (Phase 1 & 2)	26 x Duplex Buildings (52 Units)	300gpd/Unit	600gpd/Duplex	15,600gpd
TOTAL				15,600gpd

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

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 CFO approved the subdivision plan layout

PLANNING DEPARTMENT ANALYSIS

General

The applicant is for a modification for 8-lots subdivision phase 2 at the above-captioned property. The site is located adjacent to the Randyke Gardens development

Specific Issues

1) NRA comments

The NRA is requesting the applicant to set aside an 80' wide strip of land for a future by-ass road. The original subdivision was approved without that strip of land and the applicant currently has not provided for it.

SUPPLEMENTARY ANALYSIS

The applicant has submitted a revised subdivision plan indicating 6-lots (the lots sizes ranges from 14,687 sq ft to 16,137 sq ft) and the remainder of parcel (50,735 sq ft). As noted above, the applicant has submitted a letter regarding the revision of the proposal as noted below:

Following the CPA's decision to adjourn the decision of the Casa Bella subdivision modification, P20-0750, we would like to submit a revised subdivision plan for construction phase 2.

The attached site plan, A1-01 Rev 03, shows that Phase 2 is subdivided into 6 lots (K through to P); Phase 3 will be applied for at a later date. This modification is to enable the owner to continue the construction of the Casa Bella development whilst allowing discussions between the client and NRA with regards to the subdivision of Phase 3 and the requested road reservation.

They intend to submit a different application for the subdivision of Phase 3 which will be subject to NRA discussion.

2.2 K&B LTD (Tropical Architectural Group Ltd.) Block 23C Parcel 233 (P21-0348) (BES)

Application for a construction compound.

Appearance at 11:00

FACTS

<i>Location</i>	Hurley Merren BLVD., George Town
<i>Zoning</i>	N.COM
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	2.581 ac (112,428.36 sq ft)
<i>Current use</i>	Vacant
<i>Proposed building size</i>	640 sq ft
<i>Total building site coverage</i>	0.6%

BACKGROUND

March 4, 2020 (CPA/05/20; Item 2.8) – CPA granted planning permission for after-the-fact land clearing, 5' fence and 2-32 sq ft signs subject to the following conditions:

- 1) The applicant shall submit a revised site plan showing the fence along Hurley Merren Blvd setback a minimum of 4' from the road side property boundary.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans. For the avoidance of doubt, there shall be no land clearing outside of the area shown on the submitted site plan.

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

- 1) Suitability of site for a construction compound.

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment & Disposal

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

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
<i>Office Container</i>	<i>250sqft (Net Office Space)</i>	<i>0.15gpd/sqft</i>	<i>37gpd</i>	<i>37gpd</i>
<i>Restroom Container</i>	<i>5 x WC 2 x Urinals 4 x Wash Basins 2 x Showers</i>	<i>120gpd/WC 120gpd/WC 60gpd/Wash Basin 120gpd/Shower</i>	<i>600gpd 240gpd 240gpd 240gpd</i>	<i>1,320gpd</i>
TOTAL				1,357gpd

- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- *Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards. Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'6" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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

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

Septic Tank Requirements for Temporary Structures

The developer is advised that upon completion of the project and removal of the proposed temporary containers. The septic tank shall be decommissioned as per the Water Authority's Best management practices:

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

Water Supply

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

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

The Authority 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.

DoE/NCC

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

The application site consists of a mixture of primary seasonally flooded mangroves and man-modified areas and was the subject of illegal land clearing (identified in January 2020). In January 2020, the applicant sought planning permission to clear the northern portion of the land (Planning Ref: P19-1318). It was at this time the DoE discovered the unauthorised clearing of mangroves, as shown in Figure 1 (the Mangrove Conservation Plan did not come into effect until 27 April 2020). The DoE recommended refusal of this application, in its review dated 31 January 2020.



Figure 1: DoE drone photography showing the illegal clearing of the site in January 2020.

The applicant is now applying for further land clearing on the southern extent of the site (which was not part of the previous land clearing application), placement of fill and storage of materials and ancillary structures. We note the applicant's cover letter dated 21 May 2021 which states that the usage of the parcel was intended for a temporary material and equipment storage and dump area of the dug-out soil from the different ongoing

construction developments by the applicant. The letter also states that the current proposal is also being done for the preparation of the future mixed-use development to be built on the lot.

The DoE **does not** support speculative clearing nor does it support the use of areas of primary habitat as storage sites. The trend of assumptive applications for land clearing for “future” development without the approval of the “future” development is unsustainable and a concerning precedent. This approach is extremely destructive for the natural environment as areas of primary habitat are dwindling and under increasing pressure. We recommend that applications for land clearing are presented along with the development that is being proposed so that appropriate mitigation measures can be recommended. We also recommend that land is not cleared until development has been approved and is imminent to allow sites to continue to provide habitat and ecosystem services.

The Department strongly recommends that man-modified areas are used for storage and staging. Should the Central Planning Authority be minded to grant Planning Permission for the proposal, the DoE recommends the retention of the mangrove vegetation outside of the footprint of the proposed containers.

DEH

This site will require (2) 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.

NRA

No comments submitted from the agency.

APPLICANT’S LETTER

Through this letter, we would like to justify the proposed application on Block 23C Parcel 233.

The usage of the parcel was intended for a temporary material and equipment storage and dump area of the dug-out soil from the different ongoing construction development by our client (listed below)

It will also be done in purpose for the preparation of the future mixed-use development to be built on the lot.

On-going projects

1. B20-0356 – Residential Development
2. B20-0499 – Residential development
3. B18-0628 – Townhouse Development
4. B18-0629 – Townhouse Development
5. B18-0630 – Townhouse Development
6. B18-0631 – Townhouse Development

7. B18-0632 – Townhouse Development
8. B18-0633 – Townhouse Development

List of Material and Equipment to be stored;

1. Forklift
2. Concrete mixer
3. Scaffolding
4. Backhoe
5. Jacks
6. Construction material including fill and topsoil.
7. Company vehicles such as truck and van

We hope that the CPA board would find this application to be acceptable.

PLANNING DEPARTMENT ANALYSIS

General

The application is for 2-containers and storage of building material at the above-captioned property. The site is located on Hurley Merren BLVD., George Town.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issue

1) Suitability

The applicant is seeking permission for a construction compound that would be associated with several other off-site construction projects. The Authority needs to determine if the site is a suitable location for the proposed activity.

2.3 CAYMAN ISLANDS FOOTBALL ASSOCIATION (Whittaker & Watler) Block 25B Parcels 495 & 496 (P21-0198) (\$22,000) (MW)

Application for four (4) LED light poles for football field.

Appearance at 11:30

FACTS

<i>Location</i>	Poindexter Rd., George Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	16.41 Ac. (714,819.6 sq. ft.)
<i>Current use</i>	Existing Football Admin Office & Field

BACKGROUND

August 29, 1994 – Proposed Commercial Building (Applied 08-29-1994)

May 6, 2005 – Land Clearing– Approved 5-6-05 (CPA/09/05; Item 2.27)

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

- 1) Visual impact
- 2) Objectors concerns

OBJECTION LETTERS

Letter #1

My wife and I are Joint Proprietors of the apartment unit located at [REDACTED] in Palmetto Grande. I have lived at this location for over 12 years.

*Let me begin by saying that my wife and I are sports fans and we wish for nothing but the advancement of fitness and sports on this island. However, we would like to express our objection to the proposal for LED lights for the sports field located at **25B 495 and 25B 496**. The basis for our objection is the ever-increasing nuisance that is being created by the users of the field. Common concerns include the fact that the field is used from as early as **6:00am** by a rowdy group that wakes up several residents of Poindexter Rd every Saturday, Sunday and Public Holiday with their shouting and arguing. This concern has already been expressed to Mr. Alfredo Whittaker with no known action taken. Our community is also overrun from time to time with spectators parking along the street and periodically blocking access to Melrose Landing and Palmetto Grande. There have also been instances of loud music being played day and night causing disruptions to the peacefulness of the community. These are general concerns regarding the operation of the field.*

With respect to the LED lights proposal, our concern is that field is being used until after 10:00pm. The area of Poindexter Rd. where the field is located contains many families with small children who have bedtimes much earlier than 10:00pm. The introduction of LED lights will escalate to nuisances of: (1) the late night noise from the sometimes unruly users of the field and (2) the lights themselves will be so bright that they impact the surrounding apartment complexes; specifically, Palmetto Grande and Melrose Landing.

Based on the fact that CIFA has not addressed our concerns and complaints regarding early morning usage of the field, we have little belief that their decision making will factor the surrounding residents of Poindexter Rd.

It is for these reasons that we ask the Planning Department to not approve the construction of LED lights at the football field as this will regrade the quality of life of Poindexter Rd. it may also be worthwhile for the Planning Department to review the operating hours for the field, as allowing late night sports activity in a residential area should not be permitted.

Letter #2

My husband and I are Joint Proprietors of the [REDACTED] Poindexter Road, located in Palmetto Grande.

We have lived at this location for 3 years.

Let me begin by saying we wish for the advancement of fitness and sports on this island. However, we would like to express our objection to the proposal for LED lights for the sports field located at 25B 495 and 25B 496. The basis for our objection is the ever-increasing nuisance that is already being created by the users of the field.

Common concerns include the fact that the field is used from as early as 6:00am by a rowdy group that wakes up several residents of Poindexter Rd every Saturday, Sunday and Public Holiday with their shouting and arguing. This concern has already been expressed by our Strata President to Mr. Alfredo Whittaker with no known action taken. Our community is also frequently overrun with spectators parking along the street and periodically blocking access to Melrose Landing and Palmetto Grande. There have also been instances of loud music being played day and night causing disruptions to the peacefulness of the community. These are general concerns regarding the operation of the field.

With respect to the LED lights proposal, our concern is that the field is often used until after 10:00pm. The area of Poindexter Rd. where the field is located contains many families with small children who have bedtimes much earlier than 10:00pm. The introduction of LED lights will escalate to nuisances of: (1) the late night noise from the sometimes unruly users of the field and (2) the lights themselves will be so bright that they impact the surrounding apartment complexes: specifically, Palmetto Grande and Melrose Landing.

Based on the fact that CIFA has not addressed our Strata's concerns and complaints regarding the loud and disruptive usage of the field, we have little trust that their decision making will consider the surrounding residents of Poindexter Rd and expect it is likely that the addition of LED lights to the field will adversely affect our right to quiet enjoyment of our properties, undisturbed by our neighbors.

It is for these reasons that we ask that the Planning Department not approve the construction of LED light at the CIFA football field on Poindexter Road as this will degrade the quality of life for residents of Poindexter Rd. it may also be worthwhile for the Planning Department to review the operating hours for the field, as allowing late night sports and other events in a residential area should not be permitted.

PLANNING DEPARTMENT ANALYSIS

General

The application is for (4) LED Light Posts for Football Field to be located on Poindexter Rd., George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Visual impact

The applicant has proposed (4) LED light posts for the existing football field which are to be a total overall height of 70'. The (2) proposed road facing posts meet setbacks from the road edge at Poindexter Rd. (75'-9" & 82'-4") respectively and have a distance of 125'-9" & 135'-6" respectively from the boundaries of the adjacent apartment complexes.

Several objections were received with concerns ranging from the early and late usage of the field mainly due to noise to the lights themselves will be so bright that they will have a significant impact on the surrounding apartment complexes, these can be seen in the objection letters attached.

The Authority should determine if the proposed LED light posts are acceptable and warrant granting planning permission.

2.4 ENDEAVOUR LTD. (National Builders Ltd.) Block 20E Parcel 253 & 254 (P20-0205) (\$2,300,000) (MW)

Application for 14 apartments.

Appearance at 1:00

FACTS

<i>Location</i>	Halifax Rd., George Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.72 ac. (31,363.2 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	15,430.04 sq. ft.
<i>Total building site coverage</i>	29.89%
<i>Allowable units</i>	10 units
<i>Proposed units</i>	14 units
<i>Allowable bedrooms</i>	17 bedrooms
<i>Proposed bedrooms</i>	24 bedrooms
<i>Required parking</i>	21 spaces
<i>Proposed parking</i>	24 spaces

BACKGROUND

May 26, 2021 (CPA/11/21; item 2.6) – the application was considered and it was resolved to adjourn the application to invite the applicant to appear to discuss concern with the proposed densities

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

- 1) Suitability
- 2) Apartment density (14 units vs 10 units)
- 3) Bedroom density (24 bedrooms vs 17 bedrooms)

AGENCY COMMENTS

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

Water Authority

The Water Authority's requirements for the proposed development are based on the understanding that parcels 20E253 and 20E254 will be combined. The requirements 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 2,850 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Building 1	2 x 1-Bed Units	150	1,425	1,425
	5 x 2-Bed Units	225		
Building 2	2 x 1-Bed Units	150	1,425	1,425
	5 x 2-Bed Units	225		
TOTAL				2,850

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

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.

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

National Roads Authority

- *The Gazette road width of Halifax road is closer to 30ft, please adjust the site plan as necessary.*
- *Garbage pick-up should be internal and not off of the main road, please adjust and or provide explanation.*
- *The width of the main entrance/exit needs to be adjusted to 24ft.*

Department of Environmental Health

1. *This development will require an 8 cubic yard container and an enclosure with the following minimum dimensions is required: 10ft W x 10ft D x 5.5ft H.*
2. *The location of the garbage enclosure is unsatisfactory. It is advised to relocate the garbage enclosure to an area that meets the department's guidelines. (May 4th 2020)*

Department of Environment (NCC)

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

As the proposed development is located in an area which is susceptible to flooding the storm water management plan for the site should be designed to appropriately dispose of surface water on the site and not risk flooding surrounding areas.

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

APPLICANT'S LETTER

National Builders Ltd. Is requesting a density variance for two townhouse buildings on Block 20E Parcels 253 and 254. We are proposing a density variance from 10 townhouse units to 14 and 17 bedrooms to 24. We are aware that the allowed units are 10 and the allowed bedrooms is 17.

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

- 1. Per section 8(13)(i) of the Planning Regulations, the characteristics of the proposed development are consistent with the character of the surrounding area. The neighboring properties (Eg. Downtown Reach and B&P 20D171) are recommended for High Density zoning, along with the parcel in the South. Hence the landscape of that area is changing to high density.*
- 2. Financially it is not viable to do anything less than 14 units as the cost of construction going up rapidly with per unit site cost (land cost) and it is not viable in the current market.*
- 3. Immediate neighbors are all apartments and in run down condition. The proposed project would provide a 'step up' on the aesthetics of the neighbourhood.*
- 4. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.*
- 5. Per section 8(13)(d) of the Planning Regulations, the adjoining property owners within 450' radius have been notified of the proposed unit and bedroom number associated with the application and they have not objected.*

If you have any further questions, please do not hesitate to contact us.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a (2) Two Story Apartment Buildings (14) Units; 15,430.04 sq. ft. with Apartment & Bedroom Density to be located on Halifax Dr., George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

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

- (a) Detached & semi-detached houses.

(b) Duplexes

(c) In locations considered as suitable by the Authority guest houses and apartments.

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

- 20E 246 :- Apartment Complex
- 20E 245 :- Apartment Complex
- 20E 248 :- Grove Side Apartments
- 20E 234 :- Duplex
- 20E 235 :- Apartments
- 20E 123 :- Duplex

2) Apartment 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 Units which is 3.2 Units over the maximum required 10.8 units respectively.

3) 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 24 bedrooms which is a difference of 6.72 bedrooms more than the maximum allowable of 17.28 bedrooms respectively.

SUPPLEMENTAL INFORMATION

The Board should be reminded that the mentioned application was seen on May 26, 2021 (CPA/11/21; Item 2.6), where it was considered and it was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the proposed apartment density.

2.5 DEAN AND SUE WOOD (Bennetts Design Concepts) Block 44B Parcel 430 (P21-0255) (\$10M) (JP)

Application for 40 units arranged over 5 buildings, clubhouse, pool, two trellis and a 6 ft concrete wall.

Appearance at 1:30pm

FACTS

<i>Location</i>	Anton Bodden Drive, Bodden Town
<i>Zoning</i>	MDR
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	2.873 ac. (125,147.88 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	46,825 sq. ft.
<i>Total building site coverage</i>	17.4%
<i>Allowable units</i>	57
<i>Proposed units</i>	40
<i>Allowable bedrooms</i>	86
<i>Proposed bedrooms</i>	70
<i>Required parking</i>	60
<i>Proposed parking</i>	78

BACKGROUND

No Planning history

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

- 1) Suitability
- 2) Site access

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment 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 8,350 US gallons per day (gpd), based on the following calculations.*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Building 1	2 (1 bed) 6 (2 bed)	150 / 225	1,650	1,650
Building 2	2 (1 bed) 6 (2 bed)	150 / 225	1,650	1,650
Building 3	2 (1 bed) 6 (2 bed)	150 / 225	1,650	1,650
Building 4	2 (1 bed) 6 (2 bed)	150 / 225	1,650	1,650
Building 5	2 (1 bed) 6 (2 bed)	150 / 225	1,650	1,650
Cabana				100
TOTAL				8,350GPD

- *Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards. Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'6" 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:

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.

National Roads Authority

No comments received.

Department of Environmental Health

1. DEH has no objections to the proposed in principle.

1.1 Solid Waste Facility:

This site will require (2) 8 cubic yard containers with once per week servicing.

1.2 Swimming Pool:

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

Fire Department

Stamped approved drawings.

Department of Environment (NCC)

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

The south-western part of the site is dry forest and shrubland while the eastern part of the site is man-modified (see Figure 1). The dry forest and shrubland should be retained in the setbacks where possible. Native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a cost-effective and sustainable choice for landscaping.

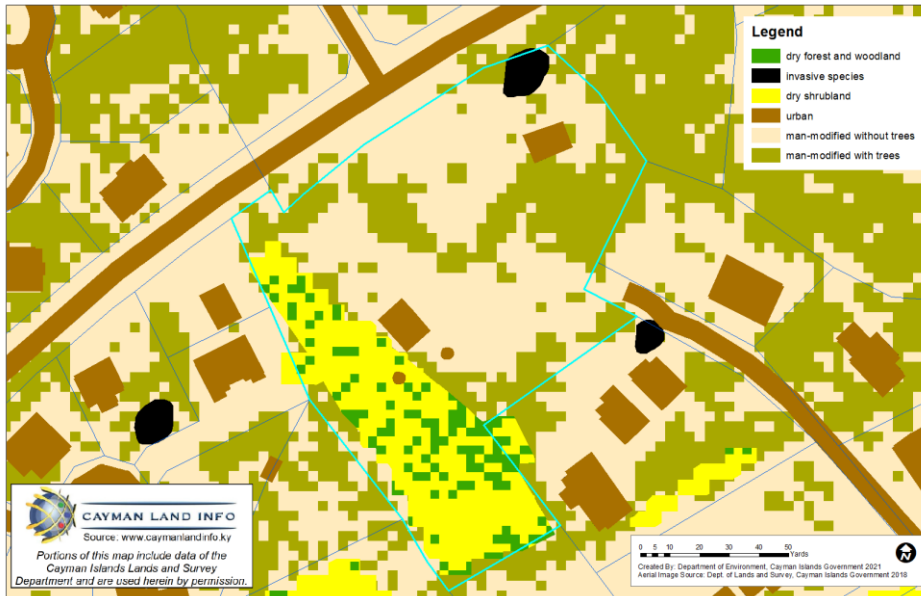


Figure 1. Dry forest and woodland and dry shrubland (yellow and green) are located on the southwestern part of the site (outlined in blue).

APPLICANT'S LETTER

We would refer to the above named application of which is currently pending planning approval. At this time we hereby request a variance for the amount of bedrooms 68 verses 70 for the allowance of this property development. Given the characteristics of the proposed development it is consistent with the existing apartments and character of the surrounding area. The proposal will not be materially detrimental to persons residing or working in the vicinity or to the adjacent properties, neighborhood or to the public welfare, and surely will enhance the area. All other requirements are with in the Planning Regulations.

OBJECTIONS

See Appendix A

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in the Bodden Town area of Grand Cayman. The land which is unusually shaped is restricted by Anton Bodden Drive to the north which serves the application site. The remaining boundaries are shared with either detached dwellings or vacant land. The surrounding area is characterised as residential consisting predominantly of extensive single and/or duplexes set within significant curtilages.

The application seeks Planning Permission for the construction of 40 units arranged over 5 buildings, clubhouse, pool, two trellis and a 6 ft concrete wall.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Suitability

Regulation 9(7) permits apartments in suitable locations. Members are invited to consider the character of the area in determining whether proposed apartments represent suitable development.

2) Site access

Anton Bodden Road shall serve the application site. Mijall Road is unsuitable for an increase in vehicle movements associated with the development due to the standard, width and alignment. To this end, revised plans have been submitted demonstrating no access from the development onto Mijall Road. However, Members may wish to clarify that the 59' 11" is also treated with a boundary treatment to prevent access.

The proposed access is suitably positioned and designed with adequate visibility splays to ensure safe ingress and egress to/from the site. However, Members may consider a secondary access point along the frontage might be suitable in order to reduce stacking on the road. It should be noted formal comments from the National Roads Authority have not been submitted.

2.6 EVERGLO BAR (Luxury End Construction & Design) Block 43D Parcel 162 (P20-0903) (\$2,500) (MW)

Application for ATF open outdoor seating area.

Appearance at 2:00pm

FACTS

<i>Location</i>	Bodden Town Rd., Bodden Town
<i>Zoning</i>	Neighbourhood Commercial
<i>Notification result</i>	Objector
<i>Parcel size proposed</i>	1.0 ac. (43,560 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Existing Bar & Restaurant
<i>Proposed building size</i>	7,595 sq. ft.
<i>Total building site coverage</i>	25.61%
<i>Required parking</i>	17 spaces
<i>Proposed parking</i>	19 spaces (existing)

Recommendation: Discuss the application, for the following reasons:

- 1) Suitability
- 2) Objectors' concerns

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment and Disposal

The proposed development cannot be accommodated by the existing wastewater treatment system(s). Currently, the development is served by septic tanks, which only provide primary treatment and are not capable of meeting the minimum effluent quality standards of 30 mg/L Biochemical Oxygen Demand (BOD₅), and 30 mg/L Suspended Solids (TSS) (commonly referred to as "30/30" limits), which are stipulated in Section 18 of the Water Authority Regulations. Manufactured Aerobic Treatment Units (ATUs) designed and certified to NSF/ANSI Standard 40 or equivalent, are capable of achieving "30/30" limits for BOD and TSS.

Water Authority policy graduates the requirement for achieving "30/30" limits by applying it to larger developments, defined as those where calculated flows exceed 1,800 gallons per day (GPD) on a given parcel. The policy also applies to existing developments when there is a change of use or expansion of the development. Therefore, approval for the proposed development requires that all wastewater generated on the parcel; i.e., both proposed and existing structures, shall be treated in an onsite aerobic wastewater treatment system(s).

The 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 2,981 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Everglo Restaurant, Bar & Grill	2,981sqft (Indoor)	1gpd/sqft	2,981gpd	2,981gpd
TOTAL				2,981gpd

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

Grease Interceptor

A grease interceptor with a minimum capacity of 1,000 US gallons is required to pre-treat flows from kitchen fixtures and equipment with grease-laden waste; e.g., pot sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the

Existing septic tank shall be decommissioned

The Existing septic tank shall be decommissioned as per the Water Authority's Best management: practices:

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

Water Supply:

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

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

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

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 November 2nd, 2020 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 regarding the above proposed addition.

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

Department of Environmental Health

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

- 1. The department has no objections to the proposed in principal.*

Department of Environment (NCC)

Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment confirms that we have no comments as the site is man-modified with limited ecological value.

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

OBJECTIONS

Hi! I received a notice for after the fact planning permission application for 43D162 for outdoor seating for the EverGlo Bar.

Loud music from this location began after they started seating outdoors during the pandemic, as it had always been an indoor venue. In fact it was originally a soft background music and alcohol with food only venue.

My concern is not with the outdoor seating itself, only the playing of loud music for the people sitting outdoors and that it will turn into an outdoor venue for loud music.

The notice says I have 21 days to respond, Please note the handwritten date on this notice is 27/04/21 but the postmark is May 28 2021.

Thank you!

PLANNING DEPARTMENT ANALYSIS

General

The application is for an ATF open outdoor seating area to be located on Bodden Town Rd., Bodden Town.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) Suitability

Section (13)(1)(b) states *“Neighborhood Commercial zones are zones in which the primary use is a less intense form of development of that permitted in a General Commercial zone and which cater principally for the needs of persons resident in, or in the vicinity of, the zone.”*

The applicant has submitted an application for an ATF open outdoor seating area which was introduced after the COVid 19 lockdown, the proposal is located in the original parking lot area which held 5 spaces. This however did not affect the required amount of parking spaces (17 spaces) as they have been relocated to the rear of the premises creating 19 spaces.

Although comments received from the National Roads Authority stated they had no concerns with the proposed, the Department would ask if the Board has any concerns regarding the existing ingress and egress of the property now that the previous entrance was blocked in order to create the new outdoor seating area. In addition, the Department will ask although the bar has been in existence for many years and is within a Neighbourhood Commercial zone if any potential the increased loud music is acceptable as the surrounding parcels are all residential.

2.0 APPLICATIONS

REGULAR AGENDA (Items 2.7 to 2.33)

2.7 CAYMAN PROPERTY INVESTMENTS LTD. (MJM Design Studio) Block 5B Parcel 151 (P20-1162) (\$11,000,000) (MW)

Application for 31,686 sq. ft. (6) unit three story apartment building with diesel generator, swimming pool, 8' retaining wall, 105 panel solar panel array with setback & height variance.

FACTS

<i>Location</i>	West Bay Rd., West Bay
<i>Zoning</i>	Neighbourhood Commercial
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.25 ac. (10,890 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Existing Residence to be demolished.
<i>Proposed building size</i>	31,686 sq. ft.
<i>Total building site coverage</i>	64.1%
<i>Allowable units</i>	CPA discretion
<i>Proposed units</i>	6 units
<i>Allowable bedrooms</i>	CPA discretion
<i>Proposed bedrooms</i>	24 bedrooms
<i>Required parking</i>	9 spaces
<i>Proposed parking</i>	12 spaces

BACKGROUND

June 15, 1982 – Proposed House (Approved 06-15-1982)

November 24, 1983 – Proposed House (Applied 11-24-1983)

June 2, 2006 – Proposed Rezoning (Voided 06-02-2006)

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

- 1) Zoning
- 2) Building height
- 3) Parking area
- 4) Roadside setback

5) Retaining wall height

AGENCY COMMENTS

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

Water Authority

Please be advised that the Water Authority's requirements for 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 2,250 US gallons per day (gpd), based on the following calculations:***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Apartment Building	6 x 4-Bed Units	375gpd/4-Bed Unit	2,250gpd	2,250gpd
TOTAL				2,250gpd

- ***Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards. Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.***
- ***To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'6" 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.***

Elevator Installation:

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

Generator and Fuel Storage Tank(s) Installation:

In the event underground fuel storage tanks (USTs) are used the Authority requires the

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

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

Existing septic tank shall be decommissioned

The Existing septic tank shall be decommissioned as per the Water Authority's Best management: practices:

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

Water Supply:

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

None received at this time.

Department of Environmental Health

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

1. *This premises will require a (8) eight cubic yard container serviced twice weekly.*
2. *The location and dimensions of the proposed solid waste enclosure does not meet the department's requirements.*
3. *Specifications and plans for the swimming pool must be submitted for review and approval.*

Department of Environment (NCC)

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

*The site is man-modified and of low ecological value. However, the beach at Boggy Sand Road, to the west of the site (across the street), is a turtle nesting beach (with Critical Habitat beyond to the north west) and the beach to the south east is Critical Habitat for turtle nesting (Critical Habitat is defined in the Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) and hybrids (2020)). The areas of turtle nesting and Critical Habitat are shown in Figure 1 below.*

Whilst the development is on the landward side of Boggy Sand Road, the application plans shows that the building has the massing and bulk of a 5-storey development with a roof ridge height of 60.5 feet above the level of West bay Road and 53.5ft above the level of Boggy Sand Road. This substantial built form has the potential for exterior lighting on the property to present an issue for turtle nesting activity on neighbouring beaches. It is difficult to establish the level of impact based on the plans provided. The Department would urge the CPA to consider requesting the applicant to provide a photomontage of the proposed development within the streetscape and from a variety of viewpoints (including the nesting beach habitat), to allow for a more informed perspective of the scale of the development within its context. Boggy Sand Road is a historic road with many traditional Caymanian houses remaining. The Central Planning Authority should consider this scale of development in this area carefully. Guidelines on best practice for such visual renderings can be found in the 'Guidelines for Visual Landscape & Visual Impact Assessment' prepared by the Landscape Institute and Institute of Environmental Management & Assessment.

In addition, due to the scale, we recommend that a Turtle Friendly Lighting Plan is prepared which minimises the effect of artificial lighting on the nesting beach. Bright lights on the beach can deter female turtles from nesting and cause baby turtles to crawl away from the sea, where they often die from dehydration, exhaustion, predators or vehicles. It is important therefore that any lighting that may directly, indirectly or cumulatively illuminate the nesting beach be turtle friendly.

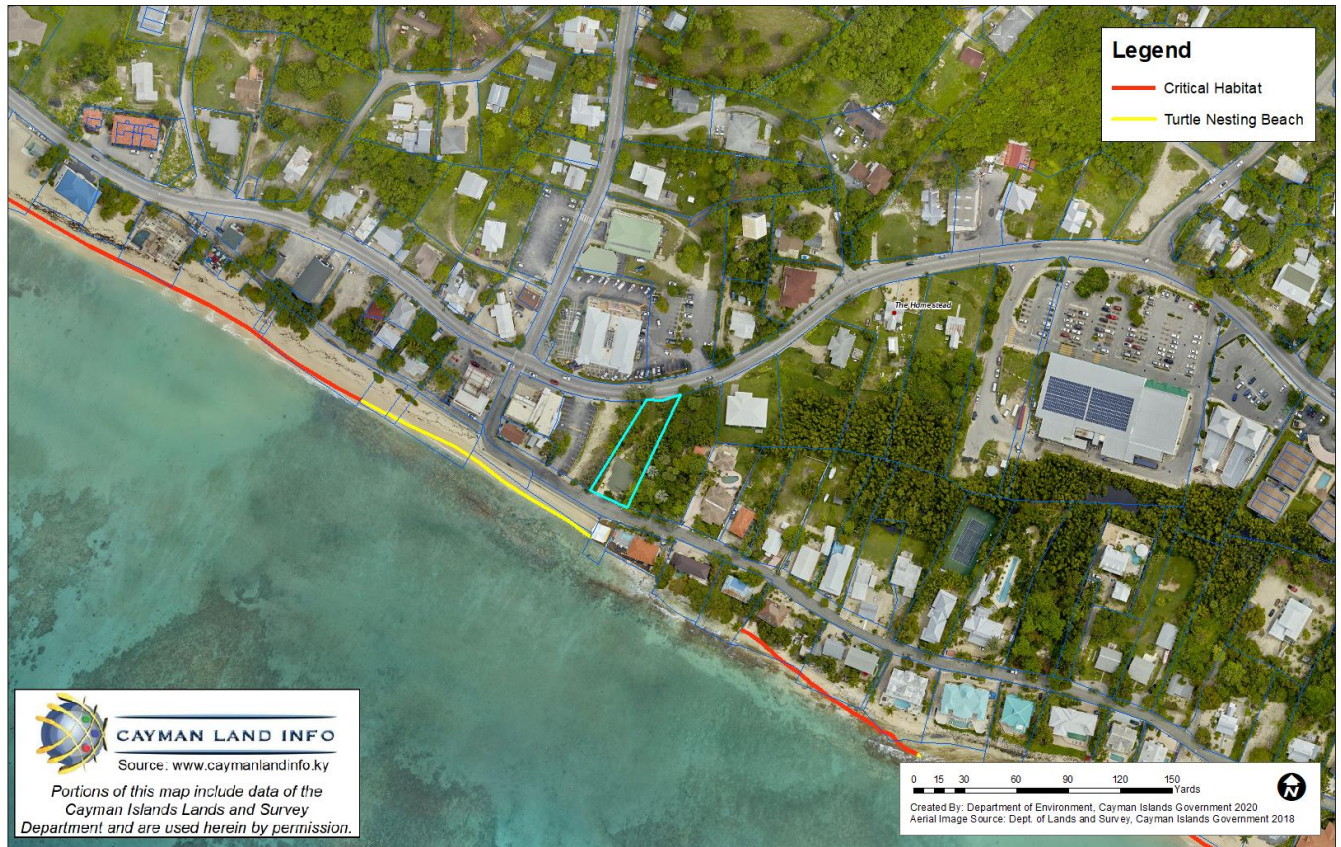


Figure 1. The site (blue) and areas of sea turtle Critical Habitat (red) and sea turtle nesting beaches (yellow).

We note that the section of West Bay Road in front of this property typically floods and increasing the amount of impermeable ground cover and the height of the site could exacerbate this flooding. The area to the east, between Boggy Sand Road and West Bay Road, was previously a mangrove wetland with standing water (Figure 2). As the area has become more developed, the drainage capacity of the wetland has decreased. We recommend that a Stormwater Management Plan is prepared for the site to ensure there are no adverse impacts to the public road and that stormwater can be adequately handled on site and will not result in any off site flooding impacts.



Figure 2. The application site (red) in 1958, showing an area of mangroves and standing water to the east, which would have been providing drainage for the surrounding area.

If the CPA is minded to grant planning permission for this application, we strongly recommend the inclusion of the below condition in any grant of planning approval:

- 1) The applicant shall prepare and submit a plan to the Department of Environment for turtle friendly lighting, which minimises the impacts of artificial lighting on sea turtles. All lighting shall be installed in accordance with the plan, to be approved by the DoE. Guidance on developing a lighting plan can be found in the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018).*

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

Fire Department

Fire access all R1 and R2 Occupancies three stories or more in height shall provide open space of at least twenty feet along 3 sides of the building. Please depict existing / proposed fire well. 14 Jan 21

Petroleum Inspectorate (OfReg)

*Approved subject to detailed review at BCU stage for fuel system to Generator on Roof.
17 Feb 21*

APPLICANT'S LETTER

With respect to our December 14, 2020 submission for a three storey on 5B 151. The project is comprised of the following elements require variances in setbacks to allow:

- 1. The balconies of the apartments facing south (boggy sand road) will extend 3'-9 ¾" beyond the 20 FT setback line. This extension will only be on the upper floors, and the basement/ grade level will be treated as a landscaped area.*
- 2. Wastewater treatment plant to extend 4'-8" beyond the road 20 FT setback line (over west bay road).*

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

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

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 31,686 sq. ft. (6) Unit Three Story Apartment Building with Diesel Generator, Swimming Pool, 8' Retaining Wall, 105 Panel Solar Panel Array with Setback & Height Variances to be located on West Bay Rd., West Bay.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) Zoning

Section (13)(1)(b) states “*Neighborhood Commercial zones are zones in which the primary use is a less intense form of development of that permitted in a General Commercial zone and which cater principally for the needs of persons resident in, or in the vicinity of, the zone.*”

Section 13(10) states “*Notwithstanding subregulations (8) and (9), residential development may be permitted on any or all floors of a building in a General Commercial zone, a Neighborhood Commercial zone or a Marine Commercial zone if-*

- (a) the development is a replacement or redevelopment of an existing residential development; or*
- (b) the development forms 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.*

In this instance, there is an existing house on the site which would be replaced by the proposed 6 apartments. The Authority needs to determine if the proposal meets the intent of sub-regulation (a) in order to allow the site to be developed with residential use only. Sub-regulation (b) does not apply.

2) Building Height

Regulation 13(7)(a) states *“The maximum height of any building in a Neighborhood Commercial zone shall be 40’ or 3 stories, whichever is the greater.”* The proposed building height from finished grade to the roof of the gym/owners lounge would be about 53’ with an overall fronting road (West Bay Rd.) building height of 62’-0”.

Additionally, the proposal includes a roof top area with cabanas, an owners lounge and a gym. The applicant has labelled these areas as occupiable /non-habitable spaces. The exemption to building height for non-habitable ancillary spaces does not apply to this application as it was submitted prior to the Regulations being amended. Also, the Authority made a determination on a similar application at CPA/13/21; 2.2 where a similar concept of a gym with restaurant was considered a storey and needed to be removed from the scheme. In this instance, the gym and owners lounge would be considered a storey and the Authority has no discretion to allow it. Finally, the proposal includes a lower level parking area which if determined to be a basement would not be considered a storey.

3) Parking area

The driveway aisle in the lower level parking area is 18’ wide which is not sufficient to allow vehicles to reverse out of perpendicular parking spaces. Parking spaces #12 will conflict with traffic entering from West Bay Rd and will encourage users to reverse onto West Bay Rd which is a dangerous movement. Also, the proposal includes parking space #18 which is a parallel space on Boggy Sand Rd. There is some concern with the functionality of the space on a narrow road which could lead to traffic safety issues.

4) Road Side Setback

Regulation 8(8)(b) of the Development & Planning Regulations (2021 Revisions) 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 Wastewater Treatment Plant would be 18’-9” from the fronting road boundary in addition the balconies for the rear face of the apartments (Southern Boundary facing Boggy Sand Road) would be 16’-2 ¼” from the rear road boundary a difference of 1’-3” & 3’-9 ¾” respectively.

5) Fence Height

The CPA fence guideline (Section 4.4.1) states *“In commercial, industrial and*

institutional zones, no part of a solid wall or fence should exceed 48” in height”. The proposed boundary retaining wall would be 8’-0” in height a difference of 4’-0” respectively.

2.8 SEAWATCH CONDOS (Architectural Designs) Block 64A Parcel 41 & 176 (P21-0171) (\$9,000,000) (MW)

Application for 80 unit apartment complex (11 buildings), office, gym, pool, manager’s quarters & 2 gazebos.

FACTS

<i>Location</i>	Off Sea View Rd., East End
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	4.59 ac. (199,940.4 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	76,316 sq. ft.
<i>Total building site coverage</i>	20.81%
<i>Allowable units</i>	68 units
<i>Proposed units</i>	81 units
<i>Allowable bedrooms</i>	110 bedrooms
<i>Proposed bedrooms</i>	128 bedrooms
<i>Required parking</i>	122 spaces
<i>Proposed parking</i>	128 spaces

BACKGROUND

March 5, 2019 – Six (6) Lot Subdivision & One (1) Road Parcel – the application was considered and it was resolved to grant planning permission (CPA/05/19; Item 2.12)

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

- 1) Suitability
- 2) Apartment density (81 units vs 68 units)
- 3) Bedroom density (128 bedrooms vs 110 bedrooms)

AGENCY COMMENTS

Comments from the Water Authority, National Roads Authority, Department of

Environmental Health and Department of Environment (NCC) are noted below.

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 15,875 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Building 1 (Type A)	2 x 1-Bed Units 6 x 2-Bed Units	150gpd/1-Bed Unit 225gpd/2-Bed Unit	1,650gpd	1,650gpd
Building 2 (Type B)	4 x 1-Bed Units 4 x 2-Bed Units	150gpd/1-Bed Unit 225gpd/2-Bed Unit	1,500gpd	1,500gpd
Building 3 (Type B)	4 x 1-Bed Units 4 x 2-Bed Units	150gpd/1-Bed Unit 225gpd/2-Bed Unit	1,500gpd	1,500gpd
Building 4 (Type B)	4 x 1-Bed Units 4 x 2-Bed Units	150gpd/1-Bed Unit 225gpd/2-Bed Unit	1,500gpd	1,500gpd
Building 5 (Type A)	2 x 1-Bed Units 6 x 2-Bed Units	150gpd/1-Bed Unit 225gpd/2-Bed Unit	1,650gpd	1,650gpd
Building 6	8 x 1-Bed Units	150gpd/1-Bed Unit	1,200gpd	1,200gpd
Building 7	1 x 2-Bed Unit Office & Gym	225gpd/2-Bed Unit 200gpd	425gpd	425gpd
Building 8 (Type A)	2 x 1-Bed Units 6 x 2-Bed Units	150gpd/1-Bed Unit 225gpd/2-Bed Unit	1,650gpd	1,650gpd
Building 9 (Type A)	2 x 1-Bed Units 6 x 2-Bed Units	150gpd/1-Bed Unit 225gpd/2-Bed Unit	1,650gpd	1,650gpd
Building 10 (Type B)	4 x 1-Bed Units 4 x 2-Bed Units	150gpd/1-Bed Unit 225gpd/2-Bed Unit	1,500gpd	1,500gpd
Building 11 (Type A)	2 x 1-Bed Units 6 x 2-Bed Units	150gpd/1-Bed Unit 225gpd/2-Bed Unit	1,650gpd	1,650gpd
TOTAL				15,875gpd

- ***Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards.***

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

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.

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 16th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by a residential development of eighty (80) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Seaview Road is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak 16% In	AM Peak 84% Out	PM Peak Hour Total Traffic	PM Peak 67% In	PM Peak 33% Out
532	41	8	33	50	33	17

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

Access and Traffic Management Issues

Seaview Road is classified as a Secondary Arterial Road with a posted speed limit of 50 MPH. There is more than satisfactory sightline at the proposed driveway with one (1) lane in each direction and about eight feet shoulder within a 40ft ROW. The NRA is of the view that the applicant should provide a deceleration lane into their development, constructed of HMA. The deceleration lane should consist of 50ft storage and about 100 ft. taper.

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

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

A six (6) foot sidewalk shall be constructed on Seaview 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 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 Seaview Road and Cedar Lane. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.

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

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

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

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

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

Department of Environmental Health

The application is not recommended for the approval for the following reasons:

The garbage enclosures for this development do not meet the requirements of DEH.

Location of enclosure

The location of all mechanically serviced containers shall be approved by the Department of Environmental Health. The applicant shall submit plans showing the proposed location of the enclosure. The enclosure shall be placed such that access to the enclosure can be kept clear at all times. The enclosure shall be centrally located, and so placed, as to allow easy access for servicing by the Department's vehicles. The enclosure shall be located so that the vehicle can access the container directly and have adequate room to lift it into the discharge position. The enclosure shall be located such that the vehicle will not impede normal vehicular flow or create potentially dangerous traffic situations while the container is being serviced.

Minimum vertical clearance

A minimum vertical clearance of 32 feet above the enclosure itself or where the bin will be serviced is required.

Access to enclosure

The service vehicles shall be able to enter and exit the site without having to reverse onto the highway. The enclosure shall be located away from overhead power lines and other protrusions that can cause electrical shock, injury, or other difficulties during servicing. A vertical clearance of at least 15 feet is required over the entire approach to and from the enclosure. A minimum straight approach of 50 feet should be provided directly in front of the facility to allow the vehicle sufficient area to back out of the facility. A turn around or separate exit that allows the truck to move forward rather than backwards is required. A minimum backup distance of 50 feet is required for any manoeuvre and must be in a straight line. The driveway shall be constructed to withstand trucks weighing up to 62,000 lbs.

Angle of approach

Generally the service shall be able to approach the container directly. Where an enclosure is located at the side of any access way the angle of approach made with the access way shall not exceed 22.5 degrees.

Turning radius

The turning radius required for access to the enclosure must be adequate a 3-axle truck. The overall length of the truck is 36 feet and the overall width is 8 feet. A minimum outside turning radius of 46 feet is required. The minimum inside radius shall be 33 feet.

Department of Environment (NCC)

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

Environmental Overview

*The application site consists primarily of dry shrubland and forest with some limited areas that have been man-modified (See Figure 1), but has regrown with valuable secondary growth as shown in Figure 2. There are two locations on the parcel where food for the Blue Iguana Recovery Programme is collected by Blue Iguana Conservation staff (formerly Blue Iguana Recovery Programme). In addition, the site is located to the north-west an area designated as critical habitat for nesting sea turtles as defined in the Interim Directive for Green turtles, (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*) and all other species that may occur in Cayman Waters.*

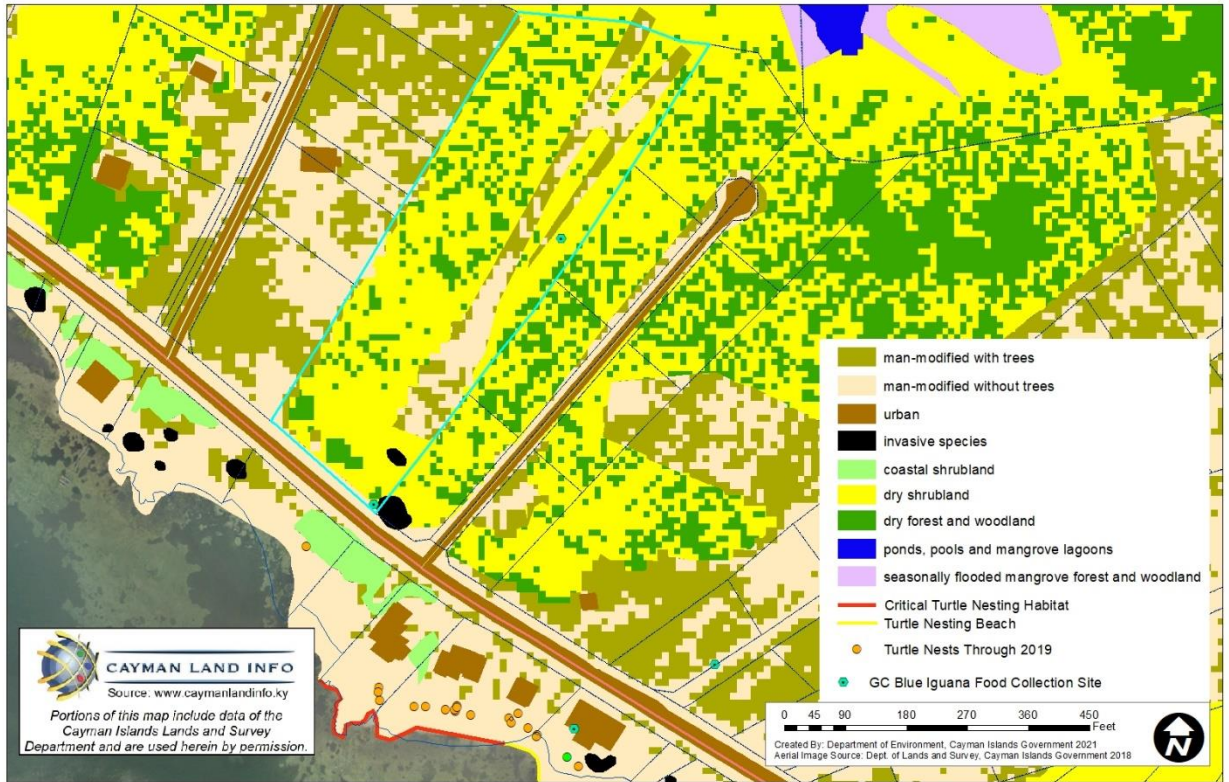


Figure 1: DOE's 2013 Habitat Map Extract showing application site (outlined in blue)

Primary and Secondary Habitat Vegetation

The primary dry shrubland and forest is becoming increasingly rarer and more fragmented as development in these habitat areas increases. These habitats are of high ecological value, providing a biodiverse habitat for native wildlife. Secondary growth of native vegetation also provides these ecological benefits as well. Therefore it is strongly recommended that any native vegetation is retained within the landscaping of the site where possible.



Figure 2: LIS 2018 Aerial Imagery showing application site (outlined in blue) (Source: Lands and Survey Department)

Blue Iguana Recovery Food Collection Sites

The application site has two locations where Blue Iguana food is collected. These collections spots are on the eastern boundary and east of the proposed development access road as shown in Figure 3. The DoE recommends that the vegetation along the road is retained to allow for the food collection sites to remain. This strip could also act a vegetated buffer between the development and the adjacent parcels.

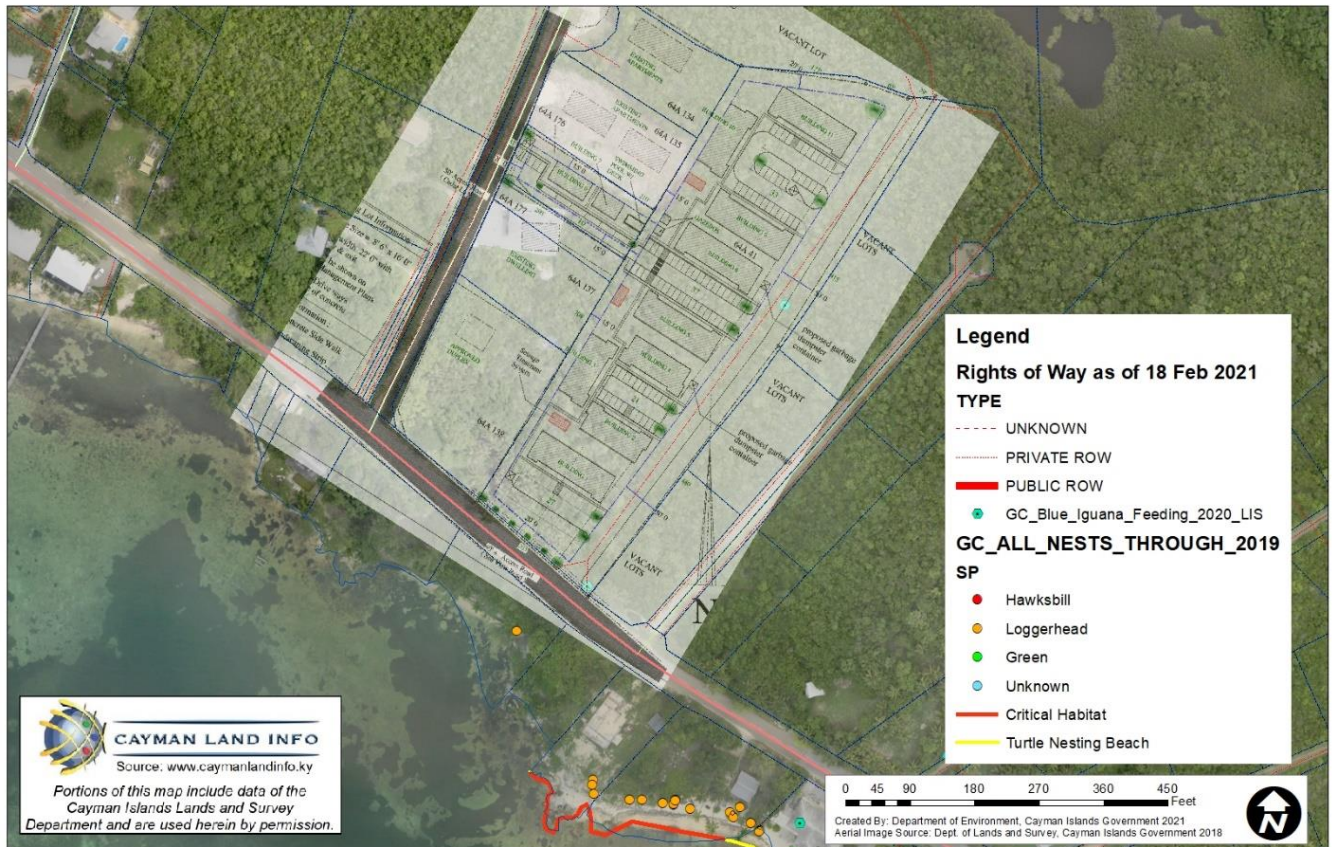
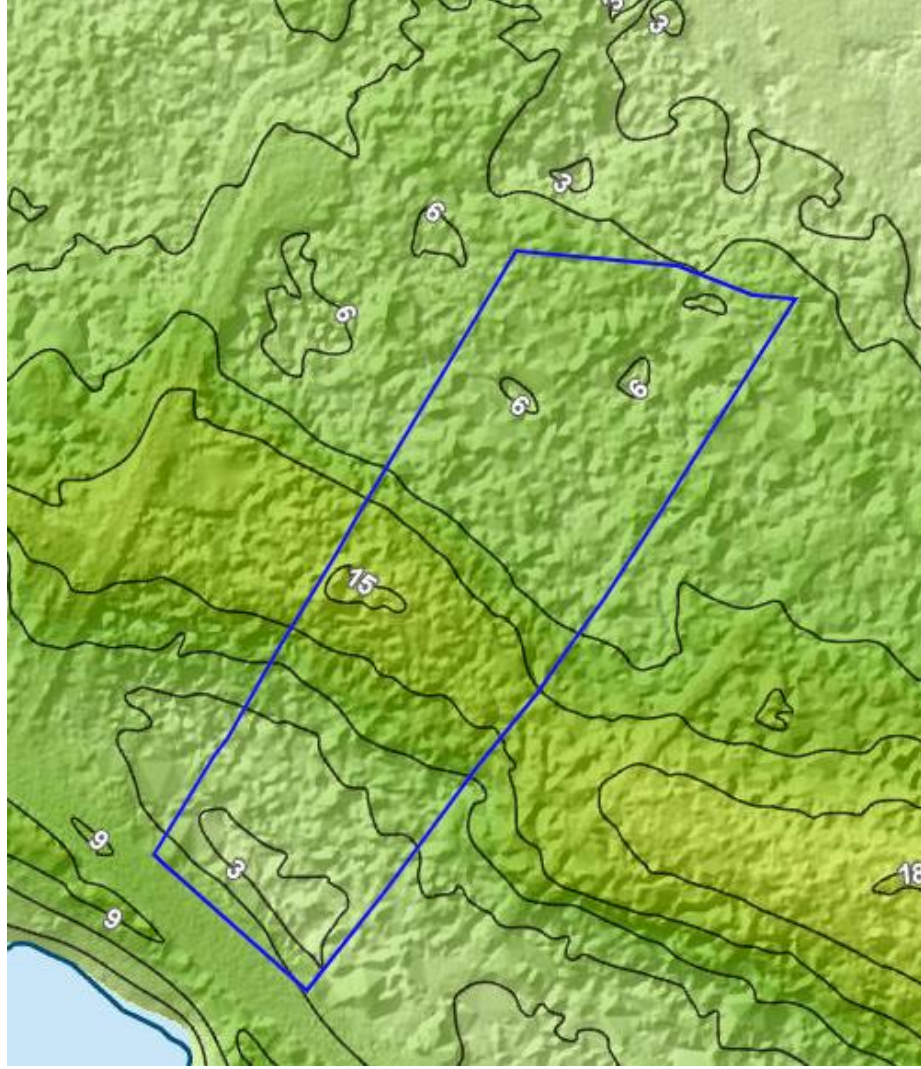


Figure 3: Plan Extract Overlaid onto LIS 2018 Aerial Imagery showing location of Iguana Food Collection sites (Blue Dots) (Plan source: Jay Welcome March 2021; Aerial Imagery, Lands and Survey Department, 2018)

Terrain/Topography of Site

The terrain model as provided by the Lands and Survey Department (see Figure 4 and 5), indicates that there is a ridge in the center of the parcel that goes up to approximately 15 feet above mean sea level. The Department does not support any excavation or mining of the ridge. This geological feature of the site should remain and to be incorporated into the design of the development. It will assist with the resilience of the development to the impacts of climate change, including storm surge.



*Figure 4: Showing LIS Terrain Model of the application site's (outlined in blue) ridge
(Source:Lands and Survey Department)*

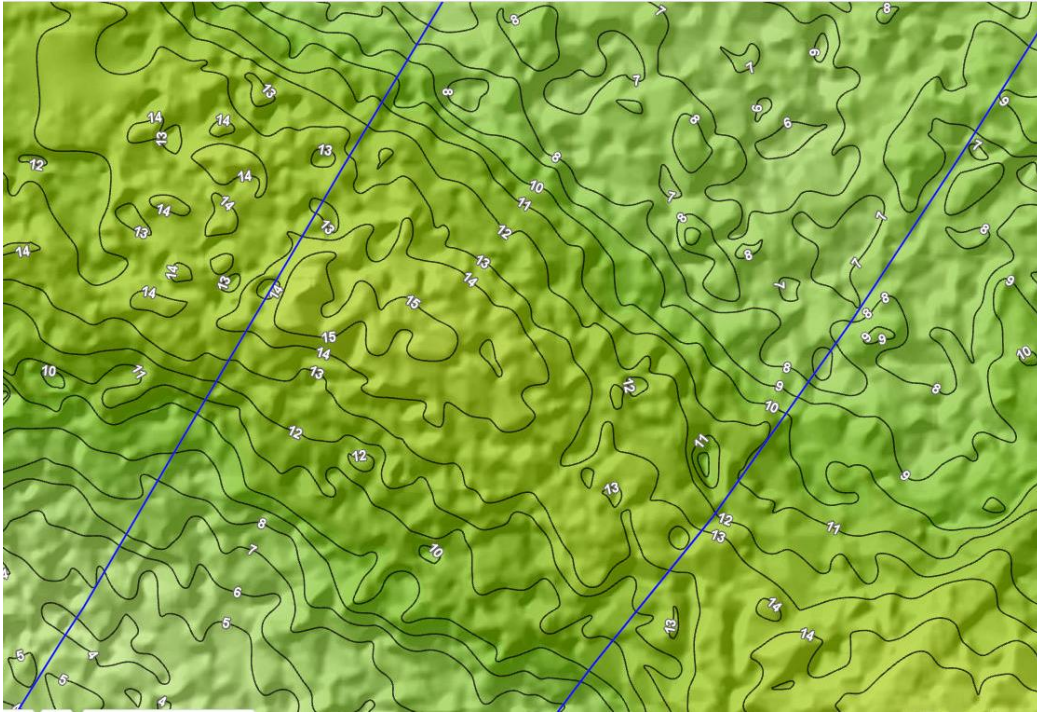


Figure 5: Showing LIS Terrain Model (zoomed in) of the application site's (outlined in blue) ridge (Source: Lands and Survey Department)

Critical Turtle Nesting Habitat

Artificial lighting on and around turtle nesting beaches is one of the greatest threats to the survival of Cayman's endangered sea turtle nesting populations. Bright lights on or near the beach can deter female turtles from nesting and cause baby turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators or vehicles. Given that apartment complex is not directly on or opposite a turtle nesting beach, but within the vicinity as shown in Figure 3, and that the existing houses and vegetation should help block artificial lighting from reaching the beach a turtle friendly lighting plan is not required. Nonetheless, the applicant should be mindful that they are located near a critical turtle nesting habitat when designing the lighting for the apartment complex and we request that the applicant does not include any floodlights or spotlights which are directed towards the turtle nesting beach.

Planning Zone – Low Density Residential

The application site is within a low density residential planning zone, and the development appears to be very dense for what is allowed within a low density residential development. Therefore, it recommended to ensure that density is in line with what the site is zoned for and if it is over, the applicant should be encourage to redesign the development. This will also allow for the retention of more native vegetation on site.

Conclusion

In conclusion if the CPA is minded to grant planning approval for this development the following planning conditions are recommended:

- Retain native vegetation where possible and incorporate it into the landscaping

scheme as native vegetation is best suited to the site conditions and is a cost effective option.

- *A vegetated buffer strip should be left between the development access road and the eastern boundary to allow for the retention of Blue Iguana Recovery Programme food collection sites on the parcel. This vegetated buffer would also provide some privacy between the development and the adjacent parcels*
- *The natural ridge on site should remain as is. There shall be no excavation or mining of the ridge.*
- *The applicant should not include any floodlights or spotlights which are directed towards the turtle nesting beach.*

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

Fire Department

Please provide scaling for Fire Access review. Please note fire Access require a minimum of 20 feet. Please depict proposed Fire Hydrant/ Fire Well.

APPLICANT'S LETTER

On behalf of our client, we wish to apply for a variance, in regards to proposed Apartments on Block: 64A Parcel: 41 & 176.

This request for variance pertains to the density . The proposed apartments complex consist of 80 units with a total of 128 bedrooms. Where the allowable is 67.7 units with 108.2 bedrooms (as the lot size is 4.51 acres). Although we are asking for this variance , we are well under our allowed site coverage of 30%, with a site coverage of 22%.

Please further note that at present, there are apartments in the area on lots of smaller size, that did not meet the 25,000 sq ft. required. Which we do.

In reference to section 8(13) of the Development and Planning Regulations. Our proposal characteristics are consistent with that of the surrounding area.

Also all the surrounding neighbours have been notified, and there was no objections to our proposal.

Which is clearly an enhancement to the area.

We hope that the CPA will favourably consider our proposal.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an 80 Unit Apartment Complex (11 Buildings), Office, Gym, Pool, Managers Quarters & 2 Gazebos with Unit & Bedroom Density Variance to be located off Sea View Rd., East End.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

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

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

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

- 64A 134 :- Sea Watch Villas (Approved November 22, 2017) (CPA/24/17; Item 2.12)
- 64A 135:- Sea Watch Villas (Approved January 18, 2017) (CPA/02/17; Item 2.9)
- 64A 138:- Duplex (Approved February 9, 2017)

2) Apartment 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 81 units which is 13 units over the maximum allowable 68 units. The applicant has provided a letter, but it does not explain that there is sufficient reason and exceptional circumstance to allow the additional units.

3) 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 128 bedrooms which is a difference of 18 bedrooms more than the maximum allowable of 110 bedrooms. The applicant has provided a letter, but it does not explain that there is sufficient reason and exceptional circumstance to allow the additional bedrooms.

2.9 RANDALL PINDER & PAUL PEARSON (Davenport Dev. Ltd.) Block 40A Parcel 129 (P21-0506) (\$61,875) (EJ)

Application for change of use from garage to house.

FACTS

<i>Location</i>	Rum Point Drive
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.63 ac. (27,442 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.

<i>Current use</i>	House & Detached Garage
<i>Proposed building size</i>	495 sq. ft.
<i>Total building site coverage</i>	14.6%
<i>Required parking</i>	2
<i>Proposed parking</i>	3

BACKGROUND

1997 - The Authority granted permission for a three-bedroom house (formerly parcel 47).

1999 - The Authority granted permission for a garage (formerly parcel 47).

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

- 1) HWM setback for deck (37' vs 75')

AGENCY COMMENTS

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

Department of Environment (NCC)

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

The Department has no objection to the proposed change of use. Any materials should be stockpiled away from the coastal boundary.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking permission to change the existing garage into a two-bedroom house.

Zoning

The property is zoned Low Density residential.

Specific Issue

1) HWM setback

The existing garage will retain the existing HWM setback of 47' which is less than the required 75' setback. There is an existing deck in front of garage and an extension of the deck in front of the house both of which were constructed after the 2018 aerals were taken. The HWM setback for the garage deck is 37'. The Authority needs to determine if the deck setback is acceptable.

2.10 DARREL EBANKS (Cayman Survey Associates Ltd) Block 24E Parcels 365 (a-e) (P21-0302) (BES)

Application for a 2 lot subdivision and combination.

FACTS

<i>Location</i>	Poindexter Rd. and Patrick Ave.
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	1.3706 ac. (59,703.3 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	4-Apartments
<i>Proposed use</i>	Same as above

BACKGROUND

In 1989, apartments were submitted for planning permission

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

- 1) Lot size “A” (15,272.14 sq ft vs 25,000 sq ft)

AGENCY COMMENTS

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

Water Authority

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

Water Supply:

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

- *The developer shall contact Water Authority’s Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the piped water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority’s supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are*

*available via the following link to the Water Authority's web page:
<http://www.waterauthority.ky/water-infrastructure>.*

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

Wastewater Treatment:

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

Department of Environment (NCC)

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

The site is man-modified and of low ecological value. Any future development should be the subject of a separate consultation with the National Conservation Council.

National Roads Authority

No comments received.

APPLICANT'S LETTERS

24E 365 was "temporarily" Subdivided in 1990 to create 5 lots for the purposes of a Phased Strata Development so as to separate private ownership from the developer. This procedure is no longer used by Lands & Survey.

Only the first phase has been built on 24E 365(a), with the remaining parcels still in the name of the developer, S.T. Development Co. Ltd. It has been decided that the future phases will now not be completed, so we require that 24E 365(a) is given a permanent parcel number in Land Registry, and the undeveloped parcels 24E 365(b) to (e) are Combined and also given a permanent number so that it can be sold and developed separately from SP137.

As discussed with Mr. Ron Sanderson we are presenting this Application as the "Subdivision" of 24E 365(a) and the Combination of 24E 365(b) to (e).

A Variance is requested for the western boundary as this is only 61.2' in length, and make specific reference to Regulation 8(13)(b), and believe that this will not be in any way detrimental to the neighbourhood, as it is an existing boundary line that predates the 1990 Survey.

We trust the forgoing is satisfactory, but should you have any queries, please do not hesitate to contact us.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking planning permission for 2 lot subdivision and a combination of 24E 365(b-e) at the above-captioned property. The site is located on Poindexter Rd. and Patrick Ave.

The resultant acreage of the lots after the subdivision would be lot "A" = 15,272.14 sq ft (4-units) and lot "B" = 1.020 acres.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Size "A"

According to regulation 9(8)(f), the minimum lot size is 25,000 sq ft, whereas the proposed lot size "A" is 15,272.14 sq ft or a shortfall of 9,727.86 sq ft. Therefore, from a planning perspective, the shortfall in square footage for lot "A" can be acquired from lot "B" to comply with regulation 9(8)(f).

The Central Planning Authority should determine whether or not there is sufficient reason to grant lot size variances for lot "A" whereby there is adequate acreage on lot "B" to deduct the difference to comply with the regulation mentioned earlier.

2.11 JEFF WATLER (GMJ Home Plans Ltd.) Block 14CF Parcel 85 (P21-0263) (\$325,000) (BES)

Application for a commercial building and 10 apartments.

FACTS

<i>Location</i>	McField Lane, George Town
<i>Zoning</i>	N.COM
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.6094 ac. (26,545.5sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	7,982sq. ft.
<i>Total building site coverage</i>	20.6%
<i>Allowable units</i>	CPA discretion
<i>Proposed units</i>	10 + 6-existing apts

<i>Allowable bedrooms</i>	CPA discretion
<i>Proposed bedrooms</i>	13 + 7-existing bedrooms
<i>Required parking</i>	27
<i>Proposed parking</i>	17

BACKGROUND

July 16, 1997, planning permission was granted for 3-apartments.

May 19, 1999, planning permission was granted for 13-apartments.

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

- 1) Regulation 13 (commercial and apartments)
- 2) Parking Requirements (17-parking spaces vs. 27-parking spaces)
- 3) Driveway aisle width

AGENCY COMMENTS

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

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 2,941gpd US gallons per day (gpd), based on the following calculations.*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
<i>Building 1</i>	<i>5 x 1-Bed Units & 1 x 3-Bed Unit</i>	<i>150gpd/1-Bed Unit & 300gpd/3-Bed Unit</i>	<i>1,050gpd</i>	<i>1,050gpd</i>
<i>Building 2</i>	<i>3 x 1-Bed Units &</i>	<i>150gpd/1-Bed Unit &</i>	<i>675gpd</i>	<i>675gpd</i>

	1 x 2-Bed Unit	225gpd/2-Bed Unit		
Building 3	4 x 1-Bed Units & 2 x 2-Bed Units	150gpd/1-Bed Unit & 225gpd/2-Bed Unit	1,050gpd	1,050gpd
Building 4	4 x Retail Units Net (1,110sqft)	0.15gpd/sqft	166gpd	166gpd
TOTAL				2,941gpd

Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards.

- *Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- ***To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'6" 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.*

Existing Septic Tank

The developer is proposing to utilize the existing 2,500-gallon septic tank serving building 1. The developer has provided the Water Authority with a satisfactory service report for the septic tank serving building 1. The developer is advised that the Water Authority policy graduates the requirement for achieving "30/30" limits by applying it to larger developments, defined as those where calculated flows exceed 1,800 gallons per day (GPD) on a given parcel. The policy also applies to existing developments when there is a change of use or expansion of the development. Therefore, approval for the proposed development requires that all wastewater generated on the parcel; i.e., both proposed and existing structures, shall be treated in an onsite aerobic wastewater treatment system(s). The existing septic tank shall either be incorporated into an upgraded Aerobic Treatment System or alternatively decommissioned as per the Water Authority's Best Management Practices (BMP's) below and the wastewater flows re-plumbed towards the Aerobic Treatment System.

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

Lint Interceptor Required at commercial, institutional & coin-op laundries.

***An approved lint interceptor is required for commercial, institutional and coin-operated laundries.** The developer is required to submit specifications for all laundry (washer) equipment to the Water Authority for determination of the required capacity of interceptor. Specifications can be sent via email to development.control@waterauthority.ky*

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.

National Roads Authority

No comments received.

Department of Environmental Health

1. *The department has no objections to the proposed in principle.*

1.1. *Solid Waste:*

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

1.2. *The applicant is advised that the drain that is required for the garbage enclosure cannot be plumbed to a storm drain. The drains must be plumbed to a garbage effluent disposal well. Contact the Water Authority (development.control@waterauthority.ky) for well specifications.*

Table 1: Specification for Onsite Solid Waste Enclosures

Container size (yd ³)	Width (ft)	Depth (ft)	Height (ft)	Slab Thickness (ft)	Requirements
8	10	10	5.5	0.5	Water (hose bib), Garbage Effluent Disposal Well

Fire Department

The CFO approved the site layout

Department of Environment (NCC)

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

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

PLANNING DEPARTMENT ANALYSIS

General

The application seeks planning permission for commercial building (1,278 sq ft) and 10-apartments with 13 bedrooms (3,752 sq. ft.) at the above captioned property. The site is located McField Lane, George Town.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) Regulation 13

Regulation 13(b), Neighbourhood Commercial zones are zones in which the primary use is a less intense form of development of that permitted in a General Commercial zone and which cater principally for the needs of persons resident in, or in the vicinity of, the zone.

Regulation 13(9), In a Neighbourhood Commercial zone ... residential development is permissible if the development is not on the ground floor of the building. In building# 2, the applicant is proposing two-apartments and a laundry room on the ground floor. Building# 3 would have 6-apartments with four units on the ground floor and two units on the second floor. As indicated on Cayman Land Info, there is residential development on the site.

Regulation 13(10), Notwithstanding subregulations (8) and (9), residential development may be permitted on any or all floors of a building in a General Commercial zone, a Neighbourhood Commercial zone or a Marine Commercial zone if —

(a) the development is a replacement or redevelopment of an existing residential development; or

(b) the development forms 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.

The Authority needs to determine if the proposed development satisfies sub-regulation (b) as a mix of residential and commercial in close interaction.

2) Parking Requirements

The parking requirements are based on the existing and proposed land uses are as follows:

- Existing 6-apartments: 1-parking space per unit – 6 spaces
- Proposed 10-apartments: 1.5 parking spaces per unit – 15 spaces
- Commercial (1,917 sq ft): 1- parking per 300 sq ft – 6 spaces
- Total required parking spaces: 27-spaces
- Proposed parking spaces: 17 spaces
- Parking spaces deficit: ***10 spaces***

3) Driveway aisle

The site plan includes several angled parking spaces (60°) with a 15' wide drive aisle and it can be quite difficult for vehicles to reverse out of these spaces given the narrowness of the aisle.

2.12 ROGER SMALL (TAG Ltd) Block 19E Parcels 241 and 50 (P20-1086) (\$478,125) (JP)

Application for a warehouse and two signs.

FACTS

<i>Location</i>	Barnes Drive, George Town
<i>Zoning</i>	HI
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.30 ac. (13,068 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3825 sq. ft.
<i>Total building site coverage</i>	29.51%
<i>Required parking</i>	4
<i>Proposed parking</i>	7

BACKGROUND

No Planning history.

Recommendation: Discuss the application, for the following reasons:

- 1) Driveway width (13' v 22')

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment & Disposal

- *The developer shall provide a **septic tank(s)** with a capacity of at least **(1,000) US gallons** for the proposed, based on the following calculations:*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Warehouse	3,825sqft	0.1gpd/sqft	382.5gpd	382.5gpd
	1 x W/C	100gpd/W/C	100gpd	100gpd
TOTAL				482.5gpd

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

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

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

Potential High-Water Use

The plans submitted do not indicate the types of tenant 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, grit or lint, and depending on the volume, an upgrade to an Aerobic Treatment Unit.

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.

- *Please be advised that connection of the proposed development to the Water Authority's piped water supply system may require an extension. It is the policy of the Water Authority – Cayman to extend water distribution lines in public roads for the first 100 feet from the main road at no cost to the owner. Extensions exceeding 100ft from the main road on public roads and extensions in non-public areas are done at the*

owner's expense. The timing of any pipeline extension is at the sole discretion of the Water Authority.

- *The **developer is required to notify the Water Authority's Engineering Department** at 949-2387, without delay, to be advised of the timing of the extension and the site-specific requirements for connection.*

National Roads Authority

As per your memo dated April 20 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Parcel (Block 19E Parcel 241)

*The access road to the above site is of a substandard width at thirteen (13)ft. A thirteen (13) ft. wide access is **not** sufficient to support a commercial development to the subject site. The NRA recommends to the CPA that the applicant widens the access road to a minimum of twenty-two (22) ft., the applicant will need to speak with the landowner of Block 19E Parcel 52.*

Road Capacity Issues

The impact of the proposed development onto Barnes 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.

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 Barnes 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%20Details.pdf>)

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

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

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

Department of Environmental Health

1. DEH has no objections to the proposed in principle.
2. This development will require (1) 4 cubic yard container with twice per week servicing.

Department of Environment (NCC)

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

Fire Department

As per 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 depict proposed /existing fire hydrant.

APPLICANT'S LETTER

In relation to the above planning application, we are seeking a variance to allow for the proposed development to reduce the requirement of the width of the road from 22' to 17'. The reason for this request is that the development is a personal development with storage facilities.

It will not have heavy traffic due to it being for personal use. The reason for the 17' road was that it was gifted in the 70s to me from my father and at that time there were no restrictions on the width of the road to enter the property.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located off Barnes Drive within an established industrial area. Vacant lots bound the site to the east and north with existing development to the south and west.

The application seeks Planning Permission for a warehouse building.

Zoning

The property is zoned Heavy Industrial.

Specific Issues

1) Driveway width (13' v 22')

The letter incorrectly identifies the proposed width as 17'. The submitted plans demonstrates the driveway with a width of 13'.

In an attempt to overcome driveway width requirements the application is supported by a letter which identifies the building for 'personal development with storage facilities'. Firstly, Members may recall the significant volume of applications recently determined which provide storage facilities serviced by acceptable driveway widths. The Department considers such facilities should be explored prior to developing a site with substandard access.

Furthermore, Members are invited to note there is no mechanism to restrict ownership for the lifetime of the project.

Finally, whether personal or not there is an expectation of vehicular movements for transportation of goods and that by staff and/or visitors to the site.

The width of the driveway is substandard and unable to support to the type and frequency of vehicles anticipated to the site.

Also, two signs are proposed which could be deemed unnecessary if the proposal is merely personal development.

**2.13 VISTA DEVELOPMENT CO. LTD. (Vista Development) Block 1D Parcel 278
(New 731) (P20-0117) (\$1,200,000) (MW)**

Application for four (4) houses.

FACTS

<i>Location</i>	Calamel Dr., West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.715 ac. (31,145.4 sq. ft.)
<i>Parcel size required</i>	40,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	735 sq. ft.
<i>Total building site coverage</i>	22.95%
<i>Required parking</i>	4
<i>Proposed parking</i>	8

BACKGROUND

January 6, 2020 – 2 Lot Subdivision – the application was considered and it was resolved to grant planning permission.

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

- 1) Lot size (31,145.4 sq. ft. vs 40,000 sq. ft.)
- 2) Lack of driveway turning radii

APPLICANT'S LETTER

We respectfully ask for a variance to the site density for the project referred to above for which we recently uploaded the planning application documents to the OPS website.

For your information we have a sales contract with Royal Bank of Canada to purchase the subdivided parcel referred to above (Lot 2). The sale will be finalized as soon as the new survey is registered, and new parcel numbers are allotted by Lands and Survey. Please note that this subdivision was approved by the DOP on the 6th January. (Copy of Approval Letter uploaded to the OPS for the application)

We are applying to construct 4 single family residences on the parcel, and we request a “parcel area” variance from 40,000 square feet (10,000 sq. ft per house) to 30,930 Sq. Ft (7,732.5 sq. ft per house).

In support of this variance, kindly note the following:

1. *We wish to provide budget housing for young families whereby each house has its own garden area which could be fenced in by the new owners to provide safe play area for children. (A sector of the current property market which is not being addressed).*
2. *This parcel of land has access on two sides – Poinciana Lane and Calamel Drive, thereby allowing two houses to face Poinciana and two facing Calamel. Thereby not overloading vehicular traffic on each road.*
3. *The proposed design of the houses combined with parcel dimensions enables the required – front, rear and side setbacks to be achieved without our request for further variance.*
4. *The site coverage has a lower density (25%) than the allowable in this zone 30%.*
5. *With the 2 houses facing Poinciana Lane, it provides road frontage of 81.7 feet for each house and on the 2 houses facing Calamel Drive, it provides a road frontage of 98.65 feet for each house.*
6. *Houses in this area/zone have been built on parcels of less than 10,000 sq. feet.*
7. *There currently exists multiple detached houses on individual parcels in this area/zone with land area being far less than the required 10,000 sq. ft./per house.*
8. *Our aim is to provide budget family housing with gardens / safe play areas which does not impact on their neighbors.*

We sincerely hope this request for area variation is granted and if there is any further documentation or information, we can provide to assist the department in the granting of this application, please do not hesitate to let us know.

PLANNING DEPARTMENT ANALYSIS

General

The application is for (4) two story, three bedroom houses to be located on Caskwell Dr., Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot size

Regulation 9(8)(d) states “*the minimum lot size for each detached and semi-detached house is 10,000 sq. ft.*”. The applicant has proposed 4 homes on the respective lot which would require a minimum lot size of 40,000 sq. ft. However, the proposed lot would only be 31,145.4 sq. ft. (0.7150 ac.) a difference of 8,854.6 sq. ft. less than required.

2) Turning radii

The site plan has been designed with the driveway connecting directly to the property boundaries with no turning radii to assist with vehicles entering and existing the site. It would appear that this matter can be easily rectified with minor changes to the site plan.

2.14 DWAYNIAN MARSHALL (Craftman’s Touch) Block 28C Parcels 494 (P21-0511) (\$6,000) (MW)

Application for 6’ high boundary wall & gate with 6’-6” columns.

FACTS

<i>Location</i>	Whistling Way., Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.3146 ac. (13,703.976 sq. ft.)
<i>Current use</i>	Approved Duplex under Construction

BACKGROUND

July 31, 2018 – 6,456 sq. ft. Duplex – Approved

March 12, 2019 – Revise Floor Layout – Approved

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

- 1) Fence height (6’-0”/6’-6” vs 4’-0”)
- 2) Lack of gate stacking setback

PLANNING DEPARTMENT ANALYSIS

General

The application is for a proposed 6’ High Boundary Wall & Gate with 6’-6” Columns and to be located on Whistling Way, Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Fence Height

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

2) Gate setback

The applicant is not providing any setback for the driveway gate and the Authority typically would require a setback between 16’ and 20’ to allow for vehicle stacking.

2.15 DHHT LTD. (Eric Cronier) Block 75A Parcels 267, 269-284, and 173 Rem 1 (P21-0228) (\$700,000) (BES)

Application for a subdivision with 37 residential lots, 3 roads parcels and 1-LPP lot.

FACTS

<i>Location</i>	Austin Conolly Drive, East End
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel Size Proposed</i>	11.26 ac. (490,485.6 sq. ft.)
<i>Parcel Size Required</i>	10,000 sq. ft.
<i>Proposed Use</i>	Same as above
<i>Number of Lots</i>	41-lots

BACKGROUND

October 22, 2008 (**CPA/34/08; Item 2.11**) - CPA granted planning permission for twenty four (24) raw land strata lot subdivision.

November 14, 2007 (**CPA/33/07; Item 2.36**) - CPA granted planning permission for a twenty (20) lot subdivision with conditions.

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

- 1) Lands for Public Purposes (23,450 sq ft vs. 24,393.6 sq ft or a deficit of 943.6 sq ft)
- 2) Lot width (77’, 76’ and 79 vs 80’)

AGENCY COMMENTS

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

Water Authority

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

Water Supply:

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

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

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

Wastewater Treatment:

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

National Roads Authority

As per your memo dated March 30th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Stormwater Management Issues

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

The applicant shall demonstrate that the Stormwater Management system can be designed to include storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties that are lower, and nearby

public roadways are not subject to stormwater runoff from this site.

The applicant is encouraged to consider stormwater management techniques other than deep wells, and to contact the NRA for advice on these alternative control measures.

*The drainage scheme **will have** to be tested at the same time as the HMA inspection to ensure it is functional and operates as designed.*

Infrastructure Issues

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

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

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

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

Department of Environment (NCC)

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

The application site consists of diverse primary habitats; seasonally flooded mangrove shrubland, dry shrubland, sparsely vegetated rock along with some areas that have been man-modified and have secondary growth, as shown in Figure 1.

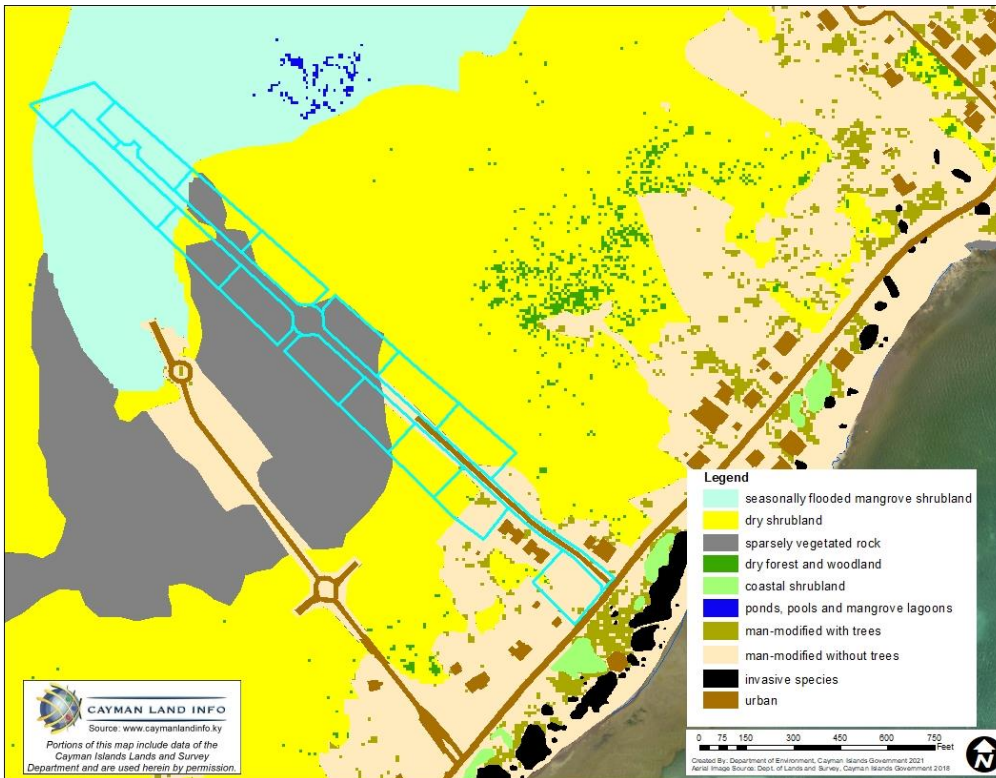


Figure 1: LIS 2018 Aerial Imagery Showing Application Site Outlined in Blue

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. We do not object to the principle of the combination and re-subdivision of the parcels. However, it is strongly recommended that the resulting lots should not be cleared until development for each lot is imminent. This will assist in ensuring that these important habitats can continue to provide ecosystem services until there is an approved development and construction commences. It is also recommended that any future development including, but not limited to, land clearing should be the subject of a separate consultation with the National Conservation Council and that any future development on the resulting lots should only clear the building footprint and retain as much native vegetation as possible, especially the primary habitat, and incorporate it into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a very cost-effective choice.

Fire Service

AT this time the fire department has no comments and no objection to the proposed and will save comments for future development. As per Standard Fire prevention code 1994 6031.3.1 and 603.1.3.2. Where public water supply is inadequate or not available and approved water source shall be provided.

Fire hydrant in no case shall distance exceed 1000ft.

APPLICANT'S LETTER

On behalf of our client, who is the proprietor for the captioned parcel, we hereby apply for a variance to allow the proposed sub-division to be approved as submitted, with the proposed lot sizes of Lots 3, 4 & 5 being less than 80 ft. at the road frontage.

Although the road widths are less than 80', the average lot width exceeds the minimum 80 ft. as the rear of the lots are larger than 80 ft.

We therefore kindly request your approval as it relates to Section 8 (13) of the Development and Planning Regulations (2018 Revision), the application can be considered for approval, since subsection (b) (iii) states that "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."

PLANNING DEPARTMENT ANALYSIS

General

The application is 37-residential lots, 3-roads parcels, and 1-LPP lot subdivision/combination at the above captioned properties. The site located on Austin Conolly Drive, East End.

The lot sizes ranges from 10,000-sq.ft to 13,800-sq.ft.

Zoning

The property is zoned Low Density Residential.

Specific Issue

1) Lands for Public Purposes

Per regulation 28, the Authority may require the applicant to set aside land not exceeding five percent of the gross area of the land being developed, for public purposes, including active and passive recreation and public rights of way. In this instance, 5% of the gross area of 11.26 acres would be 0.56 acre (24,393.6 sq ft), whereas the proposed lot size for the LPP lot is 23,450 sq ft or 0.53 acre.

2) Lot Width

As indicated on the plan, lots 3, 4, and 5 have widths of 77', 76' and 79' respectively, whereas the minimum required lot width is 80' according to regulation 9(8)(g) of the Development and Planning Regulations (2021 Revision).

2.16 DAVID KELLY (Abernethy & Associates Ltd.) Block 3D Parcel 31 (P21-0090) (\$76,500) (BES)

Application for an 8 lot subdivision.

FACTS

<i>Location</i>	Spanish LN, West Bay
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel Size Proposed</i>	2.0 ac. (87,120 sq. ft.)
<i>Parcel Size Required</i>	10,000 sq. ft.
<i>Proposed Use</i>	Same as above
<i>Number of Lots</i>	8-lots

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

- 1) Lack of LPP

AGENCY COMMENTS

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

Water Authority

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

Water Supply:

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

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

Wastewater Treatment:

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

National Roads Authority

Catch basin detail is needed and SWM calculations are needed.

Department of Environment (NCC)

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

We have no objection to the principle of the subdivision. However, we recommend that the application site is not cleared until development is imminent to allow the existing vegetation to provide ecosystem functions.

APPLICANT'S LETTER

Enclosed please find the relevant documents relating to a 7-lot residential and 1 road lot subdivision. We have applied to the Registrar of Lands to re-parcel the common boundary with 3D 181 to re-align the road to a 30' wide corridor, which is also owned by our client. We are asking for a variance to waive the requirement of an LPP parcel under the Planning Regulation 8(13) (b) (iii) to accommodate this. The required 5% would total 4,356 Sq. Ft. which would be a sub-standard sized lot and would reduce the development potential to 6 lots, which are, for some of the lots, earmarked for family members.

PLANNING DEPARTMENT ANALYSIS

General

The application is 7-residential lots, and 1-road parcel subdivision/combination at the above captioned properties. The site located on Spanish LN, West Bay.

The lot sizes ranges from 10,150-sq.ft to 12,510-sq.ft.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) LPP

The applicant is not providing any LPP within the subdivision and have provided their reasons for same in the letter above. The Authority needs to determine if LPP is required in this instance.

2.17 ROY MCLAREN & FELICIA GALBRAITH (OA & D Architects) Block 5C Parcel 177 (P21-0427) (\$175,000) (JP)

Addition to duplex and addition to storage building to create a detached unit.

FACTS

<i>Location</i>	Genevieve Bodden Drive, West Bay
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.33 ac. (14,374.80 sq. ft.)
<i>Parcel size required</i>	22,500 sq. ft.
<i>Current use</i>	Residential
<i>Proposed building size</i>	3,900 sq. ft.
<i>Total building site coverage</i>	18.21%
<i>Allowable units</i>	4
<i>Proposed units</i>	3
<i>Allowable bedrooms</i>	7
<i>Proposed bedrooms</i>	6
<i>Required parking</i>	3
<i>Proposed parking</i>	5

BACKGROUND

August 4, 2006 (**Administrative Approval**) – Application for a duplex approved.

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

- 1) Lot size variance (14,374.80 sf vs 22,500 sf)

APPLICANT'S LETTER

We write to request a lot size variance under Section 8 (13) of the Development and Planning Regulations.

In particular we quote 8 (13) (b) (iii) where 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. Technically the conversion of the existing storeroom into a one bedroom residential unit along with the existing duplex would turn this development into apartments which necessitates a larger site. However the development meets all of the other requirements for apartments in a Low Density Residential area including density, (5 apartments/7 beds allowed) site coverage (19%) and setbacks.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located within an established subdivision of West Bay. Existing neighbouring properties is located to the north, west, south and partial east. The remaining land to the east is vacant.

The application seeks Planning Permission for an addition to the existing duplex and addition to storage shed and conversion to a detached unit.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot size

Regulations 9(8)(d) and (e) require a minimum lot size of 10,000 sf for a detached house and 12,500 sf for a duplex.

The proposal seeks Planning Permission for a detached unit. Currently a duplex exists on the lot. Therefore, a total parcel of 22,500 sf is required. The application site measures 14,374.80 sf.

Members are invited to consider the content on the variance letter to determine whether adequate justification has been provided to grant Planning Permission.

2.18 BRIAN BODDEN (EKT Architecture) Block 24E Parcel 619 (P21-0590) (\$325,000) (EJ)

Application for a duplex and pool.

FACTS

<i>Location</i>	Corner of Marina Dr. & Bonnie View Ave. & Prospect Dr.
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.4522 ac. (19,697 sq. ft.)
<i>Parcel size required</i>	22,500 sq. ft.
<i>Current use</i>	Single Family House
<i>Proposed building size</i>	1,837.97 sq. ft.
<i>Total building site coverage</i>	17.56%
<i>Required parking</i>	2
<i>Proposed parking</i>	4

BACKGROUND

July 02, 2008 - The Authority granted permission for a swimming pool.

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

- 1) Lot size (19,698 sq ft vs 22,500 sq ft)
- 2) Front (road) setback (16' 7" for duplex/12' for pool deck vs 20')

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking permission for the duplex with lot size variance. The access for the existing house is from Prospect Dr and the access for the proposed duplex will be from marina Drive.

Zoning

The property is zoned Low Density residential.

Specific Issues

1) Lot Size

The required lot size is 22,500 sq ft (10,000 sq ft for the existing house and 12,500 sq ft for the proposed duplex). The subject lot size is 19,698 sq ft, for a deficiency of 2,802 sq ft.

2) Front (road) setback

The subject parcel fronts on 3 roads therefore there are 3 "front" setbacks. In this instance, the integral staircase for the duplex has a setback of 16' 7" from Bonnie View Ave instead of the required 20'. Likewise, the pool deck has a setback of 12' from the same road instead of the required 20'.

2.19 MIRCRIS LTD. (BDCL Architects) Block 12C Parcel 519 (P21-0168) (\$10M) (MW)

Application to modify Planning Permission to increase the number of bedrooms by 18.

FACTS

<i>Location</i>	Clipper Bay Dr., West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	1.530 ac. (66,646.8 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Approved Apartments under Construction
<i>Proposed building size</i>	48,132 sq. ft.
<i>Total building site coverage</i>	26.8%
<i>Allowable units</i>	22 units
<i>Proposed units</i>	22 units (Approved)
<i>Allowable bedrooms</i>	36 bedrooms (Approved)
<i>Proposed bedrooms</i>	54 bedrooms
<i>Required parking</i>	33 spaces
<i>Proposed parking</i>	40 spaces (Approved)

BACKGROUND

November 8, 2017 – 22 Apartments, Pool & 4' Fence with Gate – the application was considered and it was resolved to grant planning permission. (CPA/23/17; Item 2.2)

September 5, 2018 – Modify Planning Permission; Alter site plan, Add Second Floor to Gym – the application was considered and it was resolved to modify planning permission. (CPA/20/18; Item 2.23)

October 14, 2020 – Underground LPG Storage Tank; 1,000 Gallons – the application was considered and it was resolved to grant planning permission.

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

- 1) Number of bedrooms (54 bedrooms vs. 36 bedrooms)

APPLICANT'S LETTER

With this letter, we are requesting a variance with respect to the number of bedrooms originally applied for and approved in the initial planning application.

We would like to increase the number bedrooms by 18, by modifying the Dens in the original plan design.

- *Original number of bedrooms in the approved plans – 36*
- *Additional bedrooms requested - 18*
- Totaling number of beds 54*

We trust the aforementioned meets with your approval. We now look forward to your favourable consideration of our request for this variance with respect to the additional bedrooms, if you require additional information, please do not hesitate to contact this office.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an Increased Bedroom Density (18 Additional Rooms) with Bedroom Density Variance to be located on Clipper Bay Dr., West Bay.

Zoning

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

Specific Issues

1) 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 was previously approved with a total of 36 bedrooms which is the maximum allowable per the Regulations for that site. However the applicant has proposed an increase of bedrooms to 54 which would be an additional 18 more than the maximum allowable.

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

2.20 ERNEST EBANKS (Kozaily Designs) Block 68A Parcel 93 (P20-1018) (\$90,000) (MW)

Application for one bedroom house.

FACTS

<i>Location</i>	Carolina St., East End
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.30 ac. (13,068 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	506 sq. ft.
<i>Total building site coverage</i>	11.84%

BACKGROUND

December 15, 2000 – Three Bedroom House- the application was considered and it was resolved to grant planning permission.

February 01, 2021 – One Bedroom House with Loft & 4' Fence – the application was considered and it was resolved to adjourn the application.

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

- 1) Lot Size (13,068 sq. ft. vs 20,000 sq. ft.)

AGENCY COMMENTS

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

Department of Environment (NCC)

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

The application site for the proposed house is comprised mainly of man-modified habitat. However, we reiterate our recommendation that native vegetation should be retained where possible and incorporated into the landscaping scheme; native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a cost-effective and sustainable choice for landscaping.

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for a One Bedroom House; 506 sq. ft. with Lot Size Variance to be located on the corner of Carolina St. & Oracle Dr., East End.

Zoning

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

Specific Issue

1) Lot Size

Regulation 9(8)(d) states “*the minimum lot size for each detached and semi-detached house is 10,000 sq. ft.*”. The lot currently has an approval for a house therefore the requirement for both residences would be 20,000 sq. ft. The proposed lot is currently 13,068 sq. ft. a difference of 6,932 sq. ft.

The adjoining parcels were notified and no objections were received.

The Authority should assess if there is sufficient reason and an exceptional

circumstance that exists in accordance with Section 8(13) to warrant granting a lot size variance.

2.21 EASTERBROOK (DDL Studio) Block 27C Parcel 711 (P21-0441) (\$258,770) (NP)

Application for proposed house.

FACTS

<i>Location</i>	Cocoplum Lane, Bodden Town
<i>Zoning</i>	LDR
<i>Parcel size</i>	36,590.4 sq. ft.
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3,994 sq. ft.
<i>Total building site coverage</i>	11.3%
<i>Notification Results</i>	No objectors

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

- 1) HWM setbacks

AGENCY COMMENTS

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

Department of Environment (NCC)

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

The Department of Environment is concerned regarding the proposed reduced coastal setbacks for this development. We note that there are no design features, such as a wash through ground floor or building on elevated pilings to help mitigate against the effects of sea inundation. The Department of Environment would therefore recommend that plans are revised to increase coastal setbacks for all proposed structures on the site from North Sound to meet a minimum of 50ft (as the coastline is mostly seawalled), including the pool and deck. It is imperative that coastal setbacks are maximized where possible, particularly given climate change predictions for the region and the increasing prevalence of storm impacts associated with inappropriately sited development close to the Mean High Water Mark.

The coastal boundary has healthy stands of mangroves. Mangroves provide a nursery habitat for fish and other marine life and are vital in helping to maintain good water quality. Both mangroves and other coastal vegetation provide a natural buffer which helps to intercept surface water that may run-off the land into the marine environment impacting

water quality. In addition, coastal vegetation, especially mangroves help to prevent soil erosion by binding the substrate.

For this reason, we recommend the retention of the existing mangroves in accordance with the Species Conservation Plan for Mangroves (2020) under the National Conservation Act (2013). With guidance, mangroves can be trimmed to give vistas without causing severe injury to or killing mangroves. Should the applicant wish to trim the mangroves to give a view of the canal, we recommend this is done in accordance with the Department of Environment's Mangrove Trimming Guidelines (see link below).

<http://doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/>

Best management practices should also be adhered to during construction to prevent any impacts to the canal and North Sound; these include but are not limited to:

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

APPLICANT'S LETTER

We are writing on behalf of our clients, Jay and Nancy Easterbrook, to request the following setback variance for the proposed residence and gazebo, beyond the current planning development guidelines for this parcel, located in a low-density residential development zone.

As part of the planning application, we are requesting a variance to the required setback from the North boundary. This boundary is currently shown as a shoreline with approximately two-thirds of the length consisting of seawalls protecting mangroves, and the remaining one-third of the length consisting of beach shoreline.

We have been informed by the surveyor that the High Water Mark for this area became 'frozen' when the seawalls were constructed, on the natural edge of the mangrove, similar to 17A230 – please refer to 17A230T and 51/406 submitted as supplemental information. Also, if you refer to the photographic study submitted as part of the supplemental information, you will see that in the 1994 photography the boundary surveyed in fixed boundary survey 50/652 (1998) matches, and the 1999 and 2018 photography are showing clearly that the change was not natural.

This proposal includes a 50'-0" setback for the residence and the gazebo structures, compared to the standard 75'-0" setback, as shown in the current planning regulations. It also includes a setback of 43'-5" to the sunken swimming pool and 39'-1" to the deck surrounding the swimming pool.

We respectfully seek planning permission for the proposed development, as shown on the drawings provided, for the following reason: Due to the position and irregular shape of the parcel, substantial setback restrictions and relationship with the surroundings, there is minimal open space on the parcel when adding a proposed residence, swimming pool and gazebo, without encroaching on any of the standard setbacks required by the current planning regulations. We have attempted to limit the encroachment into the setback to a minimum, by keeping the residence and gazebo structures at 50'-0" distance from the current High Water Mark, hence reducing the impact on the shoreline to a minimum.

The proposed change in the setback will not be materially detrimental to persons residing or working in the vicinity of the property and the neighborhood; nor to the public welfare, in accordance with Section 8 (13) (b) (iii) in the planning law. We have ensured that the project complies with all other requirements for Low-Density Residential developments.

We trust this explanation satisfies any concerns that the board members may have, and they will propose a favorable decision to grant this variance request.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in Bodden Town at the terminus of Cocoplum Lane. The parcel is considered a through lot due to frontage on both the North Sound and a man-made canal.

The property is currently vacant except for some low stone walls that encircle several pockets of mangrove along the North Sound shoreline. The non-walled portions of this shoreline are beach.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Proposed North Sound setbacks (HWM)

The North Sound shoreline is a mix of mangrove and beach. As such, Regulation 8(10)(b) requires that all structures and buildings, including ancillary buildings, walls, and structures, shall be setback a minimum of seventy-five feet from the high water mark.

The applicant's agent is requesting the following setbacks from the North Sound frontage instead of the required 75 feet:

- 50 feet to the dwelling;
- 43'5" to the pool edge; and,
- 39'1" to the pool deck.

The applicant's agent has provided a variance letter.

2.22 LENNON CHRISTIAN (JMP Construction) Block 49A Parcel 63 (P21-0435) (\$20,000) (JP)

Application for garage and trellis.

FACTS

<i>Location</i>	Sandstone Drive, North Side
<i>Zoning</i>	MDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2446 ac. (10,654.78 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1024.11 sq. ft.
<i>Total building site coverage</i>	9.61%

BACKGROUND

No history

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

- 1) Design

AGENCY COMMENTS

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

Department of Environment (NCC)

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

The site is occupied by dry forest and shrubland, which is primary habitat that has existed in Cayman long before humans arrived. Any native vegetation outside of the development footprint should be retained where possible. It can be incorporated into the landscaping scheme. It is best suited for the environmental conditions of Cayman and therefore is a low maintenance and cost effective choice.

APPLICANT'S LETTER

From the context of your question, I can see how the "Garage" application could be misconstrued.

However, please rest assured that is in no way intended, and it will not be used for any commercial undertaking.

It is simply a residential garage, as the first stage of developing a home on the property.

As I discussed initially with the architect/contractor, I will use this home-garage to store a trailer boat and personal items, in order that I can easily rent my existing home.

I will be doing this for my wife is on an extended stay overseas for medical reasons, and I have taken early retirement from Government in order to deal with this situation. As it will require me being away with her for some time, I will store my personal items in this garage, and on my return I intend to continue with building a home there, as the uncertainty of the costs of the present medical situation has precluded me from deciding to build the complete structure just yet.

Thanks for your consideration of my application, and I look forward to eventually enjoying a peaceful (non commercial) home in beautiful North Side.

PLANNING DEPARTMENT ANALYSIS

General

The application is located within a subdivision still in infancy days whereby few lots have been developed. The application site is in close proximity to Frank Sound Road with the subdivision road forming the western boundary and running parallel to the primary road.

The application seeks Planning Permission for the construction of a garage and trellis.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Design

The application site is located within a residential subdivision, albeit not fully built out, however, the character in the area is anticipated to reflect residential development. Members are invited to consider the proposed design of the structure and reflect upon whether it is suitable for the residential subdivision.

2.23 PHILIP STEPHAN BLACKLEDGE (DDL Studio Ltd.) Block 24D Parcel 29 (P21-0414) (\$) (BES)

Application for after-the-fact raised deck & proposed new detached garage & 36" high wall fence

FACTS

<i>Location</i>	Mallard Drive, Spotts
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.6833 ac. (29,764.54 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Residential
<i>Proposed building size</i>	787 sq. ft.
<i>Total building site coverage</i>	19.6%

BACKGROUND

January 7, 2008, second floor addition to dwelling was granted planning permission admin.

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

- 1) Rear setback (1'-5" vs 20')

AGENCY COMMENTS

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

Department of Environment (NCC)

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

We have no objection to the proposal as the application site is man-modified and of limited ecological value. However, the applicant should be advised to stockpile construction materials away from the canal's edge to reduce the possibility of rainwater runoff washing material and debris into the canal causing turbidity and impacting water quality.

APPLICANT'S LETTER

This application is seeking planning approval for the after-the-fact house addition of an elevated decking area, per the submitted drawings.

The application respects the 20 feet rear setback and both 20 feet side setbacks as imposed by the current Planning Development Zoning Guidelines in particular to canal/inland waterway minimum setbacks from high water mark. Our client wasn't aware of the

regulation and approached us for help to seek for planning approval.

Encroachment to the setback was due to a floor decking that was built w/ a 6'-2" height above from the used to be lower deck area adjacent to the boat dock with five (5) concrete poured columns as support. Columns were embedded on the old deck concrete slab.

Currently, the said structure was put on hold due to our client wanting everything to be built in compliance with the C.I. Planning Regulations. We are therefore requesting a variance for this setback and seek your kind consideration to allow what they have started in compliance of what Planning Department may require.

For reference, we have attached six Planning approved setback precedents, in the same street / neighbourhood. Please refer to the Lands and Survey images A-F on pages two and three, for reference. We are humbly seeking the same kind consideration and decision, as was granted in these instances.

We thank you for your time. Please let us know if you require any additional information.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an after-the-fact raised deck & proposed new detached garage & 36" high wall fence. The property is located on Mallard Drive, Spotts.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Canal setback

Per Regulation 8(10)(ea), the minimum canal setback is 20', whereas the ATF deck setback is 1'-5". The Authority needs to determine if the applicant has demonstrated sufficient reason for allowing the lesser setback per the provisions of Regulation 8(11).

2.24 STRATFORD VILLA (Island Drafting) Block 4E Parcel 739 (P21-0438) (\$178,095) (EJ)

Application to modify planning permission to re-orientate the house on the lot.

FACTS

<i>Location</i>	Malvern Way in West Bay
<i>Zoning</i>	HDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.1145 ac. (4,987 sq. ft.)
<i>Parcel size required</i>	4,800 sq. ft.
<i>Current use</i>	Single Family House
<i>Proposed building size</i>	1,149 sq. ft.
<i>Total building site coverage</i>	23.04%
<i>Side setback proposed</i>	7.6'
<i>Side setback required</i>	10'

BACKGROUND

February 25, 2019 - The Department granted permission for a three bedroom house.

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

- 1) Side setback (7' 6" for stairs vs 10')

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking a site modification to the approved house with setback variance.

Zoning

The property is zoned High Density residential.

Specific Issues

1) Side setback

On February 25, 2019 - The Department granted permission for a three bedroom house; now the applicant propose to flip the house and added steps to the south side boundary and is now seeking a setback variance proposed at 7.6' vs 10' from the side boundary.

The subject house meets all other planning regulation for site coverage, parking and setbacks and the applicant has notified the adjacent parcels and the department is not in receipt of any objections.

2.25 RUAN VAN VUUREN (JMP Construction) Block 5C Parcel 384 (P20-0882) (\$200,000) (BES)

Application for swimming pool, 6' fence and additions to a dwelling house.

FACTS

<i>Location</i>	Capt temple Dr. and Elnathan Rd., West Bay
<i>Zoning</i>	LDR
<i>Notification results</i>	No Objectors
<i>Parcel size proposed</i>	0.2986 ac (13,007 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Dwelling house
<i>Total building site coverage</i>	31.2% vs 30%

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

- 1) Rear setback (10' vs. 20)
- 2) Site Coverage (31.2% vs. 30%)
- 3) 6' Fence vs. CPA Fence Guidelines

APPLICANT'S LETTER

JMP Construction is requesting a variance for a single-family residence addition on Block 5C Parcel 384. We are proposing a swimming pool and screened porch with setback variance from 20'-0" to 10'-0". Pool deck and setback variance 4'-0". Steps at the screen porch with setback variance to 6'-0". Constructing a new 6'-0" high fence on the rear and side boundaries. Lot coverage from 30% to 31.22%.

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

- 1. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare;*
- 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.*

If you have any further questions, please do not hesitate to contact us.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a swimming pool, 6' fence and additions to a dwelling house at the above-captioned property. The site is located on Capt. Temple Dr. and Elnathan Rd., West Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Rear Setback

Per regulation 9(8)(i), the minimum rear setback is 20 feet, whereas the proposed rear setback is 10'-0" or a shortfall of 10'-0".

2) Site Coverage (31.2% vs 30%)

According to regulation 9(8)(h), the maximum allowable site coverage is 30%, whereas the proposed site coverage is 31.2%.

3) Fence Height 6' vs 4'

Paragraph 4.3.1 of the Wall and Fence Guidelines states *no part of a solid wall or fence should exceed 48 inches in height*. The application seeks planning permission for the installation of a 6' high fence along the rear and side boundaries. The proposed fence setback from the Elnathan Road is 3', whereas the fence should be setback a minimum of 4' from the road. The Authority needs to determine whether adequate justification has been provided.

2.26 JEBRUAN MCLEOD (Craftman's Touch) Block 28C Parcel 523H9 (P21-0215) (\$65,000) (MW)

Application for 306.40 sq. ft. house addition.

FACTS

<i>Location</i>	Larva Dr., Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.1076 ac. (4,687.056 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Approved Residence
<i>Proposed building size</i>	306.40 sq. ft.
<i>Total building site coverage</i>	34.36%
<i>Required parking</i>	1
<i>Proposed parking</i>	2

BACKGROUND

February 14, 2017 – House Addition; 63 sq. ft. - the application was considered and it was resolved to grant planning permission.

Recommendation: Discuss the application, for the following reasons:

- 1) Site Coverage (34.36% vs 30%)
- 2) Front Setback (18'-2" vs 20')
- 3) Side Setback (12' vs 20')

APPLICANT'S LETTER

With respect to our submission for an addition of a garage and office on block 28C parcel 523 H9 located on Larva Drive, Newlands, Bodden Town Grand Cayman, we hereby request variances as follows:

- 1. Front setback variance where the present regulations requires a minimum of 20'-0" the proposed garage would be at 18'-2".*
- 2. Site coverage variance as the proposed addition will exceed allowed coverage percentage.*

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

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

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 306.40 sq. ft. House Addition with Front & Side Setback & Site coverage variance to be located on Larva Dr., Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Site Coverage

Regulation 9(8)(h) states “*the maximum site coverage for detached and semi-detached houses is 30%*”. The applicant has proposed a 306.40 sq. ft. addition to the existing 1,304 sq. ft. residence, however the increased floor area will increase the current site coverage to 34.36% a difference of 4.36%.

2) Front Setback

Regulation 9(8)(i) states “*the minimum front and rear setbacks are 20’*”. The proposed house addition (garage) would be approximately 18’-2” from the fronting road boundary a difference of 1’-10”.

3) Side Setback

Regulation 9(8)(j) states “*the minimum side setback is 10’ for a building of one storey*”. The proposed side setback for the office addition will be 7’-9” from the side boundary a difference of 2’-3”.

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

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

FACTS

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

BACKGROUND

March 31, 2021 (CPA/07/21; item 2.8) – the current application was adjourned and the applicant required to notify all affected land owners within the subdivision

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

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

AGENCY COMMENTS

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

National Roads Authority

As per your memo dated March 4th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the

site plan provided.

The NRA has no objections or concerns regarding the above proposed electric gates. However, the applicant should keep in mind that by gating the community the NRA will never provide any maintenance service in terms of,

- 1. Bush cutting***
- 2. Pothole patching and/or***
- 3. Basic road repair***

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

Department of Environment (NCC)

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

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for a proposed 6' High Gate and Wall with 6'-8" Columns and 2 Signs to be located on Grand Estates Quay, George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Fence Height

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

SUPPLEMENTAL INFORMATION

The Board should be reminded the above mentioned application was previously seen on March 31, 2021 (CPA/07/21; Item 2.8), the application was considered and it was resolved to adjourn the application for the following reason:

- 1) The applicant must serve notices of the application to all land owners within the subdivision.

The applicant complied with the Authority's requirement and no objections were received.

2.28 CAYMAN COVES (Mikael Seffer) Block 7C Parcel 103 (P21-0550) (\$Value) (JP)

Application for a 6' high wall

FACTS

<i>Location</i>	South Church Street, George Town
<i>Zoning</i>	BRR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	1.324 ac. (57,673.44 sq. ft.)
<i>Current use</i>	Residential

BACKGROUND

June 9, 2021 (CPA/12/21; item 5.2) – Members waived HWMS requirement and requested wall setback 20 from HWM

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

- 1) Wall height

AGENCY COMMENTS

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

Department of Environment (NCC)

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

The Department does not object to the proposed wall but recommends that any vegetation along the footprint of the wall be carefully cleared by hand to minimise the impact to the vegetation. It is also recommended that the wall does not restrict or block access along the foreshore/coastal boundary.

APPLICANT'S LETTER

We are seeking Planning approval for a 6' high block wall as per site plan submitted. The property has an ironshore shoreline that is 6' above MSL. The existing pool is 22' from shoreline and one of the existing buildings is 28' from shoreline. Due to the fact that the existing pool and buildings have been there since the early 1980's without any change to the ironshore shoreline we would like to request the High Water Mark Survey be exempt from the Planning application.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located to the south of Smith Barcadere with South Church Street forming the east boundary and the Caribbean Sea sited to the west.

The application seek Planning Permission for the construction of a 6' high wall along the northern boundary.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Wall height

As part of considering the necessity of a High Water Mark Survey on the 9th June, Members also advised the wall should be set back 20' from the High Water Mark. The Authority has typically discourage walls over 5' in height in residential areas, the applicant is proposing a 6' wall.

Members are invited to consider the revised plans and determine if the proposed height is acceptable.

2.29 DALE KLISCHUK (Cayman Survey Associates Ltd) Block 4E Parcel 623 (P21-0344) (BES)

Application for a 2 lot subdivision.

FACTS

<i>Location</i>	Juniper LN, West Bay
<i>Zoning</i>	HDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.3825 ac. (16,661.7 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Duplex and gazebo
<i>Proposed use</i>	Same as above

BACKGROUND

January 26, 2005, planning permission was granted for 2-lots subdivision.

June 3, 2005, planning permission was granted for duplex.

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

- 1) Rear Setback (10'-3" vs 20')
- 2) Side Setback (6.7' vs 10')

AGENCY COMMENTS

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

Water Authority

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

Water Supply:

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

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

Wastewater Treatment:

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

National Roads Authority

No comments received.

Department of Environment (NCC)

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.

APPLICANT'S LETTER

SP935 was Registered in Feb. 2021, but the developer now wishes to Subdivide off the excess Common Property while he still has overall ownership of the 4 Units.

Both lots exceed the minimum width and area specifications for "High Density Residential" Zoning. The proposed Subdivision Line is 15' offset and parallel to the main building, but is only 6.7' (vs 10') from the Strata's Gazebo.

As the Gazebo is an "Ancillary Structure", a Set Back Variance is requested for the proposed new boundary line, and make specific reference to Regulation 8(13)(b), and believe that this will not be in any way detrimental to the neighbourhood.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking planning permission for a two lot subdivision at the above-captioned property. The site is located on Juniper LN, West Bay.

The resultant acreage of the lots after the subdivision would be lot “A” = 10,460 sq ft (duplex) and lot “B” = 6,202 sq ft.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Rear Setback

According to regulation 9(6)(h), the minimum rear setback is 20’, whereas the gazebo is setback 10’-3” or a difference of 9’-9”.

2) Side Setback

Per Regulation 9(6)(i), the minimum side setback is 10’, whereas the gazebo is setback 6.7’ or a shortfall 3’-3” from the new lot boundary.

2.30 RHONDA COLEMAN (AD Architecture Ltd) Block 28C Parcel 397 (P21-0305) (\$666,976) (JP)

Application for proposed house.

FACTS

<i>Location</i>	Millet Close, Savannah
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2885 ac. (12,567.06 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	4168.60 sq. ft.
<i>Total building site coverage</i>	33%
<i>Required parking</i>	1
<i>Proposed parking</i>	3

BACKGROUND

September 3, 2020 (**Administrative Approval**) – Modification of Planning Permission (amendment to floor plan and fenestration) granted (P20-0655)

February 19, 2020 (**CPA/04/20; item 2.6**) – Planning Permission for duplex granted (P19-0894)

April 05, 2005 (**Administrative Approval**) Planning Permission for house granted (P05-0331)

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

- 1) Site coverage (33% v 30%)

APPLICANT'S LETTER

This letter of intent is in support of my request for a variance to the site coverage requirement for my proposed house. It was my intention to tear down the existing structure and build a duplex however, I now intend to rebuild a single family residence with a garage for my growing family which also accommodates family that will be travelling to visit us.

The proposed new home has a site coverage of 33% which is 3% over the required amount. I am asking the board to consider the fact that amount is not excessive and thus creates no undue burden on any neighbouring residence nor is it a detriment to the environment. The proposed style and structure of the house is in line with the existing neighbourhood and the proposed project would be an improvement to the neighbourhood and result in an overall increase in property value.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located within the Lower Valley area. Vacant neighbouring land is sited to the north-west and south-east. Millet Close, which serves the site, forms the eastern boundary and a dwelling house is located to the south-west.

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

Zoning

The property is zoned Low Density Residential.

Specific Issues

- 1) **Site coverage (33% v 30%)**

Regulation 9(8)(h) sets a maximum site coverage of 30%.

The application seeks Planning Permission for 33% site coverage.

Member are invited to consider whether adequate justification has been provided to vary the Regulation requirements.

**2.31 ASTER CARIBBEAN HOLDINGS LTD. (Tropical Architectural Group Ltd.)
Block 5C Parcels 330 (P21-0390) (\$24,000) (MW)**

Application for two (2) temporary construction signs.

FACTS

<i>Location</i>	Esterley Tibbetts Hwy., West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Current use</i>	Vacant

BACKGROUND

May 12, 2021 – Planned Area Development & Land Clearing– Approved 12-5-21
(CPA/10/21; Item 2.4)

Recommendation: Grant approval.

AGENCY COMMENTS

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

Department of Environment (NCC)

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

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for (2) Temporary Development Signs to be located off Esterley Tibbetts Hwy., West Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Compliance to Sign Guidelines

Per the CPA's sign guidelines:

During active construction of an approved development, signs may be placed on site to identify the future use of the property as well as the relevant businesses

involved in the construction. The signs should be grouped in one location and not exceed a total area six square feet each.

Planning permission is not required for these signs, however all such signs shall be removed within seven (7) days after the issuance of a Final Certificate (of Occupancy).

The proposed signs comply with the aforementioned guideline.

2.32 DECCO Ltd Block 13B Parcel 194 (P21-0458) (\$30,000) (JP)

Application for replacement signage.

FACTS

<i>Location</i>	West Bay Road, Seven Mile Beach
<i>Zoning</i>	H/T
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	1.694 ac. (73,790.64 sq. ft.)
<i>Current use</i>	Hotel

BACKGROUND

Extensive history – none of direct relevance to current application

Recommendation: Grant approval.

APPLICANT’S LETTER

As part of the rebranding of the Comfort Suites we are pleased to submit documents outlining the signage being proposed to replace the existing building facade sign and street monument sign. Additionally, each sign will be installed in the same location as the existing and no change is required to the electrical power connections.

The following Signage Package documents have been uploaded to the OPS site for your review and approval:

Signage Package

- *Site Plan*
- *Halo-Lit Reverse Channel Letters - Hampton facade sign*
- *Dimensional Drawing - Halo-Lit Reverse Channel Letters*
- *Internally Illuminated Monument Sign - Cabinet & Faces, Dimensioned*

PLANNING DEPARTMENT ANALYSIS

General

The application seeks Planning Permission for replacement signage.

Section 3 of the Sign Guidelines 2014 defines an alteration as '*a change in the size or shape of an existing sign. Copy or colour change if an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration*'.

Members may consider the façade sign is a replacement. The monument sign is reduced in height compared to existing and moderately wider. Members may view this replacement as minor.

Zoning

The property is zoned Hotel/Tourism.

2.33 COMPASS HOLDINGS LTD. (AD Architecture Ltd.) Block 14C Parcel 319 (P21-0408) (\$280,000) (MW)

Application for change of use from office to restaurant.

FACTS

<i>Location</i>	Shedden Rd., George Town
<i>Zoning</i>	General Commercial
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	3.6314 ac. (6,534 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Existing Commercial Building
<i>Proposed building size</i>	4,190.80 sq. ft.
<i>Total building site coverage</i>	29.4%
<i>Required parking</i>	20.9 spaces
<i>Proposed parking</i>	132 spaces (Existing)

Recommendation: Grant approval.

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment and Disposal

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

- The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed system shall have a treatment capacity of at least 7,967 US gallons per day (gpd), based on the following calculations.***

BUILDING	SQ.FT	GPD/UNIT	GPD/BLDG	GPD
<i>Buildings 1-7</i>	<i>29,119 sq. ft</i>	<i>0.15</i>	<i>4,367</i>	<i>4,367</i>
<i>Café</i>	<i>2,000</i>	<i>1.8</i>	<i>3,600</i>	<i>3,600</i>
TOTAL				7,967 GPD

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

Grease Interceptor Required

A grease interceptor with a minimum capacity of 2,000 US gallons is required to pre-treat flows from kitchen fixtures and equipment with grease-laden waste; e.g., pot sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the ATU.

Existing septic tanks shall be decommissioned

- The Existing septic tanks shall be decommissioned as per the Water Authority's Best management practices:
http://www.waterauthority.ky/upimages/download/BMPs_abandoned_WW_systems1_1423220782.pdf*

Water Supply:

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

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

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

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

National Roads Authority

None received at this time

Department of Environmental Health

This application is not recommended for the following reason:

- 1. The information provided does not provide clarity about what will be prepared at this site and what will be prepared elsewhere.*
- 2. How will the food be transported, if prepared off site was not submitted.*
- 3. The specifications for all equipment was not submitted.*
- 4. The specifications for the hot water heater was not submitted.*
- 5. This development will require (1) 8 cubic yard container with daily servicing.*
 - a) It is noted that there are existing solid waste containers on site. The applicant is advised that permission to utilize a private contractor to remove the solid waste must be granted by the Director, Environmental Health.*
 - b) The applicant is further advised that an enclosure for the containers are required and must be built to the following specifications.*

Table 1: Specification for Onsite Solid Waste Enclosure

<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>
<i>8</i>	<i>10</i>	<i>10</i>	<i>5.5</i>	<i>0.5</i>	<i>Water (hose bib), drain, Effluent Disposal well</i>

- c) *The applicant is advised that the drain that is required for the garbage enclosure cannot be plumbed to a storm drain. The drains must be plumbed to a garbage effluent disposal well. Contact the Water Authority (development.control@waterauthority.ky) for well specifications.*

Department of Environment (NCC)

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

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

Fire Department

Please depict Existing/proposed Fire Hydrant.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a change of use from office to cafe located on North Church St., George Town.

Zoning

The property is zoned General Commercial.

Specific Issues

The Department has no concerns with the proposed as it is allowable in the specified zone and meets all parking requirements.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

5.1 R.C. ESTATES LTD. (Eric Cronier) Block 21C Parcels 8, 9 Rem1, 164, 168, 169, and 170 (former parcels 5, 6, 7, and 104) (P18-0404) (BES)

Application to modify planning permission for reconsideration of conditions 1)(a), subdivision road widening/bike lanes, removal of a LPP and curb landscaping buffer

FACTS

Location South Sound Road East of Bel Air Drive, South Sound

Zoning **LDR**

Parcel Size 87.7 acres

BACKGROUND

August 3, 2011 (**CPA/16/11; Item 2.1**) - CPA granted planning permission for subdivision and excavation with conditions.

February 29, 2012 (**CPA/06/12; Item 2.3**) - CPA granted planning permission for twenty-three (23) lot subdivision and excavation with conditions.

May 30, 2018 (**CPA/13/18; Item 2.1**) - CPA granted planning permission for twenty (20) lot subdivision with conditions.

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

- 1) Reconsideration of CPA's conditions

APPLICANT'S LETTER

We refer to our planning permission letter dated June 15th, 2018. Condition 1)a) requests 36,000sft of LPP designated space in lieu of our original proposed LPP - which was previously placed under the future road corridor.

All of the parcels within this project are large development sites - which have community facilities within each project (see Davenport/Bahia and Baraud/Prive). Because of this we felt that the LPP will best be utilized via a mix of road widening which will enable bike and landscaping paths as well as an increase in existing LPP to the North of the project.

We have included cross sections of the road where we have widened the road reserved to 38' and 39' which will enable us to designate 4' for bike lanes as well as 3' on either side for a curbed landscaping buffer. It is also worth noting that the increased costs with road widening, curbing and filling is substantial. Future sidewalks will be within the development parcels as developed.

This additional road width accounts for 19,500sft and the balance of 16,500sft is allocated next to the existing approved LPP providing the requested total of 36,000sft.

PLANNING DEPARTMENT ANALYSIS

General

The application is to modify planning permission to reconsider conditions 1)(a), subdivision road widening/bike lanes, curb landscaping buffer, and removal of Lands for Public Purposes on parcel 9 Rem1 (lot 15). The site is located on South Sound Road, East of Bel-Air Drive, South Sound.

Zoning

The property is zoned Low Density Residential.

Specific Issue

1) Conditions for Reconsideration

Determine if the applicant's requests can be granted.

6.0 CPA MEMBERS INFORMATION/DISCUSSIONS

Appendix ‘A’

Peacey, Jessica

From: Department of Planning
Sent: Friday, June 11, 2021 9:20 AM
To: Peacey, Jessica
Subject: FW: Application P21-0255
Attachments: Application 44B430.10.6.21.docx

From: Malcolm Saunders [mailto:mgsinbt345@gmail.com]
Sent: Thursday, June 10, 2021 5:14 PM
To: Department of Planning <Planning.Dept@gov.ky>
Cc: Malcolm Saunders <mgsinbt345@gmail.com>; Iris Saunders <irisinbt@gmail.com>; Iris Saunders <irisinbt@icloud.com>
Subject: Application P21-0255

Dear Sir or Madam,

Please find as an attachment our concerns about the planning application P21-0255, concerning 44B430.

Yours faithfully,

Malcolm & Iris Saunders

P.O. Box 329,
Grand Cayman,
KY1 - 1501

Malcolm & Iris Saunders,
P.O. Box 329,
Grand Cayman,
KY1-1501

Re: Application Number P21-0255

June 10, 2021

Dear Sir or Madam,

We have received a notice from the Department of Planning regarding a parcel of land in our neighbourhood. It concerns **Block 44B Parcel 430** owned by Dean and Sue Wood. The owners have applied for planning permission to construct:-

“...40 units over 5 apartments and structures consisting of Qty (10) 1-Bedrooms, Qty (30) 2-Bedrooms, Qty (1) Club House, Qty (2) Trellis Cabanas, Qty (1) Swimming pool AND a rear perimeter 6ft wall fence”.

Having accessed the drawings watermarked ‘Material Open to Public Inspection’ that are online we can see that the planned development is a sizeable one. Forty units could accommodate at least 80 or more individuals. Maximum occupancy¹ would allow up to 140 residents, or $(10 \times 2) + (30 \times 4) = 140$.

The development drawings show 78 car parking spaces. We fully realise that the ‘formula’ for working out the necessary carpark provision is $1\frac{1}{2}$ per unit. Provision of 78 spaces implies that the owners anticipate there being 52 residents. $(78 / 1.5 = 52)$. However, whatever the occupancy levels, there will be a substantial number of persons added to the neighbourhood.

In our view, although the proposed development is a considerable distance away from our property, and therefore too far away to cause any real noise or other form of nuisance to us, other neighbours, closer to what is a large development in a previously secluded area, may take a different view.

The proposed development includes a Club House, Cabanas and a 40 feet x 80 feet pool surrounded by decking and with Trellis Cabanas. Is it the intention to turn the Club House into a licenced bar and restaurant? Would the noise from a pool full of residents and their guests relaxing disturb their neighbours? Possibly.

However, despite the distance from our property, we have one major concern. Traffic. We would be greatly concerned if motor vehicles driven by residents of this set of apartments were able to use Mijall Road as a thoroughfare.

We understand that the plans show access to this site would be made available to and from Anton Bodden Drive, the road to the north of parcel 430. We take the view that

¹ With two persons per bedroom

having only one entrance and exit would be insufficient for the possible volume of traffic that an apartment complex of this size would generate. Emergency vehicles might need to access the site and if there was a build-up of private motor vehicles at the one entrance / exit this would cause health and safety concerns.

If the potential residents of the proposed apartment blocks had the option of driving along Mijall Road we contend that this would be completely unacceptable. Mijall Road exits onto Bodden Town via Monument Road. At its narrowest, in between numbers 26 and number 33 this road measures just seventeen (17) feet wide. It cannot be widened because these houses have cement block walls in front of each dwelling. Drivers must proceed with great caution at this point presently and doubling or tripling the volume of traffic would be catastrophic.

It is a truth universally acknowledged that the volume of traffic driving into George Town from the eastern districts in the morning commute is excessive. It was on the top of concerns that residents raised with the candidates contesting the recent General Election. To avoid wasting hours in nose-to-nose, bumper-to-bumper traffic drivers must leave, in darkness, at minutes to six in the morning to get to work in George Town on time. If only *half* of those vehicles parked in the 78 car parking spaces tried to leave before six each weekday and drove along Mijall and Monument Road we foresee them lining up nose-to-nose, bumper-to-bumper along said Mijall and Monument Roads. We re-affirm that this would be completely unacceptable and strongly advise that the plan be amended in such a way as to prevent any vehicular access into or out of that development by means of Mijall Road.

These are our concerns about to the granting of planning permission for application number P21-0255.

Respectfully submitted,

Malcolm & Iris Saunders

Joint Proprietors, Block 44B Parcel 317

Peacey, Jessica

From: Malcolm Saunders <mgsinbt345@gmail.com>
Sent: Wednesday, June 23, 2021 12:11 PM
To: Department of Planning
Cc: Malcolm Saunders; Iris Saunders; Iris Saunders; Peacey, Jessica
Subject: Further comments on Application P21-0255
Attachments: Second Planning submission.23.6.21.docx

Dear Sir or Madam,

Please find as an attachment further concerns about the planning application P21-0255 concerning 44B430.

Yours faithfully,

Malcolm & Iris Saunders

P.O. Box 329,
Grand Cayman,
KY1 - 1501

Re : Application Number P21-0255, Second Submission.

Further to the document we submitted on June 10, 2021...

The application seeks planning approval to build five two-storey apartment blocks on **Block 44B Parcel 430**. The development plans to construct 40 two- and one-bedroom units with parking provision for 78 car-parking spaces. In addition, the developers wish to construct a 40 feet x 80 feet swimming pool, trellis cabanas and a club house.

The neighbourhood in which this proposed development would be located is presently a secluded one, an area with a considerable amount of vegetation. Most properties consist of single-family homes surrounded by lawns and gardens. There are no terraced houses. Therefore, we submit, the proposed development is not in any way consistent with the overall character of the surrounding area.

We did not ascertain what building materials would be used to construct the proposed five apartment buildings and club house when we examined the plans at the Planning Department. We hope to be able to find this out when we attend the Central Planning Authority meeting. Clearly there will a considerable quantity of such materials necessary to fabricate safe dwelling spaces with adequate, hurricane-safe roofing as well.

It is unthinkable that the vast amount of *materiel* necessary for such a sizeable project could be brought to the site via Monument Road and Mijall Road. The roads are simply not wide enough and widening them is not an option. In our view, as outlined in our previous submission, vehicular access to Mijall Road and Monument Road from the proposed development should be rendered physically impossible.

The document that we received notifying us of the planning application states that the plans included a “...*rear perimeter 6ft wall fence*...”. However, we were unable to locate such a structure on the plans that we saw at the Planning Department or on-line. We would like to bring this matter and the points outlined above to the attention of the Central Planning Authority.

Respectfully submitted,

Malcolm & Iris Saunders

June 23rd, 2021

Peacey, Jessica

From: Debbie Hand <dhand@candw.ky>
Sent: Tuesday, June 15, 2021 5:22 PM
To: Peacey, Jessica
Cc: Planning Info
Subject: [EXTERNAL] Letter of concerns regarding Development on 44B 430
Attachments: 44B430 Letter to Planning.pdf

Good afternoon,

I would like to present my letter of concern regarding the proposed development for 44B 430.

I am currently off island, but would be available to discuss my submission, or attend a meetings via zoom if required.

Kind Regards,
Debbie Hand

June 10, 2020

Director of Planning
PO Box 113
Grand Cayman KY1-9000
Cayman Islands

Debra Hand
PO Box 236
Bodden Town
KY1-1601
345-916-8562

Application for Planning Permission for 44B 320 - Dean Wood and Sue Wood.

To Whom It May Concern:

Please accept this letter of concern regarding an Application for Planning Permission of a **40-unit apartment complex on 44B 430, Mijall Road, Bodden Town.**

PRIVACY & SAFETY

1. In the Application for Planning Permission letter, there was mention of a “**rear perimeter 6ft wall fence**” included, however the plans reviewed online at:

https://www.planning.ky/site_plans/p21-0255/, suggests ONLY a 4’ hedge?

I would like clarity on how this development plans to protect the privacy and safety of the residents in this area.

- A 4’ hedge is not sufficient in providing adequate privacy, or in containing a development of this size from encroaching upon neighboring residents.
- The plans have identified a 2-story building directly behind my house (within 27’10” of my property line). Without adequate privacy being provided by this development (prior to construction) the addition of that building will seriously diminish the privacy, safety and tranquility of my property.

2. How will the **safety and privacy** of the residence in this area be secured during construction? Particularly my family on 44B 320.

3. Where will construction vehicles be parking, and during development of this complex?

TRAFFIC

4. Will vehicles from this development have access to Mijall Road and Monument Road. If not, how does this development intend to guarantee this.

5. Will foot traffic have access to Mijall Road from this development?

- The stretch of Monument Road from Shamrock to Mijall is narrow and lacks proper visibility for approaching vehicles (due to hill). This has been an area of concern and safety for many years. Additional traffic over the years continues to compound the problem.
- Visibility for vehicles entering Shamrock Road from Monument is blocked due to the monument on one side, and CUC power pole on the other.
- Visibility along Mijal Road is limited in areas due to vegetation.
- Speeding vehicles continue to pose serious safety issues for foot traffic, pets and children along Mijall Road.

I have included several photos to demonstrate the areas of concern.



Monument Road (between Shamrock and Mijall) demonstrate a lack of visibility for approaching traffic and a lack of adequate space to safely meet approaching vehicles.

Poor visibility at the entrance of Monument Road for vehicles entering Shamrock Road.



Lack of visibility for vehicles travelling on Mijall Road. This area has experienced many near collisions not only for vehicles, but for foot traffic as well.



COMPLEX MANAGEMENT

4. Are the units in this Apartment Complex for **Rent or Sale**, or Both?
5. Will this complex be **managed on-site or off-site**?
6. Will the common areas (pool, cabana and club house) be made available to the public for rent – meaning, will **large parties be allowed to take place**?

GARBAGE CONTAINMENT

7. The plans indicate 2 garbage containers in one location for this entire complex, is this **adequate garbage collection** for a development of this size?
 - Due to the location of the containers (far northwest corner of development) I am concerned that residents may not adhere to proper garbage disposal requirements, and garbage may be discarded onto neighbouring property.

WATER RUNOFF

9. What plans are in place for water management/runoff from this development.
 - The existing elevation of 44B 430 is approx. 7', with proposed elevation being increased to 10-11'. This presents tremendous concerns for my property at approx.. 7'elevations because we already experience issues with flood waters in the area.
 - I have included photos below to demonstrate the type of flooding that takes place after a storm. These photos demonstrate a moderate amount of water, and we have occasionally experienced more water than shown below.
 - Previously, the undeveloped area behind and to the side of my property have provided drainage – what will happen when those areas are covered with cement?

Photos taken from my front door.



Below photos taken from Mijall Road looking into my property.



*Below photo is taken behind my house (where one of the proposed buildings will be located).
This hole is approximately 5' deep.*



Below photos are neighbors homes/yards



In conclusion, the proposed development is not consistent with the **overall character of our neighbourhood**, which consists primarily of single-family homes, owner occupied, on large residential lots surrounded by a generous amount of green space.

- There are currently 18 residential properties along Mijall Road, 16 of which are occupied by owners over the age of 50.
- Over half of the owners in this area have lived here for over 40 years.
- This area is quiet and peaceful. We enjoy a variety of wildlife freely roaming throughout the area. A complex of this size could significantly change the dynamics and tranquility of our quiet, peaceful sanctuary, not to mention the potential for increased public disturbance and criminal activity.

Thank you for your time and consideration in this matter.

Kind Regards,

A handwritten signature in blue ink, consisting of several loops and a final horizontal stroke.

Debra Hand

Peacey, Jessica

Subject: FW: [EXTERNAL] Letter of concerns regarding Development on 44B 430

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

From: Debbie Hand [mailto:dhand@candw.ky]

Sent: Thursday, June 24, 2021 4:13 PM

To: Peacey, Jessica <Jessica.Peacey@gov.ky>

Subject: Re: [EXTERNAL] Letter of concerns regarding Development on 44B 430

Thank you Jessica.

I've been in contact with a couple of neighbors who missed the deadline for submission, but who wanted to voice their concerns in hopes they may be added to the meeting agenda. They would also like to know if it would be possible for them to attend the meeting, not having submitted a letter?

- 1) In addition to the loss of privacy, safety and tranquility in our neighborhood, there is concern that a development of this size could adversely affect our property value, particularly if it was poorly managed and/or contained.
- 2) The development includes a clubhouse of which we are concerned. We would like to understand what the intended use is for the clubhouse - will it be a source of loud parties, will residents of the complex have the ability to apply for liquor license, etc.
- 3) The garbage provision indicated on the plans is of concern, as we feel it is not adequate for a development of this size.
- 4) The drainage issue is of HUGE concern for all residents in the area, and will definately need to be addressed.
- 5) The confusion between a 4' hedge and a 6' wall will need to be cleared up. If this complex, which has 78 parking stalls, does not properly contain it's residents, we are concerned those residents will access Mijall Road/Monument Road as a shortcut to Shamrock Road. If this happens, it will create a considerable traffic safety concern for all residents involved. Not to mention a major disruption for residents living along both roads. And, this issue would need to be addressed and resolved prior to construction to avoid construction traffic from accessing these two roads.

Thank you again,
Debbie